

(XXIII, 5): 'A king shall reign and shall be wise.' It is from Him that the royal priesthood derives; and, what is more, all the Faithful of Christ, being members of Him, become thus, priests and kings. The ministry of this kingdom is entrusted not to the rulers of this earth but to priests, so that temporal affairs may remain distinct from those spiritual: and, in particular, it is delegated to the High Priest, the successor of Peter and Vicar of Christ, the Roman Pontiff; to whom all kings in Christendom should be subject, as to the Lord Jesus Christ Himself. For those who are concerned with the subordinate ends of life must be subject to him who is concerned with the supreme end and be directed by his command.

The Theory of Church and State

The effective spread of Christianity throughout the Mediterranean world began with the ministry of St. Paul. From the time of St. Paul's martyrdom (about A.D. 67) in Rome until the reign of the Emperor Constantine (sole emperor 324–327), Christianity was an illegal sect, subject to severe persecution and in competition with the cult of emperor worship to which the official religions of the Empire had yielded. The Church was a new society, claiming divine institution, whose mission was to bring men to a good which altogether surpasses the present state of life, a supernatural society. Although from the standpoint of the imperial concept of political obligation the Christian church was treasonable (for, as we have said, the native cults of Greece and Rome had yielded to a common religion of empire, and the Emperor was a "present and corporeal god" as well as supreme civil ruler), the new religion recognized the State as ordained by God. "Let every soul," wrote St. Paul, "be subject to the higher powers. For there is no power but of God: the powers that be are ordained of God."²⁵ Had not Christ clearly repudiated the designing Pharisees with the simple command: "Render . . . to Caesar the things that are Caesar's and to God the things that are God's?"²⁶ Christianity affirmed the existence of two distinct societies with separate but related jurisdictions: a natural, temporal, and perfect society in its own order—the State, and a supernatural, spiritual, and perfect society—the Church. It was the relation between the religious and political institutions that created the new problem for the Roman world.

St. Augustine: "The City of God"

The Christian philosophy of politics that was implied in the relation of the two societies received its first and most comprehensive statement in the writings of St. Augustine, the fourth-century Bishop of Hippo. *The City of God*, the great work which contains the political thought of St. Augustine, is not at all a systematic treatise in political philosophy.²⁷ Acknowledged to be the greatest of the Saint's writings (and so acknowledged by Augustine himself), *The City of God* presents a picture of the Christian "world view" that is extremely detailed

for all its panoramic character. Begun in 413 and completed only in 426, its composition was directly inspired by the need St. Augustine felt to defend the Christian religion against the charge that it was responsible for the fall of Rome at the hands of Alaric in 410. The defense is divided into two parts: In the first ten books, which make up Part One, St. Augustine is concerned with the polemical task of refuting the pagan charge. Taking note of the curious blindness to the fact that Rome was not protected by the pagan gods during the sack of 410, St. Augustine proceeds in the first ten books to describe the spiritual and moral evils of paganism and to put the pagan theology under some degree of pressure. The second half of St. Augustine's work is given over to an altogether original task—that of constructing a Christian philosophy of society: That is to say, matters that belong to the separate philosophical sciences (such as ethics and politics) are given a higher unity by reason of the more universal formality under which they are regarded, namely, Divine Revelation. Because sacred science considers things precisely under the formality of being divinely revealed, whatever has been divinely revealed—though it may also be the matter of other disciplines—possesses the one precise formality of the object of sacred science. And just as certain human sciences proceed from principles known by the light of a higher science (e.g., the science of perspective proceeds from principles established by geometry and the science of music from principles established by arithmetic), so sacred science proceeds from principles established by the light of a higher science, namely, the science of God in Whose Intellect are the principles of this science. And because this is the case, because sacred science is established on principles revealed by God, "to this science alone," St. Augustine observes, "belongs that whereby saving faith is begotten, nourished, protected, and strengthened."²⁸ The fundamental point for understanding *The City of God* is the fact that it is under the formality of sacred doctrine that St. Augustine treats of history and politics.

The pertinence of this consideration becomes clear when we inquire how the central idea of St. Augustine's *City of God* is related to the past teaching in political philosophy. If, for the moment, we take the fundamental teaching in St. Augustine's political philosophy to be simply that no man owes an unqualified allegiance to any earthly society, then it is clear that this idea was not entirely new to the world. It is to be found in Aristotle's injunction to pursue the life that is more divine than human and in his view that political science is not the highest wisdom, nor man the best thing in the universe.²⁹ The same idea is to be found in Plato's teaching that there is a "better life than that of politics."³⁰ The central idea of St. Augustine, on the contrary, emerges only after this very noble and right teaching of the philosophers is subjected to a critique in the light of the higher principles of sacred doctrine.

It is the sacred Scriptures that instruct man concerning the supreme good and the supreme evil, and instruct him unerringly: "Eternal life is the perfection of good, and eternal death the consummation of evil; and the aim of our life

must be to avoid the one, and to attain the other. Therefore it is written: "The just shall live by faith."³¹ As for the philosophers:

Their studies seemed wholly to aim at the attainment of beatitude [but] what course, what act can mortal misery perform to the obtaining of true blessedness . . . ? For who can discourse exactly of the miseries of this life? Tully, upon his daughter's death, did what he could. But what could he do? In what person can the first objects of nature be found without alteration? What, have not sorrow and disquiet full power to disturb the pleasure and quiet of the wisest? Even so, strength, beauty, health, vigor, and activity, are all subverted by their contraries. . . . And then the first gifts of nature, whereof sense and reason are the two first, because of the apprehension of truth, how easily are they lost! . . . So then far be it from us ever to think that we have attained the true happiness whilst we live here.³²

Without divine instruction there is indeed neither goal nor path to man's strivings.

Let one look amongst all the multitude of philosophers' writings, and if he find two that tell both one tale in all respects, it may be registered for a rarity. . . . The prophet laughs at them, saying: "The Lord knoweth the thoughts of men" (or, as St. Paul has it, "of the wise") "that they are vain." But the people, state, nation and city of Israel, to whom God's holy laws were left, did not confound with that licentious confusion the false prophets with the true, but all in one consent held and acknowledged the latter for the true authors recording God's testimonies. . . . He that lived after their rules, followed not man, but God, who spake in them. The sacrilege forbidden there, God forbids. The commandment of "Honor thy father and mother" God commands. "Thou shalt not commit adultery, nor murder, nor shalt steal," God's wisdom pronounces this, not the wit of man. For what truth soever the philosophers attained and disputed of amidst their falsehood, as namely, that God framed the world, and governed it most excellently; the honesty of virtue; the love of country; the faith of friendship; just dealing, and all the things belonging to good manners—they knew not to what end the whole was to be referred.³³

But Israel, the keeper of God's testimonies, knew: "And then it happened as it was prophesized: 'The law shall go forth from Sion, and the word of the Lord from Jerusalem': The Church founded by Christ fulfills the ancient prophecies: their witness "in Jerusalem, and in all Judea, and in Samaria, and unto the utmost part of the earth."³⁴

We find in these considerations the essential elements for understanding the four basic concepts of St. Augustine's philosophy of politics: the concepts of Church, State, Heavenly City, and Earthly City. It is the relationship of these concepts that will lead us to St. Augustine's central idea.

The Church, a divinely established society, is the guardian of the sacred Scriptures, of the law of the Old and the New Testaments by which men are directed to eternal beatitude in the vision of God, Whom St. Augustine calls the Common Good of the universe. The State is concerned with "just dealing and all the things belonging to good manners": In the measure that men organize for a life of the political virtues as well as the virtues of the mind ("what truth soever the philosophers attained. . ."), they compose the political community, the State. The Church and the State are thus recognizable, "visible" societies for the good. But since indeed God alone sounds the heart and plumbs the depths of the mind, there are two invisible "cities": the Heavenly City of the predestined and the Earthly City of the damned. Those who, availing themselves as far as possible of the grace given through the Church, direct their just dealings and all the things belonging to good manners to final beatitude, are, the world over, members of the Heavenly City. Finally, those who seek no good beyond the present life, or on the other hand, seeking this good condemn the other, that is, "the honesty of virtue, the love of country, the faith of friendship, just dealing and all the things belonging to good manners" are, the world over, members of the Earthly City and destined to eternal death. Indeed, as we shall presently see, the very virtues of those who seek no good beyond the present life are vices; but more often than not such men are without virtue, and their vices are "a harvest of variable impiety." Their fortitude and their patience find expression in suicide; the rule of their prudence is marked by "ambition" and "proud sovereignty."

We are now in a position to see what the central idea of St. Augustine's political philosophy is. "Ambition" and "proud sovereignty" are indeed precisely the wound of sin inflicted by the Earthly City on the State. The State, whose rule is that of freemen over freemen—embracing "the love of country, the honesty of virtue, the faith of friendship, just dealing, and all the things belonging to good manners"—is required by the very order of nature. The order of nature is not destroyed by sin, but it has been weakened: It is too commonly marked by ambition and proud sovereignty. It is this rule—of masters, as it were, over slaves—to which "guilt and not nature gave origin." But the dominion of freemen over freemen, which is not by domineering but by the service of counsel—this rule is both the prescription of nature itself and the rule established at the moment of creation: "But in the family of the faithful man . . . there the commanders are indeed the servants of those they seem to command; ruling not in ambition, but being bound by careful duty; not in proud sovereignty, but in nourishing pity. Thus has nature's order prescribed, and man by God was thus created."³⁵ Political authority indeed there is, but its rule is in the service of freedom, and its perfection in proportion to its movement away from mastership, from proud sovereignty, from ambition and the quality of "authoritarianism." It is the members of the Heavenly City who ought to perfect the State, healing its wounded nature and restoring the free character of its rule. If, to be sure, while here on earth the celestial society

“increases itself out of all languages, being unconcerned by the different temporal laws that are made,” it nonetheless “observes . . . the coherence of men’s wills in honest morality . . . not breaking but observing their diversity in divers nations.”³⁶ For everything that a citizen of the Heavenly City does, he refers both “unto God and his neighbour, because being a citizen, he must not be all for himself, but sociable in his life and actions.” Again, if the members of the Heavenly City must refer the “temporal conveniences” of the State to an eternal end, it is indeed nonetheless precisely they alone who may be said to be made happy by these temporal conveniences: “Yet he that has the latter in possession, and applies it all with reference to his hope’s firm and faithful object, may not unfitly be called happy already. . . .”³⁷ For such a man there is nothing false about earthly happiness: It is the very beginning of beatitude. On the other hand, “this present possession without the other hope is a false beatitude” and we must “avouch [such an estate] to be most miserable, were it never so well fraught with temporal conveniences. . . . For herein is no use of the mind’s truest good, because there is lacking the true wisdom, which in the prudent discretion, resolute performance, temperate restraint, and just distribution of (these temporal conveniences) should refer his intent in all these unto that end, where God shall be all in all, where eternity shall be firm, and peace most perfect and absolute.”³⁸ For St. Augustine, then, social justice should receive its initial movement from the most final of causes, eternal beatitude, the just distribution of temporal goods making us proportionately like God, “the most just Disposer . . . of all the adjuncts of [temporal peace]—the visible light, the breathable air, the potable water, and all the other necessaries of meat, drink, and clothing.”³⁹ This is the root of Christian social justice.

Far from eliminating the State by referring its temporal peace to eternal peace, St. Augustine’s thought rather would reestablish the State’s integrity both in the mode of its operation (which is free) and in the order to its end (which is the temporal human common good). And if it is to St. Augustine “more than (to) any other individual [that] we owe the characteristically western ideal of the Church as a dynamic social power,”⁴⁰ it is by this very same ideal that St. Augustine seeks to preserve the State from the inordinateness of that “variable impiety” by which it aims at something more than “the coherence of men’s wills in honest morality.” For in the law of the Old and New Testaments, by which God instructs man, the Church supplies the doctrinal rectitude concerning man’s final end; and in the grace by which God heals human nature, the Church supplies the means for moral rectitude. Here the Church and the Heavenly City do indeed touch and blend.

For we must now note that if the political philosophy of Plato and Aristotle had taught that there is a dimension of life beyond the political, which sets limits to political authority, this philosophy had gone much beyond the common thought of Greece and had gone altogether beyond classical Greek and Roman practice. The common practice had recognized no distinction

between secular and religious spheres. We have already seen that beginning with Octavius Augustus in 27 b.c., the native cults of Greece and Rome, fostered for political purposes, yielded to a common religion of empire. The cult of Isis, brought to Rome from Egypt, and that of Mithra, brought from Persia, had such great influence on the growing absolutism of the emperor as to transform his rule from something political and legal into something metaphysical and transcendent. Now what needs to be most carefully noticed is that in St. Augustine’s view, this “ambition” and “proud sovereignty” have their very root in the natural virtue that does not refer itself to the true God. This very virtue is a vice. Here the State and the Earthly City do indeed touch and blend. For if indeed natural justice is “generally found wanting . . . where God does not govern and men do not obey by sacrificing unto Him alone,” it is also true that even where this justice is found not wanting, it is rather a vice than a virtue: “No, those things which [the soul] seems to account virtues . . . if they be not all referred unto God, are indeed rather vices than virtues. For although some hold them to be real virtues, when they are desired only for their own account, and nothing else; yet even so they incur vainglory and so lose their true goodness.”⁴¹ We must try to understand how this is the case.

Desiring the virtues for their own account and not referring them to God is not “honest morality” because the mean of virtue is taken according to various circumstances. Nothing hinders something from being extreme (either by defect or by excess) in a particular virtue according to one circumstance while the same thing is a mean according to other circumstances, through its conformity with reason. This may be seen in the case of the virtues of magnanimity and magnificence: If we look at the absolute quantity of the respective objects of these virtues, we shall call it an extreme and a maximum; but if we consider the quantity in relation to other circumstances, then it has the character of a mean, since these virtues tend to this maximum in accordance with the rule of reason, i.e., *where* it is right, *when* it is right, and for an *end* that is right. There will be excess if one tends to this maximum *when* it is not right, or *where* it is not right, or for an undue *end*. All virtue, then, St. Augustine is saying, when not referred to God is vice by excess: being sought on its own account it is sought as an undue end. As St. Augustine puts it: “For as that is not of the flesh, but above the flesh, that animates the body; so that is not of man, but above man, which beatifies the mind of man. . . .”⁴² It is vainglorious and excessive to seek virtue without referring it to God, “since” (as Aristotle himself had put it) “man is not the best thing in the world.” Sought on its own account, all virtue is itself “ambition” and “proud sovereignty,” the beginning of “variable impiety.”

It is this precise consideration that leads St. Augustine to remove “justice” from Cicero’s definition of an organized people as “a union of a number of men associated by the two bonds of common acknowledgment of right (*jus*) and common pursuit of interest.” St. Augustine’s purpose is not to show that justice is not necessary to a state; it is to show that the justice by which Cicero defines

the *res publica* does not make a true *res publica* because the circumstance of its not being referred to God makes it inordinate and therefore not just. And further, since this precise inordinateness is of the essence of variable impiety, a good definition of the State must include even those states that are most impious. As Professor McIlwain well says, this is a *reductio ad absurdum*, but it is not so much the absurdity of Cicero's definition as it is of heathenism.⁴³ The inordinateness of seeking virtue on its own account is of the essence of variable impiety because the frustration of man's final end (eternal beatitude) leads to an insane search for a substitute infinity—as in emperor worship—and destroys the proper forms by which human life is well lived on this earth.

For St. Augustine wishes us to see that it is only the well-instructed pursuit of the Heavenly City that makes it possible for man to hold in their proper order the temporal conveniences of earthly peace. "In contemplation one may not seek for idleness, but for truth; . . . and not to grudge to impart it unto others"; and in the civil life, the life of action, "one may not aim at power or honor . . . but unto the benefit of the subject."⁴⁴ Asking why God punishes the good as well as the evil in this life, St. Augustine answers by saying that the good, while indeed turning away from the conduct of the wicked, are blameworthy in "keeping aloof, [forbearing] to give [the wicked] due instructions, admonitions, or reprehensions . . . [eschewing] their hate for [their own] greater temporal preferment, [winking] at their . . . exorbitances because they fear to lose by them their own vain temporalities. . . ."⁴⁵ If the citizens of the Heavenly City neglect the duty laid upon them in this world by its temporal exigencies, they are not without fault: "wholly abhorring the course of the wicked, they yet spare to tax others' sins . . . because they fear to . . . be hurt in their possession of those things whose use is lawful . . . desiring temporalities . . . far more greedily than is fit. . . ." For it should be carefully understood that if indeed it is only the saints who, having temporal conveniences in possession, "may not unfitly be called happy already," by the same token "the saints in their loss of things temporal lose not anything at all."⁴⁶ The fall of Rome is a very small matter. The large matter is the Heavenly City's continuing task of "laying up . . . a good foundation against the time to come" by "the honesty of virtue, the love of country, the faith of friendship, just dealing, and all the things belonging to good manners." Thus it becomes saints—as it becomes none others—to effect the good of earthly peace itself. This is the central idea, the chief significance for politics and political philosophy of *The City of God*. And this was the original and true revolutionary significance of Christianity for politics and political philosophy. "They that follow the Lord's counsel . . . 'Lay not up treasures for yourselves upon the earth where the moth and rust corrupt, or where thieves dig through and steal, but lay up treasures for yourselves in heaven, where neither rust nor moth corrupt, nor thieves dig through and steal'"—they alone know how to make a just distribution of temporal conveniences in imitation of "the most just Disposer of all the adjuncts

of temporal peace." They have the needed mandate and the only mandate: "Charge them that are rich in this world that they be not high-minded, and that they trust not in their uncertain wealth, but in the living God, who giveth us plentifully all things to enjoy: that they do good and be rich in good works, ready to distribute and communicate: laying up in store for themselves a good foundation against the time to come, that they may obtain the true life."⁴⁷

St. Thomas Aquinas: Church and State

This true life, to which the Church leads men, is in itself superior to the political. The roles of State and Church vis-à-vis each other are determined by this hierarchy. The function of the State with respect to wisdom is tutelary, that is, the State has the obligation to protect and encourage the wisdom of its wise men. Vis-à-vis the State, the role of the Church, as guardian of the law of the Old and New Testaments whereby man is directed to the ultimate end of eternal beatitude, is as St. Thomas puts it, to keep "the business of [the State] what we believe [it] is, supreme direction of temporal affairs."⁴⁸ For indeed, the "Divine law which is the law of grace, does not do away with human law which is the law of natural reason," and therefore it is necessary in strictly civil matters to obey the secular rather than the spiritual authority.⁴⁹

But to "keep the business of (the State) what we believe (it) is" implies the right of the Church in certain circumstances to intervene in temporal affairs. For although temporal authority "preceded the distinction of faithful from unbelievers" so that this distinction, *considered in itself*, does not do away with the authority of human law, this authority—which, indeed, it is necessary "in strictly civil matters to obey"—may be "justly done away with by the sentence or ordination of the Church who has the authority of God. . . ."⁵⁰ What circumstances, then, account for the possibility of this extraordinary exception, of the Pope's doing away with the authority of human law? The civil authority, which in strictly civil matters is supreme, may be done away with by the Pope where the civil power exceeds its jurisdiction, which is over the matter of the practical sciences, i.e., the sciences concerned with human affairs.⁵¹ To understand the force here of the phrase "human affairs," we may recall the classical definition given by Aristotle to political justice: "Of political justice part is natural, part legal—natural, that which everywhere has the same force and does not exist by people's thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent. . . ."⁵² It is part of the limited or constitutional character of government that it may not legislate contrary to the ends appointed by the natural law: The natural part of political justice belongs to the divine-natural law and is not a "strictly civil" matter. It is not a "human affair," for it "does not exist by people's thinking this or that." The legal part of political justice prescribes "that which is originally indifferent"; it is of "strictly civil matters." This means that the civil law may not prescribe what is of itself contrary to natural justice, for this is not a matter of indifference. Aristotle

had given an excellent example of this latter kind of thing in speaking of the practice of abortion. While recommending abortion in certain circumstances, he insists that it should be “. . . procured before life and sense have begun,” and adds: “what may or may not be lawfully done in these cases depends on the question of life and sensation.”⁵³ What may or may not be “lawfully done” in these cases is not a matter of indifference: It is prescribed by the natural law which is the divine law as it appears in man as measured and ruled by the divine government. This natural law is prior to any civil jurisdiction, and its general principles must be observed by every civil authority in its proper enactments: It may issue orders for its sake, but not to it. The Church, as the guardian of the divine law, claims the right to decide such cases in the light indeed of theological science served by all the theoretic sciences.

The second class of cases in which the Church may touch the civil law at the point where the civil law itself touches matters that are not “indifferent,” has to do with all matters that concern the Faith and the law of the Church itself. The deposition of heretical rulers was a lively question in the Middle Ages. In asking whether a ruler forfeits his authority over his subjects on account of apostasy from the Faith, St. Thomas answers as follows:

As stated above, unbelief, in itself, is not inconsistent with dominion, since dominion is a device of the law of nations which is a human law: whereas the distinction between believers and unbelievers is of Divine right, which does not annul human right. Nevertheless a man who sins by unbelief may be sentenced to the loss of his right of dominion, as also, sometimes, on account of other sins.

Now it is not within the competency of the Church to punish unbelief in those who have never received the Faith. . . . She can, however, pass sentence of punishment on the unbelief of those who have received the Faith: and it is *fitting* that they should be punished by being deprived of the allegiance of their subjects: for this same allegiance might conduce to great corruption of the Faith. . . . Consequently, as soon as sentence of excommunication is passed on a man on account of apostasy from the Faith, his subjects are *ipso facto* absolved from his authority and from the oath of allegiance whereby they were bound to him.⁵⁴

In virtue of the same principle, the Church may ask the aid of the State in curbing heresy. St. Thomas expresses the view that persons who at some time have accepted the Faith should be compelled to “fulfill what they promised”—on the ground that if the acceptance of the Faith is indeed a matter of freedom of conscience, its retention is a matter of contract, which should be enforced.⁵⁵ On the other hand, “those who have never received the faith . . . are by no means to be compelled to the faith” because to believe depends on the will. Further, the rites of unbelievers who are neither formal heretics nor apostates ought to be tolerated by the State: for human government is derived from the

Divine government and should imitate it in permitting things that are “quite inferior” and indeed in permitting things that are evil; lest by preventing them, “greater good might be forfeited or greater evils ensue.”⁵⁶

For indeed, as we have seen, “dominion and authority are institutions of human law [and] the Divine law which is the law of grace, does not do away with human law which is the law of natural reason.” And since law “as a measure and rule of human acts . . . should be homogeneous with that which it measures . . . laws imposed on men should . . . be in keeping with their condition, for . . . law should be possible both according to nature, and according to the customs of the country.” As we shall presently see when we consider St. Thomas’ theory of constitutional government, “consent” and “possibility” are intrinsic determinants of the power of human law. The law, while aiming always at the good and avoiding evil, must consider the interior habits of a people, which in turn depend on their internal natural liberty: For the appetitive part of the soul obeys the reason not instantaneously, but with a certain natural right of opposition. For this reason both Aristotle and St. Thomas say that the reason commands the appetitive part by a *political* rule, whereby a man rules over subjects that are free, having a certain right of opposition. And thus the factors of consent and possibility are present both in the attainment of the perfection of man’s liberty—in the discovery of wisdom—and in the attainment of something “quite inferior.” This doctrine of tolerance has its root in St. Thomas’ jurisprudence and belongs to his theory of constitutional government, to which we shall turn our attention in the next chapter.

Egidius Colonna—John of Paris—Marsilius of Padua

At the very beginning of the century following the death of St. Thomas (1274) the subtlety and exactness that belong to the proper principles of this question of Church and State were lost in the polemic heat of the struggle between Pope Boniface VIII (1294–1303) and Philip the Fair, King of France (1285–1314). We cannot be concerned here with the details of that bitter controversy. It is sufficient to note that the principal matters in question—the need for Papal consent to royal taxes on the clergy and the immunity of clerics from the royal courts—were rights that had long been acknowledged. There was imprudence on the part of both Pope and King in the struggle between them, but the King’s behavior was outrageous by any standards. Boniface convoked a synod at Rome on All Saints Day, November 18, 1302, and issued the famous bull *Unam Sanctam*. It was the strongest statement of papal claims that had hitherto been made. The strength, however, was in the style of the pronouncement rather than in its substance. Professor McIlwain states that “In the first place . . . not a single assertion or claim made in the bull is new. . . . In the second place, however sweeping its demands, there is in the bull no explicit claim to a direct power in temporal matters. . . . In the third place, if Boniface’s claim to forty years’ experience in the canon law was true—and it

was—he well knew that the canonists insisted on a papal power far stronger than the one he put forth in the bull.⁵⁷ It is this view of the canonists which we must briefly examine.

The most notable exponent of the canonists' view was Egidius Colonna (Giles of Rome), a doctor of both canon and civil law, Archbishop of Bourges and head of the Augustinian Order. In the *De Ecclesiastica Potestate*, which appeared in 1301, Egidius presented what has come to be known as the theocratic or hierocratic doctrine of Church and State. The essential contention of Egidius was that temporal authority is derived directly from the Pope. All temporal power belongs of right to the Pope, for it has its origin in the papal *plenitudo potestatis*, within which all authority, spiritual and temporal, is contained. Central to the position of Egidius is the subjection of the principle of the hierarchy of ends to a *Respublica Christiana* viewed as a *simple unity* under the hegemony of the Pope. We will recall that in any whole that has a simple unity, the parts have no function independently of the function of the whole.⁵⁸ If this conception be applied to a whole that has in reality a mere unity of order the result must be the dissolution of the parts. Egidius' theory would in practice entail a dissolution of political society much as Plato's "too simple unity" of the *Republic* entailed the destruction of the family.

St. Thomas, who acknowledged an independent origin for the temporal power, was not himself forgetful of the *plenitudo potestatis* of the Pope. He had said that secular and spiritual power are joined in the Pope who stands at the top of both.⁵⁹ But because "the authority of Caesar (that is secular authority) preceded the distinction of faithful from unbelievers," the *plenitudo potestatis* of the Pope, considered in itself, does not do away with secular authority. Since, then, the simple fact of the Pope having both secular and spiritual authority does not abrogate the temporal power, this latter can be exercised by the Pope only indirectly—when, as we have seen, the civil authority jeopardizes the divine law.

If Egidius' claims in behalf of the papacy were palpably beyond any that had hitherto been made, the view of the King's principal defender, the French Dominican John of Paris, was an ingenious "marking down" of the authentic thing. The authentic thing is the principle of the two independent powers related by a unity of order through the principle of the hierarchy of ends. In the *De Potestate Regia et Papali* (1302–1303) John sought to keep the unity of order by interpreting the principle of the hierarchy of ends as implying merely a gradation of dignity but not of power. John of course maintained the primacy of dignity of the spiritual because of the primacy of its end—eternal (final) beatitude. Examining the spiritual power in its component parts—consecration and absolution, teaching, and the power of judgment in the external forum—he distinguished, in the case of the last, the right of moral judgment from the right of imposing sanctions to enforce judgment. Although he allowed the right of the Church to pronounce judgment in temporal matters where

the sin involved could be reduced to a spiritual or ecclesiastical crime,⁶⁰ he denied that the Church had any right to enforce its judgments in the temporal order. Despite his ardent Aristotelianism, he refused to accept Aristotle's principle that the "master art" plays an architectonic role with respect to the subordinate arts. The right of the Pope to depose a king is of no more legal value, he held, than the right of the king to depose a Pope; this right belongs only to those in the state who are duly authorized to elect the king. Papal warning, excommunication and direct spiritual action on the people may have the effect of bringing about the king's deposition by the properly constituted political authority that elected him. It is only in this way that the Pope may be said to have indirectly a power in temporal affairs—the exercise of his spiritual power having merely an influence on the duly constituted temporal authorities. For St. Thomas, on the contrary, the Pope's indirect power in temporal affairs touches the very substance of temporal matters—but indirectly because it touches the civil law only at the point where the civil law itself touches matters that are not "indifferent"—the divine-natural law and the divine-positive law. In St. Thomas' view, then, papal excommunication either carried or could be made to carry with it *ipso facto* deposition.

I have called John's theory "ingenious" because it gives the appearance of saving the "indirect power" of the Pope while more perfectly securing the proper autonomy of the political order. His theory was based on the expectation that only after the papal pronouncement of excommunication would the political authorities proceed to depose the heretical ruler; in this way John thought that he had preserved intact both papal and secular rights. A closer examination of his position will show that, on the contrary, it effectively removes the indirect power and goes very far—in an opposite way from Egidius—toward obliterating the distinction between the two orders. In effect it puts the care of the divine law of the Church in the hands of the State: for the theory does nothing less, in effect, than confer on the properly constituted political authorities a right to depose a king for heresy—an incredible impertinence on the part of a purely civil power. I say "a right of their own," for in John's view the Pope's excommunication cannot carry an *ipso facto* deposition, and there is no legal obligation whatsoever upon the duly constituted political authorities to proceed to depose the king for a heresy defined by the Pope. Deposition follows, then, the definition of heresy by the political authorities charged with the king's election; for these authorities are in effect (if not in principle) quite free to decide either that the alleged heresy is not heretical, or that it is heretical and the ruler should be deposed, or that it is heretical, but that heresy is a matter of public and political indifference. In any case the spiritual authority is effectively put into the hands of the secular power which now defines truth in theological matters; and if heresy is taken cognizance of at all, it is reduced to a political crime—a state of things that would bring politics back to the times of emperor worship or ahead to the times of Hitler and Khrushchev.

The consequences which John's theory implied were asserted in principle within the next quarter century by Marsilius of Padua. In the *Defensor Pacis*,⁶¹ written in 1324 in defense of Lewis of Bavaria against Pope John XXII, we have the fourth of the major mediaeval theories on Church and State, and the one that is at the opposite extreme from that of Egidius Colonna. Marsilius' arguments are a kind of extrapolation of the thesis of John of Paris: The dignity of the spiritual power comes from its authority in matters relating to the next world. Since, then, the Church's authority carries with it no sanctions in the present world, its authority is not a genuine power at all. The only authority worthy of the name in this world is one whose commands are validated by coercive power. And this is the authority of the political community. This authority is expressed through the civil law, which Marsilius understands to be simply the command of the whole people or its "prevailing part" (*pars valentior*). The "prevailing part" (not a numerical majority but the part that carries the greatest weight) delegates authority to the executive part (*pars principans*) whose duty it is to see that every part of the state performs its function for the good of the whole. This authority must be simple and unified and absolutely supreme. It is not that Marsilius, any more than John, denies that society is a *Respublica Christiana*, a Christian Commonwealth comprising both Empire and Church. But he finds the source of this Christian Commonwealth's authority to be simple and unified in the people who are at once citizens and Christians. The Church he defines as "the body of faithful believing in and calling upon the name of Christ," and from this people all power—political and ecclesiastical—is derived. The Pope is merely an administrative head of the Church. Heresy may indeed be punished, but it is punishable by the community or by the emperor who has his authority from the people; and it is punished as a civil offense. Indeed the Pope himself may be deposed by the secular authority.

The philosophical basis for Marsilius' theory was the Aristotelianism of the celebrated Arabian commentator, Averroes. Professor Sabine writes:

The essential characteristics of Latin Averroism were its thoroughgoing naturalism and rationalism. It admitted, indeed, the absolute truth of Christian revelation but it divorced this entirely from philosophy, and unlike St. Thomas, held that the rational conclusions of the latter might be quite contrary to the truths of faith. It was responsible therefore for the doctrine of a two-fold truth. With this tendency the separation in the *Defensor Pacis* of reason from revelation, "which we believe by pure faith," is quite in accord.⁶²

If we are to understand the implications of Averroistic Aristotelianism for political philosophy in general and for the Church-State question in particular, we must take careful note of this: The doctrine of the twofold truth operated at a deeper level than that of the Church-State question or of the relation between Faith and Philosophy. It operated within the realm of philosophy itself where

it set up an opposition between what had always been considered to be the rule and measure of human reason (namely, the truth of things—*return veritas*) and the human reason. We have already had occasion to observe that the principles of Faith are in the Divine Intellect rather than in human science⁶³ (so that we do not see them as self-evident, nor can we demonstrate them) and that the principles of philosophical science are in the human intellect. In both cases—that of the principles of Faith and of the principles of philosophical science—the source of truth is that Prime Intellect upon which "depend the heavens and the world of nature." As we have said, in theoretic science the human intellect is measured by its object—not the other way round. That is why, too, as we have noted, freedom in the determination of theoretic truth is asserted primarily in behalf of truth itself and only consequently in behalf of man. Now the Christian Averroists sought to render innocuous the truths of Faith (and the authority of the Church in the temporal order) precisely by affirming—not indeed philosophy, but the freedom of human reason from what had always been considered its rule and measure—the truth of things (*rerum veritas*). This emancipation from "the truth of things" as the measure of the human reason was done, very curiously indeed, by appealing to the absolute authority of the letter of Aristotle as the incarnation of human reason. I say "very curiously" because, as Professor Alan Gewirth has amply shown,⁶⁴ Marsilius wrought a complete reorientation of the whole political philosophy of Aristotle: which indeed he could do since even the thought and reason of Aristotle himself are excluded by the arbitrary acceptance of the letter of Aristotle!⁶⁵ Thus the core of the Marsilian theory of Church and State is now before us: It was not merely the supposed power and right of reason to contradict the truths of Faith; rather the possibility of such a contradiction was rooted in the power and the right of reason to contradict the truth of things. In political science this meant denying that "law is . . . defined by justice, by its relation to the . . . rational structure of natural law; instead, it is sharply differentiated from . . . these and is defined simply as a coercive command."⁶⁶ Just as in theoretical truth the human intellect precedes, for the Averroists, the "why" of things, so in politics there is no "why" by which the law can be tested: It is the authority of its letter, written by the people or the "weightier part," that is the sole measure of right.

We are confronted, once again, with that effort at emancipation from the human condition that is a recurrent note throughout the history of Western thought. The character of this emancipation is well established by Professor Gewirth. He has shown that the "natural" for Marsilius is always identified with man's material endowment—his biological nature:

Marsilius departs completely from [Aristotle's and St. Thomas'] view of human nature . . . the "natural" as he conceives it is always the primitive, not the perfected; it consists in man's material endowment,

physical and biological, not in his rational powers or virtues . . . when the state is itself based upon "natural desire" in the sense of an exclusively biological desire, the norms which were integral to the preceding doctrines suffer a corresponding reduction. The standard of reference and evaluation no longer consists in ideal ends, as with the other Aristotelians, but rather in original potentialities and desires. Thus where "natural" law in the sense of a standard of justice equivalent to or deduced from reason had been of controlling importance in the antecedent tradition, Marsilius' interpretation of the "natural" enables him to deny the existence or political relevance of such law. Instead, he refers to a primitive "quasi-natural law" which is below rather than above positive enactments.⁶⁷

And since, as Aristotle says, the natural is that which happens always or for the most part and is equated by Marsilius with the biological and physical, it follows that, as Professor Gewirth points out, supreme political power is no longer "delegated" by the whole people to the most prudent and just and temperate and rational of men, but is "willed" by the whole people taken "collectively"—or by "the most part" who are not "deformed or otherwise impeded" (for as Aristotle says, nature fails in a few instances). Since for Marsilius that which makes life perfectly desirable and lacking in nothing (to use Aristotle's phrase describing the sufficiency of happiness) is constituted by biological desire, all the values of the antecedent tradition are not only leveled but indeed reversed: "for [Marsilius] is so far from regarding theoretic activity as an end in itself, in the manner of Aristotle, that he rather treats it in the same fashion as the practical, as instrumental to all the needs of life. . . ."⁶⁸ Thus, indeed, Marsilius' attempt to overthrow the traditional claims of the Church had its source in the uprooting of the whole natural order of things, of the whole structure of ethical and political thought.

When Marsilius wrote the *Defensor Pacis* the papacy had already succumbed to the power of the new France. The successor of Boniface VIII was Benedict XI who died in mysterious circumstances after a reign of one year. His successor, Clement V, was a Frenchman, Archbishop of Bordeaux. At the urging of Philip the Fair, Clement never went to Rome. He established his residence at Avignon in 1309. From this date the papal residence was away from Rome for almost seventy years. The mischievous French influence blossomed in the Great Schism (1379–1417). The attempt of the new national states to control the papacy resulted in the scandalous contention of two, and later of three claimants to the See of Peter. Within a century the Church, weakened by that long struggle and caught up in the new worldly spirit of the Renaissance, witnessed the breakup of the spiritual unity of Europe in the Reformation. The immediate effect of this disruption of Christendom was to increase enormously the power of the secular rulers, both Catholic and Protestant. As Professor Sabine remarks, ". . . whoever lost, the kings won, and the absolute

monarchy . . . was in the first instance its chief political beneficiary."⁶⁹ The question of what was to be its subsequent political beneficiary had to await, for answer, what Ernst Cassirer calls the ultimate validation of Protestantism's "ideal significance."⁷⁰ Both matters—the immediate effect of Protestantism and its "ideal significance," its "true nature and substance"—must await consideration in a later chapter.

Notes

1. Sabine, *A History of Political Theory*, p. 180.
2. *Ibid.*, p. 196.
3. Reprinted with permission of The Macmillan Company from A. P. D'Entrèves (ed.), *Aquinas: Selected Political Writings*, trans. by J. G. Dawson. First published by Basil Blackwell & Mott, Ltd., Oxford, 1948, p. xxxiii.
4. For a penetrating discussion of this matter see William Oliver Martin, "Communism, Religion, and Co-existence," *Religious Education*, vol. 56, no. 4, p. 288, July–August, 1961.
5. We have already said that the profoundly spiritual root of the concept of political common good does not at the moment play an effective role in the political life of the West, and that it has been "restored" in profoundly perverted form in the Marxist concept of man's "generic being." Above, p. 51.
6. Fromm, *The Art of Loving*, p. 72. See Chap. IX, for a detailed critique of this Marxist position.
7. Marx, *Die Judenfrage*, p. 595.
8. Marx, *Oekonomische-philosophische Manuskript*, pp. 116, 119.
9. *Ethics* I.1094a.27–1094b.3.
10. *Ibid.* 1141a.20.
11. *Ibid.* X.1177b.27–1178a.
12. *Ibid.* I.1094a.28–1094b.7. See *In I Ethics* lect.2.
13. *Summa Theol.* I.II.Q.3 a.5 ad 2.
14. *Ethics* VI. 1145a.7–12. (Italics added.)
15. *In VI Ethics* lect.11. (Italics in original.)
16. *Metaph.* I.982b.28.
17. *Ethics* X. 1177b.26–35.
18. *Contra Gentiles* III.chap.39. Cf. *Ethics* I.1099b.15–20.
19. *Summa Theol.* I.II.Q.3 a.2 ad 4. Cf. *Ethics* X.1177a.23–24.
20. *Ethics* I.1191a.18, X.1177a.23.
21. *Contra Gentiles* III.chap.48.
22. *Summa Theol.* I.II.Q.3 a.8. Aristotle had himself said that the perfection of the power of the intellect is determined by the nature of the object, which is *what a thing is*, i.e., the essence of a thing, and that man is not perfectly happy so long as something remains for him to desire and seek. "Consequently," St. Thomas argues, "when a man knows an effect, and knows that it has a cause, there naturally remains in man the desire to know about that cause, *what it is*. And this desire is one of wonder, and causes inquiry, as is stated in the beginning of the *Metaphysics*. For instance, if a man, knowing the eclipse of the sun, consider that it must be due to some cause, and know not what that cause is, he wonders about it, and from wondering proceeds