

If, however, the prior custom was opposed to general law, which was not completely abolished by that earlier custom—  
When the period of ten years is sufficient. for the reason that the custom that derogated from it was not a universal, but a particular one—then it is probable that a subsequent prescriptive custom, of ten years' standing, is sufficient. The reason for this is that this prescriptive custom is not of its essence opposed to the law, since the general law, to which a return is made by this custom, always stands. In that case the argument of Felinus stands [on *Decretals*, Bk. I, tit. II, chap. viii, no. 30].

Felinus.

I could not approve it, however, if the prior custom were universal, and had completely annulled the universal law previously existing; for  
When forty years are required. in that case, I think that a canonical prescription of forty years is necessary against such a custom, because the subsequent custom is then completely contrary to the general law established by the previous custom. For any other law more ancient than either custom is as if it had not existed before the other two, because it has been entirely abolished. Let this suffice for our treatment of custom.

[*The Title-Page of the Edition of 1613*]

A DEFENCE OF THE  
CATHOLIC AND APOSTOLIC FAITH  
IN REFUTATION OF THE ERRORS OF THE ANGLICAN SECT

WITH A REPLY

To the APOLOGIE FOR THE OATH OF ALLEGIANCE  
and to the admonitory Preface of  
His Most Serene Majesty James, King of England

By

FATHER FRANCISCO SUÁREZ

of Granada, Member of the Society of Jesus  
Primary Professor of Sacred Theology at the celebrated Academy of Coimbra

Dedicated to Their Most Serene Majesties  
the Catholic Kings and Princes of all Christendom



COIMBRA

By privileges of his Catholic Majesty

From the Press of DIOGO GOMEZ DE LOUREYRO  
Printer for the Academy  
In the Year of Our Lord 1613

THE TWO PARTS OF THE BIBLE  
 A DEFENCE OF THE  
 CATHOLIC AND APOSTOLIC FAITH  
 AGAINST THE ERRORS OF THE ANGLICAN  
 WITH A HISTORY  
 OF THE REFORMATION AND THE  
 STATE OF THE CHURCH SINCE  
 THE YEAR 1534  
 BY  
 JOHN BISHOP OF CANTON  
 IN TWO VOLUMES  
 THE SECOND PART  
 THE HISTORY OF THE REFORMATION  
 FROM THE YEAR 1534 TO 1603



LONDON  
 Printed and Sold by J. B. COOPER, at the  
 Sign of the Anchor, in St. Dunstons Church  
 Lane, near St. Dunstons Church, in  
 the Strand, in the Year of Our Lord 1703

[iii]

FOR THEIR MOST SERENE MAJESTIES

THOSE KINGS AND PRINCES WHO ARE THE CHILDREN AND  
DEFENDERS OF THE ROMAN CATHOLIC CHURCH

*Francisco Suárez of the Society of Jesus desires temporal  
and eternal blessedness*

His Most Serene Majesty James, King of Great Britain, in his recently published work, has called upon the Catholic Kings and Princes, as with a friendly trumpet blast, to share in his own religion, that those whom the King of Kings has bought with His own blood for the defence of the Church of Rome, and whom Christ, the Lord of Lords, has armed with supreme power, might be incited, by the counsel he has imparted, to attack that Church. His Most Serene Majesty, however, has wielded his pen in a vain attempt. For the gates of hell shall not prevail against the Church, nor shall the chill raging of the north wind have power to scatter those who have taken their stand upon the rock of Rome, and have been united by Christ, the corner-stone, in the strongest of bonds, that of true piety. Would that King James, following in the footsteps of his unvanquished royal ancestors, might rather combine with you to exalt the majesty of the Catholic Church, in such fashion as to be not inferior, in the zeal of true piety, to those whose peer he is, in power and sovereignty! Would that he preferred to be numbered among the kings whom divine authority has constituted guardians of that Church, rather than among those whom impious madness has inflamed against the Lord, and against His Christ!

Therefore, since the King of England has published a work testifying to his religion, and since he is waging war upon the Catholic Church, not with the regal majesty adorning him, nor with the clash and might of arms (whereunto the priest of Christ and religious cannot [iv] oppose resistance), but rather by the sharp edge of his unaided human talents and pen—I repeat, since this is the case—I have deemed it proper to my office and purpose that I should advance to the line of battle; not with the intention of dimming the lustrous renown of so great a king, an end which I am neither capable nor desirous of achieving, but in order that the mists exhaled from the fetid pools of the Reformers, wherewith he attempts to obscure Catholic truth, may vanish into air and smoke, being dispelled by the rays of true wisdom. That I might accomplish this purpose, I have with all my strength besought that light from God, the Father of light, that knowledge of the uncorrupted truth, which—handed down by Christ the Lord

through His Apostles, and expounded by the wakeful toil of the Holy Fathers—should be striven after by one who desires to keep to the true path in his life and his beliefs. May my undertaking be granted the favour of that Divine Spirit in Whose hands lie the hearts of kings. And do you—O Kings and Princes of the Catholic world, who in your sincere affection earnestly desire that His Most Serene Majesty, King James, should be even as you yourselves are—do you receive this work, such as it is, under your patronage, to be defended by your authority. For it is yours, and it is well said that, *We make those things our own, to which we impart our authority.* Therefore, receive the work as your own, that it may be made public, defended by the royal authority of your patronage, adorned by [your] renown and secure from danger; that it may make a brilliant entrance into the world; that it may be deemed not unworthy of kingly eyes. For only under the protection of your name can we oppose this book of ours, wherein we defend God's cause, to that of His Most Serene Majesty. I have, indeed, been inspired by one sole design: the dedication, in dutiful humility, of this product of my labours to you who—as heirs to the sovereignty and piety of your forebears—have devoutly undertaken and unwaveringly administer the guardianship of the Catholic Church. For others, our work may serve as an antidote, but you yourselves, do not lack an antidote (namely, supreme piety, divinely inspired) against the madness of the Reformers; for their poisons, drawn from Stygian streams, are powerless to injure you, who—joined in the bond of divine virtue—are protected as subjects in the unity of the true Catholic faith, under Christ the Lord and His earthly Vicar, the Supreme Pontiff, even as the noblest members of the body are subject to its head. And for so long as your supreme power is firmly founded upon Him, may it grow to a greater imperial glory and aid you toward eternal blessedness.

Coimbra,  
On the thirteenth day of June,  
In the year 1613.

[v]

THE JUDGMENT OF THE CENSOR, HIS MOST ILLUSTRIOUS LORDSHIP  
D. AFONSO DE CASTELLO BRANCO, BISHOP OF COIMBRA,  
COUNT OF ARGANIL, LORD OF COJA, ETC.,  
MEMBER OF THE ROYAL COUNCIL OF HIS CATHOLIC MAJESTY

By commission of the most illustrious Bishop, D. Pedro de Castilho, Viceroy of Portugal, and Supreme Inquisitor in matters of the faith, I have read with the greatest care, and have studiously examined as Censor, the *Defence of the Catholic Faith in Refutation of the Errors of*

*the Anglican Sect, with a Reply to the Apologie and Epistle to Christian Princes of His Most Serene Majesty, James, King of England*, published by the illustrious Doctor, Francisco Suárez of the Society of Jesus. Not only do all the contents of this work accord scrupulously with the authority of Holy Writ, not only do they piously conform to Apostolic traditions, not only are they in learned agreement with the Oecumenical Councils and the Decrees of the Popes, but, furthermore, the wisdom of so great an author—drawn from the Holy Fathers rather than from human study—shines forth afar from this book. So frequently and appositely does this author with the most scrupulous fidelity introduce their testimony, that they have all spoken through his mouth (so I venture to affirm) and have combined to strengthen this *Defence*, which is accordingly to be published with great benefit to the Catholic Church and great profit to Christian doctrine. The perusal of the work has recalled to my mind many admirable statements made by the Church Fathers, statements which I had read long before; and I also, most enjoyably, became acquainted with many more. Would that the vision of the heretics, dulled as it is by the darkness of perfidy, might be able to endure a light so radiant. For they would then easily laugh to scorn the unstable falsity of their own beliefs, the foundations of which would be completely overthrown by a perusal of the present work, as they would most clearly perceive. And if it were permitted a Bishop who has attained to mature years in the School of the theologians, one who has grown old among the books of the Holy Fathers, to address personally His Serene Majesty the King of England, I should proclaim in all truth that which was attested by the Most August and Saintly Mary, his Mother, with her voice and her blood. Credence should be accorded to Irenaeus, Dionysius, Augustine, Jerome, and other Doctors of the Catholic Church, whose opinion we offer as presented in this book and whose sanctity of life is known to all; rather than to Luther and Calvin, men whose evil deeds cannot but give rise to shame and condemnation even on the part of their own disciples (if the latter should read [the said book]) and whose capricious and inconsistent doctrine, alien to true religion, sufficiently demonstrates their ignorance. I should advise submission to Francisco Suárez—the devout disdainer of things temporal, and a most vigorous defender of one sole piety and religion, whom I regard (because of his rare wisdom, confirmed by so many tokens) as the universal master of this age and a second Augustine; rather than submission to the Reformers of England, who, in order not to confess that they have erred, cling with an obstinate disregard of consistency to their errors and, led astray by the enticement of their desires, have made shipwreck (in the words of Paul) concerning the faith. Moreover, I shall lay down the same declaration and admonition as did

Augustine formerly, under similar circumstances: let not the Fathers, Doctors of the Catholic Church, prevail, nor yet Luther and Calvin, those impious deserters from the true faith; let not Suárez prevail, the devout disciple of the Fathers, nor yet the Reformers, unhappy shades of Luther and Calvin! Rather let the victor be truth in her purity, illuminated by the dissertations contained in this book, which I deem so worthy to be printed and set before the eyes of all, for the common advantage of the Catholic Church, that I furthermore congratulate our age, and with good reason, on its possession of so great a teacher; as I congratulate the Society of Jesus because of such a disciple.

Given at Coimbra,  
On the twelfth day of June,  
In the year 1613.

[vi]

THE JUDGMENT OF THE CENSOR, HIS MOST ILLUSTRIOUS LORDSHIP,  
D. FERNANDO MARTINZ DE MASCARENHAS,  
BISHOP OF ALGARVE,  
MEMBER OF THE ROYAL COUNCIL OF HIS CATHOLIC MAJESTY

Not only because of the letter regarding this matter which was sent to me by the most illustrious D. Pedro de Castilho, Bishop and Inquisitor General of all Portugal, but also because my own pleasure inclined me to this course, I have attentively read in advance and carefully examined in my capacity as Censor the *Defence* written by that most celebrated Doctor, Father Francisco Suárez, wherein with marvellous skill he upholds the Catholic Faith and assails the errors of the Anglican sect, making reply, moreover, to a certain Apology and Epistle of His Most Serene Majesty, James, King of England. In this *Defence* I have assuredly<sup>1</sup> come upon nothing that offends against the orthodox Faith, but have, on the contrary, found much that defends that Faith. For in my opinion, the work in question is another fateful shield, like that which by divine command the Hebrew leader so felicitously lifted up, in times gone past, towards the city of Hai. For thus indeed it shall come to pass that the Anglican errors will be completely wiped out by this *Defence*—as by the shield of Josue, lifted up on high in the hands of so great a leader and member of the Society of Jesus towards the armed forces of those errors, forces incited not by the King's own mind, which of its own natural bent is inclined to piety (inasmuch as it was formerly trained by his most saintly and martyred mother),

<sup>1</sup> [*paine*, in the Latin, is evidently a misprint for *plane*.—Tr.]

but rather by the mad fury of the Reformers that has of late sounded the war-trumpet in England, calling to Christian princes. And furthermore, it is to be hoped that His Most Serene Majesty, the King of England himself—possessing as he does a keen mind and highly exalted spirit—when he weighs all the content of this *Defence* in the balance of his own reasoning and poises it on the scales of his judgment, when he remarks at the very outset the submissiveness and modesty which (as is proper) characterize the most learned Father Suárez throughout the entire dispute with His Royal Majesty—it is to be hoped, I repeat—that the King of England will then be divinely inspired to turn his truly royal spirit towards saner counsels of the Mother Church; imitating Clovis, indeed, that first, most Christian King of the Franks who, when he was near death, crowned the Roman Pontiff himself with the royal diadem, because he knew that the Pope was the only visible head of the whole Church, and who after doing so gave the Kingdom of Gaul as a pledge for the aid of, and in allegiance to, the Church of Rome. For that Crown was allotted to the Confession of Saint Peter, representing the kingdom. By this example of piety Clovis fortified his own kingdom uncommonly well upon a stable foundation—that is to say, upon the Rock and upon the successor of Peter; and if his deed is imitated by the King of England, the latter will imitate also that most blessed end [attained by Clovis].

But I must return to the Judgment of the book. To the immense benefit of the Christian Commonwealth, and from a fertile and fruitful soil (as it were), this writer—pre-eminent in authority as in piety—has brought forth many evidences of his own genius, which the whole world reveres, admires, and cherishes. But, in very truth, the present *Defence* contains his shining masterpiece in its choice wording, its sublime thought, and its forceful arguments—abounding in efficacy and vigour. Thus the entire book is compact of strength, vitality, and inspiration. Admirable judgment is joined therein to erudition; facility of composition to care; orderly arrangement to a wealth of learning. In juxtaposition with memory, it reveals unwearying study; with Scholastic theology, skilled knowledge of both canon and civil law; with the genuine explanation of Sacred Scripture according to the mind of the early Church Fathers,<sup>1</sup> the free and somewhat corrupt interpretations of the preachers; and finally, in juxtaposition with that more sublime science that relates to God, the separate divisions in the chain of time and a manifold knowledge of the chronology of the realm of Christendom. My Judgment of this book would grow into an overwhelming eulogy, were that not precluded by the well-

<sup>1</sup> [The Latin text reads: *gemmae iuxta antiquos patres Sacrae Scripturae explanationi* (to the explanation of both [Testaments of] the Holy Scriptures, &c.); but *gemmae* would seem to be a misprint for *geminae*, in which case the correct translation is that given above.—REVISER.]



known modesty of the eminent Father Suárez, who is wont to regard praises as darts, and encomiums as wounds, believing that eulogists are enemies. There is reason, then, to offer our congratulations to the Society of Jesus, as to a most excellent parent, on the fact that—although many men who are very princes in piety, in learning, and in probity of life have already streamed forth from that most holy Institute as from a Trojan horse—it furthermore possesses one man at the present time, this exceedingly eminent Doctor, Father Suárez, who hastens from battle to battle like some glorious warrior that he may quiet the sudden insurrections of error, displaying an eager activity that exceeds the allotted duties and the strength of the aged. Wherefore I judge that this work, examined and approved by me, is most worthy of publication, and destined to illuminate the dense shadows of error.

Given at Faro,  
On the sixth day of the month of December,  
In the year of our Lord, 1612.

D. FERNANDO MARTINZ DE MASCARENHAS,  
BISHOP OF ALGARVE.

[vii]

THE JUDGMENT OF THE CENSOR, HIS MOST ILLUSTRIOUS LORDSHIP,  
D. MARTINHO AFONSO DE MELLO, BISHOP OF LAMEGO,  
MEMBER OF THE ROYAL COUNCIL OF HIS CATHOLIC MAJESTY.

By commission of his most illustrious Lordship, the Inquisitor General, I have carefully perused the *Defence of the Catholic Faith in Refutation of the Errors of the Anglican Sect, with a Reply to the Apologie for the Oath of Allegiance and Epistle to Christian Princes of His Most Serene Majesty, James, King of England*. The said work was produced by Francisco Suárez, that Doctor of surpassing wisdom and Primary Professor of Sacred Theology at the Academy of Coimbra. This author, so exceedingly famous for his burning zeal on behalf of the faith, this most eminent theologian, who by the power of his wisdom lends strong support to the Church of God, now sinking into ruin in England, has engaged his pen in battle with the heretical pestilences raging in that Kingdom. He strives against the errors of the heretics, taking his stand upon an exposition of the Holy Scriptures, and the interpretation thereof in the authentic sense that accords with the design of the divine Author and with the text. In order to confirm the truths of the faith, he adduces the decrees of the sacred General Councils and the Supreme

Pontiffs; for those who disobey the infallible authority of these decrees have ever been regarded by faithful Christians as enemies of the Church. He avails himself of the most apt, pertinent, and select testimony afforded by the Holy Fathers, whose piety and wisdom the Church of God has always esteemed and venerated. He so weighs all things minutely upon the most irrefutable scales of reason, as to pass over no point unconsidered and in silence; but he treats with [a special] clarity those questions which are extremely troublesome and delicate, hastening to meet all difficulties of whatsoever origin, that the truth may be made known. With firm and unshaken arguments he defends the supernatural power of the Supreme Pontiff, showing that the King, enmeshed in errors, has acted with the greatest injustice in arrogating spiritual power to himself, and that the attribution to him of that power by the heretics of the Anglican sect is manifestly heretical. With discernment and wisdom he lays bare the errors opposed to the faith which lurk in the oath exacted by the King of England from the latter's subjects; and he demonstrates that infidelity<sup>1</sup> to Christ and His Church, as well as injustice towards the said subjects, are contained in that oath, so that in the very act of swearing it the subjects are compelled to deny the Catholic Faith. [Our author] treats of this matter vigorously, but with truth and moderation. His work is undoubtedly most learned, overflowing with rare piety and erudition, and such that even one who excelled in the art of writing would be unable to praise and extol it as it deserves. By means of the authorities quoted, and by the force of the reasons presented, the errors of the Anglican sect have been so refuted that the author's adversaries are left with no means of evasion, no opportunity for reply, unless perchance that may be termed a reply which is but a battle waged with empty words, and a display of abuse, such as is customary among the demented and the furiously insane. May it be God's will that, once consideration has been accorded to this<sup>1</sup> most efficacious and judicious defence of the faith (the faith which, confirmed by miracles and upheld by martyrdom, has persevered in the Roman Catholic Church in one and the same form, ever since the first days of its origin, under the instruction of the Apostles), His Most Serene Majesty, King James of England himself, giving heed, as befits his kingly mind, to the truth of Catholicism which has been adequately expounded to him, will attach himself and his Protestant subjects to the Catholic Church, the Bride of Christ. It is my judgment that the present work of this surpassingly wise Doctor, Francisco Suárez, is most worthy of being printed and published, to the end that a signal

<sup>1</sup> [The punctuation of the Latin text may seem to indicate that *infidelitatem* is in apposition with *errores*, rather than one of the subjects of *contineri*; but that text is not free from errors in the matter of punctuation, and the Translator has not found it advisable to strain the sense merely in order to account for the semicolon that intervenes between *infidelitatem* and *iniustitiam*.—Tr.]

victory may be achieved by our faith over the heretics, and for the public and universal advantage of all Christendom.

Given at Lamego,  
On the twenty-fourth day of November,  
In the year 1612.

MARTINHO, BISHOP OF LAMEGO.

[viii]

AUTHORIZATION OF THE PROVINCIAL

I, Juan Alvares, Visitor and also Provincial of the Society of Jesus in the Province of Portugal, in virtue of the power conferred upon me by the Most Reverend Father Claudio Aquaviva, General of our Society, do authorize the printing of this work regarding the Anglican schism, a work which was composed by Father Francisco Suárez of our Society, Doctor in Sacred Theology and Primary Professor at the Academy of Coimbra, and which has been approved by the judgment of grave and learned men of the said Society. In testimony whereof we have given this writing, signed by our hand and confirmed by our seal.

Given at Coimbra, on the fifth day of April, in the year of our Lord, 1612.

JUAN ALVARES.

AUTHORIZATION OF THE SUPREME SENATE  
OF THE HOLY INQUISITION

We declare that this book opposing the English heresies may be printed, in view of the reports which we have examined concerning it; and that, after it has been printed, it shall be returned to this Council for comparison as well as for permission to go into circulation, without which permission it shall not circulate.

Given at Lisbon,  
On the seventh day of January,  
In the year of our Lord, 1613.

THE BISHOP OF ELVAS.      THE BISHOP OF NICOMEDIA.  
BARTHOLOMEU DA FONSECA.

THE LICENCE OF THE COURT BOARD

This book concerning the Anglican schism, composed by Father Francisco Suárez, Primary Professor at the University of Coimbra,

may be printed, in view of the Licence accorded it by the author's Superior and by the Council of the Holy Office; and after being printed, the said work shall be returned to the Board for determination of the price.

Given at Lisbon,  
On the fifth day of February,  
In the year of our Lord, 1613.

D. Barbosa.

LUIS MACHADO.

AUTHORIZATION OF HIS MOST ILLUSTRIOUS LORDSHIP,  
D. AFONSO DE CASTELLO BRANCO, BISHOP OF COIMBRA, ETC.

We grant to Father Francisco Suárez of the Society of Jesus, permission to print his volume opposing the Anglican sect, a volume destined to be universally beneficial.

Given at Coimbra,  
On the fourteenth day of June, 1613.

THE BISHOP COUNT.

[ix]

THE CENSORS' JUDGMENT OF THE ACADEMY OF  
ALCALÁ DE HENARES

We have perused with all the diligence and care in our power, this treatise dealing with the Anglican schism and comprising *A Defence of the Catholic [and Apostolic] Faith, in Refutation of the Errors of the Anglican Sect, with a Reply to the work of His Most Serene Majesty, James, King of England*, as well as to his Dedicatory Epistle to the Kings and Princes of Christendom; a treatise produced by that most authoritative Doctor, Francisco Suárez of the Society of Jesus, Primary Professor of Theology at the Academy of Coimbra, handed over by the Supreme Senate [of the Holy Inquisition] for the judgment of the Academy of Alcalá de Henares, and committed by that same body to our care and good faith. In this work there is discerned nothing alien to the truth of the Catholic faith, nothing departing from or discordant with that truth. On the contrary, the author has waged such successful warfare upon the said Anglican schism and upon the Reformers of our day, that he has won over them all a glorious victory; and truly the said work contains naught undeserving of approbation and praise. For its pages radiate the author's vigorous and active talent in the revelation of heretical artifices and in the painstaking and diligent exposition of the testimony proffered by Holy Writ, by the Sacred

Councils, and by the Holy Fathers, as well as of the records of all antiquity; as they radiate, too, his marvellous dexterity in wielding the weapons of argument. In fine, there is in the entire work nothing repugnant to our undivided opinion, for on this point we are all of one voice, one mind, and one view. Wherefore, if he who is responsible for the said work orders it to be put into print with all possible speed, he will be judged to have championed aright the cause, not of the author, but of the whole Catholic and Apostolic Church; for [this work] will greatly solace the adherents of the true faith, and will confound those who have forsaken that faith.

Given at Alcalá de Henares,

On the twelfth day of May in the year of our Lord, 1613.

D. D. PRÓSPERO SPINOLA DORIA,

RECTOR [OF THE ACADEMY]

D. ANDRÉS PÉREZ

D. D. JUAN DE PEREDA Y GUDIEL

D. ENRIQUE DE VILLEGAS

D. LUIS MONTESINOS

D. MELQUIOR FERNÁNDEZ DE

BOLÍVAR

MAESTRO FRAY LORENZO GUTIERRE

[x]

PRIVILEGE OF THE KING

Whereas, We have been informed on your behalf that you, Francisco Suárez, Religious of the Society of Jesus, have printed in our Kingdom of Portugal and with permission, a book entitled, *A Defence of the Catholic and Apostolic Faith, &c.*, destined to be of great utility and benefit to the Christian Commonwealth;

Whereas, to the end that the work thus printed might be brought to Our Kingdoms of Castile and sold therein, We have been asked and supplicated to order that permission be granted you enabling you to introduce the said book into these Our Kingdoms and to sell it there, together with a privilege embracing a period of twenty years or of such extent as We might be pleased to grant;

And whereas, the above requests have been considered by the members of Our Council, and such measures have been taken by their order as are provided for in the decree that We recently issued concerning the printing of books,

It has been agreed that We should command this Our Order to be drawn up for you in regard to the said matter; an agreement which has met with Our approval. And through this Order We bestow permission and authority for the introduction of the aforementioned book into Our Kingdoms, although it was printed in the Kingdom of Portugal; as We furthermore permit and authorize that, for the period of

the next ten years (reckoned as beginning from the date of this Our Order), the said book, having thus been introduced into Our Kingdoms, may by you or by your duly authorized representative, and by no other person whatsoever, be printed and sold in the original form seen by Our Council, which original carries at its close the endorsement and signature of Jerónimo Núñez de León, Secretary for the Constituents of Our Supreme Council; to which permission and authority we affix the following provisions:

Prior to the sale, you shall bring the work before the said Constituents, together with that original, in order that the Council may see whether or not the impression in question conforms with the original; or, you shall present a certificate in official form to the effect that the Corrector appointed by Us has seen the said impression, which he has collated and corrected on the basis of the original; and on the book shall be placed the Corrector's Censure together with this Our Order;

And We furthermore command the Printer to omit the first part of the first signature when he prints the said book; neither shall he deliver more than one copy, together with the original, to the author or the person at whose expense the printing is done or to any other person whatsoever, for purposes of the above-mentioned correction and the fixing of the price, until the said book has first been corrected, and its price fixed, by the members of Our Council; which having been done and under no other conditions, it shall be permissible to print the aforesaid book, with its beginning and first signature, whereon there shall appear forthwith this Our Order and grant of privilege, together with the statements of approval, the evaluation, and the list of errata;

[These commands shall not be disobeyed,] on pain of falling under and incurring the penalties set forth in the above-mentioned decree [on the printing of books] and in the laws of Our Kingdoms which deal with this matter.

We furthermore order that, throughout the said period of time, no person whatsoever shall print or sell the book without your permission, under penalty of forfeiting—by so printing it—all books, moulds, and apparatus that he may possess, of whatsoever kind, and of incurring a fine of fifty thousand maravedis, a third part of which fine shall go to Our Supreme Council, another third to the Judge who passes the sentence, and the remaining third to the person who makes the accusation.

And as for the members of Our Council, the President and the Criers of Our Courts, the Alcaldes and the Constables of Our Residence and Court City and Our Chanceries, all the Corregidores, Officer[s] of Justice, Governors (of major or ordinary rank), and other Judges and Justices whomsoever in all the cities, towns, and villages

within Our Kingdoms and domains—as for all these persons, let them uphold in your behalf, and comply with, this Our Order, bestowed on you by Our grace; and let them in no wise go against nor act in defiance of its form and content:

Given at San Lorenzo,  
On the ninth day of the month of June,  
In the year 1613.

I, THE KING.

(By command of the King our Sovereign. JORGE DE TOBAR.)

SETTING OF THE PRICE

I, Jerónimo Núñez de León, Secretary of the Court of the King our Sovereign, and Resident of his Council, certify that:

The members of the said Council, having given their permission for the introduction into these kingdoms of the books composed by Father Francisco Suárez of the Society of Jesus and entitled *A Defence of the [Catholic and Apostolic] Faith, &c.*, together with their permission for its free sale, and also a privilege for a period of ten years,

Have rated each signature of the said work at . . . maravedis; and

Have ordered that the said work shall be sold according to that evaluation, not at a higher price, and that this statement regarding the price shall be placed at the beginning of each copy;

And in order that this matter may be made known, by command of the said members of the Council and at the request of the aforementioned Francisco Suárez, I give this certificate.

Madrid,

On the twenty-fourth day of the month of June,  
In the year one thousand six hundred and thirteen.

JERÓNIMO NÚÑEZ DE LEÓN.

FRANCISCO SUÁREZ  
A DEFENCE OF THE CATHOLIC  
AND APOSTOLIC FAITH

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Of this treatise, only the following Chapters  
are included in these *Selections*: Book III,  
Chapters V and XXIII; Book VI, Chapter IV



FRANCISCO BURNI

A DEFENCE OF THE CATHOLIC  
AND APOSTOLIC FAITH

OF THE ROMAN CATHOLIC CHURCH  
AS SET FORTH IN THE  
COUNCILS OF THE FIRST SIX GENERAL COUNCILS

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CHAPTER

THE HISTORY OF THE UNITED STATES  
FROM 1789 TO 1861  
BY JAMES M. SMITH  
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FRANCISCO SUÁREZ  
A DEFENCE OF THE CATHOLIC  
AND APOSTOLIC FAITH

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BOOK III

CONCERNING THE SUPREMACY AND POWER OF  
THE POPE OVER TEMPORAL KINGS

CHAPTER V: DO CHRISTIAN KINGS POSSESS SUPREME POWER IN CIVIL,  
OR TEMPORAL AFFAIRS; AND [, IF SO,] BY WHAT RIGHT?

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CHAPTER V. DOCTRINES CONCERNING THE SACRAMENTS  
OR SACRAMENTS, AND OF WHAT RIGHTS

## DO CHRISTIAN KINGS POSSESS SUPREME POWER IN CIVIL, OR TEMPORAL AFFAIRS; AND [IF SO,] BY WHAT RIGHT?

1. A given power may be called supreme, when it recognizes no superior. For this word, 'supreme', connotes a denial of the existence of any superior whom the other party—the one said to possess supreme power—is bound to obey.

But it is understood that we are speaking of earthly, or human superiors, inasmuch as we are not instituting a comparison with God. For what human prince, if he were neither an atheist nor a madman, would presume to withdraw himself from divine authority, or even to attempt such a withdrawal? This denial, then, is one which excludes subjection to a human and mortal superior.

However, this denial may be interpreted in a number of different ways. Consequently, in order that the title relating to this question may be understood, and may be distinguished from other questions which could be raised at this point, it is necessary to provide a clear explanation of the manner and meaning of the said denial. For, first, it is possible to deny in an absolute sense all subjection to any human superior, whether in spiritual matters, or in civil ones. Secondly, it is possible to deny subjection in these temporal and civil matters. Moreover, even though the gravest disagreement exists between ourselves and the King of England with respect to the former question (since he desires to be subordinate to no earthly being, even in spiritual matters, a desire which we regard as contrary to the faith and to Christian obedience), nevertheless, we are not treating here of that question; for we have not yet discussed spiritual power, and without knowledge of this power, it is in no wise possible to arrive at an intelligible solution of the said question. Accordingly, we shall postpone its discussion to the closing portion of this Book<sup>1</sup>; and, for the present, we shall apply the term 'supreme temporal power' to that power which is not subject to any other within the same order, or [sphere of] subject-matter.

2. Furthermore, it is customary, in connexion with the question under discussion, to distinguish two forms of subjection, namely, direct and indirect.

Two forms of subjection: direct and indirect. The nature of each.

That subjection is called direct which is confined within the object and bounds of this [civil] power itself; and that is called indirect which is derived solely from a striving towards an end that is nobler, and pertains to a superior and more excellent authority. For true civil power in its

<sup>1</sup> [Not included in these Selections.—Tr.]

essence, serves directly no other end than the fit condition and temporal felicity of a human commonwealth during this temporal life; and consequently, such power itself is also called temporal. Thus civil power is said to be supreme in its own order, when the ultimate decision in that order and with respect to the end thereof is referred to the said power, within its own sphere, that is to say, within the whole community subject to it; so that all inferior magistrates possessing power in such a community or in a part thereof, are dependent upon such a supreme prince, whereas this supreme sovereign himself is subject to no superior, in regard to the said purpose of civil government. For temporal and civil felicity must of course be related to spiritual and eternal felicity; and therefore, it may happen that the very subject-matter of civil power will require, for the attainment of a spiritual good, such direction and government as would not appear to be demanded otherwise, by reasons of a purely civil nature. Under such circumstances, even though the temporal prince and his power may not be directly subject, in regard to his own acts, to any other power within the same order and serving solely the same [civil] end, nevertheless it may become necessary for this prince to be directed, aided, or corrected in his own field of activity by a higher power that governs men in relation to a more excellent and an eternal end. In that case, the dependence in question is called indirect dependence, since such a superior power is concerned with temporal affairs, not in themselves nor for their own sake, but (as it were) indirectly, and often on account of some other factor.

3. So it is that this denial of subjection in temporal matters, which is thought to be included in the prerogatives of supreme temporal power, is further subdivided into two phases. For one may either deny all subjection, whether direct or indirect, or else deny the direct form only; and thus another twofold question arises. The first [phase of the question] is this: is the power of a Christian king supreme in the former sense; that is to say, does it neither directly nor indirectly recognize any superior in civil and temporal matters? The second [phase] is as follows: is such power supreme, in the latter sense, at least; that is, does it recognize no direct superior in temporal matters? So great is the difference between these two questions that the first relates to the dogmas of the faith, and practically constitutes the crux of the whole controversy between ourselves and the King of England; while the second does not relate to the subject-matter of the faith, nor is there any dissension between us on that point.

Nevertheless, the present discussion is not to be interpreted as referring to the former phase of the question, nor is it to be interpreted as referring to indirect subjection—or rather, exemption from such subjection. For, if the matter is carefully considered, this discussion

turns about a question of spiritual power; inasmuch as such indirect subjection can only be subjection to a spiritual power; or (and this is the same thing), inasmuch as any conceivable power to which supreme temporal power is indirectly subject, must be solely spiritual, as we shall see in discussing that [form of power]. Therefore, we shall postpone this question until we come to the said discussion.

The title, then, of the question in hand must be understood to relate exclusively to that supreme power which does not directly recognize any superior within this same [temporal] order. For though, as I have said, there is no dissension between the King and ourselves on this point, nevertheless, in view of the fact that he frequently complains, with regard to Catholics, that we deny the jurisdiction of Christian princes and the obedience due to them, I have come to the conclusion that this question should not be passed by in the present context; my purpose being to show clearly, by the solution of the said question, that the royal power of Christian princes is preserved unimpaired, according to Catholic doctrine, in all those respects in which such power is consistent with natural law.

4. Therefore, certain Catholics, and especially certain jurists, have held the opinion that within the Church of Christ not only spiritual, but also temporal government is monarchical; that, consequently, in the whole Catholic Church there exists but one supreme temporal prince, who holds, *per se* and directly, supreme civil power over the entire Church; and that this supreme prince is the Pope, by the institution of Christ. Whence these authorities have drawn the further inference that no commonwealth, and no king or emperor, possesses supreme power in temporal matters; since there cannot be two supreme heads within one and the same order, and since therefore, if the Pope holds supreme temporal power, directly and *per se*, it necessarily follows that there is no supreme power in any other temporal prince, inasmuch as there will be no other temporal prince who does not recognize a superior in temporal matters.

Some persons even go so far as to add that all the rights of kingdoms and all powers of dominion were conferred upon Peter, as the vicar of Christ, and that the Roman pontiff accordingly succeeds to these rights, so that supreme civil power resides habitually (to use their own expression) in the Pope alone, although he administers it through other rulers as the result of a tacit or express concession. This is the view expressed by the chief authorities among the early interpreters of Pontifical law: the Gloss, Innocent, Hostiensis, Giovanni d'Andrea, Panormitanus, Felinus, and Decio (on *Decretals*, Bk. II, tit. I, chap. xiii; Bk. IV, tit. xvii, chaps. vii and xiii; Bk. I, tit. xxxiii,

Explanation of the sense in which the question is [here] interpreted.

Gloss.  
Innocent.  
Hostiensis.  
Giovanni  
d'Andrea.  
Panormitanus.  
Felinus.  
Decio.



Bartolus.  
Oldradus.  
Castro.

St. Antoninus.  
Alvaro Paez.  
Augustinus of  
Ancona.

chap. vi; Bk. III, tit. xxxiv), and others (on *Decretum*, Pt. I, dist. x, chap. viii and Pt. I, dist. xcvi, chap. vi). Among the interpreters of civil law, the following uphold the same opinion: Bartolus, Oldradus, Paul de Castro, and others mentioned by Navarrus and Covarruvias (who will be cited below). To these, may be added the names of St. Antoninus ([*Summa Theologica*,] Pt. III, tit. xxii, chap. v, §§ 13 and 17), Alvaro Paez [, *De Planctu Ecclesiae*] and Augustinus [Triumphus] of Ancona [, *Summa de Potestate Ecclesiastica*] as well as many other authorities referred to by those above cited.

5. They base their opinion, first, upon numerous decrees of the Popes, who apparently uphold this view; decrees to which we shall refer below, in expounding the opinion of the said pontiffs.

A second basis is found in usage, and in the various effects pointing to the existence of the power in question. Examples of this sort are the transference of empire from the Greeks to the Germans, the institution of the mode of electing the emperor, the confirmation of his election, and even, at times, his deposition, all of which are the acts of a superior temporal power. Moreover, if the emperor is not supreme, far less can the other rulers be supreme. Wherefore, kings also have on certain occasions been deposed by the Popes.

A third basis for the same contention is the assumption—so that the Scriptures, too, may be adduced in proof of the said contention—that Christ possessed direct power, not only of a spiritual, but also of a temporal nature. This argument rests, partly, on the fact that He said: ‘All power is given to me in heaven and in earth’ [*Matthew*, Chap. xxviii, v. 18]; partly, also, on the fact that He was the natural Son of God (*filius Dei naturalis*). Whence the authorities in question infer that He committed both kinds of power alike to His vicar. For in the first place, He Himself made no distinction, but laid upon Peter the general injunction, ‘Feed my sheep’ [*John*, Chap. xxi, v. 17], and this term ‘feeding’ embraces civil no less than spiritual government, inasmuch as it is said of David (2 *Kings*, Chap. v [, v. 2]), ‘[. . .] the Lord said to thee: Thou shalt feed my people Israel [. . .]’; and, in the second place, such [a twofold commission] was expedient for the good government of the Church, as well as for its peace and unity.

Consequently, a fourth argument, founded upon nature, is added, as follows: in one body, there should be only one supreme head, from which, as from a primary source, flow all vital actions, whether they serve the body, or the spirit; and the Church is one mystic body, as has already been explained;<sup>1</sup> therefore, it requires one supreme governor over both orders, and furthermore, both powers must reside in one person, for if they reside in different persons, an infinite number of

<sup>1</sup> [In *Defensio Fidei Catholicae*, Bk. I, chap. xvi, § 11, which is not included in these *Selections*.—*Tr.*]

2 *Kings*, v.

dissensions and disputes will arise, of a character that can hardly be resolved by human diligence and reason, as actual experience has shown.

6. Nevertheless, we must assert that Christian kings do possess the true opinion is supreme civil power within their own order and that laid down. they recognize no other person, within that same temporal or civil order, as a direct superior upon whom they essentially depend in the exercise of their own proper power. Whence it follows that there exists within the Church no one supreme temporal prince over that whole body, that is to say, over all the kingdoms of the Church; but that, on the contrary, there are as many princes as there are kingdoms, or sovereign states.

This is the more widely accepted and approved opinion, among Catholics, and we shall shortly refer to those [authorities who support it].

But the proof of the first part thereof depends upon the proof of the latter part. For if there exists no one temporal head, the inference necessarily drawn is that the many kings are all supreme, in accordance with the proposition which we have already laid down; since it is not our intention at this point to examine specifically the question of whether this or that particular king is supreme, nor to compare the various temporal princes one with another, inasmuch as these are matters quite foreign to our present purpose.

7. It is for the same reason that we do not deal here with the question of whether or not the emperor<sup>1</sup> is superior in jurisdiction over all Christian provinces and kingdoms, being consequently the supreme monarch of the whole Church. For though this question might be related to the latter part of our assertion, still, it bears scarcely any relation at all to the explanation of the dogmas of the faith. Therefore, we shall briefly assume that—whatever may be the opinion of Bartolus and certain other jurists—the emperor does not possess such dominion, or supreme temporal jurisdiction, over the whole Church; for he either never has possessed it, or else, having once done so, has lost the greater portion of it.

Indeed, the proposition that he never did possess this power is very probably correct; inasmuch as he did not receive it in a supernatural or an extraordinary manner from Christ the Lord, nor from the Roman Pontiff, as will become evident, *a fortiori*, from what we say below; neither did he acquire it by any human right, since at no time, whether through election or through a just war, has a single emperor subjected to his sway the whole world, or the whole Church. For even granting that the early Christian emperors were lawful princes over their entire domain, it still does not follow that they were

<sup>1</sup> [i.e. The Holy Roman Emperor.—Tr.]

S. Prosper  
Aquitanus.

Pope Leo I.

also supreme princes over all Christians, since there may have been many Christian peoples outside of their territories and, as Prosper Aquitanus (*De Vocatione Omnium Gentium*, Bk. II, chap. vi [chap. xvi]) rightly said: 'Christian grace is not content to be bounded by the same limits as Rome; and it has subjected to the sceptre of the Cross of Christ, many peoples whom Rome herself has not conquered with her own arms.' Thus we have also the words of Pope Leo I (*Sermones*, i,<sup>1</sup> *Apostolorum*), regarding Rome: 'That thou mightest govern more widely by divine religion than by earthly domination.' There is, too, the additional argument that this Roman Empire was itself divided into the Eastern and the Western Empires, and that, furthermore, the latter (which alone has remained Christian, the Eastern Empire having been seized by the pagans), though it continues to reside within one person in so far as [imperial] dignity is concerned, has been divided with respect to jurisdiction among many princes and kings. And of these, although some are subject to the emperor, many are regarded as lawfully exempt by right of prescription (to which is<sup>240</sup> adjoined, at the same time, the consent of the peoples concerned), or by a title acquired by just war.

Accordingly, we assume for the present that there are, in addition to the emperor, many temporal kings entirely independent of his jurisdiction, such, for example, as the kings of Spain, of France and of England.

8. Therefore, only the assertion concerning the Supreme Pontiff remains to be proved. For if he does not possess true dominion, involving supreme temporal jurisdiction, over all the kingdoms of the Church, it is not possible to conceive of any other person who holds such a primacy, and consequently, there will be a number of kings who are temporally supreme.

Major.

Cajetan.

Victoria.

Soto.

Bellarmino.

Covarruvias.

Navarrus.

Bertrandi.

The proposition, then, that such temporal jurisdiction over the whole Church is not possessed by the Pope, has been supported, among the theologians, by the following persons, in particular: Major (on the *Sentences*, Bk. IV, dist. xxiv, qu. 3), Cajetan (*Opuscula*, Tom. I, tract. II, chap. iii [chap. iv] and on II.—II, qu. 43, art. 8), Victoria, in his *Relectiones* [*De Indis*, Sect. II, no. 3; *De Potestate Ecclesiae*, no. 2], Soto (*De Iustitia et Iure*, Bk. IV, chap. ii [Bk. IV, qu. iv, art. 2]) and Bellarmine (*De Potestate Pontificis*, Bk. V, chaps. i et seq.), who refers to various other persons as holding the same opinion. And as for the jurists, this proposition is upheld by Covarruvias (on rule *Peccatum*, Pt. II, § 9, no. 7), by Navarrus (at great length on *Decretals*, Bk. II, tit. I, chap. xiii, notab. 3, and when citing several others, no. 41), and by Petrus Bertrandi (tract. *De Origine et Usu Jurisdictionis*, Qu. 3). Furthermore—and this is most important—from the very

<sup>1</sup> [Sermon LXXXII, *In Natali Apostolorum Petri et Pauli* in Migne, P.L. liv, col. 423.—REVISER.]

Popes themselves we obtain in many passages a simple admission of this same truth.

9. Accordingly, the truth of the assertion in question should be proved, first of all, on the basis of their laws.

The truth of this assertion is proved by the authority of the Popes.

For Pope Nicholas (*Decretum*, Pt. II, causa XXXIII, qu. ii, can. vi) wrote to Archbishop Albinus as follows:

Pope Nicholas.  
*Decretum.*

'The holy Church of God has no sword save a spiritual sword.' But the word 'sword', in canon law, customarily denotes temporal power. And therefore, this statement should be interpreted particularly as referring to the direct power and the jurisdiction which the holy Church possesses, of itself and (so to speak) by its intrinsic nature. For, within their own territory, it is possible for the Church, or the Ecclesiastical Prelate, to possess a temporal sword under another, additional title, as the Pope, for example, possesses it within his own proper domain. Furthermore, this same Nicholas in a letter to the Emperor Michael (contained in *Decretum*, Pt. I, dist. x, can. viii, and Pt. I, dist. xxxiii [dist. xcvi, can. vi]) declared: 'The emperor has not appropriated papal rights, nor has the Pope usurped the title of emperor, inasmuch as Christ has so separated the functions of the two powers into the respective acts and dignities proper to each,' &c. Pope Gelasius lays down the same doctrine for us, when he writes (*Letters*, x [viii], *To the Emperor Anastasius*) that 'there are two [forces] by which the world is chiefly governed: the sacred authority of the Popes, and kingly power'. Again, Pope Gregory I (Bk. II, indict. xi, letter 61 or chap. c [letter lxxv in Migne, *Patrologia Latina*, Vol. lxxvii, col. 662]) addressed these words to the Emperor Mauritius: 'To this end has power over all men been granted to the piety of my lords, namely, in order that the earthly kingdom should serve the kingdom of heaven.' Pope John I, also, in a letter to Justinian (contained in the *Code*, I. i.<sup>1</sup> 8) recognizes the supreme princely authority and royal power of that ruler.

*Decretum.*

Pope Gelasius.

Pope Gregory I.

10. Furthermore, Innocent III clearly holds (in *Decretals*, Bk. II, tit. 1, chap. xiii) that the King of the French possesses a supreme temporal jurisdiction which the Pope does not wish to unsettle or diminish; so that he adds: 'For we do not purpose to pass judgment concerning the fief, a matter which it is for the king (*ipsum*) to judge', clearly meaning that this judgment does not pertain to himself [as Pope]—not, at least, in a direct sense—a point which is rightly noted by the Gloss and by Innocent himself. The latter provides a fuller explanation when he adds: 'Save, perhaps, in the case of derogation by common law through a special privilege or through custom.' For in making this exception, Innocent clearly declares that no derogation

Innocent III.

Innocent.

<sup>1</sup> [The Latin text gives this title of the *Code* as *De Sacra Trinitate*. It should read *De Summa Trinitate*.—TR.]

from kingly rights is effected by divine law. Moreover, this same Pontiff expressly says (*Decretals*, Bk. IV, tit. xvii, chap. xiii) of the French King that this ruler recognizes no superior in temporal affairs; and with respect to the Apostolic See, he observes: 'Within the patrimony of Saint Peter, [the Pope] may order [all things] freely (that is to say, directly and absolutely), for within this territory, he not only exercises the authority of the Supreme Pontiff, but also wields the power of a sovereign prince (that is to say, a temporal sovereign)', clearly meaning that, within other realms, he may not order temporal matters thus freely. In like manner, Innocent admits (*Decretals*, Bk. I, tit. xxxiii, chap. vi) that the emperor 'is supreme in temporal matters, within his own domain,'<sup>1</sup> and says of the royal power that 'in carnal matters, it is supreme.'<sup>2</sup> Again (in *Decretals*, Bk. IV, tit. xvii, chap. vii) Alexander III makes the express assertion that it is for the king, not for the Church, to pass judgment regarding temporal possessions; and he refers specifically to the King of England.

It is, then, sufficiently evident that the Roman Pontiffs themselves have never assumed power of the sort in question. This point will be brought out more fully by our later remarks.

II. The second and principal proof that the conclusion<sup>2</sup> in question is true consists in the fact that no just title can be assigned by which the Pope properly possesses direct jurisdictional dominion in temporal matters over all the kingdoms of the Church, so that, consequently, he does not possess such jurisdiction, since it cannot be acquired without a just title.

The assumption that no just title can be assigned may be proved as follows: such a title would be based either upon positive divine law, or else upon human law, since it is evident from what has already been 241 said that this title cannot be based directly upon natural law; for we have demonstrated that only a perfect human community incorporated politically in one unified state, is endowed directly by natural law with supreme temporal jurisdiction over itself; whereas the congregation of the Church—though it is the single spiritual, or mystic body of Christ, and possesses in this spiritual sense a unity in faith, in baptism, and in its head—nevertheless is not unified after the manner of a single political congregation; rather does it contain various kingdoms and commonwealths not possessed of any political unity binding them one with another; therefore, by the force of natural law, there exists within the whole community of the Church no one immediate

<sup>1</sup> [This quotation, as given by Suárez, varies slightly from the text of the *Decretals*.—Tr.]

<sup>2</sup> [i.e. the conclusion that the Pope lacks supreme temporal power, with the corollary that no prince is temporally supreme over the whole Church. (*Vide* the first paragraph of Sect. 8 above.) The first proof of this contention was drawn from the papal decrees themselves. (*Vide* the first sentence of Sect. 9.)—Tr.]

and supreme jurisdiction of a temporal and universal nature, extending over the Church as a whole; for, on the contrary, there are as many supreme temporal jurisdictions as there are separate political communities which do not form part of one unified political kingdom or commonwealth.

12. Whence we draw the equally evident conclusion that the said power does not exist in any ecclesiastical prince, by any human title through which this natural power might have been transferred to such a prince.

Supreme civil power does not pertain to the Pope by human law.

For that title would consist in one of several alternatives. It might be a title by election and by the consent of the people; an alternative which (as is self-evident) cannot be applied to the case under discussion, since it has never come to pass that all Christian peoples have of their own volition and by their own consent, subjected themselves to one man as their supreme temporal prince. Or, it might be a title by just war; and this alternative, too, is clearly inapplicable in the case of an ecclesiastical prince. Again, it might be a title by lawful succession; another hypothesis which is untenable in the present instance, if we take our stand strictly upon human law. For it presupposes the existence of a legitimate title and dominion in the predecessor, so that, tracing it back in this fashion, we must necessarily come to some person who acquired such dominion independently of succession, by some other and earlier human title, one which must consist either in the consent of peoples, or else in a war that was just from the beginning, or was made just by the tacit consent of the subject persons, extending throughout the lawfully required period of time; but none of these suppositions is tenable in the case of any Pope, of whatsoever period or past age. Or finally, the title in question might be founded upon some grant made by human agency; and this hypothesis may be answered with very nearly the same reasoning as that applied to the hypothesis of title by succession. For no one can give that which he does not himself possess; and no prince, even of a temporal sort, has ever possessed supreme temporal jurisdiction directly over all Christian provinces and kingdoms (a point on which I have touched, above); therefore, there is no person who can have made such a grant to the Church, nor to the Pope.

13. All these observations are, properly speaking, confirmed by the canon laws which declare that the Pope possesses a legitimate right to, and temporal dominion over the kingdom of Rome—or, as it is called, the patrimony of St. Peter—through a grant made by the Emperor Constantine, as is evident from various passages in the canon law (*Decretum*, Pt. I, dist. xcvi, canons xiii and xiv; *Sext.* Bk. I, tit. vi, chap. xvii and *Decretum*, Pt. II, causa xii, qu. i, can. xv). For these

*Decretum.*  
*Sext.*  
*Decretum.*

passages clearly point to the conclusion that the Pope possesses direct temporal jurisdiction only over the kingdom and the states pertaining to the patrimony of Peter; a patrimony under which we include all temporal dominion now held by the Pope, whether the whole patrimony was granted by Constantine, or whether it originated with him and was subsequently increased by other kings and princes.

14. The title based upon positive divine law is yet to be mentioned, a title which could have originated only through the gift of Christ the Lord, and which could have persisted only through legitimate succession. But no such gift was ever bestowed

The same point is proved in connexion with divine law.

by Christ the Lord; consequently, there can be no legitimate succession with regard to such temporal jurisdiction; and therefore, jurisdiction of the kind in question does not pertain to the Pope by this title. Moreover, the contention that Christ did not bestow the said jurisdiction upon the Church is proved, first, by the fact that, if He had granted it to any one, He would most surely have granted it to Peter (as I assume, for the present, on the basis of certain statements to be made below, regarding the primacy of the Roman Pontiff); but the inference that Christ did not endow Peter with that jurisdiction is indicated clearly enough by a passage in *Matthew* (Chap. xvi [v. 19]), wherein, to the words, '[. . .] whatsoever thou shalt bind [. . .],]' and, 'whatsoever thou shalt loose [. . .],]' Christ prefixes the promise: '[. . .] I will give to thee the keys of the kingdom of heaven [. . .]'. Therefore, Christ did not promise to Peter the keys of the earthly kingdom; and accordingly, it was spiritual power, not direct temporal dominion or jurisdiction, that He promised. Consequently, the words which Christ straightway adds, '[. . .] whatsoever thou shalt bind [. . .],]' and, 'whatsoever thou shalt loose [. . .],]' should undoubtedly be interpreted in relation to the power which He had promised under the name of the keys. Similarly, the saying, 'Feed my sheep', should be interpreted in relation to that same power, for in these words Christ fulfilled the promise previously made. Nor is there any other passage in which Christ has indicated that He gave temporal dominion, or a kingdom in the literal sense of the word, directly to Peter or to His Church. Nor, indeed, does ecclesiastical tradition indicate that He did so; rather, it supports the opposite view, as we have seen. Consequently, we cannot know through any supernatural channel of the possession of such direct, temporal jurisdiction by the Pope. And therefore, the attribution of this jurisdiction to him is unfounded, inasmuch as he cannot possess it save in some supernatural manner.

15. The most acceptable supposition, then, is as follows: Christ Himself, in His humanity, did not take for Himself an earthly or temporal kingdom with direct, temporal dominion and jurisdiction,

*Matthew, xvi.*

such as the emperor or other human princes possess, so that, consequently, He did not bestow that jurisdiction upon His earthly vicar.

We base the antecedent [partly] upon what we have already said in Pt. III of Tom. I, *On the Kingdom of Christ*,<sup>1</sup> and partly upon a brief demonstration of its truth, given here, and drawn from the Scriptural comments on the poverty of Christ the Lord. Take, for example, that passage in *2 Corinthians* (Chap. viii [v. 9]): '[. . .] you know the grace of our Lord Jesus Christ, that being rich he became poor, for your sakes; that through his poverty you might be rich.' Accordingly, Pope John, when he declares (*Extravagantes Ioannis XXII*, Tit. xiv, chap. iv) that Christ, despite His poverty, did have dominion over some few articles of ordinary use, obviously assumes that He did not take for himself dominion over kingdoms, nor over those other possessions whose ownership constitutes human wealth. Moreover, the same meaning was contained in the words of Christ Himself (*Matthew*, Chap. viii [v. 20] and *Luke*, Chap. ix [v. 58]): '[. . .] the son of man hath not where to lay his head.' Again, He spoke (*Luke*, Chap. xii [v. 13, 14]) with the same meaning of temporal jurisdiction, when to the one petitioning Him, '[. . .] speak to my brother that he divide the inheritance with me', He replied: '[. . .] Man, who hath appointed me judge, or divider, over you?'—as if to say that He had not assumed these judicial functions nor had He come into the world to exercise temporal jurisdiction; even as Ambrose, Theophylact and Euthymius have correctly observed.

16. Moreover, our Lord Himself has confirmed this [interpretation], saying (*John*, Chap. xviii [v. 36]): '[. . .] My kingdom is not of this world', meaning that it was not temporal and earthly, as was the kingdom of Caesar. So this passage is expounded by Cyril (on *John*, Bk. XII, chaps. x *et seq.*), by Chrysostom (*Commentary on John*, Homily LXXXII), and most excellently, by Augustine who says (*On the Gospel of John*, Tract. CXV [§ 2]): 'Hear ye, all ye earthly kingdoms! I do not obstruct your dominion in this earth; my kingdom is not of this world.'

Wherefore, all the Fathers maintain that Christ took for Himself a spiritual kingdom which was in no way incompatible with true poverty. So it is that, in the Old Testament (*Zacharias*, Chap. ix [v. 9]), it is predicted that there will come a Saviour, Who will be a king, and poor; a prophecy which the New Testament (*Matthew*, Chap. xxi [vv. 4 and 5]; and *John*, Chap. xxii [Chap. xii, vv. 14 and 15]) declares to have been fulfilled in Christ.

In the *Psalms* (ii [v. 6]), also, it is said of Him: 'But I am appointed king by him over Sion, his holy mountain,' to which is straightway

Disp. XLVIII,  
§ 2.

*2 Corinthians*,  
viii.

Pope John  
XXII.

*Matthew*, viii.

*Luke*, ix and  
xii.

*John*, xviii.

Cyril.

Chrysostom.

Augustine.

*Zacharias*, ix.

*Matthew*, xxi.

*John*, xii.

*Psalms*, ii.

<sup>1</sup> [Referring to Suárez's work, *De Verbo Incarnato*, Pt. III, disp. xviii, § 2, which is not included in these *Selections*.—TR.]



Augustine.

Hilary.

Epiphanius.

Jerome.

added the phrase: 'preaching his commandment,' in order to indicate that this kingdom is spiritual, not earthly. Thus Augustine (*On the Gospel of John*, Tract. CXV, § 2) asserted that the mountain over which Christ was appointed king, was not of this world; 'for the believers in Christ, who constitute His kingdom, are not of this world'.<sup>1</sup> Hilary, too, has declared that this kingdom is not the earthly, but the heavenly Jerusalem. Moreover, the angel in like manner foretold [*Luke*, Chap. i, v. 32] concerning Christ: '[. . .] the Lord God shall give unto him the throne of David his father,' straightway adding [vv. 32 and 33]: 'and he shall reign in the house of Jacob forever. And of his kingdom there shall be no end'; for it was to be not a temporal, but a spiritual kingdom, a fact which has been noted by Epiphanius (*Panarium Adversus LXXX Haereses*, XXIX) and also by Jerome (on *Jeremias*, Chap. xxii [v. 29, 30] and *Zacharias*, Chap. vi [v. 9 et seq.]). The reason for this fact is that the temporal kingdom was not necessary to Christ for His honour and majesty, while it was expedient, as an example to us and for our redemption, that He should not take that kingdom for himself.

17. Thus, on the basis of our foregoing remarks, it is easy to prove the truth of our first conclusion,<sup>2</sup> namely, that

An objection.

Christ did not confer upon His vicar, a power which

He did not Himself assume.

It will be objected that Christ, although He possessed no temporal kingdom of a perishable and imperfect sort, nevertheless did possess in His humanity, by the grace of [His] union [with the Godhead], a superior dominion, through which He could have used at will all temporal things or kingdoms whatsoever, so that, furthermore, He could have availed Himself of that dominion to bestow temporal kingdoms and a direct temporal jurisdiction upon His vicar.

We reply that we do not deny that He could have done so, even as

The solution.

He also could have assumed [such kingly power and jurisdiction] for Himself; but we infer that He did not

bestow [this gift], since He did not assume for Himself this [temporal kingship and] since He left behind Him on earth only His vicar for that kingdom which He did in actual fact assume for Himself; a kingdom 243 which is spiritual, as we have shown, and which, indeed, attains its perfect consummation in glory, yet has its beginning in this world, in the Church militant. Moreover, inasmuch as Christ Himself held perfect spiritual power without direct temporal jurisdiction, it was likewise possible for Him to impart to His vicar a spiritual jurisdiction that

<sup>1</sup> [This is a translation of the Latin of our text (*quia credentes in Christum qui sunt regnum eius, non sunt de hoc mundo*), italicized to indicate that the words are a direct quotation from Augustine. The passage in Augustine which is evidently referred to, however, reads as follows in the *Patrologia Latina* of Migne, Vol. XXXV, col. 1939: *Quod est enim ejus regnum nisi credentes in eum, quibus dicit, De mundo non estis, sicut et ego non sum de mundo?* (For of what does His kingdom consist, if not of those who believe in Him, to whom He saith: 'Ye are not of this world, even as I am not of the world?')—Tr.]

<sup>2</sup> [Vide the first paragraph of Section 15 *supra*, p. 676.—Tr.]

was perfect—that is to say, sufficient—unaccompanied by any other jurisdiction of a directly temporal nature. And finally, just as it was expedient that Christ Himself should not assume temporal jurisdiction, so also was it fitting that he should refrain from communicating such jurisdiction to His vicar, lest He should disturb the kings of the earth, or should seem to mingle the spiritual with the secular.

18. Thus we draw our final proof from reasoning, as follows: temporal dominion with direct jurisdiction of a civil nature over the whole Church was not necessary for the spiritual government of the Church, as is self-evident, nor was it even of use for that same purpose; on the contrary, it might rather have proved to be a grave impediment; and therefore, it is improbable that such jurisdiction was granted by Christ.

The truth of the minor premiss is proved, first, by the fact that temporal government differs widely from spiritual government, and involves men in worldly affairs, which are a powerful factor in diverting mankind from spiritual matters, wherefore Paul has declared (*2 Timothy*, Chap. ii [v. 4]): ‘No man, being a soldier to God, entangleth himself with secular businesses [ . . . ]’ Consequently, it is incredible that Christ the Lord should have united these two supreme and universal forms of power in one supreme pontiff of the Church, inasmuch as it is morally impossible that one man should be able to support the burden of universal government in both of these forms.

*2 Timothy, ii.*

19. The objection will be made that, according to such reasoning, neither the Pope nor any other bishop can or should be at the same time a temporal prince.

An objection.

We reply, first of all, that it is true that Christ the Lord did not establish such [a twofold principate], nor order its establishment, neither did He bestow a temporal principate upon any of His ministers, or pastors. This point is proved by the foregoing discussion, and confirmed by our remarks concerning the kingly rule of Christ the Lord; [namely,] that He assumed no temporal principate, nor secular power of judgment, whether over the whole world or over some portion thereof, so that, furthermore, that principate and power were not imparted by Him to any of His bishops or vicars. Accordingly, the words which Christ Himself uttered [*Luke*, Chap. xii, v. 14] concerning Himself, ‘[ . . . ] who hath appointed me judge [ . . . ] over you?’ are also applicable to every bishop. St. Bernard, too (*De Consideratione ad Eugenium*, Bk. I, chap. vi and Bk. II, chap. vi), proves this same point by means of other testimonies and a lengthy discussion.

St. Bernard.

We must add, however, that Christ did not forbid that a Pope or bishop should be at the same time a temporal lord. For no prohibition to this effect can be found, a fact on which we have already

touched and which will be made still more evident by our later remarks; nor is it to be inferred from the line of reasoning propounded above, inasmuch as it is not in itself an evil that one and the same person should be an ecclesiastical pastor and a temporal prince. On the contrary, even though a temporal charge that is excessive in its demands and of a universal character is not properly compatible with spiritual cares, a temporal principate of a limited nature may nevertheless be not only permissible but even expedient for the conservation of the Church's majesty and authority, for necessary expenses and for similar good ends, as the *Sext.* rightly declares (Bk. I, tit. vi, chap. xvii). Therefore, Christ the Lord did not forbid this [combination of powers], but left the matter to human management, regulated by right reason and taking into account the requirements of [varying] times.

*Sext.*, I. vi. xvii.

20. A different reply may be made, however, to the argument adduced above; [namely, the reply] that the said argument proves merely that the *exercise*<sup>1</sup> of both forms of universal jurisdiction should not have been entrusted to the same person at one and the same time, but that it was nevertheless possible for the twofold jurisdiction to be granted in a primary sense to the Pope, as it has indeed been granted, subject to the law and condition that he shall ordinarily exercise the spiritual jurisdiction directly, and the temporal, through other persons.

But this reply may, in its turn, be easily attacked; not only on the ground that such primary jurisdiction cannot, by any title, nor in any convincing manner, be shown to exist (a point which has already been proved),<sup>2</sup> but also on the ground that the said jurisdiction would be either irrelevant or extremely odious.

For, from one standpoint,<sup>3</sup> he who holds this jurisdiction must never make direct use of it in his own person, and thus such jurisdiction will be idle and useless, since it will never be possible for any one to exercise it through the agency of others, until he has first exercised it in his own person, when delegating it, at least, or committing it to another's charge as ordinary [that is to say, official] jurisdiction. If, on the other hand, it is contended that the jurisdiction in question has indeed been granted to him to be used in this particular manner, I shall furthermore inquire whether the Pope, in committing such jurisdiction, for example, to another, altogether renounces his own share therein, divesting himself completely of all charge over it; or whether his commission of that jurisdiction is such that he nevertheless retains his temporal superiority, together with

<sup>1</sup> [The italics are not in the Latin.—Tr.]

<sup>2</sup> [*Supra*, this Chapter, pp. 672 *et seq.*—Tr.]

<sup>3</sup> [Simply *Aut enim*, in the Latin, the correlative of *Aut* apparently being *verò* (on the other hand), in the following sentence.—Tr.]

the power to revoke or at least to limit the charge committed, or even the power to correct or amend at will the acts performed as a part of that charge.

If the primary jurisdiction in question be conceived of in accordance with the former alternative, it is barren and useless. For of what avail is it, that the Pope should possess that power in a primary sense, if he has of necessity been obliged to bestow it upon others, to be exercised by them, and if, having thus bestowed it, he is no longer  
244 able to act as a superior within that [temporal] order? On the contrary, it even follows that he no longer possesses the said power, and is merely represented as having possessed it at one time, in order that its derivation in the case of secular princes may be attributed to the Pope, a claim which is regarded as replete with envy and exceedingly odious; and which, for the rest, is both futile and groundless.

21. If, on the other hand, the power in question is to be conceived of, in accordance with the second alternative, as existing in a primary sense in that it may issue as action at any time that is pleasing, or at any time that is opportune, then the hatred and envy involved will be greater still. For [in the light of such an hypothesis,] temporal princes will no longer be sovereign rulers; the words of the poet Sedulius—accepted by the Church and widely celebrated—will be false: "The Giver of heavenly kingdoms, does not seize upon perishable things;"<sup>1</sup> and the Pope will be able to destroy or transfer temporal kingdoms at his own pleasure, and to arrogate to himself at will the function of judging and dispensing in temporal matters, as well as other, similar functions, and he will be able to do so validly, at least. For though such action [on the part of the Pope] might perhaps be undesirable, owing to the resulting disturbance of the [temporal] order, the completed action would nevertheless be valid, since it would be derived from that supreme jurisdiction on which the inferior depends. And such a situation would not only be odious and capable of disturbing (not without cause) the minds of kings, but is, moreover, essentially inconceivable, being opposed to the universal peace of the Church and to her universal and unbroken custom.

Consequently, even those jurists who hold that the Pope does have supreme temporal jurisdiction, do not admit this hypothesis. On the contrary, they absolutely deny, in the case of many acts of temporal jurisdiction, that the Pope is able, outside the bounds of his own temporal domain, to exercise these temporal functions in such a way that his action is even valid. This is the common opinion, for example, of the Doctors, in their commentaries on the *Decretals* (Bk. IV, tit. xvii, chap. xiii).

<sup>1</sup> [These are words from the hymn used at Vespers of the Epiphany, beginning *Cruentis Herodes*.—REVISER.]

And finally, if the Pope did thus possess a primary temporal jurisdiction over the whole Church, he would be obliged to exercise solicitude for the proper temporal government of all the kingdoms of the Church, no less than for the spiritual government of all her episcopates, since in due proportion the same reason and the same obligation exist [with respect to both charges]; and consequently, the argument adduced above holds good, that is to say, the argument that this twofold universal care is excessive, practically speaking, for human strength and human capacity, and is entirely contrary to reason and to custom.

22. Of the basic arguments for the contrary opinion, the first and the second apply only with regard to the indirect power [of the Pope]; and, assuredly, many of the authors cited in defence of that opinion are referring solely to this same superior power, as we shall explain at the end of the present Book.<sup>1</sup>

The third basis, on the other hand, is derived from a false principle, since Christ the Lord did not assume temporal dominion for Himself, as has been pointed out.<sup>2</sup>

The fourth basic argument is likewise faulty. For the Church is not a single temporal commonwealth, as it is a spiritual commonwealth, and it therefore requires, not one directly supreme temporal power, but a single spiritual [sovereignty], extending in its application to temporal affairs, as we shall learn below.<sup>3</sup>

<sup>1</sup> [Not included in these *Selections*.—Tr.]

<sup>2</sup> [*Supra*, p. 676, § 15, this Chapter.—Tr.]

<sup>3</sup> [Chap. vi of Bk. III, not included in these *Selections*.—Tr.]

FRANCISCO SUÁREZ  
A DEFENCE OF THE CATHOLIC  
AND APOSTOLIC FAITH

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BOOK III

CONCERNING THE SUPREMACY AND POWER OF  
THE POPE OVER TEMPORAL KINGS

CHAPTER XXIII: THE POPE MAY USE COERCIVE POWER AGAINST KINGS,  
EVEN TO THE POINT OF DEPOSING THEM FROM THEIR THRONES, IF  
THERE BE A VALID CAUSE

THE HISTORY OF THE  
A DEFENCE OF THE CATHOLIC  
AND APOSTOLIC FAITH

BOOK III

OF THE HISTORY OF THE  
CATHOLIC AND APOSTOLIC FAITH  
IN THE REIGN OF  
THE MOST CHRISTIAN  
KING CHARLES THE FIRST  
OF GREAT BRITAIN  
AND FRENCH KING  
OF NAVARRE  
BY  
JAMES HANCOCK  
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M.D.C.LXXII.

CHAPTER XXIII

THE POPE MAY USE COERCIVE POWER AGAINST KINGS, EVEN TO THE POINT OF DEPOSING THEM FROM THEIR THRONES, IF THERE BE A VALID CAUSE

1. This, as I have said, is the very heart and the chief point of the present controversy.

For King James, who denies the existence of papal jurisdiction over the whole Church and, in particular, over kings, is in truth not greatly troubled with regard to [papal] directive power. He is, on the other hand, anxious and fearful as to the coercive power of the Pope, and especially as to that phase of it which extends to confiscation of his kingdom, since, by persisting in his error, James causes himself to doubt his own security upon his throne, if it should be believed by his subjects that the said power does reside in the Pope.

Accordingly, in order that he may be free to persist in his blindness, he desires to deprive the Church of Christ of every remedy against heretical princes. The same stratagem was devised before him, by Marsilio of Padua and other enemies of the Church.

But the contrary opinion is supported by all the Catholic Doctors whom I have mentioned above, and whom Bellarmine (in the recent treatise already noted, [Tract. *De Potestate Summi Pontificis*]) cites more fully. Nor is this contrary opinion less certainly true than the other statements already made. Indeed, if the latter are carefully weighed, it will not be difficult to refute the error that has been propounded and to defend, moreover, the Catholic truth that is confirmed by custom, by authority and by reason.

Bellarmino.

2. For, in the first place, it clearly follows from what has been said above,<sup>1</sup> that there does reside in the Pope coercive power over temporal princes who are incorrigibly wicked, and especially over schismatics and stubborn heretics.

He must possess this coercive weapon because directive force is inefficacious without coercive force, as Aristotle points out (*Nicomachean Ethics*, Bk. X, chap. ix [, § 12]); so that if the Pope has directive power over temporal princes, he necessarily has coercive power also, in cases where they have been unwilling to obey the just direction laid down by laws or precepts.

Aristotle.

The truth of the inference is proved as follows: those things which are from God, are well ordered and perfectly appointed; and

<sup>1</sup> [Bk. III, chap. xxii of *Defensio Fidei Catholicae*, which is not included in these *Selections*.—Tr.]

The chief point of the controversy with the King of England.

Coercive power over wicked kings does indeed reside in the Pope.

This assertion is proved first by a logical process.



therefore, if God has endowed the Pope with directive power, He will have endowed him with coercive power, inasmuch as any different system would be imperfect and ineffectual. Accordingly, the theologians, by reasoning to the contrary, maintain that the Church has

The Church cannot prescribe acts of a strictly internal nature.

not the power to prescribe acts of a strictly internal nature, since it is not possible to pass judgment regarding such acts, nor, consequently, to impose penalties for them, a process which pertains to

St. Thomas.

coercive power. This is the opinion laid down by St. Thomas (I.-II, qu. 91, art. 4 and qu. 100, art. 9). And therefore, conversely, since the Pope is able, by his command, to direct temporal power efficaciously in its own sphere of action, he is also able to coerce and to punish those princes who disobey his just commands.

3. The foregoing logical argument is doubtless sufficient. However, inasmuch as our opponents demand [further proof, from] the Scriptures, we are also able to draw a clear confirmation of this truth from Scriptural sources.

For Paul,—having first spoken (*2 Corinthians*, Chap. x [v. 4]) as follows: ‘[. . .] the weapons of our warfare are not carnal, but mighty to God unto the pulling down of fortifications [. . .]’—subsequently adds [*ibid.*, v. 6]: ‘[. . .] having in readiness to revenge all disobedience [. . .]’ and again, [*ibid.*, v. 8]: ‘For if also I should boast somewhat more of our power, which the Lord hath given us unto edification, and not for your destruction, I should not be ashamed.’ In these words, indeed, the Apostle clearly maintained that he had received from God the power to avenge and punish all disobedience on the part of any Christian whatsoever, in so far as such vengeance and punishment might be needful for the edification and welfare of the Church. But the power to avenge or punish is a coercive power, as is self-evident. Wherefore, Chrysostom has spoken in this connection (on *Second Corinthians*, Chap. x = Homily XXII) as follows: ‘We have received the power to this end, namely, that we may edify. But if any man shall oppose it and struggle against it, being so disposed that he can in nowise be cured by reasoning, then only let us have recourse to yet another power by means of which we shall overthrow and destroy him.’ Theophylact also expounds [the words of the Apostle], thus: ‘We have in readiness punishment and vengeance. [. . .] To be sure, I have received it (namely, the power in question) principally for the purpose of edification, but if any man proves to be incorrigible, we shall resort to destructive force. [. . .] If I should wish (continues 334 Theophylact) to boast because God hath endowed me more amply, to this end chiefly, that I may have the power to do good, and even if I am forced to inflict punishment as well, I shall not be ashamed;

*2 Corinthians*,  
x.

Chrysostom.

Theophylact.

that is to say, I shall not be conducting myself arrogantly nor mendaciously.' Moreover, a similar literal exposition of the passage from *2 Corinthians* is offered by Theodoret and others, from among the Greek Fathers, and from among the Latin Fathers, by Anselm,<sup>1</sup> Cajetan (on that text) and Augustine (*Letters*, 1 = clxxxv, Chap. vi, Migne ed.) where he avails himself of this testimony [on the part of Paul], in order to prove that the Church has power to coerce heretics, by means of punishment, to a recovery of their own sanity.

4. Paul referred symbolically, under the term 'rod', to this same power of punishment, when he said (*1 Corinthians*, Chap. iv [v. 21]): [What] will you? shall I come to you with a rod [ . . . ]' in accordance with the words of Scripture (*Psalms*, ii [v. 9]): 'Thou shalt rule them with a rod of iron,' and other, similar passages [*The Apocalypse*, Chap. ii, v. 27 and Chap. xix, v. 15], and the Twenty-second Psalm<sup>2</sup> [v. 4]: [ . . . ] Thy rod and thy staff, they have comforted me.' Such is the interpretation offered by Jerome (in his commentary on *Zacharias*, Chap. i); and he expresses the same opinion with regard to the words of Paul already quoted (*To the Galatians*, Chap. vi). A clearer exposition still, is given by Augustine (*Contra Epistolam Parmeniani*, Bk. III, chap. i [no. 3]), who says: 'Now it is apparent that he is speaking of punishment, to which he refers under the term "rod".' And Ambrose, too, has written (*Letters*, xviii, *To the Sister of Marcellus* [Letter xli, Migne, *P.L.*, xvi, col. 1111: *Frater Sorori*): 'He whom the rod has barred from participation in the divine sacraments has by clemency been restored, to that participation.' The same writer elsewhere (*De Poenitentia*, Bk. I, chap. xii [chap. xiii]) declares: 'The denunciation of fornication, the indictment against incest, the censuring of swollen passion, and finally, the condemnation of the guilty person—these indicate the meaning of the phrase "to come under the rod".' The view taken by Gregory (*Letters*, Bk. I, epist. iv [epist. xxv]), and that of Tertullian (*On Chastity*, Chap. xiv) are similar, as are the views expressed on the same passage by other commentators whose names I shall omit.

5. Nor do I see what answer can be given in the light of the passages above cited; unless, perchance, it is argued either that Paul is addressing the common people of the Church, who are subject to him, and is not addressing kings, who are his superiors; or else that he is referring to a power bestowed specifically upon himself and not affording a permissible basis for conclusions as to the ordinary government of the Church.

<sup>1</sup> [The Commentary on the Epistles of St. Paul by Herveus Bardigolensis Monachus [Migne, *P.L.*, clxxxv] was attributed to St. Anselm.—REVISER.]

<sup>2</sup> [The Twenty-second of the Douay version of the Bible, but the Twenty-third of the King James version.—TR.]

Theodoret.  
Anselm.  
Cajetan.  
Augustine.

*1 Corinthians*,  
iv.

*Psalms*, ii.

*Psalms*, xxii.

Jerome.

Augustine.

Ambrose.

Either answer, however, would be futile. For why should Paul's words not apply to Christian kings who are both disobedient and obstinate? Was it, forsooth, because there were no kings within the Church at the time [when he wrote]? But it is possible that at that time there were no Englishmen either, within the Church; and do those words consequently have no application to any Englishman? Perhaps the reason is that kings are superior in temporal power and dignity? But this fact does not prevent them from being subject to the yoke of Christ and to the power of the Church, as we have shown them to be. Therefore, if the power in question is a coercive power over wicked Christians, in accordance with the testimony of Paul, it is also a punitive power over Christian kings. And if the King of England boasts that he is exempt therefrom, let him either confess that he is not a Christian or else let him give proof of a divine privilege and an exemption granted by the word of God; for otherwise, he loses his cause from the standpoint of justice, though he may sustain his position in actual fact. Moreover, even though this power possessed by Paul may have passed away with him in so far as it was related to his person and his apostolic dignity, it does not follow that this same power rested only temporarily in the Church; for it was lodged in Peter in a more perfect manner, by ordinary law, with the purpose of transmitting it, since such power was necessary (as has been demonstrated above)<sup>1</sup> in order to discharge the task of feeding [Christ's sheep] and to govern the Church fittingly.

6. Finally, our position is confirmed by the power of binding and loosing, which was granted especially to Peter; for the power to bind includes also coercive and punitive power.

And if our opponents deny this confirmatory argument, they will be obliged to point out the exception, inasmuch as Christ spoke in universal terms, saying [*Matthew*, Chap. xvi, v. 19]: '[. . .] whatsoever thou shalt bind [. . .]'. Moreover, Christ Himself so interpreted that power; for after saying (*Matthew*, Chap. xviii [v. 17]): '[. . . And] if he will not hear the church, [. . .] let him be to thee as the heathen and publican,'<sup>2</sup> He added [v. 18]: '[. . .] whatsoever you shall bind upon earth, shall be bound also in heaven [. . .]'. It is as if Christ had said: If he will not obey the Church when she binds [him], let him be to thee as the heathen, since the Church shall not lack a power to bind, so efficacious that whatsoever she binds, shall be adjudged bound even in heaven. Accordingly, the Church has always understood from this passage [in *Matthew*] (though Calvin and his followers distort its

<sup>1</sup> [*Supra*, p. 670; *Defensio Fidei Catholicae*, Bk. III, chap. v, § 5.—Tr.]

<sup>2</sup> [This quotation, as given by Suárez, varies slightly from the Vulgate.—Tr.]

meaning, as they distort that of other passages) that there resides in her pastors the power to coerce—through the censure of excommunication, at least, which is a spiritual penalty.

The words of Paul (*1 Corinthians*, Chap. v) afford sufficient evidence that this practice of excommunication was customary within the Church in apostolic times; while the fact that this same practice was preserved in an enduring tradition is attested by all the laws and Councils [of the Church], all the decrees of the Popes, all the writings of the Holy Fathers, and, finally, all [ecclesiastical] histories; so that it would be superfluous to cite [each of] these authorities [individually]. However, it should be noted that Paul shows this form of coercion to be especially necessary against heretics, when he says (*Titus*, Chap. iii [2] *St. John*, Chap. i, v. 10): '[. . .] nor say to him, God speed you.'

7. One point only—a point which is of the greatest importance to our contention—I shall not pass over, namely, the fact that the

The Popes have quite frequently availed themselves of the above-mentioned censure, against kings and emperors.

Popes have most certainly made frequent use of the said form of censure when opposing emperors and kings.

For Innocent I excommunicated Arcadius and Eudoxia, because of the crimes committed against St. Chrysostom, as is clear from the last of Innocent's epistles (*Letters*, xiv), and also from the statement of Nicephorus Callistus (Bk. XIII, chap. xxxiv). Moreover, Gregory VII (*Registrum*, Bk. VIII, epist. xxi) records the same event. Gregory II bound the Emperor Leo and those who followed him in his iconoclasm, by a synodical anathema, a fact recorded by Baronius (*Annales Ecclesiastici a Christo Nato ad Annum 1198*, Anno 726, no. 24), on the authority of Zonaras and others. The same anathema was later confirmed by Gregory III, as Platina relates. Moreover, Gregory VII excommunicated the Emperor Henry IV, in the Roman Synod [vii], after repeated admonitions, a fact recorded in Gregory's *Letters* (Bk. III, epists. v and x). This sentence of excommunication, confirmed by succeeding Popes and by the Councils, was learnedly defended by Cardinal Bellarmine (*Contra Barclaium*, Chap. ix).<sup>2</sup> The same Gregory VII, in another Roman Council, bound with the chain of excommunication [incurred] *ipso facto*—as is brought out in another book of the *Letters* (Bk. VII, after epist. xiv)—the emperors, kings, and other temporal princes who

*Titus*, iii.

[2] *St. John*, ii.

Innocent I

Nicephorus  
Callistus.  
Gregory VII.  
Gregory II.

Baronius.

Bellarmino.  
Gregory.

<sup>1</sup> [Our Latin text has *correctionem* (correction, or improvement) which may be a misprint for *correctionem* (reproof), the term used in the Vulgate.—TR.]

<sup>2</sup> [*Tractatus de Potestate Summi Pontificis in Rebus Temporalibus adversus Gulielmum Barclaium*.—REVISER.]

Baronius, Anno 1076 [1079].  
 Platina.  
*Sext*, II. xiv. ii.  
 Albertus Pighius.

were usurping the powers of the investiture of bishoprics and other ecclesiastical dignities. And this same Pope, according to Baronius (*Annales*, Anno 1079, no. 40), laid an interdict upon Poland, because of the most grievous crime committed by her King, in slaying St. Stanislas. Again, Alexander III excommunicated the Emperor Frederick I, an incident related by Platina in his account of Alexander III [*De Vitis Summorum Pontificum Omnium*], where he also records many other evidences of this supreme power on the part of the Pope. Later, Innocent III, as Platina says (in his biographical account of that Pope), 'branded the Emperor Otto V with an anathema.' The *Sext* (Bk. II, tit. xiv, chap. ii) informs us that Gregory IX excommunicated the Emperor Frederick II. And, finally, John XXII excommunicated Louis of Bavaria, the interloping Emperor, as Albertus Pighius recounts at length (*De Visibilia Monarchia*, [in *Hierarchiæ Ecclesiasticæ Assertio*, Bk. V, chap. xiv]).

The Lateran Council.  
 Gregory VII.

Moreover, the power in question was assumed to exist in the Church, by the Lateran Council held under Innocent III, when that Council ordered (Chap. iii) that the secular powers, whatsoever the offices they filled, should be compelled by an ecclesiastical censure—if necessity demanded such a course—to take a public oath as defenders of the faith, &c. This imposition of censures in a form embracing kings and emperors occurs with great frequency and is a rather ancient device, not one newly resorted to, since mention thereof is found in a privilege granted by Gregory I to the Monastery of St. Medardus, as we learn from a postscript to the letters of Gregory.<sup>1</sup> This passage in his letters is also referred to, by another Gregory (the Seventh) who derives from it the same argument (*Registrum*, Bk. VIII, epist. xxi, *Ad Herimannum*).

Baronius.

8. Furthermore, the Emperor Basil confessed that the said power over emperors resided in the Pope, when he said (Eighth Synod, action 6 [in Mansi, *Consilia*, xvi, col. 93]): 'Pope Nicholas, and the Holy Roman Church, have pronounced an anathema against those who resist a decree and sentence of this kind. Moreover, we, being long since aware of this and fearing the promulgation of a decree of anathema, have deemed it necessary to comply with the synodical judgment of the Roman Church.' The same power was recognized by Philip I, King of France, who having been excommunicated by Urban II was later restored [to membership in the Church] by Paschal and sent to Rome, moreover, for absolution, as we read in [the *Annales* of Baronius (An. 1100 [no. 19] and 1101 [no. 7]). King Louis of France likewise acknowledged this power, when he wrote to Alexander III earnestly importuning him to exercise his authority against

<sup>1</sup> [The postscript is an appendix to the *Letters of Pope Gregory I* [Migne, *Patrologia Latina*, Vol. lxxvii, col. 1328].—REVISER.]

the King of England because of the death of St. Thomas of Canterbury. Nor did Henry himself, the King of England, dare to resist, for he humbly submitted to the penance imposed upon him by the Pope, as Platina relates. Peter of Blois (*Letters*, cxlv) records a similar instance, in connexion with Queen Eleanor of England, who, in seeking to defend herself and her son (the latter being unjustly held in prison by the King of France), requested the aid of the Pope and the drawing of the spiritual sword against that king. And finally, the existence of such papal power was acknowledged by the King of England, who accused the King of France before Innocent III in order that [the Pope] might reprove the accused<sup>1</sup> and [even] excommunicate him if he would not hearken to the papal admonition.<sup>2</sup> This is the inference which we draw from a passage in the *Decretals* (Bk. II, tit. 1, chap. xiii), in which the Pope speaks as follows: 'We do not undertake to judge as to the fief.' And later [*ibid.*]: 'But we do undertake to pass judgment concerning sin, the censuring of which indubitably pertains to us, a censorship which we can and should exercise against any person whatsoever.' And, in accordance [with this same principle of papal power], Innocent III—so Matthew Paris relates (*Historia Maior*, Anno 1204 [Anno 1209])—excommunicated King John of England and interdicted his kingdom.

Platina.  
Peter of Blois.

*Decretals*, II. 1.  
xiii.

Matthew  
Paris.

Azor, *Moral  
Institutes*,  
Pt. II, bk. iv,  
chap. xix.

9. Wherefore, they say that Marsilio of Padua himself has not dared deny that the Pope has power to coerce princes and kings, especially those who are heretical, by ecclesiastical censures of excommunication, or even of interdict. Marsilio did, however, deny the Pope's power to proceed further than this, against such rulers. King James, too, in defending his exaction of the oath of allegiance, would seem to resist the power of excommunication less vehemently than he does that of temporal punishment. Thus he bases his defence of the oath chiefly upon the ground that he thereby compels his subjects, not to abjure the papal power of excommunicating kings, but simply to deprive the Pope of kingly dominion and power. For King James holds, as he declares in his Preamble<sup>3</sup> (p. 12): 'On no lawful ground has the Pope acquired the right to depose kings. And this unjust usurpation and secular violence (so James describes it) on the part of the Popes, greatly exceeds the power of excommunication, which is a spiritual censure.' From these words it is sufficiently evident that the King does not oppose the spiritual censure to the same degree as he does temporal coercion.

10. Accordingly, it remains for us to press still further our

<sup>1</sup> [Simply *eum* in the Latin.—Tr.]

<sup>2</sup> [*ipsum* in the Latin.—Tr.]

<sup>3</sup> [i.e. a preamble, as King James himself designated it, to his *Apologie for the Oath of Allegiance*. The full title of the preamble is 'A Premonition to all most Mightie Monarches, Kings, Free Princes and States of Christendom'.—Tr.]

argument against him, against Marsilio, and against other persons, by demonstrating that this same papal power may extend to the coercion of kings by means of temporal punishments, and deposition from their thrones, if necessity so demands.

It is demonstrated that the Pope has power to chastise temporal kings even with temporal punishments.

This demonstration can be satisfactorily accomplished on the basis of Scriptural passages already cited,<sup>1</sup> and by practically the same process of reasoning. For Christ the Lord gave to Peter and his successors the power to correct all Christians, even kings, and, consequently, the power to coerce and punish them when they are disobedient and incorrigible. Nor did He limit this to the authority for imposing ecclesiastical censures. Therefore the said power cannot be limited by us nor by any prince within the Church; rather does it pertain to the Pope of Rome to decide and prescribe the fitting punishment for the occasion or necessity that may arise.

We have already given sufficient proof of the first proposition. And the second we can prove by means of Christ's words (which we have quoted many times), if they are correctly interpreted; for His admonition [*John*, Chap. xxi, v. 17], '[. . .] Feed my sheep,' is not limited, and accordingly, since the term 'feed' (*pascendum*) embraces even coercive power, which must necessarily reside in every pastor, the said power is not restricted to the imposition of censures, but rather remains to be shaped through prudence and equitable justice into some [appropriate] form of punishment or coercion. For every shepherd has power to coerce his sheep, not [simply] in some predetermined manner, but in accordance with what may be suitable and expedient for those sheep.

II. Moreover, we draw the same inference from these other words uttered by Christ [*Matthew*, Chap. xvi, v. 19]: '[. . .] whatsoever thou shalt bind [. . .]', inasmuch as this phrase, too, is of a general and indefinite nature.

And if it be contended that a later passage (*Matthew*, Chap. xviii [, v. 18]) interprets the same phrase and limits its connotations to the binding force of censures, we shall reply that the latter passage does indeed declare that this general power to bind includes the bond of excommunication, but that it does not limit the said power to the sole imposition of this penalty. Our reply is based partly on the fact that no such limitation is found in that context; and partly on the fact that forms of censure other than excommunication—such as interdicts, suspensions, and additional penalties of a similar ecclesiastical nature—fall under the power in question, even though the passage cited makes mention only of excommunication. Furthermore, the bond of precept

A way of escape from [Suárez's] conclusion is precluded.

<sup>1</sup> [*Supra*, pp. 685-7, §§ 2-3 this Chapter.—Tr.]

and of law is also included under that same power; and by the very force of these terms, such power, viewed as directive, is not limited to a specific form of direction by personal precept or by fixed law that is binding in this or that particular way, but, on the contrary, embraces all fitting direction, in an unrestricted manner. Therefore, the same conclusion applies to this power in its coercive aspect. And so it is that the existence of such power is deduced from the passage in question by Innocent IV and the Council of Lyons (in *Sexti*, Bk. II, tit. xiv, chap. ii).

Innocent IV.  
The Council of  
Lyons.  
Bede.

12. Moreover, Bede shows (on *Luke*, Bk. III, chap. xl)<sup>1</sup> that [the exercise of] that power is exemplified in the act of Peter, at whose

The same conclusion is drawn from the act of St. Peter.

rebuke Ananias and his wife fell dead. Bede asserts that they perished as the result of the words spoken by the Apostle Peter, because it was expedient, even

in [the days recorded by] the New Testament, that such punishments should be inflicted occasionally, though with comparative infrequency, for the correction of persons other [than those punished]. Again, there is a statement ascribed to Augustine (*De Mirabilibus Sacrae Scripturae*, Bk. III, last chapter [chap. xvii]) to the effect that this punishment was imposed 'in order to demonstrate the weightiness of Apostolic authority and the gravity of the sin, [. . .] and also to the end that others might be admonished by the example afforded.'

Gregory, when treating (*Letters*, Bk. I, epist. xxiv [epist. xxv]) of the office of pastor, and of the benignity, strictness, and zeal for justice demanded by that office, adduces Peter [still] more clearly as an example, saying: 'For so it is, to be sure, that Peter, who was prince over the holy Church by divine authority, refused to be venerated excessively by the just man, Cornelius; yet when he perceived the guilt of Ananias and Saphira, he straightway showed how extensive was the power by which he had been exalted above other men; for by his very utterance, he struck at their life, seeking it out and finding it with the sword of the spirit, and thus confirmed his supreme power

Gregory.

337 in the Church, as the enemy of sin.' Consequently, though this act may have been of an extraordinary nature and performed under the special inspiration and by virtue of the Holy Spirit, nevertheless, as Gregory declares in a subsequent passage: 'The zeal of vengeance revealed the force of power.'

13. Moreover, Paul points out the existence of this same power,

A further confirmation of this conclusion from the words of Paul.

in his *First Epistle to the Corinthians* (Chap. v [v. 5]), when he has not only excommunicated the fornicator, but has also 'delivered him [. . .] to Satan for the destruction of the flesh, that the spirit may be saved

I Corinthians,  
v.

in the day of [our] Lord [Jesus Christ].'<sup>1</sup> For the use of the phrase,

<sup>1</sup> [Bede, *On the Acts of the Apostles*, Chap. v.—REVISER.]



Chrysostom.

Theophylact.

Anselm.

Pacian.

Ambrose.

'for the destruction of the flesh', clearly indicates that the culprit was punished with vexation of the flesh, in addition to the spiritual censure, and was forced to do penance in order that his soul might be saved. It is thus that Chrysostom explains the passage cited (in *Orations*, XV [Homily XV], on *First Corinthians*, v. 5, on that text), saying that the fornicator was delivered to an evil spirit for the destruction of the flesh, as was Job (though not for the same cause), in order—says Chrysostom—that '[this demon] might scourge him with a hurtful ulcer or with some other disease.' Theophylact says: 'In order that [the demon] might ravage him with a disease, and cause him to waste away.' And Anselm, too, though he suggests another possible interpretation prefers the one just set forth. For at the end of Chapter xxiv [Chapter iv],<sup>1</sup> when explaining the action of 'the rod', or Apostolic power of coercion, he writes: 'by excommunicating some, by severely rebuking others, and by scourging still others (as becomes a father)'; and in a latter passage (Chapter v), he interprets the phrase, 'destruction of the flesh', as signifying 'a grave bodily affliction brought about by a devil.' He declares, moreover, that Paul possessed a power, 'such that any person whom he had excommunicated would straightway be seized by a devil and tormented for as long a time and with as much severity as the Apostle might wish.' This particular form of torment demanded a peculiar executive virtue, or power of command, over the evil spirit, of a sort not ordinarily bestowed upon other men [than Paul]; yet it does imply [the possession by Paul's successors of] the authority to coerce not only through excommunication, but also by other means. Again, Pacian suggests (*Paraenesis de [ad] Poenitentiam*) the same interpretation when he infers from the text in question that bodily punishment and affliction are sometimes necessary. Ambrose (*De Poenitentia*, Bk. I, chap. xii [chap. xiii]) takes a similar view, inasmuch as he, like Chrysostom, compares this destruction of the flesh with the trials of Job.

According, then, to this Patristic interpretation of the said text, we find that ecclesiastical correction and punishment consist not in spiritual censure alone, but also, on occasion, in corporeal afflictions, so that the pastors of the Church may resort to temporal punishment for the sake of spiritual welfare.

14. Secondly,<sup>2</sup> we may demonstrate the truth of this conclusion by appealing to the authority and practice of the Church.

For among those Popes whose excommunication of emperors and kings we have mentioned, we find Gregory II, who caused Rome and the whole of Italy to be withdrawn from the empire of Leo, as Baronius relates (*Annales*,

Gregory II.

Baronius.  
Vide Sigonius,  
*De Regno Italiae*, Anno 716  
[Anno 730].

Papal usage confirms the truth of this same conclusion.

<sup>1</sup> [The reference is to the *Commentary of Hervaeus*, which was attributed to St. Anselm.—REVISER.]

<sup>2</sup> [i.e. in addition to the first, or Scriptural basis of demonstration.—TR.]

888 Anno 730, nos. 3 and 4, following Theophanes). And Sigebert (in *Chronicon*, Anno 731) has attributed the same act to Gregory III, saying: 'He convicted the Emperor Leo of error, and took away from him the city of Rome and the Italian (*Hesperiae*) revenues.' Moreover, Gregory VII deprived Henry IV both of his empire and of his kingdom, as is clear from the decree above cited, which runs as follows: 'Blessed Peter, Prince of the Apostles, heed us, we beseech thee'; and further on: 'Therefore, resting on that assurance, and acting for the honour and defence of the Church, as agents of Almighty God, the Father, Son and Holy Ghost, through thy power and authority, I deprive King Henry, son of Henry the Emperor, who with unheard of arrogance has risen against thy Church, of his governmental powers over the whole kingdom of Germany and Italy; I free all Christians from the bond of the oath which they have sworn or may swear to him; and I forbid that any of them should serve him as king.' Similarly, Innocent III 'stripped the imperial titles'—as Platina declares—from Otto, whom he also excommunicated. Innocent IV, too, at the Council of Lyons [*Sext*, Bk. II, tit. xiv, chap. ii], deprived Frederick II—who had already been excommunicated by Gregory IX—of his imperial power, not only absolving Frederick's subjects from their oath of allegiance, but also, 'for the rest, strictly prohibiting by apostolic authority that any person should obey or heed him, as Emperor or King.' Moreover, he bound, *ipso facto*, by the censure of excommunication, those persons who should thereafter show favour to Frederick, as Emperor or King, lending him counsel or assistance. Finally, Clement VI deposed Louis of Bavaria—already excommunicated by Clement's predecessors—from the imperial throne which that ruler had unjustly seized; and the election of another and lawful emperor—namely, Charles IV—was brought about by Clement.

15. Furthermore, in addition to these incidents relating to the Empire, Pope Zacharias, in a similar case affecting the Kingdom of France, transferred the royal title from Childeric the King to Pepin, as we read in the letters of Gregory VII (*Registrum*, Bk. VIII, epist. xxi; also in *Decretum*, Pt. II, causa xv, qu. vi, can. iii) and in the *Annales* of Baronius (Anno 751, beginning, and Anno 841, no. 3). In this [latter] context, Baronius tells also of the change transpiring in the kingdom of France in the time of the Emperor Lothaire and his brothers, Charles and Louis. These two, supported by the authority of the bishops, divided the kingdom between them, depriving Lothaire of his share in it, because of his crimes. Boniface VIII, too, issued a declaration depriving Philip the Fair, King of France, of his kingdom, publishing—on that very occasion—the Extravagant beginning '*Unam Sanctam*' (*Extravagantes Communes*, Bk. I, tit. viii, chap. i). This fact

Sigebert.  
Gregory.Innocent III.  
Platina.  
Innoc. IV.  
*Sext*, II. xiv. ii.<sup>1</sup>

Clement.

Pope Zacharias.  
Gregory VII.

Baronius.

Boniface.

<sup>1</sup> [This reference is incorrectly placed after the reference to Innocent III in the Latin text.—Ta.]

Aemilius. is recorded by Aemilius, in his life of that same Philip. In like manner, 338 Gregory VII, when he laid his interdict upon Poland because of the murder of Stanislas, deprived King Bonislas of his realm, as Cromer relates, in his *History of Poland* (Bk. IV). And England herself provides us with a notable example in King John. Because of the monstrous crimes that this king was committing against religion and against priests and other innocent persons, and also because he refused in a disobedient and stubborn fashion to return to the ways of reason<sup>1</sup>—though Innocent III had frequently admonished him to do so—but rather grew worse from day to day, he was stripped of his kingly dignity by that same Innocent, after lengthy consultation with the Fathers (so Polydorus says); while the peoples subject to him were absolved by the said Pope from their oath of allegiance, and Christian princes, notified of the situation, were admonished that they should pursue him as an enemy of the Church. Daunted by this sentence and stricken with the fear of imminent peril, John at last swore to abide by the will of the Pope, and, having taken the crown from his head, gave it into the hands of Pandulphus, the papal legate, [declaring that] neither he nor his heirs would ever accept it, save from the Pope of Rome. These things are recorded by Polydorus (Bk. XV).

The Council  
of Lyons.

The Council  
of the  
Lateran.

16. Moreover, all the acts above mentioned and others of a similar nature were performed not in a hasty or obscure manner but rather, in some cases, at the largest councils, and sometimes, at general councils, such as that of Lyons. They were performed, too, in the sight of the whole Christian world, which approved them and ordered that they be carried through, so that one cannot possibly conceive of them as acts of usurpation rather than of true authority. Furthermore, the Council of the Lateran (Chap. iii), under Innocent III, assumes the existence of such [papal] power, saying: 'If a temporal lord, after being admonished by the Church, should neglect to purge his domain of heretical vileness, he shall be excommunicated by his metropolitan. And if he should neglect to make amends within the year, this fact shall be reported to the Supreme Pontiff, so that the latter may declare the vassals [of the said lord] to be absolved from that time forth from their obligation of allegiance to him, and may throw open his territory for occupation by Catholics.'

On the basis of all these considerations, one may draw up the following argument: the Universal Church cannot err in those matters which pertain to faith and morals; she has given her consent to acts of the sort under discussion and has approved them as being in harmony with divine and natural law; and, similarly, she approves

<sup>1</sup> [*resipere* (to savour of) appears to be used here in the place of *resipiscere* (to become reasonable, &c.). Du Cange's *Dictionary* records a fourth conjugation form, *resipire*, with the meaning of *resipiscere*. —Tr.]

canon laws which impose penalties of the kind in question upon temporal princes, because of the gravest crimes and contumacy on their part, and especially in the case of heresy; therefore, it is as certain that the Pope may coerce and punish temporal princes with such penalties, as it is that the Church cannot err in matters of faith and morals.

17. Thirdly,<sup>1</sup> the same truth may be proved by reasoning. For this power was required in the supreme head and pastor of the Church, on two grounds: that is to say, both from the standpoint of the emperors or kings and temporal princes of all kinds, and from the standpoint of the peoples subject to them.

The same truth is convincingly demonstrated by reasoning.

The said power is required, on the first ground, in order that the Pope may correct and reform, or may even fittingly punish, a rebellious prince. For both the corrective and punitive functions are proper to the office of a pastor; and it frequently happens that censures alone do not suffice for these purposes, an inadequacy sufficiently brought out by daily experience; therefore, one must conclude that Christ did bestow the power in question upon His Vicar, since He made that Vicar pastor over Christian princes no less than over the rest of Christendom.

Accordingly, in so far as pertains to the first ground, and in cases turning wholly or chiefly upon the reformation of a prince who has sinned, the Popes are wont for the most part to employ censures, since this is the proper curative penalty, of which Christ spoke (*Matthew*, Chap. xviii). And if it so happens that the prince is corrected and reformed as a result of the censure, then it is not the custom of the Church to pursue the strict course of resorting to penalties of a severe and public nature. Nevertheless, the Church can and usually does impose some punishment, both for the reparation of damage, if such damage has perchance been caused by the guilty parties, and also in order that some satisfaction may be given by the latter, to God and to the Universal Church. For the obtaining of reparation for damage and of compensation for injuries inflicted is not so much punishment as it is a restitution (so to speak) and discharge of a debt; although coercion to such an end may require superior power. However, the principle of the common good and of legal justice demands that, in addition to this compensation which is due by the rules of commutative justice, some strictly punitive expiation of the offence be exacted, in order that the Church may receive satisfaction and an example may be set before other men, instilling fear into them. Moreover, when the king, disregarding the censure, continues stubbornly and incorrigibly to offend, then graver penalties should be

*Matthew*, xviii.

<sup>1</sup> [The first and second bases of proof were respectively, Scriptural passages, and ecclesiastical authority and practice. Cf. the first sentence of Section 14, and the accompanying footnote.—Tr.]

St. Thomas.

imposed; and almost all the cases mentioned above fall into this category, as St. Thomas has noted (*De Regimine Principum*, Bk. III, chap. x).

18. This part of our argument may be further confirmed by the fact that the Church does have power, with respect to all others among  
 A confirmation [of the faithful—that is, all other baptized Christians—this argument]. not merely to coerce them through censures in order to correct their faults, but also to avenge offences already committed, by means of other, temporal or corporal punishments, and in the 339 manner suited to an ecclesiastical judge and pastor; wherefore the lawful prelates of the Church, and particularly the Pope, possess this same power with respect to temporal princes, even those of sovereign rank.

The assumption is clearly proved by the unvarying practice of the Church. For the canon laws frequently impose pecuniary penalties, amounting sometimes to a confiscation of property. Again, they at times impose corporal punishments, short of peril to life or limb, such as the punishment of flagellation; at other times, they impose even the penalty of condemnation to the galleys; and, when the death penalty is necessary, the ecclesiastical judges—although, out of regard for the dignity of their position, they do not make a practice of passing such sentence—may nevertheless commit the accused to the charge of a secular judge, instructing the latter to inflict upon the criminal such punishment as is demanded by just laws. All of these facts may be accorded special consideration in connexion with the charge of heresy; for heretics are not only excommunicated by the Church, and subjected to other spiritual punishments, but are also deprived of all their temporal goods, by virtue of the canon laws as well as by the laws of the Emperors. And finally, in the case of a stubborn heretic, or one who has returned to his errors, the imperial laws impose capital punishment, while the canon laws deliver that heretic to the will of the secular judge, that the culprit may receive the punishment suited to the nature of his crime. This point is brought out in the *Decretals* (Bk. V, tit. vii, chap. ix, and similar chapters).

*Decretals*, V.  
VII. ix.

Augustine.

19. The practice of the Church affords sufficiently convincing proof that these penalties are most just, and the same conclusion finds excellent support in the works of Augustine (*Letters*, xlvi and l [= *Letters*, xciii and clxxxv, Migne ed.] and *Contra epistolam Parmeniani*, Bk. III, chap. ii [, no. 14]). Moreover, the fact that such power must necessarily reside in the Church of Christ as instituted by Him is conclusively proved through reasoning; since if the subjects of the Church could not be coerced with penalties of this [temporal] nature, they might easily scorn the spiritual penalties and do grave injury to themselves

The power to punish by means of temporal penalties is necessary to the Church.

and to others. For, as we read in the *Book of Proverbs* (Chap. xxix [v. 15]): '[. . .] the child that is left to his own will bringeth his mother to shame.' Accordingly, the Christian Church would not have been properly appointed, nor would sufficient provision for it have been made, if it did not possess the power to coerce rebellious members, who are unwilling to submit to its censures. Nor is this issue satisfactorily [evaded] by asserting that the existence of such power in temporal

Christian princes is sufficient. For, in the first place, the princes themselves may transgress and be in need of correction, a point which I shall discuss presently.

And, in the second place, the punishment of wrongdoing essentially pertains to the civil magistrates exclusively, in so far as those wrongful deeds are opposed to the political ends of the commonwealth, to its peace, and to human justice; but coercion, with respect to those deeds which are opposed to religion and to the salvation of the soul, is essentially a function of spiritual power, so that the authority to make use of temporal penalties for the purposes of such correction must have been allotted in particular to this spiritual power, whether the penalties are to be inflicted directly by the said power, or whether it avails itself of the ministry of its temporal arm that all things may be done decently, in order and efficaciously.

20. It remains for us to prove our earlier conclusion, namely, that if the Church possesses the power in question with respect to other Christians, of subordinate rank, it will have received that same power with respect to temporal sovereigns, and it will have done so most especially in the case of Peter and his successors.

The consequent, then, may be proved on the basis of the principle already laid down, that is to say: such sovereigns are as truly the sheep of Peter as are all other [members of the flock]; neither does their temporal dignity nor their temporal power render them immune from the force of the said papal power, nor exempt from liability to the punishment in question, inasmuch as one cannot infer from the words of Christ, nor from any other basic principle, nor by any process of reasoning, that there resides in them such liberty, or rather, such licence to sin. On the contrary, it is far more essential that the Church should possess the said power for the coercion of such princes, than that it should possess the same power for the coercion of their subjects. This is, indeed, the case because in the first place, the princes themselves are the more apt to err, and the more difficult to correct once they have fallen into error, in that they are more free. And, in the second place, the sins of princes—especially those sins which are opposed to the faith and to religion—are more pernicious [than the sins of other Christians]; for princes easily lead their subjects to imitate them,

A way of tacit escape from this conclusion is precluded.

Kings are not more exempt from liability to the said coercive power of the Pope than are other persons.

whether by their [bare] example, or by favours and promises, or even by threats and intimidation. Wherefore the Wise Man has rightly said (*Ecclesiasticus*, Chap. x [ , vv. 3 and 2]): 'An unwise king shall be the ruin of his people [ . . . ], for [ . . . ] what manner of man the ruler of a city is, such also are they that dwell therein.'<sup>1</sup> The same doctrine has been upheld by the philosophers who are attracted to it by reason and by practical experience. We have an example in Cicero (*Letters [to his Friends]*, Bk. I [ , epist. ix, § 12]), where he follows Plato. Thus it is that this same Cicero has also rightly said in the *Laws* (Bk. III [ , chap. xiv, § 32]): 'Vicious princes do not simply harbour vices within themselves, but also infuse those vices into the whole state.' For, in fine, 'Princely transgressions are graver than those of other persons, and therefore, the punishments inflicted upon princes by their pastors should be likewise more grave', as Gregory [the Great] remarked when discussing the pastors themselves (in *Liber Regulae Pastoralis*, Pt. III, chap. v),<sup>2</sup> a remark quoted by Pope Nicholas [the First], opposing Lothaire, King of France,<sup>3</sup> in his letter to that same King (cited in *Decretum*, Pt. II, causa xi, qu. iii, can. iii).

21. Finally, in view of the foregoing, we may readily establish another ground for the existence of such power over kings, namely,<sup>340</sup> that it exists for the defence of the subjects. For it is the function of a pastor not simply to bring back the wandering sheep to the right way and recall them to the fold, but also to ward off the wolves, defending his charges from enemies, lest they be dragged beyond the fold and perish. But a bad king, and especially one who is schismatic and heretical, places his subjects in grave danger of perdition (as is evident from what we have just said), wherefore Claudian has declared [*The Fourth Consulship of Honorius*, Lines 299-300, 302]: 'The whole world adapts itself to the example set by a king. [ . . . ] Always the inconstant crowd changes with the prince.' Accordingly, it is a function of the papal office to defend the subjects of an heretical or perverse prince, and to free them from that evident peril; and for this reason Christ, Who did and ordered all things well and excellently, conferred upon Peter the power in question, including it under the term 'Feed', and under the power of binding and loosing. Consequently, [the Pope] can, through this power, deprive such a prince of his dominion; he can prevent the latter from injuring the subjects; and he can release those subjects from their oath of allegiance, or

Claudian.

<sup>1</sup> [In the Latin text, the *Nam* (For) which connects these two passages is also italicized, implying that one continuous quotation is given, as follows: *Rex insipiens perdet populum suum. Nam qualis est rector civitatis, tales & habitantes in ea.* In point of fact, parts of two verses are quoted in inverse order, for the Vulgate reads: [ . . . ] *et qualis rector est civitatis, tales et habitantes in ea. Rex insipiens perdet populum suum* [ . . . ].—Tr.]

<sup>2</sup> [A footnote to *Decretum*, Pt. II, causa xi, qu. iii, can. iii corrects this reference as follows: Gregory, *Pastoralis*, Pt. III, chap. iv.—Tr.]

<sup>3</sup> [Lothaire was King of Lotharingia or Lorraine.—Tr.]

declare them to be released, since such an oath is always understood to carry with it the condition that it may be thus dissolved.<sup>1</sup>

22. This ground for the existence of the said power has seemed, to St. Thomas and other approved theologians, to be so weighty and so moving that it would suffice in itself alone to deprive an infidel king of his dominion and power over the faithful, even if the reason previously expounded—that of vengeance and just punishment—should disappear.

For, according to the teachings of Paul [*I Corinthians*, Chap. v, v. 12], the Church does not judge 'them that are without'; whence these same theologians conclude that the Pope has not power to punish an unbaptized and heathen king, for infidelity or other sins; but, notwithstanding this fact, he does have power, if there are Christian subjects under that king, to deliver them from subjection to their ruler, on the ground that they are in evident peril of moral destruction. Such is the doctrine laid down by St. Thomas (II.-II, qu. 10, art. 10), and implied by Paul (*I Corinthians*, Chap. vi). For Paul rebukes the believers who go to law before unbelieving judges, assuming that the Church has power to create judges who will decide between the faithful even in temporal questions lest they be compelled to appear before unbelievers, and demanding [*Ibid.*, v. 3], in order to establish this point: 'Know you not that we shall judge angels? how much more things of this world?' These words are cited by Gregory (*Letters*, Bk. VII, epist. xxi),<sup>2</sup> who is led by them to say: 'Is he, then, to whom hath been given the power of opening and closing the gates of heaven, prohibited from judging of earthly matters? This cannot be.'

St. Thomas.  
*I Corinthians*,  
vi.

Gregory.

For the same reason, and in like manner, a Christian wife may—so Paul teaches (*I Corinthians*, Chap. vii)—be separated from an unbelieving husband if she cannot dwell with him without wronging the Creator. Moreover, on the same principle, children who have been baptized are liberated from the power and the society of unbelieving parents, that they may not be enmeshed anew within the errors of those parents, according to the statement made at the Fourth Council of Toledo (Chap. lix). Accordingly, by a similar, or even more forceful process of reasoning, a Christian king (that is, one subject to the Church by virtue of baptism) may be deprived of his power and dominion over his vassals; and therefore, the ground [of defence for the subjects] is in itself sufficient to endow the Pope with power to punish such Christian princes, lawfully depriving them of

*I Corinthians*,  
vii.

Council of  
Toledo.

<sup>1</sup> [Simply *illa conditio*, in the Latin.—Tr.]

<sup>2</sup> [Migne refers the reader to Letter lii, indict. 2 in his *Patrologia Latina*, Vol. lxxvii, col. 875, note.—REVISER.]



their kingdoms and employing for this purpose the sword of other princes, so that sword shall thus be under sword, for the sake of mutual aid in defending and protecting the Church.

23. At this point, I might expound, confirm, and defend still other grounds on which the Pope would be entitled to order temporal matters for just cause; as he has done when transferring the Empire, when establishing the manner of electing the Emperor, when taking charge of that Empire during a vacancy on the imperial throne, and also, on yet other occasions, when laying down the law in temporal cases. But the brevity of a work of this kind forbids a full discussion of all these points; nor are they essential to our purpose and plan. Consequently, I must refer the reader to other authors, who have treated most learnedly of the points in question.

FRANCISCO SUÁREZ  
A DEFENCE OF THE CATHOLIC  
AND APOSTOLIC FAITH

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BOOK VI

CONCERNING THE OATH OF ALLEGIANCE  
EXACTED BY THE KING OF ENGLAND

CHAPTER IV: DOES THE THIRD PART OF THE OATH [EXACTED BY  
KING JAMES] CONTAIN ANY REQUIREMENT IN EXCESS OF CIVIL  
OBEDIENCE AND CONTRARY TO CATHOLIC DOCTRINE?



CHAPTER IV

DOES THE THIRD PART OF THE OATH [EXACTED BY KING JAMES] CONTAIN ANY REQUIREMENT IN EXCESS OF CIVIL OBEDIENCE AND CONTRARY TO CATHOLIC DOCTRINE?

I. To the preceding parts of the oath, a third is added, as follows: 'I do further swear that I do from my heart abhor, detest and abjure, as impious and heretical, this [damnable]<sup>1</sup> doctrine and position; that princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their subjects or any other whatsoever.'<sup>2</sup>

In connexion with these words, three points must be taken into consideration: first, the doctrine itself; secondly, the right by which this [portion of the] oath is exacted of the subjects; and thirdly, the extent of the inconsistency between the words in question and those in which the king promises to show that the said oath exacts nothing beyond [due] civil obedience.

With respect to the first of these points, in view of the fact that the king—anxious for his own security—insists repeatedly upon the well-worn question of whether or not it is permissible for a private individual or for his subjects to kill a tyrannical king, and inasmuch as an understanding of this and other parts of the oath is contingent to a great extent upon a correct solution of that question, I have deemed it necessary to prefix a few words on the subject.

The theologians, then, distinguish two kinds of tyrant.

There is one kind of tyrant who has seized the throne, not by a just title but by force and unjustly. These tyrants are not kings and rulers in reality, but simply usurp the position of king and imitate the role of royalty.

There is another sort of tyrant who, although he is the true ruler and holds the throne by a just title, nevertheless rules tyrannically in so far as concerns his use of governmental power. For, to be specific, he either turns all things to his private advantage, neglecting the common advantage, or else unjustly oppresses his subjects by plunder, slaughter, corruption, or the unjust perpetration of other similar deeds, with public effect and on numerous occasions. Such a ruler, for example, was Nero, whom Augustine (*On the City of God*, Bk. V, chap. xix) numbers among those tyrants whose dominion God does at times permit. For Augustine thus reads the passage in *Proverbs* (Chap. viii [v. 15-16]): 'By me kings reign and tyrants by me hold

St. Augustine.

*Proverbs*, viii.

<sup>1</sup> [This word is omitted in the Latin text of Suárez.—Tr.]

<sup>2</sup> [The English translation of this quotation is taken from G. W. Prothero's *Select Statutes and Other Constitutional Documents Illustrative of the Reign of Elizabeth and James I* (3rd ed., Oxford, 1906), p. 259.—Tr.]

sway over the earth.<sup>1</sup> Moreover, among Christians, that prince is particularly to be included within this class who leads his subjects into heresy, or into any form of apostasy, or into any public schism.

2. The question under discussion, then, has to do chiefly with lawful princes who rule tyrannically, since it is to such princes that

A prince cannot licitly be slain on private authority, even though his government be tyrannical.

the King of England refers, and since he himself is regarded by us as one of this group of lawful sovereigns. Accordingly, we hold that a [legitimate] prince cannot justly be slain on private authority, on the ground that he rules tyrannically, or because of any crimes whatsoever.

This proposition is commonly accepted and certainly true. It has been laid down by Saint Thomas in the *De Regimine Principum* (Bk. I, chap. vi), where he confirms it by means of excellent moral arguments. The same doctrine is supported by Cajetan (on II.-II, qu. 64, art. 3). And on this same passage of St. Thomas, we have the comments of other modern authors, including Soto (*De Iustitia*, Bk. V, qu. 1, art. 3), Molina (Vol. IV, *De Iustitia*, Tract. III, disp. vi), Azor (Vol. I, bk. VIII, chap. xii, qu. 17, and chap. xxvi, qu. 7, and Vol. III, bk. II, chap. ii, qu. 1, and chap. vii, qu. 30),<sup>2</sup> the Cardinal Toledo (on the *Summa*, Bk. V, chap. vi), and the Summists generally, on the word *Tyrannus*. The jurists—for example Bartolus, Alexander [of Imola], Socinus, the Cardinal<sup>3</sup> and others who are cited and followed by Gigas (throughout the entire treatise *On the Crime of Lese-majesty*, Qu. 65)—agree in upholding the same truth. Lucas of Penna, too (on *Code*, XI. xlvii. 1), supports this assertion, as do Conradus Brunus (*De Seditiosis*, Bk. V, chap. ii, nos. 9 and 10), Thomas Actius (*Opusc. De Ludo Scacchorum sive Latrunculorum*, Qu. 2, no. 50), Restaurus Castaldus (throughout the entire treatise *De Imperatore*, Qu. 82), at length, with excellent effect, and by means of many citations; and Paris de Puteo (tract. *De Sindicatu*, § *An liceat occidere Regem*), who tends toward the conclusion in question, although he expresses himself confusedly, as I shall later point out. Covarruvias (*Epitome of Decretals*, Bk. IV, pt. ii, *De Matrimonio*, chap. iii, § 4, no. 6 [no. 13]) is of a similar opinion. Moreover, this truth is in conformity with the precepts of *I Peter*, Chap. ii [v. 13]: 'Be ye subject therefore to every [human] creature for God's sake: whether it be to the king', &c., and later [v. 18]: 'Servants, be subject to your masters [. . .], not only to the good and gentle, but also to the froward.'

<sup>1</sup> [St. Augustine gives the citation as *Proverbs*, Chap. viii, v. 15, and quotes the text as follows: *Per me Reges regnant, & tyranni per me tenent terram*. The Vulgate, however, has: *Per me reges regnant, . . . per me principes imperant*, and the English of the Douay version reads: 'By me kings reign, . . . By me princes rule.' Moreover, the quotation would seem to include parts of two verses (15 and 16) rather than the whole of verse 15.—TR.]

<sup>2</sup> [Azor, in all these passages, deals with much more than the precise point under discussion.—REVISER.]

<sup>3</sup> [Gratian.—TR.]

3. The same truth was, indeed, laid down more specifically, and the contrary belief condemned as heretical, at the Council of Constance (Session XV), where (as I have recorded in Book V)<sup>1</sup> there was passed a condemnation of the following proposition: 'A tyrant may and should be slain licitly and meritoriously by any of his vassals and subjects whomsoever, and even by means of secret snares and subtle blandishments or adulation, notwithstanding any oath sworn to that ruler or any pact made with him, and without awaiting<sup>2</sup> the sentence or mandate of any judge whatsoever.' Furthermore, according to the declaration of the Council, those persons are heretics, and deserving of punishment as such, who persist in defending the said proposition.

For this declaration applies (by the interpretation of all modern authorities) to those rulers who are tyrants simply in their manner of ruling, and not from the standpoint of their title to or usurpation of the throne. This fact is implied by the very language of the decision, since the terms 'vassal' and 'subject' are properly used only in connexion with a true prince and superior; and since, moreover, the phrase, 'notwithstanding any oath sworn' must include even the oaths lawfully taken before true kings, inasmuch as the wording is general. Accordingly, there is no doubt but that the author of the proposition in question is at least referring generally to all tyrants, whether they be tyrants with respect to their titles, or with respect to their manner of ruling. His terminology and elaborations clearly indicate that this is the case. There is, too, the additional argument that the proposition is derived from the doctrines of Wycliffe and John Huss, who held that temporal lords lost their supremacy *ipso facto*, in consequence of any mortal sin whatsoever, and could be rebuked at will by their subjects, on that ground. Such was the interpretation of the said proposition reached by this same Council of Constance (Session VIII). Furthermore, the Council condemns the proposition because of its sweeping universality, and the headlong rashness instantly discernible in all its clauses and amplifications; and it is particularly condemned by that body in so far as it applies to true kings and princes who are ruling in tyrannical fashion.

The proposition may, indeed, be extended to apply to tyrants, in the strictest sense of the term—those who have unjustly usurped and retained the throne—if [the said proposition] is rashly maintained together with all those additional expressions, namely, the words, 'notwithstanding any oath sworn to that ruler or any pact made with

The contrary doctrine is condemned as heretical.

The Council of Constance.

The error of Wycliffe and of John Huss.

<sup>1</sup> [Not included in these *Selections*.—Tr.]

<sup>2</sup> [Suárez here writes *non spectata* (which might be translated 'without reference to'); but the text of the condemnation appearing in the *Enchiridion Symbolorum* (p. 235) and Suárez, too, in subsequent passages on the subject, have *non ex(s)pectata* (without awaiting). *Vide* notes 1 and 3 on p. 717. Moreover, according to the *Du Cange Glossarium*, the two verbs came to be interchangeable in meaning.—Tr.]

him'. For this is a false belief and one contrary to natural reason, which demands that pacts, and especially pacts which have been solemnized by oath, shall be kept.

4. Moreover, the principle underlying the assertion in question is as follows: a king ruling in tyrannical fashion might be slain by any private subject whatsoever, either on the ground of true doctrine. just vengeance and punishment, or on that of just defence, whether of the subject himself or of the state.

The first of these grounds is altogether false and heretical, because the power of avenging or punishing offences resides, not in private individuals, but in their superior or in the whole of a perfect community; consequently, a private person who on that ground slays his prince, usurps a jurisdiction and power which he does not rightfully possess; and therefore, he sins against justice. Our major premiss is certain, as a matter of faith, and has been upheld by Augustine, who writes (*On the City of God*, Bk. I, chaps. xvii and xviii):<sup>1</sup> 'It is not permissible for any one to slay, on private authority, a man who is guilty of wrongdoing but whose slaughter is not authorized by any law',<sup>2</sup> and again (Bk. I, chaps. xxi and xxvi): 'He who slays another when unauthorized by public power and not endowed with just dominion over him, is a homicide.'<sup>2</sup> Moreover, the reason underlying this position is, in the first place, the fact that the avenging and punishment of crimes are ordained for the common good of the state, and have therefore been entrusted solely to him who has also been entrusted with public power for the government of the state. Secondly, there is the fact that punishment is the act of a superior and of one possessing jurisdiction, so that, if this act is performed by a private individual, it is one of usurped jurisdiction. Thirdly and finally, if the assertion in question were not true,<sup>3</sup> infinite confusion and disorder would result within the state, and the way would be opened to civil discord and to murder.

But if, in accordance with this reasoning, it is homicide to slay a private individual on one's own [unofficial] authority, even if that individual is himself a homicide, a robber, or an assassin, it is a far greater crime to lay hands upon a prince solely on one's own authority, even though he be an unjust and tyrannical prince. In fact, if this were not a crime,<sup>3</sup> there could be no security among kings and princes, since vassals readily devise complaints of unjust treatment on the part of rulers.

5. As to the second ground [for the slaughter of tyrants by private individuals], the ground of defence, it might perhaps be tenable in

<sup>1</sup> [This quotation is found in Bk. I, chap. xvii, of Augustine's *On the City of God*.—Tr.]

<sup>2</sup> [This quotation, as given by Suárez, varies slightly from Augustine's text.—Tr.]

<sup>3</sup> [Simply *alias* (otherwise) in the Latin.—Tr.]

connexion with certain situations, but it is not tenable in connexion with the question we are discussing, namely: whether or not a king may be slain by a private individual solely because of his tyrannical government.

Thus it is necessary to distinguish between cases of self-defence and those in which one is defending the state. And we must further distinguish, with respect to the former group of cases, between those in which one defends his life or limb (that is to say, his body, which is threatened with grave mutilation), and those in which he is merely defending his external and adventitious goods.

For it would not be permissible to slay a kingly aggressor, solely on the ground of defence of one's external possessions: because, in the first place, the life of the prince—owing to the dignity of his office and the fact that he is, in a unique sense, God's representative and His vicar—must be preferred to such external goods; and furthermore, because the prince possesses a superior form of administrative power over the property of all his subjects, and because although he may possibly exceed the limits set to that power, he may not therefore be resisted to the point where he himself is slain, since it is enough that he should subsequently be bound in justice to make restitution of or compensation for all things forcibly seized, and that a private individual may exact such [restitution or compensation] in so far as he is able to do so without resorting to violence.

On the other hand, if one acts in defence of his very life, which the king is attempting to take violently from him, then to be sure, it will ordinarily be permissible for the subject to defend himself, even though the death of the prince result from such defence. For the right to preserve one's own life is the greatest right; nor does the prince, in the situation described, labour under any need that obliges the subject to sacrifice his life for his sovereign's sake, since, on the contrary, the prince himself has voluntarily and by his unjust behaviour placed himself in this perilous position. I say, 'ordinarily', however, for if the state would be thrown into confusion by the death of the king, or would suffer from some other grave injury detrimental to the common welfare, then the charitable love of one's country and a charitable regard for that common welfare, would bind one—even at the peril of his own life—to refrain from slaying the king. But this obligation falls within the order of *charity*, and with that order we are not at present dealing.

6. Again, if the question relates to cases in which the commonwealth itself is to be defended, this [violent method of] defence is impermissible unless we assume that the king is actually attacking the state, with the unjust

Is it permissible, or not, to slay the prince, in defence of one's own life?

What of those cases in which the state is defended?

intention of destroying it and slaughtering the citizens, or that some similar situation exists. Under such circumstances, it will assuredly be permissible to resist the prince, even by slaying him if defence cannot be achieved in any other fashion. One argument in favour of this assertion is as follows: if such action is licit in order to protect one's own life, far more certainly will it be licit for the sake of the common good. A further argument resides in the fact that the state or commonwealth itself is in that case engaged in a just defensive war against an unjust invader, even though he be its own king; so that any citizen whatsoever, acting as a member of that commonwealth, and impelled—whether expressly or tacitly—by it, may therefore defend the said commonwealth, in the course of that conflict, in whatsoever way is possible to him.

However, we are not at present concerned with those cases in which the prince actually wages an offensive war against the state itself, with the intention of destroying it and slaying great numbers of the citizens. Rather are we concerned with those occasions when he rules the state peacefully, but disturbs and injures it in other ways [than by offensive warfare]. And in such cases, defence of the state by violence or by wiles directed against the life of the king is not to be permitted since the state is subjected, on these occasions, to no actual violence, such as might licitly be repelled by violence. Consequently, an attack upon the prince, under these circumstances, would be tantamount to the waging of war upon him, on private authority; and such warfare is in nowise licit, 'because that<sup>1</sup> natural order which is accommodated to the peace of mankind, demands that the authority to engage in a war should reside in the state, or in princes,' as Augustine 718 declares (*Contra Faustum*, Bk. XXII, chap. lxxiv [chap. lxxv]). Another reason supporting the same conclusion is as follows: even as it is not permissible that one should, on his private authority, punish the wrongful deeds of any person by means of that person's death, just so is it impermissible to avert on one's private authority, and by the slaughter of that individual, the wrongful deeds which one fears he may in the future commit; and the principle involved is the same [with respect to both private and princely wrongdoers]; moreover, its validity is manifest in the case of private malefactors; therefore, the said conclusion holds good, and with still greater reason, when applied to offending princes.

7. In order, however, that we may elucidate our doctrine more

St. Augustine.

<sup>1</sup> [St. Augustine has *ordo . . . ille*, which defines his meaning perhaps more clearly than does the Suárezian quotation. The latter omits *ille* and varies slightly in other respects from the text of Augustine, which runs: . . . *ordo tamen ille naturalis mortalium paci accommodatus hoc poscit, ut suscipiendi belli auctoritas atque consilium penes Principem sit. . .* Suárez quotes as follows: *quia ordo naturalis, mortalium paci accommodatus hoc poscit, ut suscipiendi belli auctoritatem* [corrected to *auctoritas* in the Paris edition of 1859] *penes rempublicam, seu Principes sit.*—TR.]



satisfactorily, and may the better apply the foregoing remarks<sup>1</sup> to the clause quoted above<sup>2</sup> from the oath, it will be necessary to make a prior declaration as to whether or not the doctrine already laid down holds good with respect to the second group, that is, with respect to rulers whose very title is tyrannical.

For ordinarily a distinction is made between these two classes of tyrants, inasmuch as it is asserted that the tyrant whose title is acquired in tyrannical fashion, may be slain by any private person whatsoever belonging to the state which is subjected to the tyranny, provided that there is no other way in which the said person can free the state from that tyranny.

So St. Thomas has held (on the *Sentences*, Bk. II, dist. xlv, qu. 2, art. 2, main part and conclusion), and his opinion has been adopted by almost all the Doctors above cited. The treatise of Conradus Brunus (*De Seditiosis*, Bk. VI, chap. iii), wherein he records various examples, may also be cited in this connexion, though his examples have been compiled from both just and unjust acts, so that they provide proof with regard not to what is just, but to what is customary. The reason, then, on which the said opinion is founded, is the fact that, under the circumstances described, it is not the king or prince who is slain, but an enemy of the state. Thus it is that St. Thomas (*De Regimine Principum*, Bk. I, chap. vi), similarly defends the deed of Aod, who—though he was merely a private person—slew Eglon, King of Moab, to whom Israel was subject, on the ground that Eglon was not the true King of God's people, but was rather an enemy and a tyrant (*Judges*, Chap. v [Chap. iii]). Abulensis [Tostado] gives the same account (in his commentary on that passage [on *Judges*, Chap. iii], qu. 26), and adds that this tyrant could [licitly] have been slain by any Israelite whatsoever. So, too, did Judith slay Holofernes (*Judith*, Chap. xiii). And Jahel performed a similar deed when she killed Sisara (*Judges*, Chap. iv), a deed for which she is praised (*Judges*, Chap. v). In like manner, St. Thomas approves, in the passage previously cited [on the *Sentences*, Bk. II, dist. xlv, qu. 2, art. 2, main part and conclusion], of the opinion expressed by Cicero when the latter praises [in *Philippics*, I] the slayers of Caesar, usurper of sovereign power, not by a just title, but through violence and tyranny. Accordingly, the Doctors, too, maintain that the crime of lese-majesty is not committed against a tyrant of this sort, since no true majesty resides in him. They furthermore hold that the title of 'prince' does not apply to such tyrants and that

<sup>1</sup> [Reading *dicta* with the 1859 Paris edition, not *dictam* with our own Latin text, and that of Mayence, 1619.—Tr.]

<sup>2</sup> [*Propositam* in our text. The 1619 and 1859 editions have *praepositam* which is perhaps the clearer term in this context. In any case, the clause here referred to is evidently the entire third part of the oath quoted in the first sentence of this Chapter.—Tr.]

St. Thomas.

Conradus  
Brunus.

Abulensis  
[Tostado].

Judith, xiii.

Judges, iv.

Tullius  
Cicero.

consequently the decrees declaring that it is not permissible to slay a prince do not refer to the said tyrants; a fact which is made evident by Gigas in his Treatise *On the Crime of Lese-majesty* (Qu. 65).

Gigas.

8. However, St. Thomas (*on the Sentences*, Bk. II, dist. xlv, qu. 2,

St. Thomas.

A limiting condition. art. 2., main part and concl.) adds [, to the proposition that the slaying of these tyrants is permissible,] a limiting condition, as follows: such an act is permissible when no recourse can be had to any superior through whom judgment may be passed upon the usurper. This limitation has force most particularly when the tyranny is practised not by a sovereign prince but by some inferior. For not only [foreign] kings, but also powerful inferior lords are able to usurp through tyranny some form of dominion, or jurisdiction, or magistracy. Accordingly, under such circumstances, although the people may resist an invader while he is in the act of making the attack, nevertheless, when the attack has once been made, and he has obtained possession and the power of dominion, they may not, on their own [private] authority, slay him or begin a new war against him, as long as it is possible for them to have recourse to a superior, inasmuch as they may not draw their swords on their own authority when they have a superior; and still less would this be permissible to every private individual whatsoever. For if it were permissible,<sup>1</sup> general disorder would result, and great confusion would spring up within the state.

Furthermore, and for the same reason, even in cases where there is no superior to whom recourse may be had, it is necessary that the tyranny and injustice be public and manifest. For if there is doubt of their reality, it will not be permissible to remove by force the person who is in possession, since in case of doubt his position is the stronger, unless it is at the same time certain that his seizure of possession was tyrannical.

Again, in order that such a tyrant may licitly be slain, this slaying must be necessary to the liberty of the kingdom; for if the tyrant can be removed by any method that is less harsh, it will not be licit to slay him straightway without the sanction of any superior power and an examination of the case.

9. The commonly accepted opinion must also be understood [to include a further limitation, namely]: provided that no treaty, truce, or pact confirmed by oath shall have passed between the tyrant and the people; a point noted by Abulensis [Tostado] (*on Judges*, Chap. iii, qu. 26). For pacts and oaths, even those entered into with enemies, should be observed unless perchance they were manifestly unjust, and exacted by coercion.

Abulensis  
[Tostado].

Yet another limitation should be added as follows: provided

<sup>1</sup> [*alias*, in the Latin.—Tr.]

that there is no fear lest the state suffer, in consequence of the slaying of the tyrant, the same ills as those which it endures under his sway, or ills even more grave. Thus Bartolus

Bartolus.

719 Another limitation. has declared (in his Treatise *On the Guelphs and Ghibellines*, No. 9)<sup>1</sup> that it is permissible, under the circumstances described, to put to death a tyrant for the sake of the common good, not for one's private advantage. For if any person slays a tyrant in order that he himself may by means of a like tyranny obtain possession of the sovereign power, he cannot but be held guilty of homicide, as well as of fresh tyranny. Again, if it is believed that the son of a tyrant, or another person similarly allied to him, is destined to inflict the same ills upon the state, it will not be permissible [to slay that person], because [in the event of such slaughter] evil is done without hope of effecting thereby a greater good, and because, in such a case, the state is not actually defended, or freed from tyranny, yet these are the sole titles by which that death may be justified.

The last condition. And finally, it is required that the state shall not expressly oppose [the act of tyrannicide]. For, if the state offers an express objection, it does not merely refrain from bestowing authority upon private individuals, but furthermore declares that [such a] defensive act is not desirable for it; and the state must be believed on this point; so that, under these circumstances, it is therefore illicit for a private individual to defend the state by putting the tyrant to death.

The opinion of other authors. 10. Yet, in spite of the foregoing arguments, there are authors who do not accept the distinction and opinion above set forth, believing rather that it should be unconditionally ruled that private individuals cannot licitly slay a tyrant, whether he be tyrannical solely in his exercise of the ruling power, or tyrannical even in the acquisition of his title.

This is the view that Alfonso de Castro takes (*Adversus Omnes Haereses*, Bk. XIV, word *Tyrannus*), inasmuch as he expresses himself unconditionally and interprets in this fashion the pronouncements of the Council of Constance. Moreover, all of his doctrines point to that conclusion. Azor has committed himself ([*Moral Institutes*,] Vol. II, bk. xi, chap. v, qu. 10) to the same stand more expressly, rejecting the commonly accepted opinion above set forth. His position is founded first, upon the fact that the Council of the Lateran<sup>2</sup> treats of tyranny in absolute and general terms; secondly, upon the assertion (also absolute) of Augustine (*On the City of God*, Bk. I [chap. xvii]), that it is not permissible to slay any person without public authorization; thirdly, upon the indefinite nature of St. Thomas' statement that the slaying of the tyrant in question is laudable, whereas he does not say that the slaying

Castro.

Azor.

<sup>1</sup> [In *Consilia, Tractatus, Quaestiones* (1527 Lugduni).—REVISER.]

<sup>2</sup> [Suárez, no doubt, intended to say 'Council of Constance'.—TR.]

of the said tyrant by any private individual whomsoever is laudable; and fourthly, upon the fact that no malefactor can rightfully be put to death, nor can he who is in possession be dispossessed forthwith, without first being heard and judged. Nor does evidence of an accomplished crime suffice, unless a pronouncement of sentence precedes [the act of tyrannicide].

II. But these arguments are of little force when opposed to the Rejection of this commonly approved opinion.

For, as I have said, the Council of the Lateran<sup>1</sup> does not lay down the definite and universal negation, that no tyrant may be slain, but simply condemns the universal affirmation that every tyrant may be slain, a condemnation stated not in an absolute form but rather with a number of qualifying terms, so that the declaration of the said Council is reduced to the following loose formula: 'Not every tyrant may be slain before sentence has been pronounced against him.' And one cannot draw from this formula any argument in contravention of the common opinion. To the words of Augustine I reply that the private individual who slays a tyrant of the kind in question, does not commit this deed without public authorization, since he is acting both<sup>2</sup> by the authority of a tacitly consenting state, and<sup>2</sup> by the authority of God, Who has granted to every man, through the natural law, the right to defend himself and his state from the violence inflicted by such a tyrant. To the argument drawn from St. Thomas, we reply that his words are sufficiently clear, for in the body of the article cited [on the *Sentences*, Bk. II, dist. xlv, qu. 2, art. 2] he says: 'When the authority [to do so] exists, any person may repel dominion of this kind'; while in the reply to the fifth objection, St. Thomas makes it clear that he refers to a private individual in using the expression 'any person,' since he so interprets the words of Cicero concerning the slayers of Julius Caesar, and since, moreover, he comes to the following conclusion: 'For he who under such circumstances slays a tyrant, in order to liberate his country, is accorded praise and given a reward.' As to the [fourth and] last argument, we may say that it has force when any one is to be put to death in punishment for his offence, or deprived of those goods which he holds in peace and as possessions at the moment uncontested, whether formally or virtually; but the case with which we are dealing relates to defence, not to punishment; nor is the tyrant in possession peacefully, but rather by actual violence, since the state—though it may perchance refrain from opening battle, owing to its inability to do so—is nevertheless waging incessant and implicit war, as Cajetan rightly notes, in that it offers all the resistance of which it is capable.

Cajetan.

<sup>1</sup> [Here also Suárez, no doubt, intended to say 'Council of Constance'.—Tr.]

<sup>2</sup> [This interpretation of the correlatives *vel . . . vel*, attested by Du Cange's *Glossary*, is in the translator's opinion preferable here to the classical interpretation (or . . . or).—Tr.]

12. A new difficulty, however, thus presents itself, namely, the fact that according to the doctrine expounded above there is no difference between the two cases, or two kinds of tyrant. For by that doctrine it is not permissible to slay on private authority even those whose titles are tyrannical, since, on the contrary, public authority is required; yet if the latter form of authority exists, it is also permissible to slay those [true] kings who rule in tyrannical fashion.

Accordingly, I argue further as follows. Even a tyrant whose title is tyrannical should be slain [only] in punishment for his crimes or on the ground of defence. In the former case (as has already been pointed out), he may not be slain simply by any private person acting on private authority, because, in the first place, the imposition of punishment is (as I have remarked above) an act of jurisdiction, to be performed by a superior, and because, secondly, not even the very state that has been wronged by such a tyrant may thus punish him save by the intervention of a public council and after a hearing and an adequate judgment of his case, so that the tacit or presumed consent of the state does not suffice to authorize the commission of this deed by a private individual, but rather, an express declaration made by special—or, at least, by general—commission is required. Wherefore it would be impermissible for a foreigner in a private capacity, or, indeed, for one in a public capacity but not endowed with jurisdiction over the said tyrant, to slay the latter on this [punitive] ground, save by express commission of the injured state. But if the act in question is permitted to a private individual only on the ground of defence, there is, consequently, no distinction between the two kinds of tyrant, since it is also permissible for a private individual to slay on that defensive ground a true king, who tyrannically assails [the rights of] his own kingdom, or state, as we have already pointed out. Moreover, on the same ground, it is not a power tacitly granted by the state to its members that makes such an act of homicide permissible; rather is it rendered permissible by the authority of God, Who through the natural law has bestowed upon every person the right to defend himself, his country and, furthermore, every innocent individual. Therefore, the killing of a tyrant on this ground is permitted not only to the members of a state, but also to foreigners, in either case and with respect to either kind of tyrant, so that no difference exists.

13. To the last question I reply that, in the first place, it is true that a tyrant who seizes kingly power without a just title thereto may not justly be slain by any private individual whomsoever, as a measure of vengeance, or punishment. For this negation is conclusively established by the arguments set forth in connexion with the first part of our twofold proposition.

Consequently, I grant that with respect to this point no distinction is made between a tyrannical king of the kind in question [and one whose title to power is lawful], in so far as the essential principle of injustice is concerned; although, in the case of a lawful king, the crime committed is much more grave and constitutes an act of lese-majesty, which does not occur in the case of tyrants of the other group, for such a crime, when committed against them is a simple act of injustice and of usurped jurisdiction. We are thus left to conclude that only the right of self-defence makes it permissible for private individuals to slay [even] this latter sort of tyrant.

There is a great difference, however, between such a tyrant and a wicked [but legitimate] king. For [a true] king, though he may govern in a tyrannical manner, is not inflicting actual violence upon the state subject to him, so long as he does not begin an unjust war against it; and consequently, in so far as he is concerned, no occasion for defence is offered, and no subject may attack him or wage war against him on defensive grounds. A true tyrant, on the other hand, is inflicting continual and actual violence upon the state as long as he unjustly retains the royal power and reigns by force; so that the said state continually wages against him an actual or virtual war, not vengeful in its character (so to speak), but defensive. Moreover, provided the state makes no declaration to the contrary, it is always regarded as willing to be defended by any of its citizens, or, for that matter, even by any foreigner; and therefore, if it cannot be defended in any way save by the slaying of the tyrant, any one of the people can licitly slay him. Thus it is indeed true, strictly speaking, that this act of slaughter is committed, under the circumstances described, not by private but by public authority; or rather, by the authority either of a kingdom willing to be defended by any citizen whomsoever as by its own members or organ, or else by the authority of God, the Author of nature, Who gives to every individual the power of defending the innocent.

Accordingly, even in this respect no true distinction is made between the two kinds of tyrant, since neither of them may be put to death on private authority, public power being, on the contrary, always a necessary factor. The difference between the two cases, however, is as follows: owing to the distinction explained above, the power in question is considered to have been entrusted to every private individual as against a true tyrant, while this is not the case as against a true sovereign [who rules in tyrannical fashion].

14. But in view of the foregoing, still another difficulty arises, one whose treatment is necessary to our present purposes.

Another difficulty. For from the comment just made regarding true tyrants, it follows

that the preceding comment regarding [true]kings who govern tyrannically, is applicable only when sentence of deposition has not yet been passed against such a king, and not after the passing of that sentence; this is an inference which will not be pleasing to the King of England, and it is one which merits examination.

For it has a firm basis, first of all, in the Council of Constance, inasmuch as that Council refers only to persons slaying tyrannical princes on private authority 'without awaiting<sup>1</sup> the sentence or mandate of any judge whatsoever' (since it is thus that the Council of Constance condemned the contrary proposition); so that consequently, if any judge possessing lawful jurisdiction with respect to such a [legitimate but tyrannical] king, whosoever that king actually is or may be, has pronounced against the latter a just sentence whereby the said king has *ipso facto* been deposed from his throne—if, I say, this should be the case<sup>2</sup>—the declaration laid down by the Council no longer holds; and therefore, the argument expounded above would cease to be valid, with the result that our comment regarding true kings, in the form previously propounded, would no longer be tenable. For under such circumstances, it is assumed that the sentence which has been awaited<sup>3</sup> is a just and lawful one. Accordingly, the tyrant's assailant acts not upon private authority but by virtue of the said sentence and, consequently, as an instrument of public authority. In short, when a king has been lawfully deposed, he is no longer a legitimate king, or prince; and therefore, the statement [of the Council of Constance], which has reference to legitimate kings, cannot hold true in his case. And furthermore, if after the lawful deposition of such a king he should persist in his obstinacy and forcibly retain the royal power, he will become a tyrant even in regard to his title, since he is not a lawful king, nor is it by just title that he holds kingly power.

This truth is more clearly evident in the case of a heretical king. For in a sense, and by reason of his heresy, such a king is forthwith

deprived, *ipso facto*, of his dominion over and proprietary rights in the kingdom, since the latter awaits confiscation, or is to pass *ipso iure* to his lawful

Catholic successor; and nevertheless, [this heretical ruler] may not be deprived at once of the kingdom itself, but on the contrary justly continues to possess and administer it, until at least he is condemned through a declaratory judgment of his crime. This point is brought out in the *Sext* (Bk. V, tit. II, chap. xix). On the other

*Sext, V. II. xix.*

<sup>1</sup> [Vide footnotes 2, p. 707 and 3 of this page. Suárez has *expectata*, here.—Tr.]

<sup>2</sup> [This parenthetical clause translates a single word in the Latin, *tunc*.—Tr.]

<sup>3</sup> [*expectata*. Cf. notes 2, p. 707 and 1 of this page. One is tempted to give the term its late connotation of *spectata*, here, and translate, 'the sentence referred to', or, 'the sentence in question'; but the closely preceding quotation from the declaration of the Council of Constance, in which *expectata* would seem to have the usual classical significance, makes such a translation inadvisable. Probably Suárez's implied meaning is, 'the sentence which has been awaited before the tyrant is put to death.'—Tr.]

hand, once the sentence has been pronounced, he is deprived altogether of the said kingdom, in such a way that he cannot by any just title continue in its possession; and therefore, from that time forth, he may be treated absolutely as a tyrant, and consequently may be put to death by any private individual whatsoever.

15. This difficulty<sup>1</sup> depends upon the assumption that even a king who is supreme in temporal matters may be punished with deposition and sentenced to be deprived of his kingdom; an assumption which the King of England declines to consider, but which is nevertheless true and follows clearly upon the principles laid down in Book III.<sup>2</sup> Moreover, we shall have occasion to repeat it in a subsequent part of our discussion.

To be sure, the question, By whom may such a sentence be imposed? is a grave one. But for the present we shall assume, briefly, that this power to depose a king may reside either in the state itself or in the Pope, although differently in the two cases. For it resides in the state solely by way of a defence necessary to the preservation thereof, as I have already remarked (Bk. III, chap. iii).<sup>4</sup> If, then, a lawful king is ruling in tyrannical fashion, and if the state finds at hand no other means of self-defence than the expulsion and deposition of this king, the said state, acting as a whole, and in accordance with the public and general deliberations of its communities and leading men, may depose him. This would be permissible both by virtue of natural law, which renders it licit to repel force with force, and also by virtue of the fact that such a situation, [calling for measures] necessary to the very preservation of the state, is always understood to be excepted from that original agreement by which the state transferred its power to the king.

This is the sense that we should give to St. Thomas' declaration (II.-II, qu. 42, arts. 2 and 3 [art. 2, ad 3]) that it is not seditious to resist a king who is ruling tyrannically, provided at least that this resistance is offered through the lawful power of the community itself, and prudently, without causing greater injury to the people. Moreover, it is thus that St. Thomas himself has expounded this very point (*De Regimine Principum*, Bk. I, chap. vi), as have his disciples, Soto (*De Iustitia*, Bk. V, qu. 1, art. 3), Báñez (on II.-II, qu. 64, art. 3, doubt 1), and Molina (Vol. IV, *De Iustitia*, Tract. III, disp. vi).

Others, however, from among the jurists previously cited, take a mixed view of this matter. For Paris de Puteo, [*De Sindicatu*, § *An liceat occidere Regem*] and Antonio Massa (tract. *Contra Usum Duelli*,

Vide Soto, *De Iustitia*, Bk. V, qu. 1, art. 3. Azor, Vol. II, bk. XXI, chap. v, qq. 8 and 9.

Under what circumstances the state may deprive a [true] king, ruling in tyrannical fashion, of his kingdom.

St. Thomas.

Soto.  
Báñez.  
Molina.

Paris de  
Puteo.  
Antonio  
Massa.

<sup>1</sup> [See Sect. 14, *supra*, p. 716.—Tr.]

Bk. III, chaps. v and xxiii.—Tr.]

<sup>2</sup> [For '4' read 'qu.'—Tr.]

<sup>3</sup> [*Supra*, pp. 667 et seq.; *Defensio Fidei Catholicæ*,

<sup>4</sup> [Not included in these Selections.—Tr.]



Nos. 78 and 79) support the statement in question in such a way that they apparently concede even to individual citizens the licence to act thus. Yet, on the other hand, Restaurus Castaldus ([*De Imperatore*,] aforesaid Qu. 82) supports the contrary view to such a degree that he would seem to deny such license even to the community. But [these two extremes of opinion] should be modified, in accordance with our preceding remarks.

Restaurus  
Castaldus.

16. Nevertheless, the power of which we are speaking does indeed reside in the Pope, as in a superior possessed of jurisdiction for the correction of kings, even supreme monarchs, these princes being regarded as subject to him. This is a point which we have already demonstrated.<sup>1</sup> Accordingly, in the case of crimes relating to spiritual matters, such as the crime of heresy, the Pope has direct power to inflict punishment therefor upon the king, even to the point of deposing the latter from his throne if his obstinacy and a consideration for the common good of the Church should so demand. Again, in the case of faults relating to temporal matters, in so far as these faults constitute sins, they, too, may be corrected by the direct power of the Pope, to the extent, indeed, of their temporal harmfulness to the Christian State; and punishment of these faults may at least be inflicted by his indirect power, in so far as the tyrannical rule of a temporal prince is always pernicious also to the salvation of souls.

17. Moreover, another point should be noted, as follows: even though a state, or human kingdom—regarded solely from the standpoint of its own nature, as it existed once among the Gentiles and exists still among the heathen—possesses the aforesaid power to defend itself against a tyrannical king, and to depose him with a view to such self-defence, in cases of necessity, I repeat, even though this be true, nevertheless, Christian kingdoms, when they so defend themselves, are in a sense dependent upon and subordinate to the Pope.

This assertion is true because, in the first place, the Pope may demand of any [Christian] kingdom that it shall not rise hastily against its king, nor depose him, unless the cause and reason therefor have previously been examined by the Pope himself. The latter possesses this power because of the moral dangers and the loss of souls almost certainly accompanying these popular tumults, and also for the sake of averting sedition and unjust rebellion. Thus history records that in such cases the kingdoms involved have almost always consulted the Pope, or even have petitioned that he should be the one to depose

722 a wrongful king or a tyrant. We are told that this occurred in the case of Childeric, King of France, when Zacharias was Pope (*Decretum*, Pt. II, causa xv, qu. vi, can. iii), and in the case of other persons whom

*Decretum*, II.  
xv. vi. iii.  
Duarte Nunes  
do Lino, *Primeira Parie  
Das Chronicas  
Dos Reis de  
Portugal*, alias  
Capello.

<sup>1</sup> [*Supra*, pp. 685 et seq.; *Defensio Fidei Catholicae*, Bk. III, chap. xxiii.—Tr.]

I have mentioned previously.<sup>1</sup> Moreover, the histories of Portugal relate at length that Sancho II, king of that country, was deprived of his royal administrative powers by Innocent IV, when the latter was Pope, although Sancho's kingdom was not taken from him. This incident is recorded also in the *Sext* (Bk. I, tit. VIII, chap. ii).

*Sext*, I. VIII. ii.

Secondly, a Christian kingdom is dependent upon the Pope in that the latter not only has power to advise or consent to the deposition by the kingdom of a king destructive to itself, but may even command and compel the said kingdom to take this course, when he shall have concluded that such an act is necessary for the spiritual welfare of the realm and, especially, for the avoidance of heresies and schisms. For under these circumstances the exercise of [his] indirect power with respect to temporal matters for the attainment of a spiritual end is most admissible. Another argument is afforded by the fact that, in a situation of this sort, the Pope *per se* possesses direct power to depose the king; and therefore, he possesses the power by which he may coerce the kingdom, in cases of necessity, to the execution of this purpose, since otherwise his power [of deposition] would be not only inefficacious, but also insufficient. And the final argument is, that such a papal command, under such circumstances, is [in itself] an exceedingly just command.

*Vide* Azor,  
Vol. III, bk.  
II, chap. vii,  
qu. 30.  
Castro, *De*  
*Iusta Haereti.*  
*Punit.*, Bk. II,  
chap. xiv.

18. Accordingly, granting the truth of this basic assumption, we may assert, with regard to the point last proposed, that, after the rendering of a lawfully authorized condemnatory sentence by which a king is deprived of his realm, or—and this comes to the same thing—after a declaratory sentence for a crime entailing *ipso iure* the punishment in question, the person who has passed the sentence, or the one to whom that person has entrusted the task, does indeed possess the power to deprive the said king of his realm, even by slaying him, if no other means will avail, or if a just sentence includes such an extreme penalty. However, the deposed monarch may not be slain forthwith simply by any private person whatsoever, nor may he even be driven out by force, until that private individual has been commanded to act thus, or unless a general commission to this effect is contained in the sentence itself or in the law.

The first part of our assertion<sup>2</sup> follows clearly upon the principle above set forth. For he who can justly condemn a given person, is also able to execute—whether by his direct intervention or with such assistance as may be necessary—the punishment he has imposed; other-

<sup>1</sup> [*Supra*, *Defensio Fidei Catholicae*, pp. 685 et seq.; Bk. III, chap. xxiii.—Tr.]

<sup>2</sup> [The assertion as a whole would seem to include both sentences of the immediately preceding paragraph in the English, and 'the first part' of the assertion is evidently contained in the first, or affirmative sentence. Suárez undertakes to prove the second, or negative statement, in Section 19.—Tr.]

wise, his power to declare the law, unaccompanied by any effectively coercive power, would be vain. It is for this reason, indeed, as Augustine says (*On the City of God*, Bk. I, chap. xxvi), that an agent of the king acts rightly in slaying a man at the king's command, since under those circumstances he is carrying into effect the power of that monarch, rather than his own. Similarly, then, when a state can justly depose its king, the agents thereof act rightly in coercing that king, or—if it be necessary—in slaying him; for in such a case they are acting not on private, but on public authority. Thus Soto has well said (*De Iustitia*, Bk. V, qu. 1, art. 3), that even though a king who is a tyrant solely in his manner of rule [and not in his title to the throne] may not be slain simply by any one at all, 'nevertheless, when sentence has been passed (these are the words of Soto) any person may be appointed as the agent for its execution.' In like manner, then, if the Pope deposes a king, only those persons whom the Pope himself has charged with the task will have the power to drive out or slay that king. And if the Pope does not enjoin upon [specific] persons the execution of his decree, the said task will fall to the lot of the lawful successor to the royal power; or else, in the event that no such successor has been found, the kingdom itself will be charged with this function. Moreover, the Doctors hold that the same principle is to be observed in connexion with the crime of heresy, when declaration is made by public sentence depriving a heretical king of his kingdom. Castro (*De Iusta Haereticorum Punitio*, Bk. II, chap. vii) and Didacus de Simancas (*Institutiones Catholicae*, Tit. XLVI [chap. xlv,] no. 75) may be consulted on this point.

Augustine.

Soto.

Castro.  
Simancas.

19. The foregoing remarks also afford a ready proof for the second part of our assertion.<sup>1</sup>

For even though a given person has been justly condemned to death, he may not be slain at will simply by any private individual whatsoever, unless this individual has been commanded or in some other way impelled to the act of slaughter by one in authority. This condition holds because one person may not kill another, unless the slayer is either a superior possessing in himself the power to do so, or else the agent of such a superior; and he may not be called an agent unless his act is instigated by the authority of his principal. But if all this is true with regard to any malefactor, it will surely hold true with greater reason in the case of a prince.

It will perhaps be argued that these requirements are satisfied by the implicit or tacit instigation of the state, which by virtue of the very fact that it has deposed the king declares its will that he be driven

<sup>1</sup> [i.e. the negative part, prohibiting completely unauthorized private persons from executing the sentences in question. *Vide* footnote 2, p. 720.—Tr.]

out, coerced, and even—in case he resists—put to death, by the agency of [any or] all persons. Such a contention, however, is false, a fiction devised in defiance of reason. For a judge, in condemning a heretic or malefactor who is a private individual, does not by that very act empower all persons to punish such an individual; and consequently, when the state, or the Pope, condemns a king who is heretical, or tyrannical in some other fashion, such [punitive] licence is not—even in a tacit or implicit sense—granted to every one [indiscriminately]. The consequent is true because there is no just reason to assume the existence of this licence as against a king, more readily than as against other persons. For prudence and just procedure in the actual execution [of a sentence] are always essential; and furthermore, a greater danger of disorder and excess attends the coercion of the person of a prince or king than that which attends the coercion of other individuals. Therefore, if the Pope issues a decree declaring that a given king is heretical and deposing him from his throne, but containing no fuller 723 specifications with regard to the execution of the sentence, all other princes are not forthwith empowered to make war upon the deposed monarch, since they are not (so we assume) his temporal superiors, nor does that Pope invest them, by the sole force of his decree, with the power to make such a war.

Consequently (as I was saying) only the lawful Catholic successor of that monarch is invested under these circumstances with the said authority; or, in case he should be disregarding of it, or no such successor should exist, the kingdom as a whole body, provided that it is a Catholic body, will succeed to the right in question. But if this kingdom itself seeks the aid of other princes, they may lend such aid, a fact which is self-evident. Furthermore, if the Pope bestows upon other kings the power to invade the kingdom of the deposed ruler (and the examples which we have adduced in Book III<sup>1</sup> prove that the Pope has quite frequently done this), such an invasion may, under those conditions, be justly undertaken, inasmuch as they lack neither a just cause nor the necessary authority.

20. In the light, then, of these true and unquestionable principles, we find clear and convincing proof of the fact that the third part of the oath exacted by King James involves, under various heads, an excessive assumption of power, injustice opposed to righteous custom, and error in contravention of true Catholic doctrine.

To prove the first of these points, i.e. the fact that an excessive assumption of power is involved, I ask: By what authority does the King of England compel his subjects to swear that a certain proposition is heretical, when it has not been so condemned by the

The principles expounded above afford convincing proof of the error involved in the oath exacted by King James.

<sup>1</sup> [*Supra*, pp. 701-2; *Defensio Fidei Catholicæ*, Bk. III, chap. xxiii, at end.—Tr.]

Catholic Church? For if the King maintains that the said proposition was condemned by the Council of Constance, we may object, in the first place, that it is impossible for him to make such an assertion consistently, inasmuch as he rejects the authority of the Councils, and particularly that of the modern Councils. By way of a second objection, we may ask where he can find, in the decrees of the Council of Constance, the words, 'princes which be excommunicated or deprived by the Pope'; or these, 'by their subjects or any other whatsoever?' Accordingly, in view of the fact that the addition of these phrases to the proposition in question effects an immense change in it and in its purport, the inference by which [the condemnation of] this [altered] proposition is attributed to the Council, is fallacious and misleading.<sup>1</sup> On the other hand, if King James condemns the said proposition, not on the authority of the Council of Constance, but simply on his own authority, then, beyond any possibility of doubt he exceeds and abuses a power which is not [even rightly] his. Moreover, it is very strange that he should repeatedly disparage the papal power of defining points of faith, while he himself dares to arrogate this same power to himself; for though he does not make this claim in so many words, he professes to do so by his acts. In this arrogation of power, the king is guilty of further inconsistency, inasmuch as he boasts in another passage of this *Apologie for the Oath of Allegiance* that he himself does not, after the fashion of the Popes, fabricate new articles of faith. In fine, since he holds that nothing is of faith save what is contained in the Scriptures, he should show us the Scriptural text condemning the proposition in question as heretical, or the text whereby the contrary proposition is divinely revealed, before we may regard as a heresy the one [condemned by him]. To be sure, Paul said [*Romans*, Chap. xiii, v. 1]: 'Let every soul be subject to higher powers'; but nowhere did he add: Let all be subject even to powers that have been excommunicated or deprived [of their authority] by the Pope. Neither may the one injunction be inferred from the other; for they are quite different from each other, not to say mutually opposed (as it were) since a king who has been deposed is no longer a higher power. Wherefore, I further conclude that the profession of the said oath of allegiance, in so far as this [third] part of it is concerned, is tantamount to an acknowledgement of the royal authority and power both to condemn propositions as heretical at the king's own pleasure, and to lay down rules for the faithful, on his own authority, as to what they should believe as proper to the faith and what they should denounce as heretical. On the part of the king, [the exaction of] such an oath is an abuse and usurpation

<sup>1</sup> [The translator has preferred here the ecclesiastical Latin connotation of *illusorius* (implied under *illusio* in Harper's Latin Dictionary), although the classical Latin interpretation would not be unacceptable: 'the inference . . . is a fallacy and a mockery.'—Tr.]

of spiritual power, and on the part of those who take this oath, [its profession] is virtually equivalent to a profession of false faith.

21. Moreover, the very words of the oath are a clear proof of the fact that King James, in exacting the same, exacts more than mere civil obedience; that is to say, more than an oath pledging such obedience.

A convincing proof of this same fact, based on the very words of the oath.

For something in excess of civil obedience—which is a matter on a far lower plane than the Christian faith—is obviously involved in an oath by which one is pledged to detest a given proposition as heretical. This is particularly the case when the injunction [condemning that proposition] is new to the Church, so that the king [issuing the injunction] does not simply compel Christian subjects to detest a proposition that is in any event already condemned by the Church (an action which is at times permissible to a Catholic king if it is executed in the proper manner), but even compels these subjects to detest a proposition which he himself newly condemns, upon his own authority. Such is the conduct of King James in the present situation.

The foregoing remarks also afford satisfactory proof of [our second point],<sup>1</sup> the fact that the oath in question is unjust on the part of King James, because it exceeds in many ways the proper limits of his power and so becomes a form of coercion by violence, and usurpation of another's jurisdiction.

Again, on the part of the faithful, acquiescence in the said oath is unjust. It is unjust partly for the general reason that they would be swearing either unlawfully or to a lie; since if they believe, solely on the King's authority, that the [rejected] proposition is heretical, their act merits condemnation even on this ground alone. [But such acquiescence is also unjust] for a much more potent reason, namely, because the proposition condemned in this oath is altogether true, and is rendered certain by the true principles of the faith, as we have previously proved;<sup>2</sup> and if, to all outward appearances, the subjects abjure a proposition of this sort, not believing in their hearts that it is heretical, they are guilty of open perjury, a fact that is self-evident. Moreover, the profession of such an oath involves also a special and personal injury affecting the Pope, whose power and right to command obedience they deny, moved by the fear of man.

22. Finally, it is easy to draw from the remarks made above, the inference [embodying our third point]<sup>3</sup> as follows: this third part of the oath of allegiance also involves erroneous doctrine.

A twofold error involved in the third part of the oath.

<sup>1</sup> [i.e. the second defect noted in the third part of King James's oath: 'injustice opposed to righteous custom.' *Vide* the first sentence of Section 20 of this Chapter.—Tr.]

<sup>2</sup> [*Defensio Fidei Catholice*, Bk. III, chap. viii, which is not included in these *Selections*.—Tr.]

<sup>3</sup> [i.e. the third defect in this part of the oath: 'error in contravention of true Catholic doctrine.' *Vide* the first sentence of Section 20 of this Chapter, and footnote 1 on this page.—Tr.]

One error is the contention that the Pope is not endowed with power to depose a heretical or schismatic king who is dragging or perverting his kingdom to the point where it will embrace the same schism or heresy. For this error is upheld by the words of the oath most particularly, and more directly than by any other [words pronounced on that matter], as will be immediately evident to every person reading the oath, and as we have previously proved<sup>1</sup> by manifold arguments.

A second error is not so definitely expressed in the wording, to be sure, but it is implicit in the very substance of the oath, and is virtually included therein, namely, the implication that a temporal king may even exact of his subjects a sworn belief in regard to those matters having to do with the doctrines of the faith and with the renunciation of heresies; and, indeed, the further implication that the decree of the king is to be preferred, even on these points, to the decree of the Pope. And all this is surely equivalent to declaring that a temporal king holds the primacy in spiritual—or ecclesiastical—affairs. For the primacy of Peter includes no greater dignity, nor any that is more necessary to the conservation of the Church and the unity thereof, than the supreme authority to lay down the articles of faith and condemn heresies; an authority which the King of England arrogates to himself, in the words already quoted. Therefore, the profession of the oath in question is an open profession of schism and error; and consequently, true Catholics are bound in conscience to reject the same.

<sup>1</sup> [*Defensio Fidei Catholicae*, Bk. VI, chaps. i-iii, which are not included in these *Selections*.—TR.]