

*The Anthropological Foundations of the Doctrine of Law
in the Writings of Andreas Fricius Modrevius (1503-1572)**

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Dissenting from the remarkable thesis of Hans Blumenberg,¹ we claim that the institution of modernity corresponds with the processes of cultural secularization, namely separation, transfer, and legitimization of a universal and autonomous rationality. Thus, in the XVIIth century, Descartes did not appeal to theological support when making methodic reason “the right way”² for finding absolute intellectual truth and its “legitimate fruits.”³ To do so, however, he required precedents establishing the power of reason. Yet, it is not immediately obvious on what grounds and in what areas the Moderns would find evidence produced by reason more binding than faith.

We will try to show how Fricius Modrevius, a thinker contemporary with the Council of Trent, redefined man as responsible for his temporal destiny. By comparing many theories, Fricius Modrevius developed, on his own, a definition of a state of nature capable of founding the conceptual structures of law and of the State. We shall focus on his theory of intellectual and ethical freedom. From our philosophical point of view, it is important to understand how his theory is rooted in theological ground and how he proceeds further to secularize the earthly aspect of the human condition to the point where it is ascribed autonomous reality.

* Translated from the French.

¹ *The Legitimacy of Modern Age*, trans. R. Wallace (Cambridge, Mass. & London: The MIT Press, 1983).

² *Discourse on Method*, I.

³ *Regulæ ad directionem ingenii*, I.

I. *The Problem*

Let us first identify the conceptual tools available to Renaissance thinkers in this regard.⁴ Our best leads are the epistemological variations of the concept of *dignitas* which enable us to observe how the image of man, at first entirely absorbed by the theological polarity, could be ascribed a minimal solidity or, on the contrary, categorically refused the slightest autonomy. It is clear that religious anthropology—whose secular counterpart is modern philosophical anthropology—was formed within the theoretical tradition which recognized the human dimension as that of a significant subject, actively committed to a creature-Creator dialectic.

The concept of *dignitas* was originally legal. For the Romans of the republican regime, this term designated the distinction of patrician birth and the prestige of the function or later the honour attached to the status of citizen. *Dignitas* then had an objective denotation, as did the term “honour” in the expression *cursus honorum*, since it expressed the importance attached to the family or to public office, independent of any personal or moral value. Whereas the Ancients did not have access to the subjective concept of person,⁵ *dignitas*, by definition, distinguished a civic élite for which it justified the privileges.⁶

The epistemologically new uses of *dignitas* appeared in Greek patristics with the need to incorporate the logic of semitic creationism. In dealing with this problem, the Latin Fathers applied the term *dignitas* to the sacred element of a creature made in the image and

⁴ It must be remembered that the culture of the XVth and XVIth centuries was overrun by the terror of the Evil One, who was considered responsible for the epidemics, wars, and famines which seemed to gain the upper hand. After the fall of Constantinople at the hands of the Infidel, we are far from the serenity of the anthropological debates of the XIIIth century. Cf. Jean Delumeau, *Naissance et affirmation de la Réforme* (Paris: P.U.F., 1965) chap. 1.

⁵ It is for this reason that they will be puzzled by the inordinate importance of the *ego* implied by Judeo-Christian creationism. This is the main source of the Augustinian ambiguity mentioned later.

⁶ Towards the end of the *de facto* republic, adventurers and dictators—generally products of the Roman army—claimed to have acquired *dignitas* by appealing to their military successes, which are also objectively observable. To distinguish this from patrician birth, the use of the hereditary *dignatio* developed parallel to that of *dignitas*, beginning with the imperial era.

likeness of its Creator.⁷ At this point, the term covers a subjective, inner, and universal concept which implies equality before God, but not before civil society. Furthermore, this *dignitas* has a normative denotation restricted to religious ethics since it indicates the supernatural source and destination of humanity in exile, engaged in a struggle for salvation.

Nonetheless, the actual referent of this concept is the perfection of Adam and Eve as created, even though patristic discourse did not succeed in clarifying to what degree the holy imprint of God upon man was erased by the Fall. The works of Augustine provide us with our best example: his writings deserve consideration because both Medieval and Renaissance thinkers⁸ rely heavily on them and because they clearly present the question of what remains in man of his original perfection. However, in *De libero arbitrio* (388-395), Augustine's replies to the question are so ambiguous that two incompatible interpretations can be derived from them: the one denies fallen man all autonomy, even if baptized, whereas the other invests even the pagan with solidity and initiative. The ambiguity is particularly evident in Book II where he argues that man requires freedom to do good, all the while declaring that grace depends entirely upon divine election.

The historical situation of thinkers such as Fricius is, however, entirely different from that of Augustine, who strove to Christianize a pagan anthropology (which happened to be Platonic). By relating the concepts of *imago Dei*, *liberum arbitrium* and *dignitas*, Augustine introduced the principles of spiritual equality among men, of ontological discontinuity between the Creator and his creation, and finally of the relationships (left unclarified) between freedom and grace. However, Augustine's approach was not entirely dissociated from ancient culture and, as a result, the Greek dichotomy of soul and body does not give way to the Biblical categories of spirit and flesh. The outcome is that Augustine made the study of original sin and its devastation a prerequisite debate for all

⁷ *Genesis* I. 26-27.

⁸ Thomas Aquinas, for example, quotes Augustine more than any other author; Augustine held the greatest influence at least until Jansen.

anthropological developments in the Christian West. Therefore, theology as a science must make a ruling before it becomes possible to found a legitimate, enlightened philosophical anthropology. At this point Augustine enters into a vicious circle, for the burden of proof obviously falls to reason, while the trustworthiness of human reason depends on the outcome of the reasoning required to establish it.⁹ We need not pursue this question further, as it would lead us to the question of Descartes' "evil genius."

II. *The Anthropological Debate*

Fricius Modrevius draws heavily on the Augustinian corpus and chooses the second hermeneutic tradition which allows him to consider man as relatively autonomous. On this particular point, he clearly dissociates himself from the Lutheran and Calvinist doctrines, for in 1562, when he published in Basel his treatise *Libri tres quorum primus, de peccato originis, secundus, de libero hominis arbitrio, tertius, de providentia et prædestinatione Dei æterna*,¹⁰ he was already aware how much this theoretical ground was cluttered and watched over by orthodoxies of all sides. He chose to follow Erasmus and to defend what has been called rationalist optimism, a label readily justified during the XVIth century by the slightest concession to the health of human reason.

The originality of Fricius' contribution consists in avoiding the emotive involvement, which assumes *a priori* the exclusivity of a jealous God's plan for the world as the only source of meaning in individual or collective human activities. He refuses to accept that what is granted exclusively to man could be fraudulently taken from God. The question is no longer only one of knowing, as with Erasmus, the means by which reason

⁹ To my knowledge, the only person who has avoided this vicious circle is Lorenzo della Valle (Valla). In his *De libero arbitrio* (1443), he denounces the foolishness of a human reason which would claim to explain the mystery of the relations between God and man. He reserved the power of reason for the philological sciences.

¹⁰ This was the first edition of this text that was published along with other smaller works previously published in Poland. Cf. Andreæ Fricii Modrevii, *Opera Omnia*, vol. IV, Kumaniecki, ed. (Warsaw: P.I.W., 1958). All references are to this edition.

(coupled with faith) helps to enlighten us on our eternal destiny. Instead, Fricius wishes to establish throughout his treatise the legitimacy of making use of all the faculties in developing an enlightened, just, and prosperous society for which he had already provided the theory, eleven years earlier, in *De Republica emendanda*.¹¹ What was missing in that work were the theoretical foundations for the sphere of law, and it is precisely this anthropological foundation which the *Libri tres* of 1562 provide. In this work, Fricius innovatively legitimizes the concept of social and political progress based on the creative role which God apparently assigned to man, for even in his fallen state, man remains God's authorized representative in the world. Man is responsible to bring order into the world, an extrinsic type of order, which calls for human invention. In our terms, we find a pluralistic view of culture superimposing itself upon nature through collective will.

The two first books of his treatise argue then in favour of a religious anthropology autonomous enough to be recast in secular terms for legal and political purposes. It is this secular aspect which draws our attention, therefore, we will consider only the factors necessary for forming a rational anthropology.

In the eleven chapters of the *Liber de peccato originali*, Fricius constructs his anthropology in dynamic terms. For example, to define man as made in the image of God implies responsibility for governing nature, which in turn implies that "...in order to govern the world, man behaves in actual practice as God's representative."¹² Furthermore, if man were to have had this responsibility before the Fall, it must be admitted that the Adamic state was exalted perfection: "an upright intelligence, healthy directions, a will and body harmoniously subject to the order of reason."¹³ For Fricius, perfection is typified by the category of *justicia*; indeed, his entire thought is centred on justice whose correlate is the law—divine law in religious anthropology, and civil law in philosophical anthropology.

¹¹ Krakow (censored partial edition), 1551; Basel, 1554 and 1559.

¹² *Op. cit.*, 83. "...ut mundi gubernatione quasi Dei vicarium ageret" (my translation).

¹³ *Op. cit.*, 84. "...recta intelligentia, sensus sani, voluntas ad rationi imperium composita, corpus pereaue proportione illi ordine congruens."

We also see that in his political works, law alone embodies the sovereignty of the State.

It is in this legalistic framework that the primary virtues are understood as sharing a relational essence. The relationship indicated by Fricius is not between man and God (as in the Hebraic conception) or between a man and himself (as with the Stoics) but clearly between man and man, since the irenic picture comprised of pity, goodness, modesty, meekness, leniency, and tolerance¹⁴ has more relevance in a civil society than in the Garden of Eden.

As for original sin, it is the invasion of evil understood as an *injusticia* symmetric with lost justice. Fricius questions the medieval Anselmian interpretation according to which the effects of original sin are understood as a regression along the chain of being.¹⁵ He states that "...the original Fall of which we speak is not only a privation, but also a force or innate propensity for evil, contrary to original justice."¹⁶

According to the Modrevian thesis, original sin affects the inner and outer dynamic of man: there exists a fallen nature whose elements remain basically the same as Adam's but whose organization differs. Just as Adam reversed the order of priority by violating divine law, so too, and from then on, nature became hostile to him and confusion spread among the human faculties. We note that Fricius speaks of *rebellio*¹⁷: human nature is the scene of a perpetual battle which brings death into the world as an ordeal rather than an abolition of being. Fricius' insistence on death, which relies on the epistles of Paul and James,¹⁸ adds an existential colour to his anthropology, and this tragic trait is maintained in his conceptual structures of law and of politics.

At this point, however, the Pauline theme of inner struggle is reassessed in a very moderate tone. Admittedly, reason suffers from stupor, and the discriminating will shows

¹⁴ *Op. cit.*, 84. "...*miseratio, benignitas, modestia, mansuetudo, lenitas, tolerantia.*"

¹⁵ In general, the Modrevian philosophical inspiration is Aristotelian and is rarely in agreement with the Platonic current.

¹⁶ *Op. cit.*, 84. "...*vitium originis, de quo loquimur, non est sola privatio, sed est vis ac propensio nativa in malum originali justicæ contraria.*"

¹⁷ *Op. cit.*, 91.

¹⁸ Cf. *Romans* VII. 24, and *James* I. 15.

laziness towards the good “in such a way that we have become scarcely able to obey divine law.”¹⁹ Yet what is essential is that the dysfunction of the faculties be understood as a matter of degree, that is, their intrinsic aptitudes are not radically affected. As a result, fallen human nature keeps its right to form an autonomous entity, as much for the pagan as for the Christian. The universality of this right is one of the pillars of the Modrevian philosophy of law.

As can be seen, the argument contrives a foundation unique to the human condition by making the autonomous conscience a place of knowledge and initiative which are well delimited. Based on this result, the status of creature has no more theoretical function with regard to the earthly aspect of this anthropology.²⁰ Therefore, the reform of understanding, morals, and law are understood as activities involving self-criticism.

More secular and scientific than Erasmus, yet more attached to tradition than Servet, Coornhert or Sozzini, Fricius never dreamt of questioning the very existence of original sin. Yet it can be noted in his treatise that his goal was not exclusively theological. With regard to original sin, for example, his discourse sets forth conditions which allow man to be conceptualized apart from a relationship with God and to explain his behaviour through factual determinations. Fricius was already convinced of this eleven years earlier, as mentioned above, for it is not by chance that the list of vices introduced by the Fall, according to *De peccato originali*, corresponds with the corruption of morals as observed in the book *De moribus* of his *De Republica emendanda*. These vices (pride, envy, hatred, violence, and greed²¹) have the same relational essence as the primary virtues against which they are opposed as disruptive forces.

Yet, according to Fricius, evil is not absolutely beyond remedy. The double inner-outer dialectic of which natural man is prisoner offers a potential for peace. Fricius’

¹⁹ *Op. cit.*, 93. “...ut minime apti simus ad obediendum legi divinæ.”

²⁰ This is obviously not the case for the religious aspect which is the focus of the third book *De providentia et prædestinatione*, not considered here.

²¹ *Op. cit.*, 88. “...superbia, invidia, odium, sævitia, cupiditas.”

intuition on the incompleteness of man may be compared with the idea of man-chameleon in *Oratio de dignitate hominis* (1487). In this book, Pico della Mirandola separates man from the cosmos and assigns to him (based on his interpretation of *Genesis*) a neutral, human space where the invention of self is possible: for God said to Adam, "...by your own free will, to whose custody we have assigned you, trace for yourself the lineaments of your own nature."²² It is in this type of indeterminate space that Fricius roots his understanding of individual and social progress.

III. The Relationships Between Modrebian Anthropology and Reformed Doctrine

The treatment of concupiscence²³ in *De peccato originali* provides an example for evaluating Fricius' understanding of individual and social progress. Dissociating himself from Luther, Fricius retains Augustine's idea that sin must be seen as a momentary behaviour separate from the tendency to sin. Moreover, temptation is not sin, nor does it necessarily lead to it. It is appropriate, then, that each behaviour be examined case by case in order to determine possible guilt, which resides in the commitment of the individual will.

In contrast, Luther considers the sinner's condition as an all-pervasive ontological state, an outcome of original sin, from which man cannot escape in his natural state or through baptism only. The initiative must originate in God who provides faith as a gift to the sinner and who takes the burden of his diminished being on himself (this too is an Augustinian thesis). Moreover, Luther states that man is prey to a universal concupiscence. In *De servo arbitrio* (1525), he defines sin as a tainted condition and not as an act. Therefore, the idea of recognizing a limited reality in man, on which to base his earthly initiative for secular purposes, would appear as an error or sin, for that would merely repeat original sin. Luther's metaphor is well known, comparing man to a horse

²² *Oratio de dignitate Hominis*, trans. R. Caponigni (Chicago: Gateway, Henry Regnery Company, 1956) 7.

²³ This topic is dealt with in chapters IX, X, and XI.

which two riders—God and Satan—fight over. The Lutheran perspective does not allow for trusting in one's own strength, for the essence of original sin coincides with the illusion of autonomy: *incurvatio hominis in seipsum*. We are, therefore, not surprised to read, in *De servo arbitrio*, a condemnation of Erasmus (and of other humanists) who claims he wants to base the *dignitas* of man in mankind.

This leads to Luther's solution of escape in God, a solution which cannot allow for any aspect of the human condition cut off from the encompassing theological destiny: life eternal. This postulate thus subsumes the entire anthropological field under the need for salvation, not leaving any room for conceptualizing a neutral, natural, individual, secular sphere such as that sought by Fricius. Moreover, discussions within Luther's works deal exclusively with the status of man renewed through baptism, or at least enlightened by the *Old Testament*—respectively, Christians and Jews. Luther's discourse is governed by normative, not positive questions, whose answer does not allow for developing a philosophical anthropology; indeed, individual existence is understood as eccentric,²⁴ that is, it can take form only by grafting itself onto the Supreme Being. According to Luther, then, freedom does not belong to the human faculties and has no part in the deliberation of man with himself. Rather, it is the man anchored in God, the man who allows divine initiative to use him as an instrument in the plan of salvation who thus gains freedom.

In Lutheran thought, then, it is impossible to establish a dialogue between human freedom and divine freedom. In general, Luther's understanding does not offer a model for dialogue between men. In fact, his initial premises were the immediacy of faith and subjection to the norms revealed in the Scriptures. The logical outcome of this non-negotiable spiritual quality is the universal presbytery.

In contrast, Fricius presents an understanding of *dignitas* which challenges the framework of Luther's argument (and for this reason he avoids the Erasmian dead-ends).

²⁴ The expression is that of W. Joest, quoted in Marc Lienhard, *Martin Luther* (Paris: Le Centurion; Geneva: Labor et Fides, 1983) 335.

The first points he rejects are the options "either God or man" and "either God or Satan." For Fricius, then, the concept of *dignitas* is objective but not substantial inasmuch as he does not attribute it to the overly visible depravity of man, but to man's potential for personal perfectibility and historic progress.²⁵ Consequently, Fricius attaches himself to the mediation of institutions which constitute the agents of change. This is why human progress is directly linked to the quality of its membership in the family, nation, Church, and State. It is this concept which has interested the Enlightenment theoreticians in the Modrevian theses.

With regard to the religious anthropology of Calvin, Fricius is not any more sympathetic, although he does adopt several of Calvin's other perspectives.²⁶ For Calvin, the outcome of the Fall, as described in *Institutio christianæ religionis* (1536), provides absolute evidence that concupiscence is invincible²⁷ because it acts upon the origin of all human acts. Calvin is definite in stating that the realm of nature does not work towards salvation. Moreover, man's destiny is exclusively tied in with his salvation, for freedom is entirely possessed by God. Here too, it is impossible to set up any dialectic, for the will is not free: when the will dares to affirm a private ego, it loses itself in arrogant pride. It is clear, then, that Calvin excludes the theoretical possibility of a neutral, natural, individual, secular sphere such as that sought by Fricius which would be the *topos* of any meaningful plan conceived by and for man. As a result, Calvin does not even abandon the city to the prince, as does Luther. His theocratic theory expresses the oneness of the supernatural conceptual structure and excludes the idea of a rational anthropology.²⁸

Both major reformed doctrines are here inspired by that Augustinian vein which is clearly neo-Platonic, namely, that by conversion through grace, man renounces his

²⁵ Fricius quotes *James* I. 15 well aware that Lutheran thought rejects this epistle since in II. 14, James affirms that faith without works is worthless. Cf. *Liber de peccato originali*, 106.

²⁶ In particular, the theme of Christ as mediator, which is the subject of one of his works.

²⁷ Book II, 1.

²⁸ It seems that this consequence is not fully recognized in Jeanne Garrison, *L'homme protestant* (Paris: Hachette, 1980).

individuality in the flesh in order that God's attraction may operate and ultimately absorb the soul.²⁹ This deep-rooted powerlessness of the soul dominated by a concupiscent body is established by the Greek opposition between body and soul. We deal here with a much older tradition of Christianity. For example, Paul identifies body, sin, and death when he meditates on the meaning of "*Carnalis sum.*"³⁰ For his own part, Fricius observes, in agreement with Erasmus, that this religious anthropology, taken in its narrowest sense, has the effect of abolishing moral responsibility and of rendering both the obligations under the Mosaic law and the evangelical imperative unintelligible.

As mentioned earlier, Fricius chooses the second interpretation of Augustine to support his thesis: "...*concupiscentia carnis adversus quam bonus concupiscit spiritus.*"³¹ Fricius' argument claims that concupiscence does not condemn man, but rather is to be judged by its objective, which is not necessarily evil. As a natural force that brings man to virtue, concupiscence has good as its objective, although good is less often its objective than is evil. Therefore, the fundamental condition for human freedom is that there be a true agent whose finite nature is defined and which, when faced with a choice between good and evil, may exercise free will, that is, the faculties of knowing, choosing, and doing. Moreover, Fricius distances himself from the Greek anthropological division, for it is the whole of man which committed the first sin, and it is, therefore, the whole of man which is degenerate. Man's reason, will, senses and body are affected by the Fall, but they remain healthy in part. For Fricius, then, it is precisely this potential which enables man to constrain himself in order to achieve relative wisdom and peace in secular matters.

In the beginning of the seven chapters of *De hominis libero arbitrio*,³² Fricius sets apart the religious and secular aspect of this *potestas*. In considering the secular aspect, we

²⁹ Cf. on this subject our study on "Le statut de l'individualité chez Plotin ou le miroir de Dionysos," *Dionysius*, II, 1978.

³⁰ *Romans* VII. 14-17.

³¹ *Contra Julian. Pelag.* 5.3.

³² This is the second book of the *Libri tres* (1952). It follows the book on original sin. Cf. *Opera omnia*, vol. IV, Kumaniecki, ed. (Warsaw: P.I.W., 1958) 112-113.

again find quotations from Augustine³³ which define earthly life in terms of a series of “invariant” basic needs: working in the fields, eating and drinking, friendship, building one’s house, marriage, and pasturing one’s flocks. In order to manage these traditional activities properly, there is need only of the judgement of natural reason which remains functional for both Gentiles and Christians. In the eyes of Fricius, however, this concrete inventory of real-life experience is not sufficient. He therefore goes on to objectify and extend these activities, which is his most innovative contribution.³⁴ He builds distinct and complex objects corresponding to the topics of law, economy, and politics by giving them a theoretical status for which the referent is not the concrete individual, but the abstract society which characterizes modern thought.

The logic of anthropological secularization leads Fricius, in his *De hominis libero arbitrio*, to integrate rationally the integral humanity of the thinkers of Antiquity who, although fallen and deprived of Revelation, are shown to be desirous of justice. Here, Fricius indicates that they discussed virtues and virtuous behaviour, and that they identified the weaknesses of man while being unaware that their cause was to be found in original sin. Thus their discourse contained natural and irreducible truths. By following only natural law, some were even able to provide an example of virtuous life which still inspires us. Fricius asks who would dare claim that Socrates, Aristides, or Phocion are not models for secular living.³⁵ It must be recognized that every man enjoys a natural freedom in the area of secular living. Even Christ himself agreed with this since he recommends³⁶ that the apostles stay in the homes of “worthy persons” when preaching the good news.³⁷

³³ *Contra Pelag. Hypogn.* 3.A.

³⁴ *De Republica emendanda*. We must note Vivès’ influence on Fricius with regard to changing from the individual to the institutional.

³⁵ *Op. cit.*, 116-117.

³⁶ *Matthew* X. 11.

³⁷ *Op. cit.*, 120. It must be noted how widely the Renaissance revived the major patristic themes.

IV. *The Theoretical Results*

The Modrevian argument establishes three main principles whose consequences are found in its other works where we go to find them. First, the *imago Dei* lives on in every man after the Fall and guides him toward the fullness of his nature. *Dignitas*, too, is just as universal, since human nature resides in the strength of reason coupled with universal free will. This then provides the basis for the *jus gentium*. In other words, imperfect forms of personal, social, and international *justicia* may be created by free will, even though our faculties are confused.

Next, it is appropriate to distinguish matters which are intelligible to human reason—in that they are related to life here below—from divine ones, which are revealed for our salvation. “Obviously, in the things required for good and honest governing of life, the force of the human spirit is not deprived of value.”³⁸ The human condition provides a sufficient positivity to be conceptualized on its own and to become an object of rational knowledge.

Finally, freedom exists in every person. Therefore, everyone must speak for himself, and this inner freedom becomes an inviolable right, that is, no hierarchy may take its place. For this reason, the State, whose duties are limited to civil matters, must be able to obtain the political consensus of citizens adhering to various religious confessions. It may not, in any case, act as the secular arm of the Church. Theology is conspicuously absent from the conceptual bridge linking *dignitas* to *utilitas*, that is, to the common good as the ultimate objective of the republic. Yet change does require some social mediating force for it to take place in history, for as unknowing and evil as citizens have become, they would not otherwise be governable. Indeed, Fricius’ conclusion on public morality is as pessimistic as that of Machiavelli. Yet the solution suggested by Fricius rejects both the calculated violence of the prince and Bodin’s consideration of the absolute monarch as

³⁸ *Op. cit.*, 147. “...*Ac in rebus quidem ad hanc vitam probe et honeste degendam necessariis nonnihil valet illa vis mentis humanae.*”

sacred, on the grounds that both deny the human potential of *dignitas* in the citizen.

The Modrevian solution is, in fact, the school.³⁹ Based on the human equality and perfectibility provided by his rational anthropology, Fricius assigns to the democratic State the obligation to organize a national school system. In this system, public education would transform each citizen, from the rural serf to the court magnate,⁴⁰ and ensure the progress of the sciences and technology, at the collective level of *utilitas*, as an objective considered apart from salvation. Talent and work would therefore provide the most competent individuals with access to power through elected office. This is the balance of *justicia* at which men may legitimately aim while building their earthly world in their own strength. It is clear then that Fricius is directly opposed to the Tridentine theses on legitimate authority and on the role of the Catholic State.

In conclusion, it is possible to re-establish the logical sequence of the works of Fricius Modrevius, although it does not correspond with their chronological sequence. Fricius, secretary to the Primate of Poland, and later to the king, published his works on public affairs first. With the exception of Stanislaw Piwko,⁴¹ few experts have been able to perceive the theoretical links between these works and the so-called "theological" works written toward the end of Fricius' life. In looking for these links, our intention is not to ignore Fricius' preoccupation with the question of salvation. We know that he read and kept company with several of the great thinkers engaged in the Reformation, that he studied and criticized the Roman assertions of hierarchical authority, and that he served as mediator, at the request of the anti-trinitarian community, in doctrinal matters. Moreover, the supernatural dimension is evident throughout his discourse, and his intention of providing a feasible model for religious tolerance is probably the root of his interest in civil society.

³⁹ Cf. *Liber quintus de schola* in *De Republica emendanda*.

⁴⁰ In *De peccato originali*, Fricius notes that the vices resulting from sin become manifest in the adult whereas in the child they remain latent (cf. 88). The link to the school as mediation is obvious.

⁴¹ *Frycza Modrzewskiego program reformy panstwa i kosciola* (Warsaw: A.T.K., 1979).

Nonetheless, the common thread of his secularized anthropology organizes the corpus into an intelligible sequence. His *De peccato originali* and *De libero hominis arbitrio* (1562) carry out the process opposite to Augustine's Christianization of the image of man. For Fricius, a free but responsible human nature becomes the autonomous foundation in secular matters. From there, his *De legatis ad Concilium christianum mittendis* (1546) establishes the inviolability of freedom of conscience as well as the principle of legitimization of power through elected mandate. His book *De moribus* (1551),⁴² then, notes the depravity of man in society, through its consideration of the perfectibility of human nature. The book *De legibus* (of the same year) sets down the sovereignty of civil law which gives rational expression to the common good of the nation, through disregard for ethnicity, language and religion. Fricius here finds all citizens equal before the law, including the elected king who is only the first among citizens. Finally, his book *De schola* (written in the same year) outlines a systematic, institutional development of the human potential and indicates that merit and competence in civil matters are the foundations of the State.

All things being considered, the anthropology of Fricius is neither Protestant nor Roman. It is modern.

⁴² This book is the first of the treatise *De Republica emendanda libri quinque*. The second is *De legibus*, and the last, *De schola*.