

ENGELBERT OF ADMONT'S *DE REGIMINE PRINCIPUM* AND *LEX ANIMATA*: A
STUDY IN THE ECLECTICISM OF THE MEDIEVAL ARISTOTELIAN POLITICAL
TRADITION

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Introduction

Engelbert of Admont was one of the first medieval scholars to incorporate Aristotle's political concepts into a major political treatise, his *De regimine principum*, completed in 1290. With the newly available Latin translations by William of Moerbeke of Aristotle's *Politics* (c. 1260), *Nicomachean Ethics* (c. 1260), and *Rhetoric* (c. 1270) the great minds of the High and later Middle Ages began to utilize Aristotelian ethico-political thought in their own political treatises.¹

Following the rediscovery of Aristotle's ethico-political works, an 'Aristotelian [political] revolution' followed, in which intellectuals in the various universities of the Latin West began to receive and explore the translations of Aristotle's works and compile commentaries and expositions.² An Aristotelian political tradition soon followed the revolution. This tradition is the adaption and application of Aristotle's political ideas as found in his ethico-political works—e.g., 'man as a political animal' and the natural origin argument for the genesis of the 'state'; the terminology, schemata and hierarchies of forms of government; and the concepts of *principia* and *lex animata* and their function in said

¹ Cf. Bernard G. Dod, "Aristoteles latinus," *The Cambridge History of Later Medieval Philosophy: From the Rediscovery of Aristotle to the Disintegration of Scholasticism, 1100-1600*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1990), pp. 45-79, esp. pp. 77-78. For a much more in-depth analysis of the development of Latin Aristotelianism and the surge in use of Aristotle's works in the High and later Middle Ages, cf. F. van Steenberghen, *Aristotle in the West: The Origins of Latin Aristotelianism*, trans. Leonard Johnston (Louvain: E. Nauwelaerts, 1955). This work is essential to understanding the growth of Aristotelian thought (in general) in the Latin West during this time period.

² For more on this 'revolution', cf. James M. Blythe, *Ideal Government and the Mixed Constitution of the Middle Ages* (Princeton: Princeton University Press, 2002), p. 32

hierarchies—and accords with F. van Steenberghens’s ‘renaissance’ of Greek thought in the thirteenth century.³

Van Steenberghen, in creating the parameters of this tradition, posits ‘three periods of absorption’ of Greek thought in the High Middle Ages, beginning at the end of the twelfth-century with what he refers to as ‘assimilation’, followed by a period of ‘receptivity’ in the early to mid-thirteenth century, and the final period of ‘eclecticism’ in the latter half of the thirteenth-century. ‘Assimilation’ is the period in which the works of the Arabic and Jewish philosophers, primarily translations and commentaries on Aristotle’s natural philosophy, were absorbed into the Latin West; ‘receptivity’ suggests a period of time when the philosophers and theorists of the Latin West, predominantly at the University of Paris, began to translate and study these works and compile their own commentaries and expositions on Aristotle’s works; and ‘eclecticism’ denotes the stage in which intellectuals of the Latin West began to form their own philosophies based on these translations.⁴

Van Steenberghen discusses the absorption of Greek thought in general. However, I wish to further refine this tradition, by focusing on Greek *political* thought, namely Aristotle’s ethico-political works, with respect to van Steenberghen’s last stage of absorption (or ‘renaissance’): eclecticism.⁵ It is in this stage that I believe the absorption of Greco-political thought has come full circle in that the theorists, utilizing Aristotle’s ethico-political works and the concepts found therein, begin to craft their own distinct

³ Van Steenberghen, *Aristotle in the West* (1955), pp. 24-25.

⁴ *Ibid.*, pp. 39-40.

⁵ *Ibid.*, pp. 24-40. Van Steenberghen does not specifically discuss the ‘absorption’ of Aristotle’s *Politics*, however, and focuses instead on his works on natural philosophy and metaphysics.

political philosophies based in large part by their use of Aristotelian political sources and concepts.⁶ It is also in this stage that the Aristotelian political tradition is more fully realized. This tradition, for the duration of this inquest, will refer to the medieval application of Aristotelian political concepts and arguments as taken from his ethico-political works in the milieu (c.1265-1324) following the rediscovery of Aristotle's ethico-political works and the Aristotelian political revolution that followed this rediscovery. This tradition is characterized by an eclecticism of unique political philosophies which were dominated by Aristotelian sources and political concepts. It is in this context that I will examine Engelbert's *De regimine principum*.

By examining the entirety of Tract I and the first three chapters of Tract II of *De regimine principum*, I will show that Engelbert relied primarily on Aristotle's ethico-political works—primarily his *Politics*—in creating his own unique political philosophy that was more original, practical, and thoroughly Aristotelian than that of St. Thomas. This uniqueness, originality, and practicality springs from Engelbert's schemata and hierarchies of forms of government (good and corrupt), as well as the functions of *principia* and *lex animata* in his schemata and hierarchies—all taken from Aristotle's political works. He is also unique in his examination of mixed polities, or 'states' governed by the combination of multiple simple and natural forms of government, which in turn also creates a much

⁶ This 'tradition' will exclude expositions and commentaries on Aristotle's ethico-political works. These commentaries and expositions belong to the second stage of van Steenberghen's renaissance: receptivity. For the present study, only 'original' treatises will be studied, i.e., those works of medieval theorists in which they form their own political philosophy based off of Aristotle's ethico-political treatises and the concepts found therein. This originality will be shown through the various way in which they incorporate Aristotle's various political concepts, or the 'eclecticism' of van Steenberghen.

more practical approach to governance and political philosophy. These concepts and their use (or disuse) will be the metrics for which I measure Engelbert's eclecticism within the Aristotelian political tradition.

This uniqueness, originality, and practicality will more easily be proven when compared with Engelbert's contemporary political theorists' treatises, namely Thomas Aquinas' *De regno, Ad regem Cypri* (c. 1265), Giles of Rome's *De regimine principum* (c. 1280), and Marsilius of Padua's *Defensor Pacis* (c. 1324). While there are certainly common concepts among these theorists, specifically the 'natural origin' argument as taken from Aristotle's *Politics*—i.e., man as a political animal and this maxim's role in the creation of the 'state', as well as the terminology of forms of government—Engelbert analyzes these concepts more in-depth, as can be evidenced from the aforementioned sections of his *De regimine principum*.⁷

In studying these sections of Engelbert's *De regimine principum* and his use of these specific concepts in conjunction with the similar sections (i.e., those dealing with the 'political' aspects) of the previously mentioned treatises and their use (or disuse) of these concepts, I will be able to show Engelbert's position within the Aristotelian political tradition, as well as the inherent eclecticism of the this tradition.⁸ While the similarities in

⁷ I will be using the 1725 Ratisbon printed edition as available at the Bayerische Staatsbibliothek and Münchener Digitalisierungs Zentrum Digitale Bibliothek: *Engelberti abbatis Admontensis de regimine principum tractatus*, ed. Johann Georg Theophil Huffnagl, Ratisbon, J. C. Pez, 1725 <http://daten.digital-sammlungen.de/~db/0002/bsb00026189/images/>. There are currently no translations or critical editions of this work, all of the translations are my own. This is the same edition that James Blythe uses for his translations as well.

⁸ I have chosen these treatises due to the conceptual similarities they share with Engelbert's *De regimine principum*, i.e., crafting their own unique 'political philosophy' in conjunction with a larger ethical 'mirror of princes' section, as well as the temporal proximity to said *De regimine principum*. There are, of course, other theorists to consider, e.g., John of Paris

Aristotelian sources and concepts (namely terminology of forms and the natural origin argument) shows a continuity in this tradition, Engelbert's application of these sources and other Aristotelian concepts (e.g., *lex animata* and *principia*) in his *De regimine principum* implies a multifaceted tradition based on differing understanding of Aristotle's ethico-political works, and therefore an eclectic nature of this tradition. Engelbert, due to his originality and practicality in his political philosophy as evidenced from his *De regimine principum* and his use of the aforementioned concepts, is therefore transformative to the Aristotelian political tradition: it is through his original and practical application of these sources and the concepts found therein that this tradition was able to move from the realm of theoretical alone to the realm of practice as well.

The first chapter of this inquiry will first discuss the historiography of Engelbert—primarily the scholarship dealing with his *De regimine principum*—followed by a biography of the man himself and a brief survey of his works. Thereafter I will detail the 1725 Ratisbon printed edition used for my research, followed by a list of important terms and their definitions that will be used throughout. Chapter Two will then be dedicated solely to the summary of the entire first tract and the first three chapters of Tract II of *De regimine principum*.⁹

and Ptolemy of Lucca, when discussing the 'Aristotelian political revolution' and an inclusion of their treatises would certainly expand the base of comparison. However, for present purposes Blythe does an adequate job in discussing these two theorists and spends a great deal of time discussing their role in said revolution (Cf. Blythe, *Ideal Government* (1992), Chapters 6 and 8).

⁹ These sections of *De regimine principum*, i.e., the entire first tract and first three chapters of Tract II, have been chosen due to the fact that they deal solely with Engelbert's 'political science' and philosophy—namely the origins, concepts, and descriptions of forms of government (e.g. natural origin argument, hierarchies, *principia*, etc.). The remainder of his treatise is concerned primarily with the virtues and vices of the 'prince', i.e., the 'mirror of princes' and the more 'advisory' section for a ruler.

Based on the summary of Engelbert's work in Chapter II of my study, Chapter III will explore the sources and specific concepts pertinent to the thesis of my research—i.e., the concept of man as a political animal and the natural origin of the political community; the terminology, schemata, and hierarchies of forms of government, mixed and unmixed (simple, natural); and the function(s) of *principa* and *lex animata* in determining said schemata and hierarchies. These are all found within the sections of *De regimine principum* under investigation.

The final chapter will then discuss Thomas', Giles', and Marsilius' political treatises named above and discuss each of their uses (or lack thereof) of the same sources and concepts. These findings will then be compared to those of the previous chapter. The sources and concepts investigated in Chapters III and IV will help determine the 'influence(s)' of each theorist, or rather how each theorist 'received' particular authorities and used them and their concepts in their own treatises—more specifically Aristotle and his works and concepts—and therefore how these theorists both produced the Aristotelian political tradition and kindled the eclecticism of this tradition.

For Chapters III and IV, in which the 'influence' of each theorist is discussed, I will employ a method drawn from reception theory, and particularly that of historical reception, based on the charting and analysis of citations.¹⁰ The method of source counting is straightforward: whenever the author of a treatise mentions by name (or moniker, as is generally the case with Aristotle and "the Philosopher"), this marks a citation. There are two different kinds of citations: full and half citations. Generally, the title and book number

¹⁰ For more on reception theory, see Karla Pollmann's introduction in *The Oxford Guide to the Historical Reception of Augustine*, Vol. I, ed. Karla Pollmann, et al., (Oxford: Oxford University Press, 2013).

will also be given, particularly with the works of Aristotle. “As the Philosopher says in Book IV of the Politics” is an example of a full citation. A half-citation would simply leave out the book and/or work, e.g., “As the Philosopher says...” Both kinds of citations are counted. However, the ‘work’ attributed to the half-citation is counted as ‘unnamed’ or ‘unspecified’.

There are certainly positive and negative aspects to the method of charting citations and its implications. An easily noticeable negative aspect is that citation(s) do not equate to ‘influence’. Simply because an author cites an authority doesn’t mean that he was influenced by this authority. However, this negative aspect can be ameliorated by examining the context surrounding the citation. For example, is the author negating the argument made by the authority? If so, then there is still influence, albeit a negative influence. However, as we shall see with the theorists listed above and under investigation, this is rarely (if ever) the case within the Aristotelian political tradition. All of the theorists, particularly Engelbert, put forth an argument—generally the argument of the authority—and back said argument with a citation from the authority. This is certainly a positive influence.

The positive aspects of this method of citation charting and the implications of reception and/or influence surpass the negative. The most prominent positive aspect is that this method provides the only palpable, concrete evidence that is available to prove any sort of reception or influence (whether positive or negative); it is the only explicit indication that a particular author knew of an authority, whether that be a specific work or the author of the work himself. It is the only proof that, say, Engelbert had read Aristotle’s *Politics* that we can point to and assert an influence.

Never before have these aspects of Engelbert, his *De regimine principum*, or the Aristotelian political tradition in the context of van Steenberghen's stage of eclecticism been studied. Engelbert himself is often neglected, or at best been cursorily reviewed; his *De regimine principum* is even more disregarded and rarely studied in the context of the Aristotelian political tradition. His reception of authorities and the influences found in *De regimine principum* has never been examined, particularly with regard to his political science section (i.e., the tracts under investigation). There is no vernacular translation of *De regimine principum*—thus my own translation—and most of the work done on this treatise previous to my own findings has been done with this treatise *in absentia* and/or based off of the translations from the Latin of other scholars. My research wishes to fill those gaps in the scholarship not only on Engelbert—a theorist in the Aristotelian political tradition who deserves much more attention and a more prominent place in said tradition—but also the gaps in the scholarship of the development of the transmission and reception of Aristotle, the tradition that followed, and the rise of practical political philosophy, which is the foundation of modern Western political science, and in all of which Engelbert's *De regimine principum* played a significant role.

Chapter I

Engelbert of Admont

Historiography

In the literature of medieval political thought examining and surveying the great thinkers of the later Middle Ages, Engelbert is often either only briefly mentioned or simply omitted.¹ When he is discussed, his later—and often assumed more mature—political treatise *Tractatus de ortu et progressu statu et fine Romani imperii* (c. 1308-1313, and henceforth *De ortu*) is generally the emphasis and *De regimine principum* is rarely mentioned. This could be due to the fact that the former treatise was later published in several additions.² In any case, Engelbert's political thought cannot be adequately depicted without giving central focus to his *De regimine principum*. Thus this thesis.³

¹ Engelbert has become more popular in the surveys of medieval political thought in the last few decades or so. However, as stated above, he is still rarely mentioned and when he is it is incidentally and almost always concerning *De ortu*. Cf., M. Wilks, *Problem of Sovereignty in the Later Middle Ages*, (Cambridge: Cambridge University Press, 1963); *The Cambridge History of Medieval Political Thought c.350-c.450*, ed. J. H. Burns (Cambridge: Cambridge University Press, 1991), sc. Chapters 13 and 14; A. Black, *Political Thought in Europe 1250-1450* (Cambridge: University of Cambridge Press, 1992); U. Backes, *Political Extremes: A Conceptual History from Antiquity to the Present* (New York: Routledge, 2010).

² George B. Fowler, *Intellectual Interests of Engelbert of Admont* (New York: Columbia University Press, 1947), p. 199.

³ For more information regarding *De ortu*, cf. A. Posch, *Die Staats- und kirchenpolitische Stellung Engelberts von Admont* (Paderborn, 1920); M. Hamm, "Engelbert von Admont als Staatstheoretiker," *Studien und Mitteilungen zur Geschichte des Benediktiner-Ordens und seiner Zweige*, Vol. 85 (1974), pp. 343-495; H. Schmidinger, *Romana Regia Potestas: Staats- und Reichsdenken bei Engelbert von Admont und Enea Silvio Piccolomini. Vorträge der Aneas-Silvius-Stiftung an der Universität Basel*, Vol. 8 (Basel and Stuttgart: Verlag Helbing und Lichtenhahn, 1978).

George Bingham Fowler's *Intellectual Interests of Engelbert of Admont* (1947) presents us with perhaps the most comprehensive study of Engelbert. Relying heavily on Engelbert's letter to his friend, Ulrich of Vienna, a doctor of canon law and rector of St. Stephen's school in Vienna,⁴ as a primary background source and the secondary authorities (e.g., A. Posch and J. Wichner), Fowler offers us not only a detailed biography previously unavailable in English, but also an exhaustive analysis of Engelbert's intellectual prowess. From musical theory to natural philosophy and psychology, Fowler examines the wide scope of the works of Engelbert and the topics that he studied in order to emphasize firstly the importance of Engelbert to medieval intellectual history, and secondly the need to place him in a more prominent position within this larger context. Fowler is able to place him in this context of medieval intellectual history by comparing the topical works of Engelbert with his contemporaries, stressing the major points of departure between him and others in their texts, thus illustrating the importance of Engelbert.

Fowler, while certainly not neglecting *De regimine principum*, concentrates a majority of Chapter IX dealing with government and society on *De ortu* in order to stress the intellectual importance of Engelbert—again, as stated above, generally regarded as Engelbert's most mature political treatise. Somewhat problematic is the fact that when he is actually dealing with *De regimine principum*, he is utilizing the translation of another due to the fact that he wasn't able to attain a copy of either manuscript or printed edition, which leaves open the opportunity for a more critical analysis of this treatise.⁵ Interestingly

⁴ For more on Ulrich of Vienna, cf. Fowler, *Intellectual Interests* (1947), pp. 31-34.

⁵ Fowler, *Intellectual Interests* (1947), p. 206 states that only one published copy in Regensburg seems to exist in total. Throughout Chapters VI and IX (the former examining 'Education and Moral Ideals') Fowler relies on the translation of R. Limmer in *Bildungszustände und Bildungsideen des 13. Jahrhunderts* (Munich, 1928).

enough, Fowler delves into *De regimine principum* more thoroughly in Chapter VI in which he discusses Engelbert's pedagogical and moral theories. This is no surprise as a majority of the treatise has been considered to fall under the category of *speculum principum*, or 'mirror of princes,' which outlines the virtues and vices of a good ruler in conjunction with his office.

Perhaps the most useful element of Fowler's monograph is his meticulous appendix cataloguing every known work of Engelbert.⁶ This appendix serves as a register for all extant manuscripts, as well as the published editions of his works. That being said, Fowler's import to the scholarship of Engelbert cannot be underestimated. He is the first to write a broad and inclusive analysis of nearly all of Engelbert's work, as well as the first to write in English a comprehensive and detailed biography of Engelbert.

James M. Blythe's *Ideal Government and the Mixed Constitution in the Middle Ages* (1992) is the most systematic of all the studies of Engelbert's *De regimine principum* to date. This book, while not analyzing Engelbert exclusively, deals with many theorists from the Middle Ages and argues that the Aristotelian notion of the mixed constitution springs from the head of Thomas Aquinas and continues on through to John of Paris.⁷ Blythe begins his work in surveying the idea of the mixed constitution in Antiquity and the early Middle Ages, analyzing the theories of Plato, Aristotle, Polybius, and Cicero. Blythe confirms that due to lack of medieval translations of the political writings Polybius, as well as most of Plato's and Cicero's works (except through intermediary references), Aristotle was certainly the most influential classical theorist utilized by the medieval scholars

⁶ For a brief discussion of Fowler's appendix, see p. 20, fn. 36 (*infra*).

⁷ James M. Blythe, *Ideal Government* (1992), p. 35.

dealing with mixed and unmixed constitutions.⁸ Blythe then continues to investigate the theories of Thomas, Giles of Rome, Peter of Auvergne, Ptolemy of Lucca, Engelbert, and John of Paris individually, comparing their theories chronologically.

The chapter on Engelbert is of obvious paramount importance for this study, and Blythe's evaluation of *De regimine principum* is quite illuminating. While he focuses almost entirely on the first tract of this treatise, he does not ignore completely the rest of it. Blythe cites Tract I thirty-three times and Tract II twice. Blythe cites Tract III five times, but these references predominantly deal with the ways in which a king should implement laws in order to maintain his position and image as a good king.⁹ This is an obvious correlation due to the fact that he is investigating the political theory of Engelbert—the principal subject of the first tract, the rest of the treatise being predominantly a 'mirror of princes'.

Following the theme of his work—i.e., the Aristotelian mixed constitution—Blythe attempts to determine where exactly Engelbert stands on the spectrum of this tradition, or rather how devoted Engelbert is to Aristotle's schema of governments by analyzing the similarities and dissimilarities of not only Engelbert and Aristotle, but Engelbert's contemporaries as well. Blythe states that Engelbert is unique in many facets: Engelbert "characteristically" doesn't cite Christian authorities; he has a relativistic approach to the best form of governing due to the relativity of the common good; Engelbert employs a

⁸ Ibid., p. 5.

⁹ For an example of Blythe's usage of 'mirror of princes' tracts to back the 'political science' section, see *ibid.*, p. 131, fn. 36.

seven-fold classification of polities; and he emphasizes the role of the family as analogous to the forms of government.¹⁰

Lastly, there is Karl Ubl's *Engelbert von Admont: Ein Gelehrter im Spannungsfeld von Aristotelismus und christlicher Überlieferung* (2000) which is the most recent inquiry of Engelbert dealing with *De regimine principum*. Ubl's biography of Engelbert, while essentially no different than Fowler's—Ubl cites Fowler and Blythe extensively throughout his dissertation—is detailed and extensive. However, the most intriguing elements of Ubl's work is Chapter 3 in which he considers *De regimine principum* specifically, as well as the “first phase of the reception of Aristotle” and the position of Engelbert within this phase with regard to the moral and political teachings of Aristotle's newly translated works. However, Ubl is more concerned with the moral aspect, focusing on the ‘mirror of princes’ tracts—the bulk of *De regimine principum*—and Engelbert's subsequent work, *Speculum virtutum*, a treatise that Ubl refers to as “lay ethics” as opposed to *De regimine principum*, which he refers to as “ethics of princes.”

Life

Engelbert of Admont was born in c. 1250 in the Duchy of Styria to a noble Austrian family. In 1267, Engelbert was enrolled among the Benedictine Order at Admont Abbey monastery, an abbey founded September 29, 1074 by monks from St. Peter's in Salzburg.¹¹ By 1271, Engelbert began studying at the Cathedral School of St. Veit in Prague. It is here

¹⁰ Ibid., pp. 119, 121-22, 132. See below in Chapter III for my argument that Engelbert advocated a nine-fold classification/schema.

¹¹ Fowler, *Intellectual Interests* (1947), pp. 19-20.

that Engelbert is said to have been introduced to Aristotle for the first time. At the Cathedral School of St. Veit, Engelbert studied logic and grammar under Masters Osconus and Bohemilum, as well as the natural philosophy of Aristotle in lectures under the tutelage of Master Gregory de Hasenberg, who for a time was the physician of Duke Albert of Austria IV (d. 1239/40).¹²

Not long after in 1274, Engelbert—along with all students from the Duchies of Austria and Styria (both in the dominion of the Habsburgs)—was forced to leave St. Veit's and Prague due to the war between King Ottokar II of Bohemia (d. 1278) and Rudolf I of Habsburg (d. 1291), the latter having just recently been confirmed King of the Romans at the Second Council of Lyon (1274), thus ending the *Interregnum*.¹³ It was during this time of exile that Engelbert wrote a dedicatory poem to Rudolf of Habsburg, honoring his recent election. The poem, *De electione regis Rudolphi*, is quite telling of Engelbert's political predilections, praising the leader of his home duchy for acquiring the most prestigious title and office and thus becoming the first Habsburg emperor. In Engelbert's later recollections in his letters to Master Ulrich, he states that he was urged to write the poem by a Bishop

¹²“Engelberti epistola ad magistrum Ulrichum,” published in *Thesaurus anecdotorum novissimus*, ed. B. Pez, Vol. I (henceforth TAN I.I), col. 429B: “Sed anno Domini MCCLXXI tribus annis ante celebrationem Generalis Concilii Lugdunensis sub Gregorio Papa X transtuleram me ad studium versus Pragam, ubi per illud tempus sub Magistro Osconso & Magistro Bohemilo in castro Bragensi legentibus Gramaticam & Logicam studui & profeci in tantum, quod inter socios non fui minimus reputatus. Et ibidem tunc etiam primo audivi Libros Naturales a Magistro Gregorio tunc Canonico & Scholastico Bragensi, postmodum Episcopo facto ibidem.”; Cf. Fowler, *Intellectual Interests*, p. 20; For the Habsburgs, cf. Adam Wandruszka, *The House of Habsburg*, trans. Cathleen and Hans Epstein (New York: Anchor/Double Day Books, 1965).

¹³ TAN I.I, col. 430A: “Et cum celebrato Conclilo praedicto rumor publicus venisset Bragam de Rege Rudolpho electo, & per Apostolicum confirmato, statim oportebat nos omnes scholars de Austria & Stiria Bragae studentes de terra recedere & exire.”; cf. Fowler, *Intellectual Interests* (1947), pp. 20-21.

John of Chiemsee, chancellor to Rudolf, and later Bishop of Gurk. However, *De electione regis Rudolphi* would not be completed until 1287.¹⁴

After Rudolf's victory over Ottokar in 1278, Engelbert left for Padua to continue his education. While in Padua, Engelbert studied a variety of topics, which is reflected in his later works. Under the instruction of William of Brescia, otherwise known as Guilleme de Corvi, or "The Aggregator," Engelbert studied logic and philosophy until roughly 1281. Engelbert would later write how influential his studies under Master William were to him.¹⁵

¹⁴ TAN I.I, col. 432A-432B: "Primo ergo, antequam Paduam veni ad studium, adhuc domi manens occasione se offerente per adventum tunc electi Regis Rudolphi in Austriam, compsi ad instantiam Domini Johannis tunc Chiemensis Episcopi, Cancellarii ipsius Regis Rudolphi primum meum Opusculum de Electione ipsius Regis Rudolph, quod incipit: *Sclavica qui tumidi confregit cornua Sceptri*. Et cum de paelio & Victoria ipsius Regis contra regem Bohemiae Ottakarum incepissem secundam partam eiusdem Operis de eodem praelio & conflictu, obtuit se casus, quo me cum aliis sociis expectare non valentibus ire ad Paduam oportebat: in eodem tempore intermisso."; cf. Fowler, pp. 21-22. This poem to Rudolf of Austria is no longer extant. The only proof we have that it existed is contained within Engelbert's letter to Ulrich and his list contained therein of his literary activity. In this letter, Engelbert recites the first few lines of the poem and briefly describes its contents.

¹⁵ TAN I.I, col. 430B: "Ego itaque tunc Paduam veniens, ut praedixi, continuavi stadium ibidem in Logica & Philosophia quinque annis sub Magistro Wilhelmo de Brixia tunc acto ad salarium legente ibidem, viro magnae reputationis, postmodum facto Parisius Canonico per Dominum Bonifacium Papam, & Medico etiam effecto ipsius Domini Papae, postquam a Padua recedens conventum suscepit in Medicinis Bononiae sub Magistro Tatheo Medico praecipuo tunc ibidem."; cf. Fowler, *Intellectual Interests* (1947), p. 22. Nowhere in Engelbert's letter to Ulrich do we find him specifically mentioning that he had studied at the University; he only specifically mentions that he had studied theology in the Dominican convent at Padua (see below, fn. 17). While it is certainly possible that Engelbert could have studied the arts at the university, Padua had not received permission to teach theology until 1363 in a papal Bull from Urban V. Cf. Hastings Rashdall, *The Universities of Europe in the Middle Ages*, Vol II, ed. F. M. Powicke and A. B. Emden (Oxford: Oxford University Press, 1936), p. 15. It would appear that Fowler is only assuming that Engelbert had studied at the university. I acknowledge that this is a possibility, but only that he may have studied the arts alone, and did not receive an advanced degree (i.e., Theology) from the university.

Sometime in 1283, Engelbert embarked on a trip to Venice to purchase many books for the Admont library.¹⁶

After these first few years, Engelbert then studied theology with the Dominicans at one of their Paduan convents from 1283 to 1287.¹⁷ It is here that historians believe Engelbert acquired a taste of Thomism, the north Italian Dominican schools being very accepting and open to all of Thomas Aquinas' teachings, despite the Paris Condemnations of 1277.¹⁸ Fowler maintains (which seems to be the consensus of Engelbert historians) that Engelbert's later writings show "unmistakably" the results of studying under the Dominicans and the acquisition of Thomistic philosophy.¹⁹ After studying for four years with the Dominican masters, Engelbert departed Italy for his home in 1287.²⁰

There has been some speculation concerning the dating of Engelbert's time in Italy. Fowler and H. Widmann, two of the leading authorities on this matter, based on the letter of Engelbert and other contemporary sources, place his return from Italy in 1287—the same time that he finished his poem *De electione regis Rudolphi*.²¹ What seems to be the overall

¹⁶ Ibid., pp. 23, fn. 23; I have at this time not been able to trace where Fowler received this information other than a footnote referring to Lynn Thorndike, *A History of Magic and Experimental Science*, Vol. III (New York, 1923-41), p. 433.

¹⁷ TAN I.I, col. 430C-431A: "Deinde post quinquennium audivi Theologiam Paduae in domo Praedicatorum sub Magistris Lectoribus. Tunc ibidem in eodem studio continuo quatuor annos mansi."; cf. Fowler, *Intellectual Interests* (1947), p. 23.

¹⁸ For more on Dominican education in Northern Italy, cf. M. Michèle Mulchahey, "First the bow is bent in study": *Dominican Education before 1350* (Toronto: Pontifical Institute of Mediaeval Studies, 1998), esp. pp. 382, 439.

¹⁹ Fowler, *Intellectual Interests* (1947), p. 23.

²⁰ Ibid., p. 25.

²¹ For more on dating of Engelbert's return as well as his election to Abbot of St. Peter's and later Abbot of Admont, cf. Fowler, pp. 25-26, fn. 30 and p. 27, fn. 35. Other than the date given above by Engelbert's own account of when he left for Prague (i.e., 1271), he does not provide us with exact dates. Based on the exhaustive research of Fowler in conferring with the previous authorities regarding this matter, I am inclined to follow his dating schema.

consensus of the historians of Engelbert is that he was in Italy from c. 1278 to c. 1287, roughly nine years between the University of Padua and his Dominican schooling. Fowler, as do others, states that during these years Engelbert travelled frequently—either back home for brief periods, to Venice to purchase books for Admont, or to Ratisbon for undisclosed purposes.²²

Not long after his return in 1288, Engelbert was appointed Abbot of St. Peter's in Salzburg, the parent cloister of Admont Abbey, by Archbishop Rudolf von Hohenegg.²³ It was during his tenure at St. Peter's that Engelbert wrote his first major treatise, *De regimine principium*, completed in 1290.

In 1297, Engelbert accepted more responsibility and was appointed Abbot of Admont. Engelbert's ascension to this prestigious position was certainly a political matter: Duke Albert of Austria, Rudolf I's son and successor, had an openly hostile relationship with the See of Salzburg over issues of succession to the bishopric of Salzburg: Albert opposed the election of Conrad IV and backed his own candidate, Abbot Henry II of Admont. Conrad IV won the election and sought confirmation from the pope, which he

²² Fowler, *Intellectual Interests* (1947), pp. 23-25, fn. 29. Again, there is some contention concerning Engelbert's travels. Cf. J. Wichner, *Geschichte des Benediktinerstiftes Admont*, Vol. II (Graz, 1874-78), p. 402, fn. 267. Fowler states that even Wichner believes in the strong possibility of Engelbert returning home to visit on numerous occasions.

²³ Again, dating is an issue for Engelbert's return to Austria. I am continuing to follow Fowler's timeline (p. 13, fns. 26 and 27 *supra*). Wichner, *Geschichte* (1874-78), and A. Posch "deny the identity of Engelbert, abbot of St. Peter's from 1288-97, with the man who in 1297 became abbot of Admont. It is true that the annalists at St. Peter's did not know of this identity and that Engelbert makes no mention in his letter of this letter to Ulrich of ever having been head of that ancient foundation.... The fact that Engelbert is silent about his years at Salzburg is of no more significance than his failure to mention his election as abbot of Admont, in his letter to Ulrich. It should also be noted that this letter is primarily concerned with his literary activity." Fowler states that Widmann, et al. definitively proved these dates. (Fowler, pp. 25-26, fn. 30). The absence of evidence is not evidence of absence.

later received. In 1297, this feud came to a head with the assassination of Henry II, after which Archbishop Conrad IV appointed Engelbert to the position of Abbot of Admont, who was apparently liked by both Duke Albert and the monks of the Admont monastery.²⁴

After Engelbert's election to Abbot of Admont, he was a political figure. Due to his new status, in 1297—the year Engelbert was made abbot—he witnessed the pact ending the feud between the two powers that put him in office, Archbishop Conrad and Duke Albert. Engelbert also oversaw land deals between his abbey and Duke Albert in 1298.²⁵ Due to the rise of *ministeriales* near Admont, in 1318 Engelbert instituted an offertory in order to ensure a steady income to pay for food and clothing for his monks.²⁶ It was also during this time that Engelbert travelled to Ratisbon to enlist the aid of the local bishop, his *dominus specialis* Heinrich von Rottenneck.²⁷ Other than this noted trip, Engelbert rarely seems to have left his cloister after his appointment.²⁸

There seems to be little information concerning Engelbert's later life. We do know that upon his return from Italy, he devoted himself to his studies and began to write prolifically.²⁹ In 1325, Engelbert wrote to his dear friend, Master Ulrich of Vienna, in

²⁴ Fowler, *Intellectual Interests* (1947), p. 27, fn. 34, following H. Widmann, *Geschichte Salzburgs*, Vol. II (Gotha, 1909).

²⁵ *Ibid.*, p. 28, fn. 38

²⁶ *Ibid.*, p. 29. For more on the *ministeriales* during this time period, see Benjamin Arnold, *German Knighthood 1050–1300* (Oxford: Clarendon Press, 1985); John B. Freed, "Nobles, Ministerials and Knights in the Archdiocese of Salzburg" *Speculum* 62:3 (July 1987) pp. 575–611.

²⁷ "Engelberti tractatus de statu defunctorum," published in *Bibliotheca ascetica antiquo-nova* (henceforth BA IX), ed. B. Pez, Vol. IX: "Piae memoriae dominus Hainricus, episcopus quondam Ratisbonensis, meus dominus specialis," (p. 185); Fowler, p. 29, fn. 45.

²⁸ Fowler, *Intellectual Interests* (1947), p. 30.

²⁹ TAN I.I, col. 431A: "Et deinde ad claustrum meum rediens in Admundam totum studium meum posui ad Originalia inquirenda & perlegenda: quorum Deo dante pervidi & perlegi numerum competentem, & inveni in quibusdam eorum multa breviter & succincte posita

which he discusses his life, studies (where and with whom and when), as well as a comprehensive list of his corpus, itemized according to topic.³⁰ Ulrich was a Master at the St. Stephen's in Vienna for roughly forty years, and the two men may have possibly studied at St. Stephen's together in their youth.³¹ Regardless of this speculation, what is known is the two were very close; Engelbert addresses Ulrich as *scholasticus* and *magister* in his letter.³²

In 1327, when Engelbert was about seventy years old, he resigned from his position as Abbot of Admont and retired to Gallenstein Schloss, assured by Archbishop Frederick of Salzburg a living in the monastery's infirmary in order to dedicate his remaining years to his studies and writing.³³ A few years later on May 15, 1331, Engelbert died at

& dicta, quae aliquarum difficilium Quaestionum non expressis nominatim, nec indicatis eorum auctoritatibus posuerunt, quod forsitan factum est gratia brevitatis.”

³⁰ TAN I.I, cols. 432C-436A contains this list. This source, cited throughout is by far the most definitive with concern to Engelbert's autobiography. The purpose of his letter to Ulrich: “Ex iam praeteritis adhuc usque mutuae amicitiae beneficiis & indicis ad invicem exhibitis & perceptis nulli dignius aut utilius judicavi ea, quae circa meum studium & profectum qualemcumque ad ipso juventutis meae primordio sunt peracta, ex ordine determinare ac fide certissima enarrare, preacipue ex eo, quod plurimi admirentur de meis opusculis & tractatibus, quos aliquos edidi, & non nullos vobis ut amico communicandos & transmittendos, quotiens dignum duxi, ut amico & viro litterato, & in Philosophiae ac Theologiae studio experto commendabiliter & probabto.” (TAN I.I, col. 429A-429B). Below, in cols. 431B-432A, Englbert lists his three ‘desires’ that cause him to list his works.

³¹ Fowler, *Intellectual Interests* (1947), pp. 31-32.

³² TAN I.I, *Incipit*: “Magnae scientiae & prudentiae ac discretionis viro, amico suo speciali, Magistro Ulrico, Scholastico Wiennensi Engelbertus, licet immeritus Abbas Monasterii Admontensis Ord.S.Benedicti Salzburgensis Diaecesis quicquid animo est optabile ad salutem hominis utriusque.”; Fowler, p. 32.

³³ Fowler, *Intellectual Interests* (1947), p. 36; *Regesten der Erzbischofe und des Domkapitels von Salzburg*, III, no. 585: “F[reidericus] d.g., etc. Confitemur et recognoscimus ac constare volumus universis presentes literas inspecturis, quod cum dilectus in Ch. [Engelbertus] quondam abbas monasterii [Admontensis] propter senectutem et fragilitatem corpoream, ut a curis temporalibus absolutus quieti contemplationi vacare et scribendis libris sollicitus operam dare possit, abbatiae dignitati cessisset ac dilectus in Ch. [Eccardus] abbas ibidem canonicè successisset eidem; ne idem [Engelbertus] pro

Gallenstein Schloss, finding his resting place in the chapel to the Virgin in the church of the Admont monastery.³⁴ The following anonymous couplet was later written for him:

“Est Engelbertus Domini bonitate refertus,
Dulci doctrina peragrans documenta superna.”³⁵

Works

Engelbert was a prolific author of several topics. Ranging in scope from theological topics such as the natures of the Trinity, the Miracles of Christ, and Divine Providence, to subjects of musical theory, a commentary on Aristotle’s *de Mundo*, and the longevity of man before the Flood, Fowler lists forty-four authenticated works of Engelbert, as well as twenty-four dubious or spurious writings attributed to him.³⁶ Engelbert lists a majority of his *corpus* in his letter to Ulrich, and this is the source used by Fowler to authenticate Engelbert’s works, as well as various library catalogues of Admont (specifically the 1370

defectu inpedimentum haberet aut in vituperium ipsius monasterii post longos labores et multa merita penuriam pateretur praeihibitis deliberationis et tractatu diligentibus cum praefato [Eccardo] abate et convent monasterii praelibati de illorum unanimi beneplacito et consensus constituimus, ordinavimus et mandavimus, quod illi absque difficultate qualibet ministretur et porrigatur, quamdiu vixerit, proviso et procuratio infrascripta.” (Quoted from Fowler, pp. 35-36, fn. 73.)

³⁴ Fowler, *Intellectual Interests* (1947), p. 36, fn. 77.

³⁵TAN I.I, *Nota*: “Hactenus Epistola Engelberti, ut equidem extat in antiquiori Codice Admontensi ad finem saeculi decimi quarti exarato. Eadem habetur in Collectaneo de Scriptoribus Ecclesiasticis Modesti Puterer, circa annum Domini 1530. Coenobitae Admontensis, sed admodum interpolate. Epistolae Modestus hoc Epigramma in laudem Engelberti haud dubie pridem coneinnatum subjungit.”; Cf. Fowler, *Intellectual Interests* (1947), p. 36, fn. 79; MGH (*Scriptores*), XIII, p. 356, lines 41-42 of *Versus de abbatibus Admuntensibus*.

³⁶ Fowler, *Intellectual Interests* (1947), pp. 183-221 (Appendix A). Fowler contains an exhaustive appendix of manuscripts and early printed editions of all works attributed to Englebert.

and 1380 catalogues).³⁷ Fowler's *Intellectual Interests of Engelbert of Admont* (1947) is an excellent survey of his *omnia opera*. However, Fowler does not discuss the 'influences' of Engelbert as evidenced in these works, primarily Aristotle. Much more research is needed for this endeavor. This thesis, focusing on Engelbert's *De regimine principum* (Engelbert's first major treatise), is an attempt to study the Aristotelian influence and its function in his works.

The Text

As specified above, the text used as the primary source for this inquiry is the 1725 Ratisbon printed edition. This text was published as *Engelberti abbatis Admontis de regimine principum tractatus* and edited by Johann Georg Huffnagl from the copy prepared by Anthelm, a Carthusian monk of Aggsbach and prepared for a Father Bernard Pez, the same editor of *Thesaurus anecdotorum novissimus* (TAN) (1721-29).³⁸ According to Fowler, there are nine locations and thirteen extant manuscripts: Admont (3), Bamberg (1), Dürnstein (1), Gaming (1), Klagenfurt (1), Melk (1), Rein (2), Sankt Florian (1), and Vienna (2).³⁹

³⁷ Ibid., p. 183. TAN I.I, cols. 432-434 Engelbert lists his works and categorizes them according to 'Theology', 'Natural Philosophy', and 'Moral Philosophy'. Engelbert lists his *De regimine principum* under Moral Philosophy.

³⁸ Ibid., pp. 205-206.

³⁹ It should be noted that this is based on Fowler's work from 1947. This is the most recent scholarship listing extant works of Engelbert and there has yet to be a more up-to-date list since then.

The text in use is dedicated to Sigismund Frederick, Archduke of Austria and the patron of the publishers.⁴⁰ The dedication runs for about six pages of the opening passages. The editor, J. G. Huffnagl, desires that the archduke and his progeny consult Engelbert's work, specifically his 'mirror of princes' section for guidance in leadership.⁴¹ The editor follows this dedication section with *testimonia eruditorum virorum*. Within this 'testimony'—or list of documents in which Engelbert and/or his works are discussed—we find Bernard Pez's *Thesaurus anecdotorum novissimus*.⁴²

Throughout the remainder of my thesis, I will be quoting the text exactly as it is printed. Whenever italics are used, unless specifically noted, these are as the editor published them. These italicized words and phrases are not the emphases of Engelbert himself, but rather of the editor. This is the same with all capitalization, punctuation, etc. I am not editing this text in any way, but I do note inconsistencies in the text.⁴³ A collative study of the extant manuscripts of *De regimine principum* would remedy these issues, and lead to the creation of a much needed critical edition.

⁴⁰ Engelbert of Admont, *De regimine principum*, p. 8. This is interesting: this text is dedicated to Sigismund Frederick (Francis), who died in almost fifty years exactly before the publishing of this text.

⁴¹ Ibid., pp. 10-13: "Quo vero animo, Comes Excellentissime, hoc Engerberti Abbatis Opus cum adjunctis ex Philosophia Positionibus sis accepturus, tam verendum non est, quam nec ulli cuiquam de Tua in viros virtutum literarumque Gloria illustres voluntate humanitateque dubitandum. Cui autem praeterquam Tibi, Fautor Gratosissime, possent aptius hi, qui de *Principum Regimine* sunt, Tractatus inscribi, ut qui regendi arte, prudentia, longo denique rerum usu quam maxime excellas?"

⁴² Ibid., pp. 14-29. Other *testimonia* include Johannes Trithemius' *Liber de Scriptoribus Ecclesiasticis*, Antonius Possevinus' *Apparatu Sacro*, Gerardus Joannes Vossius' *De Historicis Latinis*, Natalis Alexander's *Historia Ecclesiastica*, Ludovicus Ellies du Pin's *Nova Bibliotheca Scriptorum Ecclesiasticarum*, Joannes Gottfridus Olearius' *Bibliotheca Scriptorum Ecclesiasticarum*, and Casimirus Oudinus' *Commentaria de Scriptoribus Ecclesiasticis*. The only *testimonia* that mentions *De regimine principum* is Bernard Pez's.

⁴³ See specifically Chapter II, p. 30, fn. 24.

Key Terms

Lastly, I have here included a list of important terms that are difficult to translate exactly into English. These terms are essential for understanding Engelbert's (and others') positions, and as such are fundamental to my investigation. Some of these terms, e.g. *principia*, I have chosen to leave in the original Latin due to the complex nature of their translations and/or the deficiency with which an English translation would render; an English translation could cause a more obscure definition for particular terms. Other Latin terms, while they translate more easily, have multiple synonymous English definitions, which I have included in my list. These terms and their definitions come from not only my analysis of the text, but are in agreement with the secondary literature as well.

Regimen: government; form of government; synonymous with the 'constitution' of Aristotle. Engelbert uses this term when describing the simple, natural forms of governance (i.e., *Monarchia*, *Aristocratia*, *Democratia*, and *Oligarchia/Olicratia*). Engelbert often refers to the forms of governance as *regimen Politici*, or 'political government', which is one of the three forms of governance that dominate the *triplex vitae hominis*, or the 'three-fold life of man', i.e., the singular (*vita singularis*), the domestic [or household] (*vita domestica*), and the civil or political (*vita civilis*). Throughout my inquest, I will be using 'form of government' when discussing *regimen*. These forms make up any 'polity' (*infra*), which is a state-like entity composed of one or more forms of government (*regimen*).

Politia: 'polity', or any state-like, self-governing entity and/or political community that is made up of one or more (i.e., unmixed or mixed) *regimen*, or 'form of government'. Polity is also understood to be a specific form of government that is synonymous with 'good democracy' or a 'republic'—as opposed to Democracy, a 'corrupted' form—according to Aristotle's *Politics* (and other theorists' contemporary to Engelbert based on their understanding of Aristotle's work). However, Engelbert understood it to be a more general political entity. The term 'polity' will be used interchangeably with 'state' throughout this work.

Principatus: 'rule' or 'ruling element' in a given *regimen* or *politia*. The 'ruling element' is either one, many, or few, as Engelbert outlines in Chapter V of Tract I. Each *principatus* accords with a *regimen* (i.e., one, or king, with the Monarchy), but each *politia* can be made up of one or many *principatus*. In the inquiry that follows, I also use the term 'principate' synonymously with 'rule' or 'ruling element'—or the more specific element, e.g. *optimates*, consuls, aristocrats, etc. for Aristocracy.

Principia: 'first principles' or 'foundational elements' that advance the political community towards the 'common good', which is relative and distinct to each simple and natural *regimen* (e.g., Monarchy and Reason). These 'first principles' are (theoretically) unique to each simple and natural form of government, and as such determine the 'value', or position of each simple and natural constitution, in Engelbert's schema and hierarchy of forms. Due to the difficult nature of translating this term into an English correspondent term or phrase, I will use *principium, -ia* throughout this inquiry.

Lex animata: ‘living law’; this term, which is discussed in further detail in Chapter III of my inquiry, is a classical concept that claims that the ruler of a particular political community embodies the laws of said community and as such acts as the personification of the law. This term is most often attributed to a king in the monarchic form of government.

Regimen regalis, regnum, Monarchia: regal government, kingdom, and monarchy (respectively), or rule by a king (or a single individual). These three terms are all synonymous and used interchangeably by Engelbert throughout his treatise. The *regnum*, or ‘kingdom’, is ruled by a monarch in the *Monarchia*, or *regimen regalis* (‘regal rule/government’).

With these terms here defined, we are now ready to summarize and explain Engelbert’s *De regimine principum* itself in the following chapter, which will provide the basis for the analysis in Chapters III and IV of this thesis.

Chapter II

De regimine principum

Engelbert's *De regimine principum* can be divided into essentially two components: the first, containing the entirety of Tract I and the first chapters of Tract II, investigates the fundamental origins and elements of the communities of man, focusing primarily on the political community; the second component, which comprises a majority of the treatise, is considered to fall under the *speculum principum* category of literature popular during the High and later Middle Ages.¹

Here I will offer detailed summaries of all eighteen chapters of Tract I and the first three chapters of Tract II. This critical analysis of this component of Engelbert's treatise will exponentially improve our ability to understand—and thus potentially reveal—Engelbert's contribution to the field of political philosophy in the late thirteenth and early fourteenth centuries after the rediscovery of Aristotle's political and ethical works in the mid-thirteenth century. This will allow us to place Engelbert within the Aristotelian political tradition and the application of Aristotelian political principles and theorems to the field of the political philosophy of the High and later Middle Ages.²

De regimine principum begins with a chapter titled “What is it to rule and what is a government?”, in which Engelbert begins with an argument from nature, based on Aristotle. He discusses the need for natural things (such as trees) to not “bend beyond the ends of its kind and nature” and how this allows for them to be more complete or perfect.

¹ For more regarding the *speculum principum* of *De regimine principum* cf. Karl Ubl, *Engelbert von Admont* (2000).

² Cf. Introduction, pp. 1-3.

The necessity to not “go beyond the extremes” and maintain the middle way is then examined. He correlates this to morality and the best form of it being that which is “ordered to its end, as an effect of its end.”³

Engelbert then considers the Aristotelian Four Causes, stressing that the material and formal causes of a thing are intrinsic, while the efficient and final causes are extrinsic, referencing Aristotle’s *Physics* Book II. He states that the efficient cause is that which leads the form from potential matter to act. The formal cause is the nature of a thing, which leads a thing into its own end and final perfection.⁴

This leads Engelbert to discuss briefly the nature of a ‘thing’. The nature, and thus final form of mankind is the ‘rational soul’. “Reason leads men, desire directs brutes.” This is a typical and well-known maxim attributed to Aristotle: Reason—or rather the ability to reason—as the fundamental difference between man and beast. The ‘rational soul’ is the “final form and nature of man”.⁵

³ Engelbert, *De regimine principum* (J. Huffnagl: Ratison, 1725), pp. 7-8: “...quod in naturalibus unamquamque rem ex eo dicimus *rectam*, quod *perfecta* est in suae speciei forma, non declinans extra terminos sui generis & naturae: sicut inter aliquas arbores eiusdem speciei...tanquam in media linea existens... In naturalibus enim ipsae formae sunt fines & perfectiones. Similiter & in moralibus unumquodque dicitur perfectum tunc, quando conjungitur suo fini: quia finis est ultimum & optimum uniuscuiusque rei, & propter quod est ipsa res, & secundum quod *perfecta* dicitur. Ergo & *rectum* dicitur in his unumquodque proprie quando tendit quasi in media linea ad finem suum non declinando extra ipsum. *Medium* autem in moralibus est id, quod ordinatur in finem ut effectivum ipsius finis...”

⁴ Ibid., p. 8: “cum ergo inter quatuor causas uniuscuiusque rei materia & forma sint *esse intra*, efficiens vero & finis sint *esse extra*, sicut dicitur Secundo Physicorum: sicut ergo efficiens est id, quod educit formam de potentia materiae ad actum, sic & forma, quae est natura rei, est istud principium, quod ducit rem in finem suum & ad suam perfectionem ultimum...”

⁵ Ibid., p. 9: “In animalibus vero brutis appetitus sensitivus est principium ducens & dirigens ipsum ad consequendum finem suum. In hominibus autem ratio est illud, quod ducit & dirigit hominem, ut contigat finem & perfectionem suam ultimam, quantum ad

In Chapter II of Tract I Engelbert builds off of the causes emphasized in the previous chapter—i.e., that the efficient cause is needed to guide the formal to the final cause—and claims that “every state of man needs a ruler.” He plots out the ‘three-fold lives’ of man: the individual, domestic, and civil.⁶ In each of these ‘lives’ Engelbert says there needs to be a ruler based on a three-fold reasoning: first, that we need someone to lead us to a state of perfection (efficient), which he hinted at in the first chapter by stating that we need an outside (or extrinsic) cause to bring us to our final cause—or our ‘end’. Engelbert also claims that appointment to the position of ruler (the extrinsic cause) needs to be from above in a hierarchical fashion.⁷ The second reason is due to the fact that the ‘limit’ needs to be maintained. Again, this brings us back to the first chapter when he is discussing the middle way; a ruler is needed in order to avoid error which is caused by deviation from the middle way.⁸ Also, Engelbert states that happiness is the end to human custom and works, which cannot be fulfilled without a ruler to keep others from deviation

bonum humanum, cum anima rationalis sit ultima forma & natura hominis, per quam differt a brutis.”

⁶ Ibid., p. 9: “...sciendum est, quod vita hominis, secundum quod colligi potest ex dictis Philosophi in Ethicis & Politicis, considerari potest dupliciter: vel *quoad seipsum*, quae vocatur *vita singularis*: vel *quoad alios*, & hoc dupliciter: vel *quoad domum & familiam propriam*, quae appellatur *vita domestica* seu *familiaris*: vel *quoad vicinos & concives*, quae dicitur *vita civilis*. Quod autem necesse sit, omnes homines regi ab aliquo in quocunque statuum praedictorum vitae humanae...”

⁷ Ibid., pp. 9-10: “[Quod autem necesse sit, omnes homines regi ab aliquo in quocunque statuum praedictorum vitae humanae,] ostenditur triplici ratione. Primo quidem ex eo, quod ad contingendum id, quod est extra nos, indigemus aliquo perducente nos in illud. Sed finis, qui est perfectio hominis, est extra nos, cum *finis* sit *causa extra*... Ergo, ad consequendum finem suum indigent homines aliquo ducente in ipsum. Sed ducens in finem est *regens* ut supra probatum est. Ergo homines indigent aliquo regente ad consequendum finem suum.” Concerning the ‘lives’, cf. p. 29, fn. 11, p. 31, fn. 16 (*infra*).

⁸ Cf., p. 27, fn. 3 (*supra*).

from the middle way.⁹ Lastly, a ruler is needed because the many need to be directed towards one, singular end.¹⁰

Also in this chapter, Engelbert outlines the first, middle, and final ‘capacities’: the sensitive, imaginative, and rational (respectively). These ‘capacities’ are three-fold and govern within each of the three-fold lives of man. The rational capacity should rule the other two capacities in every life due to it being “more noble and superior” than the others.¹¹

Engelbert, following his assertions in the previous chapter, begins Chapter III by claiming that the perfect government of man exists only through “reason informed by art,” which he shows in yet another tri-fold manner of reasoning. The first reasoning for this claim is that if ever confusion arises and both parties dealing with the issue appear to have reason on their side, someone more informed needs to be able to make a judgement as to eliminate doubt of which reason, or ‘party’, is best and/or more right. Thus, reason informed by art is more ‘right’.¹²

⁹ Ibid., p. 10: “Quia ubicunque possibilis est error & deviatio in aliqua via respectu alicuius termini, ibi necessarius est dux & regens ad evitandum errorem & deviationem. Sed in via morum & operum humanorum respectu sui finis, qui est felicitas, contingit multus error & deviatio... Ergo in omni via morum & operum humanorum necessarius est dux & regens.”

¹⁰ Ibid., p. 10. Engelbert is quoting Aristotle’s *Politics* Book I: “...sicut dicit Philosophus in Primo Politicorum, *ubicunque plura ordinantur ad unum finem, necesse est ista subalterno modo se habere ad invicem, ita quod unum sit regens, & aliud, quod regitur.*”

¹¹ Ibid., pp. 10-11: “...quod in *singulari* vita hominis ad seipsum necesse est, quod potentia sensitivae & imaginativae regantur per rationales respectu consecutionis ultimi finis. Nobilior enim semper debet esse id, quod regit, eo quod regitur per ipsum. Ratio autem nobilior est & superior sensu & imaginatione. Similiter quoque in *vita hominis domestica* necesse est, quod uxor & liberi & servi regantur per virum... Eodem quoque modo in *vita civili* necesse est, ut multitudo & diversitas civium regantur, ab uno aliquo, cuius comparatio ad totam multitudinem civium sit, sicut comparatio rationis ad imaginationem & sensum, & viri ad familiam & domum.”

¹² Ibid., pp. 11-12: “Quod autem perfectum regimen hominis in quacunque vita praedicta non sit per rationem simpliciter, sed per *rationem arte informatam*, ostendi potest triplici

The second reasoning backing the claim that the perfect government of men is only attainable through reason informed by art for Engelbert is that even in ruling one needs a ‘rule’. He then uses the analogy of using a compass to draw a circle and a ruler to draw a straight line or various angles. This transitions into his belief that skill is the necessary ‘ruler’—a clever double entendre—of reason, which allows reason (or the one possessing it) to come to a more complete understanding.¹³

Engelbert’s last reasoning begins by dividing the speculative intellect and the practical intellect. The speculative intellect theorizes ‘speculative matters’ while the practical ponders ‘useable matters’. Both, he claims, need “the way of art,” which is necessary for a more complete understanding of either the speculative or useable matters. Essentially, ‘art’ is the practical application of reason, and as such is the best form of reason for governing mankind.¹⁴

via. Primo ex eo, quod quidquid ex se indeterminatum est ad utramque partem contradictionis, indiget aliquo determinante, si debet se habere ad unam magis quam ad alteram. Sed in dubiis...ratio simpliciter & ex se indeterminata est ad utramque partem. Ergo si debet se habere ad alteram partem determinat, indiget aliquo determinante ipsam. Sed illud, quod elicit conclusionem ex praemissis, determinat dubium quaestionis ad alteram partem. Hoc autem est ars: quia ars est potentia eliciendi conclusionem ex praemissis. Ergo ratio indiget maxime in dubiis arte determinante ipsam ad alteram partem dubitationis.”

¹³ Ibid., p. 12: “...aliud est *regens* & aliud est *regula*, secundum quam regitur: & regens in actu regendi semper indiget regula ipsa...quod volens protrahere circulum indiget circino, secundum quem protrahere. Et volens protrahere lineam rectam vel triangulum vel quadrangulum indiget regula, secundum quam lineam ducat. Sed ars est regula rationis: quia rectus processus rationis in inveniendis & cognoscendis rebus non est nisi secundum ductum artis. Ergo ratio in omni suo processu & regimine recta, indiget arte tanquam regula, secundum quam procedit.”

¹⁴ Ibid., pp. 12-13: “Quia sicut speculabilia se habent ad intellectum speculativum: ita & agibilia se habent ad intellectum practicum. Sed speculabilia non sunt apprehensibilia...nisi secundum viam artis. Ergo & agibilia non sunt perfecte cognoscibilia...nisi per viam artis. Sed ratio prout est cognoscitiva agibilium & operabilium humanorum, reducitur ad intellectum practicum [quoting Averroes Commentary on *De anima*] *intellectus speculativus sit practicus per extensionem ad opus.*

Engelbert concludes Chapter III by stating that the perfect government includes two vital components: firstly, the knowledge of its own end; and secondly, the knowledge of how to lead into the end without error or deviation. This second aspect requires the knowledge of the ‘middle way’ with art “which is the rule (of reason) and the infallible way to this [end].” Engelbert does admit that some people may have come to ‘right reason’ through ‘natural industry’ or experience, but that these two ‘ways’ are not sufficient enough to govern completely. Only through the two components above may this occur.¹⁵

Chapter IV of Tract I briefly investigates the linguistic origins of the three-fold life of man: *monasticus* (individual), *iconimicus* (family or household), and *politicus* (civil). Engelbert states that he plans to skip over the first two and focus solely on the last: the *politicus*, or civil life of man. This then allows Engelbert in the following chapters to move on to the primary goal of his first tract: the exposition and classification of the forms of government which dominates the third—i.e. civil—life of man.¹⁶

Ergo ratio, prout est cognoscitiva agibilium & humanorum, indiget arte tanquam via & regula, secundum quam perfecte & sine errore procedat.” This practical application of reason appears to be synonymous with *recta ratio* and/or *ratio practica*, both of which became more commonplace terms dealing with moral philosophy in the Latin West after the translation of Aristotle’s *Ethics*. See p. 43, fn. 44 (*infra*). For more on *recta ratio*, cf. Anthony Celano, “Medieval Theories of Practical Reason,” *Stanford Encyclopedia of Philosophy*, December 3, 2014, accessed January 18, 2018 <https://plato.stanford.edu/entries/practical-reason-med/>; David W. Clark, “William of Ockham on Right Reason,” *Speculum*, 48 (1973), 13-36; Anthony J. Lisska, “Right Reason in Natural Law Moral Theory,” in *Reason, Religion, and Natural Law: From Plato to Spinoza*, ed. Johnathan A. Jacobs (Oxford: Oxford University Press, 2013).

¹⁵ Ibid., p. 13: “...multi per industriam naturalem vel experientiam habeant rectam rationem in multis agendis, sicut dicitur in Secundo *Elenchorum*, quia *sine arte faciunt ea, quae sunt artis: perfectum tamen regimen, & in omnibus*, non potest esse nisi per rationem arte informatam: quia *regimen perfectum* includit duo, scilicet cognitionem ipsius finis & scientiam perducendi in illum finem sine errore, quod non potest esse sine cognitione mediorum & absque arte, quae ad hoc est regula & via infallibilis.”

¹⁶ Ibid., p. 14: “Omissis igitur primis duabus speciebus regiminis vitae humanae, scilicet regimine *Monastico & Iconomico*, de *Politico* & speciebus ipsius aliquid breviter est

Engelbert begins Chapter V of Tract I by stating that there are four “simple and natural” forms of government: Democracy, Aristocracy, Monarchy, and Oligarchy. Each seeks the public good, or the one end of the civil life, in different manners but needs subalternation in order to avoid dangers and error in reaching that end. This subalternation is achieved by being ruled by one, few, or many.¹⁷

He then starts his summaries of these four simple, natural forms of government—each having specific qualifications by which leaders are chosen and/or governance is maintained—beginning with Democracy, which is the rule of many. He states that Democracy is the rule of the “average [kinds]”, or of the people working through the consensus of the “majority [of the people]”, who elect leaders (or *rectores*). Engelbert cites unnamed Italian cities as examples of this form of rule.¹⁸

Following his summary definition of Democracy, Engelbert states that there are two forms of government that are ruled by the few: the Aristocratic and Oligarchic forms. In the Aristocratic form of government, Engelbert states that ‘prudence’ and ‘virtue’ are the two qualifications for which men are chosen to rule in this form: the *optimates*, or “men of the highest standing,” lead in the Aristocracy (in theory, at least). He cites the

dicendum, ut hoc ordine ad doctrinam & artem regalis regiminis veniamus: quoniam regimen regum est species regiminis Politici, ut patebit.”

¹⁷ Ibid., p. 14-15: “Sciendum itaque est, quod secundum dicta in praemissis multitudo civium ordinata ad unum finem vitae civilis, quod est *bonum publicum* & commune, non potest pervenire sine multis periculis & erroribus ad illum finem, nisi per quamdam subalternationem, ita quod multitudo illa sit vel sub uno aliquo tanquam regente & ducente in illum finem, vel sub aliquibus paucis vel multis loco unius regentibus & dirigentibus in idem.”

¹⁸ Ibid., p. 15: “Si *multi*, tale regimen vocatur *Democratia*, id est, *principatus mediocrium* seu *popularium*, qualis est in aliquibus civitatibus Italiae, ubi feruntur in dubiis sententiae & diffinitiones secundum consensum majoris partis populi, & populus eligit, & de populo eliguntur rectores.”

senators and consuls of the Roman Republic (pre-Augustus) as his exemplar of this form of government, using examples such as Lucius Cincinnatus.¹⁹

Following Aristocracy, Engelbert summarizes Oligarchy (another rule of the few), stating that it is the rule of wealthy and powerful men, who are chosen to rule according to the qualifications of wealth and power. In this form, he claims that these men are chosen over wiser men because it is believed that the wealth and power of the rulers in an Oligarchy is achieved via practice, wisdom, or industry.²⁰

Engelbert asserts that each simple, natural form of government has its own diverse 'end', or that in which the 'civil good' is placed: virtue is the civil good of Aristocracy, riches and honors in the Oligarchy, and liberty or freedom in the Democracy.²¹

¹⁹ Ibid., pp. 15-16: "Si vero *pauci* aliqui assumuntur, tunc certum est etiam, quod non assumuntur, nisi, qui aestimantur meliores: quia regens semper melius esse debet. Duo autem sunt... Si ergo aliqui assumuntur ad regimen propter suam prudentiam seu virtutem, tale regimen vocatur *Aristocratia*... In Aristocratia [est] quasi principatus virtuosorum vel bonorum, quale fuit olim regimen Romanorum, antequam Romana Respublica sub Imperatoribus ageretur, videlicet, quando Consules & Senatores Rempublicam regebant, qui utique eligebantur secundum solam virtutem animi tantum... Et Lucius Cincinnatus de agro & aratro, quod in manibus tenebat, ad dignitatem Dictaturae fuit assumptus..." In a foot note found on the bottom of p. 15, the editor of the text, in clarifying the Greek (Engelbert, again uses a linguistic analysis of the Greek origin of the definition of *Aristocratia*, states that 'ares' equates to *virtus* in Latin, and 'archos', "quod est *principatus*") claims that 'archos' translates to *optimates, viri praestantissimi*.

²⁰ Ibid., p. 16: "Si vero contingat aliquos assumi ad regimen propter divitias seu potentiam, tale regimen vocatur *Olicratia*, id est, principatus divitium vel potentium. Ditiore enim & potentiores praesumuntur sapientiores aliis esse, eo quod divitiae & potentia per aliquam sapientiam seu industriam acquiruntur & conservantur." In another footnote of the editor at the bottom of p. 16: "Ita constanter Engelbertus: alias *Oligarchia*." Engelbert will often switch between *olicratia* and *oligarchia*.

²¹ Ibid., p. 17: "Hae autem tres species Politici regiminis sumunter secundum tres fines diversos, in quibus diversi ponunt bonum civile. Quidam enim ponunt bonum civile in *virtute*, quorum est *Aristocratia*. Quidam in *divitiis* & honoribus, quorum est *Olicratia*. Quidam vero in *libertate*, quorum est *Democratia*, secundum quod dicit Philosophus Quarto Politicorum."

Having outlined these first three simple, natural forms, Engelbert discusses the last form: *Monarchia*, or Monarchy. Engelbert, following the method employed for the other forms of government, begins his discussion of the Greek origin of the word, meaning “rule of one.” A king, or monarch, is chosen as the ruler of this form of government according to three possible criteria: first, he is of the “best [men]”; second, he is chosen according to ‘truth’; and lastly, he is chosen according to the multitude’s opinion. The king is the “lord and prince alone and singular.”²²

Engelbert claims that it is necessary that a king is the “best of all [others]” and excels all in virtue, so much so that he is no longer considered “a citizen or a part of the city.” He must be considered “as a god among men,” subject to no other entity but all others subject to him due to his excellence in virtue.²³

After having summarized the four ‘simple and natural’ governments of man in the previous chapter, Engelbert then moves on to the ‘mixed’ governments created from a combination of two of the four simple and natural governments in Chapter VI.²⁴ All mixed

²² Ibid., p. 17: “Si vero unus tantum sumitur ad regimen totius multitudinis, tale regimen Graece dicitur *Monarchia*, a *monos*, quod est *unus*, & *archos*, quod est *principatus*... Et quia ad Regem non assumuntur nisi optimi vel secundum veritatem vel secundum opinionem multitudinis...ex hoc de facili patere potest, quid sit *Rex*: quia *Rex* est Dominus sive Princeps solus & singularis...”

²³ Ibid., p. 17: “...quia Regem oportet optimum omnium esse: & qui talis est, ut solus virtute excellat omnes, non est iam civis vel pars civitatis, sed sicut Deum inter homines aestimandum est talem esse. Unde talem expedit esse liberae voluntatis & nulli subjectum, sed alios omnes sibi subjectos esse, cum non nisi optima velit.”

²⁴ It should be noted that I have found some discrepancies in this text. Chapter VI is titled *Concerning the mixed governments from the two simple governments*, yet Engelbert does not even begin to discuss mixtures of simple, natural governments excepts for a brief comment at the end of the chapter in which he discusses a mixture of Oligarchy and Democracy, claiming that this mixture can lead to many other (unspecified) forms of mixed governments. This is the extent of ‘mixture’ that we see in Chapter VI. However, Chapter VII does deal with the mixed governments from two of the four simple, natural governments. Nevertheless, this chapter also appears to be mistitled: *Concerning the mixed*

forms come from the simple and natural forms—i.e., Monarchy, Aristocracy, Democracy, and Oligarchy. However, before Engelbert can investigate these forms of mixed government, he uses the analogy of the second life of man—i.e., the domestic or household—as the “first community of man” which is ‘from nature’ (again, utilizing Aristotle’s natural argument from *Politics*).²⁵

According to this analogy of the home and forms of government, the man, being “more virtuous in body and mind,” rules the wife according to the aristocratic form. Next, the man (*paterfamilias*) rules all free men under him according to a ‘regal’ rule (i.e., Monarchic) like a father to a son for the good of his ‘subjects’, not himself. Brother rules brother according to age, often equated with wealth and power, i.e., Oligarchy, possibly due to the common practice of primogeniture at that time. Lastly, the man rules his slaves according to a tyrannical form of rule, which Engelbert notes is a corruption of Monarchy (the man ruling for his own, personal ends/benefits, not the benefit of the servants).²⁶

governments from the three simple governments. There is, yet again, no discussion of what the title indicates. Even more perplexing is the fact that Chapter VIII is titled the exact same as Chapter VII, yet it does deal with the mixed governments from three of the four simple, natural governments. This could be a simple error on the part of the printer and/or editor, but without further investigation into the manuscripts utilized by the printers, we can only speculate. For consistency’s sake, I will follow the text ‘as is’, feeling content for now at having mentioned it here. If I could change titles and rearrange the form, I would combine Chapters VI and VII and leave Chapter VIII as is.

²⁵ Ibid., p. 18: “Nam prima communitas est *domus*, quod secundum Philosophum in Primo Politicorum est a natura...”

²⁶ Ibid., pp. 18-19.: “...vir dominatur mulieri principatu Aristocratio, id est, secundum virtutem. Vir enim in virtute corporis & animi mulierem excellit. Unde mulier naturaliter viro est subjecta propter virtutem viri. Item vir dominatur liberis principatu regali: quia pater intendit in suo regimine bonum filiorum tantum, & non suum, sicut rex bonus & verus debet tantummodo intendere bonum subditorum, & non proprium solum. Frater vero dominatur fratri Olicratio principatu, qui est principatus seniorum, & eorum, qui aestimatione vulgi propter aetatem, & per consequens propter divitias & potentias reputantur meliores, quod contingit in fratre seniore respectu juniores: quia frater fratri praepositur propter aetatem. Et sic excrescit frater fratrem in divitiis & potentia ex eo, quod

In Chapter VII, Engelbert announces that there are three objectives to this chapter: first, to reveal or prove the diverse ‘modes’ and/or ‘kinds’ of mixed political compositions from the two simple, natural forms of government; second, to compare each to one another (in order to reveal the ‘best’); and third, to identify the corruptions and/or transgressions of each. It should be noted, however, that Engelbert does not delve into this third area of investigation, reserving it for the next chapter. Engelbert, before analyzing these mixed governments, asserts that this present endeavor is purely theoretical: “not according to ‘actual’ but ‘possible’ uses.” There are six possible combinations and he lists them hierarchically, from best to worst.²⁷

The first combination of the mixed government from the two simple, natural governments is the combination of ‘regal’ rule (Monarchy) and Aristocracy. Engelbert states that a singular king rules principally and according to reason, with the Aristocracy, or ‘consuls’ and ‘rectors’, ruling under him according to ‘virtue and probity’, by which they are elected or chosen (not by ‘law of heredity’ or ‘title of birth’), as in the Republic of Rome. Also, the Aristocracy will act as “friends of the king,” looking out for what is best for him.²⁸

praesumitur pro aetate... Iterum etiam vir in domo dominatur servis principatu tyrannico, qui non est species principatus naturalis alicuius, sed corruptio & transgressio principatus regalis. Nam Paterfamilias dominatur servis ad utilitatem suam propriam, & non ad utilitatem servorum.”

²⁷ Ibid., p. 20: “...prius aliqua declarabimus de diversis modis sive speciebus politiarum compositarum, & de comparatione earum ad invicem, quae ipsarum sint aliis meliores. Deinde de modis corruptionum seu transgressionum ipsarum politiarum... Et loquimur hic de compositione politiarum non secundum realem usum, sed secundum possibilitatem combinationis simplicium: quia, dicit Philosophus Quarto Politicorum, *non solum existentes sed etiam possibiles existere politias oportet considerare.*”

²⁸ Ibid., pp. 20-21: “*Ex regno igitur & Aristocratia compositum est illud regimen, in quo principatur unus secundum rationem tanquam Dominus omnium, & sub eo sunt aliqui principantes eidem similiter secundum virtutem ad regimen caetorum, ita quod unus*

The next combination discussed by Engelbert is that of Monarchy and Oligarchy. Like the previous combination, the king rules principally according to reason, and the Oligarchs rule under him according to nobility of birth and/or wealth and power; they are not elected or chosen by the king or any other part of the civil community, but simply due to the fact that they are wealthy and powerful (which is due to their noble birth).²⁹

Following the combination of Monarchy and Oligarchy, we come next to the mixture of Monarchy and Democracy in which the king rules principally according to reason, while the people—or rather the “greater part” of the people— rule according to consensus, which is required and must be heard in judgements and rulings.³⁰

The fourth mixed government, that being a combination of Aristocracy and Oligarchy, is discussed next. Engelbert is brief with regards to this combination, stating simply that the Aristocracy rules principally according to virtue and the Oligarchs rule under according to power and wealth. Engelbert uses North Italian city-states (unspecified, again) as examples of this sort of mixed government.³¹

tanquam Dominus administrat regimen, alii vero sunt tanquam subministrantes ad regimen secundum virtutem electi ad hoc & deputati: quale videtur esse regimen illorum regnorum, in quibus Consules & rectores assumuntur ad regimen Reipublicae, non ex jure haereditatis seu ex titulo generis, sed ex electione virtutis & probitatis, qui sunt digni vocari *amici regis*.”

²⁹Ibid., p. 21.: “*Ex regno quoque & Olicratia* componitur illud regimen, in quo principatur unus secundum rationem & majores nobilitate vel divitiis vel potentia comprincipatur & subministrant eidem in regimine, non secundum virtutem electi, sed per successionem generis, vel secundum gradus nobilitatis vel potentiae vel divitiarum ad regimen applicati.”

³⁰ Ibid., p. 21: “*Ex regno vero & Democratia* est illud regimen, in quo principatur unus secundum rationem, & populus secundum consensum majoris partis in sententiis aliquibus & diffinitionibus, requiritur & auditur.”

³¹ Ibid., p. 21: “*Ex Aristocratia vero & Olicratia* est illud regimen, in quo principantur & regunt partim secundum virtutem electi, partim vero secundum potentiam vel divitias se ingerentes vel assumpti quod regimen taliter permixtum satis commune est in multis civitatibus Italiae...”

Concerning the combination of Aristocracy and Democracy, Engelbert has much more to say than the previous combination. He claims that these two simple forms ‘co-rule’ according to each qualification of the individual forms, i.e., consensus of the larger part of the people for Democracy, and virtue for Aristocracy. Engelbert then states that the governments of the “better cities in Italy” utilize this form. Engelbert asserts that the Democratic element of this mixture plays a powerful role in the selection of leaders and in the establishment of laws. Engelbert also examines the use of *ballotas* (‘ballots’) in the election process, which are used to “hinder fear and error, which impedes good judgement in the selection of leaders and in the establishment of laws.” Fear is stymied through ‘chance’ and error is prevented through ‘skill’. Men are to be elected according to “virtue and love” of the common good, and nobles (Oligarchs) are rarely elected to office.³²

The final mixed form of governance examined in this chapter is the combination of Democracy and Oligarchy. Engelbert briefly mentioned this mixture at the end of the previous chapter and still is somewhat reticent with regards to this mixed form. He states that the Democratic element rules according to the consensus of the major part of the

³² Ibid., pp. 21-22: “*Ex Aristocratia autem & Democratia est illud regimen, in quo principatur aliqui secundum virtutem & populus comprincipatur eisdem circa sententiam ferendas & statuta condenda in magnis & de novo subortis, quale est regimen meliorum civitatum Italiae... In magnis vero vel de novo faciendis aut statuendis requiritur consensus majoris partis populi. Et ut electio Potestatum & Consulium, & conditio statutorum & faciendorum vel non faciendorum sine timore & periculo procedat secundum virtutem & veritatem, consensum exprimunt singuli pro hac parte vel illa, non per verba, se per sortes quasdam, quas ballotas vocant... In ballotas, igitur timori praecavetur per sortem: quia nescitur, quis consenserit in propositum vel in oppositum. Errori vero praecavetur per artem: quia nihilominus liberum est unicuique consulere, quod utilius videatur. Sed quia nobiles pro majori parte aspirant magis ad potentiam & excellentiam suam & suorum, quam utentes, raro consueverunt nobiles eligere vel admittere ad Consulatus & regimina: sed de popularibus eligunt bonos viros secundum virtutem & amorem, quo se habent multi de talibus ad bonum commune.*” A footnote of the editor at the bottom of p. 21 reads “*Cod. Concedenda.*”

people, which is essential for new laws; the Oligarchic element rules according to nobility of birth, power, and/or wealth. This is all he has to say about this form, except for a reference to unspecified German cities that are said to utilize this form of mixed government.³³

Following his investigation into the mixed governments from two of the four simple and natural forms, Engelbert discusses the mixed forms from three of the four simple and natural governments in Chapter VIII.³⁴ Again, Engelbert proceeds hierarchically, listing ‘best’ (theoretically) first and ‘worst’ last. The first combination of the three simple forms of government is the mixture of Monarchy, Aristocracy, and Oligarchy. The monarch rules principally according to reason and the Oligarchy (i.e., wealthy and powerful men) rules according to birth and/or power and wealth. It is interesting to note that Engelbert does not discuss the aristocratic element whatsoever. I believe, however, that it is safe to assume that the aristocracy (i.e., consuls and rectors) rule under the king and according to the qualification of virtue—this follows the same pattern outlined previously (and continually) by Engelbert. Engelbert posits that the kingdoms, duchies, provinces, and cities of Germany utilize this form of mixed government.³⁵

³³ Ibid., p. 22: “*Ex Democratia autem & Olicratia est illud regimen, in quo principatur (aliqui) aut secundum generis nobilitatem vel potentiam vel divitias, & in aliquibus magnis vel novis statuendis vel faciendis requiritur consensus populi, vel majoris partis: quod regimen quam in pluribus Teutoniae civitatibus & provinciis est in usu.*”

³⁴ Cf. p. 34, fn. 24 *supra* regarding the mis-titled chapters. The content of Chapter VIII matches the title (a polity composed from the combination of three of the four simple and natural forms of government).

³⁵ Ibid., p. 23: “*Ex regno igitur & Aristocratia & Olicratia composita est illa politia, seu illud regimen, in quo principatur & regit unus secundum rationem, & alii simul secundum generis nobilitatem vel potentiam vel divitias, quale regimen iam quasi communiter in multis regnis, & ducatus & provinciis & civitatibus, maxime in principatu Alemanniae.*” Engelbert specifically mentions the Alemanni and Teutoni (*supra* fn. 33), and I have translated both as ‘German(-y)’.

The next form of mixed government made up from three of the four simple forms is a combination of Monarchy, Aristocracy, and Democracy. The monarch again rules principally according to reason; the aristocracy rules according to virtue; and the democratic element rules according to consensus of the greater part of the people for “new and great laws” in the polity. Engelbert also states that the people need to have a role in the governance of the polity, but then does not state why exactly that is. He then claims that the king has the right to dole out honors based on virtue and the “good of the kingdom.” Engelbert uses the example of past kingdoms of Hungary for this mixed form.³⁶

The combination of Monarchy, Democracy, and Oligarchy makes up the third mixed form of government. Engelbert has very little to say about this mixture. He follows his typical pattern of the monarch ruling principally according to reason, the democratic element ruling according to consensus of the greater part of the people, and the oligarchic component ruling according to birth, power, and/or wealth. His example for this form is that of *Sclavos*.³⁷

³⁶ Ibid., pp. 23-24: “Ex regno vero Aristocratia & Democratia est illud regimen, in quo principatur unus secundum rationem, & alii sub eo consules & rectores similiter secundum virtutem, & nihilominus de magnis & novis expectatur consensus majoris partis populi...quale regimen dicitur aliquando fuisse in regno Hungariae, ubi Rex solus regebat, singula secundum rationem & dignitates & honores per Regem distribuebantur, non secundum nobilitatem generis, sed secundum virtutem, qua se habebat unusquisque ad bonum regni: & in magnis & novis, beneplacitum majoris partis totius populi expectabatur.”

³⁷ Ibid., p. 24: “Ex regno quoque & Democratia & Olicratia consistit illud regimen, in quo principatur unus secundum rationem, & aliqui sub consules & rectores secundum potentiam & nobilitatem & divitias, & in magnis & in novis consensus majoris partis populi expectatur, quale regimen dicitur esse inter *Sclavos* in majori parte ducatum & principatum ipsorum.” It is interesting to note here that Engelbert refers to the oligarchic element—generally referred to as wealthy, powerful men of noble birth—as ‘consuls’ and ‘rectors’, the labels typically utilized for the aristocratic element in any given form of government. Also, *Sclavos* appears to be the Slavs (*Sclaveni*) according to Procopius in

The last mixture of three simple and natural forms of government is that of Aristocracy, Democracy, and Oligarchy. The Aristocracy rules principally and is composed of distinguished rectors who are chosen according to virtue. The democratic component rules under the Aristocracy according to consensus of the greater part of the people, and the oligarchic element rules according to birth, power, and/or wealth. Engelbert mentions cities in Italy as examples of this form of mixed government. He is, however, cautionary regarding this form of mixed government, claiming that wealthy and powerful men “always attempt withhold or divert the people to themselves and their friends, thus creating factions and seditions in the cities.”³⁸

In Chapter IX, Engelbert briefly discusses the mixed government composed of all four of the simple and natural governments. He states that this kind of governance is created, or rather utilized, due to either “great difficulties” of ‘industrious governments’ or, more often, due to an “ineffective or lazy” rule of a prince. Again, Engelbert follows his pattern of qualifications for leadership in a hierarchical fashion: the king rules principally according to reason; the aristocracy rules according to virtue directly under the king; the oligarchs rule according to nobility of birth, power, and wealth; and the democratic part

Edward James, *Europe’s Barbarians AD 200-600* (New York, NY: Routledge, 2014), p. 95, fns. 58 and 59.

³⁸ Ibid., p. 24. “Ex Aristocratia autem & Democratia & Olicratia componitur illud regime, in quo primi & praecipui rectores eliguntur secundum virtutem, & sub illis regunt & dominantur aliqui secundum potentiam & nobilitatem vel divitias, & in magnis & novis consensus majoris partis populi expectatur, sicut in aliquibus civitatibus Italiae... Nam rectores primi & praecipui, qui sunt boni, quamvis intendunt bonum commune, tamen potentes & divites, qui subministrant eisdem in parte regiminis, semper nituntur partem populi ad se & suos amicos retrahere, & sic fiunt partes & seditiones in civitatibus.”

rules according to the consensus of the greater part of the people. Engelbert claims that sometimes this form of government is useful, other times it is useless.³⁹

Engelbert in Chapter X begins to probe further into the differences and comparisons of not just the simple and natural forms of governance, but also the mixed forms as well. First, however, he explicates *principia* of each simple and natural forms of government.⁴⁰ These *principia* “according to which and from which the government of the civil life advances/proceeds” are taken from Aristotle’s *Rhetoric* and fundamental in differentiating the forms of government for Engelbert. Reason advances the civil life in a Monarchy; virtue is the *principium* for the Aristocracy; election and law are the *principia* of Democracy; and will (of the wealthy, powerful men) directs the civil life under an Oligarchy.⁴¹ The King, or Monarchy is most natural due to the fact that “reason imitates nature.”⁴²

³⁹ Ibid., pp. 24-25: “...possibilis est etiam politia composita ex omnibus quatuor speciebus politiarum, quae licet sit magis difficilis & laboriosi regiminis, est tamen in usu satis communis propter desidiam & negligentiam Principium & Regum circa observationem optimi & convenientissimi regiminis. Tale igitur regimen est illud, in quo principatur unus secundum rationem, & principantes sub eo partim se habent ad regimen secundum virtutem, partim secundum nobilitatem, divitias vel potentiam, & nihilominus in magnis & in novis consensus multitudinis populi expectatur. Tale regimen utrum utile vel inutile sit, postmodum plenius in suo loco patebit.”

⁴⁰ Cf. Key Terms in Chapter I, p. 24 with regard to the definition of this term.

⁴¹ Ibid., pp. 25-26: “...quod quatuor sunt principia, secundum quae & ex quibus procedit regimen vitae civilis, videlicet ratio, virtus, lex, & electio seu voluntas: & secundum illorum quatuor principium differentiam & comparisonem & differentia & comparatio quatuor simplicium politiarum ad invicem. Nam regimen regni [Monarchia], secundum quod dicit Philosophus in Prologo super Rhetoricam, procedit secundum rationem: Regimen Aristocratiae secundum virtutem: Regimen Democratiae secundum electionem & legem: Regimen Olicratia secundum voluntatem.” Engelbert will often equate ‘election’ with ‘consensus’ [of the majority]. Cf. fn. 43 (*infra*).

⁴² Ibid., p. 26: “Reges enim quasi paterno more se habent ad regimen, & sicut rationabile esse videtur, sic regunt & diffiniunt unumquodque. Unde & naturalissimum est regimen regale ex eo, quod ratio imitatur naturam.”

The Aristocracy ‘conducts’ their government according to virtue and love for the common good, whereas the Democracy leads their polity to the common good through election and law, or through the consensus of the greater part of the people (often synonymous with election and law). The Oligarchy, however, leads their form of government through their own will.⁴³ Engelbert then states that Aristotle makes no direct mention of an Aristocracy in his *Rhetoric* due to the fact that it is assumed to be assimilated into a Monarchy. This is because virtue and reason are so closely tied: “virtue always works with ‘right reason’.” One acquires virtue through reason, thus reason is a prerequisite to virtue, making reason supreme and therefore a Monarch supreme to not only an Aristocracy, but to all other (simple and natural) forms of governance (theoretically, at least).⁴⁴

Oligarchy and Democracy are the most opposed to Monarchy according to Engelbert due to the fact that Oligarchies and Democracies are ruled according to written and unwritten laws, as well as the will and consensus of men, which are ‘inanimate laws’ (*lex inanimata*). The king is the ‘living law’ (*lex animata*) and can therefore act according to reason (and virtue) in a more expedient manner in emerging issues.⁴⁵

⁴³ Ibid., p. 26.: “Aristocratici se habent ad regimen secundum virtutem & amorem, quem habent ad bonum commune; Populus autem secundum legem & electionem seu consensum majoris partis diffiniunt, quicquid ad eos delatum fuerit, quorum est Democratia. Nobiles vero & potentes seu divites, ubi dominantur secundum suam voluntatem, habent se ad singula regenda, quorum est Oligarchia.”

⁴⁴ Ibid., p. 26: “In quibus verbis Philosophi notabile est, quod mentionem Aristocratiae non facit, sed regni & Democratiae & Oligarchiae: quia regimen Aristocratiae in hoc assimilatur principatui regali, quod regimen eius procedit secundum virtutem, ac per hoc secundum rationem: quia virtus semper operatur cum ratione recta, sicut dicitur Tertio Ethicorum.” Cf. p. 30, fn. 14 (*supra*) and *ratio recta* and ‘practical reason’, or “reason informed by art.”

⁴⁵ Ibid., pp. 26-27: “Democratia vero & Oligarchia directius opponuntur regali regimini: quia regunt non secundum virtutem vel rationem, sed secundum legem scriptam vel non scriptam, & secundum hominum consensum & voluntatem. Ex quo patet, quod Rex in eo,

All governments in reality—Engelbert’s practical argument—utilize a mixture of *principia*. For example, Engelbert states that a Monarchy still rules according to law (*principium* of Democracy), but first and foremost the king rules according to reason, which is a prerequisite for ‘good’ law. Aristocrats also rule according to reason and law; law and the will of men is often uncertain, particularly with regard to ‘particulars’ and ‘contingencies’. The fundamental differences between each form of government is in each government’s “intention and mode,” as well as each governments’ *principium* and ends. Engelbert quoting Aristotle claims that all forms of government intend for liberty, but achieve this liberty through the various differing *principia* which direct and/or guide the rulers within each form of government to their respective end. The *principium*, therefore, acts as the efficient cause which, as stated above by Engelbert, is that which guides the formal (i.e., the form of government specific to each *principium*) towards the final cause—i.e., *libertas*, or liberty.⁴⁶

quod regit secundum rationem, est quasi lex animata. Sed Lex scripta vel non scripta, secundum quam regit principatus Democraticus & Olicratus, est lex inanimata.” The idea of the *lex animata*, or ‘living law’, plays an important role later on in the treatise, emphasizing the prominence of the Monarchic constitution/government over the other simple and natural forms due to the expediency with which the king can employ Reason (the principle of the Monarchy) to solve “new and emerging problems,” something that written and unwritten laws, as well as the will of wealthy and powerful men, cannot as effectively address.

⁴⁶ Ibid., p. 27.: “...intelligitur non in omnibus, sed in pluribus secundum rationem & constitutionem uniuscuiusque principatus. Nam & reges regunt secundum leges & secundum ius gentium: & Aristocratici multa regunt secundum in his, in quibus lex deficit, ut voluntas hominum est incerta...in particularibus & contingentibus... Sed differentia regiminum ad invicem secundum speciem consistit in sola intentione & modo, quo se habet regens ad regimen, secundum rationem vel virtutem, vel secundum legem, vel secundum voluntatem, licet Regentes possint diversis speciebus regiminum uti. Differunt etiam praedictae quatuor species regiminum non solum quantum ad principia, ex quibus procedunt, sed etiam quantum ad fines, ad quos tendunt. Quia, sicut dicit Philosophus Quarto Politicorum, *omnes intendunt ad libertatem, quam Monarchia quaerit ex ratione, Aristocratia ex virtute, Olicratia ex divitiis, Democratia ex lege.*”; cf. p. 27, fn. 4 regarding

The Monarchical form of government is the sole focus for Engelbert in Chapter XI: *In which ways the Monarchy surpasses the other governments*. Engelbert begins by claiming that the “animate surpasses the inanimate; so the regal government [Monarchy] surpasses the other governments, because the King is the animated law [*lex animata*].” He then continues and states that “simple and absolute reason surpasses virtue, in so far as dependent virtue is related to reason: so the regal principate excels the Aristocratic principate: for virtue is not the operator of the good, except to the extent that it is operated with right reason.”⁴⁷ Due to this axiom, reason—and therefore the monarchic form of government—surpasses the other *principia* in the other forms of government.

Engelbert elucidates this claim through a dual reasoning: first, as stated in the first few chapters of this tract, reason informed by true skill is “certain and infallible,” whereas consensus, or election, and will without ‘art’ (the *principia* of Democracy and Oligarchy, respectively) fail in many ways and are fallible. The second reason is that there are too many particulars, contingencies, and mutable issues that law—both written and unwritten, or the inanimate law—cannot address as effectively and efficiently as the animated law of a Monarchy, i.e., the king. This is perhaps the crux of Engelbert’s argument for the

causes. There appears, however, to be some confusion regarding ‘ends’: in Chapter V, Engelbert states that each form of government has its own ‘diverse’ end (cf. p. 33, fn. 21) but here states that all intend to liberty. Perhaps what is meant here is that each form leads to a general freedom, or liberty, but that the specific ‘civil good’, or ‘end’ of each form of government differs and is achieved through different means (i.e., *principia*), e.g. Aristocracy (form) and virtue (*principium*) to a virtuous civil end. This ‘liberty’ is, perhaps, relative to each form of government. Cf. James M. Blythe, *Ideal Government* (1992), pp. 124-125, fn. 16.

⁴⁷ Ibid., p. 28: “Nam sicut animatum praecellit inanimatum: ita regimen regale praecellit caetera regimina: quia Rex est lex animata. Adhuc: sicut ratio simplex & absoluta praecellit virtutem, in quantum virtus dependentiva habetur ad rationem: ita principatus regalis excellit principatum Aristocraticum: Nam virtus non est operatrix boni, nisi in quantum cum ratione recta operatur.”

superiority of the Monarchy over the other simple and natural forms of governance: it is impossible to know every possible issue that may arise in the future and therefore impossible to have a law and/or remedy for every legal issue that arises; reason—and therefore the Monarchy—is more expedient than the other forms of government. “It is better to be ruled by the best king than the best law.”⁴⁸

The best things in life are rare and difficult; virtue exists in the middle way and deviation or corruption is very easy, and many people fall away. Engelbert follows this line of reasoning and claims that few good and true kings exist in the world, but when one is found, the people must “worship him as a god on earth... God in heaven chooses and establishes kings on earth.”⁴⁹

⁴⁸ Ibid., pp. 28-29: “Hoc autem ostenditur duplici ratione. Primo ex eo: quia ratio, quando arte vera fuerit informata, est certa & infallibilis regula. Sed voluntas seu consensus aut electio absque arte fallit in multis: quia, sicut dicit Philosophus in Tertio Politicorum, *voluntas hominum non est tritus canon*... Secundo patet ex eo: quia cum lex sit forma quaedam & regula dirigens actus humanos, qui versantur circa particularia & contingentia, quae sunt quotidie mutabilia & incerta: Ita lex, per quam magis provideri potest quotidianis mutationibus emergentibus, utilior & melior erit. Sed per legem animatam magis potest hoc fieri, quam per inanimatam. De lege vero inanimata dicit Philosophus Tertio Politicorum, quod sicut circa alias artes, ita & circa ordinem politicum impossibile est diligentur omnia scripta esse. Ergo lex animata, quae est Rex, sufficienter & utilior est ad regendum, quam omnis inanimata. Et hoc, quod vult Philosophus Tertio Politicorum dicens, quod *melius est regi optimo rege quam optima lege*.” Engelbert also states in his preface: “*Utilitas* vero: quia secundum Philosophum tertio Politicorum *Rex est lex animata* &. Lex enim scripta in chartis est quodammodo mortua, quasi privata motu proprio... Rex vero est *lex animata*: quia praecepto & correptione movet ad ipsius observantiam & declarando & interpretando & addendo dat sensum legi, & determinat particularia & emergentia & incerta circa intellectum & usum ipsius ad recte vivendum & faciendum secundum legem.” (*De regimine principum*, p. 4).

⁴⁹ Ibid., pp. 29-30: “Verumtamen, quod optima rerum in unoquoque genere pauca sunt & rara ac difficilia, eo quod virtus consistit in medio quasi in quodam puncto, a quo facilius est declinare, quia hoc contingit per multa... Et quia magna est dignitas & potestas Regis: ideo inveniuntur pauci boni & veri Reges... Sed quia rara & difficilia quaeque etiam pretiosissima videntur, praefertim in his, quae secundum virtutem rara & pretiosa sunt: Ideo Reges veri & boni omnibus hominibus magis honorandi sunt & colendi tanquam Dii

Engelbert briefly cautions against hereditary rule and then transitions into how ‘reverence’ and ‘love’ are owed to a father, which is equitable in this analogy to the King, for paternal benefices, which cannot be magisterial or regal—furthering Engelbert’s stance against hereditary rule. ‘Fear’ and ‘thanks’ are owed for ‘doctrinal’ benefices; ‘praise’ and ‘honor’ for regal benefices; ‘worship’ and ‘honor’ for ‘divine’ benefices. Excellent men must be honored and praised if found, according to Engelbert.⁵⁰

In Chapter XII: *That the regal government differs from the other [forms] by the population and nobility of the other forms who are ruled by such a government*, Engelbert expounds upon his quantitative delineations of how a Monarchy differs from the rest of the other simple and natural forms of governance. He claims that due to the size of the population and (the size of the) nobility (*nobilitas*), as well as the size of a territory, a Monarchy is much more suited to rule.⁵¹ He backs this claim with a linguistic analysis of various terms: a ‘village’ (*vicus*) equates to many ‘homes’ (*domus*); many ‘villages’ equates to a ‘state’ (*civitas*). He furthers this analysis by stating that ‘distance’ and ‘connectedness’ (or lack thereof) are factors in determining the ‘community’ (*communitas*) of the ‘state’ (*civitas*), which equals the ‘people’ (*populus*). The ‘people’, for the most part

terrestres: quia unus Deus & verus qui est in coelis, eligit & constituit Reges in terris, quibus circa regimen hominum quasi providentiae suae partim commisit...”

⁵⁰ Ibid., p. 30: “Quia...beneficiis paternis, magistralibus & regalibus non potest in rebus, quae sunt in usu, aliqua condigna retributio inveniri. Et propter hoc patri pro beneficiis paternis debetur reverentia & amor: Magistro pro beneficiis doctrinalibus gratia & timor: Regi vero pro beneficiis regalibus laus & honor. Unde sicut nihil est condignum beneficiis divinis, nisi cultus & honor: ita beneficiis regalibus nihil est condignum, vice retributionis nisi laus & honor suo modo, sicut excellentes homines laudari & honorati convenit.”

⁵¹ Ibid., pp. 30-31: “Quod regimen regale differt ab aliis multitudine & nobilitate eorum, qui reguntur tali regimine. Differt etiam regimen regale a ceteris speciebus regiminum non solum specie sed multitudine & paucitate & qualitate eorum, qui reguntur, & vicinitate ac distantia ipsorum.”

according to Engelbert, utilize Aristocracy, Democracy, and Oligarchy—as well as combinations of these forms—to rule themselves in their own communities. Engelbert applies the examples of Ancient Rome, Romulus and Tarquinus Superbus as examples of this ‘self-rule’.⁵²

Engelbert then differentiates between *gens* and *populus* based on the proximity of villages: *populus* belongs to the *civitas*, whereas *gens* can be “far and wide.” He then uses the examples of the *Rex Gentium* of Germany, France, Spain, and Greece due to their large territories and populations. He furthers this differentiation between *populus* and *gens* based on scale: *gens* belong to the *regnum* and, as stated above, the *populus* belongs to the *civitas*. Engelbert is claiming, therefore, that the monarchical form of government is truly the most adept in ruling a larger population and territory.⁵³

Engelbert creates a (theoretical) hierarchy of the simple and natural forms of government based on the *principium* of each form. He essentially formulates this hierarchy from the outset of his discussion of the various forms near the beginning of Tract I (specifically in Chapter V). The Monarchy is the best form due to the principle of reason

⁵² Ibid., p. 31: “Quia...sicut vicus constituitur ex pluribus domibus conjunctis non distantibus: ita civitas constituitur ex pluribus vicis conjunctis non distantibus. Et ita communitas civitatis collecta & constituta ex vicis pluribus conjunctis vocatur *populus*. Et in istis communitatibus, ut nunc temporis, sunt regimina Aristocratiae, Democritiae & Olicratiae, & alia regimina ex suis composita... Sicut legitur de Romulo Rege primo Romanorum, qui erat Rex solius civitatis Romanae, it quod Tarquinio Superbo de regno ejecto...”

⁵³ Ibid., p. 31: “*Gens* vero differt a *civitate*, seu a *populo*. Quia, sicut dicit Philosophus in Secundo Politicorum, *Gens* vocatur, quando per vicos distantes segregata fuerit hominum multitudo. Et proinde Reges vicorum seu civitatum distantiam per latitudinem & longitutinem terrarum appellantur proprie *Reges gentium*, quales Reges sunt Reges magni sicut Alemanniae, Franciae, Hispaniae & Graeciae & consimiles.”

guiding the leader in this form, following the maxim “reason imitates nature.”⁵⁴ Virtue—the *principium* of Aristocracy—is “more certain and stronger than the wishes of individuals.”⁵⁵ Democracy’s *principia*, i.e., consensus and observation of the law, are better than the *principium* of Oligarchy because the consensus of the majority and the observation of the law is “stronger and more certain” than the will of powerful men.⁵⁶

Engelbert then defines Law according to Aristotle: the ‘language’ [of the law] is determined according to the “common concord of the city [i.e., *populus*]” advising and counseling in such matters as to guide all. The will of powerful men (i.e., *principium* of Oligarchy) is not “certain or fixed” and is therefore subordinate to Democracy in his hierarchy according to *principia*.⁵⁷

Engelbert briefly considers what kind of person should rule in each form of simple and natural governance. In the Aristocracy, educated men should rule; in the Democracy, free men or “men of the people” should rule; and in the Oligarchy, wealthy and powerful men rule. Following these assertions, Engelbert claims that the citizen of perfect virtue should rule for life because this will better arrange, or see to, the common good of the

⁵⁴ Ibid., p. 32: “Unde sicut regalis principatus melior est omnibus aliis ex eo, quod habet se ad regimen secundum rationem, quae imitatur naturam...”

⁵⁵ Ibid., p. 32: “Eodem modo principatus Aristocraticus melior est aliis ex eo, quod regit secundum virtutem: virtus autem certior est & firmior voluntatibus singulorum.”

⁵⁶ Ibid., p. 32: “Ideo etiam principatus Democraticus melior & firmior est principatu Oligaratico. Nam Democraticus habet se ad regimen secundum observationem legis & secundum consensum majoris partis populi.”

⁵⁷ Ibid., p. 32: “*Lex* vero, ut dicit Philosophus in Prologo super Rhetoricam, *est sermo determinatus secundum communem concordiam civitatis admonens, quomodo oportet agere singula...* Voluntas autem hominum non est certus canon...”

people under his rule. As we have seen in Chapter XI, Engelbert is ready to claim that if a man (king) of perfect virtue is found, then he should be “worshipped as a god on earth.”⁵⁸

Following the previous chapter outlining the hierarchy of simple and natural forms of government, Engelbert in Chapter XIV compares the polities composed of two of the simple and natural forms, working from what he considers the best polity to the worst—the criteria again being the *principia* from which each simple, natural form of governance proceeds and advances the common good.

The best polity, according to Engelbert, is the polity governed and composed of a Monarchy and Aristocracy; the king being ruled by reason, and the aristocrat—the ‘consuls’ and ‘rectors’, or educated men from the previous chapter—being ruled by virtue. Engelbert claims that whenever a new, emerging issue arises that isn’t encompassed in an existing law, these two groups of leaders in each form, due to their *principia*, are the most efficient, and therefore best, at addressing the issue in a more pragmatic manner; they are the most adept at not impeding the sufficiency and goodness of the polity, all the while observing the law.⁵⁹ Through the combination of the reason of the king and the virtue and love of the common good of the Aristocracy, the polity can advance towards the common

⁵⁸ Ibid., pp. 32-33: “...in Aristocratia honoratur & eligitur eruditus, in Olicratia dives vel potens, in Democratia vero liber vel popularis, in optima vero politia talis civis, qui habet virtutem perfectam ad principari & subjici ad vitam, quae est secundum bonum commune melius ordinata.” Cf. p. 46 (fn. 49) regarding the worship of good kings as gods on earth.

⁵⁹ Ibid., p. 33: “Inter has autem melior videtur esse illa, quae componitur ex regno & Aristocratia. Ubi enim regens habet se ad regimen secundum rationem quoad Principem, & secundum virtutem, quoad Consules & rectores, ibi non impedit sufficientiam & bonitatem regiminis observatio legis quoad utilia comprehensa in lege, nec defectus legis quoad emergentia & incerta non comprehensa in lege...”

good much better than through the will of wealthy and powerful men or the consensus (or dissent) of the people.⁶⁰

The second best polity composed of two of the four simple and natural forms of governance is the polity governed by a combination Monarchy and Democracy. The law—or the *principium* of the Democracy—covers most potential issues within a polity, but new and emerging issues can arise that the law is not capable of dealing with in an efficient manner. The king, due to reason being the guiding *principium*, can deal with most daily emerging issues best, or most effectively, when the law falls short, and therefore supplement the law. However, the people, or rather the consensus of the majority, must be heard in “new and great matters,” according to Engelbert.⁶¹

The third best polity governed by a mixture of two simple and natural forms of governance—and one that Engelbert explicitly states can rarely be of any practical use—is the polity governed by a combination of a Monarchy and Oligarchy. Engelbert claims this mixture can rarely be of any use due to the fact that the will of wealthy and powerful men—the principle of Oligarchy—is inclined to clash with reason—or the *principium* of the Monarchy. The will of wealthy and powerful men often suppresses and seizes inferior men and draws them to the wealth of the oligarchs; power and wealth corrupt lesser men

⁶⁰ Ibid., p. 33: “...quae per rationem regis & studium consulum suppleuntur, nec voluntas divitum vel potentium, nec consensus vel dissensus multitudinis, quorum utrumque saepe fallit & fallitur: sed omnia procedunt secundum rationem regis & secundum virtutem consulum & rectorum juxta affectum & amorem, quem illi habent ad commune bonum regni.”

⁶¹ Ibid., pp. 33-34: “...melior esse videtur illa, quae est ex regno & Democratia, ita quod lex observatur, & secundum ipsam procedit regimen in iis, quae per legem comprehendi possunt, in iis vero, quae per legem non sunt comprehensa, qualia sunt quotidiana & emergentia, Rex secundum rationem provideat, quod utilius esse possit, ita tamen, quod consensus majoris partis populi vel gentis in magnis & novis requiritur & auditur.”

easily. This pollutes the common good. Magnates, or Oligarchs, are ‘presumers’ and ‘boasters’ of themselves and attack other men; powerful men, habituated to being ambitious of honors and reverence, feel that they should have a weightier say in matters of the state and thus introduce great and injurious laws into the polity. “Excellent men,” according to Engelbert, “despise those princes because they wish to be princes themselves.”⁶²

The fourth best polity following this schema is the polity composed of an Aristocracy and a Democracy. Virtue and law—the *principia* of these forms—oppose one another less, according to Engelbert. Also, if the ‘intent’ of those in power is for the law (and thus not opposed to the consensus of the greater part of the people), then they are seeking the common good. Engelbert also claims that a Democracy rarely declines into a worse form of governance, especially with the virtue of the Aristocrats working in conjunction with the principle of the Democracy.⁶³

⁶² Ibid., p. 34.: “Illa vero politia, quae est ex regno & Olicratia, raro utilis esse potest. Nam si Rex habet se ad regimen secundum rationem, & qui sub eo sunt, consules & rectores, habent se ad regimen secundum suam voluntatem & secundum utilitatem suam & suorum, & non secundum affectum ad commune bonum regni, continget, quod isti adversabuntur Regi, & opprimunt quosdam de inferioribus, quosdam vero ad se trahent... Divites vero...consueverunt esse praesumptores & iactatores sui & infestatores aliorum, & reputant se dignos principatu, & quasi omnia bona habeant, sic se existimant. Potentes vero consueverunt esse ambiciosi honorum & reverentiores, & graviore in omnibus volunt esse, & student ad magnas iniurias inferendas...quod Democratia utilior est dominantibus quam Olicratia: quia mediocres civium, licet aliquando non ament principes, tamen nolunt esse principes. Excellentes vero ideo non amant principes quia volunt esse principes.” It is interesting that here again Engelbert calls the Oligarchs ruling under the king ‘rectors’ and ‘consuls’, which is generally reserved for those ruling in the Aristocratic form (p. 36, fn. 37 *supra*). Also, ‘excellent men’ here appears to be somewhat sarcastic due to Engelbert’s description of them in the proceeding passages; Engelbert has very little good to say about wealthy and powerful men (oligarchs) throughout his treatise.

⁶³ Ibid., p. 34.: “...melior videtur esse illa, quae est ex Aristocratia & Democratia, eo quod minus sibi invicem adversantur virtus & lex sive consensus majoris partis populi. Nam

The combination of the Aristocratic and the Oligarchic forms is the next polity discussed. This combination is next to last due to the fact that virtue—the *principium* of the Aristocracy—and the will of powerful and wealthy men—the *principium* of the Oligarchy—are often at odds with one another. Powerful and wealthy men are desirous and ambitious, as well as unjust and injurious to the polity and the common good, a common good which the virtuous consuls and rectors wish to uphold.⁶⁴

The last, and therefore worst polity composed from two of the four simple and natural forms of government is that which is a composite of the Democracy and Oligarchy. For Engelbert, this is the obvious worst combination due to the fact that the will of powerful and wealthy men is generally at odds with the consensus of the greater part of the people and the law—the two *principia* of each simple, natural form. The ‘common people’ are easily corruptible and drawn to the will of the powerful and wealthy men due to their wealth and power. The *populares*, or ‘popular men’, are easily intimidated or bribed and drawn away from the observation and love of the law.⁶⁵ The *populares* could, in theory at least, then draw the rest of the people away from the observation of the law. This seems to imply that the Democratic element would disappear altogether.

intentio eius, qui habet se ad regimen secundum legem utrobique est ad commune bonum. Similiter consensus majoris partis raro consuevit in peius declinare.”

⁶⁴ Ibid., p. 35: “Illa autem, quae est ex Aristocratia & Olicratia, deterior esse videtur ex eo, quod virtus & intentio secundum virtutem raro concordat voluntatibus divitum & potentum, qui sunt voluptuosi, ambitiosi & injuriosi, ut praedictum est.”

⁶⁵ Ibid., p. 35: “Illa vero, quae est ex Democratia & Olicratia, pessima esse videtur, eo quod divites & potentes facilius possunt avertere populares ab observatione & amore legum, & ad suam voluntatem trahere, quam possunt viros bonos & virtuosos avertere ab amore & affectu, quem habent ad bonum commune: populares enim sunt de facili seducibiles gratia vel odio, timore vel amore, & corruptibiles prece vel pretio.”

In Chapter XV Engelbert proceeds to discuss the polities composed out of three of the four simple and natural forms of government. Following consistently his method, Engelbert begins with what he believes to be the best composed polity to the worst. The first is the combination of Monarchy, Aristocracy, and Democracy. This is due to the fact that Democracy is least opposed to the other simple and natural forms in *principia*, forms, and ends—the criteria for which is best for Engelbert: the democratic *principium* of law, or the consensus of the multitude, is least opposed to the monarchic and aristocratic *principia* of reason and virtue (respectively).⁶⁶

The next combination is that of Monarchy, Aristocracy, and Oligarchy. The *principia* of reason and virtue (Monarchy and Aristocracy, respectively) combined are much more capable of opposing the *principium* of the Oligarchy—i.e., the will of wealthy and powerful men. Engelbert claims that wealthy and powerful men of noble birth “are only concerned with rank and status and are always anxious to preserve it.” Engelbert then cites Aristotle in claiming that it is best to avoid an Oligarchic element altogether.⁶⁷

After the combination of Monarchy, Aristocracy, and Oligarchy, the next best combination of three of the four simple and natural forms of governance (and the last

⁶⁶ Ibid., p. 35: “Harum quoque politiarum, quae componuntur ex tribus, meliores sunt illae, quae sibi invicem minus adversantur secundum sua principia & formas & fines regiminis. Unde inter has melior esse videtur illa, quae ex regno & Aristocratia & Democratia componitur: quia ratio, virtus & lex vel consensus multitudinis non multum sibi invicem adversantur.”

⁶⁷ Ibid., pp. 35-36: “Post hanc vero melior esse videtur illa, quae consistit ex regno & Aristocratia & Olicratia: quia Regis regimen, quod est secundum rationem, & regimen bonorum rectorum sub eo secundum virtutem, validius obsistere possunt voluntatibus divitum & potentem: sicut generaliter duo plus possunt, quam unus, habito respectu ad numerum & ad statum hominum divitum & potentum, qui habent sollicitudinem de conservando statu suo, cum aliud facere non possunt. Et ex eo sensu dicit Philosophus Tertio Politicorum, quod extra regnum & Aristocratiam, simpliciter melius est declinare ab Olicratia.”

‘useful’ polity according to Engelbert) is the polity composed of the Monarchy, Democracy, and Oligarchy. According to Engelbert, the authority and dignity of the monarch surpasses the power and wealth of the oligarchs and their will. This is the same assertion Engelbert puts forth regarding principles of Democracy: the law and/or the consensus of the greater part of the people are capable of keeping in check the will of the magnates. These two *principia* working in conjunction with one another are valued higher than the will of the Oligarchs and are, therefore, much more difficult for the will of the wealthy and powerful to combat.⁶⁸

The final—and worst—combination of three simple forms of governance composing a polity is that of the Aristocracy, Democracy, and Oligarchy. According to Engelbert, the dignity and authority mentioned above with regard to the Monarch, is purely reserved for the Monarchy; this dignity and authority was what kept the will of the oligarchs under control, as we have seen previously. The wealthy and powerful men, joining themselves with the leaders, or *populares*, of the Democratic element (who have probably been corrupted by the wealth and power of the oligarchs) are thus able to rise up against these ‘good rectors’ (i.e., the leaders of the Aristocratic element) who claim their leadership roles due to their virtue and love for the common good. Engelbert claims that Oligarchs, once joined with a part of the people, destroy justice and peace, or the common good of the polity. Citing Aristotle yet again, Engelbert states that these powerful and

⁶⁸ Ibid., p. 36: “Deinde ultimo utilior est illa, quae est ex regno & Democratia & Olicratia: quia Regis regimen secundum rationem & lex sive consensus populi praeponderant, ut in pluribus, voluntatibus divitum & potentum: maxime ideo, quia magna est dignitas & auctoritas Regis, contra quam non est facile quid conari, & multo major est numerus popularium, quam divitum & potentum.”

wealthy men cause seditions and fight to destroy the common good (in a Democracy). This chaos does not create a true polity, but rather some quasi-political communion.⁶⁹

The final combination is that polity composed of all four of the simple and natural forms of governments and is discussed briefly in Chapter XVI. The king, or Monarchy, acts as the “one and only lord of all,” with two groups of ruling classes below the king: the rectors and consuls, or good and virtuous men, which make up the Aristocracy, ruling according to virtue; and the combination of the wealthy and powerful men (i.e., the Oligarchy) ruling according to their wealth, power, and nobility of birth, and the law and consensus of the people of a Democracy make up the final element of this mixed polity. These laws, or consensus of the people, appear to actually rule over the oligarchic element.⁷⁰

Engelbert states that according to Aristotle, some believe this to be the best polity because all forms (and ‘classes’ of people) have a say and part in the workings of the governance of the polity. Engelbert then notes how Aristotle seemed to neither praise nor disparage this form of polity. It is also a less dangerous form of governance due to the fact

⁶⁹ Ibid., p. 36: “Deterior autem omnium est illa politia, quae componitur ex Aristocratia & Democratia & Olicratia: quia licet boni rectores in tali politia habeant se ad regimen secundum virtutem & amorem commune bonum, tamen quia ipsorum regimini non est magna dignitas & auctoritas annexa, ideo divites & potentes adjuncta sibi de facili aliqua parte popularium possunt insurgere contra bonos & zelantes iustitiam & aequitatem, & per consequens destruere commune bonum justitiae & pacis. Unde dicit Philosophus in Tertio Politicorum, quod in Democratia potentes consueverunt assumere populum & amicos & Monarchiam sibi ipsis facere & movere seditiones movere & pugnare ad invicem & destruere bonum commune, ita ut eorum communitas iam non faciat civitatem, sed solam qualemcumque politicam communionem.”

⁷⁰ Ibid., p. 37: “Politia vero composita ex omnibus quatuor simplicibus politiis est illa, quae habet Regem tanquam unum & solum Dominum omnium, & sub Rege ordinatos duos ordines consulum sive Rectorum, scilicet viros bonos seu virtuosos in parte una, & divites & potentes in parta altera, & insuper leges & consuetudines municipales sive consensum populi.”

that it is more difficult for the oligarchs to rise up against the king, and for the oligarchs to oppress the people or draw the *populares* to the will of the oligarchs.⁷¹ The king, according to Engelbert, is able to foresee and provide that the oligarchs do not become too powerful. Engelbert even seems to go as far as to claim that good kings should look after (with suspicion) these oligarchs in order to ensure that they are not able to rise up against him and cause insurrection within his kingdom. Again, citing Aristotle: “it is very terrible that those men should always be rulers and remain long in their government.”⁷² The king, so long as he keeps the wealthy and powerful close to him within the government, appears to be the element that binds and maintains the integrity of this polity composed from the combination of all four of the simple and natural forms of government.

Engelbert in Chapter XVII begins his discussion of which of the polities above—composed of only one or multiple simple and natural forms of government—is the best and worst *in usu* and according to the possible combinations or mixtures of simple government, and which among the simple are better and worse. This appears to be his more practical discussion of and argument for his (general) political theory. He begins by quoting Aristotle, and in agreement with him states that perhaps the best polity has yet to be found

⁷¹ Ibid., p. 37: “De hac politia dicit Philosophus Tertio Politicorum, quod quidam aestimaverunt optimam politiam ex omnibus esse mixtam. Tamen ipse Philosophus talem politiam non multam laudat nec vituperat. Videtur enim minus odiosa esse aliis politiis, eo quod omnes habent partem aliquam in tali regimine. Videtur etiam minus periculosa esse, eo quod difficile est potentes & divites ibi insurgere contra Regem vel opprimere aut ad se trahere populares...”

⁷² Ibid., p. 37: “...dummodo Rex provideat, ne sint vel fiant adeo divites vel potentes, quod suis viribus (possint) resistere sibi & viris bonis, diligentibus justitiam & bonum commune. Provideat etiam, ne illi, qui incipiunt iam ditari & potentes esse, diu permaneant in suo regimine & potentatu, maxime si incipiunt alios opprimere, & alios ad se trahere: quia sicut dicit Philosophus Tertio Politicorum, *formidabile est valde, semper eosdem esse principes & diu in suis regiminibus permanere.*”

and/or created, and that all other polities transgress or recede away from the perceived best form. This belief is understood more so according to ‘use’, or practice, than according to ‘intellect’, or theory. For to suppose that there exists a king who rules in all things according to reason alone, and good, virtuous consuls never rule beyond the mean of virtue (*medium virtutis*); that the notion that wealthy and powerful men wish for and rule by nothing outside of their own will without the use of virtue or reason is much more something imagined and theorized than to be found in reality and actual governance (*rem & actum*).⁷³ Essentially what he is saying is that the previous discussions of the mixed and unmixed polities are according to theory (or the intellect), whereas now he will discuss the more pragmatic approach to determine what is the ‘best’ or ‘worst’ form of mixed or simple polities.

However, Engelbert does state that the theoretical arguments made in the previous chapters—e.g. the role of *principia* in the various simple and natural forms—are a necessity for understanding the practical realities of government due to the fact that the practical should aim for the theoretical. An example of this belief that Engelbert utilizes is the fact that while the Oligarchic form is theoretically opposed to the Aristocratic form in that their

⁷³ Ibid., p. 38: “...quia sicut dicit Philosophus Tertio Ethicorum, *nondum forsitan inventa est optima politia*. Sed intendimus dicere, quod earum, quae sunt in usu, secundum possibilitatem combinationis seu commixtionis simplicium vel etiam inter ipsas simplices una est melior quam alia, & una deterior quam alia... Quia, sicut dicit Philosophus in Primo Rhetoricae, excepta optima politia omnes alienae excedunt, sicut in tonis praeter illos, qui sunt consonantes, omnes alii supra & infra excedunt rectam consonantiam. Unde, quod dicit Philosophus, quod *nondum inventa est optima politia*, hoc intelligendum est secundum usum potius quam secundum intellectum: quia invenire talem Regem, qui in nullo faciat aliquid praeter rationem, vel Consulem bonum & virtuosum, qui nullo excedat medium virtutis, vel talem divitem seu potentem, qui nihil intendat secundum rationem & virtutem, sed omnia secundum suam voluntatem, hoc contingit potius secundum imaginationem & intellectum, quam secundum rem & actum. Tales enim homines plus mentaliter fingere possumus, quam realiter invenire.”

principia and ends tend to be in opposition to one another—will and virtue tend to clash—practically an Aristocrat (good and wise consul) can be wealthy and powerful, therefore uniting wealth, power, and virtue to become a more effective ruler. This ruler, though wealthy and powerful, is not elected according to these attributes, but according to his virtue and how they utilize their wealth and power for the “execution of justice and equity.” The government of an Aristocratic (i.e., virtuous) nature can be run much more efficiently if wealthy and powerful.⁷⁴

Since, however, it can be very difficult to determine the best polity, whether made from a mixed or simple and natural form of government, Engelbert offers two ‘signs’ of what to look for in determining what can be considered the best (practical), ordered polity. The first sign of the best (practical), ordered polity is that the population is able to survive and thrive in the ‘institution’ of the polity for a long period of time thus making time a qualitative measure for the best polity. The second sign is that no or very few seditions or tyrannies occur, or are able to occur in the polity, thus making peace a necessary (and qualitative) condition for the best polity. There is also the necessity for ‘harmony and common sufficiency’ or, more specifically, that there be many average or ‘middling’

⁷⁴ Ibid., pp. 38-39: “Sed ita intelligendum est, quod Rex regit secundum rationem, & boni viri secundum virtutem, & divites sive potentes secundum voluntatem & populus secundum consensum multitudinis & secundum legem, non in omnibus simpliciter, sed ut in pluribus & in magnis. Hoc etiam notandum, quod praedictae comparationes non intendunt hoc dicere, quod divites, in quantum divites, & potentes, in quantum potentes, sint abjiciendi a regimine, sed in quantum eis conveniunt adnexi quidam mali mores, de quibus supra dictum est. Nam divitiae per utiles sunt ad regimen. . . quod boni viri, habentes se ad regimen secundum virtutem non debeant esse divites vel potentes, ex eo, quod regimen Aristocratiae, quod est regimen virorum bonorum, quod est regimen divitum vel potentum, Immo eo sunt meliores ad regimen boniviri, si sunt divites & potentes, licet non propter divitias vel potentiam simpliciter, se propter virtutem recte utendi divitiis & potentiis commendantur: quia divitia & potentia ipsis ad executionem iusti & aequi cooperantur.”

citizens: if there are too many wealthy citizens, discord will arise due to jealousy of wealth and power and the polity will fail; if too there are too many poor citizens, it fails due to scarcity and penury. These qualifications seem to imply that Engelbert is making a relativistic, practical argument for which is the best polity in use; for he does not make explicit any claim to which is best—or worst—in his pragmatic approach to the best and worst polities.⁷⁵

In the final chapter of the first tract of *De regimine principum*, Engelbert discusses the corruptions and transgressions of the four simple and natural forms of government. He begins by claiming that these forms fall away from their true form and nature through certain corrupt and bad modes of governance. The Monarchy becomes corrupt when the king ceases focusing on the good of his subjects and instead focuses solely on the good of himself; focusing on what is pleasurable and agreeable to himself alone, he digresses into a tyrant. When the king is willing to invert the order of his kingdom for his own well-being and to oppress his people for his own gain, then the Monarchy passes into a Tyranny.⁷⁶

⁷⁵ Ibid., pp. 39-40: “Ultimo sciendum est, quod licet durum sit & difficile ad determinandum, quae sit optima politia, sicut patet ex praedictis, tamen secundum quod dicit Philosophus Quarto Politicorum, duo sunt signa politiae bene ordinatae. *Primum signum* est, quando populus permanet & permansit multo tempore in institutione politiae. *Secundum* signum est, si nullae vel paucae fuerint in ipsa vel factae sunt seditioes aut tyrannides. Haec autem duo maxime possunt contingere tali politiae, in qua abundant & superant cives mediocres, sicut dicit Philosophus in Quinto Politicorum. Ubi enim civitas esset constituta ex majori parte divitum, ibi periret propter discordiam. Ubi vero ex majori parte pauperum, ibi deficeret propter penuriam. Ubi vero constituta est ex majori parte mediocrium & aequalium, ibi facilius salvatur propter concordiam & communem sufficientiam.”

⁷⁶ Ibid., pp. 40-41: “...quod sicut sunt quatuor politiae simplices & primae, ita sunt etiam quatuor corruptiones & transgressiones earum: quia unaquaeque cadit a forma & natura sua per quosdam corruptos & malos modos regiminis. *Primum* igitur *regimen* corrumpitur per malos modos regiminis & degenerat in tyrannidem... Quando vero econtrario Rex

The corruption of the Aristocracy begins when the good and virtuous rectors and consuls begin seeking ambition and honor, transgressing into an Oligarchy—in which as we have seen the wealthy and powerful seek out these ‘goods’. This is interesting due to the fact that the Oligarchy is considered both a simple and natural form of government, as well as a transgression of another simple and natural form.⁷⁷

The Oligarchy—itsself an apparent transgression of Aristocracy—becomes corrupted when hereditary rule is applied to the qualifications of oligarchic governance: no longer is simply wealth and power necessary for leadership, but noble birth as well. The oligarchs will no longer accept good and virtuous men to rule who are outside of their own ‘house’, or family. Thus, the Oligarchy transgresses into a hereditary oligarchy.⁷⁸

‘Barbarity’ is the corruption of Democracy, leading essentially to anarchy. This corruption occurs when people fall away from “reasonable, ancestral, and useful laws and institutions, frequently changing or creating [new laws and institutions].”⁷⁹ Citing Aristotle, Engelbert states that one should not often change laws.⁸⁰ Engelbert delves further

intendit bonum suum privatum, scilicet quod est sibi delectabile, & non bonum regni, tunc iam non est Rex sed *Tyrannus*.”

⁷⁷ Ibid., p. 41: “*Aristocratia autem principatu* corrumpitur & cadit a sua bonitate, quando boni viri & virtuosii rectores civitatis existentes, incipiunt paulatim sectari cupiditatem munerum & ambitionem honorum. Et tunc degenerat Aristocratia in Olicratiam.”

⁷⁸ Ibid., p. 41: “Olicratia similiter cum corrumpitur, cadit in clerorem, id est, in haeriditarium principatum, ut dicit Philosophus Tertio Politicorum, quando videlicet assumpti de numero divitum vel potentum negligunt bona & conferentia communitati, & intendunt solum quae sunt bona sibi & suis, & contendunt ad hoc, ut principatus extra domum & cognationem eorum non transeat, cum magis expediat regimini assumere quoscunque viros idoneos & bonos ad regimen, quam de una domo tantum.”

⁷⁹ Ibid., pp. 41-42: “Democratia vero cum corrumpitur, mutatur in barbariem, quando populus recedit a legibus patriis & rationabilibus ac utilibus & quotidianas ac novas institutiones sectatur, quae sunt inutiles & inconsuetae.”

⁸⁰ Ibid., p. 42: “Quia dicit Philosophus Tertio Politicorum: *Non est utile saepe mutare leges: quia difficile est & quasi barbarum recedere a consuetis*.”

into the history of the corruption of Democracy than the other forms of governance by claiming that the Barbarians were originally those who did not follow the Greco-Roman laws.⁸¹

Engelbert also claims that a Democracy can deteriorate into an Oligarchy, but does not elaborate further. Engelbert cautions his contemporaries by claiming that the institutions of governance still face this potential threat of reverting to barbarous ways by undoing the “reasonable and useful laws and imitating erroneous institutions.” This happens more often, according to Engelbert, when a majority of the population consists of younger people—younger people being more easily moved and fickle.⁸² Engelbert ends this tract with a recommendation for his audience to read Aristotle’s *Politics* Books IV and V for more details, as he refuses to delve deeper into the subject.⁸³

The second tract of *De regimine principum* investigates specifically the regal, or monarchic form of government. The first three chapters of this tract are the only chapters

⁸¹ Ibid., p. 42: “*Barbari enim vocantur proprie, qui leges rationabiles & utiles non habentes, quas Graeci & Romani primitus invenerunt, sequuntur quasdam erroneas observationes & institutiones. Unde fere omnes aliae gentes reputatae sunt barbarae praeter Graecos & Latinos.*”

⁸² Ibid., p. 42: “...quod Democratia non solum remissa sit debilior, & terminatur in Oligarchiam, sed nimis intensa corrumpitur, ita ut iam non sit, neque dicatur unas populus: sicut nasus nimis simus aut aquilus, cadit a specie & nomine, ut iam non sit nec dicatur nasus... Ita etiam hodie si qui populi recederent a legibus rationabilibus & utilibus, & inciperent institutiones novas & erroneas imitari, non immerito dici possent *barbare* in eo, quod ad barbariem essent reversi, legibus rationabilibus & utilibus derelictis. Hoc autem contingit maxime, quando mediocrium civium, qui semper superant, & maxime in magnis civitatibus, major pars fuerit juvenilis aetatis: quia juvenes facile mobilis est, & ut frequenter excedens medium...” Cf. Chapter XIV and the ability of the oligarchs to persuade the *populares* of a Democracy to their side through the use of their power and wealth and how this dramatically affects the well-being of the Democratic element.

⁸³ Ibid., p. 42: “Plures autem species uniuscuiusque praedictarum simplicium politiarum & modos mutationis unius in aliam ponit Philosophus Quarto & Quinto Politicorum, quas species omnes & modos non est necesse hic prosequi, cum ad cognitionem quamdam generalem pro inductione ad dicenda ista, quae dicta sunt, sufficere videantur.”

of interest to this present inquiry, as it continues Engelbert's (general) political theorizing and analyses. These chapters include discussions of the form and mode of government of the king (or the regal, monarchic form), as well as the end of the civil, political life of man. The rest of the tract deals with the virtues of the king and the instruments of action, or the duties of ruling and/or governance.⁸⁴

After describing the purpose of his tract, Engelbert begins his discussion of the end of the communities of man (*sc.*, the household, the village, and the state). All communities, according to Engelbert, are instituted for the sake of another good. This good, for which nature institutes the communities of man, is three-fold: "the generation, conservation, and multiplication of men in human nature, and of human nature in men." Through this three-fold good, coupled with order, the ultimate end of the community of the state—which is human happiness—is more easily achieved.⁸⁵

Each community of man is paired with one of the three aspects of the good from which the community arises. The first community, or the household, arises out of generation, or the begetting of offspring and is common to all animals, as well as inhabitation. The second community, or the village arises out of conservation. More than

⁸⁴ Engelbert, *De regimine principum*, Tract. II, p. 43: "Tota igitur doctrina de regimine regum videtur consistere circa tria videlicet circa formam & modum regiminis, circa virtutes ipsius Regis, & circa ea, quae sunt instrumenta actus sive officii regendi seu regnandi."

⁸⁵ *Ibid.*, pp. 43-44: "Ad cognoscendum igitur de fine, propter quem regni communitas est instituta, sciendum est, quod, sicut dicit Philosophus in Primo Politicorum, *omnis communitas est alicuius boni gratia instituta*...quod bonum illud, propter quod natura instituit communitates hominum, est triplex, videlicet generatio, conservatio & multiplicatio hominum in natura humana, & naturae humanae in hominibus, quo finem suum, id est, felicitatem humanam facilius consequatur. Et hoc habet se per ordinem, ita ut unumquodque eorum sit [in] causa alterius quoquo modo & e contrario."

one household is necessary to contain the offspring of many generations and the village, or neighborhood, due to its larger size, is better able to conserve humanity.⁸⁶

The last community—the state—arises out of multiplication. Here we see Engelbert utilizing Aristotle’s maxim that “man is by nature a civil animal” and that this civil nature is a necessity for mankind’s survival due to man’s lack of a natural ‘way of life’ (*victum*) and ‘weapons’ (*arma*) provided by nature. Instead, we are made to labor with ‘prudence’ in place of ‘natural industries’ (or ‘way of life’), and our hands in place of weapons. It is through these two assets of man that we are able to live civilly and to live well, for which the state is created (according to Aristotle) and by which human happiness is attained. Human happiness is most easily attained through living well, and human happiness “consists in contemplation of the truth and in the operation of the good, and complete delight in both.” Living civilly and well (i.e., in the comfort of the state) allows for this process to occur.⁸⁷

⁸⁶ Ibid., pp. 44-45: “Prima itaque communitas hominum, scilicet domus...est propter generationem. Sic enim animalia quaerunt sibi nidum propter inhabitationem & generationem... Secunda enim communitas, scilicet vici vel villae est propter hominum conservationem. Multis enim hominibus generatis una domus non posset multos continere & conservare, nec in ea victum longi temporis colligere vel conquirere...”

⁸⁷ Ibid., p. 45: “Tertia vero communitas scilicet civitatis est propter hominum multiplicationem. Quia sicut dicit Philosophus in Primo Politicorum, *Homo est natura civile animal*. Et hoc ea necessitate: quia omnia alia animalia habeant victum & arma a natura, solus homo nec habens arma nec victum a natura, totus natus est prudentiae & labori, ita quod prudentiam habet loco omnis naturalis industriae, quam alia animalia habent, & manus loco omnium armorum. Et propter hoc civiliter vivunt homine, ut contra praedictos defectus naturales multiplicentur: & propter prudentiam laborum vitam suam variis & diversis remediis contra defectus varios tueantur, & finem suum ultimum, id est felicitatem humanam, quae consistit in contemplatione veri & operatione boni & delectatione perfecta utriusque facilius consequantur... Unde dicit ipse in Primo Politicorum, quod *civitas facta est bene vivendi causa*.”

The following chapter discusses human happiness in the kingdom (i.e., monarchic form of government) more specifically, albeit briefly. Essentially, what Engelbert claims is that due to the ‘generation, conservation, and multiplication’ rule for the securing of human happiness through living civilly outlined in the previous chapter, it follows that the Monarchy, or kingdom, is better suited to causing one to live well and therefore to attaining human happiness more fully. Monarchy differs from the other simple, natural forms of government in kind due to the size of the population and territory, as well as the “excellence of the nobility.” This all creates more opportunity and advantage, which is necessary for the ability to live well and therefore achieve human happiness.⁸⁸

Engelbert certainly crafted a comprehensively Aristotelian political philosophy as outlined systematically in these sections of his *De regimine principum*. Working from the base of the Aristotelian natural origin argument and his four causes, Engelbert justifies his political science with Aristotle’s theorems and concepts straightaway. Some of these concepts include the *principia* and *lex animata*. The Philosopher is Engelbert’s sole counselor when creating an in-depth, thorough analysis of the origin, elements, and mixture of simple and natural forms of government. All of these concepts lead Engelbert to form a more original and practical political theory than his contemporaries.

⁸⁸ Ibid., pp. 45-46: “Quoniam igitur civitas facta est bene vivendi causa, ut iam patuit, & hoc ipsum bene vivere consistit in quadam commoditate & opportunitate conservationis & multiplicationis hominum per necessaria & commoda vitae humanae, ut felicitatem humanam facilius consequantur: Regni vero communitas differt non solum specie sed etiam excellentia nobilitatem & multitudine & magnitudine hominum & terrarum a caeteris speciebus regiminum. Sicut prius dictum est: Ex hoc manifestum est, quod finis, propter quem regni communitas est instituta & ipsum regimen regale, est, ut homines constituti in regno bene vivant, quo felicitatem humanam in hac vita facilius consequantur.”

Having summarized these sections of Engelbert's *De regimine principum*, in the following chapter I will examine the sources and specific concepts employed by Engelbert to craft his political philosophy, a philosophy which was unique and original in the Aristotelian political tradition, and in turn furthered the eclecticism of said tradition. After surveying these sources and concepts, I will then compare Engelbert's findings with those of his contemporaries in the final chapter of my thesis.

Chapter III

Sources and Concepts

After surveying the entirety of Tract I and the first three chapters of Tract II of Engelbert's *De regimine principum*, I will now examine first the authorities and sources, then the concepts employed by Engelbert, both of which were predominantly Aristotelian. The concepts that I will assess are the natural origin and 'man as a political animal' arguments for the genesis of the political community (or 'state');¹ the terminology, schemata and hierarchy of forms of governments and polities; and the functions of *principia* and *lex animata* in said schemata and hierarchies. These concepts, which are all Aristotelian in that they are derived from his ethico-political works by Engelbert, will be the metrics for which I will later in the next chapter gauge Engelbert's position within the Aristotelian political tradition following the Aristotelian political revolution of the mid-thirteenth century by comparing his use of these sources and concepts with those of his contemporaries' treatises.

Engelbert employs exclusively secular, non-theological sources in his discussion of the origins, foundations, and elements of political life. Even after only a cursory reading of the previous chapter's summaries, one would be led to believe that Engelbert was decidedly disposed to employing Aristotle as his primary authority in a vast majority of his positions regarding political concepts. All of his fundamental arguments found within the

¹ For more on Aristotle's approach to the natural origin of the political community, cf. A. C. Bradley, "Aristotle's Conception of the State" in *A Companion to Aristotle's Politics*, ed. David Key and Fred D. Miller, Jr. (Cambridge, MA: Basil Blackwell, 1990), pp. 23-27. Cf. p. 73, fn. 9 (*infra*) concerning the terminology of the 'natural origin' argument, sc. 'genetic origin'.

analyzed sections of *De regimine principum* are taken from these kinds of sources and are backed with yet more secular, non-theological sources. While some of his authorities themselves may be associated with more theologically inclined works—namely Hugh of St. Victor—these authorities’ non-religious works are cited. Boethius is another example: his *Consolatione philosophiae* and *Topica* are both cited.

Aristotle isn’t the only secular authority utilized by Engelbert in the sections examined, however. While Aristotelean works exponentially outnumber the other sources, these other sources are still influential to Engelbert’s arguments, but they are used primarily to back his Aristotelian arguments with historical examples. Two of which are Cicero and Eutropius. Averroes is yet another secular authority cited in *De regimine principum* by Engelbert.

Let us now examine the sources more carefully. There are a total of seventy named, credited citations and one unnamed, uncredited citation in the Tract I and the first three chapters of Tract II of *De regimine principum*.² Of those seventy named citations, Aristotle’s works are cited sixty times. Of those sixty citations of Aristotle, thirty-six come from his *Politics*, while twelve come from the *Ethics*, eight from *Rhetoric*, two from *Physics*, and one each from *Elenchus* and *De bona fortuna* (see Table 1).³

² What I mean by ‘named, credited’ citation is that he cites the author and work specifically, as opposed to ‘unnamed, uncredited’ citation (of which there is only one) which lists no authority or source. This is almost a moot point, as I do not count unnamed, uncredited citations in my overall count.

³ Concerning the authenticity of *Elenchus* and *De bona fortuna*, cf. Bernard G. Dod, “Aristoteles latinus” in *The Cambridge History of Later Medieval Philosophy* ed. Norman Kretzmann, Anthony Kenny, Jan Pinborg (Cambridge: Cambridge University Press, 1988), pp. 75-78. *Elenchus* was also known as *Sophistici elenchi* and translated from the Greek by Boethius (c. 510-522), James of Venice (c. 1125-1150), and William of Moerbeke (c. 1269 or earlier) (p. 75). *De bona fortuna* was also known as *Eudemian Ethics* and translated

Focusing for now on Aristotle's *Politics* alone, which makes up just over fifty percent of all the citations of the text inspected (36/71), let us examine which books are cited most throughout the entirety of the focused sections of *De regimine principum*. First is Book III with thirteen citations, followed by Books I and IV both with eight. Book II is cited three times and Book V is cited twice. There are then two more unnamed books cited by Engelbert.

The weighty reliance on Aristotle as an authority regarding Engelbert's own political philosophy leaves only ten citations in Tract I of *De regimine principum* that are not attributed to Aristotle. (All of the citations in the first three chapters of Tract II are from Aristotle: four from *Politics* and one from *Ethics*.) Eutropius and Cicero top the list with three citations a piece: *Historia romae* Book I with two and Book II with one citation, and *De officiis* Book I with one and II with one and *De senectute* with one citation. Next is Boethius with two citations, one from *Consolatione philosophiae*, Book V, and one from his *Topica*, Book III. Averroes' *Commentaria de anima* (Book III) and Hugh of St. Victor's *Mechanica* each have one citation, with one unnamed source also receiving one citation.

If we examine more closely Engelbert's employment of sources in a more mathematical manner—particularly his usage of the works of Aristotle—we can deduce further the 'influences' exerted upon Engelbert during the time in which he wrote *De regimine principum*. Engelbert cites his authorities seventy times throughout Tract I and Chapters I-III of Tract II of *De regimine principum*, plus the one unnamed/uncredited

anonymously in the thirteenth-century. Parts of this work were added to the pseudo-Aristotelian work *Magna moralia* (pp. 77-78).

source (equaling seventy-one citations total). Aristotle's works account for sixty of those seventy-one total citations, or roughly 84.5% of all citations. The thirty-six citations of Aristotle's from *Politics* alone account for about 60% of Aristotle's works cited, and about 51% of all citations utilized by Engelbert. Thirteen of the thirty-six citations from Aristotle's *Politics* come from Book III, or 36% of *Politics* citations alone, nearly 20% of all citations and sources total.

Again, Aristotle's *Ethics*, *Rhetoric*, *Physics*, *Elenchus*, *De bona fortuna*, plus the total of his *Politics* citations make up for 84.5% of all named, credited sources utilized by Engelbert. Of the sixty credited, named Aristotelian sources, *Ethics* makes up 20% of these (17% of all citations), while *Rhetoric* makes up 13% (11% of all citations). *Physics* accounts for 3% of the Aristotelian sources (2% of all citations), and both *Elenchus* and *De bona fortuna* account for 2% of the Aristotelean citations and 1.4% of the total citations used by Engelbert in the portions of *De regimine principum* examined.

What does all of this tell us about Engelbert's own ideas regarding political philosophy, at least as exemplified by the sections observed in *De regimine principum*? Unequivocally it tells us that Engelbert relied heavily on secular authorities, choosing to not cite a single theological, specifically patristic or biblical, authority for developing his political schemata. Augustine's *De civitate dei* was certainly known during Engelbert's time, and many contemporary political theorists employed this monumental work to elaborate their own political plans. Yet Engelbert chooses to forgo the insights of not only Augustine, but of all the patristic authorities, as well as the Bible. This, as shall be seen in the following chapter, is not unusual in itself, but certainly telling of the trend of the tradition and revolution that Engelbert was a part of.

More specifically, the examination of these citations shows us that Engelbert was clearly most influenced by Aristotle—particularly his *Politics*—if citations are an indication of influence. This is no surprise as Aristotle’s newly translated ethico-political treatises—namely his *Ethics*, *Politics*, and *Rhetoric*—by William of Moerbeke in the middle of the thirteenth century had taken the universities of Europe by storm, leading nearly all of the great minds of this time to comment on and compose their own political treatises based around the fundamental concepts found in these translations, leading to a ‘revolution’ in political thought.⁴ However, as discussed in Chapter I, we have no definite proof that Engelbert had studied at the University of Padua, only that he had studied *in* Padua from c.1278-1287, including at the Dominican convent (the order of Thomas Aquinas) located there.⁵ It was at the Dominican school, nonetheless, that Engelbert would have certainly been confronted with Aristotle’s political philosophy.⁶ Also, Fowler maintains that there was a number of the Aristotle’s works at the Admont monastic library dating to the time of Engelbert.⁷

⁴ The literature discussing the impact of the rediscovery of Aristotle’s works on the intellectual life of the Latin West is vast. Cf. Blythe, *Ideal Government* (1992), pp. 32-35 (esp. p. 32) with regard to the ‘political revolution’ discussed throughout this thesis.

⁵ Concerning Engelbert’s education in Padua, cf. Chapter I, pp. 15-17, fns. 23, 25-27.

⁶ For a history of political thought and development in medieval Italy during the time of Engelbert, cf. J. K. Hyde, *Societies and Politics in Medieval Italy: The Evolution of the Civil Life, 1000-1350* (London: Macmillan, 1973); M. Michèle Mulchahey, “*First the bow is bent in study*”: *Dominican Education before 1350* (Toronto: Pontifical Institute of Mediaeval Studies, 1998), esp. pp. 257, 382, 396, 439.

⁷George B. Fowler, *Intellectual Interests* (1947), p. 30, fn. 47. Fowler does not offer a list of which of Aristotle’s works were present at the monastery library during Engelbert’s time, but does cite P. Buberl, “Die illuminierten Handschriften in Steiermark, Teil I: Die Stiftsbibliotheken zu Admont und Vorau,” *Beschreibendes Verzeichnis der illuminierten Handschriften in Oesterreich*, ed. F. Wickhoff (Leipzig and Vienna, 1911), I Folge, Band IV, Teil I; and A. von Muchar, “Abt Engelbert von Admont, dessen Leben und Schreiben,” *Archiv für Geschichte, Statistik, Literatur und Kunst*, Jahrgang XXIII (1832), pp. 277-299.

What does this all mean? Quite simply, it means that Engelbert relied on Aristotle much more than any other source—the rest accounting for only 15.5%, Cicero and Eutropius contributing just over 4% each—particularly his *Politics*, and more specifically Book III of *Politics*. Can we refer to Engelbert as an ‘Aristotelian’? Just by glancing at the sources employed, we most definitely can call him Aristotelian. Engelbert had certainly read Aristotle’s ethico-political works (as evidenced from his citations); he incorporated their ideas and concepts into his own political treatise, which implies an influence of Aristotle’s political thought. However, we need to examine these concepts—particularly his use of the natural origin argument and ‘man as a political animal’ maxim; the terminology of forms of government, his created schemata and hierarchies of forms; his examination of mixed polities; and his employment of *lex animata* and *principia* and their functions—in order to add depth to this statement. Upon inspection of Engelbert’s use of these concepts, we will better be able to understand the depth of his Aristotelian influence upon his political philosophy which, in turn, will illuminate the eclectic nature of the Aristotelian political tradition that followed the rediscovery and revolution.

The first political concept to be discussed which was employed by Engelbert and taken from Aristotle’s *Politics* that I’d like to examine more closely is the natural origin argument and the notion of ‘man as a political animal’—an idea found in seven various locations throughout the *Politics*.⁸ This concept is fundamental to Aristotle’s natural origin

These two sources contain catalogues of available manuscripts during the time of Engelbert’s stay at Admont.

⁸ Wolfgang Kullmann, “Man as a Political Animal in Aristotle” in *A Companion to Aristotle’s Politics*, ed. David Keyt and Fred J. Miller, Jr. (Cambridge, MA: Basil Blackwell, 1991), p. 95; Engelbert, in citing *Politics* Book I, calls man a *civil* animal (cf. Ch. II, p. 64, fn. 87: *...Homo est natura civile animal...*), but ‘civil’ and ‘political’ or ‘social’ all seem to be synonymous with one another according to the vernacular of the

argument concerning the foundation of the political community.⁹ Essentially, Aristotle's argument is that due to the natural inclination of man to form communities for the sake of efficiency, the domestic community of man and wife (the household, or *oecumonica*) is created, followed by the community of the village (a community created by many households) which offers greater benefits, and finally the 'state' (or polity) which exists for the sake of self-sufficiency, or 'living well' (happiness). Man cannot live well or experience 'happiness' unless he is able to provide for himself and his family. This leads

various political treatises and commentaries on Aristotle's works during the time of Engelbert writing *De regimine principum* (and afterwards). There has been some minor contention regarding the 'actual' source for the natural origin argument: Cary J. Nederman argues that the idea that 'man is by nature a political animal'—and the natural origin argument—was merely reinforced with the reintroduction of Aristotle's *Politics* to the Latin West. He claims that this notion had been spread by other classical scholars, pagan and Christian alike. Most particularly, he argues that Cicero's works—namely *De officiis* and *De inventione*—circulated widely among the Christian West during the High and later Middle Ages; *De res publica* and *De legibus* were also available, albeit indirectly through "intermediary patristic sources." These works offered a *via media* to the 'extremes' of the Aristotelean and Augustinian dichotomy regarding political matters in the Middle Ages: a Ciceronian alternative naturalism of the *civitas*. "Thus, by way of a variety of sources, Cicero's version of the origins of human community would have stood out as a separate and coherent theory to its medieval inheritors." Cf. Cary J. Nederman, "Nature, sin, and the origins of society: The Ciceronian tradition in medieval political thought" in *Medieval Aristotelianism and its Limits: Classical Traditions in Moral and Political Philosophy, 12th-15th Centuries* (London: Routledge, 1997), pp. 3-7. Nederman, however, appears to be in the minority with regards to Ciceronian origin of the natural origin argument. Cf. Kullman (*supra*); Blythe, *Ideal Government* (1992), pp. 13-35 (esp. pp. 32-33); D. E. Luscombe, "The state of nature and the origin of the state," *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1988), pp. 757-770.

⁹ The 'natural origin' argument is also referred to as the 'genetic' argument. Cf. Wolfgang Kullmann, "Man as a Political Animal in Aristotle" in *A Companion to Aristotle's Politics*, ed. David Keyt and Fred J. Miller, Jr. (Cambridge: Basil Blackwell, 1990), pp. 94-117; Clifford A. Bates, *Aristotle's "Best Regime": Kingship, Democracy, and the Rule of Law* (Baton Rouge: Louisiana State University Press, 2003); Eugene Garver, *Aristotle's Politics: Living Well and Living Together* (Chicago: University of Chicago Press, 2011); Walter Ullman, *A History of Political Thought: The Middle Ages* (Baltimore: Penguin Books, 1970), pp. 159-173; Roberto Lambertini, "Political Thought" in *A Companion to Giles of Rome* ed. Charles F. Briggs and Peter S. Eardley (Leiden: Brill, 2016), p. 262.

Aristotle to conclude that man, by nature, is a political animal, using reason to establish a hierarchy of communities all dependent upon one another in order to bring about ‘happiness’, or self-sufficiency—something that the singular (or individual) and domestic (or household) lives cannot bring about on their own and that the political community allows to occur more easily. These communities represent the three-fold lives of man. This natural inclination for happiness as found through living well through self-sufficiency as found more readily in the political community is a crucial maxim for Aristotle.¹⁰

Interestingly enough, Engelbert, while certainly advocating for a more natural origin argument for the foundation of the political community, does not utilize this concept of ‘man as a political animal’ until much later in Chapter II of Tract II.¹¹ One would think that Engelbert would utilize this Aristotelean concept when laying down the Aristotelian foundation for his political treatise, particularly in Chapter II of Tract I in which Engelbert outlines the very same three-fold life of man: the singular/individual, domestic/household, and civil (or political). Chapter VI of Tract I would also seem like a wise place to insert this concept of ‘man as a political animal’ due to the fact that he reiterates the natural origin argument of Aristotle when discussing the origin of the first ‘true’ community of man, i.e., the domestic, or the household.¹²

¹⁰ This is certainly a reductive, cursory sketch of Aristotle’s natural argument which he details much more explicitly in Books I and III of his *Politics*. For a much more comprehensive and analytical discussion of this argument, cf. A. C. Bradley, “Aristotle’s Conception of the State” and Wolfgang Kullman, “Man as a Political Animal in Aristotle” in *A Companion to Aristotle’s Politics* (1990).

¹¹ Cf. p. 72, fn. 8 (*supra*) with regard to Engelbert’s phrasing of “man as *civil* animal” (*Homo est natura civile animal...*). Cf. Wolfgang Kullmann, “Man as a Political Animal in Aristotle” (1990), pp. 94-95. While Engelbert refers to man as a *civil* animal, I will continue to use the term ‘political’ when discussing this concept.

¹² There is a difference here in ‘lives’ and ‘communities’ of man: the first life of man, i.e., the individual or singular life, is not a true community, as Engelbert clarifies in Chapter IV

Whatever the reason for Engelbert's decision to wait to include man's political nature when discussing the origin of the communities of man, he does follow very closely Aristotle's reasoning as outlined in his *Politics* for this argument. As discussed in the previous chapter, each community of man (beginning with the household), according to Engelbert, arises for the sake of 'self-sufficiency', leading to larger communities up to the 'state' (polity), which allows for even more opportunity for living well and happiness. Engelbert claims that the state (or government) arises for the sake of 'living well', which allows for 'human happiness', which is more easily attained in the *civitas* or *regnum* (i.e., the state, or the third life of man).¹³

Let us now examine the next concept: the terminology and schemata of forms of governance. First, however, I believe it is important to survey those of Aristotle. Aristotle created three different schemata in his ethico-political works. In the *Politics*, Aristotle offers two quantitative schemata of forms: one is based on the number of rulers and is six-fold; the other schema is two-fold and based on the balance (or number) of rich and poor citizens—essentially a dichotomy between Oligarchy (in which the few, powerful and wealthy rule) and Democracy (in which the vast poor rule). In the six-fold schema,

of Tract I (cf. Chapter II, p. 35, fn. 25: "Nam prima communitas est *domus*, quod secundum Philosophum in Primo Politicorum est a natura...")

¹³ Chapter II, p. 64, fns. 86-87: "& finem suum ultimum, id est felicitatem humanam, quae consistit in contemplatione veri & operatione boni & delectatione perfecta utriusque facilius consequantur... Unde dicit ipse in Primo Politicorum, quod *civitas facta est bene vivendi causa*... Quoniam igitur civitas facta est bene vivendi causa, ut iam patuit, & hoc ipsum bene vivere consistit in quadam commoditate & opportunitate conservationis & multiplicationis hominum per necessaria & commoda vitae humanae, ut felicitatem humanam facilius consequantur: Regni vero communitas differt non solum specie sed etiam excellentia nobilitatem & multitudine & magnitudine hominum & terrarum a caeteris speciebus regiminum. Sicut prius dictum est: Ex hoc manifestum est, quod finis, propter quem regni communitas est instituta & ipsum regimen regale, est, ut homines constituti in regno bene vivant, quo felicitatem humanam in hac vita facilius consequantur."

Aristotle presents the Kingdom (or Monarchy), Aristocracy, and the Republic (*politia* or, according to Blythe, the ‘good democracy’) as the good constitutions in order from best to worst. These good constitutions correspond with the bad constitutions in respective order: Tyranny, Oligarchy, and Democracy. Aristotle never reconciles these two schemata in his *Politics*. In his *Rhetoric*, Aristotle offers his final schema, a four-fold model of forms: Monarchy, Aristocracy, Oligarchy, and Democracy. Each of these forms, or ‘simple and natural’ constitutions can be bad or good; each has its own cause of transgression and digressed form (e.g., Monarchy and Tyranny).¹⁴

After having examined Aristotle’s schemata, we can now investigate Engelbert’s use of Aristotle’s terminology and his own schemata of forms of government. Blythe argues that Engelbert utilizes an original seven-fold ‘classification’ (read ‘schema’) for his good and bad simple, natural (unmixed) constitutions. Blythe contends that the Oligarchy is simultaneously a good and bad form of governance: an Oligarchy is that form of government which is ruled by wealthy and powerful men, born of noble birth who rule according to these values of wealth and power, and whose *principium* being that of the oligarchs’ own will. According to Blythe, this seven-fold classification is unique to Engelbert. Engelbert also, according to Blythe, attempted to combine Aristotle’s six-fold

¹⁴ Cf. Blythe, *Ideal Government*, pp. 18-19; Again, this is a simplistic analysis of very complex ideas. For more regarding Aristotle’s political thought, cf. A. C. Bradley, “Aristotle’s Conception of the State” (1990) and the authorities listed in fn. 8 (*supra*), esp. Clifford A. Bates, *Aristotle’s “Best Regime”* (2003). Regarding which form or constitution is best, the answers are legion, depending on each scholars’ interpretation and understanding of Aristotle. Blythe, *Ideal Government* (1992), pp. 19-21 contends that ideally Aristotle emphasizes in his *Politics* the monarchy as the best form, but practically he believes some mixed form is best, since it allows all to participate in the governance of the polity. It is not, however, the function of this inquiry to determine which form of government Aristotle preferred.

and two-fold schemata (the former based on the number of rulers, and the latter based on the balance of rich and poor, i.e., a combination of Oligarchy and Democracy, both taken from Aristotle's *Politics*), while also utilizing Aristotle's four-fold schema from the *Rhetoric*.¹⁵

Blythe assumes that Engelbert blended all three of Aristotle's schemata into one, original and unique schema. While this may be true in part, I do not agree with Blythe's overall assumption concerning Engelbert's classification. I do agree with Blythe's assertion that Engelbert's schema of the simple and natural forms of government, while essentially being borrowed from Aristotle's ethico-political works (namely his *Politics* and *Rhetoric*), is original and unique to his *De regimine principum*.¹⁶ However, I do not believe it to be a seven-fold schema for the simple and natural (unmixed) forms. Engelbert does list four good, simple and natural forms of government outright in Chapter V of Tract I: Monarchy, Aristocracy, Democracy, and Oligarchy.¹⁷ These four 'good' forms correlate to the 'bad' forms (i.e., the 'digressions' of the simple and natural constitutions): a Monarchy digresses into a Tyranny when the king seeks his own benefit and good over that of his subjects; an Aristocracy digresses into an Oligarchy when the virtuous men (i.e., rectors and consuls) seek ambition and honor over the (love of the) public good; a Democracy deteriorates into barbarity when the people neglect and fall away from reasonable, ancestral, and useful laws and institutions and frequently change their laws and

¹⁵ Blythe, *Ideal Government*, pp. 120-121.

¹⁶ Blythe contends that Engelbert was more influenced by Aristotle's *Rhetoric* and *Ethics* in his 'classification' of forms. Blythe, *Ideal Government* (1992), p. 119. I do agree that these works had a profound influence on Engelbert's political philosophy.

¹⁷ See Chapter II, p. 35.

legal and/or political institutions.¹⁸ As we see in Chapter XIV of Tract I, when combined a Democracy can also fall into an Oligarchy when the magnates of a city draw the citizens, or the greater part away from the common good of a Democracy to the will of the oligarchs through temptations of wealth and power.¹⁹ Finally, the Oligarchy descends into a hereditary Oligarchy, which ignores the good and virtuous men capable of leadership outside of their own house, or family.²⁰

Having examined this information taken from Chapters V, XIV, and XVIII of Tract I of *De regimine principum* concerning the schema of good and bad forms of governments, it is apparent that Engelbert's classification of these forms is much more complex than Blythe would have us believe. Engelbert appears to argue an eight-fold schema of the simple and natural forms, containing both the good and bad forms, or constitutions. However, if we include his claim that a Democracy can deteriorate into an Oligarchy when the two are combined in a mixed polity into this schema, it would appear that he gives us a nine-fold schema. Either way, Blythe's analysis and interpretation of Engelbert's schema appear to be too simplistic given the complexities with which Engelbert addresses regarding the differences between the good and bad Oligarchies. Blythe takes the Oligarchy of Engelbert to be at once the same good and bad form, but this is a mistake on Blythe's part. He is essentially undermining the entire schema, and thus argument, of Engelbert by doing this. An Oligarchy, or rather the wealth and power of those ruling in an Oligarchic constitution, can be used to promote the common good in a mixed constitution (in practice) and therefore can contribute to the expediency of the rulers in the

¹⁸ Chapter II, pp. 61-62.

¹⁹ Chapter II, p. 53.

²⁰ Chapter II, p. 61.

best constitution, as outlined in Chapter XVII of Tract I.²¹ Expediency, or rather the ability to quickly and effectively quell seditions and incongruities in law(s) and/or political matters, is a crucial element in determining the (theoretically) best simple and natural constitution for Engelbert. This is one of the most vital reasons for Engelbert claiming that the monarchic form of government is best: the king is the *lex animata* and as such is more capable of dealing with “daily emerging issues”.²²

This information, particularly concerning the role of expediency in determining the best form of government and polity, and how an Oligarchy could practically assist the best mixed polity a great deal due to the role of wealth and power, seems to contradict Blythe’s own interpretation of Engelbert’s schema.²³ Blythe, in reasserting his claim that the mixed

²¹ Chapter II, pp. 57-58.

²² Chapter II, pp. 45-46, fns. 47-48: “Nam sicut animatum praecellit inanimatum: ita regimen regale praecellit caetera regimina: quia Rex est lex animata. Adhuc: sicut ratio simplex & absoluta praecellit virtutem, in quantum virtus dependentiva habetur ad rationem: ita principatus regalis excellit principatum Aristocraticum: Nam virtus non est operatrix boni, nisi in quantum cum ratione recta operatur... Hoc autem ostenditur duplici ratione. Primo ex eo: quia ratio, quando arte vera fuerit informata, est certa & infallibilis regula. Sed voluntas seu consensus aut electio absque arte fallit in multis: quia, sicut dicit Philosophus in Tertio Politicorum, *voluntas hominum non est tritus canon*... Secundo patet ex eo: quia cum lex sit forma quaedam & regula dirigens actus humanos, qui versantur circa particularia & contingentia, quae sunt quotidie mutabilia & incerta: Ita lex, per quam magis provideri potest quotidianis mutationibus emergentibus, utilior & melior erit. Sed per legem animatam magis potest hoc fieri, quam per inanimatam. De lege vero inanimata dicit Philosophus Tertio Politicorum, quod sicut circa alias artes, ita & circa ordinem politicum impossibile est diligentur omnia scripta esse. Ergo lex animata, quae est Rex, sufficienter & utilior est ad regendum, quam omnis inanimata. Et hoc, quod vult Philosophus Tertio Politicorum dicens, quod *melius est regi optimo rege quam optima lege*.”

²³ Blythe, *Ideal Government* (1992), p. 132. Here Blythe briefly acknowledges the role of expediency in Engelbert’s choice of best form of government, but states that the function of expediency “goes along with the prevalent idea that the common good is the criterion for the evaluation of governments.” With this idea I agree: the common good, relative to each simple and natural form of government, does determine which is the best form (relatively), while the function of expediency in Engelbert’s choice of best form

Monarchy is the best (practical) form of government for Engelbert, later claims that this mixture should include all simple, natural forms *except* Oligarchy (if possible), but then a little later Blythe states that Engelbert asserts that *all* elements must participate in the political process to some varying degree in order to achieve balance.²⁴ This would seem to contradict Blythe's own argument concerning the role, and therefore importance, of the Oligarchic constitution in the schema, and therefore the 'best' constitution (and polity). Blythe reduces the varying components of the various forms of the Oligarchic constitution, i.e., good, bad and hereditary Oligarchy, to one form alone and equates this singular form as at once good and bad, choosing to ignore the complexities in the language of Engelbert.²⁵

With the notion of expediency and its importance in determining Engelbert's schemata and hierarchies in mind, the final concepts to be investigated in this chapter are *principium* and *lex animata* and their functions as utilized by Engelbert. Both of these concepts are central to Engelbert's political philosophy, namely his schemata and hierarchies of forms of government, and both are assimilated from Aristotle's ethico-political works by Engelbert in the creation of his own unique political philosophy. Engelbert, following Aristotle's *Rhetoric*, states that each simple and natural form has its *principium*, or fundamental guiding element²⁶: the Monarchy is guided by reason,

(universally) is emphasized by Engelbert more and throughout Tract I (cf. Chapters X, XI, and XIV).

²⁴ Ibid., pp. 129, 138.

²⁵ Cf. Chapter XVI of Tract I in which Engelbert puts forth the idea (of Aristotle) that perhaps the best polity is that which contains all simple, natural forms of government, including the Oligarchy, due to the fact that in keeping them within the reach of the King who, using reason as his guiding *principium*, is better able to control them and keep them from destroying the common good. See Chapter II, p. 57, fns. 71-72.

²⁶ Cf. Chapter I, p. 24 regarding this term and the difficulties in translating it into English sufficiently.

Aristocracy virtue, Democracy law or the consensus of the majority, and Oligarchy the will of the wealthy and powerful.²⁷ These *principia* are intrinsic to each form and are closely related to the qualifications of leadership in their forms (e.g., Aristocrats, or consuls and rectors, are chosen according to their virtue and love of the common good).²⁸ As we saw in Chapter II above, Engelbert (quoting Aristotle) claims that all forms of government are for *libertas* (‘freedom’), but achieve this through the different *principia* which guide the rulers within each form of government.²⁹ The *principium*, therefore, acts as the efficient cause which guides the formal cause (i.e., the form of government specific to each *principium*) towards the final cause—i.e., *libertas*. This *libertas*, or ‘freedom’, appears to be more of a freedom of choice of the civil, or common, good—an ‘end’ which is particular to each simple and natural form (e.g., virtue and Aristocracy).³⁰

²⁷ Chapter II, p. 42, fn. 41: “...quod quatuor sunt principia, secundum quae & ex quibus procedit regimen vitae civilis, videlicet ratio, virtus, lex, & electio seu voluntas: & secundum illorum quatuor principium differentiam & comparationem & differentia & comparatio quatuor simplicium politiarum ad invicem. Nam regimen regni [Monarchia], secundum quod dicit Philosophus in Prologo super Rhetoricam, procedit secundum rationem: Regimen Aristocratiae secundum virtutem: Regimen Democratiae secundum electionem & legem: Regimen Olicratia secundum voluntatem.” [Emphasis my own.]

²⁸ Chapter II, p. 32 (Tract I, Chapter V of *De regimine principum*).

²⁹ Chapter II, p. 44, fn. 46: “...intelligitur non in omnibus, sed in pluribus secundum rationem & constitutionem uniuscuiusque principatus. Nam & reges regunt secundum leges & secundum ius gentium: & Aristocratici multa regunt secundum in his, in quibus lex deficit, ut voluntas hominum est incerta...in particularibus & contingentibus... Sed differentia regiminum ad invicem secundum speciem consistit in sola intentione & modo, quo se habet regens ad regimen, secundum rationem vel virtutem, vel secundum legem, vel secundum voluntatem, licet Regentes possint diversis speciebus regiminum uti. Differunt etiam praedictae quatuor species regiminum non solum quantum ad principia, ex quibus procedunt, sed etiam quantum ad fines, ad quos tendunt. Quia, sicut dicit Philosophus Quarto Politicorum, omnes intendunt ad libertatem, quam Monarchia quaerit ex ratione, Aristocratia ex virtute, Olicratia ex divitiis, Democratia ex lege.”

³⁰ Chapter II, p. 33, fn. 21: “Hae autem tres species Politici regiminis sumunter secundum tres fines diversos, in quibus diversi ponunt bonum civile. Quidam enim ponunt bonum civile in virtute, quorum est Aristocratia. Quidam in divitiis & honoribus, quorum est Olicratia. Quidam vero in libertate, quorum est Democratia, secundum quod dicit

These *principia* thus determine the hierarchy in Engelbert's schemata of simple, natural governments, as well as the polities composed from two or more forms of simple and natural governments. Starting with the simple and natural, Engelbert claims that reason, which imitates nature, guides the king in a Monarchy, and therefore makes the monarchy more natural and better than the other forms.³¹ Virtue is subordinate to reason due to the fact that 'right reason' is necessary for virtue, but it is superior to the other *principia*.³² Therefore, Aristocracy is superior to Democracy and Oligarchy. Democracy's *principia* are subordinate to virtue, but law and election (or consensus of the majority) are "stronger and more certain" than the wills of individual (wealthy and powerful) men.³³

This straightforward schema of *principia* for the hierarchy of simple and natural forms guides Engelbert's hierarchies of mixed polities from two and three simple, natural forms. With regard to the polity composed of two simple and natural forms, the

Philosophus Quarto Politicorum." Engelbert claims in the beginning of Tract I and will later state in Tract II that the end of the human works and customs, as well as the political community, is *felicitas*, or human happiness, and that the 'state' is created for the sake of living well, which allows for happiness. See Chapter II, pp. 28, 64-65.

³¹ Chapter II, p. 42, fn. 42: "Reges enim quasi paterno more se habent ad regimen, & sicut rationabile esse videtur, sic regunt & diffiniunt unumquodque. *Unde & naturalissimum est regimen regale ex eo, quod ratio imitatur naturam.*" [Emphasis my own.]

³² Chapter II, p. 43, fn. 44: "quia regimen Aristocratiae in hoc assimilatur principatui regali, quod regimen eius procedit secundum virtutem, ac per hoc rationem: quia virtus semper operatur cum ratione recta." He also states a little later that virtue cannot be the 'operator of the good' except when used with 'right reason'. Cf. Chapter II, p. 45, fn. 47: "Adhuc: sicut ratio simplex & absoluta praecellit virtutem, in quantum virtus dependentiva habetur ad rationem: ita principatus regalis excellit principatum Aristocraticum: Nam virtus non est operatrix boni, nisi in quantum cum ratione recta operatur."

³³ Chapter II, p. 44, fns. 56-57: "Ideo etiam principatus Democraticus melior & firmior est principatu Oligaratico. Nam Democraticus habet se ad regimen secundum observationem legis & secundum consensum majoris partis populi... *Lex vero, ut dicit Philosophus in Prologo super Rhetoricam, est sermo determinatus secundum communem concordiam civitatis admonens, quomodo oportet agere singula...* Voluntas autem hominum non est certus canon..."

combination of Monarchy and Aristocracy is best due to the superiority of reason and virtue; next is the combination of Monarchy and Democracy, followed by Monarchy and Oligarchy. Aristocracy and Democracy is the fourth best due to the fact that their *principia* rarely clash, unlike the fifth best mixed polity from two simple forms—Aristocracy and Oligarchy—which often clashes (i.e., virtue and the will of wealthy, powerful men). Finally, we have the mixture of Democracy and Oligarchy, which often leads to the Oligarchy absorbing the democratic element through corruption.³⁴ This schema of *principia* also directs Engelbert’s discussion of his hierarchy of polities composed from three of the simple, natural forms.³⁵

While this concept of *principia* and their role in the the best forms of government is theoretical, Engelbert does state that it must be known that these *principia* essentially guide those in power in the various simple and natural forms.³⁶ These *principia*, guiding the rulers in the simple and natural forms, work together (or in opposition, as is in the case of the combination of Oligarchy and Democracy) to guide the rulers in the mixed polities as well. This implies a practical function of expediency for this concept: these guiding elements lead the political communities towards their respective ends or, more generally, to the living well and/or human happiness. As we saw above with regards to expediency

³⁴ Cf. Chapter II, p. 53 (Tract I, Chapter XIV of *De regimine principum*).

³⁵ This is the content of Tract I, Chapter XV of *De regimine principum* (Chapter II, pp. 54-56).

³⁶ Engelbert, *De regimine principum*, I.17, pp. 38-39: “...hoc contingit potius secundum imaginationem & intellectum, quam secundum rem & actum. Tales enim homines plus mentaliter fingere possumus, quam realiter invenire. Sed ita intelligendum est, quod Rex regit secundum rationem, & boni viri secundum virtutem, & divites sive potentes secundum voluntatem & populus secundum consensum multitudinis & secundum legem...” Cf. Chapter II, pp. 44, fn. 46, 58-59, fn. 74 with regard to the practicality of the concept of *principia*.

(itself a practical criterion for the best form of government), these *principia* help form the hierarchies of mixed polities, hierarchies which have practical implications.

Tied in closely with *principium* is the concept of *lex animata*—a central idea to Engelbert’s practical criterion of expediency in determining the best form of government.³⁷ As we have seen beginning in Chapter X of Tract I, *lex animata* is crucial to Monarchy and its position as the theoretical best form of government out of the four simple, natural forms. The king acts as a sort of ‘living law’, as opposed to the *lex inanimata* of the Democracy

³⁷ For more regarding the origin and transmission of *lex animata*, cf. Francis Dvornik, *Early Christian and Byzantine Political Philosophy: Origins and Background*, Vol. II (Washington, D.C.: Dumbarton Oaks Center for Byzantine Studies, trustees for Harvard University, 1966); Ernst H. Kantorowicz, *The Kings’s Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1957), esp. pp. 127-135; Michael Wilks, *The Problem of Sovereignty in the Later Middle Ages* (Cambridge: Cambridge University Press, 1963), esp. pp. 152, 162; John Procopé, “Greek and Roman political theory,” *The Cambridge History of Medieval Political Thought, c.350-c.1450*, ed. J. H. Burns (Cambridge: Cambridge University Press, 1991), esp. pp. 26-28; D. M. Nicol, “Byzantine political thought,” *The Cambridge History of Medieval Political Thought, c.350-c.1450*, ed. J. H. Burns (Cambridge: Cambridge University Press, 1991), esp. pp. 64-65; R. W. and A. J. Carlyle, *A History of Medieval Political Theory in the West*, Vol. I (Edinburgh: W. Blackwood and Sons, 1936), esp. p. 69; Walter Ullmann, *A History of Political Thought: The Middle Ages* (Baltimore: Penguin Books, 1970), esp. pp. 33-34; Otto v. Gierke, *Political Theories of the Middle Ages* v. III.536-539, trans. F. W. Maitland (Cambridge: Cambridge University Press, 1958). The origins of this political concept are contested: some cite Cicero’s *De legibus*, others the *Novellae* of Justinian (Gierke and Wilks cite these two sources). Kantorowicz (pp. 127-135) claims that we first find this concept in Book V of Aristotle’s *Nicomachean Ethics*, which was the source for Justinian’s *Novellae*. This concept was credited to the *Novellae* until the rediscovery of Aristotle’s ethico-political works in the mid-thirteenth century, after which theorists began to credit Aristotle directly (p. 132). Aristotle appears to be overwhelmingly credited with this conception by most authorities. Engelbert himself was not citing the *Novellae* or *De legibus* throughout the examined sections, and in fact was citing Aristotle’s *Politics* when discussing the king as the ‘living law’ (cf. Chapter II, pp. 45-46, fn. 48). Without any citations of these two works, we cannot even begin to establish whether or not Engelbert was familiar with them, unlike the ethico-political works of Aristotle, which he relies on more than any other authoritative sources.

and Oligarchy, which is the written and unwritten law(s).³⁸ Due to the king being the ‘living law’, he is able to deal with issues as they arise and difficulties that are not enclosed within the confines of the written and unwritten legal parameters: the king is a more efficacious ruler. This is highlighted even further in the following chapter when Engelbert, citing Aristotle’s *Politics* Book III, claims that it is “better to be ruled by the best king than the best law.” He states that as the “animate surpasses the inanimate, so the [Monarchy] surpasses other forms” due to the expediency with which the king, or ‘living law’, can address emerging issues; “according to the Philosopher in *Politics* III, the King is the living law.”³⁹ This is central for Engelbert’s claim that the Monarchy is the theoretical best simple and natural form of governance. This is also a very practical Aristotelian argument for the best form of government; the maxim of efficacy is paramount to Aristotle’s political

³⁸ Chapter II, pp. 43-44, fn. 45: “Ex quo patet, quod Rex in eo, quod regit secundum rationem, est quasi lex animata. Sed Lex scripta vel non scripta, secundum quam regit principatus Democraticus & Oligarchicus, est lex inanimata.”

³⁹ Chapter II, pp. 45-46, fns. 47-48: “Nam sicut animatum praecellit inanimatum: ita regimen regale praecellit caetera regimina: quia Rex est lex animata... Hoc autem ostenditur duplici ratione. Primo ex eo: quia ratio, quando arte vera fuerit informata, est certa & infallibilis regula. Sed voluntas seu consensus aut electio absque arte fallit in multis: quia, sicut dicit Philosophus in Tertio Politicorum, *voluntas hominum non est tritus canon*... Secundo patet ex eo: quia cum lex sit forma quaedam & regula dirigens actus humanos, qui versantur circa particularia & contingencia, quae sunt quotidie mutabilia & incerta: Ita lex, per quam magis provideri potest quotidianis mutationibus emergentibus, utilior & melior erit. Sed per legem animatam magis potest hoc fieri, quam per inanimatam. De lege vero inanimata dicit Philosophus Tertio Politicorum, quod sicut circa alias artes, ita & circa ordinem politicum impossibile est diligentur omnia scripta esse. Ergo lex animata, quae est Rex, sufficienter & utilior est ad regendum, quam omnis inanimata. Et hoc, quod vult Philosophus Tertio Politicorum dicens, quod *melius est regi optimo rege quam optima lege*.” Also, p. 4 of *De regimine principum* (included in fn. 48): “*Utilitas* vero: quia secundum Philosophum tertio Politicorum *Rex est lex animata* & Lex enim scripta in chartis est quodammodo mortua, quasi privata motu proprio... Rex vero est *lex animata*: quia praecepto & correctione movet ad ipsius observantiam & declarando & interpretando & addendo dat sensum legi, & determinat particularia & emergentia & incerta circa intellectum & usum ipsius ad recte vivendum & faciendum secundum legem.”

philosophy with regards to the Monarchy.⁴⁰ Where the written and unwritten laws fail, the king—acting as the living law—can rapidly ameliorate any given legal-political problem. This superiority of the king as *lex animata* is shown again in the polity created from the combination of the Monarchy and Democracy, a polity in which both reason and law (or the consensus of the majority) govern and guide the community towards its end.⁴¹

While the concept of *lex animata* appears to be a theoretical concept for the superiority of the Monarchy to the other simple and natural forms, it has practical implications: the law, both written and unwritten, is less expedient than an individual, guided by reason and knowledge of the law, in ameliorating newly emerging legal-political issues. *Expediency* is a very *practical* argument for the superiority of one form over the others, an argument in which the ‘living law’ concept can and does play a pivotal role in determining superiority.

Expediency in dealing with legal-political problems is the fundamental practical criterion for determining the best theoretical forms of government, both unmixed and mixed. Thus, the schemata and hierarchies. *Principia* and *lex animata*, while theoretical concepts, are central to the practical criterion of expediency and therefore determining the hierarchies of these forms. While the hierarchies are in many ways themselves theoretical in that what Engelbert sees as best isn’t always the case—the two signs mentioned at the

⁴⁰ Cf. A. C. Bradley. “Aristotle’s Conception of the State” in *A Companion to Aristotle’s Politics* (1990), p. 53. Cf. fn. 38 (*supra*) where Engelbert specifically cites Aristotle’s *Politics* for the concept of *lex animata*.

⁴¹ Cf. Chapter II, p. 51, fn. 61: “...melior esse videtur illa, quae est ex regno & Democratia, ita quod lex observatur, & secundum ipsam procedit regimen in iis, quae per legem comprehendi possunt, in iis vero, quae per legem non sunt comprehensa, qualia sunt quotidiana & emergentia, Rex secundum rationem provideat, quod utilius esse possit, ita tamen, quod consensus majoris partis populi vel gentis in magnis & novis requiritur & auditur.”

end of Tract I are the only truly practical criteria for determining which form is best, thus a relativistic approach in which is the best form of government—the practical should nevertheless aim for the theoretical. Engelbert offers a more dynamic schema of good and bad forms, allowing for a more practical application of political theory: if one can see the corruptions and causes of digression of the good forms, we are more capable avoiding said digressions and therefore corruptions, or even reverting back to the good forms if these happen to occur.

Having examined these Aristotelian concepts as employed by Engelbert in Tract I and the beginning of Tract II more thoroughly, I believe that we can more definitively label him ‘politically Aristotelian’, at least as his political philosophy appears in his *De regimine principum*. As we saw in the citation counting above, Engelbert relied on Aristotle’s ethico-political works—predominantly his *Politics*—more than any other source. While he did cite other secular sources, namely Cicero and Eutropius, these were only used as historical examples for his more Aristotelian concepts and arguments.⁴² Upon further

⁴² An example of this is when Engelbert is discussing the worship of a king “as a god on earth”: “...sicut dicit Philosophus in Prologo super Rhetoricam, consilarii circa ea, quae vitae hominum necessaria sunt, divinissimum est. Et propter hoc Tullius in libro de Senectute recitat verba Cyri Regis Persarum, quibus ipse Cyrus moriens dignitatem & excellentiam regale, nec non regalis animi immortalitatem adstantibus commendavit dicens: Nolite, inquit, arbitrari charissimi filii, me, cum a vobis discessero, nullum aut nusquam fore, sed eundem esse adhuc credite, etiamsi nullum videatis...” (*De regimine principum*, Tract I.10, p. 30); another example is during Engelbert’s discussion of the dangers of the oligarchic element and their effect on the political community when left unchecked: “Unde dicit philosophus in Tertio Politicorum, quod Democratia potentes consueverunt assumere populum & amicos & Monarchiam sibi ipsis facere & seditiones movere & pugnare ad invicem & destruere bonum commune, ita ut eorum communitas iam non faciat civitatem, sed solam qualemcunque politicam communionem. Ad id concordat Tullius Secundo de Officiis, loquens de imperio Julii Caesaris, qui Romanorum Monarchus fuit: *Rem, inquit, publicam iam totam amisimus, postquam imperium ipsius ad homines non tam mutandarum, quam destruendarum rerum cupidus pervenit.*” (Ibid., I.15, p. 36.)

examination of the specific fundamental Aristotelian concepts found within the inspected sections—the natural origin argument; the schemata and hierarchies of not only the simple and natural forms of government, but the mixed polities as well; and the functions of *lex animata* and *principia*—combined with the citation counting and the numbers produced by that process, we are thus able to place Engelbert solidly in the Aristotelian political tradition of the High and later Middle Ages.

However, as we shall see in the following chapter, Engelbert stands out in this tradition. Engelbert had crafted a uniquely original and practical political philosophy in his *De regimine principum* through his employment of the aforementioned concepts—a uniqueness that will be shown more comprehensively when compared with the political philosophies of his contemporaries through the metrics of sources and concepts in the next chapter. This uniqueness of originality and practicality will also reinforce the notion of the eclectic nature of this tradition. This originality and eclecticism will be further proven through the comparison of Engelbert’s political theory (as demonstrated in his *De regimine principum*) with that of the theories of his contemporaries’ as outlined in their own treatises, thus further imparting the notion of Engelbert’s practical approach to political theory and the eclectic nature of this tradition in which he played an important role.

Chapter IV

Tradition

Almost immediately following William of Moerbeke's (d. 1286) translations of Aristotle's ethico-political works—namely his *Nicomachean Ethics* (c. 1250-1260), *Politics* (c. 1260), and *Rhetoric* (c. 1270)—political theorists of the High and later Middle Ages began to write expositions of and commentaries on these works.¹ Brian Tierney stated that “the *Politics*, one of the last of Aristotle's works to be translated, opened up a new world of thought to medieval men. It showed them that political theory need not be merely a branch of jurisprudence; it could be an autonomous science in its own right.”² James Blythe refers to this as an ‘Aristotelian revolution’: “Aristotle provided a new vocabulary for the expression and debate of these issues and the concepts for a gradual transformation of political relationships... He provided a rationalization for the political realities of the time and emboldened reformers to do what they wanted to do anyways.”³ This revolution of Blythe coincides with the second stage of van Steenberghen's renaissance of Greek thought: receptivity, or the period in which theorists received translations of Aristotle's ethico-political works and began commenting on them.

¹ Cf. Jean Dunbabin, “The reception and interpretation of Aristotle's *Politics*” and Georg Wieland, “The reception and interpretation of Aristotle's *Ethics*” in *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzmann, et al. (Cambridge: Cambridge University Press, 1988).

² Brian Tierney, *Religion, Law, and the Growth of Constitutional Thought, 1100-1600* (Cambridge: Cambridge University Press, 1982), p. 29.

³ James Blythe, *Ideal Government* (1992), p. 32. Michael Wilks, *The Problem of Sovereignty in the Later Middle Ages* (Cambridge: Cambridge University Press, 1963), p. 84 also discusses a “philosophical revolution” that “occurred during the thirteenth century with the rediscovery of many of the lost works of Aristotle.”

Some even began to create their own political treatises, applying concepts and arguments taken from Aristotle's ethico-political works. This is the stage of renascence, or absorption, referred to by van Steenberghen as eclecticism.⁴ It is in this tradition of the medieval absorption and transformation of Aristotelian political concepts as found in his ethico-political works that Engelbert was writing *De regimine principum*, crafting his own unique political theory, and furthering the eclecticism of this tradition.⁵

In order to better understand Engelbert's position in this tradition, I will survey a select few treatises contemporary to Engelbert and compare their usage of cited authorities and the Aristotelian political concepts with that of Engelbert in his own treatise.⁶ I will not be surveying the entirety of each treatise, but rather I will review those parts of each treatise that discusses the foundation and origin of the political community—very much in the same manner as I surveyed Engelbert's—in order to stay as consistent in my analysis as possible. These parts examined are more the 'political science' orientated sections.⁷ I will be using the first six chapters of Book I of St. Thomas Aquinas' *De regno, ad regem Cypri* (c. 1260-

⁴ F. van Steenberghen, *Aristotle in the West* (1955), pp. 24-25.

⁵ *Ibid.*, pp. 39-40.

⁶ Cf. Introduction, p. 3, fn. 6 regarding what works constitute this tradition.

⁷ 'Political science' referring to the knowledge of the political community of man, as opposed to the individual (*ethica*) and household (*oeconomica*) 'sciences'. This political aspect is the third branch of 'practical philosophy' of Aristotle. Cf. The Introduction to *A Companion to Aristotle's Politics*, ed. David Keyt and Fred D. Miller, Jr. (Cambridge, MA: Basil Blackwell, 1990), pp. 5-7.

1265)⁸, Part I and II of Book III of Giles of Rome's *De regimine principum* (c. 1277-1281)⁹, and Discourse I of Marsilius of Padua's *Defensor pacis* (1324).¹⁰ I have chosen these theorists and their treatises due to their similarities in approaches to structuring their political philosophies, as well as the temporal juxtaposition to Engelbert: Thomas as essentially the 'founder' of the Aristotelian political tradition following the Aristotelian political revolution; Giles, as the next in line following Thomas in this tradition; and Marsilius, who was an inheritor of this tradition.¹¹ These theorists also had another common thread: that of location. All theorists had come from Italy, with the exception of Engelbert, who himself spent his formative years in Northern Italy, learning at Padua.¹²

⁸ This work is also known by its alternative name: *De regimine principum*. There has been some confusion over the years as to why this work has gone by two titles, but the one in use above (i.e., *De regno, ad regem Cypri*) is the title associated with St. Thomas' authorship, *De regimine principum* being associated with his pupil, Ptolemy of Lucca. Both treatises begin the same and have the same basic content and format. However, only the entirety of Book I and the first three chapters of Book II, as well as part of the fourth chapter of Book II, can definitively be attributed to Thomas, the rest being attributed to Ptolemy. This is essentially the main cause for differentiation between the two titles: *De regno* for Thomas' contribution, and *De regimine* for Ptolemy's. In order to keep the scope of my research as concentrated as possible, as well as my analysis of the content in the same aforementioned manner, I will focus solely on Thomas' contribution at the present moment. For more information regarding the authorship, title(s), and dating of this treatise, see the introduction by I. Th. Eschmann, O.P. in his revised edition of G. B. Phalen's original translation (under the title *De regimine principum*), especially pp. ix-xiv, xxii-xxvi, xxix-xxx.

⁹ Concerning the dating of this treatise, cf. Charles F. Briggs, *Giles of Rome's De Regimine Principum: Reading and Writing Politics at Court and University, c. 1275-1525* (Cambridge: Cambridge University Press, 1999), p. 9. I will be using the 1502 Bernardino Guerralda (Venice) early Modern printed edition (as obtained via PDF download from <https://archive.org/details/hin-wel-all-00000256-001>) as my primary source for Giles.

¹⁰ Marsilius of Padua, *The Defender of the Peace*, trans. and ed. Annabel Brett (Cambridge: Cambridge University Press, 2005).

¹¹ Alan Gewirth, *Marsilius of Padua: The Defender of the Peace*, Vol. I (New York: Columbia University Press, 1951), pp. 11, 33-37.

¹² Concerning Engelbert's time in Padua, cf. Chapter I, pp. 15-17.

I will first consider the sources used in each treatise, followed by a comparative analysis of the Aristotelian concepts—i.e., 1.) the natural origin argument and the notion of man as a political animal as foundational to the development of political life; 2.) the terminology, and schemata and hierarchy of forms of government; and 3.) the employment of *lex animata* and *principia* in said hierarchies—used in aforementioned treatises. These will be the metrics with which I will determine Engelbert’s place in the eclectic Aristotelian political tradition. It is my belief that while Engelbert certainly shares common ideas with these other theorists, his employment of Aristotle’s political works and his interpretation of specific concepts found within said works led him to create a unique political philosophy within this tradition, thus creating a more multifaceted and eclectic tradition. Engelbert’s *De regimine principum*’s commonalities with these other treatises shows continuity, yet it’s unique take on the application of Aristotle’s works and concepts implies a varied, eclectic tradition—a tradition that sheds new light on the reception of Aristotle in the later Middle Ages.

St. Thomas Aquinas

St. Thomas Aquinas is often credited with being the first to illumine Aristotle’s political thought in the Latin West, following the translation and reintroduction of Aristotle’s *Nicomachean Ethics*, *Politics*, and *Rhetoric*.¹³ It is already understood that Thomas wrote extensively over the political and moral teachings of Aristotle; he wrote

¹³ Due to the obvious dating issue between the alleged completion of *De regno, ad regem Cypri* (c. 1260-1265), St. Thomas would not have had access to Moerbeke’s translation of *Rhetoric* (c. 1270). It is not surprising, therefore, that we do not find *Rhetoric* as an authoritative source in Thomas’ political treatise.

expositions and commentaries on both the *Ethics* and *Politics*, as well as incorporating much of the ideas from these two treatises into his *Summa Theologiae*. *De regno, ad regem Cypri* is Thomas' first foray into the political thought of Aristotle.¹⁴

Before investigating the specific contents of Book I of *De regno, ad regem Cypri*, let us first examine the sources used by Thomas in this first book. There are one hundred and two citations in Book I. Thomas clearly relies more on theological sources as his final authority in Book I: seventy-five of the one hundred and two sources are biblical (73.5%); Proverbs and Ecclesiastes are cited the most as authorities for Thomas (thirteen and nine, respectively). The Bible is Thomas' most utilized source among all secular and theological sources, with St. Augustine's *De civitate dei*—an authoritative source that was generally utilized abundantly for political exegesis throughout the Middle Ages—used by Thomas a mere five times.

That leaves only twenty-seven secular citations, ten of which (or 37% of secular sources alone; 10% of all sources) are Aristotle, with only four citations from *Politics* and five from *Ethics*. Some of the other secular sources included in Book I are Cicero's *De republica*, *De officiis*, and *Disputationes Tusculanenses* (four citations total), Vegetius' *Epitome rei militaris* (four), Sallust's *De conjuratione Catalinae* (three), Valerius' *Facta et dicta memorabilia* (two), Suetonius' *De vita Caesarum* (two), Livy (one), and Caesar's *De bello gallico* (one).

¹⁴ Dyson dates Thomas' other political works (e.g. his commentaries on *Ethics* and *Politics*) to c. 1269-1272 during his last years at the University of Paris. R. W. Dyson, *Normative Theories of Society and Government in Five Medieval Thinkers* (Lewiston, NY: Edwin Mellen Press, 2003), p. 188.

In his *De regno, ad regem Cypri*, Thomas begins Book I, Chapter 1 with his ‘preliminary observations’, one being that man is by nature a political animal. Due to this feature of human nature, as well as our ability to communicate ideas about what is ‘just’ or ‘unjust’, ‘useful’ or ‘injurious’, and our ability to discern through reason the necessity of living with others as to provide for the ‘just’ and ‘useful’ in order to procure “the particular things necessary to human life by reasoning from natural principles,” the domestic and civil (or political) communities come to fruition from nature.¹⁵ This is clearly the Aristotelian notion regarding the nature of man and the origin of the human communities—namely the political community—as found in both the *Politics* and *Ethics*.¹⁶

Due to this argument from nature concerning man’s natural inclination towards the political community, it is only natural that man should be governed in order to better seek out the common good and maintain peace and self-sufficiency of the individual and the community at large. Because man must be governed, and due to the fact that what is a ‘good’ for one might not be for another, the forms of governance—or constitutions—must be elaborated. Thomas employs almost the exact same schema as Aristotle in the *Politics*: the three ‘unjust’ forms, or corruptions, are Tyranny, Oligarchy, and Democracy (following

¹⁵ St. Thomas Aquinas (trans. G. B. Phalen), *On Kingship to the King of Cyprus*, rev. and ed. I. Th. Eschmann, O.P. (Toronto: The Pontifical Institute of Mediaeval Studies, 1967), pp. 4-5

¹⁶ *Ibid.*, p. 4, fn. 2. Eschmann notes that this formula—political and *social* animal—is not truly Aristotelian as Aristotle always uses ‘political’ alone. He claims that this usage of the term ‘social’ with the ‘political’ when describing the nature of man is more in line with the teaching of Seneca in his *De Beneficiis* VII.1, VII.7. Since Thomas doesn’t cite a specific authority, we cannot be absolutely sure, but my belief is that Thomas was using Aristotle as his authority due to his use of Aristotle’s works throughout the rest of his treatise and the lack of reliance on Seneca (not a single citation). Eschmann claims that Thomas will later change his formula to match more closely that of Aristotle in his subsequent works.

Aristotle's order of worst to most acceptable); the three corresponding 'just' forms corresponding with the order given above are Monarchy, Aristocracy, and Polity (best to least acceptable).¹⁷ The Tyrant rules through 'force' (Thomas giving a linguistic origin of the term), the Oligarchs through wealth, and the populace through force of numbers oppressing the rich. The Polity for Thomas is one in which all parts of the 'state' take part in the government; the Aristocracy is the constitution in which the *optimates* rule, i.e., the few men of virtue; and when one man rules according to the common good of his subjects, he is called 'king', i.e., a Monarchy.¹⁸

Thomas determines his best form, as well as his worst, based on the criterion of expediency. *Unity* is key to expediency for Thomas. Unity is also most natural, and what is most akin to nature is best. "Thus, the more efficacious a government is in keeping the unity of peace, the more useful it will be... Therefore the rule of one man is more useful than the rule of many... Again, whatever is in accord with nature is best, for in all things nature does what is best. Now, every natural governance is governance by one."¹⁹ Thomas,

¹⁷ With regard to this term 'Polity' as a form of government, cf. Blythe, *Ideal Government* (1992), pp. 18, 46, fn. 22; A. C. Bradley, "Aristotle's Conception of the State," *A Companion to Aristotle's Politics* (1990), pp. 43-45. 'Polity', as understood as a form of government, is often synonymous with a 'Republic' or 'good democracy'.

¹⁸ *Ibid.*, pp. 7-8, 13-15. (esp. p. 7, fn. 16): Eschmann claims that Thomas will eventually (much like Aristotle) abandon this schema in his later expositions over *Ethics* and *Politics*, as well as his *Summa*, preferring (again, like Aristotle) "a list of constitutions in which each finds its essential characteristic in a certain qualification on account of which political power is awarded: in monarchy and aristocracy, power is given on account of virtue, in oligarchy on account of riches, in democracy on account of liberty." In Appendix II of *Ibid* (pp. 97-102), Eschmann includes 'Selected Parallel Texts' which discuss similar topics. From Thomas's Exposition on the *Politics*, we find a more in-depth analysis of man's political nature, as well as a more thorough breakdown of the constitutions (forms of government), their value and corruptions, as outlined in both his *Politics* Exposition and his Exposition on the *Ethics*.

¹⁹ *Ibid.*, p. 12.

looking to nature to find what is best, sees unity as the fundamental element in allowing for the efficacy of preserving peace and maintaining the common good, thus causing him to believe that the king, or a monarchic form of government, is best. This in turn allows him to posit that the tyrannical form is the worst, due to the fact that the tyrant is more easily able to bring about ruin through a more efficacious means.²⁰ This is the double-edged sword' of 'unity' and the role it has in determining what is best and worst due to its efficacy is essential for Thomas' hierarchy.

With the notion of efficacy in mind, let us now turn to the function of *principia* in Thomas's treatise. The *principia*, which were foundational to each form of government and necessary for Engelbert's hierarchies of forms, both simple and natural and mixed polities, are not mentioned by Thomas. Instead, Thomas discusses 'means' of rule. He mentions how the Aristocracy is ruled by virtuous men (*optimates*) and a just government is ruled by one man alone—i.e., Monarchy—but he says little more than this with regard to any kind of quantitative or qualitative criteria for determining his hierarchy of forms.²¹ *Lex animata* and its function in determining the best form of simple, natural governments is not even mentioned by Thomas in the examined section of his *De regno, ad regem Cypri*.

From all of this, we can already observe many differences and similarities between the political thought of St. Thomas and Engelbert as espoused in their separate treatises. The most striking difference between Engelbert's *De regimine principum* and Thomas' *De regno, ad regem Cypri* is the species of sources utilized by their respective authors (see Table 2). Thomas, as evinced above, relied much more heavily on Biblical authorities to

²⁰ Ibid., p. 14.

²¹ Ibid., p. 8.

support his arguments in his treatise: 73.5% of his citations in Book I were ecclesiastic in nature. Thomas, while employing Aristotelian concepts for critical and fundamental arguments (e.g. man as a political animal), hardly cited secular sources—particularly Aristotle’s *Politics*. Aristotle accounted for 84.5% of all of Engelbert’s citations in Tract I and the first three chapters of Tract II, 60% of those citations being from *Politics* (50% of all citations). Engelbert also relies exclusively on secular sources, choosing to not cite any theological, ecclesiastic, or patristic sources.

Both theorists employ the natural origin argument that man is by his very nature a political (or civil) animal, and that due to this nature and the desire to acquire for himself all of those things deemed necessary for self-sufficiency and thus living well, man creates social communities, i.e., the domestic and the civil. However, Thomas is much more brief in discussing the importance of this nature, whereas Engelbert discusses it not only at the outset of Tract I, but later in the first chapter of Tract II.

Thomas’ six-fold schema is very simplistic and identical to the hierarchy proposed by Aristotle in his *Politics*: the Monarchic constitution is best, followed by the Aristocratic and the Polity; the Tyrant is worst, corresponding with the best form, followed by the Oligarchic and Democratic constitutions. Thomas does not spend any time discussing how each are related, namely how the ‘just’ forms become corrupted. To be sure, the following chapters in Book I deal with the Monarchic and Tyrannical forms in greater depth, but this is only to highlight why one is best and the other worst. Engelbert’s nine-fold schema is much more elaborate, and therefore much more unique.²²

²² Cf. Chapter III, pp. 75-80 with regard to Engelbert’s schema of forms. I have chosen to emphasize the nine-fold, whereas Blythe chose a seven-fold schema. An eight-fold schema is also possible, according to my findings. However, upon closer examination, I firmly

Engelbert also spends a great deal more of his analysis on the mixed polities, whereas Thomas doesn't even mention them. Mixed polities composed of two to four of the simple and natural forms are never mentioned by Thomas. Neither are *principia* or *lex animata* and their functions in hierarchies. Thomas does discuss 'means' of rule in passing, but this is only with regard to Aristocracy and Monarchy and very briefly does he equate 'virtue' with the means of aristocratic rule. Engelbert spends much more of his treatise comprehensively discussing his schemata and hierarchies of forms of government, and the roles of *principia* and *lex animata* in determining these hierarchies of forms.

An obvious similarity between Thomas and Engelbert is the criterion of expediency as the highest qualification for determining which form of government is best, thus leading both theorists to favor Monarchy (Engelbert in only an absolute, theoretical sense). This can be seen in nature, which is reasonable, and that which imitates nature and accords with reason is best. However, Engelbert curiously does not fixate 'unity' in his argument as an underlying component in determining the best form of governance.²³ Instead, Engelbert discusses the king as *lex animata*—a concept whose function is of great importance in bringing about greater expediency in legal-political matters, and therefore a better (theoretical) simple, natural government. Here is a fundamental break in thought with Thomas: unity was essential to Thomas' understanding and qualification of the best form of government, whereas Engelbert doesn't mention unity at all as a factor in determining his best form. This concept of unity and its role in bringing about efficacy leads Thomas

believe that the nine-fold schema is most the most accurate and honest to Engelbert's political philosophy as outlined in Chapters V, XIV, XVII, and XVIII of *De regimine principum*.

²³ Blythe also notes this curiosity. Cf. Blythe, *Ideal Government*, p. 124.

to conclude that the Monarchy is the best constitution; a conclusion that Engelbert himself had reached, but only in an absolute, theoretical sense due to the monarch being governed by the highest principle, reason, as well as his function as the *lex animata*. Engelbert's overall conclusion, therefore, is that practically the best form of government, whether simple and natural or mixed, is relative according to two 'signs': that the people and their institutions are able to persist over a long period of time (temporal qualification), and that "no or very few seditions or tyrannies occur", thus allowing peace to flourish. This last qualification is predicated on the fact that a large 'middling class', or 'average' citizenry, is prominent and provides the city/state with the bulk of its population, thus allowing for "harmony and sufficiency."²⁴

Giles of Rome

Having discussed Thomas' *De regno, ad regem Cypr*i and its similarities and differences with Engelbert's *De regimine principum*, let us now turn to Giles's *De regimine principum*. Giles completed his political treatise sometime between 1277 and 1281, roughly ten years before Engelbert completed his own work by the same name.²⁵ Giles'

²⁴ Cf. Chapter II, p. 60, fn. 75: "Ultimo sciendum est, quod licet durum sit & difficile ad determinandum, quae sit optima politia, sicut patet ex praedictis, tamen secundum quod dicit Philosophus Quarto Politicorum, duo sunt signa politiae bene ordinatae. *Primum signum* est, quando populus permanet & permansit multo tempore in institutione politiae. *Secundum signum* est, si nullae vel paucae fuerint in ipsa vel factae sunt seditioes aut tyrannides. Haec autem duo maxime possunt contingere tali politiae, in qua abundant & superant cives mediocres, sicut dicit Philosophus in Quinto Politicorum. Ubi enim civitas esset constituta ex majori parte divitum, ibi periret propter discordiam. Ubi vero ex majori parte pauperum, ibi deficeret propter penuriam. Ubi vero constituta est ex majori parte mediocrium & aequalium, ibi facilius salvatur propter concordiam & communem sufficientiam."

²⁵ Cf. p. 91, fn. 9 (*supra*) regarding the dating of Giles' treatise.

treatise is arranged in three books, each having three parts; the first book deals with the individual or singular life of man, followed by the second book, which discusses the governance of the household (the second life of man). The third book deals with the political life of man. It is the first two parts of the third book which I wish to focus on in my inquiry as it discusses similar concepts of ‘political science’ that the sections of Engelbert’s, Thomas’s, and Marsilius’ treatises also discuss.

In Parts I and II of Book III, I have counted one hundred and forty-eight citations. All but two are from the works of Aristotle. One citation comes from Proclus’ *De causis*—a treatise that was often attributed to the *corpus* of Aristotle during Giles’ time.²⁶ The other non-Aristotelian citation comes from Averroes’s *In physicis*—a commentary on Aristotle’s *Physics*. These two citations make up roughly 1% of the total citations in Parts I and II of Book III. Aristotle’s *Politics* accounts for eighty-three of the one hundred and forty-eight citations, or roughly 56%. Books I and IV make up almost a quarter (24%) of the total amount of citations in these sections of *De regimine principum*. The next source in terms of quantity of citations is Aristotle’s *Rhetoric*, with twenty-nine, or about 20% of the total citations. There are twenty-four citations from Aristotle’s *Ethics* (16% of total) and ten citations (7%) from Aristotle’s *De interpretatione* (one), *Metaphysics* (two), and unnamed works (seven). It is interesting to note that Giles, very much like Engelbert, does not rely

²⁶ Cf. Bernard G. Dod, “Aristoteles latinus,” in *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1988), pp. 47, 64, 79; Christoph Hemlig and Carlos Steel, “Proclus,” *Stanford Encyclopedia of Philosophy*, last modified April 28, 2015, accessed February 7, 2018 <https://plato.stanford.edu/entries/proclus/>.

on or cite a single theological (i.e., biblical or patristic) source, particularly St. Augustine, in the examined sections of his *De regimine principum*.²⁷

Concerning the origin of the communities of man, Giles immediately at the outset of Part I of Book III employs Aristotle's natural origin argument for the origins of the political community: man is himself a political (and civil) animal, and from this nature first the domestic community, followed by the neighborhood (*vicus*), and finally the political community arises; first from the household, all the way up to the city or kingdom.²⁸

Giles, in his *De regimine principum*, employs Aristotle's six-fold schema as outlined in his *Politics*.²⁹ Giles focuses almost all of his attention in his treatise on the monarchic form of government and its 'perversion', Tyranny, paying little attention to the other forms of simple and natural government, and no attention to mixed forms. Giles, like

²⁷ For more on the sources used (and not used, specifically St. Augustine) by Giles in his *De regimine principum*, cf. E. L. Saak, "Giles of Rome" in *The Oxford Guide to the Historical Reception of Augustine*, ed. Karla Pollmann and Willemien Otten (Oxford: Oxford University Press, 2014).

²⁸ Giles of Rome, *De regimine principum*, III.1.1-2 (pp. 135-136 of the 1502 Venice edition PDF): "Homo est naturaliter politicum animal & civile... Ipsum ergo vivere loquendo de vivere ut homo consequitur homines ex communitate politica sive ex constitutione civitatis" (136B). Giles follows this line of reasoning in which he asserts that the political community is caused by this natural inclination of man to form communities for the sake of living sufficiently (and well): "Nam civitas enim complectitur domum & vicum & est principalior communitatibus illis & magis sufficiens in vita quam communitates praedictae. Sic communitas regni circumplectitur communitatem civitatis & est multo perfectior & magis sufficiens in vita quam communitas illa" (136A). Concerning the communities, cf. III.1.1: "Huius autem est communitas civitatis quae respectu communitatis domus & vici principalissima existit. quare si communitas domestica ordinatur ad bonum & etiam ad mala bona. ut supra in secundo libro diffusius probabatur communitas vici quae est principalior communitate domestica. Multo magis ordinatur ad bonum: et adhuc communitas civitatis quae principalissima communitas respectu vici & domus maxime ordinatur ad bonum" (135B).

²⁹ *Ibid.*, III.2.2 (pp.152-153). Cf. Blythe, *Ideal Government* (1992), pp. 67-68.

Thomas, believes that a Monarchy is best based on the very same reasoning that Thomas put forth: expediency due to unity, which is most natural in that it resembles the structure of nature. However, Giles adds that a *hereditary* monarchy is best *practically* due to expediency given the conditions of the world as shown through history.³⁰

Concerning the role of expediency in the choosing of Monarchy over the other forms of simple and natural governments, Giles does not discuss *principia* (or ‘means’, according to Thomas) or their function. This is interesting, as these come from Aristotle’s *Rhetoric* (at least according to Engelbert)³¹—a source that Giles cites extensively (20% of all citations) and was apparently very familiar with, having written an exposition on it (c.1271-1274) before writing his *De regimine principum*.³²

He does, however, claim that the “king ought to be as the organ and instrument of the law”³³ when posing the question if it is better to be ruled by the best king or the best law. Lambertini states that Giles circumvented this question by distinguishing between positive and natural law: the king is above positive law but under natural law.³⁴ The king is better at determining what is right (through ‘right reason’ or natural law) in ‘particulars’ that the law cannot discern.³⁵ *Lex animata* is not discussed in the following chapters.

³⁰ Ibid., III.2.5, III.2.29 (pp. 176-177). Cf. Blythe *Ideal Government* (1992), p. 69; Roberto Lambertini, “Political Thought,” in *A Companion to Giles of Rome*, ed. Charles F. Briggs and Peter S. Eardley (Leiden: Brill, 2016), pp. 263-264.

³¹ Cf. Chapter II, p. 42, fn. 41; Chapter III, p. 81, fn. 27.

³² Roberto Lambertini, “Political Thought” (2016), p. 256

³³ Giles, *De regimine principum*, III.2.29 (p. 176A): “...rex debet esse quasi organum & instrumentum legis...”

³⁴ Roberto Lambertini, “Political Thought” (2016), p. 264; Giles, *De regimine principum*, III.2.29 (pp. 176-177).

³⁵ Giles, *De regimine principum*, III.2.29 (p. 177A): “...melius ex regi rege quam lege eo lex particularia determinare non potest. Ideo expedit regem aut alium principantem per rationem rectam aut per lege naturalem...”

Nevertheless, it is discussed in Book I, Part II (Chapter XII) where Giles calls the king (or prince) a “kind of animate law.”³⁶ He does not, however, incorporate this concept or its practical function with regard to expediency into his discussion of his hierarchy of forms.

As we can clearly see, Giles and Engelbert had differing political philosophies, although both theorists relied exclusively on secular authorities (see Table 2). Giles relied almost exclusively on Aristotle’s ethico-political works (99%), and the two that weren’t Aristotle’s could rightly be called ‘Aristotelian’ (to varying degrees), i.e., Averroes’ commentary on Aristotle’s *Physics* and Proclus’ *De causis*, which was believed to be Aristotle’s at the time. Engelbert was a bit more diverse in his employment of secular sources (only 84.5% of his sources come from Aristotle’s works). Each theorist relied predominantly on Aristotle’s *Politics* in the examined sections of their treatises—Engelbert used it 60% of the time a source was named, and Giles used it 56%.

Both theorists similarly employ Aristotle’s natural origin argument and ‘man as a political animal’ maxim for the genesis of the domestic and political, or civil, communities, arising from the household to the village then the city and/or kingdom. This natural origin argument is fundamental for both theorists and the import of which is critical for both of their treatises.

³⁶Ibid., I.2.12 (p. 41A): “Est rex sive princeps quaedam lex: & lex est quidam rex sive princeps. Nam lex est quidam inanimatus princeps. Princeps vero est quaedam animata lex.” It is interesting that Giles did not discuss the concept of *lex animata* when discussing the political life of man in Book III. Each of the three books of his *De regimine principum* correlates to the three lives of man: the first to the individual or singular, the second to the domestic or household, and the last to the political or city/kingdom. For more on the division of Giles’ treatise, cf. Briggs, *Giles of Rome’s De regimine principum* (1999), pp. 11-12; Roberto Lambertini, “Political Thought” (2016), p. 258.

There are quite a few differences, however. Engelbert's political theory is much more comprehensive with regards to the discussion of the simple, natural forms of government, as well as the mixed polities. Giles is much more brief on the topic of forms; he briefly mentions in the beginning of Part II of Book III the good and bad forms as elaborated by Aristotle in his *Politics* Book III, and he doesn't even discuss the mixed polities. This leads to essentially a restating of Aristotle's schema and hierarchy. Engelbert was much more original in his schema and hierarchy of constitutions, employing a nine-fold schema. This schema and the hierarchies that followed were guided by Engelbert's use of *principia*, concepts taken from Aristotle. While Thomas had the 'means' of rule (briefly) attributed to the Aristocracy and Monarchy, Giles does not even broach the subject, lending no function of *principia* to his formation of a hierarchy of forms of government. However, Giles does discuss the role of expediency in determining his favored form of government: Monarchy. The king, acting as the 'organ and instrument' of the law—as well as the *lex animata*—is better equipped to deal with the 'particulars' that the law (positive, at least) is not able to solve as quickly. While Giles does discuss the concept of *lex animata*, he does not apply its function to his hierarchy of forms.

Giles favored the hereditary Monarchy based on history and expediency, whereas Engelbert favored Monarchy absolutely and theoretically based on the degree of expediency with which a king could act as the *lex animata*—a concept, when combined with his *principia*, that is critical to Engelbert's hierarchy of simple and natural forms of government. But, practically, Engelbert favored a constitution in which all or most of the parts of a city or kingdom have a part in ruling. Engelbert also proposes a much more relativistic approach to the best practical form of governance based on two criteria: the

persistence of the population and the institutions of the city, and the avoidance of sedition and tyranny for the sake of peace, which is most likely to occur with a large ‘middling class’. Giles’ hereditary monarchy—heredity being a quality of a corrupted, unjust form of governance for Engelbert—is much more inflexible.

Marsilius of Padua

Marsilius of Padua’s *Defensor pacis* is one of the most well-known political treatises of the later Middle Ages. The literature on this controversial treatise and the historical context which surrounds it is vast and the emphasis of Marsilius’ Aristotelian political philosophy has been discussed at length by many historians in various fields dealing with the time period and/or the history of political thought.³⁷

Of the one hundred and sixty-eight citations in Discourse I, one hundred and twenty-five citations are from Aristotle’s ethico-political works, or 74% of all citations, both secular and theological. Seventy-seven of these one hundred and twenty-five Aristotelian citations are from the *Politics*, or nearly half (46%) of all the citations of Discourse I. Aristotle’s *Ethics* follows *Politics* in number of citations at sixteen (10% of all citations). Other secular, classical authorities cited are Cassiodorus, Sallust, Cicero, and Virgil; Cicero’s *De officiis* accounts for only six of the total citations.

³⁷ Alan Gewirth’s two volume study—the second volume being his translation of *Defensor pacis*—is perhaps the most authoritative survey of Marsilius and his work. Alan Gewirth, *Marsilius of Padua: Defender of the Peace*, Vols. I and II (New York: Columbia University Press, 1951). R. W. and A. J. Carlyle, *A History of Mediaeval Political Thought in the West*, Vol. VI (Edinburgh: W. Blackwood and Sons, 1936). Also, J. A. Watt, “Spiritual and Temporal Powers,” in *The Cambridge History of Medieval Political Thought, c.350-c.1450*, ed. J. H. Burns (Cambridge: Cambridge University Press, 1991) and Anthony Black, *Political Thought in Europe, 1250-1450* (Cambridge: Cambridge University Press, 1992) are two excellent more recent surveys of Marsilius and his *Defensor pacis*.

The theological authorities employed in Discourse I are much fewer: thirty-one of the total citations come from either the Bible, *Decretals*, or St. Augustine's *De civitate dei*. This makes up only 18.5% of all citations. The most cited biblical authorities come from the Gospels (i.e., Matthew, Mark, Luke, and John); Matthew is cited five times and John four.

Marsilius, very much in the same manner as the previously discussed theorists, employs an Aristotelian natural origin argument and its role in the creation of the political community.³⁸ However, while Marsilius does not explicitly state outright that “man is by nature a political animal,” he does reference man's “natural impulse” for a “sufficient life”, which ultimately leads to the social communities, with the home as the first of such communities, eventually leading to the city.³⁹ This desire for the ‘sufficient life’—or the ability to live well, which includes the ability to acquire all of the necessities one may need to live that one could not procure without the help of others—is able to happen more completely in a city.⁴⁰ This Aristotelian concept is fundamental and the underlying hypothesis espoused by Marsilius for the origin of the city, or the political community.

³⁸ Gewirth, *Marsilius of Padua*, Vol. I (1951), p. 85.

³⁹ Marsilius, *The Defender of the Peace*, pp. 14-21 (I.3-4). Chapter 3 of Discourse I discusses the origins of the civil community and its rise from the household to the village and finally to the city (pp. 15-17). Marsilius, when discussing the final cause of the city in Chapter 4, states that “according to a natural impulse for the sake of [sufficient living]” the civil community was established (p. 19). Later, in Chapter 13 of Discourse I, Marsilius states: “From what we earlier laid down as the foundation of almost everything that would be demonstrated in this book, viz. that all men desire the sufficient life and reject its opposite, we conclude through demonstration, in chapter 4 of this discourse, that they engage in civil community: because through it they can attain this sufficiency, and without it not at all. For this reason, too, Aristotle says in *Politics* I, chapter I: ‘By nature therefore there exists in all men an impulse towards such a community’, sc. civil.” (p. 74 [I.13.2]). Cf. Gewirth, *Marsilius of Padua* Vol. I (1951), pp. 60, 89.

⁴⁰ *Ibid.*, p. 18 (I.4.1-2).

However, the sufficient life is not the end of the political community (i.e., the city), but rather ‘civil happiness’ or ‘tranquility’.⁴¹

With regard to the schema and hierarchy used by Marsilius in *Defensor Pacis*, his is exactly the same as originally outlined by Aristotle and employed by Thomas and Giles: the six-fold schema of the ‘well-tempered’, i.e., royal monarchy, aristocracy, and polity⁴²; and the ‘flawed’, or ‘diseased’ constitutions, i.e., tyrannical monarchy, oligarchy, and democracy.⁴³ Marsilius defines the ‘well-tempered’ constitutions are those “in which what dominates exercises the function of the prince for the common advantage with the will of those subjected,” and the ‘flawed’ as “that in which this is lacking,” or ruling according to the principate’s “own advantage and beyond the will of those subject.”⁴⁴ This is the extent to which Marsilius discusses his schema and any classification or hierarchy of these forms of government is not discussed further in his treatise, including mixed polities from his good (‘well-tempered’) forms.⁴⁵ Concerning the best or worst of these forms, Marsilius states that it is not the purpose of his investigation to rank them in a hierarchy.⁴⁶ While Marsilius never explicitly states which form of government he prefers, he does place a

⁴¹ Ibid., pp. 9 (I.1.7), 11-13 (I.2.1-3), 21 (I.4.5). Cf. Gewirth, *Marsilius of Padua*, Vol. I (1951), p. 64.

⁴² ‘Polity’ here referring to the form of government most related to ‘good democracy’ or ‘republic’ (cf. p. 95, fn. 17 *supra*).

⁴³ Marsilius, *The Defender of the Peace*, p. 41.

⁴⁴ Ibid., pp. 40-41 (I.8.2-3).

⁴⁵ Ibid., p. 41 (I.8.3): “And each of these specific types has, again, its own variants; but it is not part of the business at hand to discuss these in any more detail. For Aristotle said enough on the subject of them in Books III and IV of his *Politics*.”

⁴⁶ Ibid., p. 42 (I.8.4): “To speculate, however, about which is may be the best of the tempered forms of principate, or which the worst of the flawed, and the relative ranking of the rest in terms of goodness or badness, is not our present concern. So let this be enough on the division of principates into their specific types, and the description of them.”

great deal of import regarding the ‘best’ form on local customs and traditions, thus positing a very relativistic, and therefore practical, political theory.⁴⁷

However, while Marsilius claims that he doesn’t intend to rank the forms of government, he does appear to favor either a monarchy or polity (‘republic’) where in which the ‘weightier part’ (*valentior pars*) of the ‘human legislator’ (*legislator humanus*), or the “assembly of all free adult native males” elect the ‘ruling part’ (*pars principans*, or the ‘prince’), which can take any form, so long as it is seeking the common advantage according to the consent of the ‘human legislator’, which can also depose the ‘ruling part’.⁴⁸ While Marsilius does appear to focus the remainder of Discourse I on the monarchic form of government as the ‘ruling part’ elected by the ‘human legislator’, this does not exactly correlate to which form he thinks best. Marsilius does make an argument for ‘unity’—again, a common fundamental concept to the medieval political theorist—but that the *form* be unified for the sake of efficacy in ruling, not that the ruling part be one in

⁴⁷ Ibid., p. 49 (I.9.10): “However, one should not fail to recognize the fact that one or other multitude, in one or other time and place, will be disposed to one or another form of polity, and similarly to support one or another type of principate, as Aristotle says in *Politics* III, chapter 9; and legislators and those who institute principates should pay attention to this fact...so perhaps a particular multitude, at some time or in some place, is not disposed to support the best form of principate, and therefore one should first attempt to lead it to the form of temperate principate that is most suitable for it.”

⁴⁸ Cf. Annabel Brett in her introduction to Marsilius of Padua, *The Defender of the Peace*, ed. and trans. Annabel Brett (Cambridge: Cambridge University Press, 2005), pp. xxvi-xxvii and R. W. Dyson, *Normative Theories of Society and Government in Five Medieval Thinkers* (Lewiston, NY: Edwin Mellen Press, 2003), pp. 248-250 who support ‘elective monarchy’ and James Blythe, *Ideal Government* (1992), pp. 201-202 who supports Polity as the favorite of Marsilius. Marsilius does claim that the “nonetheless it is undoubtedly to be maintained, in accordance with the truth and with the express views of Aristotle, that election is a surer standard of principates...” (Marsilius, *The Defender of the Peace*, (2005), p. 49 (I.9.9). ‘Election’ however appears to be the ‘mode of instituting’ the types of tempered principate, not the form itself, i.e., monarchy. Cf. pp. 43-48 (I.9.1-8), esp. p. 48 (I.9.8).

number, i.e., a king.⁴⁹ The Polity also appears to be favored by Marsilius due to the fact that nearly every element of the city (at least all free native adult males, or citizens) take part in the governance of the city, which sounds very much like a ‘republican’ form of government. This creates a balance of interests between the elements (wealthy, poor, etc.) of the city, which is essential to the survival of the city, not the proportion of each element’s numbers.⁵⁰ Election, nevertheless, is a vital component to whichever form of government is chosen by Marsilius (or by the populace choosing their own form).⁵¹

Marsilius, very briefly discussing the various forms of government in his Aristotelian six-fold schema and reticent regarding their hierarchy and making no mention of mixed forms, does not include a discussion of *principia*. In Chapter 8 of Discourse I, wherein which he fleetingly examines the forms of government, after dividing the ‘tempered’ and ‘flawed’, he states that the principate is guided by the “will and consent of those subject” for “the common advantage.”⁵² This seems to imply that ‘will’ and ‘consent’ of the populace within a given polity is semi-synonymous with the *principia* of Engelbert. However, this “will and consent of those subject” appears to be the same for all ‘tempered’

⁴⁹ Marsilius, *The Defender of the Peace*, pp. 114-115 (I.17.1-2).: “For there is a type of supreme and well-tempered principate that is one in number and where more than one man exercises the function of prince, as in an aristocracy or polity... These several individuals do indeed form a principate that is one in number in respect of function, because of the numerical unity of whatever action, judgment or sentence or command issues from them; for no such action can issue from any one of these individuals by himself, but only from their common decree and consent or that of their prevailing part, according to the laws that have been established in these matters. And because of the numerical unity of the action that issues from them in this way, the principate is and is said to be one in number, whether ruled by one man or several.” ‘Unity’ here is important for the tranquility of the polity (here meaning the general state-like entity, sc. the city), not so much for efficiency of rule and therefore the best form of government.

⁵⁰ James Blythe, *Ideal Government* (1992), pp. 201-202.

⁵¹ Cf. p. 108, fn. 48 (*supra*) regarding ‘election’ and the form chosen.

⁵² Marsilius, *The Defender of the Peace* (2005), p. 41 (I.8.3).

forms of government. Marsilius does not advance any other elements to his schema of forms.⁵³

The function of efficiency, while mentioned by Marsilius in his discussion of forms of government, is not given much importance with regards to the principate. Instead, law is given the most *gravitas* in determining the best polity. When reiterating Aristotle's famous question "whether it is better to be ruled by the best law or the best king," Marsilius lands on the side of law: "...no judgement (so far as possible) should be left to the discretion of the judge [read: 'principate'], but should rather be defined in law and pronounced in accordance with it. This was the opinion of the divine Aristotle, *Politics* III, chapter 9, where he asks (following his purpose) whether it is better for a polity to be ruled by the best man without a law, or by the best law, and says: 'That has the advantage' i.e. is superior for the purposes of judging 'which entirely lacks the element of passion' i.e. the affection that can corrupt a judgement 'over that to which is innate. Now therefore this' viz. passion or affection 'is not inherent in the law; but every human soul necessarily has it'—and he said 'every', not excepting anyone, however virtuous."⁵⁴ Only the 'universal body of citizens' (*legislator humanus*) can create laws and the prince, or ruling part (*pars principan*), upholds and enforces the laws.⁵⁵ This appears to deny any function to 'expediency', and therefore the existence of *lex animata*, in his hierarchy of forms—a hierarchy which is itself nonexistent for Marsilius. However, Marsilius does give the principate some power (albeit power allotted to it by the human legislator) over the law:

⁵³ In the following Chapter 9 of Discourse I, Marsilius discusses 'modes' of electing principates (sc. royal monarchy), of which there are five according to Aristotle's *Politics* III (pp. 45-46).

⁵⁴ Marsilius, *The Defender of the Peace* (2005), p. 57 (I.11.1-2).

⁵⁵ *Ibid.*, p. 71 (I.12.8).

whenever the law cannot foresee a particular issue, the prince, acting with prudence, is therefore able to amend the particular issue. Marsilius does admit that the law cannot cover every potential legal-political issue within a polity.⁵⁶ Nonetheless, we do not find any mention of *lex animata* in Discourse I of his treatise.⁵⁷

The similarities and differences between Engelbert's political theory in his *De regimine principum* and Marsilius' *Defensor Pacis* are quite distinct. As we can see from the outset with the sources employed by each theorist, Marsilius' list of authorities contains both secular and theological works, whereas Engelbert's is exclusively secular (see Table 2). Nearly three-quarters (74%) of Marsilius' citations are from Aristotle's ethico-political works, with his *Politics* accounting for nearly half of all citations (46%). This is similar to Engelbert's employment of Aristotle: 84.5% of his sources are Aristotelian, and 50% of all citations are from his *Politics*. However, nearly one-fifth (18.5%) of Marsilius citations in Discourse I are theological (either biblical or patristic). Marsilius does cite Augustine's *De civitate dei* (unlike Engelbert and Giles, but like Thomas), but only once and when referencing one of the 'modes' of instituting a royal monarchy outside of one of Aristotle's five.⁵⁸ He also cites Cicero's *De officiis* more than Engelbert (Marsilius cites it six times,

⁵⁶ Ibid., pp. 82-84 (I.14.4-5). 'Prudence' is one of the most essential virtues for a principate due to the potential shortcomings of law.

⁵⁷ Walter Ullmann, *A History of Political Thought: The Middle Ages* (Baltimore: Penguin Books, 1970), p. 230 claims that Marsilius borrowed the concept of *lex animata* from the papalist, yet Gewirth, Kantorowicz, and Brett make no mention of Marsilius every employing this concept throughout the entirety of his treatise.

⁵⁸ Marsilius, *The Defender of the Peace* (2005), p. 44 (I.9.2). Here Marsilius claims that according to Augustine (as well as the Apostles John and Paul) God can be a remote cause of instituting earthly principates. However, this is accomplished through the intermediary of human minds.

Engelbert two). Nevertheless, it is Aristotle's ethico-political works that are cited most and more vital to both theorists' principal arguments and propositions.

Both theorists also predicate the existence of the communities of man based on man's natural inclination; from the household to the 'state', man is fundamentally a 'political animal' and out of his desire for a sufficient life—or a life full of the necessities for living it well—he forms social communities, namely the city, which allows him to lead a more completely sufficient life. While Marsilius never explicitly states that 'man is by nature political', he does discuss at length in the beginning of Discourse I the 'natural impulse' of man to form these communities for the necessities of life. Engelbert is much more explicit in calling man a 'civil (read: 'political') animal'. However, both Marsilius and Engelbert attribute this natural origin of the communities of man—namely, the political community or the 'state'—to Aristotle's ethico-political works.

Marsilius, like Giles and Thomas before him, employs the Aristotelian six-fold classification as taken from the *Politics* to his theory of government but, as stated above, has very little to say about this or any kind of hierarchy of forms and makes no mention of mixed forms. Engelbert, again, has much more to say: he employs a unique nine-fold schema for his simple and natural forms, discussing each form's digression and comparing each form to one another; his treatise discusses at length the mixed polities and compares these mixtures of two or more to each other. This in-depth discussion of forms and schemata allows for Engelbert to create much more complex and comprehensive hierarchies, and therefore practical political philosophy (at least with regards to said hierarchies).

Marsilius does not explicitly state a favored principate (form of governance), but he is very much in favor of the democratic element, or the ‘weightier part’ (*valentior pars*) of the general assembly of all free adult native males (*legislator humanus*) of the city essentially ruling through law, which is to be upheld and enforced by whichever principate (i.e., form of government) is chosen. So long as the principate, or form of government, is unified and rules according to the law, or the will and consent of the populace, for the common advantage, Marsilius calls this form ‘well-tempered’. The role of law in the simple and natural Democracy is a vital component—one of the *principia* of this form with election—for Engelbert, it is also important in any mixed polity containing the democratic form.⁵⁹

While Marsilius does not predicate a best form of government (or a hierarchy) on expediency through concepts such as *lex animata* or *principia* as Engelbert does in his *De regimine principum*, he does offer a generally relativistic approach to the best form, choosing to instead leave ‘guidelines’, namely law, consent and will of the subjected and the principate adhering to them, for which is the best form. While the guidelines of Marsilius are different than Engelbert’s two ‘signs’ of the best (practical) form of government or polity—i.e., the permanence of legal-political institutions and citizenry, and the maintenance of peace and tranquility (or the lack of seditions and tyrannies)—both theorists propose relative approaches to the best form of governing, and both theorists also caution strongly against hereditary rule.⁶⁰ Tranquility is emphasized by Marsilius much more, to be sure, as it is the ‘end’ of the political community (or city), whereas tranquility—

⁵⁹ Cf. Chapter II, pp. 42 (I.10), 49, 51-53 (I.12, 1.14) regarding the role of law in Democracy and mixed polities containing the democratic form.

⁶⁰ Concerning Engelbert’s warning, see Chapter II, p. 61, fn. 78.

or more specifically the lack of seditions and tyranny—was a sign of the practical best (relative) polity for Engelbert.⁶¹ Due to these ‘guidelines’ for best forms, both Marsilius and Engelbert not only emphasize a relativistic best form of government, but a more practical approach to political theory as well.

⁶¹ For Engelbert’s signs of the best polity, see Chapter II, p. 60, fn. 75.

Conclusions

As we can now more readily understand, Engelbert's political philosophy as outlined in his *De regimine principum* is certainly unique, while simultaneously being a part of the eclectic Aristotelian political tradition that followed the rediscovery of Aristotle's ethico-political works and the Aristotelian political revolution that came from these rediscoveries. Engelbert's use of specific sources—namely Aristotle's *Politics*, *Nicomachean Ethics*, and *Rhetoric*—as well as his use of specifically Aristotelian political concepts—i.e., the natural origin argument and 'man as a political animal' maxim—keeps him within this tradition of using Aristotle's ethico-political works and applying the concepts and arguments found therein.

However, as argued above, Engelbert's political philosophy in his *De regimine principum* is also exceptional. This was proven by Engelbert's exclusive employment of an original nine-fold schema of forms based in part on Aristotle's as found in his ethico-political works, particularly his *Politics* and *Rhetoric*. While these forms are not exactly the same as those of Aristotle as found in his *Politics*, this only highlights further Engelbert's uniqueness, and therefore the eclecticism of this tradition. Engelbert's hierarchies of forms, both simple and natural, as well as mixed polities from two or three simple forms, were based in large part on the Aristotelian political concepts of *principia* (as taken from Aristotle's *Rhetoric*) and *lex animata* (as taken from his *Politics*). None of the other theorists examined mentioned the function of *principia* or *lex animata* in determining their hierarchies of forms (if a hierarchy was even created in the first place). While Giles does discuss the king as the 'living law', this concept has no role in determining his hierarchy of forms—a hierarchy that is hardly explained, except for the

fact that the hereditary monarchy is supreme. Thomas discusses ‘means’ of rule for the Aristocracy and Monarchy, and Marsilius divides his tempered and flawed forms based on will and consent, but neither of these theorists say more than a few lines concerning the guiding elements of each form, whereas Engelbert discusses his *principia* at great length throughout Tract I of his treatise. Not one of the other theorists included in this study mentioned the mixed polities from the simple and natural forms. All of these elements lead each theorist to differing conclusions regarding which form or polity is best. Some of these theorists, namely Engelbert and Marsilius, are more relativistic in their political philosophies regarding which is best, whereas Thomas and Giles appear to be much more rigid in their approach to the best form, i.e., monarchy. Giles is the only theorist examined who prefers the qualification of heredity for his monarchy.

Engelbert, due to his political philosophy’s similarities with and difference from his contemporaries’ treatises, is both a part of and distinct within this eclectic tradition. His philosophy’s distinction thus in turn reinforces the eclectic nature of the Aristotelian political tradition: his in-depth analysis of simple and natural, as well as mixed forms of government, and his inclusion of *principia* and *lex animata* and their respective functions in his hierarchies of schemata signified a much more intricate, and therefore practical, approach to political theory of the later Middle Ages. His use of mixed polities and the creation of a nine-fold schema, as well as the concepts of *principia* and *lex animata*, were all practical applications of theoretical elements. Rarely do governments exist and define themselves by a singular form and *principium*, thus the nine-fold schema as opposed to the traditional six-fold one; reason may guide the king, but reason working in conjunction with

law, thus the ‘living law’ as embodied in the role of the king. These are just a few of the more practical applications of the theoretical concepts as employed by Engelbert.

Engelbert did more than his predecessors had done: he borrowed from Aristotle’s works and transformed them; he took concepts from all of Aristotle’s ethico-political works and created a more in-depth, and therefore original and practical political philosophy. Thomas and Giles, while certainly well-read in Aristotle’s works, created their own political philosophies based on predominantly only one of Aristotle’s ethico-political works—his *Politics*—and made little to no changes to Aristotle’s original arguments and concepts. Marsilius would do the same as Engelbert in his transformation of Aristotle’s political concepts and theorems, at least with regard to what defines the best form of government. This, conceivably, is the reason for Engelbert’s and Marsilius’ more relativistic approach to the best form of government in the political life of man.

Engelbert certainly appropriated concepts from Aristotle’s works, and because of this he is a part of the Aristotelian political tradition. But Engelbert also borrowed from multiple works of Aristotle and manipulated his concepts. Because of this, Engelbert was transformative to this tradition, a tradition which would become more of a practical political philosophy as opposed to theoretical alone. This transformative quality of Engelbert’s practical application of political philosophy arguably had greater implications to not only the Aristotelian political tradition, but to the field of Western political philosophy as a whole in the later Middle Ages and beyond.

In thinking about the broader scope of political philosophy of the later Middle Ages, there are also more questions raised. One question, for example, is the connection between Engelbert’s reception of Aristotle and his education in the Dominican school, not at the

university—the level with which the association of Aristotle and his works’ transmission and reception has generally assumed to take place. What about the fact that Engelbert, a Benedictine, is studying with Dominicans? What does this tell us about the intellectual culture of the High and later Middle Ages? The transmission and reception of Aristotle?

Another question brought forth from this inquiry is the place of Padua in the transmission and reception of Aristotle, primarily his ethico-political works. Engelbert studied in Padua for eight years, and he specifically mentions studying with William of Brescia, a doctor of medicine, with whom Engelbert had studied the “logic and philosophy of Aristotle.” Marsilius, also from Padua, studied medicine. He also was drastically influenced by Aristotle, specifically his ethico-political works. Did Marsilius know and/or was influenced by William of Brescia? What is the role of Padua—or Northern Italy more generally—in the transmission and reception of Aristotle and how did it play a part in this tradition? These questions certainly necessitate complex answers, yet these questions need to be asked and further investigated.

Engelbert was a part of some greater nexus of the reception and transmission of Aristotle, a nexus that appears to be much more complicated than previously thought. Answering these questions and more in further inquiries will no doubt give him and his *De regimine principum* a more prominent position in this nexus and the medieval Aristotelian political tradition, and therefore the proliferation of practical political philosophy in the West.

Tables

Table 1

De regimine principum
(Tracts I-II.3)

Aristotle	
<i>Politics</i>	36
<i>Ethics</i>	12
<i>Rhetoric</i>	8
<i>Physics</i>	2
<i>Elenchus</i>	1
<i>De bone fortuna</i>	1
Cicero	
<i>On Duties</i>	2
<i>De senectute</i>	1
Other	
Eutropius	3
Boethius	2
Averroes	1
Hugh of St. Victor	1
Unnamed	1
Total	71

Table 1: This table contains the total of citations from the entirety of the sections examined of Engelbert's *De regimine principum*.

Table 2

	Aristotle	Cicero	Theological	Other	Total
Engelbert	60	3	0	8	71
Thomas	10	4	75	13	102
Giles	156	0	0	2	148
Marsilius	126	6	31	5	168

Table 2: This table contains the total citations of each authority (e.g. Aristotle) used by each theorist (e.g. Engelbert), adding to the total amount of citations in each theorist's examined sections. The label 'Theological' represents all biblical, patristic, and ecclesiastic authority (e.g. the Gospels, St. Augustine, and Decretals, respectively). 'Other' represents those authorities whose works do not fit into the other categories (e.g. Hugh of St. Victor's *Mechanica* or Virgil's *Aeneid*).

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