

Francis Bacon on Just Warfare

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Treating his writings as oratorical performances, Francis Bacon was careful in his presentation of his addressees and dedicatees, professing to George Herbert in the dedicatory epistle affixed to his *Translation of Certaine Psalmes* that he dedicated the work to Herbert on the grounds that “it being my manner for Dedications, to choose those that I hold most fit for the Argument.”¹ Bacon recurred to this theme the same year in his dedication of the 1625 edition of *Essayes or Counsels, Civill and Morall* to the Earl of Buckingham, where he sorted his late works of the 1620s by dedicatee: “My *Instauration*, I dedicated to the *King*: My *Historie* of HENRY the Seventh, (which I have now also translated into Latine) and my *Portions* of *Naturall History*, to the *Prince*: And these I dedicate to your *Grace*.”² The Baconian dedicatee is the model addressee of an oratorical performance to whom and for whom the argument is most fit.

Given Bacon’s professed practice of dedicating his works to those for whom the argument is most fit, in the 1620s he began to shift his arguments, and with them, his addressees. In the aftermath of the failure of the Spanish Match in late 1623, Bacon penned his 1624 *Considerations Touching a War with Spain* as dedicated specifically to Prince Charles, newly enamored of arming for war against Spain. In swift succession, the following year, Bacon rededicated his *Essayes* from his brother-in-law Sir John Constable,

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the dedicatee of the 1612 edition, to England's Lord High Admiral and regal favorite, as he thought fit to dedicate the "New Worke" of the 1625 edition to Buckingham, the Lord Admiral, and leading advocate of a war posture toward Spain.³

This alteration of addressee was accompanied by a no less significant alteration of address. In his *Considerations*, addressed to Prince Charles, Bacon stressed that "howsoever some schoolmen (otherwise reverend men, yet fitter to guide penknives than swords) seem precisely to stand upon it, that every offensive war must be *ultio*"—an act of revenge for a wrong suffered previously—Bacon did not require just offensive wars to be waged on the grounds of vengeance. Bacon, by contrast, contended that this schoolmen's mentality was misguided for "as long as men are men . . . and as long as reason is reason, a just fear will ever be a just cause of a preventive war."⁴ In his enlarged 1625 *Essayes*, Bacon inserted this very language into his essay "Of Empire" so that his discussion was pointedly tailored to incorporate the notion of the just fear and the corresponding dismissal of the "schoolmen," thus bringing the composite work on which he had labored since the 1590s to bear as a polemical intervention on behalf of the war party in the 1624–25 debate over English war with Spain.⁵ Bacon addressed the writings in which he most fully treats the notion of just warfare to those in a position (or soon to be in a position) to declare and wage war. These observations on Bacon's rhetorical strategies of dedication raise a number of questions: what was Bacon's conception of just warfare and the just fear he thought was suited to motivate a preemptive war on Spain and its colonies? From whom and against whom did Bacon derive or contrive these notions?

This article situates Bacon's criteria for necessary and just wars—his notion that a just fear of a neighbor power makes preventive war on that power licit, permissible, or even needful—in the context of the theories of three of his notable predecessors, Justus Lipsius, Alberico Gentili, and Matthew Sutcliffe, an Anglican divine and member of the Essex circle. If something is needful or necessary in warfare, Bacon contends, it is thereby just. Wars, for

Bacon, are justified if and only if they are considered necessary.⁶ This article will also look at Bacon's more general treatments of the theme of external (as opposed to internal) war, with the aim of elucidating Bacon's notions of necessity and justification as they pertain to war. One such treatment is the seventh section of Bacon's 1609 work, *On the Wisdom of the Ancients* (*De sapientia veterum*), "Perseus, or War," in which Bacon aims to interpret and elucidate what he takes to be the politic and philosophic significance underlying chosen Greek myths. The article proceeds in two parts, considering the views of salient contemporaries of Bacon on just warfare in the first part of the article in order to gain contrastive clarity on Bacon's own conceptual (and polemical) innovations in the article's second part, with the aim of enriching our understanding of Francis Bacon's own view as well as of early modern theories of just warfare more broadly.

Part I: Bacon's Contemporaries on Just Warfare

Justus Lipsius

Given the prominence accorded the work of Justus Lipsius by early modern political thinkers, not least by Thomas Hobbes in his prefatory material to his great edition of Thucydides in 1629, and in light of the import Lipsius accorded to war in his major political work, the *Politica* of 1589, which devoted almost a third of the treatise to military discipline and war (much of the final two books of a six-book treatise), it is worth considering Bacon's thought on war in relation to Lipsius.

In an early letter of advice to Fulke Greville—written in the name of the Earl of Essex, but which both James Spedding and Alan Stewart attribute to Bacon⁷—Bacon proffers his counsel on reading material. "Hee that shall owt of his own readinge gather for the vse of another, must (as I thinke) do it by Epitome or abridgement," Bacon writes to Greville, proceeding to divide epitomes into those that treat a subject or part of knowledge drawing from many books and those that summarize a single book. For epitomes that treat "one Art or part of knowledge," Bacon instructs, "we haue manie patternes; as for Civill lawe; Justinian; Littleton, for

our own; Ramus lodgick; Valerius phisicks: Lipsius politickes, and Machiavelles art of Warr.”⁸ Bacon is skeptical that reading such epitomes can wholly supplant experience, much as looking at a map has its limitations in learning to know the lay of a land one has never seen. However, Bacon writes of Lipsius and other epitomizers that as far as epitomes are concerned, “these be the best we haue,”⁹ thus marking Lipsius’s *Politica* as the best available compendium of readings on politics in Bacon’s estimation, at the time he wrote the letter, that is, shortly after the first publication of Lipsius’s book.

Lipsius contends that war bears the face of Janus: war is double or dual because it is conceptually to be divided into wars within and wars without, into internal and external war.¹⁰ Thematically, Lipsius treats external war prior to his treatment of internal war. By the time Lipsius gets around to treating internal war, he has begun to term it “civil war.”¹¹ External war, however, is defined as the deployment of “force and arms against a foreign prince or people.”¹²

For Lipsius, the laws of war are to be followed in external war, and quoting Cicero, Lipsius claims that it would be bestial to violate them.¹³ While Lipsius notes that some have claimed that justice is borne away by arms, that everything redounds to the strong, and that what matters in war is not the justice of the cause but the outcome of the battle, Lipsius avows that he does not share these sentiments and classes them, in his piquant marginalia, as “improper sayings” (*Improba dicta*).¹⁴ The justice of a war, from Lipsius’s perspective, is not merely the victors’ justice but is to be determined by the justness of the cause.¹⁵ On this view, it is not sufficient proof of the justice of one side in war that it prevails. Lipsius thus rejects the strong claim that if a side wins in war, its cause was necessarily just.

Nonetheless, Lipsius argues that a just cause in war is likely to generate the better martial outcome. In this regard, Lipsius draws a kind of correlation regarding the outcome of a war and the goodness or justice of the cause that initiated the war: other things being equal, Lipsius claims, a good cause for going to war will generate a

good outcome in war, whereas a bad or unjust cause will generate a correspondingly bad outcome.¹⁶ Similar to Lipsius's view that just causes may engender success in warfare, the Anglican divine and jurist Matthew Sutcliffe quotes in his 1593 tract, *The practice, proceeding, and lawes of armes*, from Book XXI of Livy's *Ab urbe condita*, to the effect that in war "the euent oftentimes is according to the iustice, and qualitie of the cause."¹⁷ By connecting the outcome of war to the justice of the cause for waging war, Lipsius is appealing to the interest of those who would wage war for gain; the truly gainful war, Lipsius implies, is to be had only when the cause for war is just.

Above all, for Lipsius, one avoids an unjust war (and thus a bad outcome in war) by avoiding ambition and avarice as motivations for war. "Indeed," Lipsius claims, "all those wars are unjust which have ambition or avarice as their causes."¹⁸ Matthew Sutcliffe confirms Lipsius's judgment on "warres vndertaken through ambition, and anger, and such like affections," declaring that "they are vniust, and the causes vnlawfull."¹⁹ For Lipsius, unjust wars waged for ambition, desire for empire or desire for expansive martial command (*cupido Imperii*), are not only against the law but also lead to bad outcomes. In Lipsius's estimation, war for expansion or profit is generally unprofitable.

For a war to be positively just, in Lipsius's sense, three things must be just: the actor, the cause of the war, and the end or aim of the war.²⁰ In Lipsius's view, one cannot wage a war justly unless one is the legitimate holder of sovereign power.²¹ He thereby rules out popularly initiated warfare, violent rebellion by the people, and legitimate revolution. The people, on this account, are never a just actor in war: no rebellion, uprising, or revolution can be "just" war in Lipsius's terms.

Lipsius proffers two "just" causes for warfare: defense, and invasion for the recovery of one's own property or people in accordance with the *ius gentium*. Lipsius argues that defense in warfare appears unambiguously just.²² On this theme, Lipsius quotes from Cicero's oration *Pro Milone*: defensive war "is not only just, but also necessary."²³ Just defense can be either self-defense or the defense

of others. Quoting from and adapting Sallust's *Catiline War*, Lipsius presents self-defensive war as the defense of liberty, *patria*, or parents.²⁴ In this regard, Lipsius presents self-defense as an act in the service of freedom and liberty as well as an act undertaken in piety and loyalty—it would be shameful not to defend one's parents if they were under attack. The defense of others may be either the defense of allies or the defense of the oppressed. Those who defend allies demonstrate their good faith,²⁵ Lipsius contends, whereas those who fail to alleviate those oppressed by violence and tyranny are as culpable as those who fail to defend their parents when under attack.²⁶

Lipsius is particularly concerned to rule out pretenses offered on behalf of territorial aggrandizement from the just causes of war.²⁷ Distinguishing his view from Roman imperial practice, Lipsius claims that it is not just to conquer territory under the guise of aiding allies. Lipsius describes this as a nefarious practice, and as one that should not be imitated.²⁸ The defense of others, although a licit and just cause of war in Lipsius's presentation, is not to serve as a pretext or pretense (*praetextus*) for expansion, conquest, or the furtherance of empire.²⁹ Wars for glory or revenge or empire are neither just causes of war nor just ends for warfare, in Lipsius's estimation: those who wage war for these ends commit sin in doing so.³⁰ Importantly, for Lipsius, a *praetextus* for war should not be put forward falsely or in bad faith. In early modern political thought, *praetextus* was ambiguous between meaning explicit justification and, quite differently, a specious ground for a contention, an ambiguity that extended to the early modern senses of "pretext" and "pretense." While Bacon's usage of these terms at times may seem to share in some of their ambiguity in the period, Bacon associates "pretext" with falsehood and false interpretation: the authority of the Roman Catholic Church was, in Bacon's estimation, derived "under pretext of Exposition of Scripture," but notably lacking from Scripture itself.³¹ While Bacon thus associated the term "pretext" with specious grounds, he nonetheless insisted that pretenses and pretexts should be held ready for the justification of war. Important for Bacon's

perspective is that one can see from all parties wanting to adduce pretexts for their actions in warfare how justice is imprinted in human affairs: human agents feel that they cannot simply invade on the grounds of their own interests and passions, but sense that some justification is required, and thus all parties, in Bacon's view, offer at least an attempt at justification with their pretexts.³² For Bacon, pretexts are crucially central to human practices of justification in warfare. In this respect, Bacon departs markedly from Lipsius's *Politica*: in Bacon's view, as we will see later, pretexts and pretenses for warfare should not be lacking to the well-counseled magistrate or prince.³³

For Lipsius, despite his warnings against pretenses for expansion and empire, there nonetheless exists a class of "just" invasions,³⁴ namely, if a power invades to recapture possessions that have been taken away unjustly and if one acts in accord with the law of nations (*ius gentium*).³⁵ These "just" invasions are wars for the recovery of unjustly lost possessions or lost rights, a motive that leads Lipsius to propound the maxim that if someone rapaciously seizes your things or rights, then you are to take up arms against the aggressor.³⁶ However, Lipsius immediately qualifies this maxim, claiming that one may take up arms only if one has first sent an ultimatum to the opponent seeking redress for the lost rights or lost possessions.³⁷ Adding to this requirement of seeking formal redress in advance, Lipsius further insists that it is unjust to initiate war immediately, even if one has been harmed.³⁸ Rashness in war, for Lipsius, confers injustice upon the cause.

Lipsius concludes his discussion of just invasion with a discussion of invading those who are "unbelievers" (*impios*) and "Barbarians" (*Barbaros*).³⁹ Such invasions, Lipsius contends, seem to be legitimate; indeed, they appear to Lipsius to be permissible even in the absence of injustice or injury,⁴⁰ a position Bacon will modify in his discussions of preventive warfare. Against "Barbarians" and against those whose "customs or religion are wholly aberrant to our own," invasion is just, even if they have done no injustice themselves; but it is especially just to invade them if they are powerful and if they have invaded or are invading third parties.⁴¹

In these cases of legitimate (*legitima*) invasions, the cause is to check or correct the invaded party and to reduce the ill it can cause.⁴² Quoting Augustine's letters and further attributing part of the body of canon law to Augustine, Lipsius indirectly asserts that such invasive wars against the impious and against the "barbarians" may rightly be justified in order to deprive the invaded party of a claim to commit iniquities (*licentia iniquitatis*) and may thereby be plausibly said to be waged out of "zeal for peace" (*pacis studio geruntur*).⁴³ Indeed, following Aristotle, Lipsius concludes his discussion of the just agent, causes, and ends of war by claiming that as the wise sustain toil and work for the sake of *otium*, so, too, do the wise wage war for the cause of peace.⁴⁴

Lipsius sums up all these divergent threads of his assessment of just war by firmly quoting Livy's remark that the just war is the one that is necessary (*Iustum bellum, quibus necessarium*) and that pious are the arms of those whose hope may be found in arms alone (*et pia arma, quibus nulla nisi in armis relinquitur spes*).⁴⁵ Lipsius affirms this Livian position in asserting, "Thus, this holds."⁴⁶ For Lipsius, therefore, necessity confers justice in war.⁴⁷

Lipsius's work, especially his editions of Tacitus and Seneca and no less his *Politica*, which we have been examining on the theme of just war, was widely read in myriad editions both immediately within his own lifetime and throughout the two centuries that followed his death in 1606.⁴⁸ Not only was Lipsius's work of significance for state theory and the philosophic revival of Stoicism, his work is credited by scholars with stimulating reforms in military practice, not least in the organization and discipline of the Dutch army in the United Provinces in the 1590s.⁴⁹ As we have seen, Bacon and Essex regarded Lipsius as a lively and relevant source for the understanding of the entirety of the domain of politics and praised his *Politica* as offering the best epitome on the subject.⁵⁰ Lipsius held firmly that there was a category of positively just wars—namely, those waged by the holders of sovereign power, engaged in causes of defense or recovery (for either lost persons or territory), and waged for the sake of peace. Invasive wars, too, for Lipsius, could be just, particularly if they are not entered into

rashly and are waged against the “impious” or “barbarians.” On all these matters, as we shall see, Bacon would come to follow Lipsius’s lead. For Lipsius, as well as for Bacon, wars are just if they are necessary and there can be a class of “legitimate” or “just” wars that may be both invasive and waged for the sake of an ostensible peace.⁵¹ Yet, Lipsius eschewed wars for expansion justified by pretenses, which he took to be grounded on avarice; here, Bacon would come to differ with one whom he regarded as the master epitomist of politics, as we shall soon see, following an examination of another author whose significance for Bacon’s thinking on just warfare is not to be underestimated.

Alberico Gentili

Alberico Gentili was a highly prominent civilian lawyer and Regius Professor of Civil Law at the University of Oxford. No less, Gentili was a member of Gray’s Inn (Bacon’s Inn and his sometime place of residence) as Bacon’s contemporary from 1599 onward. Gentili’s major work on the law of war, *De jure belli*, is thus striking as an important context for Bacon’s thinking on the subject.⁵²

In the first instance, it is worthwhile to examine how Alberico Gentili understood and defined the concept of war. War, in Gentili’s understanding, is the just contention of public arms.⁵³ Importantly, on this view, that which fails to be *just* armed conflict fails to qualify as war.⁵⁴ To the extent that Gentili’s view had social purchase, it would thus be important for any writer or speaker who advocated armed conflict to claim that her or his cause was just or at least susceptible to being justified in Gentili’s terms or to contest those terms: contention by arms without justification would be not war but brigandage, marauding invasion, aggression, or even piracy. The brigand, the marauder, the aggressor, and the pirate are, in the terms of civil law, *hostes omnium* or even *hostes humani generis*—the enemies of all or even the enemies of humankind—and as such they fall afoul of the law of nations and any protections or rights they might claim under it. Wishing to avoid such a status, the advocates of armed conflict must tread carefully, insisting that their call to arms bears the imprint of justice. Within a Gentilian framework,

the advocate of arms must have just claims at the ready, a position Bacon will substantially adopt in a passage added specially for the 1625 edition of his essay "Of the true Greatnesse of Kingdomes and *Estates*."⁵⁵

For Gentili, as for Lipsius, only sovereigns or legitimately established princes can lawfully wage war.⁵⁶ Relatedly, in Gentili's view it is the possession of plenary or supreme power and not nominal title that confers sovereignty. "Those who have the title of prince, but do not exercise jurisdiction in their realms," Gentili writes, "are neither properly princes nor are they rightly so termed."⁵⁷ With this image of sovereign power, Gentili answers a rhetorical question from St. Bernard's *Sermon on the Advent of the Lord*, "Who does not know that the sons of princes are princes; the sons of kings, kings?," with the refusal that he, Gentili, does not know this to be the case. For Gentili, titles, even when hereditary, are meaningless without the power to enforce commands, for it is the actuality of jurisdiction and the effectiveness of command that is the guarantor of sovereignty and legitimate principedom.⁵⁸

For Gentili, the subordinate dukedoms of the Holy Roman Empire have the status of sovereign powers for the purposes of the laws of war: duchies, like Saxony and Brunswick, may declare and wage war as sovereign powers, with the exception that they not wage war directly against their feudal superiors; that is, they may not wage war against the Holy Roman Emperor himself.⁵⁹ As we shall see, Bacon drops Gentili's exception on this question; it is perfectly legitimate for the Palatine Elector to wage war against the Holy Roman Emperor, in Bacon's view.

The justification of war, for Gentili, is ultimately and importantly a legal question: the justice of war is properly the province of jurisconsults rather than theologians.⁶⁰ Within a Gentilian framework, as we have seen, the advocate of arms and the prudent jurisconsult must have just claims at the ready. Gentili argues that wars should have grounds, but the grounds for war should be just as, in his opinion, "an unjust cause is no cause at all."⁶¹ In a line similar to Gentili's *De iure belli*, Matthew Sutcliffe proclaimed that "warres without cause are nothing, but robbery and violence contrary to

humanitie, and reason.”⁶² Thus, before drawing an army into the field of battle, Sutcliffe remarked, “First wee are to consider, that our cause be good, and iust.”⁶³

In his account of the laws of war, Gentili wrote of the desirability of anticipatory self-defense based on fear. In *De iure belli*, Gentili places fear-based self-defense within the class of defensive wars based not on necessity or honor but on expediency. “I call it a defence dictated by expediency, when we make war through fear that we may ourselves be attacked,”⁶⁴ Gentili writes before going on to approvingly quote Nicephorus Xanthopoulos’s *Ecclesiastical History* to the effect that “those who desire to live without danger ought to meet impending evils and anticipate them.”⁶⁵

Drawing on Justinian’s *Digest*, Gentili raises the issue of the *metus iustus*, or just fear, precisely in his discussion of wars for expediency. “Now a just fear is defined as the fear of a greater evil, a fear which may properly be felt even by a man of great courage,” Gentili writes.⁶⁶ But Gentili raises the issue of the just fear in Roman law as inapplicable to conduct between sovereign states and empires, continuing that “in the case of great empires I cannot readily accept that definition, which applies to private affairs.”⁶⁷ Gentili here explicitly confines the just fear to private conduct and separates justice from his favored wars of expediency, a confinement and separation that Bacon will collapse.

Significantly, Gentili’s treatment of anticipatory self-defense is one Bacon will both partially adopt and meaningfully redescribe. In his later treatment in the *Considerations* and in the 1625 edition of the *Essayes*, Bacon will insist that anticipatory self-defense for the holders of sovereign power is not only expedient but just—Gentili’s expedient fear becomes Bacon’s just fear and with it the Roman law of private self-defense is expanded to cover the behavior and practices of sovereign states. What for Gentili is expediency is redescribed by Bacon as a matter of justice.

A tradition that includes Lipsius had held that a just war requires not only a just authority and a just cause in origin but also a just aim or intention for waging the war, which Lipsius had described as the justice of the end of war.⁶⁸ For Lipsius, as we saw,

those entering into a just war must have as their goal some just aim, like peace—this, in addition to having a just cause (like suffering injury). Gentili for his part assigns the question of the just aim or just intention to the theologians and then tells the theologians to be quiet.⁶⁹ Bacon seems to follow Gentili in this regard; when he speaks of justice in warfare, Bacon emphasizes causes and agents and is nearly silent on questions of motivation or intention. This links up with Bacon's stress on "pretences" for initiating a war; for it seems a theory of just war in which just *aims* may not matter is more amenable to offering pretenses to begin a war, a notion that Lipsius, as noted, had excluded as unjust. Bacon, like Gentili before him, departs from a Thomist tradition of insisting on a just motivation or intention for waging war. Yet, importantly, Bacon goes further than Gentili in departing from the Thomistic and Lipsian positions on just war. Bacon admits as just causes or apt pretenses causes that even Gentili avowed to be unjust: monetary enrichment and imperial expansion as sensible aims in warfare.⁷⁰ Moreover, Gentili holds that it is bestial to proceed to war when no injury has yet been suffered—a view that Bacon himself was keen to modify, as we shall see.⁷¹

Matthew Sutcliffe and the Just Causes of War

In *The practice, proceedings and lawes of armes* of 1593, dedicated to the Earl of Essex, the civilian lawyer and Anglican divine Matthew Sutcliffe, Bacon's contemporary at Trinity College, Cambridge, lays out both his concern for England's strategic position and the need to enumerate just causes for wars. Sutcliffe opens his dedicatory epistle to Essex by dwelling on the nearness and proximity of the wars that await England, be she sleeping or awake. Conceding ground to a potential objection, Sutcliffe acknowledges that "the warres are not at our doores, yet wee may easily perceiue, that they are very neere vs: and howe neere we knowe not. why then do we not awake?"⁷² Waking up, in Sutcliffe's idiom, would mean military provision and armament, with war preparations directed at Spain in particular. Looking to the Iberian Peninsula, Sutcliffe poses the rhetorical question of "why doe we

not prouide and arme, seeing the Spaniard by sending ouer such swarmes of trayterous and seditious priestes and Iesuites among vs, hath giuen vs such cause of an alarme?”⁷³

In a vividly anti-Erasman exordium, Sutcliffe’s treatise proper opens with the forceful declaration that it is not even necessary to dispute that it is lawful for Christians to make wars. The lawfulness of Christian war-making is, for Sutcliffe, most manifest.⁷⁴ Those who maintain the contrary, Sutcliffe asserts, are “both heretical, and phrenetical persons.”⁷⁵ Following invocations of the authority of Paul and Augustine, Sutcliffe follows with an appeal to the *ius naturae et gentium* as grounding the naturalness and universality of arming for war in one’s own self-defense, as “it is the law of nature, and nations that putteth weapons in our hands for our defence.”⁷⁶ The suppression of rebellion is, for Sutcliffe, a kind of war, and such war is necessary for the execution of the civil laws banning rebellion.⁷⁷

“First,” Sutcliffe states, “it is lawfull to vse force, and take armes in defence of our country, true religion, our goodes or liberty.”⁷⁸ The application of this lawful use of force is, in Sutcliffe’s estimation, one of England’s very recent history, for “seeing of late time the Spaniard came vpon our coast with fire and sword, menacing the English nation with all the calamities that follow such inuasions, I thinke no man will deny, but we haue iust cause to put on armes in defence of our countrey, religion, liues, liberties, and lawes.”⁷⁹ In such defence, Sutcliffe attests, “not onely our cause is iust, but the warre is of necessity to be vndertaken”—in short, self-defense against those who come upon England with fire and sword is necessary as well as just.⁸⁰ Sutcliffe here echoes Lipsius’s claim granting justice to claims of necessity, a theme Bacon will take up and adapt.

Second to self-defense, in Sutcliffe’s presentation, is that “[i]t is likewise lawfull to repress pirats, and publike robbers by force of armes.” Such pirates “are enemies of peace, & ciuil government” and are aptly “proclaimed as publike enemies of states.” The cause of piracy bears particularly, Sutcliffe surmises, on England’s relations with Spain as “[j]ust cause therefore haue wee also in this

respect to make warres vpon the Spaniard, that without destance of warre, stayed our shippes, and our marchants, and spoiled their goodes.”⁸¹

Beyond piracy and defense, Sutcliffe enumerates the injustices suffered by subjects and the abuse of ambassadors by foreign states and princes alongside the rebellion of subjects against their lawful princes as just causes for waging war.⁸² Moreover, Sutcliffe emphasizes that “it is a lawfull, and iust cause for a prince or nation to arme their people in defence of their associates, or such as flie vnto them for succour being vniustly oppressed.”⁸³ Here, too, the just defense of associates bears upon English war with Spain, “wherefore we haue not onely iust cause to warrant our proceedings against the Spaniard in defence of our confederates of France, and the lowe Countries; but also necessarie reasons to moue vs to prosecute matters more forcibly, vnlesse we meane to engage our honour, and neglect our owne estate.”⁸⁴

For Sutcliffe, the principal just causes of war all conjoin in justifying a war with Spain. As we turn to Francis Bacon’s treatment of just warfare, Sutcliffe’s polemical aims of justifying English war with Spain in his conceptualization of and criteria for just warfare will remain at the forefront of our understanding.

Part II: Francis Bacon on Just Warfare

Wars as Trials of Right

Francis Bacon drew upon each of these contemporaries in formulating his thoughts on just war. To begin with, Bacon shifted the definition of war itself. Recall that Alberico Gentili had defined war as the just contention of public arms.⁸⁵ Shifting the terms of the discussion across his political career, from the 1590s to the 1620s, Bacon persistently conceived of war on the model of a trial. In his 1592–93 *Certaine Obseruations vppon a Libell*, Bacon posited that “warres are no massacres and confusions, but they are the highest trialles of right, when princes and States that acknowledge no superiour vppon earth shall putt themselves vpon the iustice of God for deciding of their controversies by such successe as it shall please him to give on either side.”⁸⁶ Reiterating this definition in 1594,

Bacon described “Warrs, which are the highest Trialls of Right, between *Princes*, (that acknowledge no superiour Jurisdiction;).”⁸⁷ In 1624, Bacon defined wars as “suits of appeal to the tribunal of God’s justice, where there are no superiors on earth to determine the cause.”⁸⁸ At trial, as in war, both sides seek to win; yet in war, unlike at the bar, there is no higher judge (or none active in the courtroom) to arbitrate the disputes of right or justice. For Bacon, wars are judgeless trials of right and justice between “princes and States” where none but the parties may decide the case.

Bacon’s conception of war as a trial shaped his views of adherence to the law of nations and adherence to honorable conduct in warfare. For conduct in war, Bacon emphasized in 1592–1593 that “in *the* proceedinges of the warre nothinge ought to be done against the law of Nacions or the law of honour.”⁸⁹ In his 1594 *True Report of the Detestable Treason Intended by Doctor Roderigo Lopez*, Bacon stressed that “Warrs,” instead of via poisoning and attempted assassinations of princes, “ought to be prosecuted, with all Honour.”⁹⁰ While in his 1601–2 *Considerations touching the Queen’s service in Ireland* Bacon expresses his concern for that which is “*jure gentium* lawful,”⁹¹ even in colonial wars Bacon is agitated that England’s actions avoid the appearance of violating the law of nations. Both the *ius gentium* and the “law of honor” seem to govern war conduct, in Bacon’s view, much as rules of procedure and evidence are to govern conduct in a courtroom.

Just Pretenses

As discussed, in his *Politica* Justus Lipsius had ruled pretenses offered in favor of expansion as exceeding the scope of justice in warfare; such pretenses, Lipsius argued, are grounded in avarice rather than justice.⁹² Bacon would depart markedly from this view. In both his 1624 *Considerations Touching a War with Spain* and the 1625 version of his essay “Of the true Greatnesse of Kingdomes and *Estates*,” Bacon emphasized the importance “[f]or a State, to have those Lawes or Customes, which may reach forth unto them, just Occasions (as may be pretended) of Warre.”⁹³ The idea of having ready “pretences” for war is one that may be found across

Bacon's literary and political career. In Bacon's set device "*Tribuit, or giuinge that which is due,*" which James Spedding dates to 1592 and Alan Stewart to 1591,⁹⁴ and therefore composed early in Bacon's literary and political career, Bacon loses no time in praising Queen Elizabeth for her "Contempt of profit." This contempt consists, in part, in the neglect of wars for which pretenses were not wanting. "Shee wanted not the example of the power of her armies in the memorable voyages & invasions prosperously made & atchiued by sundrie her noble progenitours," Bacon writes. "Shee hath not wanted pretences aswell of Clayme and right, as of quarrell and revenge."⁹⁵ These claims and pretenses, Bacon avers, extend not only to the defense of England from external threats but to expansive conquest on both the British Isles and the European continent. "*Scotland* that doth in a maner Eclipse her land, the vnited provinces of the lowe Cunteries, which for scite, wealth, Comoditie of traffique, affection to our nation, were most meet to be annexed to the Crowne." In place of appropriating Scotland and the United Provinces, which were superlatively ripe ("most meet") for annexation, "shee lefte the possession of the one & refused the Soueraigntie of the other. Soe that notwithstanding the greatnes of her meanes, the iustice of her pretences, and the rarenes of her opportunities, shee hath Contynued her first minde; she hath made the possessions which she received the lymites of her dominions, & the world the limittes of her name by a peace that hath stayned all victories."⁹⁶ In Bacon's praise of Elizabeth for her "Contempt of profit," he focuses primarily on her contempt of warfare for which pretenses were ample. The implicit premise of this praise, comingled with dispraise, is that in Bacon's view, war, particularly war of conquest, is eminently profitable. In Bacon's praise of his sovereign, he notes that in place of profit foregone Elizabeth has bequeathed "a peace that hath stayned all victories."⁹⁷ Bacon's praise of a stained peace is tinted with more than a hint of criticism: pretenses of just war were unduly neglected under the reign of Queen Elizabeth, not yet concluded at the time of his writing and composition, during which kingdoms and states that might have been seized were left outside her dominions.

In his *Certain Observations made upon a Libel Published this present year, 1592*, Bacon distinguishes war from “massacre”: the St. Bartholomew’s Day “Massacre” does not count as war, much less as “just” war.⁹⁸ St. Bartholomew’s Day, in Bacon’s view, is slaughter and beyond the pale, even of war itself, “ffor the warres are no massacres and confusions,” Bacon claims.⁹⁹ With regard to the *ius gentium* and the law of honor, Bacon is emphatic about what he considers it to entail for those who would violate the “lif and good name”¹⁰⁰ of opponent princes in war, claiming that these “lawes have ever pronounced those two sortes of men (the one conspiratours against the persons of Princes, The other libellours against their good fame) to be such enemies of comon societie as are not to be cherrished no not by enemies.”¹⁰¹ Those who slander and those who plot the deaths of princes and sovereigns, even in warfare, become, in Bacon’s terms, *hostes omnium*—the “enemies of comon societie.”

In his much later *Considerations Touching a War with Spain* (1624), addressing the future King Charles I, then Prince of Wales and heir-apparent to the British crowns, Bacon claims there are three requisites of war. War requires a just cause or “a just quarrel” (a *casus iustus*), adequate material preparations and martial forces, and a set of strategies and tactics guided by prudence or practical judgment.¹⁰² Bacon claims his tract advocating a war with Spain aims to demonstrate all three requisites: he shall “first justify the quarrel; secondly, balance the forces; and lastly, propound variety of designs for choice.”¹⁰³

As shown above, Bacon here follows Gentili in departing from Lipsius and the earlier Scholastic tradition in omitting discussion of just aim or intention in warfare. Bacon maintains a concern for justification but, like Gentili, believes this concern need not extend to justification at the level of motivation or intention or justice in the end-state aimed at by the war. Within the justification of the quarrel, prudence in design, for Bacon, replaces justice in motivation, an idea that resonates with Bacon’s conceptual treatment of warfare in his mythographic allegory, the *De sapientia veterum*.

“Perseus, sive Bellum” (1609)

In the seventh section of his *Wisdom of the Ancients*, Bacon offers a general, if fabulous, figuration of his notion of war, albeit one not without its polemical point. The fable of Perseus severing the head of Medusa, Bacon claims, “seems to have been fabricated as an account of the conduct of war by reason and prudence.”¹⁰⁴ This prudent and rational conduct of war (depicted in the fable as Bacon relates it) “propounds three sound and grave precepts.”¹⁰⁵ First, Bacon claims, propinquity of the population to be subjugated or the nation to be tamed is not a proper requirement of a prudent war. Bacon praises his Perseus for undertaking a martial expedition without regard for distance.¹⁰⁶ Second, Bacon claims, for the rational and prudent conduct of war, care must be taken to find a just and honorable cause.¹⁰⁷ A just and honorable cause of war is advocated on grounds of the goods or benefits such a cause may yield, namely, zeal (*alacritas*) in both soldiers and taxpayers in support of the war, while both opening relations with and reconciling allies to the cause.¹⁰⁸ Bacon proceeds to claim there is no cause of war “more pious” than waging war against a tyranny, under which the people prostrate themselves and are ruined without spirits or vigor, as if under the gaze of Medusa.¹⁰⁹ Finally, Bacon offers as a sound and grave precept of prudent management of a war that it be winnable; the conditions of a prudent war must be such that the war may be brought to completion and not be of long duration. The Perseus fable depicts this precept by the hero’s choice to wage war on Medusa as the lone mortal Gorgon (all the others being immortal).¹¹⁰

Bacon’s Perseus fable contains several interesting facets that alter inherited tales of Perseus and Medusa: in Bacon’s account, Medusa is not said to dwell on the isle of Cisthene, mythically located in the Red Sea, but seems to conduct her activities elsewhere.¹¹¹ In his narration, Medusa inflicts maximal calamities on many peoples in the Iberian Peninsula.¹¹² The paradigmatic war in Bacon’s 1609 fable, reprinted and expanded in the 1610s and 1620s, and incorporated in Bacon’s 1623 *De augmentis scientiarum*, is thus a war conducted against a tyrant active in Spain.

Whereas in 1609, in his *De sapientia veterum*, Bacon articulates the need for the justification of any war as a matter of prudence, efficaciousness, or calculation, Bacon's 1624 *Considerations* articulates the case of war with Spain in terms of justice, just quarrel, and just cause (*causa iusta*). Is this a surface contradiction, a deep tension, a change of view, or is it a matter of only apparent inconsistency? In both cases, Bacon has an eye to the import of justification in warfare, and as we have seen, he is sensitive to the human need for justification for engaging in warfare. Yet, in the 1609 *De sapientia veterum*, a more general and conceptual treatment of warfare, Bacon glosses a just cause in terms of efficacy and prudence, whereas in 1624, advancing the practical case for a particular war, Bacon foregrounds the case of right in the terms of justice as he construes them. In this regard, it is not always most prudent to advance a prudential case in the terms of prudence.

Metus iustus and the Ottoman Empire

One of Bacon's sufficient criteria for a just war is a just fear, a *metus iustus*. What, for Bacon, makes a fear just and why is such a fear sufficient to justify a war? In Bacon's *Considerations Touching a War with Spain* (1624), he is emphatic that his criterion of a *metus iustus* is "at all times" satisfied for some states with respect to other states on account of the practices and customs of the latter states. Where one state or people stands in "perpetual fear" of invasion on the basis of the custom or established practice of a neighbor state, then the state in "perpetual fear" may, Bacon claims, wage discretionary war against the power that terrifies it perpetually. "At all times," Bacon maintains in his *Considerations*, "there lieth upon the Christians a perpetual fear of war" arising from "a fundamental law in the Turkish Empire that they may (without any other provocation) make war upon Christendom for the propagation of their law."¹¹³ This Ottoman custom, according to Bacon, gives just fear (and with just fear, just cause) to Christian princes and Christian states to wage war on the Ottoman Empire at their discretion.¹¹⁴

In the *Considerations*, Bacon distinguishes preventive war from invasive war. It seems that Bacon is keen to shield his

proposals from the charge of sanctioning invasive warfare. Bacon deploys the criterion of the *metus iustus* in such a way as to re-describe what he sanctions as noninvasive warfare: on Bacon's re-description, invasive war fails Bacon's criterion of *metus iustus*, whereas preventive war satisfies this criterion. Marching an army or sending a fleet into the territory of another state need not, in this view, constitute an invasion but might rather be described as something preventative or precautionary. In formulating his criterion of the *metus iustus* as providing a full and ample justification for preventive war, Bacon relies on both ancient sources and modern examples. To this end, Bacon explicitly draws on Thucydides, Demosthenes, Plato's *Laws*, Thomas Aquinas, and Augustine.¹¹⁵

In a speech in support of the Subsidy Bill in the Parliament of 1597, Bacon avowed the "vulgar" character of both his remarks and his understanding.¹¹⁶ In this speech, Bacon pled openly for the subsidy, in contradistinction to his ill-fated opposition to the Treble Subsidy Bill in the 1593 Parliament,¹¹⁷ on the grounds that the subsidy in 1597 was more timely due to the greater danger confronting the realm and on the grounds that the bill was apt to furnish the means necessary to satisfy an earnest parliamentary desire. "I doubt not," Bacon avowed at the close of his speech, "but every man will consent that our gift must bear these two marks and badges, the one of the danger of the realm by so great a proportion since the last parliament increased, the other of the satisfaction we receive in having obtained our so earnest and ardent desire of an invasive war."¹¹⁸

The "invasive war" in question was Essex's 1597 expedition against Terceira, which left Queen Elizabeth, in Spedding's estimation, "ill satisfied," but which Bacon sought to acclaim in the highest terms of praise that might greet a mixed return.¹¹⁹ Commending Essex's campaign against Terceira as being "with notable resolution borne up," Bacon claimed that "besides the success in amusing him [the King of Spain] and putting him to infinite charge, sure I am it was like a Tartar's or Parthian's bow, which shooteth backward, and had a most strong and violent effect and operation both in France and Flanders, so that our neighbours and confederates have reaped

the harvest of it, and while the life-blood of Spain went inward to the heart, the outward limbs and members trembled and could not resist.”¹²⁰ Here, in Parliament in 1597, Bacon was not hesitant to praise the war he favored as “our so earnest and ardent desire of an invasive war,” juxtaposed with a defensive war, which Bacon compared to “eating and consuming interest.” Yet, this early laudatory speech on behalf of “invasive war” was one delivered wholly before an English audience and was a speech Bacon himself professed to be “of a more vulgar nature.”¹²¹

***Invasion, War, and the Tactics of Battle:
“Achelous, sive Prælium” (1609)***

Thus far we have seen that Bacon was concerned to redescribe offensive and invasive wars as preventive and truly defensive wars, and this view progressed from the 1590s to the 1620s. In this matter, Bacon shifted the emphases of Lipsius and, following Gentili, expanded the scope of wars that could be legitimately justified. These moves within the just war tradition themselves had a strategic aim, advocating increased English (and then British) military preparations and assaults on Spanish shipping, Spanish colonies, Spanish ports, and the Spanish mainland, highlighted by Bacon’s speeches in Parliament during the Armada Wars and his advocacy for British intervention in the Thirty Years’ War on the side of the Protestant powers. Given the practical thrust of Bacon’s interventions within the just war tradition, the fit between his views on just war and his views on battle tactics merits consideration. How do Bacon’s accounts of just warfare, favoring “preventive” or preemptive war, if such a war may be argued to be motivated by a “just fear,” fit with his assessments of the tactics of battle and war?

Bacon discusses battle and tactical advantage in his fable “Achelous, or Battle” (*Achelous, sive Prælium*) in his *De sapientia veterum*. This fable, Bacon claims, is pertinent to expeditions of war.¹²² The part of the invader, Bacon claims in this fable, is quite simple and unified, consisting solely in the equipment of an army or a fleet. Whereas the preparation of the invader is simple

(*simplex*), the apparatus of the defender is various and multiform (*multiformis est*): populations must be relocated, bridges dismantled and repositioned, rivers and harbors secured.¹²³ By contrast, in Bacon's presentation, the invading power must aim only at victory in battle, fearing scarcity and lack of provision in the territory it has invaded. A successful battle by an invading force diminishes the reputation and raises the alarm of the invaded power. This loss of reputation and alarm causes the invaded power to make tactical miscalculations, such as abandoning its cities and fertile regions to the pillage and seizure of the invader, leaving the invading power with a copious abundance of resources and provisions.¹²⁴ Hence, according to Bacon's *De sapientia veterum*, the military power that invades has a strong tactical advantage over the power that is invaded.¹²⁵

This presentation in fable form fits precisely with Bacon's parliamentary speeches and governmental white papers on war: Bacon's justification of preventive war is linked directly to a tactical or advantage-oriented assessment that the invader is more likely to thrive in war than the invaded. On the question of the attacker having the upper hand, Bacon again diverges from Gentili's account in the *De iure belli*. There Gentili writes that it is most inequitable (*iniquissima*) when one party is always the agent or attacker and the other party in war is always attacked or always suffers.¹²⁶ For Bacon, by contrast, it is not always inequitable if one party is consistently the attacker or agent, particularly if that party has a just fear of the opponent to justify a preventative assault. Bacon's account is thus a situated one: he seeks to deploy (and modify) the resources of the just war tradition to advocate those policies (expansion and the invasion of opponent states) he considers most useful and advantageous.¹²⁷

The criterion of *metus iustus* links Bacon's geopolitics in his *Considerations Touching a War with Spain* (1624) to his geopolitics in his *Advertisement Touching an Holy War* (1622–23 composition and manuscript circulation), as well as to the revisions prepared for Bacon's *Essayes* between the 1612 and 1625 editions. Amending his 1612 essay "Of Empire" to incorporate his doctrine

of *metus iustus*, Bacon emphatically adds to his 1625 text that “there is no Question, but a just Feare, of an Imminent danger, though there be no Blow given, is a lawfull Cause of a Warre.”¹²⁸ What Baconian characters utter in his dialogic *Advertisement* Bacon utters in his own name in his *Considerations*: in all three works, he and his characters offer grounds that the “perpetual fear” of war from the Ottoman Empire gives a correlative ground or just cause to Christian princes and states for waging discretionary preventive war against the Ottoman Empire at any time.¹²⁹

Following Gentili, as we have seen, Bacon proceeds from his claim that a just fear sanctions war by “Christian princes and states” against the Ottoman Empire “at all times (as they think good)”¹³⁰ to the claim that the *metus iustus* of Britain against Spain is even greater than the just fear that Christians have of the Ottoman sultanate. Britain’s justification for war with Spain is, in Bacon’s account, even greater than a justification for war that he considers valid “at all times.” Posing a rhetorical question that anticipates a negative answer, Bacon asks, “Is it nothing, that the crown of Spain hath enlarged the bounds thereof within these last sixscore years much more than the Ottomans?”¹³¹ In addition to the enlargement of Spain through overseas conquests in the Americas since the 1490s, Bacon has in view the territorial expansion of Spain within Europe to occupy Naples, Sicily, and the Spanish Low Countries, as well as more recently in the 1620s much of Bohemia and parts of Lombardy near the Bergamasque Alps. Expressing his concern for Spanish territorial expansion as juxtaposed to Ottoman progress in the same period, Bacon here deploys the Ottoman case to amplify his case for a war with Spain.

Keeping an eye on Spain, Bacon introduces a class of just martial reprisals or revenges.¹³² Such a “iust cause of iealousie” was occasioned by the Second Desmond Rebellion of 1579, which Bacon held to be “fomented” by Spanish intervention and occasioned by King Philip II, who “procured a Rebellion in Irelande, arminge and sendinge thither in the yeare 1579 an Archrebell of that Contrey, *Iames Fitzmorris*.”¹³³ Spain’s subsequent support for the rebellion, in 1580, Bacon writes, was “an acte of apparant

hostilitie.”¹³⁴ In response to these and other provocations, he claims, England received a just cause to spoil Spanish colonial holdings in the Caribbean and in South America as well as just claim to intervene in the United Provinces. The Spanish support of the Desmond Rebellion “did sufficientlie iustifie and warrant that pursuite of Revenge,” a revenge that took the form of Francis Drake’s “spoile of *Carthagera & Sant Domingo*” and Robert Dudley’s “vndertaking of *the protectione of the Low Contreys*.”¹³⁵ These “justified” revenges, on Bacon’s presentation, appear to exemplify parity in their choice of target: Spanish support for rebellion in what were regarded since at least the 1540s as English crown possessions is, in Bacon’s view, justly answered with English assaults on Spanish plantations and colonies. Yet, significantly, for Bacon neither the “spoile” of Spanish colonial holdings nor the English intervention in the United Provinces constituted an act of aggression, as indeed with respect to Philip II, Queen Elizabeth “yett had entred into no offensive action against him.”¹³⁶ In Bacon’s assessment, to the extent that a martial reprisal or revenge is “just” or justified, it seems to constitute neither an act of offense nor an act of aggression but appears, rather, to be a merely defensive measure.

Bacon and Gentili differ markedly on the question of the justice of reprisals and “revenges” in warfare, with Bacon in his *Observations* of 1592 asserting the justice of Francis Drake’s raids on Spanish colonial holdings,¹³⁷ conducted under patent sovereign authorization by letters of marque and reprisal, and Gentili holding that letters of marque and reprisal are little more than licit thievery and authorized predation.¹³⁸ In this regard, Gentili appears to hold the more innovative or original position. Other contemporary jurists and political thinkers, not least Hugo Grotius and Balthazar Ayala, held a position closer to Bacon’s than Gentili’s. In the period, it appears that to sanction martial reprisals was more common than their juridical prohibition.¹³⁹

In his late essay, “Of Revenge”—added to the augmented 1625 edition of his *Essayes*—Bacon classes revenge as a kind of “Wilde

Justice” but nonetheless leaves open a class of “most Tolerable” revenges for “those wrongs which there is no Law to remedy” and those retributions for which “there is no law to punish,” such as occur not between private persons under civil magistrates but between sovereign princes or estates in times of war.¹⁴⁰ Here Bacon endorses a particular class of licit revenges and martial reprisals he had sanctioned at the beginning, as now at the end, of his literary and philosophic career.¹⁴¹

Having augmented his case for war with Spain with the analogue of the Ottoman Empire, Bacon proceeds to rhetorically redescribe his opponent power as an animal, as a beast of prey; thus the object of his *Considerations* is theriomorphized, transformed into a wild beast, the readier to be warred upon. Speaking of Spanish territorial aggrandizement, Bacon writes that “they have let fall their bit. They have, at this day, such a hovering possession of the Valtoline, as a hobby hath over a lark: and the Palatinate is in their talons.”¹⁴² Bacon portrays Spain as a swift, short-winged falcon—a hobby—with one morsel in its grasp and another, a morning songbird, to be seized whenever appetite wills it.

Bacon’s *Considerations* is therefore a polemic advocating British intervention into the epicenter of the Thirty Years’ War on the Protestant side of the conflict. Bacon claims there are three grounds for a just war with Spain: aside from the just fears of the subversion of the “civil estate” of Britain as well as a just fear “of the subversion of our Church and religion,” Bacon lists “the recovery of the Palatinate” for the Protestant cause in the Thirty Years’ War as paramount among the reasons for taking up arms against Spain.¹⁴³ The “recovery of the Palatinate” from Catholic rule, Bacon claims, may be defended as just if the precedent invasion of Bohemia was just. However, Bacon claims that the justness of the recovery of the Palatinate is independent of the justness of the war for Bohemia, and he will thus assume the unjust character of the earlier war and nonetheless argue for the justness of the recovery of the Palatinate. Bacon claims he could, on the contrary, argue for the just character of English intervention into the war in the

Palatinate, which would establish his point, an argument from which he refrains:

But the chief cause why I do not search into this point is because I need it not. And in handling the right of a war, I am not willing to intermix matter doubtful with that which is out of doubt. For as in capital causes, wherein but one man's life is in question, *in favorem vitæ* the evidence ought to be clear; so much more in a judgment upon a war, which is capital to thousands.¹⁴⁴

Deploying a simile between counsels of war and courts of law, Bacon here draws a comparison of a case for war with the presentation of evidence in a trial for a capital crime, augmented many times over.¹⁴⁵ Evidence in a case for war must be both clear and certain or “out of doubt,” in accord with the evidentiary standards of a trial for a capital crime.¹⁴⁶ Wars, like capital cases, are cases of life and death. War, Bacon recognizes, is a mass capital sentence passed on an indefinite, but large, set of persons, and such a sentence requires that the case put on its behalf be “clear” with respect to evidence and “out of doubt” with respect to argument and justification.

Bacon's evidentiary standards for justifying claims made “handling the right of a war” potentially offer substantive inhibitions for proceeding to war. On Bacon's account, in order to proceed to war, a power's claim to war must be both clear and “out of doubt.” How might Bacon's evidentiary standard for justifications of war fit with his claim that a *metus iustus*—a just fear—may serve as sufficient reason to justify war? Can fear, or any Baconian passion, ever be sufficiently “out of doubt”? Bacon's account seems to raise these questions, as he is adamant that “fears are ever seen in dimmer lights than facts” and that fears “rather dazzle men's eyes than open them.”¹⁴⁷ If fears are always (“ever”) observed to be less certain than facts, and if facts themselves may prove uncertain, might Bacon's evidentiary standards for justifying war rule out Bacon's own criterion of a *metus iustus*?

Conclusion

On just war, Bacon was the able reader and student of his contemporaries, above all, of Justus Lipsius and Alberico Gentili. But as an apt pupil confronted with changing geopolitical constellations, Bacon thought fit not only to imitate his predecessors but to adapt their doctrines to fit his intentions and geostrategic aims. He retains the terms of the just war tradition while evacuating that tradition of virtually any substantive restriction that might be placed on an English or British invasion or assault on Spain, its shipping, or its colonies; such assaults, invasions, and attacks seem, in Bacon's handling, to bear the imprint of justice "at all times (as they think good)."¹⁴⁸ Where Lipsius had prohibited the use of pretext in the justification of warfare, Gentili and Bacon made pretext central to the justification of the public contest of arms. Both Gentili and Bacon drop the necessity of just *ends* or aims in warfare, which Lipsius had stressed was crucial for a war to be just. Yet where Gentili had insisted that pretexts be just and that enrichment, ambition, and empire failed to qualify as pretexts, Bacon enlarged the class of causes that justify war to include expansion, enrichment, and empire.

Bacon's account of just war fits neatly with his view of battle tactics. In battle, Bacon holds, the advantage lies with the party on offense; and Bacon's account of just war, particularly his criterion of the *metus iustus*, absent from his predecessors Lipsius and Gentili, aims to justify wars where no previous damage has been given by the opposing power. The criterion of the just fear gives further advantage to the invading power, which may now, in addition, claim justice for itself.

Bacon departed further from Lipsius and Gentili in holding revenges and reprisals to be just or justifiable, but his view on this question was closer to later contemporary treatments, such as that of Grotius in the *De iure belli ac pacis* (1625). Yet Bacon's criterion of the *metus iustus* along with his account of just reprisals held a particular set of aims and powers in view—namely, furthering war with Spain and seizing Spanish colonial holdings.

Finally, where Gentili had prohibited the deployment of religion in the justification of war, Bacon argued in his "Short View"

that peace is dependent on the full defeat and conquest of Spain, a condition he held to be impossible in the absence of planting the “true” (in Bacon’s assessment, Protestant) Church on the Spanish mainland. Peace, in Bacon’s late assessment in the “Short View,” might at times authorize wars that do not admit of the coloration of justice. As Bacon noted as a saying of “Iason the Thessalian” in one of his late *Apophthegmes, new and old* of 1625, “[S]ome things must be done vniustly, that many things may bee done iustly.”¹⁴⁹ Bacon may have held, with Gentili, that wars for religion were unjust, but peace (as a precondition for science and its advancement) might demand that some such wars nonetheless be waged.

Notes

1. Francis Bacon, *The Translation of Certaine Psalmes*, p. 281, ll.6–7, in the *Oxford Francis Bacon*, L. Jardine, G. Rees, R.W. Serjeantson, A. Stewart, B. Vickers, eds. (Oxford, 1996-present). Hereafter cited as *OFB* followed by volume number.
2. *OFB* XV, *Essayes or Counsels, Civill and Morall*, “To the Right Honorable My Very Good Lo. The Duke of Buckingham his Grace, Lo. High Admirall of England,” p. [5], ll.20–24.
3. Francis Bacon, *Considerations Touching a War with Spain*, in J. Spedding, *The Letters and the Life of Francis Bacon Including All His Occasional Works*, 7 vols. (London, 1861–1874), vol. VII, p. 469 (hereafter cited as *LL* followed by volume number): “To the Prince. Your Highness hath an imperial name. It was a Charles that brought the empire first into France; a Charles that brought it first into Spain; why should not Great Britain have his turn?” *OFB* XV, *Essayes or Counsels, Civill and Morall*, “To the Right Honorable My Very Good Lo. The Duke of Buckingham his Grace, Lo. High Admirall of England,” p. [5], l.16.
4. *LL* VII, *Considerations Touching a War with Spain*, p. 477.
5. *OFB* XV, Kiernan, “Commentary,” p. 212. On the contours of this debate, see Thomas Cogswell, *The Blessed Revolution: English Politics and the Coming of War, 1621–1624* (Cambridge: Cambridge University Press, 1989).
6. For this facet of Bacon’s thought, see Ralph Lerner, *Playing the Fool* (Chicago: University of Chicago Press, 2009), pp. 30–46, at p. 46. The point of outlining views contemporary with Bacon’s own and with which Bacon was familiar is, in part, to distinguish by juxtaposition Bacon’s own position and thus to delineate what would have

appeared novel in Bacon's view when contrasted with other positions current in his own historical situation and milieu.

7. *OFB* I, "Letter of Advice to Fulke Greville," Alan Stewart, "Introduction," pp. 200–203. James Spedding dates the letter to around 1595–1596, while Stewart dates the letter to circa 1589. The dating of the letter to 1589 might be questioned on the grounds that the *Politica* was published in July 1589 in Leiden in the United Provinces. The publication date and location might suggest a slightly later date for the letter, offering the author of the letter, however precocious, some time to first acquire and then digest Lipsius's rather vast epitome of political prudence and civic life in order then to class it among "the best we haue." Cf. Jan Waszink, "Introduction" to Justus Lipsius, *Politica* (Assen, The Netherlands: Koninklijke Van Gorcum, 2004), p. 114; Stewart, "Introduction," pp. 203–5.
8. *OFB* I, "Letter of Advice to Fulke Greville," p. 207.
9. *Ibid.*
10. Lipsius, *Politica* (Waszink ed.), V.iii., p. 540, left marg.: "*Duplex bellum*"; V.iii, p. 540: "Bellum autem duplex, Externum et Internum."
11. Lipsius, *Politica*, V.iii, p. 540, with VI.i, p. 666: "*Ad Civile bellum ventum. et eius miseriae breviter oculis subiectae. / Finem Externo bello imposui: utinam Civilibus malis!*" For Bacon's view of civil war, see Samuel G. Zeitlin, "'The Heat of a Feaver': Francis Bacon on Civil War, Sedition, and Rebellion," *History of European Ideas*, 2021.
12. Lipsius, *Politica*, V.iii, p. 540: "Illud definitio, VIM ET ARMA IN PRINCIPEM AUT POPULUM ALIENUM."
13. Lipsius, *Politica*, V.iii, p. 540, left marg. n.; V.iii, p. 540, lines 20–21.
14. Lipsius, *Politica*, V.iii, p. 540, line 25.
15. Lipsius, *Politica*, V.iii, p. 542, lines 6–8, left marg.
16. Lipsius, *Politica*, V.iii, p. 542, lines 6–10, left marg.
17. Matthew Sutcliffe, *The practice, proceeding, and lawes of armes* (London: Christopher Barker, 1593), p. 2.
18. Lipsius, *Politica*, V.iii, p. 542, lines 19–20.
19. Sutcliffe, *Lawes of armes*, E r., p. 9.
20. Lipsius, *Politica*, V.iv, p. 544, lines 18–19.
21. Lipsius, *Politica*, V.iv, p. 544, lines 19–24, marg. n.
22. Lipsius, *Politica*, V.iv, p. 544, lines 27–28: "In Defensione quis ambiget?"
23. Lipsius, *Politica*, V.iv, p. 544, line 28.
24. Lipsius, *Politica*, V.iv, p. 546, lines 4–5.
25. Lipsius, *Politica*, V.iv, p. 546, lines 6–8. Cf. V.iv, p. 546, lines 9–10.
26. Lipsius, *Politica*, V.iv, p. 546, lines 15–18.

27. Here “pretence” is meant in the sixteenth and seventeenth century sense of open claims or reasons given to justify a previously chosen policy or course of action. As we shall see, Bacon will use, and affirm, this notion of deploying pretenses to justify state expansion and aggrandizement. Here, Lipsius may be offering counsel of restraint to the monarchy of Philip II of Spain, in the context of the latter’s involvement in the Armada Wars with England and Spain’s imbrication on behalf of the Catholic League in the French wars of religion.
28. Lipsius, *Politica*, V.iv, p. 546, line 27.
29. Lipsius, *Politica*, V.iv, p. 546, lines 22–26.
30. Lipsius, *Politica*, V.iv, p. 550, lines 2–3.
31. *OFB XV*, “Of Judicature,” p. 165, lines 3–9. See also the entry in the *Oxford English Dictionary*, s.v. “pretext (n.)”
32. *OFB XV*, “Of the true Greatnesse of Kingdomes and *Estates*. XXIX,” p. 96.
33. *Ibid.*
34. Lipsius, *Politica*, V.iv, p. 546, lines 27–28, marg. n.: “*Invadere fas, ob Iniurias.*”
35. Lipsius, *Politica*, V.iv, p. 546, lines 27–28, p. 548, line 1.
36. Lipsius, *Politica*, V.iv, p. 548, lines 3–4: “Itaque siquis res tuas aut ius rapuit: cape arma.”
37. Lipsius, *Politica*, V.iv, p. 548, lines 4–5.
38. Lipsius, *Politica*, V.iv, p. 548, line 6: “Nec enim, etiam laesus, iuste statim bellum inferes.”
39. Lipsius, *Politica*, V.iv, p. 548, lines 17–19, marg. n.: “*Invadere etiam fas Barbaros et impios sed violentos.*”
40. Lipsius, *Politica*, V.iv, p. 548, line 17: “Iam et Invasio quaedam legitima videtur, etiam sine iniuria.”
41. Lipsius, *Politica*, V.iv, p. 548, lines 17–19. On these themes in Bacon, see Ralph Lerner, “The ‘Jihād’ of St. Alban,” *Review of Politics* 64, no. 1 (Winter 2002): 5–26.
42. Lipsius, *Politica*, V.iv, p. 548, lines 19–20.
43. Lipsius, *Politica*, V.iv, p. 548, line 21: “*Cui licentia iniquitatis eripitur, utiliter vincitur.*” [lit. “Who, in order to rip from their hands the licence to ill, are to be vanquished for the sake of utility.”] Cf. lines 22–23.
44. Lipsius, *Politica*, V.iv, p. 550, line 6: “*Sapientes Pacis caussa bellum gerunt, et laborem spe otii sustentant.*” See Aristotle, *Politics* 7.14.1333a34–36. For a discussion of this theme in the history of political thought, which does not include mention of Lipsius, see Murad Idris, *War for Peace: Genealogies of a Violent Ideal in Western and Islamic Thought* (Oxford: Oxford University Press, 2019). For Bacon’s invocation of the ideal of peace, see Samuel Garrett Zeitlin, “Francis Bacon on

- Peace and the 1604 Treaty of London,” in *History of Political Thought* 41, no. 3 (Autumn 2020): 487–504.
45. Lipsius, *Politica*, V.iv, p. 548, lines 15–16.
 46. *Ibid.*
 47. Lipsius, *Politica*, V.iv, p. 548, lines 15–16: “Hic illud valeat: *Iustum bellum, quibus necessarium, et pia arma, quibus nulla nisi in armis relinquitur spes.*” “Necessity,” for Lipsius, thus seems to be a sufficient but not a necessary condition for justice in warfare.
 48. On the scope of Lipsius’s readership and impact in the late sixteenth and early seventeenth centuries, see Gerhard Oestreich, *Neostoicism and the Early Modern State* (Cambridge: Cambridge University Press, 1982), pp. 5–56, at p. 8: “The fact that the seventeenth century became essentially a ‘Roman’ period, that Seneca and Tacitus were the chief witnesses on philosophy and history in the age of the Baroque, and that Machiavelli’s conception of the state based on power eventually came to fruition in an entirely changed world—all this seems to me to go back to Lipsius.” See also Waszink, Introduction to *Politica*, p. 6.
 49. Oestreich, *Neostoicism*, p. 5. For more recent scholarship on Lipsius, see Christopher Brooke, *Philosophic Pride: Stoicism and Political Thought from Lipsius to Rousseau* (Princeton, NJ: Princeton University Press, 2012), pp. 12–58; Christopher Brooke, “Grotius, Stoicism and ‘Oikeiosis,’” in *Grotiana* 29 (2008): 25–50.
 50. *OFB* I, “Letter of Advice to Fulke Greville,” p. 207.
 51. Lipsius, *Politica*, V.iv, p. 548, lines 22–23.
 52. In his monumental study of Grotius, Peter Haggemacher explicitly related Grotius’s work to that of Gentili, as an eminently comparable close predecessor within a tradition of works on the *ius belli*, noting that “A notre avis, la lecture de l’ouvrage révèle que Grotius n’en a voulu faire, au premier chef, ni une somme de droit naturel, ni, moins encore, un livre de droit international, mais essentiellement un traité sur le droit de guerre, comparable à celui de Gentili par son envergure, bien qu’assez différent par l’esprit et la construction.” [In our opinion, the reading of the work reveals that Grotius did not intend, primarily, either a summary of natural law, or, even less, a book of international law, but essentially a treatise on the law of war, comparable to that of Gentili by its span, although different indeed in its spirit and construction.] Peter Haggemacher, *Grotius et la doctrine de la guerre juste* (Paris: Presses Universitaires de France, 1983), p. 8.
 53. Alberico Gentili, *De iure belli libri tres* (Oxford, 1933), 2 vols., I.ii: 1:17; 2:12: “Bellum est publicorum armorum iusta contentio.” In the 1588

- edition, the corresponding sentence reads: “Bellum est contentio armata, publica, iusta.” [War is armed, public, just contention.] Alberico Gentili, *De iure belli, Commentatio prima* (London: Iohannes Wolfius, 1588), sig. B r.
54. Gentili, *De iure belli*, I.ii; 1:21; 2:14.
 55. OFB XV, “Of the true Greatnesse of Kingdomes and *Estates*. XXIX,” p. 96, lines 223–28: “Incident to this Point is; For a State, to have those Lawes or Customes, which may reach forth unto them, just Occasions (as may be pretended) of Warre. For there is that Justice imprinted, in the Nature of Men, that they enter not upon Wars (whereof so many Calamities doe ensue) but upon some, at the least Specious, Grounds and Quarells.”
 56. Gentili, *De iure belli*, I.iii; 1:22–[34]; 2:15–21.
 57. Gentili, *De iure belli*, I.iii;1:[34]; 2:21.
 58. Ibid.
 59. Gentili, *De iure belli*, I.iii; 1:32– [34]; 2:20–21 at 1:[34].
 60. Gentili, *De iure belli*, I.xii; 1:92; 2:57: “Silete theologi in munere alieno.” Gentili here seems to be arguing against the scholastic tradition from Aquinas to Vitoria.
 61. Gentili, *De iure belli*, I.vii; 1:55; 2:35: “Iustæ sint causæ: nam causa iniusta nec est causa.”
 62. Sutcliffe, *Lawes of armes*, “To the Reader,” C3 r.
 63. Sutcliffe, *Lawes of armes*, “To the Reader,” C2 v.–C3 r.
 64. Gentili, *De iure belli*, I.xiv; 1:96; 2:61: “Vtilem dico defensionem, quum mouemus nos bellum, verentes, ne ipsi bello petamur.”
 65. Gentili, *De iure belli*, I.xiv; 1:96–97; 2:61.
 66. Gentili, *De iure belli*, I.xiv; 1:99; 2:62.
 67. Ibid.
 68. Lipsius, *Politica*, V.iv, p. 544, lines 18–19: “quod tria haec habet iusta: Auctorem, Caussam, Finem.”
 69. Gentili, *De iure belli*, I.vii; 1:56; 2:35: “Tractant aliqui, si bona intentio principis adesse debeat ad iustitiam belli. quod est theologorum.” *De iure belli*, I.xii, 1:92: “Silete theologi in munere alieno.”
 70. Gentili, *De iure belli*, I.vii.
 71. Gentili, *De iure belli*, I.vii; 1:54; 2:34.
 72. Sutcliffe, *Lawes of armes*, A2 r. In her 2012 study of Essex, Alexandra Gajda writes that “Essex appears to have commissioned *The practice, proceedings and lawes of armes* (1593), a work dedicated to him on the necessity of military reform by Matthew Sutcliffe, a Cambridge civil lawyer and anti-Puritan theologian.” Gajda further clarifies that “The dedication implies that it was commissioned by Essex. It was printed

by Christopher Barker, the queen's printer, possibly to strengthen enthusiasm for the triple subsidy bill levied in the 1593 parliament. Sutcliffe had been a fellow of Trinity College, Cambridge, when Essex was a student. Also dedicated to Essex was *Matthaei Sutclivii De Catholica, orthodoxa, et vera Christi ecclesia* (1592)." Alexandra Gajda, *The Earl of Essex and Late Elizabethan Political Culture* (Oxford: Oxford University Press, 2012), p. 75; p. 76n45.

73. Sutcliffe, *Lawes of armes*, A2 r.–A2 v.
74. Sutcliffe, *Lawes of armes*, chap. 1, p. 1: "The lawfulness thereof is apparent." Cf. Erasmus, *Institutio principis christiani*, secs. 1–3.
75. Ibid.
76. Sutcliffe, *Lawes of armes*, chap. 1, p. 2.
77. Ibid., p. 2: "without warres ciuill lawes against rebellious subjects cannot be executed; and so should remaine without edge."
78. Sutcliffe, *Lawes of armes*, p. 3.
79. Ibid.
80. Ibid.
81. Sutcliffe, *Lawes of armes*, pp. 3–4.
82. Sutcliffe, *Lawes of armes*, pp. 5–6.
83. Sutcliffe, *Lawes of armes*, p. 6.
84. Sutcliffe, *Lawes of armes*, p. 7.
85. Gentili, *De iure belli*, I.ii; 1:17; 2:12.
86. OFB I, *Certaine Obseruations vppon a libell*, p. 343, ll.13–17.
87. OFB I, *A True Report of the Detestable Treason Intended by Doctor Roderigo Lopez*, p. 449, ll.443–45.
88. LL VII, *Considerations Touching a War with Spain*, 470. An objector might here reasonably ask of Bacon's definition, upon what conception or notion of God is this definition based? Is there any plausible account of God in Scripture upon which this notion of just warfare makes sense? Is the trial at the tribunal of God's justice, in the definition, to be adjudicated by the parties themselves? Does this definition amount to something different from or other than later arguments in the history of political thought that offer an appeal to heaven? However these questions may be resolved, the author is thankful to an anonymous reader for the *Political Science Reviewer* for raising them.
89. OFB I, *Certaine Obseruations vppon a libell*, p. 343, ll.19–21. A full treatment of Bacon's views on honor and the law of honor falls beyond the scope of the present study, yet they remain a fruitful topic for future scholarship. The author is thankful to an anonymous reader for the *Political Science Reviewer* for raising this thought.

90. *OFB I, A True Report of the Detestable Treason Intended by Doctor Roderigo Lopez*, p. 449, ll.443–45.
91. *LL III, Considerations touching the Queen’s service in Ireland*, p. 46.
92. Lipsius, *Politica*, V.iv, p. 546, lines 22–26.
93. *OFB XV, “Of the true Greatnesse of Kingdomes and Estates. XXIX.”* p. 96, ll.223–25.
94. *LL I*, p. 120: “That these pieces were both composed for some occasion of compliment, more or less fanciful, I feel very confident; and if it should ever appear that about the autumn of 1592 (the date to which the historical allusions in the discourse in praise of Elizabeth point most nearly), a ‘device’ was exhibited at Court in which three speakers came forward in turn, each extolling his own favourite virtue (a form which Bacon affected on these occasions, as will appear hereafter in two notable examples),—the first delivering an oration in praise of magnanimity, the second of love, the third of knowledge,—and then a fourth came in with an oration in praise of the Queen, as combining in herself the perfection of all three; I should feel little doubt that the pieces before us were composed by Bacon for that exhibition.” Cf. *OFB I*, pp. 237–40, at p. 238: “If indeed this piece was written for an Accession Day device, then a more likely date would be 17 November 1591, in Whitehall.”
95. *OFB I*, pp. 268–69; *LL I*, p. 128.
96. *OFB I*, p. 269, ll. 666–75. The theme of annexing the United Provinces recurs under James’s reign in Bacon’s diary entry dated July 28, 1608, in his *Commentarius Solutus*: “so cyvylizing Ireland, furder coloniz. the wild of Scotl. Annexing ye Lowe Countries.” See *LL IV*, p. 74. See further Samuel Garrett Zeitlin, “Francis Bacon on Imperial and Colonial Warfare,” *The Review of Politics* 83, no. 2 (Spring 2021); R. W. Serjeantson, “Francis Bacon, Colonization, and the Limits of Atlanticism” (lecture, University of California, Berkeley, March 2014).
97. *OFB I*, p. 269; *LL I*, p. 128.
98. *OFB I*, p. 343, lines 13–17; *LL I*, p. 146. Cf. *OFB XV, “Of Unity in Religion,”* pp. 14–15, lines 128–30: “What would he have said, if he had knowne of the Massacre in France, or the Powder Treason of England? He would have beene, Seven times more Epicure and Atheist, then he was.”
99. *OFB*, p. 343, line 13; *LL I*, p. 146.
100. *OFB I*, p. 343, line 12; *LL I*, p. 146.

101. *OFB* I, p. 343, lines 21–24; *LL* I, p. 146.
102. *LL* VII, *Considerations Touching a War with Spain*, p. 470.
103. *Ibid.*
104. Francis Bacon, *De sapientia veterum*, J. Spedding, R. L. Ellis, and D. D. Heath, eds., *The Works of Francis Bacon*, 7 vols. (London, 1857–1859), vol. VI., p. 641 (hereafter cited as *SEH*, followed by volume number): “Fabula de belligerendi ratione et prudentia conficta videtur” (my translation above). For recent interpretations of Bacon’s *De sapientia veterum*, see Anna-Maria Hartmann, *English Mythography in its European Context, 1500–1650* (Oxford: Oxford University Press, 2018), chap. 4; Anna-Maria Hartmann, “‘A little work of mine that hath begun to pass the world’: the Italian translation of Francis Bacon’s *De sapientia veterum*,” *Transactions of the Cambridge Bibliographical Society* 14, pt. 3 (2010): 203–17; Heidi D. Studer, “Francis Bacon on the Political Dangers of Scientific Progress,” *Canadian Journal of Political Science* 31, no. 2 (June 1998): 219–34; Rhodri Lewis, “Francis Bacon, Allegory and the Uses of Myth,” *The Review of English Studies* 61 (2010): 360–89.
105. *SEH* VI, p. 641.
106. *SEH* VI, p. 642.
107. *Ibid.*
108. *Ibid.*
109. *Ibid.*
110. *SEH* VI, pp. 641–42; p. 642: “Tertio, prudenter additur, quod cum tres Gorgones fuerint (per quas bella repræsentantur), Perseus illam delegerit quæ fuerit mortalis; hoc est, bellum ejus conditionis quod confici et ad exitum perduci posset; nec vastas aut infinitas spes persecutus est.”
111. On Bacon’s sources for the *De sapientia veterum*, see Charles W. Lemmi, *The Classic Deities in Bacon: A Study in Mythological Symbolism* (Baltimore: The Johns Hopkins Press, 1933), as well as Hartmann, *English Mythography*, pp. 135–61.
112. *SEH* VI, p. 641.
113. *LL* VII, *Considerations Touching a War with Spain*, p. 475; *OFB* XV, “Of the true Greatnesse of Kingdomes and Estates. XXIX,” p. 96, lines 228–30.
114. *LL* VII, *Considerations Touching a War with Spain*, pp. 475–76.
115. *LL* VII, *Considerations Touching a War with Spain*, p. 474 (Thucydides); p. 476 (Demosthenes); p. 476 (Plato’s *Nomoi*); p. 478 (Thomas Aquinas); p. 478 (Augustine).

116. *LL* II, “A Speech in the Parliament, Elizabeth 39, upon the Motion of Subsidy,” pp. 85–89, at p. 85: “I will say somewhat and not much: wherein it shall not be fit for me to enter into or to insist upon secrets either of her Majesty’s coffers or of her counsel; but my speech must be of a more vulgar nature.” Ibid, p. 87: “There hath fallen out since the last parliament four accidents or occurrences of state, things published and known to you all, by every one whereof it seemeth to me in my vulgar understanding that the danger of this realm is increased; which I speak not by way of apprehending fear, for I know I speak to English courages, but by way of pressing provision.”
117. For Bacon’s fateful speech in opposition to the 1593 Treble Subsidy Bill, see Francis Bacon, “Speech on Motion for a Grant of Three Subsidies, Payable in Four Years,” p. 223 in *LL* I.
118. *LL* II, p. 89.
119. Ibid.
120. Ibid., pp. 88–89.
121. *LL* II, p. 85; p. 88.
122. *SEH* VI, p. 664: “Fabula ad belli expeditiones pertinet.”
123. Ibid.
124. Ibid.
125. For a potential correlate to this position in Bacon’s physics, see Peter Pestic, “Francis Bacon, Violence, and the Motion of Liberty: The Aristotelian Background,” *Journal of the History of Ideas* 75, no. 1 (January 2014): 69–90.
126. Gentili, *De iure belli*, I.xiii, 1:93; 2:58: “Scilicet iniquissima est conflictatio, vbi parte altera agente patitur tantum altera.” Rolfe translates this line as follows: “In fact, it is a most unfair [*iniquissima*] struggle, when one party attacks and the other merely suffers.”
127. For the argument that Bacon is offering not a general theory of empire and of just war but a situated justification of peculiarly British or English expansion, see Howard B. White, *Peace Among the Willows: The Political Philosophy of Francis Bacon* (The Hague: Martinus Nijhoff, 1968), 88–90. White offers an illuminating account of the peculiar situatedness of Bacon’s thought on just war, albeit one divorced from reading Bacon in light of contemporary theorists and alongside his interlocutors in the Essex circle.
128. *OFB* XV, “Of Empire. XIX,” p. 61, lines 83–85 (with Kiernan’s note on p. 60, lines “58–157 Kings...Danger.] *not in 12b (H51)-24*”). Cf. Coleman Phillipson, introduction to Alberico Gentili, *De iure belli libri tres*, 2 vols. (Oxford: Clarendon Press, 1933), p. 37a, n. 2: “To

the same effect and almost in the same words he writes in his essay ‘Of Empire’ (1612, enlarged 1625), where he adds: ‘neither is the opinion of some of the schoolmen to be received that war cannot justly be made but upon a precedent inquiry [injury] or provocation; for there is no question but a just fear of an imminent danger though there be no blow given, is a lawful cause of a war.’” The doctrine of a “just fear” is absent from Bacon’s political writings at least until 1595. Cf. *LL I*.

129. *LL VII, Considerations Touching a War with Spain*, pp. 475–76. See also White, *Peace Among the Willows*, p. 90: “In ‘The Holy War,’ he discusses the arguments for legitimating a holy war against the Turks. It is clear from other Baconian passages that what is true of the Turks is true, *mutatis mutandis*, of the Spaniards. As long as Spain is what it is, England has a permanent quarrel.”
130. *LL VII, Considerations Touching a War with Spain*, p. 476.
131. *LL VII, Considerations Touching a War with Spain*, p. 479.
132. *OFB I, Tribut, or giuinge that which is due*, p. 269: “Shee hath not wanted pretences, aswell of Clayme and right, as of quarrell and revenge.” *OFB I, Certaine Obseruations vppon a libell*, p. 398, lines 1641ff. Cf. *LL I*, p. 128; p. 195.
133. *OFB I*, pp. 397–98, line 1622 ff; *LL I*, pp. 194–95. Spedding gives the date of 1579 in square brackets as the addition of a later hand.
134. *OFB I*, p. 398, lines 1641–1642; *LL I*, p. 195.
135. *OFB I*, p. 398, lines 1647–1650; *LL I*, p. 195.
136. *OFB I*, p. 398, line 1653; *LL I*, p. 195.
137. *OFB I*, p. 398, lines 1647–48; *LL I*, p. 195. Bacon further discusses letters of marque as licit under “the statute of Henry the fifth” in a report to the House of Commons delivered on June 17, 1607. See “A Report Made by Sir Francis Bacon, Knight, in the House of Commons, in Parliament, of a Speech delivered by the Earl of Salisbury and another Speech delivered by the Earl of Northampton, at a Conference concerning the Petition of the Merchants upon the Spanish Grievances,” in *LL III*, pp. 347–61, at pp. 354–55.
138. Phillipson reports that Gentili gave consultation against the legality of letters of marque in a manuscript preserved in vol. 139 of the Lansdowne Manuscripts. Phillipson, introduction to *De iure belli*, 2:46a, note 4.
139. Cf. Phillipson, introduction to *De iure belli libri tres*, 2:46a.
140. *OFB XV*, “Of Revenge. IIII.” pp. 16–17, line 1; lines 20–22.
141. *OFB XV*, “Of Revenge. IIII.” pp. 16–17, lines 20–22.

142. *LL VII, Considerations Touching a War with Spain*, p. 479. The “Valtoline” is an area of contemporary Lombardy bordering Switzerland and connecting the passes through the Swiss Alps to the watershed of the Danube, a site of intensive military and diplomatic struggle as a transport route in the Thirty Years’ War.
143. *LL VII, Considerations Touching a War with Spain*, p. 470.
144. *LL VII, Considerations Touching a War with Spain*, p. 471.
145. See also Barbara J. Shapiro, *A Culture of Fact: England, 1550–1720* (Ithaca, NY: Cornell University Press, 2000). Shapiro does not discuss Bacon’s *Considerations Touching a War with Spain* (1624), but this instance from Bacon’s *Considerations* is consonant with Shapiro’s broader argument that Bacon draws on legal standards of evidence in formulating his arguments and claims in natural philosophy, history, and political thought; *LL VII, A Short View to be taken of Great Britain and Spain*, pp. 22–28, at p. 28. On Bacon’s views on religious warfare, see Samuel G. Zeitlin, “Francis Bacon on Religious Warfare,” in *Global Intellectual History* (forthcoming).
146. *LL VII, Considerations Touching a War with Spain*, p. 471.
147. *LL VII, Considerations Touching a War with Spain*, p. 478.
148. *LL VII, Considerations Touching a War with Spain*, p. 476.
149. *OFB VIII, Apophthegmes, new and old*, para. 138, p. 236, ll.11–12.