

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 enumerates 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 hold 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 is 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 void 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.