

Ecclesiastical and Temporal Power in Vitoria, Suárez and Bellarmine

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The Dominican theologian Francisco de Vitoria recognized civil power as originating from natural law, in contrast to ecclesiastical authority which derives from divine, positive law. Francisco Suárez, S.J., recognizes a distinction between the temporal and ecclesiastical orders. St. Robert Bellarmine, S.J, like Suárez, distinguishes the authority of the Popes and Bishops from the authority enjoyed by secular rulers. He also elaborates on the concept of the “indirect” temporal authority of the Pope.

The instruction of Jesus to “render unto Caesar what belongs to Caesar and to God what belongs to God” (Mt 22:21) has been interpreted in various ways throughout Christian history. The distinction made by Christ between the realm of Caesar and the realm of God raises the question whether there is an inherent difference between temporal power and the power of the Church. Clearly some Christians have understood Jesus’ admonition as applying only to the concrete conditions of the Roman Empire. This was a state of affairs within which the imperial authorities could not be claimed as allies of the Gospel.

After the Empire became Christian, however, perceptions began to change. Now, the Christian ruler, whether the Byzantine Emperor or the Holy Roman Emperor could be understood as a defender of a Christian dominion. Caesaropapism, by which the Emperor assumed a form of ecclesiastical authority, was judged plausible. The opposite tendency, though, could also be envisaged. Since the Church is concerned with matters of the spirit, which are more important than things of the earth, it might seem plausible that the Patriarch or Pope should assume authority over temporal as well as spiritual matters. Thus, the possibility of “Papocaesarism” could emerge whereby the Pope assumes the role of the Emperor.

The purpose of the this paper is to investigate how three prominent Catholic theologians of the 16th and 17th centuries, Francisco de Vitoria, O.P. (c. 1483-1546), Francisco Suárez, S.J. (1548-1617) and Robert Bellarmine, S.J. (1542-1621) understood temporal and ecclesiastical power. Living during a period in which a “divine right” for certain monarchs, their insights should prove instructive.

Francisco de Vitoria is often considered to be the “Father of International Law.” A professor of theology in Paris, Valladolid and Salamanca, this Dominican only published some prefaces to the works of Aquinas and other during his lifetime. After his death, his students collected their notes from his formal lectures. These were published posthumously as Vitoria’s *Relaciones*. Dealing with subjects such as the “rights of the Indians,” the “law of war,” “civil authority,” and “the power of the pope and councils,” these “lectures” of Vitoria provide us with sufficient background to investigate his views on temporal and ecclesiastical authority.

Vitoria accepts the basic premise that man is a social animal who “by his natural condition” is “unable to live outside of society.”¹ In this sense, civil or temporal power is derived from the natural law, which is, according to Aquinas, “the participation in eternal law by the rational creature” (ST, I-II, q. 91, art. 2). For Vitoria, then, the various temporal powers or regimes are only indirectly established by God. They emerge from what is “implanted by Nature in man for his own safety and survival.”² Since God is the author of Nature, Vitoria concludes that “power exists in the commonwealth by God’s ordinance.”³

Vitoria, though, does not believe that God is the direct, material cause of any particular regime. As he observes: “the material cause on which this naturally and divinely power rests is the commonwealth.”⁴ For Vitoria, power proceeds from God to the commonwealth to the rulers. The commonwealth (i.e, the people of a particular state or region) delegates the power received from God (via Nature) to the rulers. Vitoria, then, makes this remark:

Now although this power and authority we speak of belongs first of all and *per se* to the commonwealth itself, the same authority belongs to the rulers and magistrates to whom the commonwealth has delegated its powers and offices. And since the greatest and best of all forms of rule and magistracy is monarchy or kingship, which comes not far behind the public power of the commonwealth, it is time to investigate royal power and kingship.⁵

Why does Vitoria believe that monarchy is the best form of government? It is because it is quite impossible for the multitude of men to govern themselves. Therefore, he maintains, “it is necessary that the government and administration of affairs be entrusted to certain men who take upon themselves the responsibilities of the

commonwealth and look after the common good.”⁶ For our Dominican, “it is irrelevant whether this be a number of men, as in an oligarchy, or a single man, as in a monarchy.”⁷

Does Vitoria believe that the people can rise up to depose a monarch who is a tyrant? He is not quite willing to say yes, because he believes that

laws which serve the commonwealth’s purposes are binding, even when passed by a tyrant; not to be sure, because they are passed by the tyrant, but because they have the commonwealth’s consent, since utility and respect are better served by obedience to a tyrant’s laws than by disobedience to all law.⁸

According to some commentators, Vitoria’s position places him at “an impasse.”⁹ On the theoretical level, he is willing to admit that the power of the monarch comes from God to the people to the monarch. On the practical level, though, he fears the chaos that would ensue were a tyrant deposed. Should this happen, “there should be no courts, no way to arraign criminals, no punishment for those who commit injustice.”¹⁰ It should be noted that both Aristotle and Aquinas acknowledged the moral legitimacy of overthrowing tyrants.¹¹ Both, however, were reluctant to sanction such overthrows if greater disorder would follow.

What does Vitoria teach about ecclesiastical government? He maintains that “all the spiritual and ecclesiastical power which now resides in the Church exists either mediately or immediately by divine positive law.”¹² Ultimately, both the sacramental power and the jurisdictional power that is found in the Church originates from the order of authority established by God in history (i.e. divine positive law). The Church can establish certain laws that are human in derivation (i.e. human positive law), but the authority invested in those who make such laws comes from God.

How does Vitoria understand the relationship between temporal and ecclesiastical power? Citing the “Decree of Gelasius,” he distinguishes between the “holy authority (*auctoritas*) of the pope and the power (*potestas*) of the king.”¹³ Moreover, ‘if the emperor is Catholic, he is son of the Church, not its head; as far as religion is concerned, it is his duty to learn, not to teach; he has the privileges of his power, which he has been given by God for the administering of civil laws.’¹⁴

A Catholic king, therefore, is subject to Pope in matters pertaining to the faith. The king or civil ruler, though, is not subject to the Pope in temporal matters. In this

regard, it is helpful to summarize the points of Vitoria: a) the Pope is not the temporal Lord of all the world; b) Temporal power does not depend on the Pope as other inferior spiritual powers do, such as bishoprics or curacies; c) civil authority is not subject to the temporal authority of the Pope; d) The Pope has no merely temporal power; e) temporal power does not depend completely on the spiritual; f) Notwithstanding, civil power is somehow subject, not indeed to the Pope's temporal power, but to his spiritual power; g) The Church has some temporal power and authority over the whole world; h) In regard to spiritual ends, the Pope has the plenitude of temporal power over all princes, kings, and emperors.¹⁵

Two important conclusions are made by Vitoria: 1) "The Pope has no power, at least in the ordinary course of events, to judge the cases of princes, or the titles of jurisdictions or realms, nor may he be appealed to in civil cases."¹⁶ 2) The Pope should not make judgments over temporal matters that belong to the secular ruler and not to him. Vitoria expands on this second point with this reasoning:

So long as a thing is not incompatible with the salvation of souls and religion, the Pope's office is not involved. But if the Pope declares that a policy works to the detriment of spiritual salvation –for instance, because a particular statute cannot be kept without mortal sin, is against divine law, or foments sin –then the Pope's judgment is the one to be relied upon, since the king has no jurisdiction in spiritual matters, as I said before.¹⁷

Vitoria's distinctions between the temporal and ecclesiastical orders prepare the way for many of the political insights of Francisco Suárez, the Spanish Jesuit who taught, *inter alia*, in Rome, Salamanca and Coimbra (Portugal). In his work on law, *De legibus*, Suárez presents the temporal and ecclesiastical orders as two societies with their own jurisdictions, and hence, their own laws. The Church has an indirect power over Christian princes when the laws they establish are pernicious to the good of souls.¹⁸

Suárez applies this distinction between temporal and ecclesiastical power in his challenge to the claim of King James I to have authority over the "Church of England." In his work entitled *Defensio Fidei Catholicae et Apostolicae Adversus Anglicanae Sectae Errores*, published in 1612,¹⁹ he completely rejects the effort of King James to place the Church under the rule of a monarch.

Like Vitoria, Suárez believes that the Pope possesses a universal spiritual authority and an indirect temporal authority. The Pope's authority derives immediately from God (*nos dicimus Pontificem habere potestatem suam immediate a Deo*).²⁰ The state's authority, however, in its positive form, derives from the people.²¹ The people, though, can transfer the power of the state into the hands of a monarch or some ruling body. If, however, the monarch proves to be a tyrant, Suárez, in contrast to Vitoria, is more open to the possibility of revolt. As he writes:

The war of the state against the ruler, even if it be aggressive, is not intrinsically evil, but it must have conditions of a just war to be honorable. The conclusion is only justified when the ruler is a tyrant...[then] the entire state, and any of its members, has a right against him...The whole state is above the king, for since it was the one which gave him the authority, it is assumed to have given it on the condition that he would rule in a statesmanlike and not tyrannical manner, else it could dispose him.²²

Robert Bellarmine is probably best known for his polemical book against the Protestants entitled *Disputationes de Controversiis Christianae Fidei Adversus Huius Temporis Haereticos* (Disputations on the Controversies of the Christian Faith against the Heretics of this Time). This work, which appeared in 4 volumes in 1596, antedates Suárez's polemical tome against James I, and Suárez himself frequently cites the arguments of Bellarmine.

In regard to ecclesiastical power, Bellarmine argues that the authority of the Pope and the Bishops exists by divine law, *de iure divino*. Like Vitoria and Suárez, Bellarmine maintains that God is the ultimate source of civil power, but this power is received *mediately* through the people. In harmony with the other two theologians, Bellarmine makes a clear distinction between the Pope's direct or immediate power over spiritual matters and his indirect power over temporal matters (*in temporalibus*).

In his controversy on the Supreme Pontiff (*De Summo Pontifice*), book 5, Bellarmine rejects the view that the Pope possesses a temporal dominion over the whole world or even over the whole Christian world. Moreover, the Pope does not have a direct temporal jurisdiction by divine law. His power over temporal affairs is indirect rather than direct. The Pope can, of course, exercise paternal correction over secular rulers who are a spiritual threat to themselves or their subjects. The Pope could, in extreme cases,

deprive the ruler and his subjects of the sacraments, but he does not have the authority to depose rulers as he can depose bishops. He should not interfere in the concerns of the state unless the salvation of souls is at stake. This, as we have seen, is the same standard used by Vitoria and Suárez.

In the final analysis, these three theologians speak with one voice in their distinction between temporal and ecclesiastical power. In a very real way, Vitoria, Suárez and Bellarmine anticipate the teaching of Vatican II's *Pastoral Constitution on the Church in the Modern World* on the "rightful autonomy of earthly affairs" (cf. *Gaudium et Spes*, no, 36). This autonomy, of course, does not eliminate the right of the Church to "pass moral judgment even in matters related to politics, whenever the fundamental rights of man or the salvation of souls requires it" (Ibid., no. 76).

¹ Vitoria, *On Civil Power*, 1.3, in A. Pagden and J. Lawrance, eds., *Vitoria: Political Writings* (Cambridge and New York: Cambridge University Press, 1991), 10.

² Ibid., 1.2; *Political Writings* [henceforth PW], 9.

³ Ibid., 1, 3; PW, 11.

⁴ Ibid., 1, 4; PW, 11.

⁵ Ibid., 1.5; PW, 12.

⁶ Ibid., 1.5; PW, 14.

⁷ Ibid.

⁸ Ibid., 3.6; PW, 42.

⁹ See Introduction to PW, xx.

¹⁰ *On Civil Power*, 3.6; PW, 42.

¹¹ Cf. Aristotle, *Politics* II and *Ethics* VIII and Aquinas, ST II-II, 42.2.

¹² *On the Power of the Church*, 3.6; PW, 73.

¹³ Ibid., 1.1.; PW, 53.

¹⁴ Ibid.

¹⁵ Ibid., 5, 1-8; PW, 83-94.

¹⁶ Ibid., 5.3; PW, 87.

¹⁷ Ibid., 5.9; PW, 95.

¹⁸ Cf. *De legibus* 1.3. c. 6, n. 4.

¹⁹ Cf. Suárez, *Opera Omnia*, vol. 24, C. Berton, ed. (Paris: L. Vivès, 1859).

²⁰ *Defensio Fidei*, Lib. 3, cap. 3, no. 11; Vivès, vol. 24, 216.

²¹ Ibid., Cf. José Pereira, "The Achievement of Suárez, in A. Cardoso, et. al., eds. *Francisco Suárez (1548-1617) Tradição e Modernidade* (Lisbon: Editiones Colibri, 1999), 155.

²² De charitate, disp. 13, sect. 8, n. 2[Vivès, 12, 759]; cited in Pereira, 155.