

SUBORDINATION OF THE STATE TO THE CHURCH ACCORDING TO SUAREZ

That Suarez taught the subordination of the State to the Church in all matters wherein the good of souls is involved is evident to anyone who has paged even casually through his *De legibus* or *Defensio fidei catholicae*. It is here proposed to inquire into the title or ground of this subordination, as found in these two works, and to determine whether, according to Suarez, the subordination follows necessarily from the nature of the State as such, or is contingent upon some other factor. Is the State by nature a purely secular institution, or is it ordered by nature to a religious end, and intended to serve as an instrument in the hands of religious authority? It is this question of the "intention of nature" in regard to the relations between civil and religious authority with which alone we are here concerned.

Suarez expounds his political philosophy most fully in his *De legibus*, and therefore we must first turn to this work. It is to be noted, however, that this is a treatise on law, not on the State, and so we must derive his ideas about the nature of the State from what he says about the civil laws which the State makes.

First, then, the State is an institution purely of the natural order,¹ and it remains such even under the Christian dispensation.² It follows from this that the end or purpose of the State is determined by natural law, and will not change even under the law of grace. What then is the end of the State? Or, to put the question in Suarez' own terms, what is the proper end of civil power?

It is not, he says, the eternal supernatural happiness of man, since this power is merely of the natural order, and so is not of its nature directed to a supernatural end.³

¹ "Lex civilis est mere naturalis ordinis quoad suam originem et potestatem: nam licet non feratur immediate a natura fertur tamen per potestatem homini connaturalem" (*De legibus, Opera omnia*, t. V, ed. Berton [Paris: Vivès, 1856], lib. III, prologus).

² "Haec potestas [condendi leges civiles], prout est intra Ecclesiam, eisdem modis et titulis obtinetur quibus ex natura rei haberi potest" (*ibid.*, lib. III, cap. 9, no. 1). "Primo ergo certum sit hanc potestatem [ferendi leges civiles] neque fidem neque aliud donum supernaturale requirere in principe seu in subjecto in quo existit" (*ibid.*, III, 10, 2). Note Suarez' use of the term "Ecclesia" in the pregnant medieval sense as denoting the one total religio-political community.

³ "Potestas civilis et jus civile per se non respiciunt aeternam felicitatem supernaturalem vitae futurae tanquam finem proprium, vel proximum, vel ultimum. Probatur quia talis potestas est mere naturalis; ergo natura sua non tendit in finem supernaturalem" (*ibid.*, III, 11, 4).

This is not to deny that one could, when illumined by the light of faith, use civil power for a supernatural end. But this would be merely a relation imposed upon the civil power from without (*per imperium extrinsecum*), and not a relation flowing from its nature. Thus, for example, the acquired virtue of temperance, of itself, does not tend to man's supernatural end. Yet a man in the state of grace can advance toward his supernatural end by practising this virtue. But that he is able to do so does not come from anything intrinsic to the acquired virtue, but from a principle extrinsic to it, namely from the *imperium* of a will informed by the infused virtue of charity. In like manner, then, as long as one speaks only of the nature of the State and those relations which flow from it, one must hold that the State and its power are not directed to a supernatural end.⁴

It will follow, therefore, that civil power does not per se look to the spiritual happiness of man even in this life, and consequently that it cannot of itself make laws disposing of or regulating spiritual matters. Not being directed to a spiritual or supernatural end, it simply lacks jurisdiction in spiritual matters.⁵

Even in the order of pure nature, Suarez continues, man's ultimate end, natural happiness in a future life, would not be the goal to which the

⁴ "Dices: ipsa hominis natura ordinatur ad supernaturalem felicitatem ut ad finem ultimum: ergo etiam potentiae omnes naturales hujus naturae ordinantur ad eundem finem: ergo etiam potestas civilis. Respondeo dupliciter posse aliquid ordinari in illum finem ultimum: uno modo per intrinsecam habitudinem; alio modo per solam relationem vel imperium extrinsecum. Priori modo ordinatur fides infusa, verbi gratia, ad supernaturalem beatitudinem: posteriori modo fides, vel alia virtus acquisita. Dico ergo potestatem civilem per relationem extrinsecam, vel Dei vel hominis habentis illam posse ordinari ad supernaturalem felicitatem ut ad finem ultimum: et hoc ad summum probat ratio facta: nam ex parte Dei verum est omnia bona data hominibus, etiam naturalia, data esse propter felicitatem supernaturalem adipiscendam, et hoc modo etiam haec potestas data est propter illum finem. Ex parte vero hominis non potest ipse referre actus hujus potestatis in illum finem per solum naturale lumen, sed oportet ut supernaturaliter cognoscat illum finem, ideoque stando in pura natura non posset lex civilis etiam hoc modo ordinari ad finem supernaturalem" (*loc. cit.*).

⁵ "Unde dico secundo potestatem civilem non solum non respicere felicitatem aeternam vitae futurae ut finem ultimum proprium, verum etiam nec per se intendere propriam spiritualem felicitatem hominum in hac vita, et consequenter nec per se posse in materia spirituali disponere, aut leges ferre. . . quia spirituale bonum, seu felicitas hujus vitae est dispositio per se ordinata ad ultimam felicitatem supernaturalem vitae futurae, vel potius est quaedam inchoatio ejus: ergo potestas quae non ordinatur per se ad dirigendos homines in illam felicitatem non potest per se referri ad spiritualem finem hujus vitae, quia ejusdem potestatis est dirigere ad finem ultimum, et ad omnia quae per se ad illum disponunt. Potestas ergo civilis sicut non ordinatur ad aeternam beatitudinem vitae futurae, ita nec ad spiritualem felicitatem praesentis" (*ibid.*, III, 11, 6).

State is intrinsically ordered. Nor would even the natural happiness of individual men as such in this life be the proper end of the State. The State is concerned only with the natural well-being of the perfect human society, namely civil society, with whose care it is charged; the welfare of individuals concerns the State only insofar as they are members of this community.⁶

This natural well-being of civil society consists in the fact that men live in an order of peace and justice, with that sufficiency of material goods which is required for the decent sustenance of bodily life, and that moral probity which is necessary for peace, justice, and external welfare. This is the common good of the State, and the end toward which civil power is directed by its nature.⁷ The consequence is that the laws which are made in virtue of civil power command and prohibit only in matters pertaining to this end.⁸

A further consideration may somewhat elucidate this conclusion. The natural subject in which the civil or lawmaking power resides, says Suarez, is not individual men, nor any chance aggregation of men, but the community as morally united and ordered to the formation of one "mystical body"; and the power of making laws is a property of this body. Hence of its nature this power is directed to the common good and welfare of the *corpus mysticum politicum*; for the end is proportioned to the principle. Therefore, as the natural good of the political body does not go beyond this life, so neither does the lawmaking power extend beyond this life and the affairs of this life. For the same reason, the civil power does not look to the good of individuals, even in this life, except as related to the good of the whole community.⁹

⁶ "Addo tertio potestatem civilem legislativam, etiam in pura natura spectatam non habere pro fine intrinseco et per se intento felicitatem naturalem vitae futurae: imo nec propriam felicitatem naturalem vitae praesentis, quatenus ad singulos homines ut particulares personae sunt, pertinere potest, sed ejus finem esse felicitatem naturalem communitatis humanae perfectae, cujus curam gerit, et singulorum hominum ut sunt membra talis communitatis. . . ." (*ibid.*, III, 11, 7).

⁷ ". . . ut in ea [in communitate perfecta], scilicet in pace et justitia vivant, et cum sufficientia bonorum quae ad vitae corporalis conservationem et commoditatem spectant, et cum ea probitate morum quae ad hanc externam pacem et felicitatem reipublicae, et convenientem humanae naturae conservationem necessaria est" (*loc. cit.*).

⁸ "Docet et declarat [Divus Thomas] finem humanarum legum esse commune bonum civitatis, et illa tantum prohibere ac praecipere quae huic fini consentanea sunt" (*loc. cit.*; St. Thomas is here quoted with approval).

⁹ "Haec naturalis potestas condendi humanas leges non est in singulis hominibus per se spectatis, nec in multitudine hominum aggregata solum per accidens; sed est in communitate, ut moraliter unita et ordinata ad componendum unum corpus mysticum, et ex illo resultat tanquam proprietas ejus: ergo per se ordinatur ad bonum commune hujus

Furthermore, civil power does not change its nature in a Christian State. Suarez, of course, thinks in terms of the Christian prince, and says of him, first, that his lawmaking power does not extend either in its matter or its acts to the supernatural end of man; but, secondly, that the prince, in making laws, can and to some extent must look to the supernatural end and refer the act of making law to that end.¹⁰ Hence, while it was true that in Suarez' day secular princes punished heretics as criminals, they did this, he says, not of their own power, but in virtue of a power granted them by the Church. It follows that civil laws which concern spiritual matters are either no laws at all, or derive their force from a higher power, the Church.¹¹

As regards those vices and crimes which fall under the jurisdiction of both State and Church, the State punishes them only insofar as they disturb the peace and external welfare of the Christian commonwealth (*respublica christiana*); for this peace and welfare constitute the end which is always intended by the civil power as such.¹²

corporis ejusque felicitatem: nam finis est proportionatus principio: sicut ergo bonum naturale hujus corporis politici non extenditur ultra praesentem vitam, imo nec durat nisi in illa, ita nec finis hujus potestatis aut legis ultra praesentem vitam extenditur; et eadem ratione etiam pro hac vita non intendit bonum singulorum, nisi in ordine ad bonum totius communitatis, in quo sistit tanquam in ultimo fine proprio talis facultatis; ergo id quod ita pertinet ad privatam felicitatem, ut non redundet in bonum communitatis, ad hanc potestatem vel legem civilem non spectat" (*loc. cit.*).

¹⁰ "Dico potestatem hanc civilem (etiam prout est in principibus Christianis fidei conjuncta) non extendi in materia vel actibus suis ad finem supernaturalem seu spiritualem vitae futurae vel praesentis, licet ipsi legislatores fideles in suis legibus ferendis, intueri possint et ex parte debeant supernaturalem finem, et actum ipsum ferendi legem in supernaturalem finem referre" (*ibid.*, III, 11, 9). It is not clear whether Suarez merely means that the lawmaker should refer his intention to the supernatural end when he makes a law, or means something more, as for example, that while civil law is of its nature directed only to a natural end, it can and sometimes should be made also to subserve a supernatural end. This ambiguity will be discussed more at length below.

¹¹ "Dices: nunc possunt principes seculares haereticos punire, et alia vitia contraria religioni Christianae, ut talis est, prohibere. . . Respondeo imprimis aliqua ex his non tam per se pertinere ad secularem potestatem, quam ex concessione ecclesiasticae potestatis, et quasi per tacitam vel expressam invocationem ejus postulantis auxilium brachii secularis: et ita infra dicemus universas leges civiles quae circa materias spirituales versantur, vel non esse leges, vel habere vim suam a superiori potestate" (*ibid.*, III, 11, 10).

¹² "Deinde dicimus illa vitia et peccata quae dicuntur mixti fori, eatenus puniri et cohiberi per leges civiles, quatenus supposito hoc statu reipublicae christianae illam perturbant, et magna nocumenta illi afferunt etiam quoad suam pacem, et externam felicitatem ac conservationem: hunc enim finem semper intendit ipsa potestas quatenus talis est, licet utens illa possit perfectius operari" (*loc. cit.*).

However, since civil law is a thing which is good in itself, although it is merely of the natural order, it can be ordered to the supernatural end of man; and the Christian prince will do well in so ordering it. The ordination of the exercise of civil power to the supernatural end may be either positive or negative. The positive ordination, which consists in positive acts, will ordinarily be a matter of counsel, not of obligation, except where a special precept or necessity imposes the obligation. And if one may judge according to the principles just laid down, the precept or necessity can only be, although Suarez does not explicitly say so, the precept or necessity of the Church. The ordination which is always obligatory is the negative one. It consists in the civil power so acting in its own sphere and for its own end as not to impede its subjects from attaining their supernatural end. This can be called a kind of virtual relation to the ultimate end.¹³

It should be pointed out that there is a certain ambiguity in what Suarez calls the positive ordination of civil law to a supernatural end. This of itself may mean no more than that the Christian prince, as a Christian, must tend to his ultimate end not only in his private life, but also in the performance of his public duties, e.g., in making laws. That is to say, he may not sin, even when acting as prince. But if it means only this, it does not follow that the laws which the prince makes, or the civil power in virtue of which he makes them, are therefore ordered to a supernatural end. On the contrary, they remain what they were, of the natural order and directed to a temporal end. Similarly, for example, a bricklayer can and should order his bricklaying to the attainment of his supernatural end, but this does not make the building on which he is working a church.

It seems clear, however, that Suarez means something more than merely this, and that it is not merely the lawmaker who is to tend to his supernatural end by the act of making law. Rather, the law itself is to be ordered to a supernatural end, and by the law the citizens are to be directed to the attainment or preservation of some good in the supernatural order. Such

¹³ "Haec legislatio civilis de se et suo genere actio honesta est, licet ordinis naturalis et prudentiae acquisitae, ac rationi naturali consentanea; ergo est de se apta referri ad finem supernaturalem; ergo princeps christianus facile potest in eum finem illam referre, et optime faciet illam referendo. . . . Est autem observandum hanc relationem posse dupliciter fieri, primo per positivam ordinationem, et sic regulariter erit in consilio, nisi ubi speciale praeceptum vel necessitas ad illum obligaverit. . . . Secundo intelligi potest per negationem tantum, seu per circumspectionem nihil statuendi per hanc potestatem, quod sit contrarium fini supernaturali, vel ejus consecutionem impedire possit, quae observantia et prudens cautio ex fide procedit, et virtualis quaedam relatio in ultimum finem dici potest. Estque non tantum in consilio, sed etiam in praecepto maxime proprio christiani ac catholici principis, ut constat" (*ibid.*, III, 11, 11).

a good would be their preservation from heresy, or aid given to the Church in the performance of her spiritual work. A law of this sort would, in Suarez' language, be made *per imperium extrinsecum* and in virtue of the subordination of the civil to the spiritual power. But it would be the law itself, and not merely the lawmaker's intention, that would be ordered to a supernatural end.

It is evident, therefore, that Suarez does not entirely deny the propriety and even the occasional obligation of using civil power to attain strictly supernatural ends. But what is of interest here is that he does not derive this obligation from the nature and end of the State as such. On the contrary, the nature of civil society, as understood by Suarez, directs it to the temporal common good as its proper end. Of itself, this society has only such power as the common temporal good demands that it have; and its only obligation per se is to use its power for this common good, in such a way, of course, as not to impede the attainment of man's ultimate end.

It is Suarez' opinion that in the hypothetical state of pure nature, if there were a State which worshipped the true God, it would have the right to restrict the propagation of false worship,¹⁴ and to establish the norms of true worship.¹⁵ He makes it plain, however, that the ruling principle in this matter is that civil power looks only to the external peace and good order of human society;¹⁶ and he quotes with approval St. Thomas' dictum that human laws have not been concerned with regulating divine worship except as a means to the common good of men.¹⁷

Thus Suarez holds, on the one hand, that human nature as such would require that there be, even in the purely natural order, some diminished counterpart of the spiritual authority of the Church, to regulate divine

¹⁴ "Etiam de rebus pertinentibus ad Deum curam habuerunt leges civiles ductu naturae quia observantiam religionis putarunt semper ad incolumitatem reipublicae maxime pertinere: unde opinor in statu purae naturae, si in illo esset respublica verum Deum naturaliter colens, potuisse leges civiles prohibere et punire docentes cultum falsorum deorum, aut falsas opiniones de Deo, et similia" (*ibid.*, III, 12, 9).

¹⁵ "In civilibus, quia jus naturae praecipit Dei cultum, vel honorare parentes, vel servare aequitatem in rebus: lex humana determinat ut haec fiant tali tempore, vel tali modo. Ea vero quae tantum sunt supererogationis ex vi legis divinae vel naturalis, non possunt praecipiri per legem civilem, quia non recipiunt talem determinationem" (*ibid.* III, 12, 14).

¹⁶ "Potestas humana legislativa solum ordinatur ad exteriorem pacem, et honestatem communitatis humanae" (*ibid.*, III, 13, 3).

¹⁷ "Hinc etiam dixit divus Thom. 1, 2, q. 99, a. 3: *Lex divina principaliter instituitur ad ordinandum homines ad Deum: lex autem humana principaliter ad ordinandum homines ad invicem: et ideo leges humanae non curaverunt aliquod instituire de cultu divino, nisi in ordine ad bonum commune hominum*" (*ibid.*, III, 11, 6).

worship.¹⁸ But, on the other hand, he denies that this religious authority would transcend the State; on the contrary, it would be subordinated to the end of the State, and in practise would be exercised by the State. In fact, in the present dispensation, this is what was done among those nations which worshipped the true God independently of divine revelation.¹⁹ For this natural religious authority of which he speaks is, as he again makes plain in the *Defensio fidei*, temporal in its nature, and is concerned with ordering men, even in their religious activity, to the welfare of the community, rather than with ordering them to God.²⁰

¹⁸ "Circa legem ergo naturae recolendum est quod saepe dixi, spectari posse vel in ordine ad puram naturam, seu ad rationem naturalem nude sumptam, vel prout illuminatam lumine fidei. Priori modo intelligi potest in humano genere vestigium quoddam hujus potestatis, non quidem supernaturalis, ut per se notum est, quia natura ex se nihil supernaturale habet, sed naturalis cum quadam proportione ad hanc potestatem spirituale. Quod ita declaro, quia natura hominis per se requirit veram Dei cognitionem intra ordinem naturae, ut in eodem ordine suam perfectionem, et beatitudinem naturalem obtinere possit, cui cognitioni accedere debet cultus Deo debitus. . . . Ergo respublica humana etiam in pura natura spectata indigeret unione, et conformitate in hujusmodi cognitione, et cultu veri Dei; ergo indigeret etiam potestate, quae illam gubernaret in ordine ad hunc finem, et praescriberet sacrificia, caeremonias, et alias circumstantias necessarias ad verum Dei cultum: ergo haec potestas ex ipsa ratione naturali convenit hominibus, non minus quam potestas politica" (*ibid.*, IV, 2, 3).

¹⁹ "Rationem vero attigit D. Thom. 1. 2, quaest. 99, art. 3, dicens, semper humanam rempublicam utentem sola potestate naturali habuisse curam divini cultus, et rerum omnium ad religionem pertinentium, in ordine ad communem pacem, et politicam gubernationem, et quia hic est finis regiae potestatis, ideo caetera omnia ei subordinata fuisse. Ubi Cajetan. significat hoc non solum habuisse locum in his gentibus, quae falsos deos colebant, de quibus mirum non est quod cultum Dei ordinarent ad commodum humanum, sed etiam in colentibus verum Deum solo lumine naturali: *Quia illud* (inquit) *non est intrinsece malum, quia non Deus ipse, sed cultus Dei ordinatur ad pacem et unionem hominum inter se, quod non est malum, etiamsi non sit perfectum.* Unde, quia homo in pura natura vel absolute non potest, vel difficile potest diligere et colere Deum perfecte propter seipsum, ideo potestas haec in pura natura considerata semper haberet illam imperfectionem adjunctam; propterea in supremo magistratu non esset separata a civili, moraliter, seu regulariter loquendo" (*ibid.*, IV, 2, 4).

²⁰ "Quia talis potestas [jurisdictionis spiritualis] neque a Deo specialiter data est in illo statu [legis naturae], ut per se notum est, nec ex jure naturali potest hominibus convenire, quia potestas gubernativa humana non transcendit ordinem humanum, et principaliter instituitur ad ordinandum homines ad invicem, ita ut, licet curam etiam habere possit divini cultus, semper in modo ac determinatione illius respiciat commune bonum reipublicae. . . . Quapropter non recte fit comparatio inter legem naturae et gratiae, quia in lege naturae omnis potestas gubernativa sub temporali sufficienter comprehendatur, nam illa eadem posset disponere de iis quae pertinent ad cultum Dei, prout expediret communi bono humanae reipublicae; secus vero est in lege gratiae, quae est lex divina, quae principaliter ordinat homines ad Deum, et bonum ipsius reipublicae refert ad amicitiam hominum cum Deo" (*Defensio fidei catholicae adversus anglicanae sectae errores, Opera omnia*, t. XXIV, ed. Berton [Paris: Vivès, 1859], lib. III, 9, 4).

It would seem, then, that while the State, as Suarez conceives it, should by no means be indifferent to religion, nevertheless natural law does not impose on it a subordination to a religious end, not even indirectly. Suarez, of course, was a leading exponent of the "indirect" subordination of the State to man's supernatural end, and consequently to the authority of the Church.²¹ Hence he obviously did not believe that natural law prohibited such a subordination; but he did say that natural law did not impose it.²²

The title or ground of the subordination of the State to the Church in Suarez' doctrine must therefore be sought for outside the nature and end of the State as such. That is to say, one cannot derive from Suarez an argument that runs thus: "The State as such, in any order, is subordinated by nature to a religious end; but in the present order, *the* religious end is supernatural; therefore, the State is, by the so-called hypothetical natural law, subordinated to man's supernatural end, and so to the authority of the Church." Suarez would admit, indeed would vehemently affirm, the subordination, but not as an exigency of the nature of the State.

The title of subordination is rather baptism, which subjects both common men and princes to the jurisdiction of the Church. The unbaptized prince is not subject to the spiritual jurisdiction of the Church, and therefore neither is his temporal power. But once the prince is baptized, he is to regulate his actions, both in his personal life and in the use of his public temporal power, with a view of attaining his spiritual and supernatural end. This means that his use of his temporal power comes under the jurisdiction of the Church and must be guided by the Church, to the extent necessary to ensure the attainment of the ruler's supernatural end.²³ For the prince must act rightly not only as a man, but also as a ruler, if he is to

²¹ Cf. *ibid.*, III, 5, 2, for an explanation of direct and indirect subordination.

²² "Quocirca jus naturale in hac parte, sicut est fons et origo principatus civilis, et supremæ potestatis ejus, ita etiam dici potest directe tollere seu prohibere subjectionem ad similem potestatem ejusdem ordinis; respectu vero subjectionis indirectæ ad potestatem alterius ordinis, et spirituales, quasi negative se habet; quia principem civilem in temporalibus supremum nemini quidem subjicit in eisdem temporalibus, etiam indirecte, non tamen repugnat quominus per jus superioris ordinis subjiciatur" (*ibid.*, III, 30, 2).

²³ "Rex non baptizatus non est subjectus directe spirituali potestati Ecclesiæ, et ideo mirum non est quod potestas ejus temporalis non subordinetur spirituali jurisdictioni, neque ab illa pendeat etiam indirecte, quoad vim directivam aut coactivam. Rex autem baptizatus est directe subditus spirituali potestati, ut vidimus, et ideo consequenter etiam potestas ejus temporalis subordinata manet spirituali potestati, saltem indirecte, in ordine ad illius finem. Quocirca potestas temporalis in utroque rege eadem quidem est, vel æqualis, neque in rege Christiano proprie et intrinsece minuitur (ut sic dicam), sed solum ratione subjecti novam incipit habere regulam, vel proximam et internam, quæ est fides et prudentia infusa, vel externam, quæ est spiritualis pastor, et lex seu potestas ejus, quatenus ad spirituales finem ordinatur" (*ibid.*, III, 30, 4).

please God and save his soul. Now it is the function of the Church, or more precisely, of the hierarchy, and in particular of the Pope, to direct Christians on the path to salvation, imposing on them such commands and inflicting such penalties as are required for this purpose.²⁴ Hence there arises the direct subordination of the prince to the jurisdiction of the Church in matters spiritual, from which there follows what Suarez calls his indirect subordination in matters temporal.

From this starting point he goes on to give the Church a power over civil authority which, while called indirect, is as extensive as the most ardent curialist could wish. The Church, according to Suarez, can exempt clerics from civil jurisdiction without the consent of the civil authority,²⁵ oblige civil rulers to use their temporal power for spiritual ends,²⁶ abrogate civil laws,²⁷ intervene in civil causes,²⁸ inflict coercive penalties, both spiritual and temporal, on kings and princes,²⁹ depose kings,³⁰ and even use force against infidel rulers to oblige them to respect the consciences of their Christian subjects.³¹ All this is to be done, of course, only when and insofar as the good of the Church demands it,³² but the net effect seems to be to make the civil power an instrument of the Church in the prosecution of her spiritual end.

The precise significance of this argument can be appreciated only if Suarez' thought is understood in its context. He was not so much concerned to show that the State should be subordinated to the Church, as he was to prove that Christian kings were under the jurisdiction of the Pope. The *Defensio fidei* is explicitly a polemic against King James I and the royal claim to spiritual supremacy within the realms of Great Britain. Even in *De legibus*, Suarez treats of Church-State relations mainly as the relations between the Christian prince and the hierarchy. Furthermore, while he stated quite clearly in *De legibus* the concept of the State as a natural society distinct from the Church, he frequently thinks in terms of the medieval concept of the one society, "the Church," within which there

²⁴ "Papa non solum est pastor regis ut hominis, sed etiam ut regis, quia in utroque munere se recte gerere debet, ut salvari possit, et Deo placere; ergo potest Pontifex curare, et illi praecipere ut regis obligationem in hac parte adimpleat" (*ibid.*, III, 22, 7).

²⁵ *Ibid.*, IV, 11, 8.

²⁶ *Ibid.*, III, 22, 1 and 2.

²⁷ *Ibid.*, III, 22, 10-12.

²⁸ *Ibid.*, III, 22, 14.

²⁹ *Ibid.*, III, 23, 2.

³⁰ *Ibid.*, III, 23, 21.

³¹ *Ibid.*, IV, 11, 16.

³² "Etiam extenditur spiritualis potestas ad temporalia, etiam si nulla interveniat culpa ex parte principis temporalis, sed causa sufficiens ex parte materiae, qualis est connexio, vel conjunctio sufficiens rei materialis cum spirituali, vel talis habitudo ad spiritualem finem, ut ratione illius expediat, per spiritualem potestatem dirigi et ordinari" (*ibid.*, IV, 11, 14).

are two jurisdictions, temporal and spiritual. With this concept in his mind, he argues that the unity and good order of "the Church" demand a proper hierarchization of the two jurisdictions which exist within it. That can only mean that the temporal must be subordinate to the spiritual jurisdiction; kings must be subordinate to the Pope.³³

The argument, therefore, is not from the baptism of the prince considered *in abstracto*. It is rather from baptism as incorporating him into the one all-comprehensive society, "the Church." Once in "the Church" in this sense, the prince is subject to the spiritual power which rules it. Not only is he subject as an individual, but also as a public person and in the exercise of his temporal power, where it has a bearing on the spiritual order. This is taken to mean that the civil power as such is subject to the jurisdiction of the spiritual power. When the person of the king is baptized, so too is the royal power.

It must be remembered that Suarez wrote in an age when a king could truly say: *L'Etat, c'est moi*. A sixteenth-century king did not merely exercise civil power; in a sense, he embodied it. Hence there was an understandable tendency to confuse the person of the prince with the power he possessed, and to make the prince's duties toward religion the duties of civil society as such. Suarez' natural-law philosophy of the State was sound and contained the elements of a theory which would explain Church-State relations as the relations between two societies or institutions. But because of the political structure existing in his age he tended to think of the duties of civil society toward the Church as the duties of a person, and not as the obligations inherent in a dynamic order among men on the natural and secular level. This point is of considerable importance, because an institution can be ordered to a merely natural and temporal end, but a person cannot.

The view that the baptism of the prince, or for that matter, of all or most of a State's citizens, makes the civil power an instrument to be used by the Church for her own ends and at her own discretion, is thus open to some question. The question, however, is beyond the scope of this paper. What

³³ "Utraque potestas temporalis et spiritualis, prout in Ecclesia existunt, ita conferri et possideri debuerunt, ut communi bono, et saluti christiani populi proficiant, ergo necessarium est ut hae potestates aliquem ordinem inter se observent, alias non posset pax et unitas in Ecclesia servari, nam saepe temporalia commoda repugnant spiritualibus, et ideo vel erit bellum justum inter utramque potestatem vel necesse est, alteram alteri cedere, ut omnia recte ordinentur. Ergo vel potestas spiritualis erit sub temporali, vel e contrario. Primum nec dici nec cogitari potest secundum rectam rationem, quia temporalia omnia ordinari debent ad spirituale finem; ergo dicendum e contrario est, potestatem temporalem subjectam esse spirituali, ut a fine suo non deflectat. Nam ita subordinantur potestates sicut et fines" (*loc. cit.*).

it was desired to establish here is that the subordination of the State to the Church is, in Suarez' doctrine, an extrinsic relation, contingent upon the fact of baptism and incorporation into "the Church," the "one society." It is not a relation flowing from the nature of the State as such. In other words, for Suarez, the State is by nature secular and not ordered to a religious end. The texts quoted in the footnotes are, it is believed, sufficient to establish this point. It is a preliminary point, but a point of some importance in a discussion of Church-State relations.

Woodstock College

FRANCIS P. CANAVAN, S.J.