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**Author:** Bodin, Jean, 1530-1596. 16585  
**Title:** The six booke of a common-weale. VVritten by I. Bodin a famous lawyer, and a man of great experience in matters of state. Out of the French and Latine copies, done into English, by Richard Knolles  
**Date:** 1606  
**Bibliographic name / number:** STC (2nd ed.) / 3193  
**No. of pages:** [12], 794, [2] p.  
**Copy from:** Bodcian Library  
**Reel position:** STC / 1476:04

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[Figure:

THE SIX BOOKES OF A COMMON|WEALE.

Written by I. BODIN a famous Lawyer, and a man of great Experience in matters of State.

Out of the French and Latine Copies, done into English, by RICHARD KNOLLES.

LONDON Impensis G. Bishop. 1606.

Rex & Lex.

]
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FINIS.

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THE FIRST BOOKE OF A COMMONWEALE.

CHAP. I ¶ What the principall end is of a well ordered Commonweale.

A Commonweale is a lawfull government of many families, [Note: The definition of a Commonweale. ] and of that which vnto them in common belongeth, with a puissant soueraignty. This definition omitted by them which haue written of a Commonweale, wee haue placed in the first place: for that in all arts and actions, it beho|ueth vs first to behold the end, and afterward the means to atteaine therunto. For a definition is nothing else than the very end and scope of the matter propounded, which if it be not well and surely grounded, whatsoever you build thereupon must together and in a moment fall. And yet oftentimes it falleth out with many, that hauing propounded vnto themselves certaine ends, yet can they not atteaine vnto the end by them desired; no more than the vsskillfull archer who shooteth farre and wide from the marke he aimed at, whereas he which shooteth markeman like, although he misse somewhat the marke, yet shall he shoot nearer than he, neither shall he want the commendation of a good archer, hauing performed what a skilfull archer should have done. But he which knoweth not the end of the matter he hath in hand, is as farre from the hope of attaining therunto, as he is from hitting the marke, which shooteth at rardon, not knowing whereat. Wherefore let vs well examine the end, and every
part of the definition by vs before propounded. First we said that a Com[onweale] ought to be a lawfull or rightfull government: for that the name of a Com[onweale is holy, as also to put a difference betwixt the same, and the great assemblies of robbers and pirates, with whom we ought not to have any part, commerçement, soc]ietie, or alliance, but versus enmite. And therefore in all wise and well ordered Com[onweale, [Note: That a common weale ought to be a lawfull govern[ment. ] Whether question be of the publique faith for the more saftie to bee giuen; of leagues offensive or defensive to bee made; of warre to bee denounced, or vs[nder]takenn, either for the defending of the frontiers of the kingdom, or for the composing of the controueries and differences of Princes amongst themselves; robbers and pirates are still excluded from all the benefit of the law of Armes. For why? Princes which governe their States by their owne lawes, and the lawes of nations, haue alwaies diud[ed] their iust and lawfull enemies, from these disordered, which seeke for nothing but the versus ruin and subuerption of Commonweales, and of all ciuitie societie. For which cause, if ransom promised vs[nto] robbers for a mans redemption, bee not vs[nto] them 2 accordingly payed, there is no wrong done: for that the lawes of Armes ought ne[ther to be communicated vs[nto] them, neither are they to enjoy the benefit of those lawes, which lawfull enemies being taken prisoners, or free men enjoy. Yea the lawes do permit him that is taken of robbers, not therby to loose his libertie; but that he may nevertheless make his will, and do all other lawfull actes: which for all that was not in former time lawfull for them to doe, which were taken by their lust enemies. For that he which was fallen into the hands of his lawfull enemies, by the law of nations did to[gether with his libertie loose also all such power as he had over his owne things. Now if a man should say, that the law commandeth to restore vs[nto] the robber his pawne, his things committed vs[nto] thee upon trust, or what thou hast of him borrowed; or to repose[sses]e him, beeing by force thrust out of a possession, neuer so vniustly by him ob[tained; there is thereof a double reason: the one, for that the robber in submitting himse[vle] vs[nto] the Magistrat, and shew[ing] his obedience vs[nto] the lawes, in demanding justice, deserueth to be therein regarded: the other, for that this is not so much done in favoure of the theefe or robber, as in hatred of him which would unconscionably de[taine] the sacred thing left to his trust, or by way of force proceed to the gaining of that which he might by course of justice have otherwise obtained. Of the first whereof we [Note: A notable exa[nple of favoure, ext[ended vs[nto] an offender, submit[ting himself vs[n] to his Prince. ] have examples enow, but none more memorables than that of Augustus the Emperour, who caused it to be proclaimed by the sound of the Trumpet, that he would give ten Sextertieties vs[nto] him which should bring vs[nto] him Coracotas, the ring leader of the theeeves and outlawes in Spaine: which thing Coracotas understanding, of his owne accord presented himselfe vs[nto] the Emperour, and demaun[ded] of him the promised reward: which Augustus caused to be paid vs[nto] him, and so receu[ed] him into his fa[vour, to the intent that men should not thinke, that hee would take from him his life, to deceu[se] him of the reward promised; or yet vio[late] the publique faith and securitie with him, who of himselfe offered himselfe vs[nto] the triall of justice: albeit hee might have justly proceeded against the fellow, and so have executed him. But he that should vse such common right towards pirates & robbers, as is to be vs[nd] against just enemies, [Note: Pirates and rob bers are not to have the favoure of lust enemies. ] should open a dangerous gap to all vagabonds, to ioyne themselves vs[nto] robbers and theeeues; and assure their capital actions and confederacie, vnder the valie of justice. Not for that it is impossible to make a good Prince of a robber, or a good King of a rouer: yea, such a pirat ther hath bene, who hath better deserued to be called a King, than many of them which have carried the regall scepters and diadems, who have no true or probable excuse of the robberies and cruelties which they cause their subjects to endure. As Demetrius the pirat by way of reproach said to Alexander the great, [Note: The notable an]swere of Deme]trius [...]pirat, vs[nto] Alexander the great. ] That he had learned of his father no other occupation than piracie, neither from him receu[ed] any other inheritance than two small frigots- whereas he which blam'd him of piracie, roamed about neuertheless, and with two great armes robbed the world without controllment, albeit that he had left him by his father the great and flourishing kigdom of Macedon. Which frank speech so moved Alexander, not to the reueng of the lust reproach giuen him, but vs[nto] commiseration, with a certaine remorse of conscience: in so much that he pardoned Demetrius, & made him general ouer one of his legions. And not to go further for examples, in our age Solyma the great Sultane of the Turks, with great rewards allured vs[nto] him Haridenus Aenobarbus, Dragut Reis, & Occhial, three of the most famous pirats of our memory; whom he made his Admirals, and great commandours at Sea; by his strength to confirm his owne power, and to keepe vnder the other pirats, then roaming all about the seas, and so to assure his trafficque. [Note: How arch pirats may in some sort be favoured. ] Truely by such allurements to draw arch pirats into good order, is, and shall be al]waies commendable; not onely to the end, not to make such people through dispaire 3 to invade the State of other princes, but also by their meanes to ruinate and bring to naught other pirats, as enemies to mankind: who although they seeme to live in neuer so much amitie and friendship together, and with great equalitie to divide the spoile, (as it is reported of Bargulus and Vitriatus, the arch pirats) yet for al that they ought not to be of right called societies and amitie, or partnerships; but conspiracies, robberies, & pillages: neither is that their equal parting of the spoile, to be tamed a lawful diuision, but a meere robberie; for that the principall point wherein consisteth the true marke and cognisance of amitie in them wanteth, that is to wit, right government, according to the lawes of nature. And that is it, for which the auncient writers have called Common weals, Societies of men assembled to live well and happily together. Which as it may serue for a description of a Citie, so can it not stand
for a true definition [Note: The auncient definition of a Commonweal] [...] defective.] of a Commonweale, as
having in the one part thereof too much, and in the other too little: three principal things especially to bee
required in every Commonworth, wanting in this description, that is to say, the family, the soueraigntyt, and
those things which are common to a Citie, or commonweale: joyning hereunto also, that this word, Happily, as
they understand it, is not necessarie: for otherwise vertue should have no prize, if the favouurable wind of
prosperitie still blew not in the poore thereof, which a good man will never consent vnto. For a Commonweale may
be right well governed, and yet nevertheless afflicted with pouertie, forsaken of friends, besieged by enemies,
and overwhelmed with many calamities: vnto which estate Cicero himselfe confesseth him to have seene the
Commonweale of Marseils in Province to haue fallen, at such time as it was by Caius Caesar triumphed vpon:
which he saith to haue bene the best ordered and most accomplished that euer was in the world, without
except[ion]. And so contrariwise it should come to passe, that a Citie, or Commonweale, fruitfull by situation,
abounding in riches, flourishing, and well stored with people, requered of friends, feared of enemies, incuincible
in arms, strong in fortification, proud in buildings, triumphant in glorie, should therefore be rightly governed,
albeit, that it were surcharged with all villanies, and grounded in all manner of vices. And yet neuertheless most
certaine it is, that vertue hath not a more captall enemie, than such a perpetual successse as they cal most
happy; which to joine together with honesty, is no lesse difficulttie, than to combine things by nature most
contrarie. Wherefore sith that we may without reproach want other things; as also without praise abound therein:
but that vertues we cannot without great imputation want; or be with vices polluted with our infamies: it must
needs follow, that those things which are thought to make the life of man more blessed, that is to say, riches,
wealth, large territories and possessions, not to be of necessitie required vnto well ordered Cities, and
commonweals: so that he which will looke further into the matter, must as little as hee may decline from the best
or most perfect state of a Commonweale. For as much as by the goodness of the end we measure the worth and
excellence, as of all Cities and Commonweals, as of all other things: so that by how much the end of every Citie,
or Commonweale is better or more heauen-like, so much is it to be esteemed worthily to excell the rest. Yet is it not
our intent or purpose to figure out the onely imaginary forme and Idea of a Commonweale, without effect, or
substance, as haue Plato, and Sir Thomas More [Note: [...]] Chauncelor of England, vainely imagined: but so
neere as we possibly can precisely to follow the best lawes and rules of the most flourishing cities and
Commonweals. In which doing, a man is not bee justly blamed, although bee fully attaine not vnto the end bee
aimeth at, no more than the good Pilot, by force of tempest driuen out of his course; or the skillfull Physitian
overcome with the force of the maladie, are the lesse esteemed: provided, that the one hath yet in the cure well 4
governed his sicke patient; and the other in his course, his ship.

Now if the greatest felicitie and happinesse of one citisen, and of a whole Citie, [Note: The chief felicite of one citise- & of a Citie or commonweale all one; and wherein it consisteth.] be all one and the selfe same, and
the chiefe good of both consisteth in those vertues which are proper vnto the mind, and are onely consuernant in
contemplation (as they which in wisedome are said to haue faerre excelled the rest, haue with great agreement
affirmed) it must needs follow also, those citizens and people to enjoy true felicitie, which exercising themselues in
the sweet knowledge of things naturall, humane, and divine, referre all the fruits of their contemplation vnto the
almightie God, and great Prince of nature. If we then confesse this to be the principall end of the most blessed and
happy life of every one in particular, we conclude, that this is the felicitie and end also of a Commonweale. But for
as much as men of affaires, and Princes, are not in this point agreed, every man measuring his good by the foot of
his pleasures and contentments; and that those which have had the same opinion of the chief felicitie of a man
in particular, have not alwaies agreed, That a good man and a good citisen are not all one; neither that the
felicitie of one man, and of a whole Common weale are both alike: this hath made that we haue alwaies had
varietie of lawes, customs, and decrees, according to the diuers humors and passions of Princes and governours.
Most men thinking the life of man to be but base, if his endeouours should bee onely directed vnto necessitie, and
not also vnto pleasure, and ornament: they would (I say) account it a miserable thing to dwell in poor cages
cowered with turfe, or in strait cabins and lodges to shrowd themselves from the injury of the weather. But for as
much as the wise man is in a sort of order good, and of right and wrong, of truth and falshood: or as it were an inflexible
rule: and they which are thought to excell all others in justice and wisdom, with one consent affirm the chief
good of every one in particular, and of all in common, to be but one, and the same; we also putting no difference
betwixt a good man, and a good citisen, measure the chief felicitie and happinesse of every particular man, and
of all men in general, by that most beautifull and sweet contemplation of high matters, which we before spoke
of. Albiet that Aristotle sometimes following [Note: Aristotle blamed the vulgar opinion, seemeth doubtfull
in setting downe the chief good thing, and not well to agree in opinion with himselfe; as thinking it necessarie vnto
vertuous actions to ioyn also wealth and power: yet when he reasoneth more subtly thereof, placing the chief
good and felicitie of man, in Contemplation. Which seemeth to have givun occasion vnto Marcus Varro to say, That
the felicitie of man consisteth in a mixture of action and contemplation together: whereof this may seeme to haue
bene the reason. For that as of one simple thing, the felicitie is simple; so of things double or compound, the
felicitie is also double and compound. For the goodnesse of the body consisteth in the health, strength, agilitye,
comlinesse, and beautie thereof: but the goodnesse of the mind, that is to say, of that facultie or power which is
some lesse, according to the divers ends they have in their government aimed at.

The Lacedemonians are reported to have alwayes bene valiant and courageous [Note: Plato, Plutarch in the lives of Lycon|der, Agesilaus, and Lycurgus.] men; but in the rest of their actions inust and perfidious, if question once were of the common good: for that their education, their laws, customs, and manners, had no other scope or end than to make their people courageous to undertake all dangers, and painful to endure all manner of labour and toyle; contemning all such pleasures and delights, as commonly effeminate the minds of men, and weaken their strength, refering all their thoughts & deeds, to the encreasing of their state. But the Romane com|monweale having flourished in justice, farre passed the Lacedemonians; for that the Romans, besides that they were passing courageous, had propounded also vnto them|selves [Note: Dionys. Halley. i. pri. ] true justice, whereunto, as to a marke they addressed all their actions. Wherefore we must so much as in vs lyeth endeavour our selues to find the meaines to attaine or at least wise to come so neere as we possibly can, vnto that felicite wee have before spoken of, to that definition of a Commonweale by vs before set downe. Wherefore prosecuting every part of the said definition, let vs first speake of a Familie.

**CHAP. II. ¶ Of a Familie, and what difference there is betweene a Familie and a Commonweale.**

A Familie is the right government of many subjects or persons [Note: The definition of a familie. ] vnder the obedience of one and the same head of the family; and of such things as are vnto them proper. The second part of the definition of a Commonweale by vs set downe, concerneth a Familie, which is the true seminarie and beginning of every Commonweale, as also a principall member thereof. So that Aristotle following Xenophon, seemeth to me without any probable cause, to have dividied the Geonomical government from the Politicall, and a Civitie from a Familie: which can no other wise be done, than if wee should separate from the bodie; or go about to build a Civitie without houses. Or by the same reason he should have set downe by it selfe a treatise of Colleges, and Corporations; which being neither families nor cities, are yet parts of a Commonweale. Whereas we see the Lawyers, and law makers (whome we ought as guides to follow in reasoning of a Commonweale) to have in the same treatise comprehended the laws and ordinances of a commonweale, corporations, colleges, and families; howbeit that they haue otherwise taken the Geonomical government than did Aristotle; who defendeth it to be a knowledge for the getting of goods: a thing common vnto corporat|ions and Colleges, as vnto Cities also. Whereas we vnder the name of a Familie, do comprehend the right government of an house or familie; as also the power and authoritie the master of the house hath over his people, and the obedience to him due: things not touched in the treatise of Aristotle and Xenophon. Wherefore as a familie well and wisely ordered, is the true image of a Civitie, and the domestical government, [Note: The good government of a familie the true modell for the government of a Common weale. ] in sort like vnto the soueraigne in a Commonweale: so also is the manner of the government of an house or familie, the true modell for the government of a Commonweale. And as while every particular member of the bodie doth his duty, wee live in good and perfect health; so also where every family is kept in order, the whole civitie shall be well and peaceably governed. But if a man shall be crosse and froward vnto his wife, if the wife shall be about to take vpon her the office of her husband, and not shew her selfe obedient vnto him; if both of them shall account of their children as of servants, and of their servants as of beasts, and so tyrannise over them; if children shall refuse the commands of their parents, and the servants of their maisters: who seeth not no concord to be in that house, no agreement of minds and wils, but all full of strife, brawling and contention? Seeing therefore the way to order well a civitie, laaneth & resteth in the good government of families, as it were vpon certain proper foundations: 9 it behooueth vs first to have an especiall regard and care for the good ordering and government of families.

Wee saide a Commonweale to bee a lawfull government of many families, and of such things as vnto them in common belongeth, with a puissant soueraignty. By the word, Many, you may not in this case understand two, as for most part we do; for seeing that the law requireth at the least three persons to make a College, we according to the Lawyers opinion account three persons also, besides the maister of the house, ne|cessary to make a familie; be they children, or slaves, or men enfranchised, or free borne men which have voluntarily submitted themselves vnto the maister of the house or familie, who maketh up the fourth, and is yet neuertheless a member of the family. But for as much as [...]|families, Colleges, Companies, Civitie, and Commonweales, yea, and mankind it selfe would perish and come to end, were it not by mariages (as by certain Seminaries, or nurseries) preserved and continued, it followeth well that a familie can not be in all points perfect and accomplished without a wife. So that by this account [Note: No perfect familie without a wife. ] it commeth to passe, there must be five persons at
least to make vp an whole and en|tire familie. If therefore there must needs bee three persons, and no fewer, to make a [Note: How many per|sons be requisite to make vp an whole and entire familie, and how many families make a Citie.] College, and as many to make a familie, beside the master of the household and his wife; vee for the same reason saie three families and no fewer to bee necessarie for the making of a Citie, or Commonweale, which should be three times fice, for three per|fect families. Whereupon (in mine opinion) the ancients writers have called fifetene a people, as saith Appuleius, referring the number of fifetene vsnte three entire families. For albeit that the master of the familie have three hundred wises, as had Salomon King of the Hebrews; and sixe hundred children, as had Hermotimus king of the [Note: Justin. lib. 4.] Parthians by his multitude of wises; or five hundred slaves, as had Crassus; if they bee all vnder the commanda of one and the same head of the familie, they are neither to be called a people nor a citie, but by the name of a family onely: Yea although hee have many children, or servants married, hauing themselves children also; provided all|wales, that they be vnder the authoritie of one head, whome the law calleth father of the family, although he yet cri in his cradle. And for this cause the Hebrews, who al|ways show the propriete of things by their names, haue called a family [...] not for that a family containeth a thousand persons, as saith one Rabbin, but of the word [...] which signifieth a head, a Prince, or Lord, naming the familie by the chief thereof: better as I suppose than did the Greeks, of [...] or the Latines of Famulis. But what should let (may some man say) three Colleges, or many other particular assemblies without a familie to make a Citie, or Co~mon weale, if they be governed by one soareigna com|munda? Truly it maketh a good show, and yet for all that it is no Commonweale: for that for Colledge, nor bodie politike can long stand without a familie, but must of it selfe perish and come to nought.

Now the law saith, that the people neuer dieth, but a thousand yeare hence to be the same that it was before—although the use and profit of any thing granted vsnte a com|mon weale be after an hundred yeare extinguished, and againe reunited vsnte the pro|priete, which proprietie should otherwise be vsnte the Lord thereof vaine and vprofit|table: for it is to be presumed, that all they which now liue wil in the course of an hund|red yeares be dead, albeit that by successivie propagation they be immortal; no other|wise than Theseus his ship, which although it were an hundred times changed, by put|ting in of new plancks, yet still retained the old name. But as a ship, if the keele which strongly beareth vp the prow, the pou, the ribs, and tacklings be taken away, is no longer a ship, but an euil favoured houp of wood: euen so a Commonweale without a soareinintie of power, which vniteth in one body all the members and families of the 10 same is no more a common weale, neither can by any meanes long endure. And not [Note: It is not the greatness of the number that make|th the Common~weale, but the vnion of the people vnder one soareigna command.] to depart from our similitude: as a ship may be quite broken vp, or altogether consumed with fire; so may also the people be into divers places dispersed, or els be utterly destroyed, the Citie or state yet standing whole; for it is neither the walls, neither the persons, that maketh the citie, but the vnion of the people vnder the same soareignitie of government, albeit that there be in all but three families. For as an Emot is as well to be called a liuing creature, as an Elephant: so the lawfull government of three famil|lies, with a soareignitie of power maketh as well a common weale, as a great signoriore. So Rhaque one of the least signoriore in all Europe, is no lesse a common weale, than are those of the Turkes, the Tartars, or Spanyers, whose Empires are bounded with the same bounds that the course of the Sun is. And as a little familie shut vp in a small cottage, is no lesse to be accounted a familie, than that which dwelleth in the greatest and richest house in the citie: so a little king is as well a Souereigne as the greatest Mon|arch in the world. So Vlisses, whose kingdome was contained within the rock of Ithaca, is of Homer as well called a King, as Agamenmon: for a great kingdome (as saith Cassiodorus) is no other thing than a great Commonweale, vnder the government of one chief soareigna: wherefoere if of three families, one of the chiefes of the families hath souereign power over the other two, or of them together over the third, or all three ioyntly and at once exercise power and autoritie over the people of the three families; it shall as well be called a Commonweale, as if in it it selfe comprehend|ed an infinite multitude of citizens. And by this meanes it may chaunce, that one fa|milie [Note: Sometimes one|familie may be greater than some Common weale.] may sometimes be greater and better peopled then a common weale: as was wel said of the familie of Aemilius Tubero, who was head of a family of sixtene of his owne children, all maried, whom he had all vnder his power, together with their children and servants, dwelling in the same house with him. And on the contrary part, the gree|test [Note: Plut. in Emili. The greatest & best peopled citie is no more a com|mon weale than the least.] Citie or Monarchie, and the best peopled that is vpon the face of the earth, is no more a common weale or citie, than the least. Albeit that Aristotle saith, the citie of Babylon (whose circuit in a square forme was so great, that it could scarce on foot bee gone about in three dayes) was to bee called rather a nation, than a common weale, which ought not, as he saith, to have more than ten thousand citizens in it at the most: as if it were any absurditie to call an infinite number of nations, and dwelling in divers pieces, governed by one souereigna command, by the name of a Commonweale. By which means the citie of Rome (more famous then which was never any) should not [Note: The multitude of people no bin|derance to the vnitie of a com|mon weale: so that they be vn|der one sou|raigne comma|d.] deserve the name of a Commonweale, which at the foundation thereof had not aboue 3000 citizens; but in the time of Tiberius the Emperor, had ceased in it fifeteene millions, besides an hundred and ten thousand others dispersed almost throughout the world: not accounting the slaves, the number of whom was ten times greater: and yet in this
number were not comprised they of the Prouinces subject vnto the Empire of Rome, neither the confederat cities, or free nations, who had their Commonweals in soueraignetie diuided from the Roman Empire. Which soueraignetie of government is the true foundation and hinge whereupon the state of a citie turneth: whereof all the magistrates, laws, and ordinances dependeth: and by whose force and power, all colleges, corporations, families, and citizens are brought as it were into one perfect body of a Commonweale: albeit that all the subjects thereof be enclosed in one little towne, or in some strait territory, as the commonweale of Switcz, one of the least of the confeederat Cantons of Suizers; not so large as many farms of this [Note: Franse.] kingdom, nor of greater revenue: or els that the Commonweale have many large prouinces and countries, as [Note: Ester. cap. 1.] had the Persians, which [Note: Herodotus, [...].] in Ar[ta[...].] is reported to have had an hundred twentie seuen prouinces from the vtttermost part of India, vnto the sea of Hellespontus: or as is now also the 11 commonweale of the Aethiopians, wherein are fiftie prouinces, which Pau. Iulius without reason calleth kingdoms; albeit that they have not but one king, one king|dome, one Monarch, one Commonweale, vnder the puissant soueraignetie of one and the same Prince whom they call Negus.

But beside that soueraignetie of government thus by vs set downe, as the strong foundation of the whole Commonweale; many other things besides are of citizens to be had in common among themselves, as their markets, their churches, their walls, [Note: Many thing[...]] common vnto citizens among themselves.] wayes, lawes, decrees, judgments, voyces, customs, theaters, wels, publick buildings, common pastures, lands, and treasure; and in briefe, rewards, punishments, sutes, and contracts: all which I say are common vnto all the citizens together, or by vse and profit: or pubick for every man to vse, or both together. That is also a great com|munitie which ariseth of colleges and corporations of companies, as also of benefits both giuen and receiued. For otherwise a Commonweale cannot be so much as ima|gined, [Note: No common]vaale where no[thing is common] which hath in it nothing at all publick or common. Although it may so be, that the greatest part of their lands be common vnto the citizens in generall, and the least part vnto every one of them in particular: as by the law of Romulus, called Agraria, all the lands of Rome, at that time containing eighteene thousand acres, was diuided * in[to [Note: Dionisius H[...].]ly carnasseus lib. 2.] three equall parts, whereof the first part was assigned for the maintaining of the sacrifices; the second for the defraying of the necessarie charges of the common weale; and the third was equally diuided among the citizens; who being in number but three thousand, had to euerie one of them allotted two acres: which equal partage long time after continued with great indifferencie, for Cincinnatus the Dictator himselfe 260 yeres after had no more but two acres of land, which hee with his owne hands husbanded. But howsoever lands may be diuided, it cannot possibly bee, that all things should bee common amongst citizens; which vnto Plato seemed so notable a thing, and so much [Note: Plato his opinion for the com|munitie of all things in a com|monewaale, refuted.] to be wished for, as that in his Commonweale he would haue all mens wives and children common also: for so he deemed it would come to passe that these two words, Mine and Thine, should never more be heard amongst his citizens, being in his opinion the cause of all the discord and euils in a Commonweale. But he understood not that by making all things thus common, a Commonweale must needs perish: for no|thing can be publike, where nothing is priuie: neither can it be imagined there to bee any thing had in common, if there be nothing to be kept in particular; no more than if all the citizens were kings, they should at al haue no king; neither any harmonie, if the diversitie and dissimilitude of voyces cunningly mixed together, which maketh the sweet harmony, were al brought vnto one and the same tune. Albeit that such a Com|monewaale should be also against the law of God and nature, which detest not onely incests, adulteries, and iniquel murders, if all women should bee common; but also expressly forbids vs to steale, or so much as to desire any thing that another mans is. Whereby it evidently appeareth this opinion for the communitie of all things to bee erroneous, seeing Commonweals to haue bene to that end founded and appointed by God, to glue vnto them that which is common; and vnto every man in priuat, that which vnto him in priuat belongeth. Besides that also such a communitie of al things is impossible, and incompassible with the right of families: for if in the familie and the citie, that which is proper, and that which is common, that which is publick, and that which is priuat, be confounded; we shall haue neither familie nor yet Commonweale. In so much that Plato himselfe (in all other things most excellent) after he had seen the notable inconveniences & absurdities which such a confused communitie of all things drew after it, wisely of himselfe departed from that so absurd an opinion, and easily suffered that Commonweale which he had attributed vnto Socrates to be abolished; that 12 so he might more moderately defend his owne. But some will say, that the Massagets had all things in common: yet they which so say, confesse also every one of them to haue had his pot, his sword vnto himselfe, as also must they needs have their priuat apparell and garments also; for otherwise the weaker should bee still spoiled of the stronger, hauing his garments still taken from him.

Wherefore as a Commonweale is a lawfull gouvemement of many families, and of those things which vnto them in common belongeth, with a puissant soueraignetie: so is a Familie the right government of many subiects or persons, and of such things as are vnto them proper, vnder the rule and command of one and the same head of the familie. For in that especially consisteth the difference betwixt a Commonweale and a Familie: [Note: The chief difference betwixt a Familie and a Commonweale.] for that the maister of a familie hath the government of
domestickall things, and so of his whole familie with that which is vnto it proper; albeit that every house or familie be bound to give something vnto the Commonweale, whether it be by the name of a subside, taxe, tribute, or other extraordinarie imposition. And it may bee that all the subjectes of a Commonweale may live together in common, in manner of Colledge, colleges, or companies, as did in ancienct time the Lacedemonians, where the men apart from their wifes and families, used to eat and sleep together by seymerne and twentie in a company: As also in anctient time in Creet, all the citizens of all sorts men and woemen, young and old, rich and poore, alwaies eat and dranke together; and yet for all that, euere man had his owne proper goods apart, euery one of them still contribu[ting] what was thought expedient for the defraying of the common charge. Which thing the Anabaptists in our time began to practise in the towne of Munster, hauing commannded all things to be [Note: Sleidan.] common, excepting their wifes (of whom they might have many) and their apparel, thinking thereby the better to mainteine mutuall loue and concord among them: in which their account they found themselves farre deceiued. For they which admit this communite of all things, are so farre from this good agreement of citizens among themselves, which they hope thus to maintaine, as that thereby the mutuall loue betwixt man and wife, the tender care of parents towards their children, and their dutifullnesse agaime towards them, and in briefe the mutuall loue of neighbours and kinsmen among themselves, is quite extinguished; all the kind bond of blood and kindred (than which none stronger can be imagined for the friend[ship] and good agreement of citizens) being by this meanes taken away. For that which thou shouldest dearely loue must be thine owne, and that also all thine: whereas com[m]unitie is of the Lawyers justly called of it selfe, the mother of contention and discord. Neither are they lesse deceived, which think greater care to bee had of things that bee common, than of things that be priuata: for wee ordinarily see things in common and publick to be of every man smally regarded and neglected, except it be to draw some [Note: Things common smaily regarded ] priuata and particular profit thereout of. Besides that, the nature of loue and friendship is such, that the more common it is, or vnto moe diuided, the lesse force it is of: not vnlike to great rivers, which carry great vessels, but being diuided into small branches, serueth neither so keep back the enemy, neither for burthen: in which maner loue al[so diuided vnto many persons or things, looseth his force and vertue. So the lawfull and certaine government of a familie, diuideth every priuata mans wifes and children, seruants and goods, from all other mens families; as also that which is vnto every particular man proper, from that which is to them all common in generall, that is to say, from a Commonweale. And withall in every well governed Commonweale we see the publick magistrat to have a certaine especiall care and regard of the priuata goods of orphans, of mad men, and of the prodigall: for that it concerneth the Commonweale to have their goods preserved vnto them to whome they belong, and that they be not 13 embsedled. As in like case the lawes oftentimes forbiddeth a man to procure, to alle[nat], or to pawne his own goods or things, except vpon certaine conditions, as also vnto certaine persons for that the preseration of euery priuata mans goods in particular, is the preseration of the Commonweale in generall. And yet neuerthelesse although [Note: Particular famil[ies may have also their particular lawes: and how. ] lawes be common to al, it is not inconuenient, but that families may have their certaine particular statutes for themselves and their successors, made by the auintent heads of their families, and confirmed vnto them by their soueraigne Princes. As we have example in the most honourable nation of the Saxons, amongst whome are many famil[ies, which vse certaine their owne priuata lawes, quite differing both from the lawes of the Empire, and from the common lawes and customs of Saxonie. And betwixt the dukes of Bauaria, and the Counties Palatines there are also their particular lawes, as well for the lawfull succession in the inheritance of their houses, as in the right of the Electorship, which is in these two honourable houses, alternative, by the auintent decrewes of their predecessors: which lawes & customs the duke of Bauaria, with great instance required to have renewed at the diet of the Empire at Auspurge, in the yere 1555 which is not so in the other families of the Electors. Betwixt the houses also of Saxo[nie] and Hess, are their domesticall and proper lawes [Note: Anno 1370. and 1431. ] confirmed vnto them by the Emperor Charles the fourth, and Sigismund. In like maner it was decreed betwixt the houses of Austria, and Bohemia, that for lack of heirs male, the one of them should succeed into the inheritance of the other, as we see it is now come to passe. And not to go further than this [Note: Fraunce. ] Realme, I have seene a charter of the house of Lautal granted by the King, and confirmed by the Parliament of Paris, directly contrarie to the customs of Anlou, Britagne, and Mayne, wherein the most part of their inheritance lie: by which Charter the first inheritor (able to succeed) is to enjoy all, being not bound to give any thing vnto his coheirs, more than the mueawables; with charge, that the heire male shall beare the name of Guy de Lautal; or of Guionne, if she bee an inheritrax, and the armes plaine. In like maner in the houses of Bueme, Albret, and Rhodex, the daught[ers by the auintent lawes of their auncestors, were excluded both in direct and collateral line from inheriting, so long as there were any males in what degree souer; der]uing as it were into their families, the law Salique, usual vnto the Princes of Saouy. Such lawes of families, which the Latines had also, and called them tus familiare, were made by their auncestors and chiefes of their families, for the mutuall preservacion of their inheritance, name, and auintent armes; which may in some sort well be suffered in some great and honourable families: which priuata lawes and customs by vs thus spoken of, have oftentimes preserved from destruction, not onely families, but whole common weales; which was the cause that in the diet at Auspurge in the yere 1555, the Princes [Note: The great benefic which often times commeth vnto a Commonweale, by certain priuata lawes and customs granted vnto some great and honourable houses &
famil[i]es. ] of the Empire after long duill warre, wisely renewed the auentl lawes of great houses and families, as hauing well percepted that by that meane the Empire was to be prefer[u]ed from ruine, and the state of Almaine from a generall destruction. Which for all that, is not to take place in other obscure and particular base families, to the intent that the publick lawes, so much as is possible, should be vnto all men common and the selfe same. For it is not without great cause to bee suffered, that the lawes of priuet families should derogat from the customes of the countrey, and so, much lesse from the generall lawes and ordinances. Neither are they which come after, by this law of families by their grand-fathers, & great grand-fathers made, contrarie to the common customs and lawes, further bound than they themselues shall thereunto give their consent. For which cause the successors of the house of Albret, of Lual, and of Montmorency ob|tainde deerees from the Parliament of Paris, contrarie to the auentl charters of their predecessors; for that they were contrary vnto the customes of those places, when 14 question was of the successions of Lual, of the Countie of Dreux, and of Montmo|reny, which they would make indelible, contrarie to the custom of the Viscomptie of Paris: For it beseemeth that the customes of families should bee subject vnto the lawes, in like manner as the heads of families are subject vnto their soueraigne Princes. Much lesse are the lawes of families and kindreds, allowed by the decrees of the Ro|mans, to be be suffered, least for the priuat the publick should be neglected: as Camil[lus] complained with Liiue, [Note: Liiue lib. 5 ] What (saith he) if the sacred rites of families may not in time of warre be intermittend, pleaseth it you that the publick sacrifices and Roman gods should euen in time of peace be forsaken? For it was a law of the twelve tables conceivd in these words, Sacred priuats Rites, firme be they for euer: which M. Tulliius translated into his lawes. And thus much in generall, concerning the similitude and difference of a Common weale and Familic: now let us discourse also of the sin|gular parts of a Familic.

**CHAP. III.** ¶ Of the power of an Husband over his Wife, as also of the mutuall duties betwixt them: and whether it be expedient to renew the law of diuorcement or not.

ALL assemblies of men lawfully lowned together, whether they be Familic, Colledges, Vniuersities, or Commonweale, are kept together and preserued by the mutuall duties of comman|ding and obeying: for as much as that libertie which nature hath given vnto every one to liue at his owne pleasure, bound within no lawes, is yet subject vnto the rule and power of some other. All which power to command over others, is either [Note: The division of power and com|mand.] publick or priuat: The power publick, is either free from law, as is theirs which hold the chiefest place of soueraignetie; or els restrained by law, as is the power of the Ma|jistrates, who although they command over priuat men, are yet themselues subject vnto the commandes and laws of others their superiors. The power priuat, consi|steth either in the heads of families, or in corporations, or colledges, where all by a ge|nerall consent, or the greater part, commandeth over the rest. But the domesticall [Note: Domesticall power of foure sorts. ] power is of foure sorts: viz. The power of the Husband over his Wife, the power of the Father over his childer, the power of the Lord over his slaves, and the power of the head of a Familic over his mercerian servants. And for as much as the right and lawfull gouveement of euerie Commonweale, Corporation, Colledge, Societie, and Familic dependeth of the due knowledge of comman|ding and obeying; let vs now speake of euery part of comman|ding in such order as is by vs before set downe. For naturall libertie is such, as for a man next vnto God not to be subject to any man liuing, neither to suffer the comman|d of any other than of himselfe; that is to say, of Reason, which is alwaies confor|mable vnto the will of God. This natural comman|dement [Note: The first & greatest comman|d is the command of Reason ouer our affections, & so ouer our selves. ] of Reason ouer our affections and desires, is the first, the greatest and most antient that is: for before that one can well comman|d over others, hee must first learn to com|mand himselfe, giving vnto Reason the soueraignetie of comman|d; and vnto his affections obedience: so shall it come to passe that euerie one shall haue that which of right vnto him belongeth, which is the first and fairest lustice that is; and that where of the common Hebrew prouerb grew, That euerie mans charite should first begin of himselfe: which is no other thing than to keepe our affections obedient vnto Reason. This is the first law of naturall comman|d, which God by his expresse comman|dement [Note: Gen. cap. 2. ] established, as we see in the speech which God had both vnto her that was the 15 first [Note: Gen. cap. 3. ] mother of vs all; as also against him who first defiled himself with his brothers bloud [Note: Gen. cap. 4 ]. For that command which he had before gaven the Husband and his Wife, is two wayes to be vnderstood; first literally for the power the Husband hath ouer his Wife, and then morally for the comman|d the soule hath ouer the bodie, and reason ouer affec|tion. For that reasonable part of vnderstanding, is in man as the Husband; and Affection, as the Woman: For before God had created Eva, it was said of Adan, Male and female created he them [Note: Gen. cap. 1. ]. Wherefore the woman in holy writ is oftentimes taken for
not kill, although it be in a sort to kill them, to refuse to nourish them (as saith S. Ambrose.) These reasons beare some show of truth. [Note: The same reasons answered.] For as concerning debtors, if they be not able to pay, God his law commandeth them to be adjudged to their creditors for seuen yeares, but yet not into perpetuall bondage: howbeit the law of the twelue tables, pracitised in all the West Indies, and in the greatest part of Africke, will that they remaine still prisoners vnto the creditors, vntill they be fully satisfied. For they which have taken away from debtors in ciuial cases the benefit, to leasue vnto their creditors all such goods as they had, and command them to be committed not to their creditors, but to prisones, as the Turkes do; seeme to mee to take away not onely from the creditors, but also from the debtors, all power to keepe themselves, yea and their liues also, as taking from them the meane for them to trauell, and to gaine to acquite themselves. But as for theevenes and pirats, there was never in any time moe than when the multitude of slaues was encreasen: For that the slave not able to endure slaueerie, and at length breaking from his maister, was alwaies constrained to be a theefe or a pirat, not being able to endure his maister, neither to show himself being marked, nor to live hauing nothing to live upon. A better example whereof can not be than that of Spartacus the fensor, who at one time assembled out of the verie bowels of Italie three score thousand slaues; when as at the same time aboue foure thousand pirats with nine hundred saile of ships were rouing over all the Mediterannean, and had with so great forces taken 400 cities vpon the sea coast; as that the Roman Empire was both by land and sea as it were beset with theevenes and robbers but. The wise law gluer is not hee that driueth robbers out of the Commonwealth, but he that suffereth them not therein to enter: which may easily bee done without that direfull slaueerie, so dreadfull vnto states and cities; by erecting in euery towne and citeie 46 publick houses for poor children, where they may learne divers trades and occupations, as they do [... ] Paris, hio[ [...]s, and Venice, and other well govern'd towns, where Seminaries of Artiz[ [...] are brought vnto the great benefit of the Commonwealth. But in such places as wherein slaues are now alreadie receiv'd, I am not of opinion to have them altogether and [... ]one time set at libertie, as Charles the Emperor did at Peru: for that so they hauing nothing to live vpon, nor occupation to gaine by, and delightsd with the sweetnesse of idlenesse and libertie, would take no paines: in such sort that the most part of them died for hunger: but the best way is, by little and little to enfranchise them, hauing before their enfranchisement taught them some occupation whereby to relieue themeselues. Now if some shall say, That no man is a good master, but he that hath before bene a good servant: I say that to be an opinion euill [Note: The old saying, That no man can be a good master, but he which hath bene a good [...], refued. ] grounded, although it be right auctient: for there is nothing that doth more discourage and overthrow, (and if I may so say) a bastardise a good and noble mind, than servitude; or that doth more abate the naturall majestie of good natures to command over others, than to haue bene once a slave. Salomon also the maister of wisdome saith in his Prouerbs, That there is nothing more intollerable, than when a slave is become a maister, or a handmaid a mistresse: which he referreth not only vnto a more misticall sence; as when our interemerat desires beare rule ouer our reason: but vnto him also which so daily passeth from one extremitie to another; as from servitude to com[ ]maund. But if it be true that reason and the law of God is alwaies and euerie where to take place, and that it was not shut vp only within the bounds of Palestine: why should not that law so profitably & so wisely made by God himselfe, concerning slaueerie & libertie, stand in force, rather than that which was by mans wisdome devised? Howbeit that the Tartars (which are by many thought to bee descended from the ten tribes of Israel) haue alwaies enfranchised their slaues at the end of seuen yeares: yet with condition that they should depart out of their country: which condition was first by Pepinian (the great lawyer) reected, but afterwards by him againe receiv'd; but being joyned vnto enfranchisements; is accounted as if it were not written at all. And thus much concerning the power of a maister ouer his slave, and whether slaues are to be suffered in a well ordered Commonweal. But now that we haue sufficiently, & yet also as briefly as was vnto vs possible, entertreated of a Familie, & of all the parts thereof, which is the foundatation of the whole co-monweale; let vs now likewise also speak of a Citisen & a City.

CHAP. VI. ¶ What a Citisen is, and how much Citizens differ from Citizens, and how much from strangers: what also is to be understood by the name of a Towne, a Citie, and of a Com[ ]monweale.

What we haue before said concerning a whole Familie, and everye part thereof, containeth in it the beginning of all Commonweals. And as foundations can of themselues stand without the forme of an house, before the walls be built higher, or any rofe laid vpon them: so also a Familie can of it selfe bee without a Citie or a Commonweale: and so can also the maister of a Familie use his power and command over his houshold with out depending of the power of any other man: as they say there are many such families in the frontiers of the kingdomes of Fes and of
Marocco, and in the West Indies: but a Commonwale can no more be without a Famili, than a Citie without houses, or an house without a foundation. Now when the maister of the Famili goeth out of his owne house where he commandeth, to entreat and Traffike with other heads 47 of Families, of that concerneth them all in generall, he then loseth the title of maister, head, and lord, to be a companion, equall and fellow like with others, leaving his familiie to enter into a Citie, and his domesticall aires to entreat of publick; and in stead of a lord calleth himself a Citisen, which is no other in proper terme than A free [Note: The definition of a Citisen. ] subiect holding of the soveraigntie of another man. For before there was either Citie or citisen, or any forme of a Commonweale amongst men, euerie master of a familiie was a maister in his owne house, havings power of life and death over his wife and children: but after that force, violence, ambition, courteousnesse, and desire of reuenge had armed one against another, the issues of warres and combats gluing victorie vnto the one side, made the other to become vnto them slauxes: and amongst them that overcame, he that was chosen cheefe and captaine, vnder whose conduct and leading they had obtained the victorie, kept them also in his power and command as his faithfull and obedient subjects, and the other as his slauxes. Then that full and entire libertie by nature giuen to every man, to live as himselfe best pleased, was altogether taken from the vanquished, and in the vanquishers themselues in some measure also diminished, in regard of the conquerour; for that now it concerned euerie man in priuat to yeild his obedience vnto his chief souveraigne; and he that would not abate any thing of his libertie, to live vnder the lawes and commandement of another, lost all. So the word of Lord and Servant, of Prince and Subiect, before vnknowne vnto the world, were first brought vnto vse. Yea Reason, and the varie light of nature, leadeth vs to beleue very [Note: That violence and oppreッション gave the begin[ning vnto Com[monweals. ] force and violence to haue gouen course and beginning vnto Commonweals. And all belte that there were no reason therefore, it shall be hereafter declared by the vnndoubted testimonies of the most credible historiographers, that is to say, of Thucydides, Plutarch, Caesar, & also by the laws of Solon, That the first men that bare rule, had no greater honour and vertue, than to kill, massacre and rob men, or to bring them in slauerie. These be the words of Plutarch. Yet haue we more also the witnesse of the sacred his[tory, where it is said, that Nimroth the nephew of Cham, was the first that by force and violence brought men into his subiection, establishing his kingdome in the countrey of Assyria: and for this cause they called him the Mighty hunter, which the Hebrews interpret to be a theefe and robbe[..]. Which thing also Philo the Iew, and Josephus by their testimonies confirme, viz. [...] by his wealth and power to have first exercis[ed tyranny. Wherein it appear [...] Demosthenes, Aristotle, and Cicero, to have mistaken [Note: That kings were not first chosen for their justice and vertue. ] themselues, in following the error of Herodotus, who saith, That the first kings were chosen for their justice and vertue; and have herefor faind vnto vs I wot not what heroi[cally and golden worldes: an opinion by me by most certaine arguments and testimonies elsewhere refell[d; seeing that the first Cities and Commonweals, long before the time of Abraham were full of slauxes: as also not long agoe the Westerne islands did swarme with them at such time as the Spaniards subdued them: a thing that could not possibly be, but by extreme violent forcing the free lawes of nature. And it is not yet past seuentie yeares that the people of Gaaga in Africke had neuer felt or heard of any king or lord whatsoever, untill that one amongst them a treuell or had in his treuell scene and noted the maiestie of the king of Tombut: and thereupon conceiuing a desire to make himselfe a king also in his owne countrie, hee at first to beg[in withall, killed a rich marchant; and so possessed of his horses armes and mar[chandise, diuided them amongst his nie kinsfolks and friends, acquainted with his pur[pose; by whose aide he by force and violence subdued now some, and after others, killing the richest, and ceasing vpon their goods: in such sort that his sonne became rich with the robberies of his father, made himselfe king, whose successor hath so continu[ed after him in great power, as we read in Leo of Africke. This was the beginning of 48 the kings of Gaaga, which in short time greatly encreased.

And thus much concerning the beginning of Commonweals, which may serue to manifest the definition of a Citisen, by vs before set down, to be true, which is no other thing to say, but A free subiect holding of the soueraignitie of another man. A free subiect [Note: A Citisen must be a free subiect. ] I say, for albeit that a slauze be much more subiect vnto the command of the highest autoritie than a free man; yet so it is, that all people have always with their common consent agreed, That a slauze is no Citisen, and in questions of right is accounted no [Note: Slauzes not to bee accounted Cit[iens. ] bodie; which cannot truely be said of mens wives and children, who are free from all servitude and bondage; albeit that their rights and liberties, and the power to dispose of their owne goods, be from them in some sort cut off by the domesticall power: in sort that a man may say, that euerie Citisen is a subiect, some small part of his libertie being diminished by the maiestie of him to whom he oweth obedience. But euerie subiect is not a Citisen, as we have said of a slauze; and may also so say of a stranger, who comming into an other mans seigniorie, is not receiued for a Citisen, hauing not any part in the rights and priviledges of the Citie; neither is to bee accounted in the number of friends, allies, or coallies, who are not altogether strangers, (as the Lawyer saith) neither enemies also. Howbeit that the Greeks of old called stranger enemies, as also did the Latines, which Cicero hath noted out of the law of the twelve tables; [Note: * Cice. offici[orum lic. 1. ] The mildnesse of the word (saith he) mitigating the hardenesse of the thing: and they were called enemies which had conspired against the state. And it may well bee also that those whom we yet by a common word cal[Notes, or Hostes, were in ancient time nothing els but strangeres. But men hau[e since corrected the proprietie of words, the
forme of speech still remaining: for the Greeks have called their enemies [...] as men making war upon them; and strangers [...] which signifies not pilgrims (as saith Acursius) but strangers, be they another mans subjects, or themselves souereigns in their owne countrey.

Now amongst them whom we said to seck upunto publick empire and souereign power; some are naturall, some are naturalized, and of them which are naturall [Note: The diuision of subjects.] some are free borne, some are slaves, and these slaves being set at libertie, in an instant become Citizens, whereas stranger slaves be not so. Yet true it is that the enfranchised slaves in Greece were not admitted to be Citizens, although that they were of the same country, and natural Subjects. For the request of Demosthenes the Orator, which he made unto the people after the great overthrow at Cheronea, That all the inhabitants of Athens, as well the enfranchised as others, might be accounted Citizens; was rejected and denied, for feare least the enfranchised men (of whom there was a great multitude) should become lords of their estate, and with the number of voices exclude the natural Citizens from all honours and promotions; which the greatest number still carried away: which thing the Romans at the first not regarding, had all most before they were aware fallen into the power of the enfranchised men, had not Fabius Maximus in good time foreseen the matter, and thrust the multitude of the enfranchised men, before dispersed amongst all the tribes, into four tribes apart by themselves; to the intent that one or thrite tribes of the free borne men and auntient Citizens, might still with the number of voices preuaile: for they counted not in Rome their voices by the poll, as in auntient time they did at Athens, and now doe also at Venice; but by degrees and centuries, in the assemblies of their great estates; and by lines or tribes, in the lesse estates. And for that it so great a matter was without seditioun done by the onely wisdome of Fabius the Censor, he tooke the surname of Maximus (or of the Greatest;) in which doing he amended the errors of Appius the Censor. [Note: Why Fabius was called Maximus.] Who had dispersed the enfranchised and naturalized Citizens (the issue of slaves and 49 strangers) amongst all the tribes of the free borne men: yet afterwards (notwithstanding the order taken by Fabius) it was granted vnto the Citizens enfranchised, that they might enroll one of their sons one being five yeares olde or more in the tribe or line of their patron: But when those foure tribes of the enfranchised Citizens seemed yet too puissant and strong, it was decreed, That there should by lot one tribe be drawn out, wherein all the enfranchised Citizens should give their voices. And this was the state of the enfranchised Citizens, untill the ciuil warre betwixt Marius and Sylla, at which time the people at the motion of Pub. Sulpicius made a law, That the enfranchised Citizens should from that time forward be againe diuided amongst all the tribes, which was the first and principal cause of the ruine of that Commonweale. Wherefore as of slaves some are borne, some are made: so also of Citizens some are made, some are borne: the natural Citizen, is he that is free of that wherein he is borne; whether he be borne but of one of his parents a Citizen, or of both of them Citizens. True it is that of [Note: The naturall citizen.] auntient time (and yet at this present also in divers Commonweales) to bee a Citizen it was needfull to haue both father and mother Citizens, as in Greece, otherwise they called them Bastards, or Mungrels, which were but Citizens on the one side, and could not themselves neither their children be partakers of the greatest benefits or offices in the Commonweale, which they called Archontes, as saith Demosthenes in his Oration against Neære, albeit that many (as Themistocles himselfe) were thereinto secretly entred. But in the time of Pericles five thousand of them were sold slaves, who had born [Note: * Plut. in Per.] the countenance of Citizens. And Pericles himselfe hauing lost his children that were right Citizens, made request vnto the people, That his sonne might be enrolled among the Citizens, which sonne he had begot at Athens of his wife being a stranger. Wee also read that the Romans made a Collonie of four thousand Spaniards, whome the Romans had begot of Spanish women, for that they were not true Citizens. But afterward it took place that he should be a Citizen whose father was a citizen: and in many places it is sufficient for the making of a citizen, that his mother was a citizen. For the place maketh not the child of a stranger (man or woman) to be a citizen: and hee that was borne in Africk of two Roman citizens is no lesse a citizen, than if hee had bene borne in Rome. Now the made or naturalised citizen is he who hath submitted himselfe vnto the soveraigntie of another, and is so received into the number of citizens. [Note: The naturalised citizen.] For the citizen of honour onely, who for his merits towards the Commonweale, or of [Note: The citizen of honour properly no citizen.] speciall favour hath obtained the right and priuiledge of a citizen, cannot of right bee called a citizen, for that hee hath not put himselfe vnder the power of of anothers command.

Wherfore of many citizens, be they naturals, or naturalized, or els slaves enfranchised (which are the three meanings that the law giveth to become a citizen by) is made a Commonweale, when they are governed by the puissant soveraigntie of one or many rulers: albeit that they differ among themselves in laws, language, customs, religions, and diversitie of nations. But if all the citizens be governed by the selfesame laws and customs, it is not one by one Commonweale, but also one very citie, albeit that [Note: The enclosure of wals make not a citie, but the government of the citizens vnder the self same laws: although they dwell in [...]ues townes or prouinces dispers.] the citizens be diuided in many villages, townes, or prouinces. For the enclosure of wals make not a citie, (as many haue written) no more than the wals of an house make a familie, which may consist of many slaves or children, although they bee farre distant one from another, or in divers countries, provided that they bee all subiecte vnto the command of one head of the familie: So say we of a Citie, which may have many
townes and villages, which use the same customs and fashions, as are the Bailiwickes, or Stewardships of this
realme: And so the Commonweale may have many cities and provinices which may have divers customs, and yet
are nevertheless subiect vnto the [Note: viz. France.] 50 command of their soueraigne lords, and vnto their
edicts and ordinances. And it may also be that every towne and citie may have certaine privileges in particular,
which are not common vnto them of the suburbes; and the suburbes also may have certaine pre[nrogatue which
are not common vnto the villages, nor to the inhabitants of the open coutrie; who are yet nevertheless subiects
of the same Commonweale, and cit[i]zens of their citie; yet are they not for all that burgesses: for the word citisen
hath I know not how a more speciall signification with vs, than hath the word Burgessse: and is properly the
naturall subject, which hath the right of a corporation, or colllege, or [Note: The difference betwixt a citisen and a
burgessse. ] certaine other pruieledges, which are not common also vnto the burgesses. I have said the natural
subject, for that the subiect naturalised although hee dwell in the towne, and enjoy the right of a burgessse, is yet
called in many places a burgessse: & the other is called a citisen, who enjoyeth a certaine particular pruieledge
proper vnto free borne citizens. As in Paris there is none but natural citizens, and borne in Paris, that can be
Prouest of the marchants. And in Geneua a burgessse cannot be Syndic, or Se[nator of the privileuie counsell of xxv,
which a citisen may well be: which is also vnsed a[mongst the Swissers, and all the townes of Germanie.

And thus much briefly concerning the difference of subiects, citizens, burgesses, and straungers; as also
concerning a Commonweale, a Citie, and a Towne. But for as much as there is neither Greeke nor Latine, nor any
other writer that I have seene, which have used these definitions, it is needfyll by lawes and by examples to make
plaine that which I have before said, being otherwise of it selfe obscure. For we often times see great quarrels and
controversies to arise as well betwixt princes, as citizens of the same towne or citie amongst themselves. For not
understanding the difference of these words, yea they from whome wee ought to expect the true resolutions of
these things, are themselves oftimes farre wide, mistaking a citie for a towne, a Commonweale for a citie, and
strangers for citizens. But they which write of a Commonweale without knowledge of the law, and of the common
right, are like vnto them which go about to build faire houses, without any foundations at all. Aristotle hath
defined [Note: Arist. Politic. lib. 3. cap. 6. ] vnto vs; A citie to be a multitude of citizens, hauing all things
needfull for them to live well and happily withall: making no difference betweene a Commonweale and a citie:
saying also, That it is not a citie if all the citizens dwell not in one and the selfe same place: which is absurde in
matter of a Commonweale; as Julius Caesar in his Comm[entaries well declareth, saying, That euerie citie of the
Heluetians had foure villages, or cantons. Where it appeareth that the word Citie, is a word of right or jurisdiction,
which signifieth not one place or region, as the word Towne, or Citie; which the Latines call Vrbem or Vrbo, that
is to say of arato, or plowing: for that as Verro saith, the compass and circuit of cities was marked out with the
plough. It is also certaine in question of right, That he which hath caried out of the citie, that which was by the law
forbidden to be carried out, and hath carried the same into another citie or towne of the same province; is neither
to be said to have caried the thing out of the citie, neither to have offended against the law. Yea the doctors go
farther, saying, That hee hath not done contrarie vnto the law, that hath transported the thing forbidden into any
other citie or towne subiect vnto the same prince. And albeit that writers oftentimes confound both, taking
sometimes the one for the other, as the greeks oftentimes use the word [...], and the Latines the word Ciuitas for
a towne, a citie, or the right of citizens, for that the generall which is the citie, comprehended in it the particular,
which is the towne: yet so it is, that they abused not the word [...], as we see that Cicero hath well kept the
propriete both of the one and of the other: for the word [Note: * Cice ad A[...ticum. lib. 4. ] [...] signifieth
properly a towne, wherof came the word astuti, which with the Greeks 51 signifieth as much as doth with the
Latines Vrbani, for that the inhabitants of townes are commonly in their behouer more ciuil and gravious, than
are the pesants or rude country men: for the word Ciuitis, which we call ciuil, was not of the auntient La[tines
receiued for Vrbanas, that is to say courteous, or after the manner of the citie. And least any man should thinke
them to be rashly confounded, and to be but a question of words, and not of matter: it may be that a towne may
be well built and walled, and that more is well stored also with people, and furnished with plenty of all things
neccesarie to live withall, & yet for all that be no citie, if it have not laws and magistrats for to estalish therin a
right government (as we have said in the first chapter) but is more truely to be called an Anarchie than a citie.
And so contrarywise it may be, that a towne may be in all points accomplished and have the right of a citie, and of
an vnversitie, and well ruled also with lawes and magistrats; and yet nevertheless shall it not bee a
Commonwealth: as we see the townes and cities subiect vnto the seignorie of Ve[n]ice, which are no Commonweals
no more than the townes in the provinces subiect and tributarie vnto the citie of Rome were of auntient time no
Commonweals, nei ther enjoyed the right or priuiledge of Commonweals; but the citie of Rome it selfe onely,
which had great priuiledges and prerogatives against them all in generall, and against every one of them in
particular: albeit that the lawes speaking, of the other townes, doe oftentimes vse this word (Citie) but that also
ve properly, for Traian the emperor writing to Pitieie the younger, Proconsul of Asia, denieth the citie of the
Basilians to have the right of a Commonwealth, in being preferred before other priuats creditos in the right of a
pledge, and that truely. For why that was proper vnto the citie of Rome, and to them to whom they had
especially given this prerogatue, as was onely the citie of Antioch in all the Roman Empire. So wee see that a
towne [Note: That the cit[i]zens, and not the walls or buldings of a citie, make a citie. ] may be without a citie,
and a citie without a towne, and neither the one nor the other of necessitate a Commonweale: and that more is, one and the same citie may still bee kept in the whole and entire state of a citie, the walls thereof being laid flat with the ground, or it quite abandoned by the citizens; as did the Athenians at the comming of the Persian king, vnto whom they left their towne, putting all themeselves vpon the see, after they had put their wifes and children in safety amongst the Trezenians; following therein the counsel of the Oracle, which had answere them, That their citie could not be saved but by wooden walls: which Themistocles interpreted, That the citie (which consisteth in the lawfull bodie of citizens) could not be saved but by ships. In like manner it happened also vnto the inhabitants of Megalopolis, who understan[ding of the comming of Cleomenes king of Lacedemona, all voyded their towne, which for that all was no lesse a towne than before; yet was it then neither citie nor Commonweale: in sort that a man might say, That the citie was gone out of the towne. So spake Pompey the Great, after he had drawne out of Rome two hundred Senators, and the better part of the citizens, and so leaving the towne vnto Caesar, said thus, Non est in parietibus respublica, The Commonweale is not in the walls, but forasmuch as it had in it two sorts of partakers, and that the citizens divided into two parts had put themselves under the protection of two diuers heads, they now seeme of one Commonweale to have made two. Wherefore by these words Citie, Towne, Com[monweale, Collidge, Court, Parish, Family, are signified the right of these things. And as oftentimes it hath bene said, That the church being without the walls of the citie, and the parishioners within the citie, that they should enjoy the right of citizens, as if the parish were within the compass of the wals: so also is it to bee judged of a citie. Neither let it seeme vnto any man strange, that I stand something the longer vpon this matter; if he but remember what importance the lacke of knowledge of these 52 things was long ago vnto the Carthaginians. For at such time as question was made in the Senat of Rome, for the raising of Carthage: the report thereof being bruit[ted abroad, the Carthaginians sent their ambassadors to Rome, to yeeld themeselves vnto the mercie of the Romans, and to request the Senat not unworthily to rase that their citie one of the fairest of the world, famous for the noble acts thereof, an ornament of Rome it selfe, and a monument of their most glorious victories. Neuerthelesse the matter being long and throughly debated in the Senat, it was at last resolved vpon, That for the safetie of the Roman empire Carthage should bee destroyed, as well for the opportunity of the place, as for the natural perilsousnessse of the Carthaginians themeselves, who had now alreadie made warre vpon the allies of the Romans, rigged vp a number of ships contrarie to the agreement of peace, and secretly stirred vp their neighbour people vnto rebellion. The matter thus resolved vpon, the Carthaginians an ambassadors were sent for into the Senat, vnto whom aunsure was given by the Consull, That they should continue in their faith and fidelitie vnto the Senat and the people of Rome, and in pawne thereof to deliever vnto the people of Rome three hundred hostages and their ships: in which doing they should have their citie safe, with all their rights, priuileges and liberties, that euer before they had enjoyed. With this answere the ambassadors returned menly home. But by and by after commissio[n [Note: The Carthaginian ambas|sadors deceived for not well vn|derstanding what a citie in [...]uth is. ] was given vnto Scipio Africanus the youngster, To go in all hast with a fleet to Car|thage, and with fire and sword to destroy the towne, sauing the citizens and all other things else that they could carry out of the towne. Scipio ariling in Africke with his armie, sent Censorinus his lieutenant to Carthage, who after he had receiued the prom|ised hostages together with the Carthaginians ships, commaundd all the people of Carthage to depart out of the towne, yet with free lease to carrie out with them what they would, and to build them a citie further off from the sea, or elsewhere to their best liking. With this strait commaund of the lieutenant the Carthaginians astonisht, appeale vnto the faith of the Senat, & of the people of Rome, saying, That they had promised them that their citie should not be rased: to whome it was aunsuered, That the faith giuen vnto them by the Senat should in all pointes be kept; but yet that the citie was not tied vnto the place, neither vnto the wals of Carthage. So the poore inha|bitants were constrained to depart and abandon the towne vnto the fire, which was set vpon it by the Romans, who had not had it so good cheape, had the ambassadors before understood the difference betweene a towne and a citie. As oftentimes it chan|geth that many embassadors ignorant of the law of armes, and of that which right is, do euen in matters of state commit many grosse faults. Although that Modestinus wrieth, That Carthage was no more a citie after it was rased, and that the use and prof|fit left vnto the citie, was in this case extint aboue an hundred yeares before: but hee was in the same errore wherein the embassadors of the Carthaginians were, vnto whome all their rights, prerogatives, and priuileges were reserved. The like errore was committed in the agreement made betwixt the Cantons of Berne and Fruburg, in the yeare 1505, wherein it was agreed, That the amitie and alliance betwixt those two Commonweals should be for euer, and so long to endure as the wals of both the cities should stand. Neither are we to stay vpon the abuse which is ordinarily committed, or vpon the acts of greatest importance of them, which call one and the same thing a towne, a citie, and an vnuiuersitie: as some say of Paris, and certaine other places, calling that the citie which is contained in the Ile, and the vnuiuersitie the place wherein the collidges stand, and all the rest the towne, when as the towne it selfe is contained with in the compass of the wals and suburbs: howbeit that wee herein follow not the proph|rietie of the law, calling it the towne and suburbs, for the diuers priuileges granted 53 vnto them by diuers kings; and the vnuiuersitie the bodie of all the burgesses of Paris together: but the citie the coniunction or loyning together of the towne it selfe and the liberties, as also of the men using the same lawes and customes, that is to say the coniunction of the prouostship and of the countie