Teaching virtue through the law

Justice and royal authority in Giles of Rome's De regimine principum (c.1280)

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Abstract
This chapter explores the account of justice and royal authority in the most influential of the medieval mirrors for princes, Giles of Rome's De regimine principum. In the history of political thought, Giles is sometimes described as a proponent of proto-absolutist rule because he believed that the prince should make the law but not be bound by it himself. But the crucial role of Giles's discourse on virtue, both to enable this extraordinary authority of the prince and to explore its limits, has not been thoroughly discussed in previous research. Certainly, Giles felt that the prince should be able to dispose of or change the positive law – in order to make it conform better to the eternal standards of natural law. However, an inseparable part of his thinking about this extraordinary prerogative was that the prince should be a man of supereminent virtue. Giles did not expect each prince to be morally perfect. De regimine principum was an educational tract, and he wrote it to guide his readers towards virtue. In the last instance, however, and in common with other theorists on virtue, Giles knew that the extraordinary level of virtue that was required of the prince, if he was to rule justly, could only be granted by divine grace.

Keywords: Giles of Rome (c.1243-1316), virtue of justice, royal authority, medieval political thought, De regimine principum, princely mirrors

Is it possible to teach virtue? How can it be taught? And who is the appropriate teacher? No medieval genre is better equipped to deal with these questions than the so-called mirrors of princes, a type of text read mainly
by scholars of political thought,¹ but also, more recently, by historians of education.² The mirrors are normative accounts of princely rule, so they allow us to glean the application of virtue ethics in political discourse. And they are relics of educational attempts, written to inculcate virtue in the prince and the political community. The mirrors were designed to instruct the ruler about the value of each virtue, but also to depict him as a shining example and a guide for his subjects. This chapter explores this twofold educational agenda – teaching the prince while making him a teacher to his people – as it appears in the most popular of the medieval mirrors, *De regimine principum* of Giles of Rome (c.1280).³ In the following, the focus will be on Giles’s account of the virtue of justice, since it is here that his virtue-ethical approach to politics and his monarchic ideology combine to shape the idea of the prince as a teacher of virtue. Three concepts stay in view throughout this enquiry: justice, law, and authority. However, to understand Giles’s account of the relation between justice and law, and to grasp what it implied for the discourse on royal authority, it is helpful to begin by situating it in the context of the governmental and legal shifts of which it was a part.

**Kingship, law, and virtue at the turn of the thirteenth century**

*De regimine principum* appeared at a time of new directions in European political thought, and simultaneously a time of a rapid governmental development. It summarized the Aristotelian moral philosophy that resurfaced in the late thirteenth century and enriched virtue-ethical thought, and it endorsed the idea of strong monarchical rule by a king who should make the law, but not be bound by it himself.

The strong monarchy that Giles defends on theoretical grounds in *De regimine principum* had its real-life counterparts in contemporary assertive monarchs, such as Philip IV of France (r. 1285-1314), Edward I of England (r. 1272-1307), and in equally ambitious but less known kings elsewhere. To strengthen their domestic power, these monarchs strove to expand their judicial rights, and by the late thirteenth century, most European kings had made strides towards the control of jurisdiction and legislation in their

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¹ The literature on princely mirrors is large, but see Berges, *Fürstenspiegel*; Quaglioni, ‘Il modello del principe’; Nederman, ‘Mirror Crack’d’.
² Perret, *Les traductions françaises*.
³ The best introduction is Briggs and Eardley, *Companion to Giles*. 
realms. Royal justice was encroaching on feudal and regional courts and thereby reaching its tentacles further out and deeper into society. There were financial as well as political motives for this development: more cases for the king’s courts meant increased revenue to the royal coffers and helped the king assert his influence in the parts of the realm where he lacked the direct lordship of personal demesnes. As for the development of legislation, this often began as initiatives to codify the already existing regional and customary laws, but was soon followed by royal and national legislation proper. These laws, often proclaimed to ensure ‘the peace’ of the land, were also a means to curb overmighty subjects. It is for good reasons that all scholarly accounts of medieval state formation discuss the development of royal justice as a crucial step in the process of centralizing government. 4

But what legitimized this new assertive kingship, as it took charge of the arena of law? What discursive developments matched the jurisdictional and legislative ambitions of these rulers? State-formation scholars regularly emphasize the important influence of Roman and canon law, which, from the twelfth century, spread from the schools and into the royal chanceries, where it inspired the codification of customs, new legislation and the formalization of the royal high courts, and where it moreover promoted the idea of a king who was not just a feudal overlord, but a public authority with a unique sway over the legislation and jurisdiction in his realm. 5 The Aristotelian legacy, which enriched the thinking on virtues in the thirteenth century, was another source of politological inspiration. It was not unequivocally in favour of monarchy, but many medieval readers certainly interpreted it as if it were. 6 The Roman legal tradition was easy to blend with the tradition of virtue ethics. In the positivism of modern legal thinking, law is essentially a social construction: for law to be considered law it must not necessarily conform to any particular moral standard. The Roman law texts, however, considered law as an expression of the moral imperative of justice, and the medieval readers were quick to point out that justice was one of the virtues. 7

These lofty discourses on law and virtue and royal authority were not just sophistry concocted in the clerical ivory towers of Paris and Bologna; they also reached the men who used the law in their capacity as judges, and as far as the northern periphery of Scandinavia. Law codes such as the Danish

5 Watts, Making of Polities, p. 74.
7 Bejczy, Cardinal Virtues, p. 82.
Law of Jutland or the Swedish Law of Uppland were preaced by theorized accounts that dealt both with the purpose of law and with the ruler’s role in jurisdiction and legislation. The contents of these texts were not far removed from what went on in the schools of learned law and philosophy, but they were written in the vernacular, and hence also accessible to non-clerics, who used them in their legal practice. The preface to the Law of Uppland (promulgated c.1296) makes it clear that by the late thirteenth century, the notion of the king as lawgiver was also making inroads in Sweden. The code declares that just as God had sent the first law to his people through its first chief judge, Moses, so Birger (r. 1290-1318), absolute (enwaldugæhr) king of the Swedes and the Goths, was now sending a new law code to the inhabitants of Uppland.8 And the same text also provides an eloquent account of the purpose of law, resonant with a virtue-ethical account of human character and behaviour:

The law shall be made and established for the guidance of the people, both rich and poor, and to distinguish between right and wrong. The law shall be obeyed and observed for the protection of the poor, the peace of the peaceful, but for the chastisement and fear of the violent. The law shall honour the prudent and the just, but correct the imprudent and unjust. If all men were just, there would be no need for a law.9

The law, this preface tells us, should be an impartial guide for the people, and protect the poor and the righteous while it curbs the wicked. This praise of the law ends with a terse but lucid statement that links law to virtue. Men with the virtues of prudence and justice, it says, have nothing to fear from the law, and if all men were just, the law would in fact be redundant. But how could the law act as a guide for the people? How could it replace

8 Both royal and sectional interests had to be met in this account of the legislating process; the preface had to balance royal ambition with the traditional independence of the regional law circuit. In the text, the king does not appear as sole legislator. He issues the book with the law code, but it includes some laws that are older and some that are made by a commission led by the local chief judge. However, the king’s position as a protector of the new law, and his command that there henceforth shall be no other law, is unequivocal. For the discussions of the Romano-canonical impact on Upplandslagen, see Bååth, Den kanoniska rätten, pp. 112-17, and Olsson, ‘Upplandslagen stadsfästelsebrev’, pp. 236-55.

9 Schlyter, Corpus iuris sueo-gotorum, p. 6: ‘Lagh skulu ware satt ok skipaþ almænni til styrl baþi rikum ok fatökum ok skiæl mellum ræt ok oræt. Lagh skulu gömæs ok haldæs fatökum til warner spakum til frïþær æn ospakum til næfst ok ognaer. Lagh skulu ware rætwisum och snællum til sōmdær æn wrangum ok osnællum til rætningær. Warin allir rætwisir þa þurfti æi lagha wíp.’ All translations in this chapter are my own.
or repair the people’s lack of virtue, and thus safeguard the peace of the realm? What was the role of the prince in this great educational project, and how was he qualified for the task? The sparse account of the Uppland preface gives no further indication, and to fully understand it we must read it with a particular, broader intellectual context in mind. Its author, the Uppsala canon Andreas And, was an old student of Paris.\textsuperscript{10} He would have been familiar with the legal-philosophical trends that were summarized by Giles of Rome, and might even have read the \textit{Regimine principum}.

\textbf{Giles of Rome – virtue ethics for the prince and his people}

The popularity of \textit{De regimine principum} is attested by its large number of extant manuscripts and by the swift appearance of translations into several European vernaculars, including smaller languages like Swedish. Some reasons for the rapid success of the text are obvious. Giles offered an accessible introduction to the ethical and political works of Aristotle, which the previous generations of schoolmen had translated into Latin and commented on for the use of their students. As a pupil of Thomas Aquinas in Paris, Giles had been at the centre of this flourishing (if sometimes controversial) Aristotelian movement,\textsuperscript{11} and for many of those who wished to master this new intellectual currency, \textit{De regimine principum} could serve as a textbook.\textsuperscript{12} Another factor that probably contributed to its popularity was Giles’s fluid and accessible style of writing.

Giles’s explicit addressee was not an ordinary Paris student, but the dauphin and future king of France, Philip IV. With this reader in mind, it was fitting to recast the Aristotelian scholarship into the format of a princely ‘mirror’, a book to teach the prince how to carry himself and how to rule. However, Giles intended that the work should also teach his subjects how they were to obey, and he made it clear that what his book had to say about ethics applied to all people, and not just kings, with some adjustment according to their roles as leaders and followers respectively:

Even though this book is named after the education of princes, all people are to learn from it. For even though not everyone might be a

\textsuperscript{10} Westman, ‘Andreas Andreae And’, p. 649.
\textsuperscript{11} Zumkeller, ‘Aegidius Romanus’. For an outline of the rise of Aristotelianism and the controversies caused by it in thirteenth- and fourteenth-century Paris, see Bianchi, \textit{Censure et liberté}.
\textsuperscript{12} For the readers and their use of the texts, see Briggs, \textit{Giles of Rome}. 
king or a prince, they should certainly strive to be such that they would be worthy to rule and govern, which is not possible unless they learn and observe what is said in this book. So, in fact, all people are, in a way, the audience of this science, even though few have the [required] sharpness of mind [...] Indeed (according to the Philosopher in his Politics), what the masters must know to command, their subjects must know to achieve. If princes are instructed through this book on how to behave and on how they should rule their subjects, it is proper that this teaching shall reach all the way to the people, so that they may know how to obey their prince.13

Giles considered that his broad choice of audience necessitated a less sophisticated and more figurative approach in his style of writing (he would write *modum grossum et figuralem*),14 but for all its accessibility, *De regimine principum* is a massive work that boasts an encyclopaedic range of moral-philosophical knowledge. It covers more than 700 print pages in the sixteenth-century edition that most scholars use today, but the size was commensurate with the ambitious scope of the undertaking. *De regimine principum* accounts for all three areas that were considered to constitute the subject matter of practical philosophy – ethics, economics, and politics – which it relates to the particular needs and concerns of the temporal ruler.15

In keeping with this division of practical philosophy, Giles partitioned his work into three books. The first – where Justice and eleven other virtues are dealt with – debates how the prince should govern himself (*Ethics*). The second book concerns his rule of the princely household (*Economics*). In the third book (*Politics*), Giles addresses practical and theoretical issues

13 Egidius Romanus, *De regimine principum* 1.1.1, fols. 2v-3r: ‘Nam licet intitulatus sit hic liber de eruditione Principum, totus tamen populus erudiendus est per ipsum. Quamvis enim non quilibet esse rex vel princeps, quilibet tamen summopere studere debet, ut talis sit, quod dignus sit regere et principari. Quod esse non potest, nisi sciantur, et observentur quae in hoc opere sunt dicenda, totus ergo populus auditor quoddam est huius artis, sed pauci sunt vigentes acumine intellectus [...] Immo quia (secundum Philosophum in Politicis) quae oportet dominum scire praecipere, haec oportet subditorum scire facere : si per hunc librum instruantur principes, quomodo se habere, et qualiter debeant suis subditis imperare, oportet doctrinam hanc extendere usque ad populum, ut sciat qualiter debeat suis Principibus obediere.’

14 Egidius Romanus, *De regimine principum* 1.1.1, fol. 3r: ‘si per hunc librum instruantur principes, quomodo se habere, et qualiter debeant suis subditis imperare, oportet doctrinam hanc extendere usque ad populum, ut sciat qualiter debeat suis Principibus obediere. Et quia hoc fieri non potest (ut tactum est) nisi per rationes superficiales et sensibiles: oportet modum procedendi in hoc opere, esse grossum et figuralem.’

15 This division of the field of practical philosophy appears with the Victorines. See Taylor, *Didascalicon* 2.1, 2.19.
of government, including matters of jurisdiction and legislation. Personal ethics, family life, and politics might appear as disparate topics, but Giles’s persistent discourse on virtue builds a single moral arc that unites these three books.

The moral good of kingship

*De regimine principum* champions a monarch with far-reaching prerogatives in the sphere of law. The Carlyle brothers – whose pioneering work on medieval political thought fixated on the relation between the prince and the law – took particular note of Giles and interpreted his account as a primordial statement of the absolute monarchy that would only fully develop in the sixteenth and seventeenth centuries. This tag of ‘absolutism’ followed in later research on the text, and the most recent accounts continue to emphasize Giles’s particular advocacy of a monarchy with far-reaching prerogatives.

Giles acknowledged that kingship was not the only form of rule. Aristotle had considered the rule of one (kingship), a few good men (aristocracy), or a multitude (polity) as respectable alternatives for the organization of government. Giles and other readers in late thirteenth-century France, however, made it clear that government by one, by a prince, was preferable over other forms of rule. But the ideal number of rulers was just one of many concerns in this academic quest for the best regime. Principalities could differ in many ways. For instance, the king who governed for his own interest, instead of for the common good and for the good of his subjects, was nothing but a tyrant. Another important distinction, which is particularly relevant for Giles’s discourse on justice, concerned the king’s relation to the law. In one type of regime, the *regimen regale*, the king rules according to his own will and by laws of his own making. In the other type, the *regimen politicum*, he governs according to laws that are made by the people.

16 Carlyle and Carlyle, *History of Medieval Political Theory*, p. 76. The Carlyles were however aware that similar absolutist statements were made among the jurists.
17 Berges, *Fürstenspiegel*, p. 61.
18 Briggs and Eardley, *Companion to Giles*, p. 5.
19 Giles’s discussion of the best regime occurs in several parts of *Regimine principum*, but central are Egidius Romanus, *De regimini principum* 3.2.2, 3.2.3, and 3.2.3, fol. 269v: ‘regnum est optimus principatus’.
20 Egidius Romanus, *De regimine principum* 2.2.2, fol. 268r.
The state can be ruled by two types of rule; political or royal. Someone is said to lead with royal rule when he leads according to his will and according to laws that he has made himself. But then he leads by political rule when he does not lead according to his will nor according to laws that he has made himself, but according to those made by the citizens.\textsuperscript{21}

Giles culled this distinction from \textit{Politics}, and he also retained Aristotle's original discussion, which sets out its terms in the context of authority relations within the family. The prince, or any man, Giles held, ruled arbitrarily or \textit{regale} over his children, but in his rule over his spouse, he must respect the laws of matrimony and other agreements; and hence it is a rule that rather conforms to the \textit{regimen politicum}. But which type of rule was preferable outside the sphere of the family: the one that was based on the law made by the people, or the one that was based on the laws made by the king and based on his judgement? According to Giles, the father best benefits his son's needs by using his judgment (\textit{arbitrium}), and this is the manner in which the king should rule his subjects:

just as the father better procures for his son when he rules and governs by himself, in the same manner, the king should rule his subject people according to his will, to, as it appears, better procure for this people.\textsuperscript{22}

Giles's \textit{regimen regale} is a paternalistic form of kingship, where the ruler is supposed to govern his people as a benevolent father rears his child. He is the moral guide in this relationship. Giles describes the king as an archer, and the people are his arrow, which it is his task to shoot towards its designated end.\textsuperscript{23} The king’s most precious tool to carry out this duty is in fact the law.

\textsuperscript{21} Egidius Romanus, \textit{De regimine principum} 2.1.14, fols. 154v-155r: ‘Civitas […] duplici regimine regi potest, politico, scilicet et regali. Dicitur autem quis praesse regali dominio, cum praest secundum arbitrium et secundum leges quas ipse instituit. Sed tunc praest regimine politico quando non praest secundum arbitrium, nec secundum leges quas ipse instituit, sed secundum eas quas eives instituerunt.’

\textsuperscript{22} Egidius Romanus, \textit{De regimine principum} 2.1.14, fol. 155r: ‘sed pater secundum suum arbitrium prout melius viderit filio expedire, ipsum gubernat et regit: sicut et rex gentem sibi subiectam regere debet secundum suum arbitrium, prout melius viderit illi genti expedire’.

\textsuperscript{23} Egidius Romanus, \textit{De regimine principum} 3.2.8, fol. 278v: ‘Rex igitur et quilibet director populi, est quasi sagittator quidam: populus vero, est quasi sagitta quaedam dirigenda in finem et in bonum.’
Obey and be good – the virtue of legal justice

Giles’s Book 1 is a systematic treatment of twelve virtues, as these pertain to the behaviour and government of the ruler. The same template, more or less, is used to discuss each virtue. The headings of chapters 10 to 12 give an idea of the remit of his discussion of justice: (10) ‘What are the different types of justice, to what matters does it pertain, and how is it different from other virtues?’; (11) ‘Without justice, realms are unable to endure’; (12) ‘It is most fitting that kings and princes are just and heed justice in their realms’. A more in-depth enquiry into the theory and practice of law appears in Book 3 of De Regimine principum. However, in practice, these chapters on justice as a virtue in Book 1 also focus on matters of law.

Following Aristotle, Giles identifies two main forms of justice: legal justice (iustitia legalis) and fairness (iustitia aequalis). Legal justice is a virtue that demands that the law is enforced and obeyed. This notion, that law-abidingness is a virtue, becomes a useful device for Giles to illustrate how obedience to authorities, such as the king, can be a good thing. Law-abidingness may not sound much like a virtue, but Giles departs from the idea that the law is something more than just a set of arbitrary rules imposed by force. Human law, as he explains in Book 3, should correspond to the fundamentally just principles of natural reason or natural law. They should also be useful for the common good, and adapted to suit the existing customs of the land. With these preconditions in mind, it is easier to understand why Giles expects that moral goodness will follow from lawfulness; proper human law is law that conforms to what is just absolutely. This makes legal justice, a person's inclination to implement the law, into a virtue that promotes all other virtues:

24 Giles discusses the cardinal virtues – Prudentia, Justitia, Fortitudo, Temperantia – as well as a set of contiguous virtues (virtutes annexae): Liberalitas, Magnificentia, Magnanimitas, Honoris Amativa, Mansuetudo, Amicabilitas, Veritas, Iocunditas. The theological virtues – Spes, Fides, and Caritas – get little mention in his account, though at 1.1.12, fol. 24v, Giles concludes that the most important of the virtues, Prudentia, should be governed in its exercise by Caritas.

25 Egidius Romanus, De regimine principum ch. 10: ‘Quot sunt modi iustitiae, & circa quae iustitia habet esse, & quomodo ab aliis virtutibus est distincta’; ch. 11: ‘Quod absque iustitia nequeunt regna subsistere’; ch. 12: ‘Quod maxime decet reges et principes esse iustos, et in suo regno iustitiam observare’.

26 Egidius Romanus, De regimine principum ch. 10: ‘Nam ex hoc est quis iustus legalis, quia adimplet praecepta legis’.

27 Egidius Romanus, De regimine principum 3.2.26.
The law commands generally that all virtues are implemented and that vice is shunned. Because of this, legal justice – that is, the implementation of law – is in a sense each and every virtue.28

Legal coercion can be thought to promote virtue in different ways. Giles alludes to two examples from the *Nicomachean Ethics*, Book 5, where Aristotle says that the law bids men to act bravely since it forbids the soldier to leave the lines of battle, and to act as temperate men, since it forbids adultery.29 In the *Summa Theologiae*, Thomas Aquinas considers this idea that the force of law could improve the morals, at least of young men, who are still capable of being trained. ‘Force and fear’, he suggests, might prevent those who are ‘depraved and prone to vice’ so that they desist from ‘evil doing and leave others in peace’, a notion similar to what was expressed in the preface to the Law of Uppland, as discussed above. However, Aquinas felt that the effects of constant legal coercion could have effects more far-reaching than simply repressing the wickedness of certain boys. Law could make good men out of adolescents who might otherwise have turned bad. It could ‘habituate’ them to do the right thing and thus make them ‘virtuous’.30 Giles does not go quite this far. While it is clear that he thinks that the purpose of the law is to lead people to good conduct and to teach them what is right and what is wrong,31 he holds that even if the virtue of legal justice might make men act courageously, they do so purely for the reason that they wish to fulfil the law, and not because they take real delight in courage for its own sake.32 This is virtual courage, but not the real virtue of courage.

In Giles’s paternalistic view of kingship, the prince is the moral guide of his people. He is a teacher of virtue, the great archer who directs his people towards its designated goal. The law is a formidable instrument to help him achieve this edifying task. It forbids what is lewd and teaches what is laudable, and hence it will lead the people to act in the right way.33

28 Egidius Romanus, *De regimine principum* ch. 10: ‘Lex igitur universaliter iubet omnem virtutem impleere, et malitiam fugere. Quare iustitia legalis, id est impletione legis, est quodammodo omnis virtus.’
29 Egidius Romanus, *De regimine principum* 1.2.10, fol. 44r.
30 Thomas, *Summa Theologiae* 1-2.95.1. I would like to thank the anonymous reviewer of AUP for his or her perceptive remarks on this point.
31 Egidius Romanus, *De regimine principum* 3.2.1, fol. 267v: ‘populus enim ad bene agendum, per leges maxime inducendum est, eo quod ipsis legis praecipuntur laudabilia, et prohibentur turpia’. 
32 Egidius Romanus, *De regimine principum*: 1.2.10, fol. 44r: ‘non tamen aget ea secundum eandem intentionem, vel secundum eandem rationem formalem’.
33 Egidius Romanus, *De regimine principum* 3.2.1, fol. 267v: ‘populus enim ad bene agendum, per leges maxime inducendum est, eo quod ipsis legis praecipuntur laudabilia, et prohibentur turpia’.
The just king is the living law

In the hand of the king, the law is an instrument of virtue. But what is the king’s relation to the law? What enables him to put its precepts into practice? These questions are central to Giles’s understanding of royal authority, and inseparable from his idea of the king as a teacher of virtue. They pertain to a tradition of legal thought where the quotidian positive law appears as no more than a flawed application of a higher, natural law standard.

Giles separated his discussion of the virtue of justice from his treatment of legal theory and practice by addressing them in two different books (1 and 3). However, these two spheres of enquiry are united not only by virtue ethics, but also by a single system of legal thought. This system of thought, which Giles had in common with contemporary theologians and scholars of Roman and canon law, assumed that human laws were mutable and sometimes flawed, but that there existed the eternal and more fundamental norms of natural law, which provided the gold standard by which human laws could be measured and improved. Giles devotes a chapter to explaining, as he says in his heading, ‘that there are different types of law and different manners of justice, and that all other types can be reduced to natural law or positive law’.34 While something can be said to be just in the sense of positive law because it is established as being so by some agreement or decree, something is naturally just because natural reason says so, or because we have a natural impulse or inclination to it. Natural law is right always and everywhere, while positive law is established in the circumstances of a particular time and place. It is natural, says Giles, that an evildoer who disturbs the peace and threatens the common good should be punished, but just how he should be punished is always a matter of positive law. Giles says that natural law is written in our hearts, and also in the hearts of people who have no other law (Romans 2:15).

Human or positive law must compare favourably with the common good and with the customs of the people whom it is designed to rule, but also with the natural law on which it should be based:

First of all, human or positive law must be just, so that it compares with natural reason or natural law: since it is not law if it is not just, but only corruption of law. For nothing is established justly by men if it does not in

34 Egidius Romanus, De regimine principum 3.2.24, fols. 305v-307r: ‘Quod diversa sunt genera legum & diversi sunt modi iustitiae & quod in ius naturale & positivum caetera alia reducuntur.’
some way take its origin from the natural law, and without that natural reason in some way declares that it should be established.\textsuperscript{35}

But who decides if a human law compares with natural law and reason, and hence if it is valid? And on what grounds could anyone presume to judge the law, if such inconsistency with natural law is found? Giles rejected Aristotle’s view, that it was better that the realm was governed by the best of laws than by the best of kings. One reason to hold the law as the superior ruler was that the king, being human, could be perverted by desire, but it was also clear that in certain particular cases, the law was deficient. Then it was better that the king was in the position to correct the law. Giles maintained that where positive law was concerned, the king should be placed above the law. Even the etymology of king (\textit{rex}) seemed to indicate that he was as an instrument of reason, and hence a mediator between the natural law and the positive law:

it should be known that the king and whoever rules is the mediator between the natural law and the positive, for no one rules rightly unless he acts as right reason declares, because reason must be the rule of all human works. Hence, if the name of king [\textit{regis}] is derived from rule [\textit{regendo}] and it is fitting that the king rules others and is the rule [\textit{regulam}] of others, then it is proper that the king in his rule of others shall follow right reason, and by consequence follow the natural law. Because he rules rightly to the extent that he does not deviate from the natural law. But he is above the positive law, since it is established on his authority […]: hence positive law is below the ruler, as natural law is above. And if it is said that some positive law is above the ruler, this is not in that it is positive, but in that which it preserves the force of natural right.\textsuperscript{36}

\textsuperscript{35} Egidius Romanus, \textit{De regimine principum} 3.2.26, fols. 309v-310r.

\textsuperscript{36} Egidius Romanus, \textit{De regimine principum} 3.2.29, fols. 314v-315r: ‘sciendum est regem et quemlibet principantem esse medium inter legem naturalem et positivam, nam nullus recte principatur, nisi agat ut recta ratio dictat: nam ratio debet esse regula humanorum operum. Quare si nomen regis a regendo sumptum est, et decet regem regere alios, et esse regulam aliorum, oportet regem in regendo alios sequi rectam rationem, et per consequens sequi naturalem legem, quia in tantum recte regit, in quantum a lege naturali non deviat: est tamen supra legem positivam, quia illam sua auctoritate constituit […] quare positiva lex est infra principantem, sicut lex naturalis est supra. Et si dicatur legem aliquam positivam esse supra principantem hoc non est ut positiva, sed ut in ea reservatur virtus iuris naturalis.’
Giles’s absolutist principle is clear, but circumspect at the same time: the prince is above the law, but only as long as he acts according to right reason.37

The chief justification for royal authority in Giles’s account is neither references to divine right nor extensive quotes from Roman law, but the premise that the prince is a man of extraordinary virtue. We see him legitimize the princely prerogative to transgress positive law on the grounds of his personal justice in chapter 12 in the second part of Book 1, where he explains why ‘it is most fitting that kings and princes are just, and that they heed justice in their rule’:

If the law is a rule of conduct, as can be had from Ethics V, then the judge, and much more so the king who makes the laws, must be a rule for those who are to act. Because the king or prince is a kind of law, and the law is a kind of king or prince. For the law is a kind of lifeless prince. And to be sure, the prince is a kind of living law. And to the same extent that the living is above the lifeless, the king or prince should be above the law. For the king ought be so great in his justice and fairness that he may direct the laws themselves, since in some cases he should not have to heed the laws.38

Giles’s account of royal authority cannot be separated from his understanding of the virtue of justice as the link between human law and natural law. The prince, acting out of his innate justice, can and should transgress the fallible human laws when this is called for.

Virtue by the grace of God

Giles’s account of royal authority implies a prince of moral perfection. At times, he makes this expectation explicit, stating that the prince should excel

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37 This circumspection seems to go against the grain of the ‘absolutist’ tag that the scholarship has placed on Giles. Some of its practical consequences appear in the Regimine where he suggests that the prince should heed the existing laws of the land as far as possible and not make new ones unnecessarily (3.2.31, fol. 317v), and that the he should take counsel when he legislates (3.2.19, fols. 298v-299r).

38 Egidius Romanus, De regimine principum 1.2.12, fol. 48r-v: ‘si lex est est regula agendorum, ut haberit potest ex 5 Ethic., ipse iudex, et multum magis ipse rex cuius est leges ferre debet esse quaedam regula in agendis. Est enim rex sive princeps quaedam lex, et lex est quaedam rex sive princeps. Nam lex est quidam inanimatus princeps. Princeps vero est quaedam animata lex. Quantum ergo animatum inanimatum superat tantum rex sive princeps debet superare legem. Debet etiam rex esse tantae iustitiae et tantae equitatis ut possit ipsas leges dirigere: cum in aliquo casu leges observari non debeant’.
his subjects in virtue and be like a ‘demigod’; he should be good beyond the ordinary measure of man and boast that semi-divine, ‘heroic’ level of virtue that is the proper quality of the ruler. Did Giles really expect the prince to be that virtuous? Had he no qualms about investing such immense powers in the king, based on nothing but an expectation of surpassing goodness?

Giles was just one, but probably the most influential, among many late medieval authors who seemed willing to support an unrestrained authority for the king on the supposition that he should care for the common good and be virtuous. Machiavelli, writing *The Prince* in 1513, already appears to reject his medieval forerunners’ accounts of princely virtue on the grounds that they were naive. When commenting on the value of good character in the prince, Machiavelli professed to present the ‘real truth of the matter’, rather ‘than the imagination of it’, probably to suggest that fantasies were the best one could hope for from the earlier accounts. In Machiavelli’s view, it was enough to appear virtuous; the traditional virtues were of no consequence for the success of the prince. The prince must sometimes appear generous or clement, but to actually be any of those things was, in Machiavelli’s view, positively harmful. Liberality could serve the prince’s public image, but if it was not moderated, it led to his ruin. Machiavelli’s depiction of the old-school do-goodery and political naiveté of earlier accounts of princely virtue was largely a straw man, propped up to flaunt the cutting edge of his own account. Nevertheless, it does call attention to potential problems in the virtue-ethical accounts of authors like Giles of Rome. Did Giles not consider the possibility that the prince might be a man of no virtue at all, or think about the relative merit of feigned virtue, in cases where the right stuff was lacking? Could the king teach his people virtue if he lacked it in himself?

Giles acknowledges that certain acts might have the appearance of virtue, even though the actor is not virtuous. Speaking of fortitude, he states that men may act courageously because they care for their reputation,

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42 Machiavelli took a shot at clemency and liberality, but passed over the virtues more commonly associated with government, such as prudence, justice, or fortitude. If Giles had been in the position to reply, he might have felt that Machiavelli had also missed the fundamental point that virtue was defined as a mean. Strictly speaking, there could be no such thing as ‘too much liberality’ – liberality in excess of what was needed for the situation was not liberality at all, but prodigality.
or because cowardice is a punishable offence, but real courage has no such external motivation; it is spurred only by the impetus to do what is good and right. Giles says that it is well for the king in his capacity as commander to understand what might make his people act with courage, but personally he must possess the real thing, because the knowledge of what is good and right is necessary to keep his people out of wars that are unjust. Giles's account of justice is analogous to this account of fortitude. As mentioned above, even the wicked can do right by simply following the law out of fear, but when it comes to the king, there can be no substitute for the real virtue of justice. The good of his subjects depends on it. He is supposed to be a measure for all who act, and nothing will be straight (regulatum) in the realm without his justice. Without justice, he is not even a proper king:

If kings are unjust they administer the realm so that justice is not heeded. They must strive not to be unjust or unfair, because their injustice and unfairness removes their royal dignity. Because kings who are unjust, even if they rule by force, are not worthy to be kings, since they ought to be straight and fair rulers [regulam esse rectam et equalem]. The king, since he is a kind of living law, is a kind of living rule of action, and it is most fitting that he in his own royal person himself should serve justice.

Giles's insistence that the king should be just is unequivocal, and it is central to his conception of royal authority. It could be argued that this image of a morally perfect prince is not an attempt to describe the person of the king at all, but rather an attempt to construe an image of public authority, a political fiction somehow necessary to define sovereignty, nascent in the late medieval state. However, De regimine principum is also an educational tract. It was addressed to an individual prince whose duty it was to enact that fiction. The problem of the virtue of the prince, or rather the lack of it, remains and must be addressed.

It is clear from De regimine principum that Giles was aware that there might be a chasm between the princely ideal and the individual man on the throne. He does not take it for granted that the prince is heroically virtuous,

43 Egidius Romanus, De regimine principum 1.2.14, fol. 54r.
44 Egidius Romanus, De regimine principum 1.2.12, fol. 48: ‘Sic si reges sunt injusti, disponunt regnum ut non observetur justitia. Maxime ergo studere debent ne sint injusti et inequalis; quia eorum injustitia et inequalitas tollit ab eis regiam dignitatem. Nam reges injusti eti dominat per civilem potentiam non tamen digni sunt ut sint reges, cum enim debeat regulam esse rectam et equalem. Rex, quia est quaedam animata lex, est quaedam animata regula agendorum, ex parte ipsius personae regiae maxime decret ipse servare justitiam.’
or virtuous at all. This is already obvious from the fact that Giles feels the need to admonish the prince to strive to avoid injustice, as he does in the quote above, and there are other ways in which he tries to make sure that the rift between the desirable level of princely virtue and the shortcomings of the individual prince shall not grow too wide.

To begin with, *De regimine principum* was in itself an instrument for the moral improvement of the prince. In Book 1, Giles explains how the work will be useful for the prince. He has written it for the education of the prince (*gratia eruditionis principum*), and he claims that if the prince understands and observes the book, four good things will follow. First, he will gain the greatest of good: the virtues. Second, through the virtues he will win control of himself (since the virtues help subordinate the passions under reason). Third, Giles points out that the man who truly rules himself also gains the dignity to rule others. Ultimately, the unity and goodness gained through virtue will draw the virtuous man closer to the supreme unity and goodness, which is God and happiness eternal. Giles’s political vision, then, is a vision of individual and political unity under the guidance of reason, which also leads the prince and his people to God. 45 This rational myth of the state presupposes a prince of virtue and reason as its figurehead. If the prince reads, understands, and observes what is said in *De regimine principum*, it will help realize this ideal.

Giles does not presume, however, that the prince is virtuous from the outset. His discourse assumes a Christian framework and the agency of divine grace. Giles in fact nods to the weakness of the human material of the prince and the need for divine intervention to perform virtuous works:

Truly, since what I am talking about cannot be heeded without divine grace, it is fitting that all men and in particular the royal majesty, shall pray for divine grace. For the loftier the height of the royal majesty, the more he needs divine grace so that he may perform virtuous works and have the strength to lead his subjects to virtue. 46

The prince ought to pray in order to perform virtuous works and lead his people. It has been remarked that Giles’s account of moral philosophy

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45 Egidius Romanus, *De regimine principum* 1.2.3, fols. 6v–7r.
46 Egidius Romanus, *De regimine principum* 1.1.3, fol. 7r: ‘Verum quia ea, quorum trademus notitiam, absque divina gratia observari non possunt, decet quemlibet hominem, et maxime regiam maiestatem, implorare divinam gratiam. Nam quanto maiestas regia in loco altiori consistit, tanto magis indiget divina gratia, ut possit virtutum opera exercere, et sibi subditos valere inducere ad virtutem.’
was more secular than that of Aquinas,\(^{47}\) that references to Scripture and church fathers are virtually absent from *De regimine principum*, and that he addressed his readers more in the mode of a moral philosopher than the mode of a preacher.\(^{48}\) However, in view of the continuous attempts to harmonize Aristotelian philosophy with Christian religion it is probably misleading to think of these two modes as mutually exclusive.\(^ {49}\) Certainly, Giles's most common reference is Aristotle, and it is the language of virtue that shapes his account of the prince, but it should be added that he reserved a strategic place for grace in this account. In the quote above, Giles suggests that the prince must pray for grace so that he will be able to carry out the works of virtue and make his subjects virtuous. He returns to this theme at another passage in Book 1. The prince, he suggests on this occasion, should be in the highest degree of ‘exemplary virtue’, since he must serve as an example to his subjects. Nevertheless, again, Giles does not think that this can be achieved without divine intercession, because ‘no one can be in that degree of goodness without the grace of God and his help, so the more that kings and princes should excel above others, the more ardently they ought to pray for divine grace’.\(^ {50}\) Like many other thirteenth-century theologians,\(^ {51}\) Giles acknowledged that virtues could be acquired by effort, but they could also be elevated to higher degrees by grace, or infused by God. Without divine intercession, the degree of virtue required for the task of a prince was unachievable.

**Conclusion**

So to questions again: Is it possible to teach virtue? How can it be taught? And who is a suitable teacher? Giles of Rome's reply is found in his account of the virtue of justice, which tackles the complexity of these questions by connecting the fields of law and philosophy, and religious and political thought. On the one hand, it is obvious that Giles thought that it was possible to teach virtue, since the basic assumption of his great work is that the prince

\(^{47}\) Canning, *History of Medieval Political Thought*, p. 133.


\(^{49}\) For the different strategies that medieval authors applied to avoid incompatibility between the Aristotelian texts and Christian doctrine, see contributions in Bianchi, *Christian Readings*.

\(^{50}\) Egidius Romanus, *De regimine principum* 1.3.33, fol. 90r: ‘sed cum tantae bonitatis nullus esse possit absque dei gratia, et eius auxilio: quanto reges et principes alios excellere debent, tanto ardentius decet eos divinam gratiam postulare’.

and his people may learn from the text and improve. However, he reserves a particular place for the prince in this process of general improvement. As impressed by the political thought of Aristotle, Giles felt that government could fill a positive moral function. His prince is an archer and an example, a teacher of virtue who should direct his people to its ultimate end. In particular, it is in his discourse on justice that Giles addresses the issue of teaching virtue. He maintains that the law is an important tool to enact the moral function of government, since the law forces men who lack virtue to act as if they were virtuous, although Giles does not go quite as far as Aquinas, who states that the fear of the law eventually habituates the wicked and makes them good.

Giles placed great expectations on his prince, and great powers. To serve as a teacher of virtue for his people the prince must be a man of superhuman virtue himself. In the quasi-religious legal theory of the day, it was the great personal justice of the prince that made him a mouthpiece for the higher good of the natural law – and made him a ‘living law’, with the authority to bend the positive law to his will. Hence, De regimine principum mirrors the confidence of the late thirteenth-century schoolmen in the potential of virtue and reason, both as aids to help them connect with God and as means to govern this world with justice. However, they were not as blatantly naive about the moral perfection of their prince as we are led to believe by the later and more cynical voice of Machiavelli. Giles was aware that there could be a far reach between the ideal of the virtuous king and the capacity of the real individual on the throne. To help his prince toe the line, Giles offered De regimine principum, a work that summarized the moral philosophy of his time. However, in the final instance, Giles would have acknowledged that the prince was also likely to need the help of divine grace, administered through prayer, pastoral care, and royal confessors.

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