

## ON CIVIL POWER

*(De potestate civili)*

*On Civil Power, probably delivered at Christmastide in 1528, is the earliest of Vitoria's surviving relections.<sup>1</sup> The textual discrepancies between the two recensions represented by P and the printed editions are more extensive than those of any other of Vitoria's lectures. Some of the variants are spectacular, such as the four-folio excursus at I. 11 which failed to appear at all in the printed editions,<sup>2</sup> others are trivial; but every paragraph offers some differences in phrasing. The scribe of P used Vitoria's original 'written text of the relection', together with other autograph papers (I. 11 ad fin., footnote 55). Unusually, however, he failed to preserve the author's rubrics to the relection's propositions; the division into questions and articles has therefore to be supplied by deduction.*

*The Second Recension, represented by L, preserves a version not only corrupt but heavily cut. One motive for the omissions may have been the removal of controversial or historically obsolete points (see footnote 42, perhaps 21 and 44-5; for prima facie evidence of a correction made after 1530, see especially footnote 60).*

*A separate textual problem is the 'Prologue' printed at the beginning of the relection in L, which is absent from P. In the light of Vitoria's stated aversion to preambles of any kind the Prologue's inclusion is curious; but there are similar proems preserved in at least two other relections, which may mean that Vitoria prefaced the viva voce delivery of his lectures with a*

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1. Beltrán de Heredia (1928: 134-5) establishes that this was Vitoria's second relection after taking the Prime Chair of Theology (7 September 1526). His first is lost.
  2. That the excursus on the kingdom of Christ was an authentic and integral part of the relection is shown by Vitoria's explicit reference to it in *I On the Power of the Church* 5.9 §16, and the implicit allusion in *On the American Indians* 2.1 (see footnote 46 *ad loc.*). Further, the passage was plagiarized by one of Vitoria's audience, in a commentary on Lombard's *Sentences* (Beltrán de Heredia 1934: 5-29).

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short occasional introduction not intended for inclusion in the permanent text of the originale.<sup>3</sup> The Prologue is placed in angle brackets to indicate doubtful authenticity.

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3. For Vitoria's aversion to preambles, see for example the beginning of his course on *ST II-II* in 1534 ('Since I have deliberately abstained in all my studies from any kind of prologue or preface') and a similar boast at the beginning of the course on *ST I* in 1539 (Beltrán de Heredia 1928: 72, 41). The relections with prologues are *De matrimonio* (in *PS*, and less elaborately in *L*; a brief historical allusion to the occasion of the lecture, Henry VIII's divorce proceedings against Catherine of Aragon) and *De homicidio* (an apology for lecturing on a public holiday, and a retraction of his previous opinion on the question of suicide).

RELECTION OF THE VERY REVEREND FATHER  
FR. FRANCISCO DE VITORIA  
ON CIVIL POWER  
DELIVERED IN SALAMANCA, A.D. 15[2]8<sup>4</sup>

[Prologue]

<The office and calling of a theologian is so wide, that no argument or controversy on any subject can be considered foreign to his profession. But there are never many really outstanding men in any discipline at any one time, as Cicero once said of orators (*De oratore* I. 2–5); perhaps this is the reason why there are now, to put it no more strongly, so few really good and solid theologians. For *theology* is, as the Greek name implies, the chiefest and first of all sciences and disciplines in the world (Aristotle, *Metaphysics* 983<sup>a</sup>4–11). Small wonder, then, that so few have achieved mastery in so vast a subject.

In this broad and mighty field of universal theology, whose acres are infinite, I have chosen for myself a single little corner. Nevertheless, if I can treat it as it deserves I am confident, learned and distinguished gentlemen, that it will prove worthy of your attention. My subject is the commonwealth; and though much has been written on this topic by profound and learned philosophers, there remain many questions to discuss. Indeed, the subject is too ample for one lecture. For today's theme I have elected to speak about the nature of power, public and private, in the government of the commonwealth.>

THE PASSAGE TO BE RE-READ is Lombard's *Sentences* II. 44, on the text from Paul's Epistle: 'For there is no power but of God' (Rom. 13: 1). This passage raises a number of problems, but my discussion will be strictly confined to the single topic of lay or secular power, avoiding unnecessary digressions. The lecture will therefore be divided into three questions. The first is as follows:

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4. The date, which reads '1538' in *P*, is corrected by Beltrán de Heredia 1928: 134–5. It is omitted by *L*, which however inserts the following Prologue (see the introduction to this chapter).

§1 **Question 1: Every public or private power by which the secular commonwealth is administered is not only just and legitimate, but is of God, and so cannot be abolished even by the consensus of the whole people**

Before proceeding to the proof of this first proposition, it will be necessary to explain certain basic points. But I am resolved not to chase up the whole mass of possible approaches to the argument by starting, like the authors of the tale of Troy, 'with Helen's birth from the egg of twins'.<sup>5</sup> I shall confine myself as far as I can to the strict minimum of explanations necessary to the task, in the orderly and concise style proper to scholastic method.

§2 Power, then, can be of two kinds: public and private. So I shall discuss public power first, and private power second. And since, as Aristotle says, 'men do not think they know a thing till they have grasped the *why* or primary cause of it' (*Physics* 194<sup>b</sup>19), I shall consider my brief fulfilled if I first investigate the causes of civil and lay power, which is to be the subject of this whole relection. Once the causes are understood, the potential and effects of power itself will become evident.

[Question 1, Article 1: Necessary causes are final causes]

First, therefore, we may set down the principle established by Aristotle himself in his *Physics*, not merely in the physical sciences but in all human sciences as well: that *necessary causes*, the first and most potent of all causes, must be considered as functions of purpose (*Physics* 198<sup>b</sup>1–199<sup>b</sup>32).<sup>6</sup> Whether this principle was established by Aristotle himself, or whether he got it from Plato, it has proved a mighty tool in philosophy, shedding light on all subjects. Earlier investigators, not only the rude and ignorant ones but even those first distinguished with the name of 'philosophers', saw necessary causes as inherent in *matter*. Thus, to use Aristotle's own example, they argued that the necessary cause in the construction of a house was not its purpose, the use for

5. This phrase, which is omitted by *L*, is an allusion to a well-known passage on 'beginning in *mediis res*' in Horace, *Ars poetica* 147–9. Leda was raped by Zeus in the form of a swan; she gave birth to a 'twin' egg (*gemino ab ovo*) which contained Helen and her brothers Castor and Pollux.

6. Aristotle's famous treatment of causality (*Physics* 194<sup>b</sup>16–200<sup>b</sup>7) establishes the four types of cause – material, formal, efficient, and final – which provide the framework for Vitoria's ensuing discussion. For the rest of this paragraph, Vitoria also quotes liberally from *Metaphysics* 983<sup>a</sup>24–983<sup>b</sup>10.

which its human occupants might design it, but the fact that heavier matter naturally tends to sink downwards; this, in their view, was why the stones and foundations are placed below the ground while the lighter wooden superstructure is placed on top (*Physics* 200<sup>a</sup>1–4). Or again, a man's feet are placed beneath him, not because he needs them to walk with, but because they are the heaviest part of the body; similarly, the bones of animals are inside their bodies, not because they are necessary to give the flesh and limbs a firm foundation, but because the matter of which bones are made is harder and denser than that of flesh.

But these men, sunk as they were in their foolish delusions, were on completely the wrong track. Working with this materialist premiss, they could not give a proper explanation of the smallest thing, let alone comprehend with their philosophy the fabric and mechanism of larger and more complex structures. What answer could they give, if I were to ask how the variety of forms which matter takes in the beautiful structure of the Earth, set as a solid globe in the centre of the universe, are bonded together on every side by the mutual attraction of parts and clothed with flowers and greenery and trees?<sup>7</sup> How would they satisfy my curiosity about the wellsprings of our cooling and perennial streams with their crystal waters, or the springtime greenery of banks and grottoes? How explain the wonderful structure of the human body, the separation, order, commodity, and beauty of its separate parts and limbs all made from a single material? Or how tell, lastly, what force of matter brings it about that

While the mute Creation downward bend  
Their sight, and to their earthy Mother tend,  
Man looks aloft, and with erected Eyes  
Beholds his own Hereditary Skies?<sup>8</sup>

The materialists can only answer lamely that these things *must* be so 'of material necessity'; that man must walk erect, while brute animals creep

7. In the following passage Vitoria answers the theory of atomism, which he associates with Epicureanism, by the Stoic argument from design: namely, that the complexity of creation itself proves the existence of an originating rational and provident creator. The whole passage, which was much imitated by Vitoria's successors (see, for example, the close verbal parallels in the extract from Juan de Mariana's *De rege* quoted by Hamilton 1963: 31–2), relies heavily on Cicero's *De natura deorum* and Lactantius, *De opificio dei*, as shown below.

8. Ovid, *Metamorphoses* I. 85–6 (Dryden's translation). The quotation shows that Vitoria's source for this use of man's upright stance (*status rectus*) as an argument for divine providence is Lactantius, *Divinae institutiones* II. 1. 14–19, where the same verses of Ovid are quoted. Man's biped stance, it was argued, showed his celestial origin, proved that he was created for the contemplation of higher things, and confirmed that he was made 'in God's image' (Gen. 1: 27; cf. *ST I*. 91. 3 ad 3).

on their bellies, not for any inherent purpose or utility, but because the physical nature and condition of animal matter is different from ours! This is the source of the foolish delusions of Epicurus and that raving disciple of the devil Lucretius,<sup>9</sup> who said that ‘eyes did not come into being in order to see, nor ears to hear’, but that everything is the chance product of aimless combinations of atoms crashing into each other in the infinite void.<sup>10</sup> Can anything more absurd or stupid be imagined, or any clearer indication of the fundamental inanity of this theory! The absurdity is amply demonstrated by Cicero in his *De natura deorum*, and by Lactantius in *De opificio dei*.

For our purposes, it will be enough for the present to hold fast to ‘the very principle of truth, without which man must always be led astray’.<sup>11</sup> Let us accept the following conclusion on trust: that not just heaven and earth and all the other parts of the universe, and man the ruler of the world, but every single atom exists for some use and purpose; and that everything must be as it is because of that purpose or *final cause*, which is the true reason and *necessary cause* of all things.

§3 [Question 1, Article 2: The final cause of civil power is natural necessity]

We must now inquire and investigate *what is the purpose or final cause for which the power under discussion is constituted*.

1. To answer this, we must first consider the fact that although man excels the other animals by his possession of reason, wisdom, and speech, guiding Providence has nevertheless denied to ‘eternal, immortal, and wise mankind’<sup>12</sup> many things which she has bestowed upon the rest of the animals. In the first place, in order to ensure the safety and defence of animals, Mother Nature

9. This phrase (*et que peccati discipulus delirat Lucretius*) is replaced in *L* by ‘and his disciple Lucretius’; but *P*’s reading is guaranteed by the source of this passage, Lactantius, *De opificio dei* 6. 1–2 (‘Epicuri stultitiam . . . illius enim omnia sunt quae delirat Lucretius’).

10. Lactantius, *De opificio dei* 6. 8, quoting Lucretius, *De rerum natura* IV. 825–41.

11. *De opificio dei* 6. 12. The ‘principle of truth’ is the Aristotelian notion of the ‘necessary and final cause’: compare *Metaphysics* 984<sup>a</sup>17–<sup>b</sup>10 ‘men were again forced by the truth itself to inquire into the next kind of cause’; and 984<sup>b</sup>15 ‘when one man said that reason was the cause of the world and of all its order, he seemed like a sober man in contrast with the random talk of his predecessors’.

12. *De opificio dei* 2. 9.

endowed them all from the very beginning with coats to fend off the frost and the weather; next, she provided each species with its own defence against attack, giving stronger creatures weapons to fight off the attacker, weaker ones the ability to escape danger by fleetness of foot, [and those lacking both strength and speed] the ability to protect themselves with cunning<sup>13</sup> or by taking cover in a burrow; so some animals have wings to fly, or hooves to run, or horns, others have teeth or claws for fighting, and none lacks defences for its own protection.

§4 But to mankind Nature gave ‘only reason and virtue’, leaving him otherwise frail, weak, helpless, and vulnerable, destitute of all defence and lacking in all things, and brought him forth

naked and unarmed like a castaway from a shipwreck into the midst of the miseries of this life, unable to do anything but bewail and lament his frailty with endless forebodings, as ‘one whose future life will bring so many ills’, as the poet said; for in the words of Scripture, ‘man that is born of a woman is of few days, and full of trouble’ (Job 14: 1).<sup>14</sup>

So it was that, in order to make up for these natural deficiencies, mankind was obliged to give up the solitary nomadic life of animals, and to live life in partnerships (*societates*), each supporting the other.<sup>15</sup> As Solomon says, ‘if they fall, the one will lift up his fellow: but woe to him that is alone when he falleth, for he hath not another to help him up’ (Eccles. 4: 10).

2. On the same subject Aristotle shows in his *Politics* that man is a social animal (*animal sociabile*) not only because he is unable on his own to provide for himself a sufficiency of the physical necessities of existence, but also because his rational soul itself makes him need

13. *P* astu : rostro veluti hasta *L*. *P*’s reading is guaranteed by the text of Lactantius, *De opificio dei* 2. 2–4, the source of this paragraph. Both *P* and *L* omit the preceding phrase in square brackets, here supplied from Lactantius.

14. This paragraph too is an unacknowledged quotation of *De opificio dei* 3. 1–2. The poet is Lucretius, in one of his best-known passages (*De rerum natura* V. 222–7):

Thus like a Sailor by the Tempest hurl’d  
Ashore, the Babe is shipwreck’d on the world:  
Naked he lies, and ready to expire;  
Helpless of all that human wants require:  
Expos’d upon unhospitable Earth,  
From the first moment of his hapless Birth  
Straight with foreboding cries he fills the Room  
– Too true presages of his future doom! (Dryden’s translation)

15. *De opificio dei* 4. 20–1.

partnership (*Politics* 1253<sup>a</sup>3). For since it is agreed that the soul is composed of two parts, understanding and will, is it not also the case, as Aristotle teaches in *Nicomachean Ethics* (1103<sup>a</sup>14–18), that the understanding can only be perfected by training and experience?<sup>16</sup> And these cannot be gained by living in isolation from our fellows. In fact, in this respect also we seem to be at a disadvantage compared to brute animals, for whereas they are able to understand the things that are necessary for them on their own, men cannot do so.

3. Aristotle also declares that language is the messenger of understanding, and was given to man solely for this purpose, so that in this one respect he excels or surpasses all other animals. Now language could not exist outside human partnership (*Politics* 1253<sup>a</sup>14–16). Even if it were possible for wisdom to exist without language, it would be a rough and uncouth wisdom, for in the words of Ecclus. 41: 14, ‘wisdom that is hid, and a treasure that is unseen, what profit is in them both?’

4. And again, in the case of will, whose ornaments are justice and amity (*amicitia*), what a deformed and lame thing it would be outside the fellowships of men. Justice can only be exercised in a multitude; and amity, ‘which we use on more occasions than fire and water themselves’, as Cicero says (*De amicitia* 6. 22), and apart from which Aristotle says no virtue can exist (*Politics* 1253<sup>a</sup>38–40), would disappear completely without some sort of shared life. And even if a man could live by and for himself alone, such lonely existence would be a dreary and unlovely thing. ‘Nature abhors all solitary things’ (Cicero, *De amic.* 23. 88), and we are all, as Aristotle says, impelled by nature to seek society. As Cicero says, ‘even if a man were to climb the skies and behold the workings of heaven and the beauty of the stars, the awe-inspiring sight would lack savour without a friend to share it’ (*De amic.* 23. 88). For that reason I regard Timon of Athens, who was prompted by his inhuman and perverse nature to cut himself off from the companionship of men, as having led a miserable existence (*De amic.* 23. 87); in the opinion of Aristotle such men should be counted as beasts (*Politics* 1253<sup>a</sup>29–37).<sup>17</sup>

Since, therefore, human partnerships arose for the purpose of helping to bear each other’s burdens, amongst all these partnerships a civil

16. Aristotle says: ‘intellectual excellence owes both its birth and its growth to teaching, for which reason it requires experience and time’.

17. Cicero argued that ‘the first cause of association is not weakness, but a kind of natural sociability (*congregatio*), since man was not created to be a species of wandering loners’ (*Republic* I. 25). A similar conflation of Epicurean, Aristotelian, and Ciceronian ideas is found in Lactantius, *Divinae institutiones* VI. 10. 13–18, and Aquinas *De regimine principum* I. 1 (in Aquinas 1970: 2–6).

partnership (*ciuilis societas*) is the one which most aptly fulfils men’s needs. It follows that the city (*ciuitas*) is, if I may so put it, the most natural community, the one which is most conformable to nature. The family provides its members with the mutual services which they need, but that does not make it whole and self-sufficient (*una sibi sufficiens*), especially in defence against violent attack.<sup>18</sup> This seems to have been the chief reason which induced Cain and Nimrod to compel the first men to live together in cities (Gen. 4: 17, 10: 11).

§5 THE CLEAR CONCLUSION IS that the primitive origin of human cities and commonwealths was not a human invention or contrivance to be numbered among the artefacts of craft, but a device implanted by Nature in man for his own safety and survival.<sup>19</sup>

It follows immediately from this reasoning, *that the final and necessary cause of public powers is the same*. If assemblies and associations of men are necessary to the safety of mankind, it is equally true that such partnerships cannot exist without some overseeing power or governing force. Hence the purpose and utility of public power are identical to those of human society itself. If all members of society were equal and subject to no higher power, each man would pull in his own direction as opinion or whim directed, and the commonwealth would necessarily be torn apart. The civil community (*ciuitas*) would be sundered unless there were some overseeing providence to guard public property and look after the common good. ‘Every kingdom divided against itself is brought to desolation’ (Matt. 12: 25), and ‘where there is no ruler the people perish’, as Solomon says.<sup>20</sup> Just as the human body cannot remain healthy unless some ordering force (*uis ordinatrix*) directs the

18. Vitoria’s use of the term ‘most natural’ reflects Aristotle’s concept of *autarkeia* or ‘self-sufficiency’ as the *telos* or ‘end’ of nature: ‘When several villages are united in a single complete community, large enough to be nearly or quite self-sufficing, the state comes into existence, originating in the bare needs of life, and continuing in existence for the sake of the good life. And therefore, if the earlier forms of society are natural, so is the state, for it is the end of them, and the nature of a thing is its end. For what each thing is when fully developed, we call its nature . . . Besides, the final cause and end of a thing is the best, and to be self-sufficing is the end and the best’ (*Politics* 1252<sup>b</sup>28–1253<sup>a</sup>2). Vitoria elsewhere uses the wording ‘most perfect’, following Aquinas (*ST* I-II. 90. 2 ‘for the perfect community is the *ciuitas*’; *De regimine principum* I. 1 ‘it follows that a communal partnership is the more perfect to the extent that it is sufficient in providing for life’s necessities’); compare *I On the Power of the Church* 5. 8 (footnote 58), *On the Law of War* 2. 1 §5–7.

19. Vitoria discussed the historical formation of human societies at greater length in his commentaries on *ST* II-II. 47. 10 (Vitoria 1932–52: II. 363–4); II-II. 62. 1 §21 (*ibid.*, III. 77–8); and II-II. 104. 1 §2 (*ibid.*, IV. 204–5).

20. The quotation is a conflation of Prov. 29: 2–18.

single limbs to act in concert with the others to the greatest good of the whole, so it is with a city in which each individual strives against the other citizens for his own advantage to the neglect of the common good.

Here we have, then, the final cause, and the most potent, of secular power, namely utility and necessity so urgent that not even gods can resist it.<sup>21</sup>

§6 [Question 1, Article 3: The efficient cause of civil power is God]

The *efficient cause of this power* can easily be deduced from the preceding argument. If, as we have shown, public power is founded upon natural law, and if natural law acknowledges God as its only author, then it is evident that public power is from God, and cannot be over-ridden by conditions imposed by men or by any positive law:

1. God the creator of all things, whose wisdom 'reacheth from one end of the world to the other with full strength and ordereth all things graciously' (Wisd. 8: 1), and 'by whom all things are ordained', as the Apostle says (Rom. 13: 1), made man by his natural condition unable to live outside society. As Cicero makes Scipio say, 'nothing is more acceptable to the deity who governs the universe and who created everything in the world than the assemblies and councils of men duly banded together which we call cities (*ciuitates*)' (*Republic* VI. 13). And if commonwealths and cities are founded on divine or natural law, so too are civil powers made by divine law, without which such commonwealths cannot survive.

2. To dispel any remaining doubt, I shall further prove this point about divine law by argument and authority. First, Aristotle asserts in *Physics* 254<sup>b</sup>13–256<sup>a</sup>3 that lighter and heavier bodies are set in motion by no other cause than the natural inclination to motion with which the First Mover endows them. Therefore, if God was responsible for endowing men with the necessity and inclination which ensure that they cannot live except in partnership (*societas*) and under some ruling power, we must conclude that partnership and power are themselves God-given. For things which are natural to all creatures must themselves be created by God, the author of nature, since he who gives the creatures their form and structure, as Aristotle again says, must also be responsible for the consequential things entailed by that form.

21. *LS* 'or rather, great necessity, which none but gods can resist'. The explanation for the remark is to be found in Aristotle's assertion that 'he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god' (*Politics* 1253<sup>a</sup>27–9). Soto was to translate the term into its Christian equivalent, 'angels' (Pagden 1986: 70, n. 71).

For this reason Paul teaches us that 'whosoever resisteth the power, resisteth the ordinance of God' (Rom. 13: 2). Therefore I conclude that *power exists in the commonwealth by God's ordinance*.

§7 [Question 1, Article 4: The material cause of civil power is the commonwealth]

But the *material<sup>22</sup> cause on which this naturally and divinely appointed power rests is the commonwealth*. The commonwealth takes upon itself the task of governing and administering itself and directing all its powers to the common good. This is shown by the following proofs:

1. Divine and natural law require there to be some power to govern the commonwealth, and since in the absence of any divine law<sup>23</sup> or human elective franchise (*suffragium*) there is no convincing reason why one man should have power more than another, it is necessary that this power be vested in the community, which must be able to provide for itself. If no one was superior to any other before the formation of cities (*ciuitates*), there is no reason why in a particular civil gathering or assembly anyone should claim power for himself over others.

2. Further, every man has the power and right of self-defence by natural law, since nothing can be more natural than to repel force with force. Therefore the commonwealth, in which 'we, being many, are one body, and every one members one of another' as the Apostle says (Rom. 12: 5), ought not to lack the power and right which individual men assume or have over their bodies, to command the single limbs for the convenience and use of the whole. Individuals may even risk the loss of a limb if this is necessary to the safety of the rest of the body; and there is no reason why the commonwealth should not have the same power to compel and coerce its members as if they were its limbs for the utility and safety of the common good.

3. Finally, it is prohibited by divine law to kill a fellow man, as clearly stated in the Ten Commandments. Therefore the authority to carry out capital punishment must depend on divine law. But the commonwealth has the authority to execute a man, as established by usage and custom; therefore it has this authority by divine law.

It is not a sufficient answer to say that divine law does not prohibit killing in absolute terms, but only the killing of an innocent man. The

22. *L materialis : naturalis P*. Boyer's reading is guaranteed by the Aristotelian framework of fourfold causes (see footnote 6 above, and 1. 7, p. 18 below).

23. *P iure diuino : communi iure positio L*.

conclusion to be drawn from this argument would still be the same, because a private individual cannot lawfully kill another even if the latter is guilty of a crime. Therefore the commonwealth has an authority to take a man's life which the private man does not have, and this right cannot be founded in positive law, and must therefore depend on divine and natural law. Furthermore, positive law derives from the commonwealth, and therefore the existence of the commonwealth itself and of its power to make laws must precede the existence of positive laws; consequently it may be deduced that this legislative power itself exists in the commonwealth by divine and natural law.<sup>24</sup>

**[Question 1, Article 5: The material power of the commonwealth is invested in sovereigns]**

Now although this power and authority we speak of belongs first of all and *per se* to the commonwealth itself, *the same authority belongs to the rulers and magistrates to whom the commonwealth has delegated its powers and offices*. And since the greatest and best of all forms of rule and magistracy is monarchy or kingship, which comes not far behind the public power of the commonwealth, it is time to investigate royal power and kingship.<sup>25</sup>

There have been some writers, even among those who call themselves Christians, who have denied that kingly power or any kind of rule by a single person comes from God, affirming that all sovereigns, generals, and princes are tyrants and robbers of human liberty.<sup>26</sup> They declare themselves enemies of every system of empire and government over men other than by the whole commonwealth. To top this folly and con-

24. This sentence is omitted by *L*, probably because Boyer inadvertently skipped from the end of the previous sentence to the end of this one.
25. *L* replaces this paragraph with the sentence: 'Now since the power we speak of is principally invested in kings, to whom the commonwealth has delegated its role, it is time to discuss royal rank and power.' The following article owes a good deal to Aquinas' discussion of the matter in *ST* I-II. 105. 1 ad 2; Vitoria was to return to the question in his lecture *On Law* §136 *ad loc*.
26. As Giles of Rome pointed out, it was no less an authority than Augustine who declared that kingdoms were founded by invasion and usurpation, 'and hence such rulers are not kings, but rather thieves and robbers' (*De ecclesiastica potestate*, translated in Tierney 1988: 198–9; Augustine's passage is *De ciuitate dei* XIX. 15 'Of the liberty proper to man's nature and the servitude introduced by sin', *ibid.*, 11). However, this was true only *before* the advent of Christ; kingdoms instituted by God under the New Law were holy and just. With this in mind, Vitoria divides the following *obiecta* into those relevant to the Natural and Old Laws, and those relevant to the New Law.

firm their madness, these writers even try to adduce logical arguments, or twist the words of Scripture to prove the point:

1. They say that man was born free; in the original blessed state of innocence no man was master and no man was slave. Who then has the right to reduce man, thus created free, to servitude? Men were told in the beginning, 'have dominion over the fish of the sea, and over the fowl of the air' (Gen. 1: 28); but God never said that they in turn should suffer the dominion of some other man who had violently arrogated sovereignty to himself.<sup>27</sup> Furthermore, under the law of nature we never read of any prince having been amongst the worshippers of the true God; *ergo*, etc.<sup>28</sup> Again, kingship originated in tyranny, since Nimrod, the first king, was criticized by posterity for seizing the kingship of Noah, a just man, by tyrannical means; of whom it is said that 'Cush son of Ham begat Nimrod: he began to be a mighty one in the earth; he was a mighty hunter before the Lord, and the beginning of his kingdom was Babylon' (Gen. 10: 8–10). And succeeding rulers have taken power by the same violent means as Nimrod.<sup>29</sup> Nor have the holy doctors of the Church passed over this topic in silence. Gregory the Great says: 'it is against nature for one man to wish for power, since all men are equal in natural law'. And Isidore of Seville remarks: 'possession is common to all, and liberty is the same for all in natural law' (*Etymologies* V. 4. 1).<sup>30</sup>

2. But even if kingship was not prohibited before the advent of the Gospel, Christians at least were clearly set free by Christ. That seems to be what the Lord meant when he said: 'Of whom do the kings of the earth take custom or tribute? of their own children, or of strangers?'; to which Simon Peter replied, 'Of strangers', and Jesus continued: 'Then are the children free. Notwithstanding, lest we should offend them, go thou to the sea, and cast an hook, etc.' (Matt. 17: 25–7). From this passage it is argued that Christians are not obliged to pay tribute except to avoid criminal offence, in support of which the words of the Apostle are adduced: 'Owe no man any thing, but to love one another' (Rom.

27. For the argument, see Augustine, *De ciuitate dei* XIX. 15 (Tierney 1988: 11); Aquinas, *ST* I. 96 'On the dominion which belonged to man in the state of innocence' (Aquinas 1970: 102–7); and Ulpian's famous phrase 'all men are born free in natural law', *Digest* I. 1. 14 (Tuck 1979: 17–20).
28. By 'law of nature' Vitoria means the code which prevailed until the granting of Mosaic law on Sinai, a period which according to Josephus and Augustine lasted 3,644 years.
29. The point of mentioning Nimrod (see the Biographical notes), here left somewhat obscure, is explained in *On the American Indians* 2. 1.
30. Isidore's 'influential synthesis . . . was taken up by Gratian in the *Decretum* [D. 1 7] and became the basic text around which later argument centred' (Tuck 1979: 18); see also Aquinas *ST* I-II. 94. 5.

13: 8); and again, 'Ye are bought with a price; be not ye the servants of men' (1 Cor. 7: 23); and 'One Lord, one faith, one baptism' (Eph. 4: 5). Therefore it is not lawful to impose new masters on Christians.

§8 IT IS HARDLY SURPRISING that these men, who have already apostatized from God and his church corrupted by their vicious ambition and pride, should also stir up sedition against our rulers. We may cast aside their calumnies, and agree with all right-minded men that *monarchy or kingly power is not only just and legitimate, but also that sovereigns have their power by natural and divine law, not from the commonwealth or from men.*

I REPLY as briefly as I can with the proofs in favour of monarchy. Even if there were no scriptural authorities on this matter, reason alone would be able to resolve the question. Though the commonwealth has power by divine law over the individual members of the commonwealth, as has been proved (1. 4 above), it is nevertheless quite im-[possible]<sup>31</sup> for this power to be administered by the commonwealth itself, that is to say by the multitude. Therefore it is necessary that the government and administration of affairs be entrusted to certain men who take upon themselves the responsibilities of the commonwealth and look after the common good. It is irrelevant whether this be a number of men, as in an oligarchy, or a single man, as in a monarchy; in any event, if the power of the commonwealth is not tyrannical but just, then the power of a monarch will be just too, for it is none other than the commonwealth's power administered through the sovereign. The commonwealth as such cannot frame laws, propose policies, judge disputes, punish transgressors, or generally impose its laws on the individual, and so it must necessarily entrust all this business to a single man.<sup>32</sup>

But let us dismiss these false opinions by setting out the true ones:

TO THE FIRST, there can be no disagreement about the proof that sovereigns are not contrary to natural law, as these men think. Natural law is immutable, as stated by Gratian in the *Decretum* (D. 1. 7) and proved by Aristotle (*Nicomachean Ethics* 1134<sup>b</sup>19). Therefore, if kingship were against natural law, it would follow that there has never been

31. P's text has lost a word after the negative here, probably *potest*; L supplies the latter, but introduces several inversions in the following sentences, and omits most of the text after 'It is irrelevant whether this be a number of men.'

32. Vitoria here introduces the 'contractualist' theory that the *populus* delegates power by tacit consent to its representative or vicar, *uicem gerens*. The idea had the authority of Aquinas (*ST* I-II. 90. 3 and 105. 1), but the difficulty of reconciling the view that *regia potestas* is simultaneously sanctioned by the people and by God is apparent (see the Introduction, pp. xix–xx).

an age or century in which justice has ruled. Yet the contrary is proved by the Old Testament, where praises are bestowed upon Melchizedek, king of Salem (Gen. 14: 18; Heb. 5: 6–10), and Joseph became chief minister of the kingdom of Pharaoh and collector of his tribute (Gen. 41: 39–57). Jacob, a just man, was given a portion of land to farm by Pharaoh; and Daniel and his companions were appointed governors of a province by Nebuchadnezzar (Gen. 47: 6–28; Dan. 2: 48–9). These, as truly holy men, would never have accepted these posts if they had shared the view that kingship is a form of tyranny.

Furthermore, the laws and conditions for kings who were to rule over the children of Israel are set out in Deuteronomy (Deut. 17: 14–20). These in no way prohibit them from setting up a king over themselves; indeed, the Lord grants them licence and leave to do so, only warning them not to elect a foreigner as king. And in the same passage it is commanded that the king shall abide by the statute of the high priest, on pain of his life. It does not matter, therefore, whether the sovereign be the priest or the king, insofar as they have the same power. And again, as is clear in Deuteronomy, the Lord appointed judges [from the Levites] with the power of life and death.<sup>33</sup> In the books of Kings, some kings are created by God himself, and others are elected at his command; God would never have done this if it was against natural law. And the Maccabees are universally recognized as brave and righteous men, and yet they either seized the throne of their people by force, or claimed it from just causes.

One may therefore say that it is wholly absurd to suppose that something which is expedient for the administration of human affairs – such as kingship, as I have partly proved and as I will shortly establish more clearly<sup>34</sup> – can be contrary to natural or divine law. As Job wisely said, 'God doth not jealously<sup>35</sup> cast away the mighty, although he himself is mighty' (Job 36: 5).

TO THE SECOND, nor is the argument about 'evangelical liberty' an impediment to regal power, as these ignorant and seditious fellows never tire of instilling in the ears of the ignorant plebs. As I shall show elsewhere, nothing which is permitted by natural law is prohibited in the gospels (*II On Church Power* 1; *On the Law of War* 1. 1); and this is

33. P ut patet in levit. et deutero. The text is corrupt.

34. This phrase is omitted by L. The reference is to 1. 8 below.

35. invidus : invidos P timidus L. The citation from Job is based on a doubtful reading; a more likely rendering of the Hebrew is 'Behold, God is mighty, and despiseth not any.'



particularly the case with evangelical liberty. If it was lawful for nations and civil societies to set up sovereigns for themselves before the preaching of the Gospel, it is unthinkable that it should be unlawful after it. And if sovereigns were not legitimate rulers, it is certain that Christ's apostles would never have enjoined us so earnestly to render unto Caesar what is Caesar's. Paul can mean nothing else than this when he says in Rom. 13: 1: 'Let every soul be subject unto the higher powers, for there is no power but of God'; and in the next verse, 'Whosoever therefore resisteth the power, resisteth the ordinance of God, and they that resist shall receive to themselves damnation.' And he continues, a little further on: 'For he is the minister of God, a revenger to execute wrath upon him that doeth evil; Wherefore ye must needs be subject, not only for wrath, but also for conscience sake, for they are God's ministers, attending continually upon this very thing' (13: 4). And again, in Tit. 3: 1, 'Put them in mind to be subject to principalities and powers'; and in 1 Tim. 2: 1–2, 'I exhort, therefore, that first of all supplications, prayers, intercessions, and giving of thanks be made for kings, and for all that are in authority, that we may lead a quiet and peaceable life in all godliness and honesty.' And in 1 Pet. 2: 13–14, 'Submit yourselves to every ordinance of man for the Lord's sake, whether it be to the king, as supreme, or unto governors, as unto them that are sent by him for the punishment of evildoers, and for the praise of them that do well, for so is the will of God; as free, and not using your liberty for a cloke of maliciousness, but as the servants of God; honour all men, love the brotherhood, fear God, honour the [king].'

LET US CONCLUDE by leaving these matters and go back to clarify a point I mentioned before, namely that *royal power is not from the commonwealth, but from God himself*, as Catholic theologians believe. It is apparent that even though sovereigns are set up by the commonwealth, royal power derives immediately from God. For example, the pope is elected and crowned by the Church, but nevertheless papal power does not come from the Church, but from God himself. In the same way, the power of the sovereign clearly comes immediately from God himself, even though kings are created by the commonwealth.<sup>36</sup> That is to say, the commonwealth does not transfer to the sovereign its power (*potestas*), but simply its own authority (*auctoritas*); there is no question of two separate powers, one belonging to the sovereign and the other to

36. The paragraph up to this point is considerably abbreviated in *L*, which among other things leaves out the parallel with papal elections.

the community.<sup>37</sup> And therefore we must say about royal power exactly what we have asserted about the power of the commonwealth, namely that it is set up by God and by natural law. This agrees with Holy Scripture, and with common practice, which calls kings 'ministers of God' not 'ministers of the commonwealth'. And divine wisdom, speaking through the mouth of Solomon, says: 'By me kings reign, and princes decree justice' (Prov. 8: 15). And the Lord answered Pilate: 'thou couldest have no power at all against me, except that it were given thee from above', that is, from heaven (John 19: 11).

Therefore those authors who concede that the power and jurisdiction of the commonwealth derives from divine law but deny that the same is true of regal power appear to be in error. To be sure, if men or commonwealths did not derive their power from God, but formed an agreement to set up a power over themselves for the public good, then this would be a [human] power,<sup>38</sup> such as the power which members of a religious order ascribe to their abbot. But it is not so. A civil community (*ciuitas*) is constituted by all its citizens, and thus the commonwealth has the power to administer and govern itself and its citizens in peace, and to compel any who breach that peace and contain them in the bounds of civil duty.<sup>39</sup>

#### §9 Question 1, Article 6: Non-Christians have legitimate sovereigns

ALTHOUGH THESE THINGS ARE AS WE HAVE SEEN, there is a possible doubt *whether the same is true of the powers by which non-Christian commonwealths are governed*, and of whether there can be said to exist legitimate sovereigns and magistrates among the pagans. It seems not:

1. If a Christian apostatizes, the laws state that he forfeits all public power and is rightfully deprived of that power on the grounds of his apostasy. By the same argument impiety or unbelief also invalidates any kingship or power amongst people who are not Christians.

37. This distinction between *auctoritas* and *potestas* is an attempt to meet the problem posed by asserting that civil power comes simultaneously from God and from the people (see the Introduction, pp. xix–xx). In the margin of MS *P*, the copyist adds the note: 'att<sup>nde</sup> l. 1 de const<sup>c</sup> princ.', a reference to *lex Digna* (Codex I. 14. 4) by which Accursius and other civilists answered the *Princeps legibus solutus* conundrum (see the Glossary, s.v.).

38. *L* ab hominibus : ab omnibus *P*.

39. *L* reads 'But it is not so, for power is set up in the commonwealth, *even against the will* of all its citizens, of administering itself, for which office civil kings (*ciuiles reges*) were constituted.'

Richard Fitzralph, archbishop of Armagh, a man of otherwise blameless character and intelligence, certainly argues in his *De paupertate Saluatoris* that not merely unbelief but any mortal sin impedes any kind of power or dominion (*dominium*) or jurisdiction, either public or private, in the mistaken belief that the true title and foundation of all power is grace. Nevertheless, the authorities and arguments which he adduces to try to prove the assertion are so weak and unworthy of consideration for the solution of this problem that I shall not waste time over them.<sup>40</sup>

TO THIS ONE MAY THEREFORE ANSWER that there can be no doubt at all that the heathen have legitimate rulers and masters. This is shown by the Apostle's strict precepts in the passages adduced in the previous article concerning obedience to secular powers, which in his day were undoubtedly all non-Christian. And, as I have said, Joseph and Daniel served as ministers and governors to pagan rulers. So neither Christian sovereigns nor the church may deprive non-Christians of their kingship or power on the grounds of their unbelief, unless they have committed some other injustice.

§10 [Question 1, Article 7: Proof of the initial proposition that a legitimately constituted power cannot be abolished by the popular consensus]

These, then, are the three main causes, final, efficient, and material, of public secular power, from which we may easily deduce its *form*. This is nothing other than the essence of power itself, which may be expressed in the following definition, as formulated by the authorities on the subject: *public power is the authority or right of government over the civil commonwealth*.<sup>41</sup>

THE PROOF OF THE PROPOSITION which initially opened this question is thus easily established from what has been said above, at least as far as public power is concerned; for I have shown that *public power is of God*, and that as such it is *just and legitimate*. And from this follows the proof of the last part of the proposition, where I said that *power of this kind can not be abolished even by the consensus of men*. If a man cannot give up his right and ability of self-defence and of using his own body for his own

40. Vitoria was to return, however, to a full consideration of the heretical views of Fitzralph, which were shared by Wycliff and Huss (see the Introduction, pp. xvi–xvii), ten years later in *On the American Indians* 1. 1.

41. *L* has a truncated and less logical version of the first part of this paragraph. The 'formal' is the last of Aristotle's fourfold causes (see footnote 6 above).

convenience because this power belongs to him by natural and divine law, by the same token the commonwealth also cannot by any means be deprived of its right and power to guard and administer its affairs against violent attack from its enemies, either from within or from without. And this it can only do by assuming public powers. Therefore, even if all the members of the commonwealth were to agree to share this power freely among their number without restraint of law or obedience to magistrates, their agreement would be null and void as contrary to natural law, which the commonwealth of itself cannot abolish.

§11 [Question 1, Article 8: Monarchy is the best form of government]

FROM THE FOREGOING we may infer an important corollary concerning those who live under the rule of a single monarch. Civil societies which have no sovereign and are ruled by a popular administration often boast of their liberty, accusing other civil societies of being the servile bondsmen of sovereigns. There are even some within this kingdom who subscribe to this view.<sup>42</sup>

Against this stupid and ignorant idea I offer my first corollary, which is that *there is no less liberty under a monarchy than under an aristocracy or timocracy*. The latter division of types of government is given by Aristotle in the third book of his *Politics* (1279<sup>a</sup>33–40), where he distinguishes the rule of one man, or *monarchy*, from the rule of a group of nobles (*optimates*), or *aristocracy*, and from popular rule or rule of the multitude, or *timocracy*.<sup>43</sup> I say that there is no greater liberty in one than in another of these.

42. This sentence is omitted in *L*. 'This kingdom' must mean Castile. Vitoria can only have had in mind the republican views of some supporters of the *Comunero* revolts of 1520–1, such as the Trinitarian friar Alonso de Castrillo, whose *Tratado de república con otras historias y antigüedades* (Burgos, 1521) propounded the view that men were 'created equal and free in the possession of the world', that any monarchical power is 'unnatural tyranny', and that the best constitution is *la libertad del pueblo* ('liberty of the people') with freely elected fixed-term magistracies (Maravall 1960: 235–45).

43. *P* tymocratico, timocratiam : democratico, democratiam *L* passim. Vitoria's use of the term *timocracy* ('constitution based on a property-qualification, *timé*') is correct; Aristotle used *democracy* for the 'perversion' or corrupt form of timocracy, as *tyranny* is the corruption of monarchy, *oligarchy* of aristocracy (*Nicomachean Ethics* 1160<sup>a</sup>31–<sup>b</sup>22). Aquinas muddled the distinction, using the word *democracy* for the desirable form of *status popularis* (*ST* I-II. 95. 4; *Lect. in Nic. Eth. VIII*, lect. 9–10; *In Polit. II*, lect. 5, 6, 14–16). Though Vitoria seems to have taken pains to avoid this error (see *On Law* §136, p. 197), his printers and editors have been more careless.

I demonstrate the major premiss from what has been said already: under any type of government, each private individual is subject to the public power, which he is bound to obey, whether that power resides in one man or in a number of men or in the whole multitude. This power is the same, whether it be exercised by one man, or by the whole community or commonwealth, or by the nobles; there is clearly no greater liberty in being subject to three hundred senators than to one king. Indeed, men who are subject to the decree and government of the crowd have, by that token, all the more masters – unless anyone is so mad as to believe himself a slave when he obeys one wise king, and fancy himself free when he is subject to a barbarous mob. Was not obedience to the absolute emperor Octavian far preferable to obedience to the Triumvirate or the Decemvirate? Especially when you consider that the constitution of the Roman republic, which these fellows crack up as the very cynosure of liberty, amounted in the end to nothing more than obedience to the edict of a single praetor, who did not even administer the republic like a king, but seized and harried the individual citizens from pillar to post at the whim of his caprice, or rather of his lusts. And yet these wretched men, harried as they were by a contemptible homuncule, swore that they were free!

For my part I prefer to believe, with all the most honoured and wise peoples of earth, that monarchy is not merely equitable and just, but also of all forms of government the most excellent and convenient to the commonwealth. As I have argued above, the purpose of every commonwealth and power is the sociable intercourse (*conuersatio*) and companionship of its members. These are most preserved by peace and mutual love; and nobody can be unaware how much more effective monarchy is when it comes to the preservation of peace. In commonwealths where many men share government, it is inevitable that rivals for office should spend their efforts in quarrels and seditions, tearing the commonwealth apart with different policies. As the poet says, ‘trust is impossible between partners in power’; and as the Lord said through the mouth of the prophet, ‘many pastors have destroyed my vineyard’ (Jer. 12: 10).<sup>44</sup>

THEREFORE the best form of government is monarchy, just as the universe is controlled by a single Lord and Ruler. It seems there is also a

44. The previous two paragraphs are reduced to a single sentence in *LS*, which remove the whole of Vitoria’s satirical reference to the Roman imperial and republican constitutions, with its evident allusion to contemporary humanist eulogies of antique liberty (Skinner 1978: I. 71–88, 140–80). The ‘poet’ referred to at the end of the paragraph is Lucan (*De bello ciuili* I. 92–3); the quotation was a topic in canonist and juristic discussions of monarchy (Maravall 1983: 87–96).

mixed constitution combining the three forms of government, and this would seem to be the sort we have in Spain.<sup>45</sup>

§12 [Question 1, Article 9: The whole commonwealth may be punished for the sin of its monarch]

A SECOND COROLLARY may be inferred from the preceding arguments: *the whole commonwealth may lawfully be punished for the sin of its monarch*. If a sovereign wages an unjust war against another prince, the injured party may plunder and pursue all the other rights of war against that sovereign’s subjects, even if they are innocent of offence. The reason is that once the sovereign has been duly constituted by the commonwealth, if he permits any injustice in the exercise of his office the blame lies with the commonwealth, since the commonwealth is held responsible for entrusting its power only to a man who will justly exercise any authority or executive power he may be given; in other words, it delegates power at its own risk. In the same way, anyone may lawfully be condemned for the wrongdoings of his appointed agent.<sup>46</sup>

§13 [Question 1, Article 10: No war which causes more harm than good to the commonwealth can be legitimate]

THE THIRD COROLLARY is that *no war is legitimate if it is shown to be more harmful than useful to the commonwealth*, even if there are titles and reasons in other respects which make the war a just one. The proof is as follows: since the commonwealth has no power to wage war except for the protection and benefit of itself and its affairs, it follows that where these are prejudiced and damaged rather than promoted by war, that war will be in itself unjust, whether declared by the sovereign or by the commonwealth.

I would go further: since any commonwealth is part of the world as a whole, and in particular since any Christian country is part of the Christian commonwealth, I should regard any war which is useful to one commonwealth or kingdom but of proven harm to the world or Christendom as, by that very token, unjust. Thus if Spain declares war

45. This sentence does not appear in *L*. The mixed constitution was praised by Aquinas (*ST* I-II. 95. 4 ‘regimen commixtum est optimum’; I-II. 105. 1 ‘optima politia bene commixta’); Vitoria was to make further comments in his lecture on the latter passage, *On Law* §136, p.198.

46. This sentence is omitted in *L*.

on France for reasons which are otherwise just, and even if the war is useful to the kingdom of Spain, if the waging of the war causes greater harm and loss to Christendom – for example, if the Turks are enabled in the mean time to occupy Christian countries – then hostilities should be suspended.<sup>47</sup>

The foregoing suffices for the explanation of the first part or conclusion.

**[Question 1, Article 11, a and b: The kingship and kingdom of Christ]<sup>48</sup>**

But I have spoken so much about kings and kingship that there is a danger that my discussion will appear to be more philosophical than theological. I have decided that it will not be amiss, therefore, if I insert here a discussion of *the kingdom of Christ*, who is called the Lord and King of kings. I cannot follow up all the possible aspects of this topic in the present context, but only the questions of *the right by which He was king*, and *whether His kingdom exists for the same reasons as those of temporal rulers*.

- [A] ON THE QUESTION OF CHRIST'S KINGSHIP the authorities hold different opinions. Some say that Christ our Lord and Redeemer was king of the Jews not only by the Hypostatic Union or by the fact that He was the Messiah (since on these counts He was king of the whole world), but by hereditary right and by His natural birthright. For this idea see Fitzralph, *Summa in quaestionibus Armenorum* 5. 15–16,<sup>49</sup> who holds that Christ was king of the Jews by birth according to His human nature, and not merely by the Hypostatic Union. He affirms that the dignity of kingship devolved upon Him by succession through the Virgin Mary, according to the law of female inheritance given in Num. 27 in the case of Zelophehad's daughters, where it is said: 'If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter. And if he have no daughter, then ye shall give his inheritance unto his father's brethren. And if his father have no brethren, then ye shall give his inheritance unto his kinsman that is next to him of his family, and he

47. For Vitoria's views on the Franco-Spanish wars, compare *On the Law of War* 5. 2, footnote 45, and Appendix A, Letter 4.

48. This article, which falls into two parts, is unique to *P* (see footnote 2 above), and, as the copyist explains at the end of it, was absent from the *originale*. It has been edited by Beltrán de Heredia (Vitoria 1952: 95–101) and Urdáñez (Vitoria 1960: 168–78).

49. Fitzralph 1512: fols. xxxiv<sup>v</sup>–xxxv.

shall possess it' (Num. 27: 8–11). So Christ could truly be called the king of the Jews on His mother's side. Fitzralph proves this by many arguments:

1. The Messiah is often called 'king' by the prophets. It is said in the Psalms: 'The king shall joy in thy strength, O Lord' (Ps. 21: 1); and 'I speak of the things which I have made touching the king' (Ps. 45: 1); and 'Give the king thy judgments, O God . . . He shall have dominion also from sea to sea' (Ps. 72: 1–8). And in Isaiah it is prophesied: '[For unto us a child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The mighty God, The everlasting Father,] The Prince of Peace; of the increase of his government and peace there shall be no end' (Isa. 9: 6–7); and 'the Lord is our judge, the Lord is our lawgiver, the Lord is our king' (Isa. 33: 22). So too Daniel says: '[And there was given him dominion, and glory,] and a kingdom' (Dan. 7: 14); and Zechariah, '[behold,] thy King cometh unto thee' (Zech. 9: 9). All these things were confirmed by the angel Gabriel when he said to Mary: 'and the Lord God shall give unto him the throne of his father David; and He shall reign over the house of Jacob for ever' (Luke 1: 32–3). It is not enough to reply that the title 'king' in these cases signifies a merely spiritual rule and the giving of spiritual laws; on that argument Moses and Samuel would also have to be called 'kings'; or rather, the Messiah ought to have been called 'prophet', or 'priest', or 'teacher', not 'king'.

2. AND AGAIN, John tells us that Pilate asked Him, 'Art thou a king then?'; and Christ answered, 'Thou sayest that I am a king; to this end was I born, and for this cause came I into the world, that I should bear witness unto the truth' (John 18: 37), from which words it would appear that Christ confessed that He was a king in the sense in which Pilate used the word.

3. If He were only a king in terms of spiritual power, or by temporal power specially granted to Him, then since this power extends over the whole world there is no reason why He should be called king of Israel rather than, say, king of the Egyptians, or of the Romans. Instead of saying He will sit 'upon the throne of David', one might just as well say 'on the throne of Caesar Augustus' or 'on the Roman Capitol'. But of course nothing of the kind is said; it is quite explicitly stated in the Psalms, 'Yet has He set me up as king upon his holy hill of Zion' (Ps. 2: 6);<sup>50</sup> and in Luke the angel says He shall reign 'over the house of His

50. Vitoria quotes the Vulg. ('Ego autem constitutus sum rex ab eo super Sion montem sacrum eius'); the AV translates, more correctly, 'Yet have I set my king upon my holy hill of Zion.'