

Ethens

OVERVIEW

Ethens is a prosperous maritime thalassocratic city that flourished thanks to its success in mastering the arcane arts. The city defines itself a *magic democratic republic* founded on knowledge, especially magical knowledge. Complex social and political structures are enshrined in its Constitution, designed to tap and exploit magic for the benefit of the entire community. The citizenry of Ethens is wealthy and well-educated, versed in magic, and proud of the heights achieved by their city. Selective and intensive institutions breed some of the best spellcasters in the world, while the political machinery in place ensures that the magical resources are used to the benefit of the entire collectivity. The civil society of Ethens is very lively and it is criss-crossed by a variety of currents and movements, from guilds promoting the magical education of every citizen through art, to groups fighting against uses of magic that they deem immoral or irresponsible.

LAW OF THE LAND

Nowadays Ethens has a complex set of laws and rules. Its legislation is the result of centuries of debates, changes and, at times, revolution. Legal historiographers enumerate at least eleven major *constitutions*, each one defining a different political and legal setup for the city. Some of these constitutions would not even be considered forms of magical democratic republic by contemporaries.

The body of laws is roughly tripartite, comprising a civil code, a penal code, and a magical code. Although the first two codes are interesting in themselves, most legal scholar of Ethens devote their time to the study and the development of the magical code. This code of law is unique for its breadth and comprehensiveness, and the delicate balance of guarantees, limitations and affordances is what has allowed the flourishing of Ethens. After all, the use of magic is very common in city: from the magical tricks cast by individual citizens to the powerful spell bought from magical service companies. A thorough legislation is needed so that the rights of everyone are respected. For this reason, the city has developed specific laws regulating the use of magic within the limits of the city.

The actual magical code is very intricate, full of exceptions and precedents accumulated in time. It is said that a wizard or a scholar must grow to be very old before he or she can hope to master the code. To simplify the study of magical law, scholars compares the structure of the

legislation to a tree:

- *Constitution*: at the root of the magical legal system lies the Constitution, which enshrines the few basic principles on which the entire magical legislation is grounded.
- *Laws of Magic*: from the roots sprouts the trunk of the Laws of Magic, a collection of regulations that broadly apply to all forms of magic.
- *Codes of School Law*: from the trunk, comes a set of branches in the form of the collection of the Codes of School Law, each one defining more precise rules for the practice of specific magic schools.

THE CONSTITUTION OF ETHENS

The current constitution of Ethens is normally enumerated as the Twelfth Constitution of the city. This document, now more than a century old, is the bedrock of the civil society and it defines the political and legal ordering of the city.

The first section of the document defines the rights of the citizens, including their voting rights (see Section *Political Rights*). The second part enshrines the ways in which magic can be used by outlining the principles of Magical Law (see Section *Principles of Magical Law*). The third part details the governing structure of the city: the two legislative bodies of the Council and the Magic Senate (see Section *Legislative Bodies*); the judiciary arm of state (see Section *Judiciary Bodies*); and the members of the executive (see Section *Executive Bodies*).

The Constitution of Ethens is the founding document of the political and civil life of the city. While arguments around it and proposal for reform may often arise, the document itself is held in high regard. Changes to its articles or even to its wording are hard to enact, requiring a wide agreement between different administrative organs of the state. Such a protective attitude follows by the historic experience of the city, as times of unrest and revolt have often been connected to a crisis and a breakdown of the norms stated by the Constitution.

THE CONSTITUTIONS AND THE NUMBERING OF YEARS

The number of the constitution is important for tracking time. Historians mark the years by reference to the current constitution: for instance, II.14, that is the fourteenth year since the adoption of the Second Constitution, is usually taken to be the year of the foundation of the College of Arcane Magic. Negative years, or *before the Constitution* are used to refer to the time preceding the first Constitution; the era before the Constitution is normally regarded as a dark age of barbarism and tyranny.

PRINCIPLES OF MAGICAL LAW

Properly regulating the use of magic is a hard problem: magic confers power, and deciding how this power should be limited and administered is not simple. The citizens learn in the School of History of several approaches that have caused severe troubles in the past of Ethens or of other cities. Unchecked practice of magic has frequently lead to negative outcomes such as instability bordering anarchy, exploitation of magical energies for the sake to enforce oppression, or magical curfews that have suppressed or limited the initiative and the opportunities of individuals.

Although debates on how magic should be regulated is still very lively, most of the inhabitants agree with a set of principles that are nowadays enshrined in the constitution of Ethens.

The first principle if the *Principle of Responsibility*. It states that *magic should not be used where its effects can not be fully controlled and predicted*. This is probably the most obvious of the principles: a caster, be it an individual or a state office, is in charge of the all and every magical effect generated. Therefore, if there were to be side effects that can not be controlled or predicted, magic should not be used. This principle puts the whole responsibility of a spell on the caster, who is going to be liable for any damage or harm that can ensue from the use of magic. Clearly, the principle leaves some gray areas that are left to the judgment of specific judiciary bodies. It is well known that, despite the efforts of magician studying *exact magic*, the effects of a spell always have some random component; to what degree a caster should be able to predict the consequences of its action is often a matter of dispute in the chambers of law. Similarly, how far the responsibility or the chain of effects of a spell should go, is another topic of debate; if a spell sets off a chain of events leading to an accident, when should the original caster be taken into account for the accident?

The second principle is formally known as the *Principle of Precedence*, but it is often referred to also as the *Noble Principle* or the *Principle of Mortal Initiative*. It states that *magic should not be used where non-magical alternatives are voluntarily available*. The core idea of this principle is that, whenever a task or an enterprise may be undertaken with standard means provided by one of the citizens, then magical means should give precedence to such alternative. Although this principle may seem to limit consistently the use of magic, it has proven to be a reliable egalitarian principle that has promoted the general elevation of the citizenry,

and, with it, the diffusion and the advancement of the overall magical culture of Ethens. The history of this principle is long, and its development is normally ascribed to different reasons. Politically, this principle has been explained as a way to limit the overwhelming power and influence of great spellcasters; at one time or another, cliques of magicians had gathered so many resources that they had become vital to the city, and this had allowed them to rise to the position of tyrants; the principle of precedence aims at avoiding this situation by allowing common citizens to take the place of casters whenever possible. From an economic point of view, the principle is meant to safeguard the economic initiative of common people; if their autonomous means of sustenance are undermined because a spellcaster can perform their work more efficiently, the citizenry risks being left without means of sustenance very quickly; in the past, this has lead to many being reduced into servitude or to political unrest. Although almost everyone would agree with the principle of precedence in theory, wide disagreement exists over its limits and application. Many voices, especially the ones of large magical enterprise, question the principle of precedence demanding when and to what point a non-magical alternative can really be considered to be a proper substitute for a spell; what if magic can achieve better results than other alternatives? Is forging a mediocre sword a non-magical alternative to summoning a masterwork blade? Critics of this principle often argue that a principle of alternative should account for the quality and the efficiency of the results, and the availability of magical resources (ingredients, money) be the only limitation. Supporters of the principle counters that so doing would devoid the principle of any use, as magic is, by default, much more efficient than other means; further, that would not prevent the concentration of power in few hands, as spellcasting ability, magical resources and monetary means tend to concentrate fast if not restrained.

The third and last principle is the *Principle of Freedom*, which some scholars name as the *Principle of Human Narrative*. It states that *magic should not be used where possibilities are available*. This principle vaguely states that the use of magic should be limited if it interferes with the freedoms and the choices of individuals. Because of its general formulation, this is both one of the most appealed to and contested principles. It is, for instance, at the base of widely-agreed laws that condemn the use of mind-controlling spells on citizens; but it is also

at the foundation of the regulation that prevents judges from using scrying or mind-reading spells during trials. The reasoning behind the latter regulation is particularly representative and instructive: accused citizens can not be subject to mind-probing not just because this could reveal private information legitimately held secret by a citizen, but also because, if the subject were indeed guilty, they would be left without the *possibility* of recognizing their guilt and confess. The *possibility* of making amend is a right that the law recognizes as a space for the individual to express its freedom. Therefore, except extreme circumstances, an accused citizen or a witness can not be object of divination magic for the sake of ascertaining truth more quickly or efficiently. Like other principles, the application of the principle of freedom requires evaluation of limits and trade-offs concerning which sort of freedoms should be respected. After all, any magical action causes consequences that inevitably curtail some possibilities. Thus, determining what possibilities are important enough to be safeguarded is crucial for the application of the principle. Another thorny question is raised when the protection of individual freedoms clashes with the interest and the safety of the community; in such cases, for instance if the city is in danger because of a grand betrayal plot, judges are usually willing to suspend some of the guarantees provided by this principle.

All these principles hold strong during peacetime, but they may be partly suspended in times of crisis, although this requires the convergence of decisions by legislative and executive bodies. Times of existential crisis may allow for taking risks in casting magic and for overriding the initiative or the freedom of individuals.

Debate around the relevance and the extent of these principles has coalesced into various political identities. Staunch defenders of the principles describe them as a bulwark against degeneration towards tyranny or unrest, and as a guarantee for every citizen to partake in the economic, political and cultural life of the city. This, so far, has been the official position of the College of Arcane Magic, thus lending its authority and prestige to the principles. Extreme supporters of this line sometimes wander off to more religious positions, holding that the principles are the best defense against a *magical apocalypse*. Supporters of reforms of the principles hold instead that they are stifling the development of magic; magic is the main resources and strength of the city; limiting its use for abstract and dubious principles would

just lead in time to the decay of magical competence and expertise, thus leading Ethens to ruin. A number of these critics are powerful magicians or leaders of magical enterprises who would enjoy having their magical power unleashed.

THE MAGICAL APOCALYPSE

Folk tales and gloomy prophecies speak of a coming magical apocalypse that will mark the end of Ethens forever. A common representation of this event imagines a city where few holds disproportionate amount of magical power, every need and desire is satisfied by spells, people are growing detached from reality by living in illusions summoned by spellcasters, and slowly the entire city fades and shifts towards other remote and immaterial planes of existence.

THE LAWS OF MAGIC

On a lower and more practical level, the Laws of Magic regulates the overall legal and economic aspects of spellcasting. The Laws of Magic are again subdivided in two parts: the *moral principles of magic* and the *economic programme of magic*.

The *moral principles of magic* establish that magic has to be used to foster individual and social welfare. Any form of magic that is harmful to the individual, dangerous to the community, or hostile to the environment is prohibited. The city of Ethens undertakes the responsibility of prosecuting offenders and supporting the use magic to the advantage of everyone.

The *economic programme of magic* is the practical way in which the city tries to make magic accessible and useful for everyone. The programme is a catalogue of spells published by the city every year and classifying spells into four categories: (i) *free spells*: essential spellcasting that is provided for free to the citizens (assuming certain conditions are satisfied); (ii) *city-funded spells*: spells that may be cast by state magicians for discounted prices in order to foster the development of the city and its individuals; (iii) *regular spells*: spells that may be cast by individuals according to their own initiative and means; (iv) *forbidden spells*: spells that are not allowed in the city.

THE CODES OF SCHOOL LAW

Specific codes of law have been developed to rule the use of the magic from specific schools.

- *Abjuration*: The Code of Abjurative Law deals with the use of protective spells. This is one of the most liberal codices, decreeing the free use of protective spells by citizens. However, the law imposes a few conditions on the individual use of abjuration: (i) No abjurative spell shall

- cause deadly damage to a trespasser; (ii) no abjurative spell shall exile a citizen from Ethens; (iii) abjurative spells that may interfere with the activity of other citizens must be properly notified and advertised, possibly being approved by the responsible office.
- ***Conjuration and Transumation:*** The Code of Conjorative and Transmutative Law is one of the most complex and intricate collections of rules, deliberations, previous judgments and exceptions, which has grown in size over the centuries. The main aim of this piece of legislation is to control the use of these spells for economic activities within the city; in particular it sets the principles that allow the use of conjurations and transmutations to boost the productivity of the city and avoid possible slumps due to overproduction. While the principles are expressed in the Code of Conjorative and Transmutative Law, the actual practical measures that control and limit the use of these spells are usually implemented in the economic programme of magic. The Code of Conjorative and Transmutative Law also includes the extraplanar treaties that the city of Ethens has established with different extraplanar races and which limit the number of members of that race that can be summoned and the type of tasks they may be given. Notice that these treaties are sometimes bilateral (like the agreement with the modrons establishing that summoned modrons will be employed only on computational tasks and never on physical tasks), other times unilateral (like the decision of the city to limit the number of demons that may be summoned by a single individual).
 - ***Divination:*** The Code of Divinative Law establishes the legal uses of magic for divination. On one side, it invests the government of the city, especially the All-Seeing Council, with the authority to use divinative magic; on the other side, it enshrines the right of the citizens of Ethens not to be the target of divination. Much of this legislation rests on the Principle of Human Narrative. The city government tries to enforce and protect the personal and private space of every citizen, although that is easier said than done. It is indeed hard to discover all the misuses of divinative magic, and normally only a few random sampled cases are detected. Severe punishments, ranging from hefty fines to being forbidden to use magic for some time, are often imposed in the attempt to signal and disincentive illegal uses of divinative magic.
 - ***Enchantement:*** The Code of Enchantive Law deals with the use of magic to affect other

people's mind and opinions. As a general rule, the use of spells to control citizens is forbidden; this restriction is particularly strong in the public arena: use of enchantments in public courts, fora, or meetings is severely persecuted. Use of enchantment in the private sphere is also frowned upon, although many exceptions are contemplated: willing citizens can accept to be the target of enchantments in order to improve their relationships; some entrepreneurial mages sell their enchantment spells to individuals who might want to make up their old grudges; enchantment spells are even sought out for their entertainment value in some less reputable drinking establishments in the city. The Code acknowledges these uses although it stresses the need for consent and puts limits on the power of enchantment potions that can be consumed. The use of enchantments in business constitutes a particularly thorny legal sub-area of the Code: as commercial enterprises are often private initiatives with effects on the public welfare, deciding whether the use of enchantments is legal or not presents a serious challenge; a long list of precedents analyze particular cases, in which sometimes the right of willing trading parties was acknowledged, other times denied and fined.

- ***Evocation:*** The Code of Evocative Law establishes the occasions, the modes, and the measure in which energies may be summoned and manipulated. Since spells of evocation normally deals with raw energies that, if unleashed, could cause damage, the norms set clear restrictions on the places and the use of these spells. Any evocation which could cause damage to persons or properties can not be employed within the city limits. Exceptions, such as the use of evocation in public works, needs to be approved by the government and always be cast safely by securing the area affected. The study of evocation is popular among young apprentices, but given the existing constraints most successful evokers end up as members of the Rose Cabal, where they can practice the art to their heart's content. Other evokers work in guilds, especially those engaged in public works and constructions.