

Scholastic Arguments for and against Religious Freedom

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Religious freedom is increasingly a topic of debate within academic and political circles. Two important historical works on this theme appeared in 2019.¹ Twice in the last two years, the US State Department has organized a Ministerial to Advance Religious Freedom, and in June 2020 President Trump issued an executive order “On Advancing International Religious Freedom.” Within the Catholic orbit, a debate has been ongoing as to whether the Declaration on Religious Freedom (*Dignitatis Humanae* – Second Vatican Council, 1965) is consistent with earlier papal/conciliar pronouncements on the topic.² And the International Theological Commission has recently issued a document that updates *Dignitatis Humanae* in relation to the political, social, and theological developments of the last fifty years.³

Many of these discussions refer in one way or another to the seminal influence of Thomas Aquinas. His emphatic statement in *Summa Theologiae* II-II, q. 10, a. 8 that “under no condition may unbelievers be compelled to the faith” appears to provide a solid foundation for religious freedom. And insofar as the assent of faith is encompassed within his wider teaching on conscience, this too would seem to support a robust affirmation of religious freedom. From his assertion that the dictates of one’s conscience should always be adhered to, even when they objectively err,⁴ it is natural to infer that adhesion to religious truths should never be compelled, nor should anyone be forced to abandon a religious conviction that others deem patently false.

Other statements by St. Thomas reveal a countervailing tendency to restrict religious freedom within a narrow band of application. For instance, the prohibition against compelling others to the faith (cited above) applies *solely* to persons who are raised outside of the Christian community. Those who become members of the community through baptism are not allowed to leave even should they wish to do so, a position St. Thomas affirms within the very same passage (II-II, q. 10, a. 8).

The same dichotomy – affirmations of religious freedom on the one hand, tight restrictions on the other – can readily be found in the writings of Thomas’s scholastic disciples. Both Cajetan and Vitoria, for instance, denied that Christianity could rightly be spread by dint of war; forcible conversion they unequivocally ruled out. “We would sin very gravely should we seek to spread the faith of Christ in such a way,”⁵ the first wrote, and in a similar vein the second: “[H]owever probably and sufficiently the [Christian] faith may have been announced to the barbarians and rejected by them, this is still no reason to declare war on them and despoil them of their goods.”⁶ Suarez likewise emphasized that someone’s refusal to accept revealed truths – withholding assent to the supernatural teaching of God – would not justify a forcible response of the part of Christians.⁷ The examples could readily be multiplied by reference to other authors. Nonetheless, in line with Aquinas and indeed the wider Latin tradition that stemmed from St. Augustine, medieval and early modern scholastics were highly selective in their appeals to religious freedom: affirming some of its modalities and denying others.

In what follows, I begin with a survey of Aquinas’s thought on religious freedom and then consider how Vitoria and Suarez approached this topic. The last two stand apart from other scholastics insofar as they engaged in systematic reflection on the varying situations in which individuals or even whole communities could be subject to religious coercion (in contrast to

others, Duns Scotus⁸ or Durandus of St. Porçain,⁹ for instance, who restricted their inquiry to special cases such as forcible child baptism) or be considered immune to it. Vitoria and Suarez thought that such coercion was permitted by appeal to sound moral/theological principles: they likewise sought to demarcate the zone where coercion could not legitimately intrude. They recognized, however, that the boundaries of licit religious coercion were not entirely set within Catholic teaching, hence they took care to situate their own viewpoints within the broader spectrum of theological positions on this topic. In this way they provide good access to the *status quaestionis* on religious freedom within early-modern scholasticism.

Understanding how these scholastics conceptualized religious coercion, its *raison d'être* and scope can provide valuable background for today's discussions about the theological foundations of religious freedom. Whether these thinkers stand as progenitors of religious freedom as it is often conceptualized today – a *right* to noninterference in religious belief, affiliation, and practice – or articulate views in opposition to it, has elicited contrasting assessments. After reviewing these assessments (section 1), in sections 2-4 I examine the respective positions taken by Aquinas, Vitoria, and Suarez on religious freedom according to three different aspects: freedom to embrace faith, to remain in the faith, and to use force in aiding co-religionists who suffer from persecution or other restraints on their religious practice. Then, in the conclusion, I briefly consider whether Aquinas's strong affirmation of the inherent freedom of belief can be detached from elements in his teaching that would undercut this affirmation in our contemporary context.

I. CONTRASTING ASSESSMENTS ON WHETHER AQUINAS AND HIS FELLOW SCHOLASTICS PROVIDE SUPPORT FOR THE MODERN RIGHT TO RELIGIOUS FREEDOM

On the affirmative side, while identifying Tertullian as its primary source, Robert Wilken also cites Aquinas and Vitoria's confrère Las Casas as having played a crucial role in transmitting to modernity the early-Christian emphasis on the voluntariness of faith and the inviolability of conscience.¹⁰ Wilken accords prominence to Aquinas's formula "to believe depends on the will" (it appears as epigram to the second chapter of *Liberty in the Things of God*¹¹) and quotes Las Casas to the effect that the native Americans "are free to accept or refuse baptism on the basis of their 'natural right of freedom [*naturale ius libertatis*]'." Vitoria's similar statements in *De Indiis*¹² would have served equally well in this connection.

On the opposite, negative side of the spectrum, Mary Keys expresses consternation over "the undeniable excesses of Aquinas's position on the political repression of heresy".¹³ Suggesting that these "uncharacteristically immoderate articulations by Aquinas" might spring from an "insufficiently checked indignation against those who would use their intellectual and social preeminence to assault common goods," she concludes that the "harsh nature" of Aquinas's teaching on the punishment due for "breached faith commitments" is inconsistent with the overall tenor of his moral/political theory and must be rejected by those who would appeal to him today.¹⁴ Martin Rhonheimer likewise deems Aquinas's assertion of the inherent freedom of faith as regrettably tarred by the "traditional" medieval assumption that "the Church has the right to use coercion to protect Catholics from apostasy, with the help of legal-punitive state measures."¹⁵ For this reason, he concludes that religious freedom as Thomas and his successors understood it (a viewpoint assumed into the teaching of nineteenth century popes) is ultimately

incompatible with contemporary articulations of a right to religious freedom, as expressed most notably in *Dignitatis Humanae*.

Melvin Endy mounts a similar criticism against Vitoria. Countering Vitoria's reputation as a full-throated proponent of religious freedom, Endy maintains that despite this Dominican's opposition to the forcible conversion of unbelievers, the founder of the School of Salamanca nonetheless supported "a robust view of papal authority for war when necessary for the defense of the church against heretics, schismatics, and pagans...."¹⁶ Proffering much the same judgment against Suarez, Endy explains how for this Jesuit "the most important and easily justifiable Christian use of war was for the defense of Christianity against its enemies and completion of its mandate to spread throughout the world."¹⁷ On a related matter – the imposition of capital punishment on heretics – Charles Journet took strong issue with Suarez's position that this penalty was to be carried out under the primary initiative of the Church, thus as endowed with a divine mandate (even though the execution itself was performed by civil authorities).¹⁸ On similar grounds, Arthur Vermeersch questioned whether Suarezian political theology should be deemed an authentic development in the Catholic tradition.¹⁹ On the opposite side of the coin, Thomas Pink maintains that Suarez gave canonical formulation to the Catholic doctrine of religious freedom;²⁰ a formulation that *Dignitatis Humanae* did not negate, and which is still applicable today.²¹ On Pink's reading, the Church continues to assert its coercive power over its recalcitrant members, although the modalities of its exercise will vary from time to time.²²

What accounts for these contrasting assessments?²³ Several factors come into play. First and most obviously, under the same label "religious freedom" reference is being made to different liberties.²⁴ Those like Wiken who assign a formative role to the scholastics in the elaboration of our modern right to religious freedom are most focused on change of religion: no

one should be compelled to adopt a new faith, to *enter* a religion. Insofar as this embrace requires inward freedom, the act must be held immune from external interference. Those like Keys and Rhonheimer who emphasize a discontinuity of the modern right with narrower outlook of the scholastics, focus by contrast on the freedom to *leave* a religion – with the moderns claiming that this choice must be inviolate, while the scholastics hold the opposite. Some, furthermore, argue that religious freedom implies a unitary *forum internum*, such that a distinction between change and maintenance of religion is incompatible with the modern right. Operating from this perspective, Keys warns that Aquinas’s sharp distinction between these two modes of religious freedom (affirming the freedom to enter the Christian religion and denying the freedom to leave Christianity) risks invalidating in the eyes of modern readers his wider social and political thought. Because he advocated “political punitive aid in enforcing ecclesial faith commitments,”²⁵ Aquinas can appear “to justify our contemporary suspicion... that virtue and common good theories in the political and legal spheres must ultimately be religious theories paving the way to severe theoretical-political problems.”²⁶

Alongside these controversies on the *forum internum*, another factor that accounts for assertions of incompatibility between modern and scholastic conceptions of religious freedom is the high priority that the latter placed on defending individuals or communities whose religious liberties were compromised by the aggressive action of others. Because staying within Christian faith tradition was thought to be of fundamental importance, hence an obligation, any action by others to dissuade from that obligation, or worse, to prevent or impede its fulfillment, was deemed a serious violation of religious rights and could rightly be countered by forcible action, including, if necessary, resort to war. In this way, defense of others whose religious freedoms were denied was itself placed within the category of religious freedom, a freedom that,

importantly, applied unilaterally to Christians.²⁷ Because Christianity was taken to be the “true” (i.e., most complete)²⁸ religion, holders of temporal authority were authorized by the Church to use armed force against those who would suppress its practice and the effort of missionaries to communicate the Christian message to outsiders. Violations, if sufficiently egregious, were deemed a *casus belli* and defense of true religion became an integral aspect of just war theory. This was the chief ground that Aquinas advanced in favor of crusading action in the Holy Land.²⁹

Aquinas (as well as Vitoria and Suarez) assigned broad scope to the forcible protection of co-religionists. It could entail punitive action against members of other religions who proselytized Christians, engaged in speech critical of the Christian message, or worshipped in an overly public way thereby inducing Christians to apostasy. Dissident Christians could likewise be punished on the same defensive rationale, namely that they might induce other believers to stray into heresy.

The scholastic assertion of a right to defend by force the interests of Christianity is incompatible with the conception of religious freedom that is part and parcel of the modern human rights regime.³⁰ The incompatibility in question is unsurprising and requires no lengthy documentation. Open to debate, however, is whether this scholastic teaching is detachable from other teachings (especially the inherent freedom of the act of faith) that are advanced as providing a positive foundation for the modern right of religious freedom. Some authors, for instance Endy and Pink, suggest (albeit for different reasons and with contrasting normative assessments) that these elements are not detachable.³¹ Other authors, Journet and Keys, for instance, maintain the opposing viewpoint.³²

II. AQUINAS

The locus classicus for Aquinas's discussion of religious freedom is *STh* II-II, q. 10, a. 8 ("whether unbelievers should be compelled to the faith").³³ The *articulus* is set within a *quaestio* on unbelief (*infidelitas*). After examining the sinfulness of unbelief (aa. 1 and 3), its seat in the intellect as moved by the will (a. 2), its impact on wider moral action (a. 4), and its different kinds (aa. 5 and 6), Thomas considers whether unbelievers can be induced to abandon their wrongful state of mind. On the one hand (art. 7), believers could debate with them, not so much to persuade them about the inherent truth of faith (an impossible task as faith transcends reason), as to refute misconceptions about the faith, thereby removing obstacles that impede unbelievers' reception of faith through grace. On the other hand, believers could use threats and even outright force to compel unbelievers to relinquish their denials and false beliefs about God. In a famous canon ("the Church must compel the wicked to the good"),³⁴ Gratian reproduced a passage from Augustine's Epistle 185 to Boniface, where the holy bishop had explained (referring to St. Paul's conversion on the road to Damascus, when Saul was forced to the ground and blinded by a bright light) how coercion can beneficially put unbelievers on the path to faith. Given the canon's prominence, and its basis in Holy Scripture (Acts 9:7), Aquinas (who cites the relevant passage from Augustine in ad 3 of the present *articulus*) would need to weigh the allegedly positive role that force might have in leading us to faith. In this connection, he could not fail to recognize that other authoritative passages from Church fathers (Augustine included) and synods would seem to prohibit coercion in matters of faith.

To sort out the apparent contradiction of authoritative sources on this issue, Aquinas arranged the prohibitive statements in the opening series of objections, while the statements approving such coercion he placed in the parallel replies to objections. In so doing, he did not

seem to be operating with a presumption in favor of one position of the other, as both are energetically affirmed in the *responsio* (albeit by reference to two different sorts of unbelievers, those external to Christianity, i.e., Jews and pagans, and those drawn from within its ranks, i.e., apostates and heretics). That said, the prominent *sed contra* slot was reserved for a statement that approved of religious coercion, perhaps because Thomas could find a scriptural passage that (according to the standard exegesis of his day) directly affirmed this position (Luke 14:23, story of the wedding feast when the master said “compel them to come in”), while no scriptural passage could be found that unambiguously supported the opposing prohibition. Indeed, the two scriptural verses that appear as objections to the thesis that coercion to the faith is justified are less than straightforward. Obj. 1 cites the parable of the tares (Matt 13:28) to indicate how compulsion should be avoided in view of its undesirable side-effects. Obj. 4 cites Ez. 18:23 “I do not want the death of the sinner,” to illustrate how one particularly egregious form of religious coercion – capital punishment – should be ruled out.

Against this background, particularly the dearth of scriptural verses affirming religious freedom, it is striking how Aquinas begins his *responsio* with a very strong statement in favor of such freedom, not on grounds of the lesser evil (avoidance of side-effect harm), but because deliberate action to impede this freedom he deemed wrong in itself, as though doing so would involve the violation of a right:³⁵ *under no condition* may [unbelievers] be compelled to the faith, so that they might believe [in what the faith teaches] – because [the act of] believing pertains to the will.”³⁶ Thomas’s antecedent statement makes clear that this freedom applies solely to individuals who are faced with a choice to embrace a faith not yet possessed (entry into a religion³⁷). These unbelievers *ad extra* (external to Christianity) he equated with the Jews and gentiles. Other unbelievers, those who had once received the faith but wished to reject it (what

above I termed “departure from a religion”), to his mind enjoy no right to religious freedom. They can legitimately be coerced. These unbelievers *ad intra* (internal to Christianity) Thomas equated with heretics and apostates.³⁸ This contrast between the two sorts of unbelief, internal and external to Christianity is neatly summed up in *STh* II-II, q. 12, a. 2:

The Church does not have a mandate to punish unbelief [*ad Ecclesiam non pertinent punire infidelitatem*] in those who have never received the faith, according to the saying of the Apostle (I Cor. 5:12 “What is it for me to judge them that are without?). A sentence of punishment can however be passed on the unbelief of those who have received the faith.

On what theological grounds did Thomas base this twofold claim, the one favoring religious freedom, the other rejecting it? The first ground was cited by Thomas in obj. 3 “there are many things one can do unwillingly, but to believe [in God] happens only when one so wills,” and was taken from Augustine’s exposition on John 6:44 “No one can come to me unless the Father, who sent me, draws him [*nisi pater traxerit eum*].” The second appears in Thomas’s reply to the same objection and is taken from a gloss (“making a vow is a matter of will, keeping it is a matter of necessity,” i.e., an obligation) on psalm 76, verse 11: “Make vows to the Lord and keep them.”³⁹

Thomas reaffirms these two claims in his *responsio*: the first by the phrase *under no condition...*, whereby religious freedom is affirmed; and the second (whereby religious freedom is denied) in a sentence that explains how among those unbelievers who once received the faith, but later renounced it, force can rightly be applied to compel their adherence to a commitment previously made. Within this *responsio* a third claim is also advanced, namely that the faithful are entitled to use force (even to the point of waging war) against unbelievers *ad extra*, when the latter, by their words or actions, oppose the Christian faith. In this instance, Thomas affirms one

mode of religious freedom (a right to defend co-religionists who are under attack) while denying another mode (a right to counter Christianity in words or to proselytize on behalf of another religion).

Belief requires libertas

In his Tractate 26 on the Gospel of John, St. Augustine interpreted “no one comes to me unless the Father draws him” as affirming that belief in God entails voluntariness: “to believe is indeed not possible,” Augustine wrote, “unless one does so willingly [*credere vero non potest nisi volens*].”⁴⁰ Acknowledging that a man could be taken to a church unwillingly, dragged to the altar and made to partake of a sacrament against his will, he denied that one could receive Christ’s teaching in faith without being so inclined by an uninhibited motion of his heart. If belief were a motion of the body, it could indeed be subject to external violence, and thus “men might be made to believe against their will.”⁴¹ Eager to emphasize the voluntariness of belief, Augustine explained how if it is truly by an inclination of the heart that we draw near to Christ, then assent to his word in faith must also exclude any internal pressure, even as effected in us by God himself. The inclination to believe must arise freely through love, when we are “drawn to Christ by delighting in his truth, his righteousness, his everlasting life and all that he is.”⁴²

We see then that Thomas’s reference to Augustine in objection 3 (of *STh* II-II, q. 10, a. 8) sets a high standard for the voluntariness of faith. The full *obiectio* reads as follows:

Moreover, St. Augustine says that “although many things can be done by us unwillingly, to believe [God]⁴³ happens only when one so wills.” But the will cannot be forced. It seems then that unbelievers should not be compelled to the faith.⁴⁴

In his contemporaneous exposition on John,⁴⁵ Thomas discussed at greater length why faith requires a high standard of voluntariness. Commenting, apropos of verse 6:44, that “no one believes unless he wills to do so [*credere autem nullus potest nisi volens*],” Thomas adds that to be drawn by the Father in this fashion, namely through one’s own will, cannot result from violence (*violentiam*); it is not the sort of act that can be forced (*cogitur*).⁴⁶ He thereby excludes from the assent of faith not only the application of brute force, but also the conditional violence of coercion, as by threats of harm one person induces another to choose a course of action that he or she would otherwise avoid . Or to put the same point positively, faith involves not only freedom of choice (*libero arbitrium*), but freedom of desire (*libertas*⁴⁷) as well.

Thomas explains⁴⁸ how constraint (*violentia* or *coactio*) can be imposed in two different ways. In one way, a person’s ability to choose is entirely removed; one becomes the passive recipient of action that originates wholly from an external agent. This he terms *violentum simpliciter*, “being forced unqualifiedly.” In another way, a person’s ability to choose is adversely affected, but not removed, as when someone selects an undesirable course of action in order to avoid an evil that is perceived as even greater; this Thomas terms *violentum secundum quid*, a topic he discussed under the heading of the “mixed voluntary.”⁴⁹ Medieval canon lawyers similarly drew a contrast between “absolute” and “conditional” constraint (*coactio*).⁵⁰ In contemporary philosophical discussions the first is ordinarily termed “compulsion,” while the second is named “coercion.”⁵¹

The assent of faith, itself an act of the intellect, results from a motion of the will⁵² oriented toward divine truth as my supreme good.⁵³ Affection for this highest truth is the motivating reason for the assent of faith. If this assent were to occur for a motive other than love of God, the underlying rationale for faith would be missing, and the resulting act would not

qualify as theological faith. Thus, I read Thomas as asserting that theological faith requires voluntariness in the strong sense of the term:⁵⁴ In choosing to believe God my heart must be directed to the reason motivating faith – divine truth as source of my beatitude – *for its own sake*.⁵⁵ Should my heart be directed for some other reason, say to evade a penalty, or to secure a temporal benefit, God’s truth will be assented to not as an end, but for the sake of something else, and thereby will be loved only as a means.⁵⁶ The condition *sine qua non* for theological faith will be absent.⁵⁷ On this reasoning, coercion is antithetical to the very nature of faith. Its employment to motivate others into adopting the faith must consequently be ruled out.⁵⁸ In this respect, Thomas supports a strong doctrine of religious freedom, one that affirms the inherent *liberty* of the embrace of faith. “No one can be led to the faith by violence [*ad credendum vim inferre*]; it is only willingly [*volentes*], not despite ourselves [*inviti*], that we are saved,” Thomas affirms, citing the canon *De Iudaeis* from the Fourth Council of Toledo (633).⁵⁹

Compelling a return to faith or preventing departure

As I have already noted, the contrary position is highlighted in the *sed contra* of article 8 with reference to Luke 14:23:

It is written “Go out on the highways and hedges; and compel them to come in.”

Now people enter the house of God, i.e., the Holy Church, by faith. Therefore, some ought to be compelled to the faith.⁶⁰

As becomes apparent in the replies, solely people who have abandoned the faith are the intended referent of the parable (apostate baptized Jews are mentioned in ad 2 and heretics in ad. 3). It is they who are forced back into the Church or are prevented from leaving. Based on what seemed the unquestionable authority of scripture, numerous medieval legal rulings asserted that

recalcitrant Christians would rightly be coerced to remain in a faith had they had sought to leave or forced back to faith they had abandoned.⁶¹ Canon lawyers considered this teaching definitive and it was impossible for Thomas to ignore it. *Prima facie*, however, it ran counter to his settled view that the assent of faith must remain free of coercion. To show how these two assertions, (i) “under no condition may [*infideles*] be compelled to the faith” and (ii) “some [*aliqui*] ought to be compelled to the faith” are not contradictory, Thomas offered the following explanation:

[T]here are those who at some time have accepted the faith, and professed it, such as heretics and all apostates. These unbelievers should be made to undergo even bodily compulsion, that they may fulfill what they have promised, and hold what they at one time received.⁶²

Key to this brief explanation is the notion of *promise*. Thomas’s supposition is that becoming a Christian entails an irrevocable commitment to remain in the faith. Apostates and heretics have reneged on this promise to God. Due to this voluntary fault (renunciation of the faith commitment), an act that was originally free (assent to God in faith) may now be induced in them through coercion, including threats of physical harm. Thomas leaves the explanation at that; nowhere else to my knowledge did he return to this precise issue, so it is up to us to reconstruct the steps in his reasoning

A clue lies in Thomas’s distinction between “acceptance” of the faith and its “profession.” The first involves an interior act of the mind (the topic of *STh* II-II, q. 2, “*De actu interiori fidei*”) that is not scrutable to the outward eye, hence should a promise be made at this level it would not be known to others and its violation could not be made subject to external penalties. Profession, however, involves the communication of one’s thought, including promises made, by means of gestures, words, and other outward signs, a topic Thomas discussed in *STh* II-

II, q. 3 “De exterior actu fidei,” where he calls the act in question *confessio*; it consists, he says, “in giving outward expression to the things we hold inwardly in faith.”⁶³ At this juncture, Thomas makes no mention of any promise made in faith. However, in the subsequent discussion of vows (“De voto”) in *STh* II-II, q. 88, a. 2, ad 1, we find him establishing a connection between faith in God, the promise (*promissio*) that accompanies it, and its outward profession. The setting for this linkage is baptism, for it is then, he says, that those receiving the sacrament (or parents on behalf of their children) make a vow (i.e., a promise to God⁶⁴) to renounce the devil’s pomps and maintain faith in Christ (*fidem Christi servare*).⁶⁵ Significantly, for our purposes, in the corresponding objection Thomas again reverts again to psalm 76:11 (“Make vows to the Lord God and keep them”⁶⁶), which he had earlier referenced in *STh* II-II, q. 10, a. 8, ad 3 to explain why heretics, having abandoned their promise to God, can rightly be coerced back to the faith (“compellendi ut fidem teneant”). Reading these two passages together, we can infer that the precise object of the said constraint is the outward profession of faith that is incumbent on us by virtue of our baptism.⁶⁷ Thomas alludes to this linkage in his treatment of apostasy in *STh* II-II, q. 12. Defining “apostasy” as the act whereby a person withdraws from the faith, Thomas adds in a. 1, ad 2, that the withdrawal in question covers not only what is “believed in the heart” (*credulitas cordis*), but “the external words and deeds by which we bear witness to this inward profession of faith.” Then, in article, 2, he explains that it is within the competency of the Church “to pass a sentence of punishment on the unbelief of those who have received the faith.” Thomas thereby implies that a failure to fulfill the obligations incumbent on one’s faith, or engagement in external acts directly contrary to those obligations,⁶⁸ is what the Church thus punishes.

At baptism we receive an indelible character that makes us permanent members of Christ's Church.⁶⁹ Vowing ourselves to permanent fidelity, and publicly declaring such (baptism being an external, public act), it is expected that we renew this commitment by similarly public acts. Should we refuse to do so, the Church would be entitled to enforce, by the administration of coercive penalties, compliance with commitments we had expressed in our baptismal vow. It is not the internal faith act that would be coerced; rather, the precise target of this coercive action would be faith's expression (the "confessio" or "protestatio fidei") in external acts, acts that would presumably (Thomas does not provide the details) include submitting oneself to the sacrament of penance, presenting one's children for baptism, and so forth. On this reasoning, there is no direct contradiction in asserting that external unbelievers should never be coerced to the faith while at the same time affirming this may justifiably be done to internal unbelievers – because the first assertion bears on the interior faith act and the second on its outward profession and the promise expressed therein.⁷⁰

Can a Coerced Baptism be Valid?

Thomas contrasted two different effects of baptism,⁷¹ the character on the one hand, and grace, its "ultimate effect," on the other. "Rectified faith" (*recta fides*, faith informed by charity) is the condition sine qua non for reception of the latter; while the former can be given even should such faith be missing. What we receive by way of grace must be free from all coercion;⁷² this is the conclusion Thomas drew from his meditation (via Augustin) on John 6:44. The same does not necessarily hold for the baptismal character. Whether it could be received into a subject who was coerced into accepting baptism (either from fear of some penalty or the prospect of a temporal reward) is not a question Thomas directly addressed. Even apropos the special case of

children baptized against the will of their parents – a practice Thomas expressly opposed because it would constitute a violation of parental natural right⁷³ – he does not say whether the baptismal character would be conferred in such a circumstance, say should someone baptize a Jewish child who was in danger of imminent death.⁷⁴ Given this silence, it is difficult to determine how Thomas assessed the sacramental effect of a coerced baptism.

On the one hand, the weight of his doctrine – as presented above – would suggest that God would never infuse the baptismal character into the soul of someone who was coerced into receiving the sacrament, because in such a circumstance the condition *sine qua non* of grace-given theological faith would be absent.⁷⁵ Indeed, in discussing the intention that is requisite on the part of individuals undergoing baptism (*STh* III, q. 68, a. 7), Thomas says that they must intend what the Church itself intends in conferring baptism, namely spiritual regeneration (a “new life” in Christ). Someone lacking that intention, as would appear to be the case should one’s acceptance of baptism be coerced, could not be said to have received the sacrament with a necessary condition; thus the baptism would not be valid and the character would not be imprinted on the receiver’s soul. Consequently, such a person could not be bound to observe the obligations resulting from a baptismal vow that was not validly made.

On the other hand, based on the Toledan canon *De Iudaeis*, medieval canon lawyers generally held that a coerced baptism could be valid, such that the receiver would be considered a Christian and held accountable for the attendant obligations. We thus read in Gratian’s *Decretum* that

Jews are not to be forced into the faith [*ad fidem cogendi*]; although even if they accept it unwillingly [*quam tamen si inuiti susceperint*], they must be forced to retain it [*cogendi sunt retinere*]. Whence in the Fourth Toledan Council it was

enacted: Just as Jews are not forced into the faith [*ad fidem cogendi*], so too once converted, they are not permitted to withdraw.⁷⁶

Continued profession of faith could thus be forced on recalcitrant Christians by the relevant authorities. Taken at face value, this canon seems contradictory, insofar as it both denies and affirms the validity of coerced conversion (although this inconsistency is somewhat concealed by the use of two different terms, *cogendi* and *inuiti*). However, contradiction would formally be obviated if *cogendi* is understood as referring to compulsion and *inuiti* to coercion. The sense would then be that anyone physically forced into baptism, such that their free will was entirely removed, would be *compelled*, and in this case the baptism would be invalid and no obligations would flow from it. By contrast, someone induced to baptism by fear of a temporal penalty (or prospect of a reward) would not thereby lose their capacity for free choice, although their liberty would be reduced. Such a baptism would be valid and the requisite obligations would retain. This was how some canon lawyers interpreted this passage.⁷⁷ Undoubtedly aware of this legal determination on the validity of coerced (in contrast to physically compelled) baptism,⁷⁸ Aquinas would have had to take it into account; he generally recognized that Church practice, including influential legal rulings, provided a framework for theological inquiry and would set boundaries on what could be theologically affirmed.

As we have seen, Thomas rejected the supposition that embrace of the Christian faith could be compatible with coercion, insofar as not just free will, but *libertas* also, he deemed essential to the act of faith. In his eyes, would this implication obtain for the reception of baptism as well? Jennifer Hart Weed maintains that it does. As evidence, she notes how Thomas, when referring to *De Iudaeis* in *STh* II-II, q. 10, a. 8, ad 2, omitted inclusion of the phrase *quam... si inuiti susceperint* (“even if they accept it unwillingly”) and instead retained the general point that

Jews who at one time had embraced the faith would be bound to keep it.⁷⁹ Nonetheless, to my mind, this omission does not entirely settle the question at hand; in this *Summa* passage Thomas had for task to explain the inner act of theological faith; baptism he would address later in the *Tertia pars*. At the relevant juncture (q. 68, aa. 8-9), we find him opening a space between the condition needed for valid reception of the sacrament (which would imply an imprint of the baptismal character) and the prerequisite for donation of salvific grace via baptism. As to the first, receiving the sacrament with the intent of procuring spiritual renovation would be sufficient; for the second, formed faith (*recta fides*) is required. Could the first be compatible with some measure of fear- (or reward-) induced pressure, while the second obviously would not? If one adopts a minimal reading of “intending what the Church intends in baptizing”, on a par with the way Thomas describes the intention needed for administering the sacrament (*in extremis* even an unbaptized person could validly perform the baptismal rite – *STh* III, q. 67, a. 5), then its reception would not be wholly incompatible with coercion, and the sacrament would be validly (but perhaps not licitly) conferred.

During Thomas’s second Parisian regency, King Louis IX of France “ordered the attendance of Jews at evangelistic sermons preached by Pablo Christiani, a Dominican and former Jew.”⁸⁰ Had some conversions followed, it would not be correct to say they happened wholly without coercion. It is difficult to parse Thomas’s settled view on this matter of coerced (versus compelled) baptism. I read him as fundamentally opposing such a practice (in its different forms) as it was incompatible with the view he had formed of theological faith. But inversely, he could not overtly reject the Church practice (reflected in the position of mainstream canon lawyers) that allowed for the validity of coerced baptisms. This, I conjecture, led him to introduce (in aa. 8-9 of q. 68) the distinction between reception of the character, on the one side,

and reception of salvific grace, on the other, so as to create a small (albeit reluctant) opening for the prevailing practice, which enjoyed the support of ecclesial law.

Finally, and apropos of forced evangelizing (e.g. compulsory attendance at sermons), Thomas did show some reserve toward Augustine's view that such coercion can have a salutary effect on unbelievers, by breaking down barriers that impede the interior assent of faith.⁸¹ For Augustine, it is not that fear itself will elicit in us divine belief (based on John 6: 24, Augustine admits this is impossible). Rather, under the fear of threatened harm, our dispositions for error are eroded so that subsequently we become able – presuming God's light is offered – “to hold willingly what one formerly denied.”⁸² Thomas alludes to this conception in *STh* II-II, q. 10, a. 8, ad 3 (citing Augustine's Letter 185 to Boniface⁸³): “they [the Donatists] should remember that “Christ at first compelled Paul and afterwards taught him.” But Thomas makes no reference to this supposedly beneficial impact of fear in the corresponding *responsio*. Instead, returning to this issue later in the same *quaestio*, he cautions against this procedure, not only as employed against pagans, but against heretics as well. It is better, he suggests, to let them perform their rites, “so that [left unmolested] they might gradually be converted to the faith.”⁸⁴ Later, speaking about schismatics, he similarly comments that “coercive penalties of the secular arm [*coercionem branchi saecularis*]” should be employed against them only as a last resort, after other, less repressive measures (excommunication is mentioned) have been tried but failed.⁸⁵

Freedom to defend Christians whose faith is under attack

This far, I have examined how Aquinas conceptualized the freedom unbelievers *ad extra* enjoy in entering the Christian faith and the freedom denied unbelievers *ad intra* who wish to depart from it. The *responsio* to art. 8 alludes, in addition, to a third mode of freedom, namely an

entitlement – possessed by Christians – to defend the practice of their faith against unbelievers who would actively oppose it. Thomas presents this entitlement immediately after the first sentence of the *responsio*, where he had affirmed that coercing external unbelievers into the faith is wholly impermissible. Having said this, he proceeds to explain how these same unbelievers may nonetheless

be compelled by the faithful, if it be possible to do so, that they do not impede [*impediant*] the faith by their blasphemies [*blasphemiis*], evil persuasions [*malis persuasionibus*], or open persecutions [*apertis persecutionibus*]. It is for this reason that Christ’s faithful often wage war on unbelievers [*contra infideles bellum movent*], not indeed for the purpose of forcing them to believe [*ad credendum cogant*], because even if they were to conquer them and take them prisoner, their liberty to believe [*libertate...credere*] would remain, if that is what they desire; rather [such war is waged] in order to constrain them from impeding the faith of Christ [*eos compellent ne fidem Christi impediant*].⁸⁶

This passage includes an affirmation and a denial. Thomas *affirms* that Christians are entitled to wage war against external unbelievers⁸⁷ for three reasons: (i) to repel physical attacks that these unbelievers direct against Christians; (ii) to curtail derogatory speech about Christianity, and (iii) to counter attempts at getting Christians to abandon their faith and adopt a new one. Thomas underscores how this justified warfare against unbelievers is defensive in character. He consequently *denies* that its purpose is to convert pagans to Christianity. As evidence that such warfare is not animated by proselytizing zeal, Thomas notes that unbelievers will be allowed to retain their religious practices (“freedom of belief”) in the event they are taken captive. He underscores nonetheless that this warfare has a religious purpose: to prevent unbelievers from

actively undermining adherence to and promulgation of the Christian religion (at this juncture no mention is made of *just war (bellum iustum)* to defend the civil polity from attack⁸⁸). Although Muslim rulers are not here named, the passage appears to be directed against them; it was a widespread conviction among Latin Christians that these rulers were aggressively seeking to expand the scope of their faith community, especially in the Levant, by compelling vulnerable Christians to embrace Islam.⁸⁹

One author has objected to the “almost unlimited permission to fight infidels”⁹⁰ that is implied by the conception of defensive warfare that Thomas outlined in the passage above. Indeed, beyond asserting that Christians can come to the aid of their brethren who suffer from the armed onslaught of unbelievers, Thomas also makes provision for warfare against unbelievers who blaspheme against Christianity or proselytize on behalf of their own religious law. Regarding the first, in a related *quodlibetal* question,⁹¹ he cites the story of Jesus and Beelzebul (“blasphemy against the Spirit will not be forgiven,” Matt 12: 22-32) to explain that although Jesus did not resist injury to his humanity (Matt 5:39), he refused to tolerate verbal or symbolic offenses directed against his divinity – with the implication that Gospel teaching allows and even requires Christians to counter, by arms if necessary, speech deemed injurious to God’s transcendence. Regarding proselytization on behalf of another religion, Thomas cautioned that unbelievers should be prohibited from regular interaction with uneducated Christian folk (*simplices*, whose faith he describes as “feeble” –*infirmi in fide*) precisely to guard against such an eventuality. Close friendship between unbelievers and these *simplices* was thought by Thomas to be especially dangerous, as the latter might easily succumb to the false teachings of the former (q. 10, a. 9).⁹²

Judged from the perspective of contemporary human rights law, Thomas's endorsement of restrictions on the speech of non-Christians and the corresponding liberty of Christians to counter – even to the point of using armed force – perceived violations of these restrictions, cannot but seem excessive.⁹³ A related flaw would be the unilateral character of the penalties involved: Christians (presumably persons in authority, but Thomas does not elaborate specifically on this issue) were entitled to repress the blasphemies and proselytizing of their non-Christian counterparts, but the reverse would not hold. For instance, should an unbeliever acquire dominium or other authority over Christians, he would not be entitled to proselytize them or to repress their speech in the event he deemed it blasphemous vis-à-vis his religious law. Indeed, it was to prevent proselytization on behalf of alien faiths that the medieval Church forbade unbelievers to *acquire* authority over the Christian faithful.⁹⁴ Even when the dominium of unbelievers over the Christian faithful was pre-existing of long date, and thus allowable by natural right, it could still be overturned by Church decree if the faith of Christians was thought to be at risk. Thomas's rationale was this: “dominium (*dominium*) and authority (*praelatio*) are of human right (*ex iure humano*), while the distinction between believers and unbelievers [*fidelium et infidelium*] is of divine right [*ex iure divino*].”⁹⁵ Should a conflict emerge between these two orders of law, divine right must take precedence. On this basis, vis-à-vis unbelievers residing in Christian polities, there would be a strong presumption against letting them exercise authority over the faithful. Decrees canceling such authority would be the norm. *De jure*, in areas lying outside the temporal jurisdiction of the Church, such decrees could still be issued but given the scandal that would likely result (and presumably the difficulty in exercising such a right), Thomas concedes this should rarely be done.⁹⁶

III. VITORIA

Francisco de Vitoria's most cited treatment of religious coercion is undoubtedly his *De Indiis* (On the American Indians) that he prepared for the academic year 1537-8 (but not delivered until early 1539). Writing apropos of *STh* II-II, q. 10, a. 12 ("whether the children of Jews and other unbelievers are to be baptized against the wishes of their parents"), it is this *relectio* that mainly accounts for Vitoria's reputation as a staunch advocate for freedom of religion. Hypothetically, he speculates, should it be demonstrated that the Christian faith had adequately been proposed to the native Americans, and they manifested obstinacy (mortal sin) in rejecting it, even then, on this ground alone, there would be no just cause to use force against them. In support, Vitoria repeats Aquinas's assertion that "belief is a matter of the will." Aristotle's point that fear diminishes voluntariness is further advanced to explain how coercion (not just compulsion) is incompatible with faith: "To come to the mysteries and sacraments of Christ merely out of servile fear would be sacrilege." "War," he adds for emphasis, "is no argument for the Christian faith," for, should it be waged for this purpose, the infidels would be moved not "to believe, but only to pretend that they believe and accept the Christian faith." This, he concludes "would be monstrous and sacrilegious."⁹⁷ "[D]ifference of religion cannot be a cause of war" was how Vitoria famously summed up this line of argumentation in his companion *relectio* on the law of war (*De iure belli*).⁹⁸

If we turn, however, to Vitoria's earlier lectures on *STh* II-II, q. 10, delivered in the academic year 1534-5,⁹⁹ a somewhat different picture emerges. Commenting on article 8, "Whether unbelievers should be compelled to the faith," Vitoria does not limit himself to the special case of Jews and gentiles (including Muslims) in Africa, America, or other remote places

far from Christendom; he also examined the problem of forcible conversion in relation to unbelievers residing on Christian lands.

Vitoria opens his investigation with the proposition, inherited from Church teaching, that Jews and gentiles may not be coerced into the faith. He begins by observing that the New Testament offers little direct guidance on this question:

[B]y what law is it prohibited to forcibly convert unbelievers [*quo iure sit prohibitum compellere infideles ad fidem*]? ... I conclude that it is prohibited by divine law. [But] a doubt arises as to where the prohibition may be found. Not in Scripture, because if it was there St. Thomas would have cited it among his authorities, being a most careful researcher in this respect. I reply that this is not stated clearly in the authoritative sources... although there are some passages from which this prohibition may perhaps be inferred [*elictor*].¹⁰⁰

In the absence of an unequivocal Scriptural statement prohibiting forced conversion, Vitoria asks whether this practice should be prohibited principally by reason of its negative consequences, chiefly the social unrest and dissimulation it would provoke. But as arguments based solely on side-effect harms are rarely decisive, he proceeds to list some plausible counter arguments justifying such coercion. Scotus's discussion of forcible child baptism is cited in this connection, as it provided Vitoria with a well-known foil from which to elucidate his own position.¹⁰¹

Referring to Sisebut (king of the Visigoths from 612 until his death), popularly regarded as "a most pious prince," who had ordered the conversion of the Jews under threat of the lash, Scotus maintains that despite the Toledan Council's subsequent revocation of the king's decree, it should not thereby be inferred that all use of force to compel conversion is inherently wrong. The prohibition of *De Iudaeis* was framed, he suggests, in view of the negative consequences that

ordinarily issue from attempts at compelling conversion. If a way could be found to eliminate these side-effect harms, say by introducing precautionary measures, then the manifest good of bringing someone to the faith, thereby saving them from spiritual suicide, would justify an imposition of moderate force to that end. A doctor does no harm in compelling a patient to take medicine for his own good; ignorant of its beneficial effect, the patient might not want the medicine at first, in this sense his reception of it is involuntary, but because he more fundamentally desires health, ultimately his reception of the medicine must be counted as voluntary. In matters of faith, the prince has a function parallel to that of a physician.¹⁰² Like the pious king Sisebut, Christian princes have authority to enact laws for the common good even with respect to religious observances (*materia religionis*). Thus, Scotus concludes, Christian princes may licitly compel acceptance of the faith, provided one can foresee that feigned conversions and similar wrongs do not result. Far from being wrong, the practice would then be licit and even desirable.¹⁰³

Having presented Scotus's position, Vitoria advances his own determination on the liceity of religious coercion. He begins by distinguishing between unbelievers who live in a Christian commonwealth and are subjects of its prince, from unbelievers who live outside of its boundaries.¹⁰⁴ Fear and threats, Vitoria argues, may not be used against unbelievers *residing on their own lands*, as an application of the said coercion will be illicit in the absence of any proper jurisdiction. A Christian king would have no more authority to compel these unbelievers to religious observance than a private citizen would have over his own compatriots.¹⁰⁵

To the claim that refusal to accept the Christian faith, itself a mortal sin, would necessarily be opposed to natural law, Vitoria replies that while this is *de jure* true, it nonetheless does not follow that a Christian prince, or even the pope, would be entitled to punish such a

violation.¹⁰⁶ Only those sins against nature that directly cause harm to innocent human beings, cannibalism or euthanasia of the old and senile, for instance, may be sanctioned by whomsoever is able; but disbelief in the Christian message is not of this sort. In and of itself this does injury solely to the unbeliever (and to those who are an extension of himself, namely his offspring).¹⁰⁷ And to the claim that God used force in converting St. Paul (casting him to the ground and blinding him), so likewise should we Christians do this to pagan unbelievers for their own good, Vitoria responds: “it is not licit for us to do all that God is permitted to do, because we are not masters of humankind as Christ is.... He could have left this power to the Church but he did not.” At any event, he affirms that the antecedent is false; it was not intimidation (*terroribus*) that made Paul believe but divine inspiration (*inspiratione divina*), something we are powerless to effect in another.¹⁰⁸ Finally, to the contention that unbelievers “blaspheme continually” (in professing a religious law that is incompatible with Christianity) – hence even unbelievers who live abroad must be compelled to abandon religious practices that contradict the Christian faith – Vitoria explains that forcible measures are justifiable as defense only when the said blasphemies cause us actual harm, say “if they [infidel blasphemers] were to send us a letter full of injuries.” “But,” he continues, “if they keep their blasphemies to themselves, we cannot use this alone as grounds for declaring war against them.”¹⁰⁹ In sum, the prohibition against using force to compel conversion holds unqualifiedly vis-à-vis unbelievers who live on their own lands outside of Christian jurisdiction. At the limit, Vitoria acknowledges that their idols may in principle be destroyed, but this cannot have for chief object to make them convert.¹¹⁰

By contrast, regarding those unbelievers who *reside within the confines of Christendom* (for instance Muslims remaining in Spain after the Reconquista, or Jews before their expulsion), Vitoria shows how the received teaching on permissible religious coercion was considerably

more relaxed. This, he indicates, was the context for Scotus's discussion of the forcible baptism of children. Vitoria's argument is oriented around two main claims.

First, he denies that it is inherently wrong (*intrinsic malum*) for princes to coerce unbelievers who are *their own subjects*. Unlike perjurying an oath, which is always prohibited, bringing pressure to bear on unbelievers so they are induced to accept the faith "is not so evil that it cannot sometimes be a good deed."¹¹¹ In other words, "it is not by definition so evil as to involve an inevitable breach of charity towards God or one's neighbor."¹¹² The accretion of new members to the Church clearly serves God's interest, and likewise this is beneficial to the neighbor, who is given access to the sacraments and a pathway to eternal life. In sum, "to compel these unbelievers to the faith is itself licit, or at the very least is not illicit"¹¹³ – hence the burden of proof rests with those who would maintain otherwise. In this respect Vitoria agrees with Scotus. Vitoria thereby argues that various forms of indirect coercion (*indirecte compelli infideles*) will, in principle, be justifiable, say the imposition of "taxes and levies by which [as a beneficial side-effect] they may be encouraged to become converts to the faith."¹¹⁴ Forcible exile is likewise mentioned, if Saracens for instance "pose a probable threat of subverting the faithful...[for in this case] even if [the king] knows that it may induce them to be converted to the faith, they are not thereby forced to convert,"¹¹⁵ as they remain free to opt for exile.

Second, Vitoria argues that even if indirect coercion in matters of faith is not evil per se, it nonetheless can be expected to generate wrongful side-effects. Vitoria has in mind here the sort of preparatory coercion that had approvingly been discussed by Augustine. On this understanding, coercion can indirectly foster belief by removing earthly attachments (for instance attachment to my social group) that left in place might disincentivize the embrace of faith. Following Aquinas, Vitoria seems to think that the imposition of these and similar coercive

strategies, even by legitimate rulers over their own subjects, will usually backfire. The negative consequences will ordinarily outweigh the positive benefits. Feigned conversions will result, and even worse, hearts will be hardened against the Christian faith. This does not inevitably happen, but all too often does.¹¹⁶ For Vitoria, these “undesirable consequences (*inconvenientia*)... are confirmed by experience... [as] Saracens never become Christians.”¹¹⁷

It is at this juncture that Vitoria disagrees with Scotus. The latter (like Augustine before him) seemed more sanguine that the negative consequences of coercive stratagems in favor of faith could be avoided so that the positive impacts would predominate. Taking his lead from Aquinas, Vitoria views the prospect of this outcome as both uncertain and unlikely, hence there exists a presumption against it: “The rule which Scotus sets up against St. Thomas is, if you like, the exception to St. Thomas’ rule,”¹¹⁸ and as confirmation Vitoria notes how Church practice from its earliest days militates in favor of the viewpoint endorsed by Aquinas. This notwithstanding, Vitoria is willing to concede that should an effective method be found to circumvent the said *inconvenientia*, “it will be licit” to adopt these coercive stratagems, “as Scotus says.”¹¹⁹ In the last analysis then, Vitoria offers only a pragmatic, not a principled, argument against their usage. Here we do not encounter an unalienable right to religious freedom, as it is standardly understood today.

It remains to be explained why Vitoria thought unbelievers within Christendom could allowably be made targets of religious coercion in a way that unbelievers on the outside could not. Why should this distinction be relevant to the matter at hand? The main reason, which Vitoria shared with his theological contemporaries and virtually all medieval thinkers before them, was that civil society should not be conceptualized as existing in an order apart from faith. Temporal authority might be of a different order than spiritual authority, princes should be

differentiated from bishops, the emperor from a pope, but where Christians live together they form one body, a body that maintains its essential unity amid the diversity of functions:

[T]he civil and spiritual commonweaths [*respublicae*] cannot be made into two bodies, but only one.... In a single body everything is connected and subordinated to one another, the less noble parts existing for the more noble. So too in the Christian commonwealth, all offices, purposes, and powers are subordinated and interconnected.... [T]emporal things exist for spiritual ones, and depend on them.¹²⁰

On this picture, when Christians form a majority in a land they constitute a Christian nation, and such a nation must be organized with a shared faith at its core. To contest this faith, or not to participate in it publicly, imperils the unity of the social body. Unbelievers represent an ever-present danger to that unity, thus, whenever feasible, measures should be adopted to draw them into the faith, under the premise that it is a condition *sine qua non* of civic unity.¹²¹ It is for this reason, Vitoria concludes, that "...Christian princes may compel their own subjects not only in civil matters (*materia civili*), but also in religious (*materia religionis*) ones; in these matters the commonwealth (*respublica*) holds authority over its own subjects by natural right, and the prince has the same authority over his subjects, be they pagans or not."¹²² On this account, opposition to Christianity would constitute a sin, not only against theological faith and charity, but also against the unity of temporal polity and the obligations of natural justice we bear in its regard. When Christian faith is considered integral to the temporal order, opposition to it is tantamount to sedition.

IV SUAREZ

Writing at the beginning of the seventeenth century, Francisco Suarez¹²³ adopted Aquinas's tripartite distinction (discussed above) between (i) unbelievers raised in families that had never received the Christian faith but showed it no hostility, (ii) unbelievers who sought to impede Christian belief and practice, and (iii) Christian apostates and heretics. Suarez endeavored to explain how force could be applied for religious ends, most narrowly in relation to unbelievers in the first category, with considerably broader scope vis-à-vis unbelievers in the second, and with widest impunity vis-à-vis those in the third. This last category was relatively unproblematic for Suarez because he viewed it along the lines of Aquinas as reducible to enforcement of the moral and legal obligation to keep one's baptismal promises and the membership in Christ's Church this was thought to entail. And if an entire community abandoned this commitment, as Catholics thought had happened in the early days of the Reformation, it could become the target of justified war.¹²⁴

Regarding unbelievers who lived outside the confines of Christendom, no force should be used to compel them into the faith.¹²⁵ This restriction held even if these infidels had been adequately exposed, through missionary preaching, to the tenets of Christianity. Nor, for that matter, should they be forced to give Christianity a hearing, say by being compelled to attend sessions in which missionaries would instruct them in the basics of the faith. Against some theologians (John Major [1469-1650] is cited) who had argued that as Jesus said "teach ye all nations" (Matthew 28:19), the Church was entitled to back up this precept by force, Suarez maintained that the Church had jurisdiction solely over those who had already accepted (by their own free volition or those of their parents) the faith, and by this manner alone could they become its subjects. The unbaptized living on their own lands could thus ignore the preaching of missionaries without incurring any penalty. And even should they lend an ear to Gospel

preaching, but subsequently refuse to heed its message, their hardness of heart, while counted a sin (and a grave one at that) should nonetheless not fall under civil sanction.¹²⁶

By the same token, infidels living in their own polities could not justifiably be forced to give up their religious rituals, even if these were manifestly idolatrous.¹²⁷ Likewise against John Major who had argued that “offense to God” would warrant the suppression of pagan rites,¹²⁸ Suarez asserted that such jurisdiction was lacking on the part of Christian rulers. The one exception would be a situation in which the rites in question would involve manifest harm done to innocent members of the pagan community, as for instance the practice of human sacrifice. This could be stopped by Christian outsiders, not because it was opposed to true religion, but solely on grounds of justice.¹²⁹ Under such an eventuality, “it is allowable to use force in order that [those carrying out such rites] may be prevented from sacrificing infants to their gods.”¹³⁰ Enunciating an early version of what today is called “humanitarian intervention,” Suarez affirms that engaging in such a just war was not only “permissible in the order of charity,” but was a “positive duty” (*preceptum est*) for those princes able to carry it out.¹³¹

Unbelievers living outside of Christendom were immune from outside religious interference, provided they refrained from interfering with the religious activities of Christians who might be residing in their midst. Should infidel rulers prohibit Christian missionary activity, for instance, this could justify armed intervention by Christian princes, themselves acting under the behest of the pope, spiritual leader of Christendom.¹³² Similarly, if an infidel ruler actively sought to dissuade Christians living in his polity from adhering to their beliefs (“dragging them into error or compelling them to desert their faith”), or prevented them from practicing their rituals, a Christian ruler would be entitled to intervene (have “just ground for war”) on their behalf.¹³³ Suarez does not, however, believe that this rationale for armed intervention would be

equally available to infidel rulers who wished to protect their co-religionists from similar restrictions in foreign lands. To cite his example, a Turkish emir would not have a right to wage war against a pagan ruler who refused to let his subjects convert to Islam. Suarez explains himself thus: “to prevent the acceptance of the law of Christ does indeed involve grievous injustice and harm, whereas there is no injury at all in prohibiting the acceptance of another [religious] law.”¹³⁴ The harm in question is directed at a vital function the Catholic Church, namely to spread the Gospel message through the whole world.¹³⁵ Suarez takes as a given that the Church is a supernatural society directly mandated by God; for this reason, the Church is uniquely entitled, indeed “has a right [*habet ius*]” to receive the armed protection of Christian princes.¹³⁶ This is a religious prerogative not possessed by other communities of believers and their leaders. In this respect Suarez articulates a Christian exceptionalism.

Regarding non-believers who dwell *within* Christian polities, Suarez thinks that some measure of religious coercion will be apposite.¹³⁷ He takes care to explain that this intrusion must be justified on political rather than religious grounds, for, as we have seen, neither the popes and bishops, nor by extension Christian princes, have any spiritual jurisdiction over unbelievers. So whatever jurisdiction the former might have over the latter, must be grounded in something other than the unbelievers’ condition of unbelief. This jurisdiction Suarez locates in the special role of Christian princes, who have among their chief tasks the maintenance of peace and security within their kingdoms. Such peace and security will be maintained only when virtue is fostered within the populace. But this in turn requires that due homage be paid to God, as recognition of God’s rulership over humanity is the chief source of virtue. On this basis Suarez argues that in every human polity that is well governed, care must be taken to enable the subjects to choose the true religion and the worship of god.¹³⁸ This task is not inherently spiritual; rather it proceeds

from the temporal power of princes and as such is directed to a natural (not supernatural) end: “preserving the peace of the polity, natural justice, and the goodness appropriate to it.”¹³⁹

Having postulated this principle, Suarez deduces four implications:

First, although unbelievers living in a Christian polity can never directly be compelled to adopt the Christian faith, they can nonetheless be forced (*cogere*) to give this faith a hearing.¹⁴⁰ Attending instructional sessions taught by Christian preachers can be made mandatory, with civil penalties imposed for refusal.

Second, although no one can directly be forced to embrace the faith upon hearing it adequately presented, as members of a civil polity (*membra reipublicae civilis*) that is governed by a Christian prince, unbelievers may justifiably be subjected to indirect forms of coercion (*coactione indirecta*). Coercion is *indirect* when a burden or penalty is imposed for one reason, but with the awareness that a beneficial side-effect will likely follow.¹⁴¹ Suarez notes, for instance, that a Christian prince has the authority to expel unbelievers from his kingdom if their presence were deemed dangerous to the faithful (similarly, unbelievers conquered in a just war and whose lands were annexed may rightly be punished by exile).¹⁴² By the same token, burdens such as proportionately higher taxes can be levied against resident unbelievers.¹⁴³ In either case, the burden or penalty could rightly be waived should the unbeliever agree to convert. While hoping for this beneficial outcome, the prince is not entitled to impose the said burden solely in view of it; to be justifiable the burden must be imposed for a reason other than promotion of the unbeliever’s conversion. In Suarez’s eyes, this indirect coercion will be warranted only when the one exercising the coercion (i.e., the prince) has jurisdiction to impose the said burden, the burden is applied within the bounds of justice (not to excess), and precautions are taken so that feigned conversions do not result.¹⁴⁴

Third, when it is a matter no longer of internal belief, but of external religious practice, Suarez maintains that various restrictions can justifiably be imposed on unbelievers living within a Christian polity. The prince can legitimately outlaw pagan rites, especially when they involve the public worship of idols. Suarez cites in this connection the practice of illustrious rulers such as the Emperors Constantine and Theodosius, who ordered the closure or destruction of pagan temples.¹⁴⁵ Suarez adds that only princes are entitled to exercise such coercion; private individuals lack the proper jurisdiction.¹⁴⁶

Fourth, Suarez explains how a special status must be accorded to the rites of Jews and Muslims. Even though these rites are contrary to the Christian faith, they should nonetheless be allowed within a Christian commonwealth due to their monotheistic orientation, which is in keeping with the moral content of the natural law.¹⁴⁷ Given this foundation in natural law, Jewish and Muslim rites cannot be assessed as inherently wrongful (in contrast to the idolatry of pagans), and Christian princes have no legitimate authority to exclude these rites from the commonwealth. Any such attempt would amount to impermissible direct coercion. But because these rites are inconsistent with fundamental Christian doctrine (for instance as with Jewish rituals that signify a messiah who is still to come¹⁴⁸), in a Christian polity restrictions ought to be placed on them. Suarez mentions how no new synagogues (or mosques, presumably) are to be built, none should be located in close proximity to Christian churches, any such edifices that have been converted to churches should not be restored to their previous use (and if an injustice has occurred the loss must be made good in some other way), and that major celebrations such as the Passover feast must be held in private, so as not to diminish the honor of the Christian religion. And “Jews may be required to wear an outward sign so that they are externally distinguished from the Christian faithful.”¹⁴⁹

CONCLUSION

In the preceding pages I have sought to show how Aquinas's strong affirmation of religious freedom – with respect to the inner act of believing, where *libertas* is unconditionally required – was limited to a narrow band of application. Individuals who wished to depart from the Christian faith (after having previously embraced it) were prohibited from doing so. And those who chose to remain outside of that faith – pagans, Jews, and Muslims – could adhere to their own religious practices solely if they observed a set of restrictions. Christians enjoyed a correspondingly wide freedom in opposing perceived violations, especially vis-à-vis those unbelievers who lived within the boundaries of Christendom. Vitoria and Suarez outlined these restrictions in abundant detail and were not shy in explaining the forcible measures that Christian rulers could undertake against transgressions.

Aquinas's contemporary disciples accordingly face a quandary. If we seek support in his teaching for a right of religious freedom – along the lines of *Dignitatis Humanae* – we can either downplay the aspects of his teaching that cut against it or offer some account of how the affirmation of this right can be detached from the restrictions he placed on it. Thomas Pink provides an example of the former approach. Arguing for the applicability today of “the underlying doctrinal basis for the Church's previous use of the coercive services of the state”¹⁵⁰ as had been theorized by Suarez, Pink focuses on measures of “soft” coercion (excommunication, removal from office, restrictions on movement, etc.).¹⁵¹ By the same token he downplays the harsher measures, including capital punishment of heretics, forced exile, the placement of restrictions on public worship by Judaism and other “practitioners of false religions” (p. 104), the punishment of “disrespect shown by non-Christians for Christ,”¹⁵² and

war for the protection of missionaries, all measures that, as we have seen, were actively promoted by Suarez for the defense of faith.¹⁵³ Pink mentions these measures in passing as though they were regrettable exceptions of a benign policy to “protect the public space of the Christian religion.”¹⁵⁴ He speaks as though these measures were only contingently related to Suarez’s theory of Church-directed coercion but offers no explanation of why this might be so.

Mary Keys takes the opposite tack in arguing that Aquinas’s acceptance of coercive measures – against heretics and others who deviate from the true path of faith – was inconsistent with his wider teaching and should have been rejected by him. She attributes this failure not so much to a lack of objective resources, but to an uncharacteristic lack of intellectual humility. Thomas’s understanding of the special epistemic status of faith should have enabled him to realize that given the subjective uncertainty of faith as assent to supernatural mysteries transcending the capacity of the human mind, “it would be most incongruous to employ human law and authority in punishing lapses of faith.”¹⁵⁵ Instead, Aquinas gave way to an “unchecked spiritedness” that led him “to endorse in unusually immoderate terms an unjust and unwise ecclesial-political policy.”¹⁵⁶ However, rather than follow this conclusion, it would be more accurate to say that given the epistemic status of theological faith – objectively most certain as it is directly rooted in God’s self-revelation, but subjectively uncertain, because no created mind can naturally know (thus have direct evidence of) supernatural truths¹⁵⁷ – Thomas was led to endorse coercive measures as a means to protect the ordinary faithful from the vulnerabilities attendant upon this epistemic condition. On this reasoning, contact with unbelievers could easily foment doubt on matters of belief, thus the precaution of quarantining these unbelievers, and when necessary purging them from the society of Christian believers. Had Thomas lived in an age such as ours, when education (including religious instruction) is vastly more accessible than

in previous periods, he might have entertained alternative routes toward protecting faith from the corrosive impact of ambient error.

Instead of speculating about the subjective dimensions of Aquinas's thought on coercion, Charles Journet proposed a structural explanation for the restrictions that Thomas (and by extension his scholastic followers) had placed on his otherwise strong affirmation of religious freedom. In an address given at Vatican II in the closing debates on *Dignitatis Humanae*,¹⁵⁸ Journet explained how, from the time of Constantine and for many centuries forward, Church leaders reverted to the "secular arm" in order to assure religious conformity. Heavy means of coercion, including war, were utilized to this end. This was done under the rationale that shared faith was inherent to the unity of the temporal order, whenever Christians lived together in organized political communities. Deviation in matters of faith was an existential threat to civic peace and had to be suppressed accordingly, or the dissolution of temporal society would inevitably result. This linkage between shared faith and civic order was an unquestioned assumption throughout the medieval period and beyond. It was only in late-modernity that Catholic theology started to conceptualize other possible foundations for civic order, and with them new ways of bringing faith to bear in the temporal order. Faith is still required for the right direction of society, but on this new conception it is no longer deemed a prerequisite for unity in civic sphere, nor *a fortiori* a condition for full membership in the temporal polity. Freed of its constitutive political role, faith no longer requires the support of coercive means as supplied by the state. Christians must still oppose error in matters of faith and morals, but henceforth they must do so by persuasion, using "arms of light," not "arms of war."¹⁵⁹

Space constraints do not allow for further elaboration on Journet's account of the limitations that were placed on religious freedom within the context of "sacral Christendom," or

his explanation as to why these limitations can be shed today without endangering the “subordination of temporal to spiritual affairs,” under the guidance of the Church.¹⁶⁰ This is a promising line of analysis that merits closer examination.¹⁶¹

Finally, if we assess Thomas’s endorsement of special restrictions on unbelievers by reference to the law applicable in his own day, it will appear in a much more moderate light. His writing on this topic closely reflects the teaching of Innocent IV (pope 1243–1254), who had sought to undercut the view, prominently defended by Henry of Susa (better known by his nickname “Hostiensis,” who lived 1200–1271), that the exercise of dominium flows from the Christian faith such that unbelievers possess no entitlement to self-rule or ownership of land. On the Hostinian account, a Christian prince was thus entitled to wage war against unbelievers, not because of any specific wrong they had committed, but simply to counter their condition of unbelief. By contrast, acknowledging that “infidels should not be forced to accept the faith, since everyone’s free will is to be respected,” Innocent argued that by natural right “dominium and jurisdiction is permitted to infidels,” hence Christians were prohibited from waging war on them except in instances where unbelievers had unjustly done prior harm on Christians. And only under circumstances of “extreme necessity” could these infidel rulers be lawfully removed from their dominium over Christians; otherwise short of “extreme danger to Christians” or “great offense” done by these unbelievers, “the pope ought to put up with them insofar as he can.”

Alongside physical attacks on Christian faithful, the offenses in question would include refusal to admit preachers of the Gospel or other actions that might otherwise impede the practice and expression of the faith. Innocent nonetheless denied that a condition of positive reciprocity with Muslims would hold: the pope, he wrote, should not be willing to “accept those who want to preach the law of Mohammad... for “they are in error and we follow the path of truth.”¹⁶²

Writing as a theologian, Thomas did not take it as his task to frame laws relevant to the Church's exercise of jurisdiction over (and on behalf of) the faithful. In this domain he sought merely to select the most reliable sources (hence his preference for Innocent IV over Hostiensis¹⁶³) and to explore the theological implications. It would be an anachronism to expect otherwise of him, as though – on matters such as punishment of heresy or restrictions on non-Christians – he could operate wholly outside the legal framework of his day. By the same token, were Thomas writing today, he would surely amend the social and political aspects of his theology to fit the new expectations of our age and the underlying legal codes, civil and ecclesial, that have accordingly emerged.¹⁶⁴

¹ Robert Louis Wilken, *Liberty in the Things of God: The Christian Origins of Religious Freedom* (New Haven: Yale University Press, 2019); Noel D. Johnson and Mark Koyama, *Persecution and Toleration: The Long Road to Religious Freedom* (Cambridge University Press, 2019).

² See Martin Rhonheimer, "Benedict XVI's 'Hermeneutic of Reform' and Religious Freedom," *Nova et Vetera* (English Edition) 9.4 (2011): 1029-1054; Thomas Pink, "The Interpretation of *Dignitatis Humanae*: A Reply to Martin Rhonheimer," *Nova et Vetera* (English Edition) 11.1 (2013): 79-123.

³ *Religious Freedom for the good of all, a theological approach to contemporary challenges*, International Theological Commission (Vatican City, 2019). Text currently available in French and Italian at http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_index-doc-pubbl_en.html.

⁴ See *De veritate* q. 17, a. 4; *STh* I-II, q. 19, a. 5, and *Quodl.*, 12, a. 3.

⁵ Cajetan, Commentary to *STh* II-II, q. 66, a. 8; translation in G. Reichberg and H. Syse, *Religion, War, and Ethics: A Sourcebook of Textual Traditions* (Cambridge: Cambridge University Press, 2014), p. 95.

⁶ Vitoria, *De Indis*, q. 2, a. 4; translation in Francisco de Vitoria, *Political Writings*, A. Pagden and J. Lawrance (Cambridge: Cambridge University Press, 1991), p. 271.

⁷ Suarez, *De Fide*, 18.4.2-7.

⁸ Ioannes Duns Scotus *Ordinatio* IV dist. 4 pars 4 q. 3; *Opera omnia* 11 (Ed. B. Hechich, et al., eds., Vatican: Typis Polyglottis Vaticanis, 2008), 274-77.

⁹ Durandus de Sancto Porcano, *Commentarium in libros Sententiarum* IV, d. 4, q. 6, 300va-301rb (Paris, 1571).

¹⁰ Wilken, *Liberty in the Things of God*, pp. 38-39 (on Aquinas), and pp. 42-44 (on Vitoria).

¹¹ Wilken, *Liberty in the Things of God*, p. 24

¹² Summed up in q. 2, a. 4, “Fourth unjust title [for war], that they [the Indians] refuse to accept the faith of Christ...” (Vitoria, *Political Writings*, p. 265).

¹³ Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (Cambridge: Cambridge University Press, 2006), p.227.

¹⁴ *Ibid.*, p. 227.

¹⁵ Rhonheimer, “Benedict XVI and Religious Freedom,” p. 1035.

¹⁶ Melvin Endy, “Francisco de Vitoria and Francisco Suárez on Religious Authority and Cause for Justified War: The Centrality of Religious War in the Christian Just War Tradition,” *Journal of Religious Ethics* 46.2 (2018): 289-331; citing from the abstract on p. 289.

¹⁷ *Ibid.*, 293.

¹⁸ Journet (*Church of the Word Incarnate*, vol. I, *The Apostolic Hierarchy*, A. H. C. Downes, trans. [New York: Sheed and Ward, 1955 (original French edition, 1941)], p. 253n2) cites Suarez, *De Fide*, 23.1.2; see Gregory M. Reichberg, “Journet and the Impossibility of Christian Holy War,” *Nova et Vetera* (English Edition) 16.2 (2018): 511-541, at p. 527n51.

¹⁹ A. Vermeersch, *La Tolérance* (Paris Beauchesne, 1912), pp. 71-74.

²⁰ Pink, “The Interpretation of *Dignitatis Humanae*,” p. 85.

²¹ *Ibid.*, pp. 106-114.

²² *Ibid.*, 116-118.

²³ A similar review of contrasting assessments on Aquinas’s thought, but with a focus on toleration rather than religious freedom, may be found in Manfred Svensson, “A Defensible Conception of Tolerance in Aquinas?” *The Thomist* 75 (2011): 291-308.

²⁴ In what follows I draw on the typology that appears in Paul M. Taylor, *Freedom of Religion: UN and European Human Rights Law and Practice* (Cambridge: Cambridge University Press 2005).

²⁵ Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, p. 229.

²⁶ Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, pp. 226-227. For a recent expression of this suspicion (directed principally against Evangelical Christians), see Katherine Stewart, *The Power Worshipers: Inside the Dangerous Rise of Religious Nationalism* (London: Bloomsbury, 2019).

²⁷ As we shall see below, an exception was made for other monotheistic religions when the worship of God was denied by pagan rulers.

²⁸ On Aquinas teaching regarding the (incomplete) truth value of non-Christian religions, see Serge-Thomas Bonino, “‘Toute vérité, quel que soit celui qui la dit, vient de l’Esprit-Saint’: Autour d’une citation de l’Ambrosiaster dans le corpus thomasiens,” *Revue thomiste* 106.1-2 (2006): 101-147.

²⁹ See *STh* II-II, q. 188, a. 3., on religious orders that engage in military affairs. Thomas affirms that such orders have for purpose “the defense of divine worship and the public welfare [*defensionem divini cultus et publicae salutis*], and moreover for the protection of the poor and oppressed....” These military tasks are undertaken (ad 3) in the

service of God [*propter Dei obsequium*], as done, for instance, by "those who fight for the relief of the Holy Land [*in subsidium Terrae Sanctae*]."

³⁰ This conception of religious freedom is given canonical expression in the UN Declaration of Human Rights, art. 18: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance:" <https://www.un.org/en/universal-declaration-human-rights/>.

³¹ Against what he terms "the standard account" (which interprets Vitoria and Suarez as having advanced secularized theories of just war, i.e., as grounded in natural law rather than positive divine revelation), Endy writes that "religious authority for and cause of war were a prominent part of the thought on war of Vitoria and Suarez, as they had been in the Christian tradition for centuries before them" ("Francisco de Vitoria and Francisco Suárez on Religious Authority and Cause for Justified War," p. 292, footnote 5). As a result the two authors were, Endy argues, committed to extensive limitations on the religious rights of pagans who might seek to oppose Christian missionary activity or to establish jurisdiction over Christians. Although his analysis is largely historical, Endy express in the article's conclusion an adverse judgment on this use of force for religious ends (pp. 324-326). Thomas Pink, for his part, opting for a narrow interpretation of *Dignitatis Humanae* (as not representing an innovation vis-à-vis previous Church teaching on licit religious coercion) maintains that it is for good reason that a conception of the Church as "a sovereign and coercive ecclesial authority and jurisdiction, based on baptism and directed to supernatural ends, far from being abandoned at Vatican II, remains fundamental to the Church's doctrinal and canonical self-understanding" ("The Interpretation of *Dignitatis Humanae*", p. 119). Pink leaves unaddressed whether the restrictions that the Church (acting through Christian temporal authorities within the sphere of Christendom) placed on Jewish, pagan, and gentile religious practices are still applicable today under the teaching of Vatican II.

³² In *Church of the Word Incarnate* Journet explains how during the middle ages, alongside the Church's canonical power (essential to its spiritual mission and which remains constant over time), it also exercised, through the popes, a temporal power by which it provided unity to the political structures of Christendom. By virtue of this temporal power, the popes served as protectors (*tuteurs*) of last resort for Christendom, and in this capacity they authorized the adoption of coercive measures vis-à-vis unbelievers and dissident Christians who were thought to endanger the Christian character of temporal society (pp. 328-329). Under today's conditions, the Church no longer seeks to exercise this temporal tutelage, and has abandoned the coercive measures it had previously adopted to that end (pp. 302-303). Adopting a very different approach, Keys argues that Aquinas was inconsistent with his own principles when he endorsed the application of capital punishment and related sanctions against heretics (*Aquinas, Aristotle, and the Promise of the Common Good*, especially chap. 9, pp. 226-238).

³³ The article's title was affixed by an early editor of the *Summa Theologiae*, based on St. Thomas's statement *Videtur quod infideles nullo modo compellendi sint ad fidem* that introduces the opening objections.

³⁴ *Decretum*, part 2, causa 23, question 6, canon 1 (English translation in Reichberg et al., *The Ethics of War*, pp. 121-22).

³⁵ The word "right" (*ius*) is not specifically used in this context, but later in the *Secunda-secundae*, q. 40, art. 1, Aquinas does speak of *ius* in the sense of a right one can claim in the event of its violation.

³⁶ *STh* II-II, q. 10, a. 8: "[I]nfidelium... nullo modo sunt ad fidem compellendi, ut ipsi credant: quia credere voluntatis est."

³⁷ As noted above, "entry into a religion" is the term used in contemporary legal discussions on religious freedom, where no single religion is singled out; all are in principle covered. When Thomas, by contrast, speaks of an entitlement not to be compelled "into the faith," he is referring specifically to the Christian faith. Whether it would

be wrong to compel someone into adherence another with religious “law” (as he puts it) is not directly considered, although his comment about Islam in *Summa contra Gentiles* I, chap. 6 (see below) would seem to rule this out also.

³⁸ *STh* II-II, q. 10, a. 5 distinguishes the different categories of unbelievers.

³⁹ *STh* II-II, q. 10, a. 8, ad 3: “[V]overe est voluntatis, reddere autem est necessitates.” The Leonine version of the *Sum. Theol.* (vol. 8, p. 89) attributes this to the *Glossa Lombardi*; the verse is numbered 75:12 in the Vulgate (“vovete et reddite Domino Deo vestro”) and corresponds to 76:11 in modern Bible translations.

⁴⁰ Cited by Thomas *STh* II-II, q. 10, a. 8, obj. 3; *Homilies on the Gospel of John*, in *Nicene and Post Nicene Fathers of the Church*, vol. VII, P. Schaff, ed. (Grand Rapids: Eerdmans, 1956), p. 168.

⁴¹ *Super Evangelium S. Ioannis lectura*, based on lectures given 1270-72, around the same time as he was writing the *Summa quaestiones* on faith.

⁴² Tractate 26; *Homilies on the Gospel of John*, p. 169.

⁴³ In *STh* II-II, q. 2, a. 2 Aquinas explains how the infinitive *credere* (to believe) can signify our faith in God in three different manners: *credere Deo* (to believe God as revealer of divine truth), *credere Deum* (to believe what God has revealed about himself), and *credere in Deum* (to trust in God’s truth as our last end). Thomas explains that the first sense, *credere Deo*, is most formal to faith, as it is on this account that everything else pertaining to faith is believed, hence this is what is primarily signified when he speaks of *credere* in q. 10, a. 8, although the other two senses are involved as well, particularly the third, by which the will is motivated to seek out divine truth and to move the intellect in this direction.

⁴⁴ *STh*. II-II, q. 10, a. 7, obj. 3: “Praeterea, Augustinus dicit quod cetera potest homo nolens, ‘credere non nisi volens.’ Sed voluntas cogi non potest, Ergo videtur quod infideles non sint ad fidem cogenti.”

⁴⁵ *Super Evangelium Ioannem S. Ioannis Lectura*, P Raphaelis Cai, ed. (Rome: Marietti, 1951).

⁴⁶ *Super Evangelium Ioannem*, chap. 6, verse 44, p. 176 no. 935.

⁴⁷ Thomas speaks of *libertate credere* in *STh* II-II, q. 10, a. 8, apropos of unbelievers ad extra who have been captured by Christians in war. These unbelievers retain their liberty to believe, despite their jurisdiction under Christian rule. In *STh* II-II, q. 88, a. 4, obj. 1 and ad 1, Thomas discusses *libertas* in relation to vows and alludes to the difference between choice and liberty. For elaboration on these two modalities of freedom, see Jacques Maritain, “The Thomist Idea of Freedom,” chapter 5 of *Scholasticism and Politics* (New York; MacMillan, 1940), pp. 118-43.

⁴⁸ Aquinas draws a contrast between the two modalities of violence, *simpliciter* and *secundum quid* in *STh* I-II, q. 6, a. 5, ad 3 (by reference to natural versus unnatural animal motion) and in *Nic. Eth.*3.1 (*Sententia Libri Ethicorum* [Leonine edition, volume 47, p. 119, lines 80-85]), with reference to the free action of human beings.

⁴⁹ This is the term Thomas employs in *Sententia Libri Ethicorum* 3.1, apropos Aristotle’s famous example (NE, bk. 3, chap. 1, 1110a1-4) of sailors who throw their cargo overboard to prevent their ship from capsizing in a storm. Aristotle comments that an action of this kind (he also mentions the case of someone who commits a base deed at the command of a tyrant in order to save his parents from grave harm) is of mixed nature insofar as it comprises elements that are both involuntary and voluntary. He concludes, however, that it is more voluntary than involuntary.

⁵⁰ Kenneth Pennington (“Gratian and the Jews,” *Bulletin of Medieval Canon Law* 31 [2014]: 111-124) cites Huguccio’s use of this distinction in connection with forced baptism. Tying someone down and pouring water over

him (while saying the requisite words) would count as *coactio absoluta*; by contrast, threatening to beat someone unless he is baptized, would be *coactio conditionalis* (p. 118).

⁵¹ The contrast between “compulsion” and “coercion” is standard in contemporary treatments of freedom; see David A. Hoekem, *Rights and Wrongs: Coercion, Punishment, and the State* (Selinsgrove: Susquehanna University Press, 1986), pp. 18-41. The contrast was originally drawn by Aristotle in *Nicomachean Ethics* bk. 3, chap. 1 (1110a1-18). Should a man be carried by the wind in a direction he did not want to go, he would suffer compulsion; should he perform an action through fear of a greater evil, he would suffer coercion. Aquinas discusses compulsion under the heading of “*violentum simpliciter*” which, he notes, causes involuntariness (*STh* I-II, q. 6, a. 5), while coercion he considers under the concept of “*violentum secundum quid*” or “mixed voluntary” (action done out of fear), as in *STh* I-II, q. 6, a. 6, where he explains how fear lessens voluntariness but nonetheless leaves it intact (*simpliciter voluntarium est*). The two modes of influence on the will are compared within the same article, ad 1.

⁵² *STh* II-II, q. 4, a. 2, ad 1: “*actu fidei, qui dicitur [by Augustine] consistere in credentium voluntate in quantum ex imperio voluntatis intellectus credibilibus assentit.*”

⁵³ In *De veritate*, q. 14, a. 2, ad 10 (Leonine edition, vol. 22, p. 444, lines 396-401), Thomas writes that “the beginning of faith... is in the affections, insofar as the will determines the intellect to assent to matters of faith. But this willing consists neither in an act of charity nor of hope, but a kind of desire for the promised good [quidam appetitus boni repromissi].”

⁵⁴ The difference between these two senses of “voluntariness [*voluntarium*]”, strong and weak, is elucidated in *STh* I-II, q. 6, a. 6, ad 1.

⁵⁵ Cajetan summed this up well when he explained (in *STh* II-II, q. 17, a. 5, no. 8) how in theological hope (although his comment obtains as well for the love that impels theological faith) “I will God to be mine [as perfecting me by his beatitude], but not for me [*volo Deum mihi, non propter me*],” i.e., as subordinated to myself as a means to an end.

⁵⁶ Aquinas mentions (*STh* II-II, q. 5, a. 2) the fallen angels as giving an assent to the divine truth (thus a modality of faith) that does not rise to the level of theological faith. Their assent to this truth is motivated by love of themselves, namely to overcome a lack of knowledge. But as soon as they assent to this truth, they reject it as incompatible with their self-love, which establishes their own being as absolute. The fallen angels thus live in a condition of inner contradiction, assenting to a truth they detest.

⁵⁷ For an analysis of Aquinas’s understanding of the will’s role in the assent of faith, see Michel Labourdette, O.P., *Cours de théologie morale*, vol. 2, *Morale spéciale* (Paris: Éditions Parole et Silence, 2012), pp. 136-40.

⁵⁸ Coercion can take two different forms: threatening some harm unless compliance is given or withholding a benefit under the same rationale (see Alan Werthheimer, *Coercion* [Princeton: Princeton University Press, 1988], pp. 202-217). As an example of the latter, consider the case of a Jewish girl who was fleeing the Nazis in wartime Lemberg. Arriving at a convent, the nuns promised her refuge under condition that she undergo baptism, which she did, reluctantly (recounted in Philippe Sands, *East West Street* [London: W&N, 2016], p. 104).

⁵⁹ *STh* III, q. 68, a. 10, *sed contra*. Another line from the same canon appears in *STh* II-II, q. 10, a. 8, obj. 2.

⁶⁰ *STh* II-II, q. 10, a. 8: “*Sed contra est quod dicitur Luke 14: ‘Exi in vias et saepes et compelle intrare, ut impleatur domus mea.’ Sed homines in domum Dei, id est in Ecclesiam, intrant per fidem. Ergo aliqui sunt compellendi ad fidem.*”

⁶¹ For discussion of some canonical texts (especially with reference to relapsed Jewish converts), see Pennington, “Gratian and the Jews.”

⁶² *STh* II-II, q. 10, a. 8, *responsio*: “Alii vero sunt infideles qui quandoque fidem susceperunt et eam profiterentur: sicut haeretici vel quicumque apostatae. Et tales sunt etiam corporaliter compellendi ut impleant quod promiserunt et teneat quod semel susceperunt.”

⁶³ *STh* II-II, q. 3, a. 1: “Conceptus interior eorum quae sunt fidei est proprie fidei actus, ita etiam et exterior confession.”

⁶⁴ *STh* II-II, q. 88, a. 1.

⁶⁵ *STh* II-II, q. 88, a. 2, ad 1.

⁶⁶ *STh*, II-II, q. 88, a. 2, obj. 1: “Vovete et reddite Domino Deo vestro.”

⁶⁷ *STh* III, q. 66, a. 1, “Baptism is a kind of proclamation of faith [*quaedam fidei proclamation*]; thus it is said to be the ‘sacrament of faith’ [*fidei sacramentum*].”

⁶⁸ In *STh* II-II, q. 12, a. 1, obj. 2, Thomas mentions (i) having oneself circumcised or (ii) worshipping (*adoraret*) at the tomb of Mohammad, as acts contrary to the external profession of faith,

⁶⁹ *STh* III, q. 66, a. 9 “Baptism imprints a character that is indelible [*baptismus imprimit characterem, qui est indelebilis*];” see also q. 63, a. 5. Thomas had earlier asserted the indelibility of the baptismal character in e.g., *Sentences* IV, dist. 4, q. 1, a. 3, qu 4. That baptism confers membership in the Church is expressed e.g. in *STh* III, q. 69, a. 4 “baptism has for effect to incorporate the baptized to Christ as his members” (“incorporation in Christ” is equivalent for Aquinas to membership in the Church qua “mystical body of Christ” – *STh* III, q. 8, a. 3).

⁷⁰ In Thomas’s day, there was an abundant literature on compelled conversion, a topic that was standardly taken up by the canon lawyers in connection with baptism; see Jennifer Hart Weed, “Aquinas on the Forced Conversion of Jews: Belief, Will, and Toleration,” in Kristine T. Utterback and Merrall L. Price, eds., *Jews in Medieval Christendom* (Leiden, 2013), pp. 129-46.

⁷¹ *STh* III, q. 68, a. 8.

⁷² See Jennifer Hart Weed, “Faith, Salvation, and the Sacraments in Aquinas: A Puzzle Concerning Forced Baptisms,” *Philosophy, Culture & Traditions* 10 (2014): 95-110.

⁷³ *STh* II-II, q. 10, a. 12, and III, q. 68, a. 10; see Matthew A. Tapie, “*Spiritualis Uterus*: The Question of Forced Baptism and Thomas Aquinas’s Defense of Jewish Parental Rights,” *Bulletin of Medieval Canon Law* 35 (2018): 289-329.

⁷⁴ Thomas makes clear, however, that even when there is a high risk of death, it would be wrong to baptize a child against the will of his/her parents (*STh* III, q. 68, a. 1, ad 1). It was subsequently maintained (e.g., during the Mortara affair) that despite the questionable licitness of such a baptism, if the proper form was followed and the one baptizing had the correct intent, the baptism would be valid, i.e., a character would be conferred (a footnote to the French translation of *STh* [*Somme Théologique*, vol. 4 (Paris: Cerf, 1986), p. 511, note 6] traces this position to Benedict XIV [1747]). While in the above discussions appeal is made to his principles, Thomas does not himself pronounce on this issue; thus, caution must be shown in making such an inference. Based on the same principles, but read with a different order of priority, the opposing conclusion might very well obtain. See Matthew Tapie, “The Mortara Affair and the Question of Thomas Aquinas’s Teaching against Forced Baptism,” *Studies in Christian–Jewish Relations* 14.1 (2019): 1-18.

⁷⁵ Jennifer Hart Weed (“Aquinas on the Forced Conversion of Jews”) argues for this interpretation; see especially her conclusion (p. 145): “it is reasonable to conclude that Aquinas does not believe that forced converts should be

compelled to keep to their conversion, since he would view forced conversions as something other than an actual conversion. A forced convert cannot be expected to retain the faith he or she does not have....”

⁷⁶ *Decretum*, part I, dist. 45, canon 5 “De Iudaeis”; English translation by Robert Chazan, *Church, State, and Jew in the Middle Ages* (West Orange, NJ: Behrman House, 1980), pp. 20-21 (cited by Weed [“Aquinas on the Forced Conversion of Jews”], pp. 129-130).

⁷⁷ Huguccio, for instance, emphasized that a baptism carried out under coercion will be valid, because it does not entirely exclude the free will of the one baptized: “If I say [to someone] I will beat, rob, kill, or injure you, unless you are baptized, he can be forced to hold the faith... because [a] coerced choice is a choice and makes consent” (cited by Pennington, “Gratian and the Jews,” p. 118).

⁷⁸ Inter alia, Thomas’s confrère Raymond of Peñafort had re-affirmed the position of Huguccio (Pennington, “Gratian and the Jews,” p. 119).

⁷⁹ “Aquinas on the Forced Conversion of Jews,” pp. 143-145. Weed confuses matters when she supposes that for Aquinas acts done from fear are involuntary, with the implication that a conversion induced by fear would likewise be involuntary. As I have indicated above, Aquinas situated coercion (actions chosen from fear, i.e., to avoid future harm) within the category of the mixed-voluntary. Thus, when he argued that embrace of the faith cannot be coerced, the basis would have to be something other than the simple involuntariness (elimination of free choice); hence he focused on the lack of *libertas* as the key condition that would preclude authentic conversion.

⁸⁰ Weed, “Aquinas on the Forced Conversion of Jews,” p. 130, drawing from the account given by Robert Chazan, *Daggers of Faith* (Berkeley: University of California Press, 1989), pp. 44-45.

⁸² Letter 93 to Vincentius; St. Augustine, *Letters*, vol. II, W. Parsons, trans. (Washington, D.C.: Catholic University of America Press, 1953), p. 72,

⁸³ St. Augustine, *Letters*, vol. IV, W. Parsons, trans. (Washington, D.C. Catholic University of America Press, 1955), p. 161.

⁸⁴ *STh* II-II, q. 10, a. 11.

⁸⁵ *STh* II-II, q. 39, a. 4, ad 3.

⁸⁶ *STh* II-II, q. 10, a. 8, *responsio*.

⁸⁷ From the context of this paragraph, it is manifest that the warfare in question was to be waged against pagans and other unbelievers (Muslims in particular). Warfare against heretics is not mentioned in this connection, despite the armed conflict against Albigensians that was underway in southern France several decades prior (1209-29). This lack of mention (Thomas would have been aware of the conflict due to the involvement of St. Dominic and other members of his order) is probably attributable to the special meaning Thomas attached to the term “bellum” – a military campaign waged by one independent prince against another. As he would have considered the Albigensians to be a subordinate political community under a Christian king (Phillip II of France), Thomas would not call the military offensive against them *bellum*; rather it would be described as the enforcement of order against a sedition (see Reichberg, *Aquinas on War and Peace*, pp. 32-33).

⁸⁸ This is the express topic of *STh* II-II, q. 40, a. 1.

⁸⁹ The *Summa contra Gentiles*, bk 1, chap. 6 had earlier evinced Thomas’s concern over the practice of forced conversion, leading him to state ironically that Mohammad had sought confirmation that he was sent by God, not by means of miracles as Jesus had done, but by the “power of his arms [*in armorum potentia*],” and thus, through violence, had compelled adherence to his law [*violentia in suam legem coegit*].”

⁹⁰ Kurt Villads Jensen, “War against Muslims according to Benedict of Alignano, OFM,” *Archivum Franciscanum* 89 (1996): 181-95, at 187 (describing Aquinas’s position in *STh* II-II, q. 10, a. 8). For a similar argument in even stronger terms, see Thomaž Mastnak, *Crusading Peace* (University of California Press, 2002), p. 212-216.

⁹¹ Quodlibetal 12, *Quaestiones de quolibet* (Leonine edition, vol. 25, p. 393, lines 46-64).

⁹² Commenting on I Cor. 5:12-13 (“For what is it to me to judge them that are without.” Do you not judge them that are within?), Thomas explains that the Church has no spiritual authority (*spiritualem potestatem*) over unbelievers who live wholly outside its jurisdiction (*qui sunt omnino extra*); such power pertains solely to those who have submitted to the faith. Indirectly however (*indirecte tamen*), the Church has power over external unbelievers insofar as, by reason of their fault (*propter eorum culpam*, presumably this is a reference to their sin of unbelief), the faithful are prohibited from having relations (*communicant*) with them (*Super primam Epistolam ad Corinthios lectura*, in *Super Epistolas S. Pauli lectura*, Vol. I, R. Cai, ed., 8th ed. [Turin–Rome: Marietti]).

⁹³ See Taylor, *Freedom of Religion*, pp. 82-102, on challenges to blasphemy restrictions; pp. 102-114 cover the rejection of restrictions on proselytizing.

⁹⁴ *STh* II-II, q. 10, a. 10: Establishing for the first time (“de novo instituenda”) an authority of unbelievers over the faithful “should by no means be permitted [*nullo modo permitti debet*], since it would provoke scandal and endanger the faith.... Moreover, unbelievers hold the faith in contempt....”

⁹⁵ *STh* II-II, q. 10, a. 10. The same point is repeated in *STh* II-II, q. 12, a. 2, where Thomas adds that as dominium is a human right pertaining to the *ius gentium* it will not automatically be annulled by divine right. This does not however preclude that restrictions might be placed on the exercise of dominium, by reason of its subordination to divine right (for instance, if an unbelieving prince were to endanger the faith of his subjects).

⁹⁶ In *STh* II-II, q. 10, a. 10, Thomas distinguishes unbelievers who are “subject to the temporal jurisdiction of the Church and its members” (*temporali subiunctione subiiciuntur Ecclesiae et membris*) from unbelievers who live outside of this jurisdiction (*qui temporaliter Ecclesiae vel eius membris non subiacent*). In this passage, Thomas defines what jurists of the period termed “Christianitas” (Christendom), namely a geographic sphere in which Christian law and customs prevail. This sphere was linked to but not simply identical with the *Ecclesia*. See Jean Ropp, *L’Idée de Chrétienté dans la Pensée Pontificale des Origines à Innocent III* (Paris: Presses Modernes, 1939), p. 127: “In the strict sense, Christendom is the temporal society of Christians (in contrast to the Church, spiritual society of Christians) insofar as they pursue a temporal end, as members of temporal society” (my translation).

⁹⁷ These citations from the *De Indiis* are taken from Vitoria’s discussion of the 4th unjust title “that they refuse to believe the faith of Christ, although they have been told about it and insistently pressed to believe it,” and its 6th conclusion “that, however probably and sufficiently the faith may have been announced to the barbarians and then rejected by them, *this is still no reason to declare war on them and despoil them of their goods*” (*Relectio de Indiis*, L. Pereña and J.M. Perez Prendes, eds [Madrid: Consejo Superior de Investigaciones Científicas, 1967], pp. 65-67, no. 20); *Political Writings*, pp. 271-72, § 39.

⁹⁸ “Causa iusti belli non est diversitas religionis” (*Relectio de iure belli o paz dinamica*, Pereña et al., eds [Madrid: Consejo Superior de Investigaciones Científicas, 1981], p. 122, no. 1; *Political Writings*, p. 302, §10; “What are the permissible reasons and causes of a just war?”).

⁹⁹ There exist several *reportata* of these lectures; I cite here from the version retained in Beltrán de Heredia, ed., *Los Manuscritos del Maestro Fray Francisco de Vitoria* (Madrid: Biblioteca de Tomistas Espanoles, 1928), p. 196; English translation (occasionally emended) in *Francisco de Vitoria, Political Writings*, Anthony Pagden and Jeremy Lawrence, eds. (Cambridge: Cambridge University Press, 1991, appendix B “Lecture on the Evangelization of

Unbelievers,” p. 341). In subsequent references, the pagination is given first according to the Latin text as established by Beltrán and afterwards to the translation of Pagden and Lawrence.

¹⁰⁰ Vitoria does not indicate what passages he has in mind. Suarez later suggested that a norm of religious freedom could be inferred from Luke 9:54-55 (see below). Vitoria fails to cite I Cor. 5:12 (“For what is it to me to judge them that are without,”) that Thomas had earlier cited as indicating that Jews and Gentiles should be immune from coercion in matters of belief.

¹⁰¹ Vitoria observes that among the arguments for and against the practice of forcible child baptism, Scotus considered those in favor “the more probable [*probabilius*]” (lecture on *STh* II-II, q. 10, a. 8, pp. 197/342).

¹⁰² Lecture on *STh* II-II, q. 10, a. 8, pp. 197/342-43.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*, pp. 197/344.

¹⁰⁵ *Ibid.*, pp. 197/344.

¹⁰⁶ *Ibid.* pp. 199/346.

¹⁰⁷ *Ibid.*, pp. 199/347.

¹⁰⁸ *Ibid.*, pp. 201/350.

¹⁰⁹ *Ibid.*, 201/349-50.

¹¹⁰ *Ibid.*, pp. 200/347. After the pagans have heard Christian preaching, it would not be inherently wrong (“*de se non est malum*”) to destroy their idols; no injury is thereby done to them or to God (“*non est contra honorem Dei nec contra bonum proximi*”) for the good reason that these idols are false representations of the divinity. Vitoria does, however, caution against doing this on prudential grounds, and he shows even more reticence vis-à-vis the destruction of pagan temples.

¹¹¹ *Ibid.*, pp. 197/344.

¹¹² *Ibid.*, pp. 197-98/344.

¹¹³ *Ibid.*, pp. 198/344.

¹¹⁴ *Ibid.*, pp. 200/348.

¹¹⁵ *Ibid.* Indirect coercion is taken up by Vitoria in the form of a *dubia*. His main point here is to argue that such coercion will be permissible only when the hardship in question is imposed for a reason other than to induce conversion (i.e., rectification or prevention of some wrong apart from unbelief), and the person administering the hardship has proper jurisdiction to do so (thus such coercion cannot be directed against unbelievers who live outside of Christendom). In other words, the conversion, if it happens, will flow as the beneficial outcome of an act that proximately aimed at something else.

¹¹⁶ On the special mode of evil represented by the foreseeable negative consequences that predictably flow from what we have done, see *STh* I-II, q. 20, a. 5. These negative side-effects (*eventus sequens*) represent a circumstance that can render morally bad an otherwise good or indifferent act (*STh* I-II, q. 18, a. 10).

¹¹⁷ Lecture on *STh* II-II, q. 10, a. 8, pp. 198/344.

¹¹⁸ *Ibid.*, pp. 198/345.

¹¹⁹ *Ibid.*

¹²⁰ "On the Power of the Church," relectio delivered in 1532; translation in Pagden and Lawrence, eds., Vitoria, *Political Writings*, p. 91.

¹²¹ In *Persecution and Toleration: The Long Road to Religious Freedom*, Johnson and Koyama explain how belief in a necessary connection between shared faith and civic unity was pervasive in pre-modern cultures. It can be found equally among Catholics, Protestants and Muslims. Thus, the view to which Vitoria gives voice in the passage just quoted is far from distinctive to him or scholastic theology more generally. It was an assumption that few would overtly question before the nineteenth century and in some places remains influential even today.

¹²² Lecture on *STh* II-II, q. 10, a. 8, pp. 198/343.

¹²³ Suarez dealt with issues relating to religion, coercion, and war in his disputations (1621) on the theological virtues of faith (disp.18, "On means for the conversion of unbelievers) and charity (disp. 13 "On war"); in Suarez, *Selections from Three Works* (Oxford: Clarendon Press, 1944), vol. 1, Latin text, vol. 2, English translation by Gwladys L. Williams, pp. 467/739-795, and 797-825/799-865 (translation occasionally emended). In what follows the textual divisions are numbered according the disputation, section, and paragraph. When the paragraph alone is given it is indicated by §, followed by the respective page numbers of Suarez 1944.

¹²⁴ See *Defense of the Catholic and Apostolic Faith*, in *Selections from Three Works*, bk. III, chap. 23 (pp.333-40/685-702), where Suarez advances theoretical and scriptural justifications for the papacy's use of coercive force to depose heretical and apostate kings.

¹²⁵ As scriptural support, Suarez (Disp. 18.2.2, pp. 473/750) cites Luke 9:54-55, where it is recounted how after the Samaritans refused to receive Jesus, his disciples proposed he command fire from heaven to sanction this refusal, an initiative that Jesus firmly rejected: "You know not of what Spirit you are", and the Evangelist narrates how Jesus had the disciples peacefully withdraw.

¹²⁶ "God has not given men the power of punishing all the evil deeds of mankind; since he has reserved some of these deeds for his own tribunal.... And among these sins which God has reserved for his own judgment, is the sin of unbelief, in those who have not professed the faith through baptism." (Disp. 18.3.12, pp. 480/766).

¹²⁷ Disp. 18.4.3; pp. 481/769.

¹²⁸ *Ibid.*, §2, pp. 481/768.

¹²⁹ *Ibid.*, §4, pp. 482/770-71.

¹³⁰ *Ibid.*

¹³¹ *Ibid.* Suarez returned to this theme in Disputatio 13 (*Selections from Three Works*, pp. 807-9/823-27), where (§6) he explains how war cannot rightly be waged on the basis of a revealed truth; only violations of justice that are accessible to reason (thus in principle knowable to Christians and non-Christians alike) may justify resort to armed force, in the interests of protecting the innocent (*iusta defensio innocentum*), for instance. Thus (§7) even non-Christian princes (*principi non fidelis*) may have title to wage just war (*iustus titulus belli*) in aide of a foreign people who wish to practice monotheism, but are forcibly impeded from doing so by their own ruler.

¹³² As preaching the Gospel is a primary function of the Church (disp. 18.1.7; pp. 471/746), the defense of this right, including by coercion and war, falls within the jurisdiction of the supreme pontiff alone, insofar as it is his duty to defend the universal rights of the Church (*universalia iura Ecclesiae defendere*). While the actual fighting must be undertaken by temporal (for ecclesiastical persons can have no direct part in killing or the shedding of blood), Suarez makes clear that the first initiative for such warfare lies with the pope (pp. 471/747).

¹³³ Disp. 18.4.4, pp. 482/770.

¹³⁴ Disp. 13.5.7, pp. 809/826-27.

¹³⁵ In this connection (Disp. 13.1.6, pp. 470/745) Suarez cited John 21:17 “feed my sheep.” On the linkage between missionary activity and just war, see Endy, “Francisco de Vitoria and Francisco Suarez on Religious Authority and Cause for Justified War.”

¹³⁶ Disp. 18.1.4, pp. 469/743. Against the expansive claims made by John Major, Suarez (§8, 471-72/747) places some restrictions on the Church’s right of self-defense. For instance, before any harm has been done to preachers, it is not permitted for soldiers to be sent out with them as a precautionary (*preueniendo*) or preventive (*per anticipatam*) measure. Nor do Christian princes have just title to occupy the kingdom of a gentile prince (*principis gentilis*) in order that the Gospel may there be preached there with greater ease or security.

¹³⁷ In this respect, he argues (Disp. 18.2.2, pp. 473/750-51) against those theologians (Valentia and Salmerón are cited) who denied that coercion could ever justifiably be directed against pagan or gentile unbelievers, even when they are subjects of Christian princes.

¹³⁸ Disp. 18.2.4, pp. 474/752-53.

¹³⁹ Disp. 18.3.7, pp. 479/763.

¹⁴⁰ Disp. 18.2.3, pp. 473/751.

¹⁴¹ A definition of indirect coercion is given in disp. 18.3.8 (pp. 479/764): “Coercion is indirect when a right [assignment of a burden] or punishment that is imposed under one particular title or on account of a given offense is secondarily directed by the one exercising [the right or inflicting the punishment] to the end of inducing another to exercise some act of the will... which is itself virtuous.”

¹⁴² Disp. 18.3.9, pp. 479-80/764-65.

¹⁴³ See 18.3.9; Suarez 1944: 764.

¹⁴⁴ Disp. 18.3.9 (Suarez 1944: 764-65) Suarez admits that Christian princes lack jurisdiction to impose such burdens or penalties upon unbelievers living outside of Christendom; however, it is within the purview of these princes to withhold gratuitous benefits from them, with an eye toward drawing them to the faith (the said benefits would be conferred should they convert). This would constitute a form of indirect coercion; it would be “permissible, because no jurisdiction or superior power is required to deprive any one of such benefits (§11, 765).

¹⁴⁵ Disp. 18.4.6, pp. 482/771.

¹⁴⁶ *Ibid.*, § 8, 483/774.

¹⁴⁷ *Ibid.*, §10, 484/775.

¹⁴⁸ *Ibid.*

¹⁴⁹ Ibid., §11, 484-85/776.

¹⁵⁰ Pink, “The Interpretation of *Dignitatis Humanae*,” p. 82.

¹⁵¹ Ibid., p. 94.

¹⁵² Ibid.

¹⁵³ War to defend against or punish unbelief is not at all mentioned in “The Interpretation of *Dignitatis Humanae*.”

¹⁵⁴ Ibid., p. 104.

¹⁵⁵ Keys, *Aquinas, Aristotle, and the Promise of the Common Good*, p. 236.

¹⁵⁶ Ibid., p. 234.

¹⁵⁷ The contrast between the objective and subjective certitude of faith is drawn by Thomas in *STh* II-II, q. 4, a. 8 (cited by Keys, *ibid.*, p. 236); earlier (q. 1, a. 5) Thomas had explained that faith provides access to supernatural truths for which evidence (*agnitio*), whether immediate or inferential, is unavailable to us, due to the natural limitations of our created minds (q. 2, a. 3).

¹⁵⁸The Latin text, “*Declaratio de libertate religiosa*,” was originally published in *Acta Conc. Vatican II*, vol. 4.1 (Vatican City, 1976), and has been reedited, along with a French version, in Charles Journet and Jacques Maritain, *Correspondance*, vol. VI, 1965–1973 (Saint-Maurice, Switzerland: Éditions Saint-Augustin, 2008), pp. 73-76.

¹⁵⁹ “*Declaratio de libertate religiosa*,” in *Correspondance*, p. 74.

¹⁶⁰ “Sacral Christendom” was a term Journet borrowed from Jacques Maritain to describe the political structuring of the temporal sphere in pre-modern Christian societies. For further details, see Journet, *Church of the Word Incarnate*, pp. 241-262, and Reichberg, “Journet on the Impossibility of Christian Holy War,” pp. 531-36.

¹⁶¹ Including the sometimes vociferous objections (to my mind unfounded) that have been raised against it, inter alia by Julio Meinvielle (*De Lamennais à Maritain: Du mythe du progrès et l’utopie de la «nouvelle chrétienté* [Paris: Éditions Dominique Martin Morin, 2001 [original Spanish edition 1945], and Thomas Pink (“Jacques Maritain and the Problem of Church and State,” *The Thomist* 79 [2015]: 1-42).

¹⁶² These citations from Innocent IV are taken from his text “On Vows” (*Quod super his*, in *Decretals*, III, 34, 8; English translation in G. Reichberg, H. Syse, and E. Begby, *The Ethics of War* [Oxford: Blackwell, 2006], pp. 153-55). Thomas does not cite from *Quod super his* in q. 10, a. 8; he does however reference a related decretal, *Ad abolendam*, in the subsequent q. 12, a. 2, *sed contra*.

¹⁶³ See Reichberg, *Thomas Aquinas on War and Peace*, pp. 27-33. For the relevant comments by Hostiensis on the perpetual enmity and resulting warfare between Christians and unbelievers, see “On Truce and Peace” (from *Summa aurea*, *Decretals*, bk. 1, tit. 34), translation in Reichberg et al., *The Ethics of War*, pp- 161-68.

¹⁶⁴ Avery Cardinal Dulles wisely observed that “doctrine of a social or political character does not follow exactly the same course of development as pure dogma. It is not simply spun out of the original deposit of faith, but emerges with a certain irregularity according to the vicissitudes of history.... [T]he social teaching of the magisterium is under continual revision insofar as the unchanging principles of the gospel need to be upheld in varying social situations. The fundamental principles are constant, but the judgments and adaptations are new” (“Religious Freedom: Innovation and Development,” *First Things*, December 2001 [accessed online at www.firstthings.com/article/2001/12/religious-freedom-innovation-and-development]).