Shifting Perspectives on Law in *De Doctrina Christiana*: A Response to Filippo Falcone*

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In the wake of Milton and the Manuscript of De Doctrina Christiana (2007), skepticism about the treatise's authorship has mostly gone underground, in the sense that few published articles take up the position. Book reviews by Ernest W. Sullivan (on Milton and the Manuscript) and John Mulryan (on the 2012 Oxford edition of De Doctrina Christiana) articulate doubts: Sullivan on the basis of watermarks in the manuscript and Mulryan primarily on the basis of Latinity. The dearth of published articles owes no doubt in part to the deaths of William B. Hunter, Jr., who reignited the authorship controversy in 1991, and of Paul R. Sellin, who published a series of articles questioning the treatise's Miltonic authorship around the turn of the new millennium. Since 2007, though, such questioning has primarily occurred in conference presentations that do not then find their way into print. In this spirit, Filippo Falcone is to be commended for committing his ideas to publication in a peer-reviewed venue and one that is open-access and built around facilitating debate, to boot.¹ It is, in brief, the Miltonic thing to have done.

Before proceeding, I should lay my own cards on the table concerning the matter of authorship. In my view, the question is primarily historical: is the manuscript Miltonic in its material provenance? Such questions, at a distance of centuries, invariably leave some room for doubt. Falcone's argument is not to do with material evidence, however, but with perceived theological discontinuities between, on

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^{*}Reference: Filippo Falcone, "Irreconcilable (Dis)Continuity: *De Doctrina Christiana* and Milton," *Connotations* 27 (2018): 78-105. http://www.connotations.de/debate/de-doctrina-christiana-and-milton.

the one hand, the undisputed Miltonic corpus running from the antiprelatical tracts (1641-42) through Of True Religion (1673), and De Doctrina Christiana on the other. This disconnect between Falcone's methodological approach to authorship and my own helps to explain some of the remaining tension around this issue. Falcone is participating in the oldest vein of authorship skepticism, holding as Bishop Burgess did in 1829 that, "if the religious principles of the Work be wholly at variance with the principles professed and maintained by Milton in his youth, his middle age, and his old age, [...] the probability will be, that the Work De Doctrina Christiana was not written by Milton" (7-8). Indeed, the question of theology provoked the question of provenance, given the manuscript's association with Milton: William B. Hunter posited some Continental source, while Paul R. Sellin probed the treatise's possible connections to the school of Saumur or even Milton's nemesis Alexander Morus.² These alternative hypotheses rest, however, solely on internal grounds. No challenge to the account of provenance in Milton and the Manuscript has appeared in print, and neither has any determinative material evidence subsequently surfaced.3 Hence the authorship question, to the extent that it remains a question, turns on theology.

In responding to Falcone, then, I am ultimately responding to Burgess's methodological assumption that, theologically speaking, the question rests on the treatise's continuity with Milton's undisputed works. Burgess assumes, in other words, that the treatise is a relatively static repository of its author's theological views. The trouble as I see it is that *De Doctrina Christiana* refuses to play this role, irrespective of its propositional content. In the rush to find heresy (or orthodoxy) in the treatise, the text itself, as a literary artifact, has too often gone by the wayside. In this sense, Burgess has led all of us astray, even and perhaps especially if we disagreed with his conclusions. The assumption of a continuity passing through the treatise *en route* to some other destination can hardly survive a sustained encounter with the text itself—certainly not in manuscript, but neither in the Oxford edition, which Falcone tellingly does not cite—for the simple reason

that the manuscript's myriad revisions evince changes of mind.⁴ The primary engine behind these changes of mind is, as the epistle declares, scripture.⁵ Indeed, the epistle explicitly (and famously) disavows reliance on earlier works, preferring the evidence of scripture instead. As the revisions show, De Doctrina Christiana can itself fall into the category of one of these earlier works, to be superseded on the basis of a better scriptural witness. It disrupts its own continuity, let alone any other continuity that one might wish to draw through it: if the treatise evinces changes of mind, I see no reason to hold Paradise Lost firmly to its theological standard, as the epic might simply represent a further change of mind.⁶ In the face of the material evidence linking the treatise to Milton, we can either accept this complexity or ignore it. The relative paucity of scholarship in the last decade suggests that Miltonists have generally opted for the latter; I am trying to make a case that the treatise has a life of its own independent of Paradise Lost.

I turn, therefore, to Falcone's claim about how the treatise handles the abrogation of the law, for the pages where this claim unfolds show just such a scripturally-driven change of mind at work. By demonstrating how this change of mind unfolds, I hope to model a way of reading the treatise by the lights of its own professed concerns rather than the extrinsic ones that have dominated scholarship thus far. As it happens, the relevant doctrinal shift makes an appearance on the manuscript's most famous page, 307a/308, the only page to exist both in Picard's version and Skinner's copy—the copy rendered necessary by the messy state of the original.⁷ There, a heading appears: "For the Israelites alone [Israelitis duntaxat]." This heading, however, reads thus only as the result of revision to the original "For the Israelites especially [Israelitis potissimum]" (OCW 8: 678-79). Perhaps due to Falcone's reliance on the Yale edition of the treatise, this and a series of related revisions escape his notice.⁸

Even more likely to escape his notice, though, is their cause, rooted in the discovery of a scripture confuting the earlier version of the heading. The revision in question is by Amanuensis 'M,' who also

adds, via the left-hand margin, a scriptural passage to the succeeding block of citations. This text is Psalm 147:19-20: "[God *declares*] *his words to Jacob*, etc., *his statutes and judgements to Israel*. He has not [done] so for any [other] nation, etc." (Reading Yale, this text simply appears in the body alongside everything else, unless one thinks to check the textual notes; *CPW* 6: 517.) The marginal addition continues with two prose sentences and a sequence of scriptural texts:

This wall of partition, namely, that between gentiles and Israelites, was at length torn asunder and destroyed by Christ's death, Eph. 2: 14. Before its destruction gentiles were alienated from the whole covenant, [ch. 2.] v. 12: [remember ... that you were ...] alienated from the commonwealth of Israel. (OCW 8: 678-79)¹⁰

This insertion, along with the related change from *potissimum* to *duntaxat*, captures a shift in the treatise's theology of the law, from a stance in which the law imposed some obligation on Gentiles, even though it was given to Israel especially, to one in which the law never imposed any obligation on Gentiles whatsoever, because it was given to Israel alone.

This change comes as a result of scripture, but it also happens in concert with what Jeffrey Alan Miller has identified as Milton's "belated reading" of Girolamo Zanchi's commentary on Ephesians—and Ephesians 2:12-15 in particular. Two instances of this belated reading appear in the section of I.27 on the abrogation of the law that Falcone takes up in his article. This section, which appears under the heading **Throughout all nations** [**Per omnes gentes**], bears the marks of revision in several stages. MS 315 has an extensive marginal citation, and the next leaf, comprising MSS 316-17, has a deleted passage spanning the page turn. The next leaves, though, have been added later: MSS 318-19 as one sheet, and MSS 320-35 as its own section, suggesting a process of expansion upon the earlier state of the treatise, as well as an opportunity to incorporate marginal or other revisions into the main text (cf. Miller 208). The first reference to Zanchius, on MSS 320-21, addresses the point that Falcone raises

about subdivisions of the law, as Milton disagrees openly with the Italian theologian:

Now not only the ceremonial code but the whole positive law of Moses was [one] of commandments, and set in decrees. And not just in the ceremonial code—as **Zanchius** on this passage [i.e., Ephesians 2:14-15] claims—but in the whole Mosaic law, Jews were separated from Gentiles, who of course were "alienated from the citizenship of Israel, and outsiders as regards the promise of the covenants," v. 12; and the promise was made for the works of the whole law, not just for ceremonies; nor were [ceremonies] alone the cause of the enmity between God and ourselves, v. 16. (*OCW* 8: 700-03)¹³

This passage bears a clear relation to those on MSS 307-307a, just discussed: the same section of Ephesians 2 is at issue, as is the pivotal point of Gentile "alienation" from the covenant. This passage also introduces the idea, central to Falcone's argument, that the dividing wall of the law cannot be reduced to ceremonies alone.

Falcone brings up the tripartite division of the law in order to argue that the treatise stands for abrogating even the moral law. He makes the implications of this argument clear as he contrasts "freedom from the moral demands of the law" (a position he associates with De Doctrina Christiana) with freedom "from the rule of law," restated as a contrast between "a passage from law to antinomianism" and one (in Paradise Lost) "from the 'imposition of strict laws to free / Acceptance of large grace'" ("Irreconcilable" 82, citing PL XII.293-305). Falcone's emphasis on "rule of law" owes, as a note alerts us, to his book, which has a section on "Freedom from the Slavery of Sin and thus from the Rule of the Law" (Milton's Inward Liberty 13-21). He draws this phrase from Carey's translation of the definition of Christian Liberty in I.27 (CPW 6: 537). Carey's "rule of the law" has, however, misled Falcone into seeing the treatise as more antinomian than it is. The Latin in that place reads "legis hominúmque praescripto velut manumissi liberamur," which Oxford renders as "from the prescript of the law and of human beings—like manumitted slaves" (OCW 8: 716-17). Being freed from the command or direction (OED, "prescript" n. 1.) of the law is a very different thing than being freed from the rule of law, which

denotes the degree to which a system of laws has practical purchase within its putative domain. Absent rule of law, anarchy prevails. Being freed from the *command* or *prescript* of the law, however, only removes the coercive element. In a chapter on Christian Liberty, this is unsurprising, but Falcone nevertheless worries (as many in the seventeenth century, including Milton, did) that such freedom includes freedom from the moral law.

In claiming that the treatise advocates freedom from the moral law, Falcone misconstrues its response to Polanus' argument that the Gospel frees believers "from the curse and constraint of the law," which Falcone glosses as "the domain of the law." He infers from the treatise's question, "what do believers gain from the gospel?," that this gain does not include "exemption from the law's curse and provocation to sin, namely the very capacities the author has been arguing to be sources of slavery." Rather: "What they do gain from it is the extinction of the law as a whole" ("Irreconcilable" 79, quoting CPW 6: 535). Per Falcone, this lack of gain proves incompatible with Milton's undisputed works, which hold "that the constraining power of the law, curse, and provocation to sin all vanish when the believer is clothed in Christ's righteousness" ("Irreconcilable" 80). The finding is curious, given that the treatise, in express response to Polanus' view that Christians "are no longer bound to absolutely perfect fulfillment in this life of God's law," reads:

Who does not see that the situation is far otherwise? For from Christians no less perfect a life is required—rather, indeed, a *more* perfect life—than from those who were under the law, as all Christ's precepts shout out. This only is different: that Moses used to impose the letter or external law even on the unwilling, [whereas] Christ writes God's internal law through his spirit on the hearts of the faithful, and leads those who are willing. (*OCW* 8: 714-15)¹⁴

This position can hardly be construed as an antinomian rejection of the moral law. It is, rather, an insistence that the moral law continues, in strengthened form, under a new non-coercive regime.¹⁵

The author of the treatise is no Ranter; nor is he what the heresiographers took the "divorcer" Milton to be. The liberty claimed in the treatise is not license after all. Falcone does acknowledge the treatise's position that the "substance" of the law—love of God and neighbor— "is not broken by this abolition," but he does not sufficiently attend to how carefully the treatise keeps love from turning into license ("Irreconcilable" 80, citing CPW 6: 531). He notes the treatise's identification of law with slavery ("Irreconcilable" 79), but he takes no notice of the "slavery" it puts in the law's place, even though the definition of Christian liberty includes the paradoxical (but scriptural) idea of slavery to God. As one small example, under the ensuing heading "That we may be slaves to God," the treatise quotes 1 John 5:3-5: "for this is the love of God, that we should observe his commandments; and his commandments are not irksome" (OCW 8: 716-19).16 Here, love proves compatible with a kind of commandmentkeeping-indeed requires it. The difference is now that the commandments are kept freely out of love, not because of a coercive prescription.¹⁷ In this way, the moral law survives the transition to the gospel in a way that ceremonial law does not, as the treatise makes clear when it discusses "the prohibition of blood [sanguinis ... prohibitio]" (OCW 8: 720-21).

On the question of the law, the treatise undertakes to reconcile what Falcone finds irreconcilable: the abrogation of the law and an insistence that obedience to commandments still matters. This reconciliation, moreover, occurs through the processes of revision and attendant changes of mind that Falcone's methodology ignores. The treatise's theology on this point has two interrelated components: Ephesians 2:12-15 and Zanchius's (belatedly read) commentary on those verses. The treatise avers as much, in a passage that Miller identifies as belonging to a later stage of its composition:

When, having pooled the illumination of so many texts, I was thinking that I had affirmed this truth against the view of almost all the Theologians whom I had read—[people] who deny that the whole Mosaic law was abrogated—I happened to find that **Zanchius**, commenting copiously on Eph. Ch. 2, shared my view [...]. (*OCW* 8: 712-13; cf. Miller 203)¹⁸

As I have discussed above, Ephesians 2, with its talk of a "dividing wall," prompts a series of revisions eliminating the possibility that the Gentiles were answerable to the Law of Moses. The references to Zanchius, though, pose a different question, that of the treatise's relationship to the broader milieu of Protestant theology. The treatise's relationship to Zanchius's commentary is manifestly complex: in one place (quoted above), it disagrees with Zanchius's view that only the ceremonial aspect of the law is abrogated, while in the passage just quoted it finds Zanchius in agreement with its own view that the whole law is abrogated.

Zanchius's entrance into the treatise through a complex process of revision shows the inadequacy of Falcone's reading De Doctrina Christiana as a straightforward account of Milton's theological views. Here, again, the primacy of scripture avowed in the epistle asserts itself. Milton is quoting Zanchius in this second instance not to express agreement (or disagreement) with his theological conclusions, but simply to assert that working out the question of the law's abrogation is central to understanding the gospel: "'a very large part of Theology depends on the explanation of this question: and not even the scriptures can be understood, especially their teaching about justification and good works'—I would actually say, the whole gospel-'unless this point, about the abrogation of the law, be understood'" (OCW 8: 712-13).19 The treatise shares with Zanchius a commitment to the importance of this question, an insistence that Ephesians 2 (and scripture generally) bears centrally on it, and even the use of a distinction between external and internal law in the resolution.²⁰ The doctrinal inch (to borrow Marilynne Robinson's phrase) that separates them on the point of whether the ceremonial or the whole law is done away in the gospel—a difference dispelled in any case by their overlapping usage of the distinction between external and internal law—is minute in comparison to their agreement concerning methodology and process writ large (see Robinson 31). Indeed, the manuscript revisions involving Ephesians 2, which may have been provoked by Zanchius himself, seem responsible for cracking that doctrinal inch open in the first place. (Recall that 307a initially held that the law was only given especially [potissimum] to Israel, implying that the Gentiles always had access to its internal components.) The broader network of revisions, though, calling attention to the pivot point on MS 307a, privileges Ephesians over Zanchius, suggesting that Milton turned to Zanchius more to understand Paul's epistle than to take stock of Zanchius' position in particular. Zanchius, in other words, proves useful not because he share's the treatise's position, but because he shares its project, broadly construed.

The treatise, then, is not what Falcone (or Burgess before him) supposes it to be. It is not a record of Milton's theological views—or, if not Milton's, someone else's. It is, rather, what it claims to be: an attempt to articulate Christian doctrine on the basis of scripture. This task is much more difficult than readers of the treatise generally seem to have assumed. The point is not simply to say what one thinks and then to muster scriptures in support, but quite the reverse. Indeed, the manuscript revisions show that the treatise is highly responsive to scripture—very willing to revise a position in light of a passage suggesting the need. To be sure, the treatise does not always bend in the face of perceived scriptural opposition. The process at work is much more complex and dialectical than that, such that Falcone's model of continuities and discontinuities proves unsatisfactory as a way of gauging the treatise's Miltonic provenance. A more sophisticated way of reading must be brought to bear, one that attends to the changes of mind on evidence in the manuscript. Recent scholarship by a new generation of Miltonists has begun to work in this vein, but much yet remains to be done. Perhaps Falcone, as another young scholar publishing on the treatise, might join the labor.

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NOTES

¹It should be noted here that Falcone (as he acknowledges, see "Irreconcilable" 101n1) builds his article on earlier work, from his book, *Milton's Inward Liberty* (which addresses authorship only obliquely), and from his article, "More Challenges," which bears directly on authorship. The latter's appearance prior to the publication of the Oxford edition may account for some of the methodological shortcomings to which I shall be drawing attention, although there is no reason why Falcone could not have updated his arguments in the intervening years.

²See Hunter chapter 5, as well as Sellin, "If Not Milton" and "Some Musings." Hugh F. Wilson has presented further alternatives in various conference papers, as yet unpublished. These suggestions of Continental provenance founder on the reference to the English ejection of the bishops (*OCW* 8: 1246-47; cf. 1253 note xviii); references to English debates about tithes, to include a hint of English behind the Latin (*OCW* 8: 834-37; cf. 852 notes ix-x); and a bit of scribal English directing the placement of an insertion on MS 617 (*OCW* 8: 1094 note 105). These details collectively incline toward a reading of the controverted "Amesius noster" (did he count as English or Dutch?) as the former (*OCW* 8: 1040-41; cf. 1057 note iv).

³Even Sullivan concedes that "the detailed and convincing story of the manuscript's travels from Milton's desk to the State Paper office inspires awe" (153-54). The watermark evidence on whose basis he finds the book's methodology wanting proves inconclusive. Even if the paper can be shown to date from 1625 (which Sullivan has not demonstrated in print), the material question is not when the paper was made but when it was used; the date provides only a *terminus a quo*.

⁴Falcone cites instead the Yale and Columbia editions (although the latter only obliquely). The Yale edition remains useful for Maurice Kelley's contextual notes, but by presenting only an English translation (in which John Carey often prefers elegance of style over exactness) and relegating textual notes to an easily ignorable appendix, it risks imbuing the treatise's theology with the "fixity of print" rather than acknowledging the processes of thought on evidence in the manuscript. On changes of mind in I.17-18, see Kerr and Hale. Hunter is simply mistaken when he avers that the manuscript revisions "never involve fundamental revisions of doctrine" (38), as will become clear shortly.

⁵This emphasis on scripture means that I do not quite espouse Michael Lieb's conclusion that the treatise exhibits an "essential instability" arising from the manuscript's "almost schizophrenic [...] appearance" (19). Although the revisions can be quite volatile, I contend that the treatise's commitment to scripture affords an underlying—if evolving—source of stability. Doctrinal conclusions can and do shift, but the treatise's commitment to scripture is unflagging.

⁶Although I cannot develop the argument here at any length, I believe that the treatise even changes its mind about the Son. The chronology goes something like this: Milton reads Wollebius on God's decree of the Son's generation from eternity, sees that Wollebius offers no scriptural support for this proposition,

turns to the Bible to see what it says, and finds Psalm 2:7 with its *hodie*, suggesting that the Son was begotten "today" instead of from eternity, at which point all hell breaks loose, so to speak. Obviously most of the evidence that could support such a claim lurks behind pages recopied by Skinner, but close reading attentive to the kinds of formal aberrations on evidence in Picard strata (i.e., the layers of revision carried out by the scribe Jeremie Picard; see Miller) that similarly incorporate earlier changes, plus the attendant oddity of how I.5-6 sort in the Ramist schema, offer a window into the process of composition. In my view, the difference between treatise and epic turns on a change of mind about scripture—a change of mind prompted by the treatise's unruliness that invites the possibility of dissociating from some of its positions. Different assumptions lead to different results, even as some continuity between the treatise's theology of scripture and the poem's remains.

⁷Determining the chronology of revisions is a complex and uncertain business. Rather than claiming this page as the beginning (I am inclined to think it is not), I am choosing it as a convenient thread to pull in what I am suggesting is an intricate web of revision.

⁸See n4 above.

⁹Latin: "verba sua Iacobo &c. statuta et iudicia sua Israeli non sic ulli genti &c." I follow the Oxford edition in representing the manuscript's small hand scriptural citations with italics.

¹⁰Latin: "hic paries intergerinus ille inter gentes nempe et Israelitas morte Christi tandem dirutus et solutus. Eph. 2. 14. ante hunc solutum gentes alienatae ab omni foedere fuere. v. 12. *alienatae à re publica Israelis.*"

¹¹Beyond the point about Zanchius, Miller's article provides an invaluable account—one going beyond *Milton and the Manuscript*—of the manuscript's complex and multi-layered state. Miller's scholarship is essential reading for anyone working on the treatise. By "belated" Miller simply means that Milton seems, on the basis of the manuscript evidence, to have been sincere in his claim to have read Zanchius late in the process of composing the treatise.

 12 I follow the Oxford edition in representing the manuscript's large hand (often used in headings) with boldface.

¹³Latin: "lex autem non caeremonialis modò, sed tota Mosaica positiva, praeceptorum erat, et in decretis posita. nec caeremoniali tantum, ut hîc vult **Zanchius**; sed tota lege Mosaica dissidebant Iudaei à Gentibus; abalienatis ne[m]pe à civili statu Israelis, et extraneis quod ad pactorum promissionem, v. 12. promissio autem facta est totius legis operibus, non caeremoniis tantùm; nec illae solùm causae erant inimicitiae inter nos et Deum, v. 16."

¹⁴Latin: "Quod quis non videt longè aliter se habere? à Christianis enim non minus perfecta vita requiritur, immo perfectior potius quàm ab iis, qui sub lege erant; id quod omnia praecepta Christi sonant. Ho[c] tantùm interest, quòd Moses literam sive externam legem imponebat vel invitis; Christus internam Dei legem per spiritum suum fidelium cordib. inscribit, volentésque ducit."

¹⁵Drawing on Kelley's Yale note, Falcone quotes A. S. P. Woodhouse to imply that Milton's position tends toward antinomianism—omitting, however, Woodhouse's statement (also in the note) that "Milton escapes [Antinomianism] by replacing the outward with an inward Law conceived as ethical and rational in character, and identified with the law of nature (of which indeed the Moral Law was itself a formulation); so that the essence of the Law was not abolished but accepted and obeyed in a new spirit of free and voluntary activity" (*CPW* 6: 531n15). Falcone's argument hinges on the treatise's omission of the phrase "moral law"; be that as it may, the theology of renewal developed in I.17 works to preserve human moral responsibility.

¹⁶Latin: "**Ut Deo serviamus.** [...] 1 Ioan. 5. 3. 4. 5 haec est enim charitas Dei, ut praecepta eius observemus; et praecepta eius gravia non sunt."

¹⁷For an extended treatment of "slaves to God" and the treatise's conception of Christian liberty, see Kerr, "De Doctrina Christiana and Milton's Theology of Liberation."

¹⁸Latin: "Hanc ego veritatem cùm tot locorum luce collata contra omnium ferè, quos legeram, Theologorum sententiam, qui totam Mosaicam legem abrogatam negan[t] asseruisse mihi videbar, **Zanchium** fortè in epistolam ad Ephes. cap. 2. fusè scribentem in eadem mecum sententia reperi [...]."

¹⁹Latin: "in cujus quaestionis explicatione, non minimam partem Theologiae consistere: nec probè intelligi posse ne scripturas quidem, praesertim doctrinam de iustificatione et bonis operibus, totum evangelium ego quidem dixerim, nisi articulus iste de legis abrogatione intelligatur." Compare Zanchi, vol. 2, tom. vi, 91. Oxford misprints cujus as huius; compare MS 330 (and Zanchi).

²⁰See Zanchi, vol. 2, tom. vi, 90. Of the external he writes that "the law is abolished through Christ, though not equally; for a certain kind of ceremony was abolished, such as cannot be revoked, but is rather negated by faith in Christ" (my trans.). This category covers animal sacrifice and so on. By contrast, the internal "is by no means abrogated: neither piety toward God, penitence and faith, the kernel of ceremonies, nor charity, peace, concord, justice, a civic spirit are taken up" (my trans.). The distance between this position and that taken up in the treatise is slight. Both theologians thus use the internal as a way of guaranteeing the continuation of the moral law into the gospel, but Milton disagrees with Zanchius that the abolition of the external law therefore extends only to the ceremonial, intent as Milton is on opposing external imposition generally, as in A Treatise of Civil Power, whose title page declares "That it is not lawfull for any power on earth to compell in matters of Religion." Latin: "lex per Christum abolita est, quanquam non aequaliter: caeremoniae enim quaedam ita fuerunt abolitae, vt reuocari non possint, quin fides in Christum negetur [...]. Ad interna vero quod attinet, neutra abrogata est. cum neque pietas in Deum, poenitentia ac fides, nucleus caeremoniarum, neque mutua caritas, pax, concordia, iustitia, spiritus politicarum, sublatae sint."

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