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Jessenius' contribution to social ethics in 17th century Central Europe

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Abstract

The aim of the article is to examine and evaluate the social ethics aspects of the pamphlet *Pro vindiciis contra tyrannos oratio* by the scholar and rector of Prague University Jan Jesenský – Jessenius (1566–1621); first published in Frankfurt in 1614 and for the second time in Prague in 1620 during the Czech Estate Revolt. Therefore, the broader intellectual context of the time is introduced, specifically the conflict between two theories of ruling power correlating with that between the ruler and the Estates after the ideas of the Protestant reformation started to spread. The first theory supported the idea of a sovereign ruler whose authority would stand above the estates to be able to keep the kingdom under control. On the contrary, the so-called resistance theory strived to limit the monarch's power and to justify a possible intervention against a malevolent ruler – the tyrant. I intend to show that Jessenius' social ethics which refers to the latter resistance theory was of a premodern nature since its conception of State and its reign remained in a denominationally limited framework. Nevertheless; Jessenius' polemics with the supporters of ruling sovereignty, which seem to be his original contribution, makes his writing a unique political work in Central Europe. Moreover, the second edition of Jessenius' text (1620, Prague), which for a long time had disappeared from public view, can rightly be considered a remarkable projection of resistance theory toward actual political struggle at the very beginning of the Thirty Years War.

Keywords: Johannes Jessenius, Junius Brutus, Jean Bodin, Huguenot resistance theory.

Introduction

The various questions as to how to structure and manage society in order to achieve common welfare have presented a serious challenge to numerous philosophers since Ancient times. The European Reformation of the 16th century, which also considerably influenced the social sphere, shed new light upon these classical social ethics issues. Although primarily religious themes were treated, one of the important aspects which exerted impact on social life was the formation of a society which was denominationally divided, and which had to deal with the cohabitation of different religious groupings.

In this context, the power of the ruler as well as his moral qualities had become the topic of numerous discussions. Basically, the problem was approached from two different standpoints. On the one hand, the many religious wars of that time called for a ruler with sufficient power to keep the warring parties under control. This conviction was most explicitly formulated by the French philosopher Jean Bodin (1529–1596) – Bodinus who, in his best-known work *Six livres de la Republique* [Six Books on the State] (1576) introduced the concept of a sovereign standing above religious groups and even above positive laws. On the other hand, a strong ruler would arouse worries that he might use his power malevolently or even against some of the religious parties. These fears resulted in theories that justified the limitation of the ruler's power and which supported resistance against it. The most radical of them were presented by French Huguenot authors who theoretically justified the forcible removal of the tyrant and considered it, under certain circumstances, to even be a duty.

The aim of my paper is to consider the relevance of the short political writing *Pro vindiciis contra tyrannos oratio* [In Favour of Legitimate Intervention against Tyrants] by Johannes Jessenius (1566–1621) in the broader intellectual context of these theories and to evaluate its position in pre-modern and modern schemes of social ethics. I will show that Jessenius'

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pamphlet, first published in 1614 in Frankfurt and for the second time in 1620 in Prague, during the Bohemian Estates Uprising can be justly considered a unique and rather late reflection of French Huguenot resistance theories in Central Europe. From this standpoint, Jessenius critically addressed Bodinus' aforementioned 'concept of a sovereign ruler. With regard to Jessenius' political engagement, his work documents the aims to apply the arguments of resistance theories in a particular political situation in which its author was actively involved. The tragic end of the Czech uprising and their leaders (extremely cruel in Jessenius' case) also casts a shadow on this work. Its direct impact was limited to a few months, perhaps only weeks. Due to further political developments, Jessenius' work disappeared from public view and its 1620 publication had become forgotten until one of its copies was discovered in the library in Wolfenbüttel in the 1980s (Sousedík, 1992, pp. 69–81). The critical edition of this work was only published in 2015 in *Acta Comeniana* (Šolcová, 2015, pp. 137–168).

Jessenius and political thought of his time

The author of the treatise, Jan Jesenský (or Jessenius as he used to call himself), was born 1566 into a Lutheran family in Silesian Breslav/Wroclaw. He studied philosophy and medicine in Wittenberg, Leipzig, and Padua, where he completed his studies. After returning from Padua he worked in Wroclaw as a physician, also writing his works of philosophy. In a short time he became a professor of anatomy and consequently the rector of the University in Wittenberg. In 1602 he moved to Prague in an effort to establish himself as a physician at the court of Emperor Rudolf. Nevertheless, after he failed to get a permanent position in Prague, he left for Vienna, in 1608, to enter the service of Rudolf's brother, Matthias. Here too, Jessenius' hopes failed. It would appear that his personal and political disappointment in the Habsburgs resulted in a radicalisation of his opinions on ruling power as he published the pamphlet *Pro vindiciis contra tyrannos* in Frankfurt (1614).

In the following years, Jessenius became involved in public activity in the Bohemian Lands. In 1617 he was elected Rector of Prague University which was, in the atmosphere before the Uprising of the Estates, a position of political importance. Jessenius thus became a representative of the leading forces of the Estates and, at the same time, one of the theoreticians of the new constitutional order to be established in the Bohemian Lands after the victory of his party. With the apparent intention of giving a theoretical basis for the forthcoming Uprising of the Estates, Jessenius again published his work *Pro vindiciis* in 1620 in Prague. After the military defeat of the revolt at the battle of White Mountain in 1620, Jessenius was imprisoned and sentenced to death for his activities. He was executed in the Old Town Square on 21 June 1621 together with the other rebel leaders.

The name of Jessenius' writing apparently refers to the influential Huguenot tract *Vindiciae contra tyrannos*⁵ published in 1579 under the pseudonym Stephanus Junius Brutus.

² The only copy of the 1620 edition that I am aware of is available in the library in Wolfenbüttel, shelfmark M: Li 4158. The first edition, published in Frankfurt am Main in 1614, is kept in the same library, shelfmark Li 4157. The only copy of the 1614 edition available in the Czech Republic that I am aware of is kept by the local branch of South Bohemian Scientific Library (Jihočeská vědecká knihovna) in Zlatá Koruna in a convolute named *Confessio Bohemica* under the signature CK2414.

³ Some of the information provided in the foreword to the critical edition has served as the basis for the conclusions of this essay which primarily strives to consider the relevance of Jessenius' contribution in the context of social ethics of the period.

⁴As to the Jessenius' life and work cf. primarily Friedel Pick and Josef Polišenský (Pick, 1926; Polišenský, 1965). An overview of Jesenský's works on philosophy was provided by Josef Král and Tomáš Nejeschleba (Král, 1923, pp. 129–141, 211–222; Nejeschleba, 2008).

⁵ The word "Vindiciae" was originally used by Roman law with the meaning to adjudge the disputable thing to one of the parties until the final verdict is given.

Before we examine Jessenius' pamphlet itself, let's deal with its intellectual context; i.e. with ideas of resistance theory and those of ruler sovereignty in more detail (Skinner, 1978; Kingdom, 1991; Ottmann, 2006).

By theorists of resistance, we mean those authors whose works emerged in the last third of the 16th century and that shared the conviction that resistance against a bad ruler or tyrant could develop into his forcible removal or even tyrannicide. Among the thinkers of this relatively large and diverse group were both Catholics and Protestants; the principles of their theories, however, were quite different. Most Catholic thinkers derived their theories from natural law which was derived through reason from the natural inclinations of human nature. The Catholic thinkers generally accepted the Aristotelian idea that man is by nature a social being and, consequently, the state (as a kind of social order) is also a natural formation. The bearer of state power is, in these conceptions, the people that transfer it to an individual (monarchy), selected group of people (aristocracy), or elected representatives (democracy). If the ruler in a monarchical system neglects the common good of the people, he becomes a tyrant and, as such, might be removed – in extreme cases, murdered.

Within Protestant theories, there are two phases to be clearly distinguished. The first was directly influenced by the founders of the Reformation, mainly by its seminal figure Martin Luther (1483–1546) whose theological views also had a major impact on the social sphere. There are two points in Luther's teaching that are of central importance in this context. Firstly, Luther put forth the idea that human nature was substantially and irreversibly damaged by original sin. As such, human nature could not be considered the basis for moral norms, which also excluded the application of the theory of natural law. The thinkers of the Reformation thus derived the state from a direct expression of God's will (Revelation and Scripture). As a result, they tended toward contractual theories – independent of human nature - rather than to the theories of natural law usually adopted by their catholic counterparts. Secondly, in Luther's conception, the salvation of man is provided by God's grace only and achieved by mere faith without any dependence on human merit; human works no matter how valuable, praiseworthy, or commendable, serve only to achieve secular goals. Catholics, on the other hand, believe that human deeds can contribute to salvation. Therefore, they also considered the Catholic Church (as the institution guiding man towards the salvation of his soul) partly competent for human action in the private and political spheres.

As in Luther's view, the sphere of human action is deprived of its saving, sacral role while the Church is also deprived of its claim to rule in the secular sphere as Luther also expressed it in his *Open Letter to the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate* in 1520.⁷ The Church possesses in fact no "sword" as Luther calls the secular reign referring to Romans 13,4⁸ since its role is to spread the gospel.⁹ As to the malevolent ruler – "tyrant", Christians should – according to Luther – subject themselves even to him. If a tyrant's orders conflict with the faith, it is not necessary for a Christian to obey them, but it is not allowed to resist the tyrant actively, and still less violently. This

⁶ The best-known Catholic authors of resistance theory (monarchomachs) was the Jesuit Juan Mariana (1536–1624), who in his treatise *De rege et regis institutione libri tres* (1599) extols those who oppose tyrants and risk their lives for the common good by killing them. Mariana was criticized for this work mainly because he was indulgent of the assassination of the French king Henry III in 1589 and later, when Henry IV was murdered by an assassin, allegedly inspired by Mariana's ideas.

⁷ Originally An den Christlichen Adel Deutscher Nation von des Christlichen Standes Besserung.

⁸ For he [the ruler] is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.

⁹ According to Romans 13,1–2: Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation.

doctrine was elaborated upon later during the German Peasants' War in Luther's writing *Against the Murderous, Thieving Hordes of Peasants* (Luther, 1525).

Such a theory might have been acceptable at the beginning of Protestantism when the movement was weak. When Protestants began to assume significant political influence, this theory became untenable and they started to abandon moderate Lutheran standpoints towards the malevolent ruler. This turn was stimulated by the Magdeburg confession (1550) – a statement of Lutheran faith which explained why the city leaders refused to obey imperial law and were ready to resist political tyranny working to destroy true religion. This standpoint was hesitantly followed by John Calvin (1509–1564), possibly under the influence of his collaborator and later successor at the head of the Geneva church - Theodor Beza (1529-1602). John Knox (ca. 1505–1572), the Calvinist reformer in Scotland also adopted these ideas. The resistance theory, however, was most systematically elaborated upon by French Huguenot authors – the so-called monarchomachs¹⁰ who witnessed the bloody religious wars in France (1572-1598) and were contemporaries of the so-called St. Bartholomew's Day Massacre (1572). This might be the reasons why they abandoned Luther's doctrine of obedience to the ruler and accepted the idea of forcible intervention against the "tyrant". Among these authors, the most significant were the following three: François Hotman (1524– 1590), a writer and lawyer originally from Wroclaw in Silesia, 11 the aforementioned Theodor Beza, 12 and the author hidden behind the pseudonym Stephanus Junius Brutus, not conclusively identified by the research thus far, but undoubtedly a Calvinist. 13

The title of Junius Brutus' work *Vindiciae contra tyrannos* is almost identical with that of Jessenius. Brutus' conception is based on contractual theory which is derived from the Scriptures and partly influenced by feudal order. It can be briefly summarized as follows: God enters into a contract with the people (including the ruler) who thus become God's people – responsible to God. Consequently God's people form another contract with an individual amongst them according to which people agree to be led by the ruler in secular and partly in spiritual matters. The ruler is responsible to the people and, if he breaks the covenant and becomes a tyrant, he may be removed. Noblemen, not ordinary people, however, must decide when and how this removal should be executed.

Brutus' *Vindiciae* presents the most systematic and radical form of Protestant resistance theory as the author concludes that resistance against a malevolent ruler becomes not only a right but even a duty under certain circumstances. The attention paid to Brutus' work shows the numerous reprints and translations published after 1576. In this context it is important that it was also Jessenius who was essentially inspired by this work.

As mentioned, the Protestant reformation and the Catholic reformation (Counter-Reformation) brought about a confessional division among the population resulting in the cohabitation of different religious groups within one political body. This was quite a new issue, the significance of which the theorists of resistance had not realized thus far. They

(The Kingdom and the Power of the King – in opposition to Buchanan, Brutus, Boucher and other Monarchomachs) against the "Monarchomachs" (1600).

11 Franc. Hotomani jurisconsulti, Francogallia libellus statum veteris reipublicæ gallicæ, tum deinde a Francis

occupatæ, describens, Coloniae: Ex officina Hieronymi Bertulphi, 1574.

The term monarchomachy was coined by William Barclay, a Scottish exile living in France, who aimed his treatise *De regno et regali potestate – adversus Buchananum, Brutum Boucherium et reliquos monarchomachos*

¹² Du droit des magistrats sur leurs subiets: Traitté tres-necessaire en ce temps, pour aduertir de leur deuoir, tant les Magistrats que les Subiets, publié par ceux de Magdebourg l'an MDL, 1574. Published anonymously with reference to those from Magdeburg.

¹³ Research inclines to two potential authors, Hubert Languet (1518–1581), working in France in the diplomatic service of foreign rulers – at the time of the work's publication, William of Orange in the Netherlands – or Phillip Duplessis Mornay (1549–1581), the councillor of Henry of Navarre, the dynastic and political ruler of the Hugenots (Garnett, 1994, pp. 55–76).

merely wanted to ensure the right to defend their own confession against a ruler of a different belief. Their theories thus, no matter how noble the intentions were, created the ideological prerequisites for the destructive religious conflicts resulting eventually in the Thirty Years' War.

It was the French humanist and philosopher Jean Bodin (1529–1596) who, in his best-known work, *Six livres de la Republique* (1576) attempted to solve the problem of the cohabitation of different denominations theoretically. After the bitter experience of religious wars in France, he was inclined toward the idea of the strong, independent, truly "sovereign" ruler standing above the quarrelling religious parties and even above positive law.

In comparison with other authors of his time (including the authors of resistance theory), Bodin's contribution presents a real innovation to social ethics as the previous tradition had been inseparably dependent on religious authority. Despite the valid objections that Bodin's work has remained a child of its time in many respects, (Bezold, 1910, pp. 1–64) his work might be ranked within the framework of modern social ethics as it introduced a denominationally independent power, guaranteeing peaceful cohabitation of different religious groups. Nevertheless, the price to pay was high – it was the political 'unfreedom' of people or, better said, the estates, since Bodin could attain this concept of sovereignty only at the cost of abandoning the idea that the ruler was responsible to the people for his deeds. The king in this conception was *sacrosanctus* – a sacred person that must be respected even if he rules in a bad manner.

Jessenius' Vindiciae

After the short discourse to the history of political thought, let us come to Jessenius' work itself. As has been said, its name refers strikingly to the aforementioned Huguenot tract *Vindiciae contra tyrannos* published under the pseudonym Junius Brutus. In fact, Jessenius, took over the title with one only specific change – he put the word "Pro" [in favour of] before the name of Brutus' writing so that the name of his work reads "*Pro vindiciis contra tyrannos*". This, however, can be understood in two ways: Either it means that the author just borrowed the title from Brutus and that he, similarly to Brutus, writes in favour of intervention against tyrants; or that he delivers his speech in favour of Brutus' work *Vindiciae contra tyrannos* to defend it against its opponents – mainly against the philosopher Jean Bodin as will be shown further. Nevertheless, the first meaning does not explicitly exclude the other; a certain ambiguity might have even been Jessenius' intention.

Let us now recall the three versions of Jessenius' oration. The first is the manuscript of Jessenius' student disputation from 1591 delivered in Padua, the second, its publication in 1614 in Frankfurt am Main, and the third its publication in Prague 1620. We only learn about the existence of the original manuscript from the 1614 edition, in whose preface Jessenius explains that the work is essentially his student speech from Padua. He claims here that he had thought the manuscript lost but rediscovered it when he was going through the bequest of his deceased wife. It is not completely certain to what extent his speech published in 1614 corresponds to the original disputation (Sousedík, 1995, p. 14) since the original manuscript has not been preserved. The work is further dedicated to the Nuremberg patrician Wilhelm Trauner and in the following page we read a quotation ascribed to St. Hieronymus which claims that "where vices are treated generally, no one should feel offended for no one is described as bad but everybody is rather encouraged to be good". By this quotation Jessenius probably intended to show that criticism is not directed to a specific ruler (probably the king Matthias in this case) but that it is rather meant generally.

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¹⁴ Hieronymus. Ubi generalis de vitiis disputatio est, ibi nullius personae existit injuria; neque carbone notatur quicpiam quasi malus sit, sed omnes admonentur, ut sint boni.

The "third" version of Jessenius' *Vindiciae* in 1620 in Prague corresponds to the version published in 1614 in Frankfurt; nevertheless, it appears much more radical due to its new preface. Here, Jessenius listed the differences between king and kingdom, giving priority to the people of the kingdom as the king is there for the people, without whom the royal power would have no meaning. According to the preface, the people could, in fact, exist without a king, in such a way that it would manage itself through councils of its best men, or even through the people's own decision-making. The 1620 edition is available in the Herzog August Bibliothek in Wolfenbüttel, (shelfmark M: Li 4158) and there are no copies of this edition in Czech libraries, as far as I am aware.

The content of the treatise can be summarized as follows: The author presupposes that society is of God's creation. Since there are conflicting tendencies, and since society is endangered from the outside, it would necessarily be led best by only one person – a king who commands what should be done, who ensures that citizens fulfil their duties, and who strives to preserve internal and external peace. The king is either elected or – in the case of hereditary rule – approved by the people. The people also put officials (ephors) at the king's side whose role it is to advise the king and to admonish him if necessary. Royal power is thus limited both by the laws and these supervising ephors. Should the king repeatedly betray his duties, he becomes a tyrant and, as such, he must be punished. Since the king and the people have entered into a covenant binding both parties, the king (equally as the people) deserves punishment if he fails to fulfil it. In such a case, the people assume their original right to elect and dethrone the king. Nevertheless, the punishment of a tyrant is a matter of the leaders of the community – that is, the Estates rather than common people who are prone to err. Jessenius argues at the end of his work that common people only have the right to help noblemen in their fight against the tyrant; until the noblemen rise, common people are only permitted to pray for the removal of the tyrant. If the noblemen lose their fight against the tyrant, common people should submit to the victorious tyrant's rule.

Jessenius several times critically addresses "an important political thinker of his time" (quidam nostri aevi politicorum coryphaeus) whose name he does not mention in his work. Nevertheless, it was shown in subsequent research (Sousedík, 1992, p. 76) that the unnamed opponent was the aforementioned defender of the ruler's sovereignty, Jean Bodin. At first, Jessenius rejects Bodin's view that rulers are sacred (sacrosancti) even when they rule tyrannically. On the grounds of sources drawn from secular and religious history, Jessenius explains that kings may be judged by the people or, rather, by their reasonable and recognized leaders who as a group stand above the king since they have appointed him. If the tyrant refuses to accept their judgement, arms must be taken up, for violence is the only effective means of suppressing violence, in Jessenius' view. The "political author" is equally wrong if he refers to some of St. Paul's quotations (e. g. Rom. 13.1), according to which everyone should put himself under the authority of the higher powers, because all powers are ordered by God. Jessenius objects that these statements are directed against those who deny submission to human power in general (libertines), not against those who strive to resist the tyrant. On the contrary, Jessenius reminds us that tyrants judged by the Church are similar to other sinners, company with whom is not allowed (I Cor 5,9–13).

As to Jessenius' sources, the text shows that the author borrowed not only the title from Brutus' work but also many ideas, including several passages almost literally assumed from Brutus *Vindiciae*. Another work of resistance theory which was another of Jessenius' sources was Hotman's *Franco-Gallia*, the nineteenth chapter of which became the model for the preface to the 1620 publication of Jessenius' work in Prague. Hotman only added chapter nineteen to the work in 1586, and numerous linguistic congruences prove that Jessenius' preface is, in fact, a shortened version of this chapter (Hotman, 1586, pp. 155–159). In several places Jessenius adopted Beza's *De iure magistratuum*, e. g. the exemplum of the Spanish

king's reign and the statement by the Council of Toledo, which, in Jessenius, is shortened and in several places adapted, similar to the adaptations in Beza's work. These show Jessenius' direct dependence upon the significant works of French resistance theory.

As with other political-philosophical works of that time, Jessenius' Vindiciae includes an abundance of biblical quotations, references to ancient authors, to Church fathers or chronicles popular at that period. Among these, a special place is reserved for the partly fictional Historia de omnibus Gothorum Sueonumque regibus (History of all Kings of Goths and Swedes), a work on Swedish history, produced by Johannes Magnus, the last functioning Catholic Archbishop in Sweden, published posthumously 1556 in Rome. Jessenius refers twice to the histories of Gothic kings presented in this chronicle when he gives examples of tyranny. Also interesting is a classical parable contrasting a good king and a tyrant which Jessenius borrowed from the Greek historian Dio Chrysostom (ca 40–115), which the author nevertheless modifies to contemporary needs by adding the figure of Machiavelli sitting close to the tyrant's throne. 15 The systematic work of political theory by the German jurist Johann Althusius (1557-1638), Politica methodice digesta (first in 1603, then again in 1614, after several expansions) could also have been a source for Jessenius' work (Sousedik, 1992, p. 75), however, no obvious textual correspondences have been found and the chapter that is, from our point of view, the most interesting – i. e. chapter 38 – De tyrannide eiusque remediis, was only attached to the work in 1614, which lowers the probability that Jessenius would have drawn on it.

Conclusion

As has been shown, Jessenius' treatise *Pro vindiciis contra tyrannos* can be rightly considered a Central European reflection of ideas provided by French Hugenot resistance theorists. These theories were clearly stimulated by the religious wars in France (1562–1598) with the aim of justifying armed Protestant resistance against political representatives striving for re-Catholization of the country. Jessenius' case, a few decades later, was similar. He too published his *Vindiciae* to give justification to a resistance in a certain political situation. Although his censure was directed toward a different opponent, the Habsburg emperor Ferdinand II, there was a certain similarity between the French resistance theorists and their later Prague follower Jessenius since, like the political opponents of monarchomachs Ferdinand was also supported by Spain – the Catholic world power of that time.

If we compare Jessenius' work with its older models, especially with Brutus' *Vindiciae* we find little that is new as Jessenius' ideas remain of pre-modern nature. Like his predecessors, Jessenius considers the state to be a confessional body. The original contribution seems to be his polemics with Jean Bodin's *Six livres de la Republique* published in 1576, three years before Brutus' *Vindiciae*. Brutus, however, makes no mention of Bodin's work. Jessenius might have read Bodin quite early, probably in the 1590s after Bodin's work was made available in its Latin translation (from 1586), and he reacted promptly to several of Bodin's theses. The possible model (if any) of this critique has not been identified by research thus far, which indicates that this was Jessenius' own contribution. This, however, is the only new piece of evidence of pre-modern character in Jessenius' ideas, since Bodin's main demonstration of innovativeness – the idea of sovereign power independent of religious authority – remained without notice in Jessenius' work.

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¹⁵ Dio Chrysostom, *Orationes*, 1, 69–77.

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