

Sacred Polities, Natural Law and the Law of Nations in  
the 16th–17th Centuries

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# Sacred Politics, Natural Law and the Law of Nations in the 16th–17th Centuries

*Edited by*

Hans W. Blom



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## Challenges of Universalism

*Theologico-Philosophical Considerations of Natural Law by Transylvanian Antitrinitarians in the Late Sixteenth Century (Jacobus Palaeologus and Christian Francken)*

József Simon

### 1 Introduction

This chapter highlights some aspects of natural law in Jacobus Palaeologus (ca. 1520–1585) and Christian Francken (1552–after 1610). Neither of the two can be called a theoretician of natural law or of law of nations in the classical sense of the terms.<sup>1</sup> They considered the problem of natural law according to their specific argumentative goals still before Grotius and his followers introduced their classical conceptions in the seventeenth century. Although there were significant uses of the idea of *lex naturalis* in the writings of radical protestant authors in the sixteenth century, these were not presented within the framework of a contractual theory – as their counterparts in the second half of the seventeenth century would be without exception.

However, Eastern-European radical Protestant texts and authors are still of some relevance to our topic. The feature common to both Grotius's followers and the radical Protestant – in my case Antitrinitarian – authors is their shared tendency towards *universalism*; hence the title of my contribution 'Challenges of Universalism'. While aiming at a universal reformation of Western Christianity, the Antitrinitarian culture of religious thinking created space for other, much more radical thought experiments as well. No doubt, Jacobus Palaeologus and Christian Francken went beyond the confessional setting of Antitrinitarianism, as the first developed a conception of sacred universalism for the monotheistic religions of his time, and the second confronted moral conceptions of revealed religions with a natural universalism of philosophy. Their biographies have common features: neither Palaeologus, nor Francken held any official position in the institutional hierarchy of the church, they

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<sup>1</sup> Merio Scattola, *Das Naturrecht vor dem Naturrecht. Zur Geschichte des ›ius naturae‹ im 16. Jahrhundert* (Tübingen: Niemeyer, 1999).

played the role of independent ideological supporters of the Antitrinitarian movement. However, their – especially Palaeologus's – influence on the later history of the institutionalised denomination in Transylvania is enormous.<sup>2</sup> Both biographies end up with a dark last chapter of imprisonment by the Inquisition: Palaeologus was beheaded in 1585, Francken spent the last 13 years of his life in the jail of the Holy Office in Rome until his death around 1611.

## 2      **Jacobus Palaeologus: The Concept of Nature in the *De Tribus Gentibus* (1572)**

Palaeologus's life is well documented in the studies concentrating on the history of religious free thought in sixteenth century Eastern Europe.<sup>3</sup> The main motifs of his adventurous biography are his various escapes from the Inquisition, and episodes of political agency or even spying.<sup>4</sup> In the 1570s Palaeologus stayed in Poland, Transylvania and Moravia and joined the movement of East-European radical Antitrinitarians. He wrote his most famous works between 1571 and 1576 while continuously commuting between Cracow and Transylvania. Although the religious climate of his time was not favourable for the publication of his chief works, they were widely available in handwritten copies in Eastern Europe. Palaeologus was captured in 1581 in Moravia on imperial order and subsequently extradited to Rome, where he was executed in 1585.

2 Cf. Mihály Balázs, *Early Transylvanian Antitrinitarianism (1566–1571) – from Servet to Palaeologus*, Bibliotheca dissidentium, Scripta et studia 7. (Baden-Baden: Koerner, 1996); Idem, 'György Enyedi zwischen Palaeologus und Faustus Socinus. Anmerkungen zum unbekanntenen György Enyedi', in *György Enyedi and Central European Unitarianism in the 16–17th Centuries*, ed. by Mihály Balázs and Gizella Keserű (Budapest: Balassi Kiadó, 2000), pp. 15–22.

3 For seminal expositions of Palaeologus's works in their East European cultural contexts cf. Antal Pírnát, *Die Ideologie der Siebenburger Antitrinitarier in den 1570er Jahren* (Budapest: Verlag der Ungarischen Akademie der Wissenschaften, 1961); Lech Szczucki, *W kręgu myślicieli heretyckich*, (Wrocław: Zakład Narodowy im. Ossolińskich, 1972); Idem, 'Polish and Transylvanian Unitarianism in the Second Half of the 16th Century', in *Antitrinitarianism in the Second Half of the 16th Century*, ed. Róbert Dán and Antal Pírnát (Budapest: Akadémiai Kiadó, 1982), pp. 215–230; Massimo Firpo, *Antitrinitari nell'Europa orientale del '500. Nuovi testi di Szymon Budny, Niccolò Paruta e Iacopo Palaeologo* (Firenze: La nuova Italia, 1977).

4 Martin Rothkegel, 'Jacobus Palaeologus in Constantinople, 1554–5 and 1573', in *Os-manlı İstanbulu IV*, ed. by Emrah Safa Gürkan (İstanbul, 2017), pp. 977–1004; Idem., 'Iacobus Palaeologus und die Reformation: Antireformatorische Polemik in der verlorenen Schrift "Pro Serveto contra Calvinum"', in *Radikale Reformation. Die Unitarier in Siebenbürgen*, *Studia Transylvanica* 44, ed. by Ulrich A. Wien, András F. Balogh and Juliane Brandt, (Köln: Böhlau Verlag, 2013), pp. 91–134.



His work *De tribus gentibus* (On the three nations) contains perhaps the clearest summary of his syncretic theology.<sup>5</sup> Palaeologus finished the essay in Cracow in 1572, the only preserved manuscript is dated 1587 in Thorda/Transylvania, copied by Máté Thoroczka. The modern edition of the treatise, published by Lech Szczucki in 1972, is based on this manuscript.<sup>6</sup>

Palaeologus begins his essay with an apodictic statement. All men by nature desire to seek and to acquire salvation.<sup>7</sup> Salvation – which substitutes Aristotle's 'knowledge' in this paraphrase of the first sentence of the *Metaphysics*<sup>8</sup> – is twofold. First, it is the object of a basic instinct in every member of mankind without exception – Palaeologus regards this natural instinct as a strong anthropological motive. Although this desire can be satisfied neither by any sensual nor by any mental knowledge, its origin is nevertheless natural. Second, there is another salvation (*altera salus*) which was based by God on the first type of salvation and desire. The figure of Abraham plays a decisive role in the history of spreading out this *altera salus*. With Abraham mankind acquires knowledge about the second salvation and raises institutions to serve God who provides mankind with the hope of attaining it. Although the pagan Greeks and Romans had some undetermined notions of the second salvation in the form of their public patriotism as well, Abraham's descendants enjoyed special privileges. At the same time, non-Jewish nations perceived the preeminent status of the Jews, and some of them tried to enter God's elected nation through the ritual of circumcision. According to Palaeologus there were two proper types of human existence that had the appropriate notion, hope and desire of *altera salus* before Christ: Abraham's descendants and those non-Jews who subjected themselves to the act of circumcision in order to join to the elected nation.<sup>9</sup> Patriotism without circumcision assured only a weak sign of the *altera salus* – especially for the Greeks, who were great patriots in public but nevertheless conducted a vicious life in their private sphere.

The situation changed with Christ's appearance in the world – but not in the traditional sense.<sup>10</sup> Those non-Jews who originally had no other choice to

5 For standard interpretations cf. Szczucki, *W kręgu*, passim, Pirnát, *Die Ideologie*, pp. 66–69.

6 All references follow Lech Szczucki's critical edition, cf. Szczucki, *W kręgu*, pp. 229–240.

7 Szczucki, *W kręgu*, p. 229: Omnes homines natura ipsa stimulante salutem quaerere et habere desiderant.

8 Cf. Aristotle, *Metaphysics*, 980a22: All men by nature desire to know. (*The Complete Works of Aristotle*, vol. II, ed. Jonathan Barnes (Princeton: Princeton University Press, 1991), p. 1552).

9 For the latter cf. Szczucki, *W kręgu*, p. 231: Erat autem circumcisio ... oboedientiae signum in maribus ..., et qui recipiebant ex non posteris Abrahami, cum maribus et feminis, si illi octavum diem non excessissent, inter Abrahami posteros a Deo numerabantur.

10 *Ibid.*, pp. 232–235.

enter the elected nation than to subject themselves to the rite of circumcision, were offered the notion of *altera salus* without undertaking circumcision. The criterion of having knowledge of salvation was not circumcision anymore, but the faith in the fact that Jesus was the Christ, i.e. God's anointed. However, the occurrence of the new faith did not mean the annulment or cancellation of the rites of the Jews. This new notion of salvation propagated by Christ was the very same salvation as the one which had been promised for Abraham's descendants.

The key moment of Palaeologus's conception is the question of circumcision.<sup>11</sup> Without going into subtle details, we can summarise Palaeologus's point of view in his statement that it was not the Jewish nation, whose status concerning the salvation changed with Christ's occurrence. Rather, it was the status of the non-Jews that changed. They did not have to subject themselves any more to the rite of circumcision in order to be part of the elected nation, that is, to have the appropriate notion of the salvation. It is a practically intolerant and exegetically untenable opinion that the requirement of setting aside the rites of Jews is an unavoidable presupposition for their salvation and justification according to Christian faith. Furthermore, a non-Jewish person can even disregard God's newly provided notion of salvation through undertaking circumcision and joining Abraham's descendants without losing the very same perspective on the very same salvation. But after having subjected himself to the rite, one has to fulfil the ceremonial prescriptions of the Jews and cannot draw upon his faith only. Jews and Christians all have their own perspective of the same salvation: Christianity can be explained without cancelling Jewish ceremonies and Jewish ceremonies can be justified without negating the central role of Christ.

Regarding natural law, Palaeologus's syncretic view testifies an interesting oscillation of the concept of nature. In relating Jews and Christians to each other, the Greek thinker established two types of natural law concerning human beings. The first type is the law of desire for salvation, that is, an anthropological standard in all members of mankind. In the first sentence of the *De tribus*

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11 Szczucki, *W kregu*, pp. 232–233: Cum enim ante inter posteros Abrahami numerari non posset nisi patrefamilias pro se et suis familiis circumcisio aut matrefamilias pro se et suis certa caeremonia expiata, hac lege immota aliam etiam proposuit, ut praeputiatis necessaria non esset circumcisio, sed ut fides credentibus Iesum esse Christum utrumque pro illis, qui crederent, et omnibus eorum successoribus praestaret: unum adoptionem in filios Deis, quod prius per circumcisionem habere consuevissent, alterum evasionem ab ira illa, quae tum imminere dicebatur; liberum tamen erat praeputiato consuetudine recepta ad illum usque diem circumcisionis uti, evadere tamen ab ira imminente nullus posse vulgabatur, nisi qui Iesum esse Christum credidisset.

*gentibus*, Palaeologus expresses this natural desire through the paraphrase of Aristotle's opening statement at the beginning of the *Metaphysics* concerning man's natural desire for knowledge. The all-embracing natural drive towards justification keeps moving human history according to God's plan in all times and regions. For the second type, somewhat paradoxically, Palaeologus qualifies the manner according to which Abraham's descendants disposed of the notion of salvation as natural in some passages. They were saints *naturally*,<sup>12</sup> all the Jews were God's sons and branches of the life's tree *naturally*,<sup>13</sup> they were justified *by nature*,<sup>14</sup> they sucked the sanctity of the *natural* oil-tree as inborn or *natural* branches while believing that Jesus was the Christ,<sup>15</sup> their certainty of justification inhabited in them *φύσει*.<sup>16</sup> Natural law belonged to the Ancient Greeks and Romans only in the first sense, they disposed of the natural drive towards supranatural salvation, but no certitude of justification was given them naturally. However, neither any member of the *gentes* who undertook the ritual of circumcision possessed the hope of salvation in a natural way, their certitude inhabited in them *θέσει*.

After explaining the syncretic theological horizon for Jews and Christians, Palaeologus discusses the position of Muslims<sup>17</sup> regarding his *altera salus*. As the title of the treatise – *De tribus gentibus, On the three nations* – already suggests, Palaeologus leads the third nation into his syncretism too. First of all, the *Alcoran* acknowledges Jesus as Christ as well, performing the minimal

12 Ibid, p. 232: Sanctum erant natura. ...

13 Ibid, p. 236: ... omnes Iudaei essent natura ipsa filii Dei. ...

14 Ibid: ... iusti essent natura ipsa.

15 Ibid: ... a trunco arboris tamquam nativi et naturales rami sugerent pinguedinem et sanctitatem naturalis ἐλαίας credentes Iesum esse Christum; cf. Rom. 11, 22–24.

16 Ibid, p. 231: Venit autem lex ... ostendendo viam fugiendorum et prosequendorum pervenire volenti ad metas iustitiae, quae in se esse aut φύσει, ut in Abrahami posteris, aut θέσει, ut in praeputiatis, qui circumcidebantur. ...

17 Born on the island Chios under Genevan administration near Istanbul, Palaeologus had immediate cultural experience of the Muslim world. For a detailed presentation of the relationship between Christianity and Islam by Palaeologus, cf. Rothkegel, 'Iacobus Paelaeologus und die Reformation'. Concerning Palaeologus's journey to Constantinople and his meeting with the convert Adam Neuser cf. Iacobus Palaeologus, *Epistola Iacobi Palaeologi, De Rebus Constantinopoli & Chii cum eo actis, lectu digna* (Ursel: Heinrich, 1594); Rothkegel, 'Iacobus Palaeologus in Constantinople ...' and Martin Mulsow, 'Adam Neusers Brief an Sultan Selim II. und seine geplante Rechtfertigungsschrift', in *Religiöser Nonkonformismus und frühneuzeitliche Gelehrtenkultur*, ed. by Friedrich Vollhardt, Quellen und Darstellungen zur Geschichte des Antitrinitarismus und Sozinianismus in der Frühen Neuzeit, 2. (Berlin: De Gruyter, 2014), pp. 293–318.

requirement for the salvation for the *gentes*.<sup>18</sup> They practice the act of circumcision, but – contrary to the Jews – there is no sign of the deadline of the eighth day, they circumcise boys only after a certain age and justify this rite through some causes relating to corporal hygiene.<sup>19</sup> After all, the circumcision of the Muslims is a question of comparative studies of religions, as it appears by Herodotus or Diodorus.<sup>20</sup> May these sources from Antiquity suggest that the ancestors of the third nation had received the ritual of circumcision from the Jews – long before being Muslims –, it has nevertheless no impact on sharing their notion of the *altera salus*. Their status is the same as that of the non-circumcised non-Jews, they are provided with the notion and the hope of salvation by recognising Jesus Christ. Palaeologus refuses the standard polemical commonplace of the absurdities contained in the *Alcoran* through relating similar phenomena in the texts of Christian revelation and enforces his view by emphasising a possible genetic relationship between them.<sup>21</sup> Muslims are in fact descendants of nations who lived in geographical proximity<sup>22</sup> of the scenes of Christ's coming – therefore they were promised with the hope of salvation in the same manner as other *gentes* who were not Jews. According to his famous view, Palaeologus sees the cause of their departure from Christianity in the fact that they were averse from accepting the doctrines of the Holy Trinity

18 Szczucki, *W kręgu*, p. 237: Non enim semel, illius libri persuasiones eius continent, sed illa quoque constantissime requisite fatetur Iesum esse Christum ..., quae plane confessio conciliabat tempore hominibus praeputiatis salutem.

19 *Ibid.*, Numquam enim octavo die circumcidunt, ferme nunquam nisi cum aliquot aetatis annos excesserit puer; puellas non circumcidunt aliarum gentium consuetudine, quas Herodotus et Diodorus et alii commemorant; pueros tantum, cum adoleverint, propter munditiam, ut dicunt, circumcidunt.

20 Palaeologus may refer to Herodotus, *Historiae* 2, 104: My own conjectures [*scil.* concerning the identity of the Egyptians and the Colchians – J.S.] were founded ... on the circumstance that the Colchians, the Egyptians, and the Ethiopians, are the only nations who have practised circumcision from the earliest times. The Phoenicians and the Syrians of Palestine themselves confess that they learnt the custom from the Egyptians. ... (*History of Herodotus*, transl. George Rawlinson (London: Murray, 1862), vol. 2., 146–147). Regarding Diodorus Siculus cf. Idem, *Bibliotheca Historica*, 1.28.2–3 (edn Fr. Vogel (Stuttgart: Teubner, 1888), p. 45).

21 Szczucki, *W kręgu*, pp. 236–237: Neque enim video ob id secludendi sunt a lautis illius alteris salutis spe, quod multa absurda Alcoranus contineat, cum illa ad narrationem pertineat, et nil sit ad narrationem pertinens, quod habeat vitae spem aut mortis metum adiunctum, nisi hoc unum, quod Iesus sit Christus. ... Praeterea, si in Alcorano aliqua sunt absurda, nec illa ab omnibus eius gentis, ut scripta sunt, creduntur et non dissimilia habent in sacris Bibliis et a sacris Bibliis ad Alcoranum translate fuisse videntur.

22 Cf. Pirnát, *Die Ideologie*, p. 68.

and the essential divine nature of Christ as late developments of so-called Christian theology.<sup>23</sup>

Palaeologus's syncretic view implied a break away from traditional Christologies. Classical Antitrinitarian criticism concerning Christ's double nature and the metaphysical existence of the second divine person before its incarnation was not the central issue in Palaeologus's approach, however his syncretism implied these critical points as consequences. The Greek thinker's concern was over syncretism, but the main stream of Antitrinitarian theology could make a good use of Christological aspects implied in his theory.<sup>24</sup> Palaeologus's developing of a common historical narrative based on natural capacities of mankind functioned clearly as counter-balance against traditional Christology regarded as compensation of the anthropological motif of original sin.

There is much obscurity regarding the possible sources of Palaeologus's theological approach. According to Lech Szczucki, this radical syncretism had only very rare parallels in contemporary Europe. One of the similar cases was that of Guillaume Postel. Although Postel and Palaeologus had the painful opportunity to get acquainted with each other in the prison of the Inquisition in Rome in 1559, Szczucki denies a direct takeover of Postel's thought.<sup>25</sup> Mihály Balázs emphasised some similarities with Nicolaus Cusanus's *De pace fidei*, while keeping in mind the German philosopher's strong trinitological commitments.<sup>26</sup> Martin Rothkegel interpreted Palaeologus's theology within a Levantine cultural context.<sup>27</sup> Palaeologus's approach might have been influenced by Averroes's notorious last disputation of his *Incoherence of Incoherence*, where Averroes provided a naturalistic account for the spreading out of the monotheistic religions.<sup>28</sup>

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- 23 Szczucki, *W kręgu*, p. 240: Et cum diligenter omnia discutio, quae in Abrahamo disputantur, nullam rem aliam illam gentem ab aliis Christianis disclusisse video quam trinitatis negotium et potius priora tempora, cum tantum de Iesu, an esset verus Deus, disputaretur.
- 24 Balázs, 'Der siebenbürgische Unitarismus. Zum Forschungsstand', in *Radikale Reformation. Die Unitarier in Siebenbürgen*. Studia Transylvanica 44. Ed. by Ulrich A. Wien, Andrés F. Balogh and Juliane Brandt, (Köln: Böhlau Verlag, 2013), pp. 11–36, esp. pp. 22–23.
- 25 Szczucki, *W kręgu*, pp. 104–106.
- 26 Mihály Balázs, 'Von Valla bis Bodin. Über den literaturhistorischen Kontext der Disputatio scholastica von Jacobus Palaeologus', in *Kritische Religionsphilosophie. Eine Gedenkschrift für Friedrich Niewöhner*, ed. by Wilhelm Schmidt-Biggemann and Georges Tamer (Berlin-New York: De Gruyter, 2010), pp. 111–129.
- 27 Rothkegel, 'Jacobus Palaeologus ...' passim.
- 28 Averroes, 'Sermo de legibus', (*Destructio Destructionum Philosophiae Algazelis*, de physicis disp. 4) in *Aristotelis Opera cum Averrois commentariis*, Vol. 9, Venetiis 1562 (Nachdruck Frankfurt am Main: Minerva, 1962), pp. 146<sup>r-v</sup>.

### 3 Christian Francken: Natural Law in the Critique of Theism

#### 3.1 *Biography*

Christian Francken<sup>29</sup> was born in 1552 in Gardelegen near Magdeburg in Germany as a son of a Lutheran family. He probably followed his father's conversion to Catholicism and was educated by Jesuit monks in their College in Vienna, where he was appointed to deliver lectures on Aristotle's philosophy. In 1579 he left the Jesuits' College by violating his monastic obligation. Francken began his unsteady career among the denominations of his time; one of his enlightened biographers resumed his share in the *History of human foolishness* (*Geschichte der menschlichen Narrheit*) under the title *A weathercock* (*Ein Wetterhahn*).<sup>30</sup>

After converging towards and getting into confrontation with different Lutheran and Calvinistic circles, Francken turned up in Poland and participated in the inner debates of the Antitrinitarians in 1584. He left Poland as well because of his conflict with Fausto Sozzini concerning the theological question of the adoration of Christ and moved to Transylvania. During his first stay in Cluj in 1585, he was employed as lecturer of philosophy in the Antitrinitarian College and published an edition of Epictetus's *Encheiridion* with commentaries.<sup>31</sup> His second residence in Transylvania dates between the years 1589 and

29 Christian Francken's person has been the subject of continuous international research, most remarkably in Poland, Hungary, Italy and Germany. For basic bio-bibliographical details, see: Jacek Wijaczka, *Christian Francken*, Bibliotheca dissidentium, Tom. 13 (Baden-Baden : Koerner, 1991). The most important summaries concerning his intellectual achievements are the following: Szczucki, *W kreggu*, pp. 122–195 (= 'Philosophie und Autorität. Der Fall Christian Francken', in *Reformation and Frühaufklärung in Polen. Studien über den Sozinianismus und seinen Einfluß auf das westeuropäische Denken im 17. Jahrhundert*, ed. by Paul Wrzecionko (Göttingen: Vandenhoeck & Ruprecht, 1977), pp. 157–243); Gianni Paganini, 'Premessa: Scetticismo e religione in Christian Francken' in *Christian Francken: Opere a stampa*. ed. by Mario Biagioni (Rome: Ed. di Storia e Letteratura, 2014) pp. ix–xix; Mario Biagioni, 'Christian Francken e la crisi intellettuale della riforma' in *ibidem*, pp. 6–75; Mario Biagioni, *The Radical Reformation and the Making of Modern Europe. A Lasting Heritage* (Leiden-Boston: Brill, 2017), pp. 108–134; József Simon, *Die Religionsphilosophie Christian Franckens (1552–1610?): Atheismus und radikale Reformation im Frühneuzeitlichen Ostmitteleuropa*, Wolfenbütteler Forschungen Bd. 117 (Wiesbaden: Harrassowitz, 2008).

30 Johann Christoph Adelung, *Geschichte der menschlichen Narrheit* (Leipzig: Weygand, 1786), pp. 193–219.

31 *Epicteti Philosophi stoici Enchiridion, in quo ingeniosissime docetur, quaemadmodum ad animi tranquillitatem beatitudinemque praesentis vitae invenire possit* (Claudipoli: Heltai, 1585); Cf. Szczucki, 'Philosophie und Autorität', pp. 213–214; *Catalogus translationum et commentariorum: Mediaeval and Renaissance Latin Translations and Commentaries*. Vol. ix. ed. by Virginia Brown, James Hankins and Robert Andrew Kaster (Washington

1593, during which Francken established deep personal contacts not only to Antitrinitarian thinkers in Cluj, but also to political leaders of the Principality – such as to János Gerendy, the Head of the Court of the National Assembly in Transylvania.

The threat of the forthcoming Fifteen Years' War (1593–1608) between the Turks and the Habsburgs forced him to leave Transylvania, his safe haven. From 1594 onwards, we find him in Prague, in the service of the papal nuncio Cesare Speciano. Francken travelled to Italy in 1598 in Speciano's company, where he was detained by the Jesuits in Milan and was imprisoned in Rome. His trial began six days after Giordano Bruno's execution. However, the Holy Office did never pass such a strict sentence upon him as upon Bruno. He enjoyed relative freedom during his imprisonment in the first decade of the seventeenth century: the last record in the Archive of the Holy Office concerning him mentions Francken in 1611.<sup>32</sup> He was probably never released from prison.<sup>33</sup>

### 3.2 *The Disputatio Inter Theologum et Philosophum de Incertitudine Religionis Christianae*<sup>34</sup>

Francken wrote the *Disputatio* during his second residence in Transylvania around 1590. The work has two protagonists: a Theologian and a Philosopher – the latter presenting the author's positions. Francken outlines the subject of the work in a short *Praeludium*. In the second part, the Theologian explores 37

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DC: Catholic University of America Press, 2011), pp. 47–49; Antal Pirnát, 'Arisztotelianusok és antitrinitáriusok', *Helikon* 17/3–4 (1971), pp. 363–392.

32 For a summary of his trial, see: Szczucki, 'Philosophie und Autorität', pp. 237ff.

33 Antal Molnár discovered new details concerning the last years of Francken's life based on research in the Archive of the Holy Office, cf. Antal Molnár, 'Az inkvizíció börtönében', in *Redite ad cor. Tanulmányok Sahin-Tóth Péter emlékére*, ed. by Krász Lilla and Oborni Teréz (Budapest: ELTE Eötvös Kiadó, 2008), pp. 485–497.

34 References on this work follow my modern edition, Christian Francken, *Disputatio inter Theologum et Philosophum de incertitudine religionis Christianae*, in József Simon, *Die Religionsphilosophie Christian Franckens*, pp. 151–182. Special studies devoted to Francken's *Disputatio*: Bálint Keserű, 'Christian Franckens Tätigkeit im ungarischen Sprachgebiet und sein unbekanntes Werk "Disputatio de incertitudine religionis Christianae"', in *Antitrinitarianism in the Second Half of the 16th Century*, ed. by Róbert Dán and Antal Pirnát (Budapest: Akadémiai Kiadó, 1982), pp. 73–84; Mario Biagioni, 'Il problema del criterio di verità nella Disputatio de incertitudine religionis Christianae di Christian Francken', *Rinascimento*, 11 (2008), pp. 469–480; Idem, 'Christian Francken e le origini cinquecentesche del trattato De tribus impostoribus', *Bruniana & Campanelliana*, 16/1 (2010), pp. 237–246; Idem, 'L'unicità della ragione: l'evoluzione religiosa del gesuita Christian Francken', in *La Centralità del Dubbio* (Restauri storiografici: un progetto di Antonio Rotondò), 2 vols, ed. by Camilla Hermanin and Luisa Simonutti (Firenze: Leo S. Olschki, 2011), 11, pp. 235–260.



arguments for God's existence, each of them refuted by the Philosopher. We read a catalogue of ancient atheists<sup>35</sup> at the end of the *Disputatio*: this list of ancient atheists is an inherent part of the refutation of the Theologian's 37th argument. A detailed analysis of the atheistic argumentation would exceed the intended aims of this chapter, so I would like to outline only arguments related to the topic of natural law.<sup>36</sup>

Like other authors of his time, Francken was motivated by the comparative observation of religions while focussing on the conflict between positive revelation and natural law. Accordingly, the Philosopher of Francken's *Disputatio* draws the reader's attention upon the parallels between the prophets and apostles on the one hand and those figures of pagan antiquity on the other hand, who stated themselves being in immediate relationship with the gods.<sup>37</sup> There are phenomena in the world outside of Christianity that correspond to God's miraculous interventions in human history in Christianity.<sup>38</sup> One cannot set aside this comparative point of view by introducing the difference between 'superadded laws' (*leges superadditae*) and natural laws (*leges naturae*). Superadded commands respected because of their alleged divine origin in the Non-Christian world can neither be treated as pure natural laws: their status cannot be distinguished from positive commands of Christianity.<sup>39</sup> The basic Christian dogmas – such as the dogma of Trinity – seem to be

35 For the genre of catalogue of ancient atheists cf. Marek Winiarczyk, 'Der erste Atheistenkatalog bei Kleitomakhos', *Philologus*, 120 (1976), pp. 32–46.

36 For a detailed interpretation, see Simon, *Die Religionsphilosophie Christian Franckens*, pp. 68–134. Some methodological reflections concerning Francken's scepticism: Biagioni, 'Christian Francken e le origini'; József Simon, 'Metaphysical Certitude and Plurality of Religions: Christian Francken and the Problem of Philosophical Libertinism in Early Modern Eastern Europe', *Bruniana & Campanelliana*, 19/1 (2013), pp. 165–178; Mario Biagioni, 'Christian Francken sceptical: a reply to József Simon', *Bruniana & Campanelliana*, 19/1 (2013), pp. 179–185.

37 Francken, 'Disputatio', p. 155: ... nihil prohibet homines fingere se commercium habere cum Deo et audire sermones illius, ut magni inter caeteros habeantur, quasi domestici Dei, et fidem verbis suis invenient, unde et legislatores gentium a Diis se leges suas accepisse finxerunt: Charondas a Saturno, Zaleucus a Vesta, Zoroastres a Bono Numine, Lycurgus ab Apolline, Solon a a Minerva, Minos a Joue, Numa Pompilius ab Aegeria, Mahomet a Gabriele.

38 Ibid, p. 157: Quod si dicatis per singularem seu particularem operationem miraculorum Deum esse viciniorem vobis: Nulla est gens, quae miracula sua non commemoret. Nam gentilium historiae narrant miracula Romanorum, Graeca, Egiptiaca et aliarum nationum.

39 Ibid, p. 158: 4. PHILOS. ... Quod autem attinet ad leges superadditas legi naturae, fere omnis gens credit se eas accepisse a Deo alio enim atque alio nomina propter diversas Dei virtutes appellato.; cf. ibid: p. 5. PHILOS. ... Nam et aliae gentes se credunt populum Dei et verbum suis pro verbo Dei.



monstrous opinions for people who had grown up and were educated outside of Christianity.<sup>40</sup> Further, dismissed moral elements of other religions do not belong to their laws intrinsically, they are only vices of individuals who act following their own arbitrary interpretations of the laws. The removal of this arbitrariness requires rational criticism, but Christianity and Christian revelation must be subjected to the same rational observation in this respect.<sup>41</sup> The superiority of the Christian religion among others can neither be assured by the positive attribute of its long duration<sup>42</sup>: Christianity is only one of the positive confessions based on natural religion.

The theologian's twelfth argument posits the appropriate goal of human existence and the means of reaching it into the realm of supernatural cognition.<sup>43</sup> The argument clearly separates the spheres of natural and supernatural cognition with a strong emphasis on the latter. Acknowledging any human moral values at all presupposes supernatural theism, i.e. it requires God known through specific Christian revelation. The refutation focuses on the theologian's claim for the impossibility of recognising the ultimate goal of human existence with man's natural capacities and denies God's necessary guidance concerning human goals and means.<sup>44</sup> The philosopher has to face the possible objection

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40 Ibid, p. 161: 8. PHILOS. ... Nam quicumque aliis instituti legibus sunt, nequaquam fatebuntur doctrinam istam efficere meliores, immo depravare mentes et implere monstris opinionibus, ut quod Deus sit unus in tribus personis, quod Deus sit homo, passus, mortuus.

41 Ibid, p. 159: 6. PHILOS. Vitiosa est ratio falso antecedente. Nam neque aliae leges continent falsum vel inhonestum. Quod si in caeteris populis est reprehendendum, vitia sunt hominum, non legum, sicut et apud Christianos sunt multa reprehendenda, non quia lex non bene habeat: quia homines non secundum legem vivant. Quod si non solum in hominibus, sed et in legibus aliarum gentium aliquid reprehensibile videatur, id, si recte interpretetur, omni reprehensione carebit. Sicut apud vos Christianos multa sunt absurda in lege, quae tamen per interpretationem reducuntur ad normam rationis.

42 Ibid, p. 162: 10. PHILOS. ... Et lex Idololatriae usque ad nostra tempora durat. Regnum Calicut et ora maritima Asiae, Africae et Americae adhuc adorat Daemonem.

43 Ibid, p. 163: 12. THEOL. Homini necessaria est cognitio finis et mediorum, quorum beneficio pertingat ad finem, quae non possunt naturaliter cognosci. Ergo necessarium est, ut Deus ostendat finem illi, nempe Sanctae Trinitatis intuitivam cognitionem et praesentis Dei amorem, atque media, quae sunt Sacramenta et opera, quae Deus praecipit.

44 Ibid, p. 164: 12. PHILOS. Vitiosa est ratio falso consequentis. Nam finis proprius hominis est generare hominem sibi similem, vivere secundum virtutem, intelligere et *uti creatura*; haec autem homo naturaliter cognoscit sicut et media, quibus ad haec potest pervenire. Ne dicas istum esse finem Bestiarum, quae ipsae quoque generant, cognoscunt, et utuntur rebus sensibilibus. Nam longe superior est finis hominis, quam Bestiarum, nam secundum praestat generare hominem quam Bestiam, vivere secundum virtutem quam secundum naturam, cognoscere ratione quam sensu.

that man sinks down to the level of animal existence if his supranatural goal is eliminated. For this purpose, Francken's philosopher introduces qualitative differences between the goals peculiar to human and bestial existence respectively. In sum: the dependence of human morality on positive moral theology is untenable. But this view concerning the independency of human morality from supranatural revelation still conceals the problem how secular morality is related to natural law, or – more accurately – how secular morality is related to God's rational cognition presupposed by natural law.

The theologian's next argument addresses this question straightaway.<sup>45</sup> It claims namely that Gospel's ethics agrees perfectly with the natural moral laws. Although the Gospel's ethics was proposed by God, its commands are essentially rational. The positive Christian law proves to be consistent with the right reason and hence was accepted by the multitude as true.

According to the philosopher, the propagation and the multitude of the followers are not necessarily consequences of the rational character of a law in question. With reference to ancient poets, Francken's philosopher follows the classical procedure of attributing psychological motifs to constitutions. The wide propagation of law can be explained by its irrationality as well: Christian religion could gain a great number of followers because of its tyrannical and irrational nature, too.

By emphasising the differences among constitutions of antiquity, Francken excludes the laws of Athens as well as the laws of Sparta from the circle of natural and rational laws: they promulgated contradicting laws regarding the right of citizenship. As the cases of Athens and Sparta shows, the idea of the natural law proves to be contradictory in itself. This is a very remarkable feature of Francken's criticism: It is not only the perspective of divine mercy and theological epistemology which raises doubts regarding the claim for rationality of Christian apologetics, but it is uncertain also – so to speak – from beneath, that is from the perspective of natural theistic grounds. There is no unique political or moral law established by natural use of rationality which could provide moral theology with possible points of connection. This is clearly a relativisation of natural law: even if the certainty of God's supranatural cognition was beyond any doubt, it could not harmonise with natural law, because of the relativity of the latter.

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45 Ibid: p. 13. THEOL. Lex est summa ratio ab ipso Deo proposita. Ergo multo magis lex Christiana, quippe quae maxime sit consentanea legi illi naturali: Fac alteri, quod tibi vis! Ne feceris, quod tibi fieri nolis! Et per consequens est consentanea rectae rationi, et recepta est a multitudine tanquam vera.

Despite what was afore said and despite of a sceptical refutation of God's natural cognition relying on Sextus Empiricus, Francken does not abandon the concept of nature. According to Francken's philosopher, the validity of the Gospel's ethics can be refuted in the name of the reason, as – following Aristotle and Plato – a certain member of the state can be executed if demanded by public utility, although it contradicts the moral principles of Jesus's Sermon on the Mount.<sup>46</sup> But the critique does not aim only at the eliminating of a supra-natural deduction of morality: the word *utility* alludes to the ancient critiques of the metaphysical – namely natural – establishment of morality in several arguments. The rationality of the interpretation of laws is indeed subject to the contingent social utility. The Socratic schools of ancient philosophy had rightly stated that we are able only to draw the borderline between human moral values and the real natural order of morality at best, without having certain knowledge of the latter. The reception of these relativising elements of ancient Greek moral reflections urges Francken to express a critique of natural theism as well.<sup>47</sup>

#### 4 Conclusion

The concept of natural law plays a decisive role in criticising traditional religious concepts by Palaeologus as well as by Francken. However, neither Palaeologus nor Francken was satisfied with subsuming of positive religion under natural law. Of course, their uses of the idea of natural law differed from each other significantly, following their own objectives. Palaeologus's syncretic vision of a common narrative and of a shared salvation regarding the three monotheistic religions has the idea of natural desire for salvation as anthropological point of departure. This very natural feature of mankind culminates somehow in the supranatural determination of man who is able to acquire cognition of salvation and to purchase it. But this universal salvation

46 Ibid, p. 167: 8<sup>r</sup>: '16. PHILOS. ... Aristotelis et Platonis sententia sit lex naturae, quam vos dicitis? Resp. dedistis legem publicam dispensare et interpretari legem naturae. Verbi gratia cum Rem publicam gubernamus, perditissimos homines interficimus, nec tamen nos vellemus interfici. Itaque ratio ostendit pro publica utilitate faciendum alteri, quod nobis nolumus. Ita expedit Civitati, ut tollantur monstra, quia in deformi corpore deformis habitat animus. Et quia pauperes male educantur, et improbi evadunt, ideoque Reipublicae expedit superfluos partus exponere.'

47 Ibid: ... Cynici, Cirenaici, Stoici aliaeque philosophorum secte docuerunt: Nullam voluptatem natura turpem, sed lege ab hominibus confecta interdicti. Nam natura sapientissima non sine causa indidit nobis appetitiones voluptatum.

proves to be supranatural at the end, even if the Jews' notion of salvation is natural in some sense. The natural desire as an anthropological standard fades away in the light of the common universalism of revelation. There is a universal perspective of mankind for salvation, but it cannot be reduced to man's natural constitution. Revelation shines through natural laws of pagan antiquity, and Greek patriotism was stimulated by the general desire for salvation, but it was only an insufficient sign of the real salvation revealed by God supranaturally. Telephus, the Indian from the new world, who is introduced as a dialogue partner in Palaeologus's *Catechesis Christiana* (1574), walking through the streets of Cluj and getting into dialogue with its citizens has this basic affinity for God's promise (his soul is *anima naturaliter Christiana*),<sup>48</sup> but his natural condition of existence seems to be very weak in the eyes of his interlocutors.

On the other hand, Francken's discontent with natural law has deep philosophical grounds. His extravagant undertaking of refuting theism doesn't even allow for a natural concept of theism. In Francken's case, the criticism of theism cannot stop at naturalising the claims for supranatural evidence of belief. The deduction of moral values from God's revealed commands are unsatisfactory not only because of their incompatibility with a solid order of natural values, but also because of the relativity of natural law. Francken's argumentation tends to remove the common metaphysical setting of religious and political orientations. While treating the conclusions of his holistic criticism in another manuscript,<sup>49</sup> he draws some conclusions from this collapse of metaphysics. Contrary to Palaeologus's colourful syncretic imagination, the German thinker denies any possibility for the harmony of religions. Instead, Francken's ultimate vision depicts an annihilation of political values. The systems of values in the world are expressed in respectively incommensurable political and religious usages of speech which cannot be intermediated. This was Francken's radical answer to Grotius's later formulated famous thought experiment *De iure pacis ac belli* concerning natural values and laws which were true even if there was no God.<sup>50</sup>

48 Cf. Jacobus Palaeologus, *Catechesis Christiana dierum duodecim*, ed. Růžena Dostálová, Biblioteka pisarzy reformacyjnych, 8 (Warszawa: Państwowe Wydawnictwo Naukowe, 1971), pp. 121–122. Palaeologus's work was not printed until the twentieth century.

49 Christian Francken, 'Spectrum diurnum Genii Christiani Francken apparens malo Simonis Simonii Genio' in Simon, *Die Religionsphilosophie Christian Franckens*, pp. 185–203.

50 Hugo Grotius, *De iure belli ac pacis libris tres in quibus ius naturae, gentium, item iuris publici praecipua explicantur* (Paris, 1625), Prolegomena [n.p.]: Et haec quidem quae jam diximus [scil. concerning natural law – j.s.] locum haberent, etiam si daremus, quod sine summo scelere dari nequit, non esse Deum.

Francken refuses God not only as the upholder of the normativity of divine commands from a voluntarist point of view, but as the highest instance of the intellectual order of natural values and laws as well. According to Francken's radical view, Grotius's claim is theoretically false: denying the existence of God eliminates any voluntarist as well as intellectual normativity of laws at once.

For Palaeologus and Francken, natural law functioned as a critical tool against claims for certainty of revealed religions. They also shared the general radical Protestant attitude towards eliminating confessional differences. But at the same time, the latent universal tendency hiding in the idea of natural law meant a challenge for their conceptions. This implied that decisive features of their achievements concerning natural law were divergent from the secularising developments in Grotius and his followers. Palaeologus based his removal of the exclusivity of revealed religions on a universal enfolding of supranatural divine grace – even the elementary human struggle for salvation described as natural law proves to be dependent upon God's unique grace. On the other hand, Francken regards the universalistic approach of radical reformation as a failed project. The philosophical reason for this failure lies in the very fact that even humanity as such, i.e. without the support of God's grace, cannot assure us a solid basis for natural law. From the point of view of later natural law theorists, Palaeologus remained too indebted to supranatural motifs of universalism, while Francken was not able to set aside the relativism of natural values. For Palaeologus, the natural state of humanity was not natural enough, while for Francken, the natural state of humanity was philosophically impossible. Although they cannot be regarded as forerunners of natural law theories, they perceived with comparable sensitivity the problems of universal natural law which natural law theorists had to face in the seventeenth century. As a result of their awareness of the challenge of universalism, theoretical treatment of natural law was no longer a denominational issue; natural law appeared on the universal scene of interconfessional relations among monotheistic religions in both Palaeologus's and Francken's cases. This expansion of perspective makes up their modernity.<sup>51</sup>

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