

This translation of book 6, On the Oath of Fidelity, of Francisco Suarez *Defense of the Catholic and Apostolic Faith against the Errors of Anglicanism [Defensio Fidei Catholicae et Apostolicae contra Errores Anglicanae Sectae]* is complete, and herewith, Deo gratias, are complete all the work's six books.

Latin text from the 1872 reprint, Naples, with some supplementation from the original 1613 text, reprinted in *Defensa de la Fe Catolica y Apostolica contra los Errores del Anglicanismo*, Instituto de Estudios Politicos, Madrid 1971, with a Spanish translation by Jose Ramon Eguillor Muniozguren, SJ.

The Naples reprint is accessible from Google Books:

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The volume of the Vives edition of the *Opera omnia* containing the text, vol.24, is accessible at:

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Sydney Penner of Merton College, Oxford, maintains a website with online resources for Suarez and his writings: <http://www.sydneypenner.ca/suarez.html>

Peter L P Simpson. March 2012.
Ad maiorem Dei gloriam.

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BOOK 6: ON THE OATH OF FIDELITY OF THE KING OF ENGLAND.

Preface: Wherein the foundation and origin of the controversy is declared.

Although this book is allotted final place in this work, since so it is required both by the connection of the things themselves and by the clarity and order of doctrine that the King of England held to in his own, nevertheless its matter and argument provide the foundation and occasion for this whole controversy, as the king himself at the beginning of his *Preface* fully makes clear. Wherefore, so that the target of the disputation may be held before the eyes, I have thought it necessary to put the beginning and origin of this sort of oath, and its progress up to the present state, before the eyes. In the first place, however, I take as supposition what neither Catholics nor schismatics bring into doubt, that an oath of fidelity due to a temporal king and presented in fitting form is in itself honorable and conformable to reason, such that a king may licitly exact it from his vassals, and such that they may be able, nay and should, piously offer it when it is by fitting way and reason required, and afterwards should be bound to observe it and fulfill it. For since the subjects of each king are, on the witness of Paul, bound to obey and keep fidelity to him, and hearken unto him in all that has regard to kingly power, as was shown in book 3, it is *per se* manifest that an oath about keeping this obedience and fidelity (which we call an oath of fidelity) is *per se* and by its object honorable; and thereupon it both can be demanded by a king for his greater security and stability, and should then be furnished and kept by his subjects. Hence too is, by the by, left clear that the form of this oath, so that it may be honorable, should be such that it not exceed the limits of royal power, because neither can a king justly exact promise of an obedience not due to him,

nor are his subjects bound to do it or to swear it. Nay, if such promise is prejudicial to the rights of others, they cannot in conscience do it, as we will say more fully in what follows.

Now this oath of fidelity, although it is *per se* honorable, is not reckoned to be so necessary that it be exacted from individual vassals and persons of all orders in all kingdoms. Nay, rather, in republics well established and living in quiet and peace, and especially in Catholic kingdoms, it is accepted by usage that overseers and other princes, as magistrates, in the public assemblies of cities should, in the name of the whole kingdom, supply to the prince, either as soon as he receives the power of the kingdom, or even afterwards at prescribed times according to the custom of each kingdom, this oath of obedience and fidelity. Now it is not wont to be demanded of the people, not because it could not be done, but because the princes themselves, reigning in peace and tranquility and confiding in the fidelity of their subjects, judge it neither necessary, nor opportune, nor convenient. But in the kingdom of England, from the time when schisms and heresies began to be sown in it, even the custom of demanding from subjects a special oath began to be introduced. Hence, just as Henry VIII was author of the schism, so did he first himself begin to propose to his subjects a new form of oath, whereby he demanded that, not only civil obedience, but also the obedience that is due to the Roman Pontiff alone be promised to him.

FIRST OATH PROPOSED TO THE ENGLISH

Sander reports in bk.1 *De Schismate Anglicano* near the middle that King Henry,

almost at the beginning of his schism, asked from all the orders of his kingdom in the public assemblies that there be exacted from all ecclesiastics an oath whereby they would promise to him the same obedience that they had before been accustomed to promise to the Roman Pontiff; which, although it was at the beginning allowed, not simply, but with a certain limitation, as I will say below, yet the king, by this reason, ultimately obtained what he was seeking. Now Sander does not report that a special form for giving this oath was decreed by Henry, but that he simply applied to himself the form in use for swearing obedience to the Pope, namely that it was to be promised with the same tenor of words and confirmed with an oath. Nor yet does he report that everyone from the people was compelled to give the oath, but only ecclesiastical persons, nor all of them, but those that had a vote in the assemblies, as far as can from that history be collected. Nor do I even find that at the time of Edward any similar oath was again proposed or demanded of the people or ecclesiastics. But Elizabeth immediately at the beginning of her reign, or in her first assemblies, which they call Parliament, delivered a new form of oath, and commanded all, lay primates excepted, solemnly to profess it; now the form of the oath is the following, as Sander reports it bk.3 at the beginning of the reign of Elizabeth:

FORM OF OATH FIRST PROPOSED BY ELIZABETH TO HER SUBJECTS AND
UNDER JAMES AFTERWARDS EXPANDED

I, A.B., do altogether testify and declare in my conscience that the Queen is the sole supreme governess both of this kingdom of England and of all the other dominions and regions of Her Majesty, no less in all spiritual and ecclesiastical things or causes

than in temporal, and that no external prince, person, prelate, State, or potentate, either in fact or in right, has any ecclesiastical or spiritual jurisdiction, power, superiority, preeminence, or authority in this kingdom. And so I completely renounce and repudiate all external jurisdictions, powers, superiorities, and authorities.

Now rightly does Sander note that the woman was afraid or ashamed of usurping the name of head of the Church that Henry had arrogated to himself, and therefore she changed the name into that of supreme governess. In fact, however, there was, he says, no difference save in name only, for what the king had said with a metaphorical name, Elizabeth said with a more proper one. Nay, afterwards many suspected that the queen intended something more by that formula of oath, namely to arrogate all spiritual power to herself, even in the administering of the sacraments; but she declared that she wished to attribute in those words nothing other to herself than what had by the Orders been conceded to her father and brother under the name of head of the Church.

This form of oath, then, was kept in the time of Elizabeth, but afterwards James expanded it by adding a special promise of keeping faith and obedience to the king, because of which it could now be called an oath of fidelity; for before it seemed to be a sort of sworn confession or profession of primacy, as of a certain article of the Anglican faith. The form, then, of the first oath presented by King James, which he himself reports in his *Apology*, besides the formula above, adds only the following promise:

I, A.B., do etc. and I promise that hereafter I will give faith and true obedience to His Royal Majesty and to his legitimate heirs and successors, and that I will, with all my strength, assist and fight for all the jurisdictions, privileges, preeminences, and authorities conceded or due to His Royal Majesty and his heirs and successors, or united

and annexed to the imperial crown of this kingdom. So help me God, etc.

Afterwards, however, as at the beginning of his *Preface* and at the beginning of his *Apology* and often in his book, the king stresses that, on the occasion of a treason or plot that was aimed, through an attack of gunpowder, at him and the public orders of his kingdom gathered together into one, he himself contrived a new form of oath, which he ratified by public law and decree, that was to be demanded of and given by all who were his, both so that any associates of that crime still left over might be apprehended, and so that he might render himself and his more secure from the like dangers and machinations. Now the form of the oath is as follows:

THIRD FORM OF OATH, WHICH WAS BY KING JAMES THOUGHT OUT AND DEFENDED

I, A.B., do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, that our supreme Lord, King James, is the supreme and true king of this kingdom and of all other dominions and lands of His Majesty, and that the Pope, neither by himself nor by any other authority of the Church or of the Roman See, or by any means in company with certain others, has any power or authority to depose the King, or to make disposition of any of the dominions or kingdoms of His Majesty, or to concede to any external prince authority to injure him, or to invade his lands, or to discharge any of his subjects from their obedience and subjection to His Majesty, or to give any of them license to bear arms against him, to sow discord, or to cause any violence or loss to the person, the State, or the governance of His Majesty, or

to any of his subjects within his dominions.

Again I swear from my heart that, notwithstanding any declaration or sentence of excommunication or privation, whether done or conceded, or to be done or conceded, by the Pope, or his successors, or by any authority derived, or claimed to be derived, from him or from his See, against the said king, his heirs, or notwithstanding any absolution of the said subjects from their obedience, I will nevertheless give faith and true obedience to His Majesty and to his heirs and successors, and I will defend him and them with all my strength against all plots or attempts whatever that against his person or theirs, and against his and their crown and dignity, will by reason or color of any sentence or declaration or in any other way have been committed, and I will expend all my effort to reveal and make manifest to both His Majesty and to his heirs and successors all treasons and treacherous plots that against him or any of them may come to my notice or hearing.

In addition I swear that I do from my heart abhor, detest, and abjure, as impious and heretical, this doctrine and proposition, that princes excommunicated or deprived by the Pope can either be deposed and killed by their subjects or by anyone else whatever.

And further I believe, and in my conscience am resolved, that neither the Pope nor anyone else whatever has power to absolve me from this oath or from any part of it. Which oath I acknowledge has been with right and full authority legitimately administered to me, and I renounce all indulgences and dispensations to the contrary. And all these things I completely and sincerely acknowledge and swear according to the express words here by me pronounced, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion or

secret reservation whatever. And this recognition and acknowledgement I make from my heart and my will and truly, in the true faith of a Christian man. So help me God.

Now, on the occasion of this oath, not only doubts, but various opinions too and dissensions rose up among the Catholics themselves of England. For many shrank from giving such an oath for the reason that, in the formula for swearing it, the obedience due to the Pope, although not expressly, is directly and implicitly denied and is promised to the king, and thereupon is virtually contained and recognized therein the article about the primacy of the king. But others said that they could without scruple of conscience give that oath, provided it was done with the mind and intention of promising only civil obedience to the king, for the other things, since they were not contained in the oath, cannot, if the intention of the swearer is correct, be attributed to the swearer; because, although others perhaps might suspect something, that is only from ignorance which, by an admonition and protestation made beforehand in the presence of Catholics, can be sufficiently removed, and thus all scandal avoided. Now with this taken out of the way, there seemed to them to be no internal malice in the oath. But since, deceived by these colors and induced, perhaps, by a certain human fear, some even of the first Catholics and ecclesiastics, not only descended into this opinion, but even took the lead in giving the oath, it was necessary, in a matter so grave and exposed to dangers, for the Supreme Pontiff to apply, by his own pastoral care, a suitable remedy. Wherefore Our Most Holy Lord, Paul V, admonished the Catholics of England, in letters given to them in the form of a Brief, what in so difficult a thing they should think and observe. The form of these letters is of such sort:

FIRST PONTIFICAL BRIEF

“Beloved sons, greetings and Apostolic benediction. With great sadness of heart have the tribulations and calamities always affected us that you undergo daily for holding the Catholic faith. But when we understand that everything is in this time more exacerbated, our affliction has been in extraordinary manner increased. For we have received that you are compelled, under proposal of most grave penalties, to enter the temples of heretics, to frequent their meetings, to be present at their public sermons. Assuredly we without doubt believe that those who have hitherto, with so much constancy, undergone the most atrocious persecutions, well-nigh complete miseries, in order that they might walk faultless in the law of the Lord, will never bring it about that they should be polluted by communion with those who have deserted the divine law. Nevertheless, impelled by the zeal of our pastoral office, and with the paternal solicitude whereby we labor unceasingly for the salvation of your souls, we are compelled to warn and to implore you that under no condition should you go to the temples of heretics, or hear their public sermons, or communicate with them in their rites, lest you incur the wrath of God. For it is not licit for you to do these things without detriment to the divine cult and to your own salvation. Just as also you cannot, without the most evident and most grave injury to the divine honor, bind yourselves with an oath, which we have in like manner with grief of our heart heard has been proposed to you to be given, having the tenor hereunder written, namely: *I, A.B., do truly and sincerely etc.* as above.

Which things being so, it should to you be clear from the very words that this sort of oath cannot, with preservation of the Catholic faith and the salvation of your souls, be

given, since it contains many things that are openly contrary to faith and salvation.

Wherefore we admonish you that you should altogether guard yourselves from giving this and similar oaths; which indeed we more keenly demand of you because, having experienced the constancy of your faith, which has, as gold in the furnace, been tested by the fire of continual tribulation, we hold as a thing proved that you will with eager heart undergo any the most atrocious torments, and will with constancy meet in the end death itself, rather than injure in any respect the Majesty of God. Our confidence is also confirmed by that which is daily brought to us about your exceptional virtue and fortitude, which not otherwise than in the first beginnings of the Church shines in your martyrs in these now most recent times.

Stand therefore, having your loins girt about with truth, and having on the breastplate of righteousness, taking the shield of faith; be strong in the Lord and in the power of his might [*Ephesians* 6.14, 16, 10], nor let anything hold you back. But he himself, who will crown you, who beholds in heaven your combats, will perfect the good work that he has begun in you [*Philippians* 1.6]. You know that he promised his disciples that he would not leave them orphans [*John* 14.18]. For he is faithful that promised [*Hebrews* 10.23]. Hold therefore his discipline, that is, rooted and grounded in love [*Ephesians* 3.17]; whatever you try, do it with one mind in singleness of heart [*Colossians* 3.22] and in the unity of the spirit [*Ephesians* 4.3] without murmuring or hesitation [*Philippians* 2.14]. Since indeed by this shall all men know that we are the disciples of Christ, if we have love one to another [*John* 13.35]. Which love, indeed, although it is most to be desired by all Christ's faithful, certainly for you, most dear sons, is altogether necessary. For with this your love the power of the devil, who now so

greatly rises up against you, is broken, since it rests chiefly for support on the contentions and quarrels of our sons.

We exhort you, therefore, by the bowels of Our Lord Jesus Christ, by whose love we have been snatched from the jaws of eternal death, that before all you have mutual love among yourselves. Truly were most useful precepts about exercising in turn fraternal love prescribed to you by Pope Clement VIII, of happy memory, in his letters in the form of a Brief to his beloved son Master George, Archpriest of the kingdom of England, dated the fifth day of the month of October 1603. These then diligently follow, and, lest you be held back by any difficulty or ambiguity, we instruct you to keep with exactness the words of these letters, and to receive and understand them simply as they read and lie, all opportunity taken away of interpreting them otherwise. Meanwhile we will never cease to pray God the Father of mercies that he mercifully have regard to your afflictions and labors, and guard and protect always, with his unceasing protection, you whom we endow mercifully with our apostolic benediction. Given at Rome in Saint Mark, under the signet ring of the fisherman, the tenth of the calends of October, 1606, in the second year of our Pontificate.”

Because, however, some at that time, perhaps to deceive Catholics so that they might by that occasion not refuse the oath, spread about in England rumors whereby to render suspect the faith of those letters, saying that the Brief was not true, nor was written by the Pontiff, but was fabricated by someone else, therefore did the Supreme Pontiff write a second Brief, so that the truth of the first might be made more certain, whose tenor is as follows:

SECOND PONTIFICAL BRIEF

“Beloved sons, greetings and Apostolic benediction. It has been reported to us that there are found some among you who, although we by our letters, given in the form of a Brief last year on the tenth of the calends of October, made sufficiently clear that you could not with a safe conscience give the oath which was then being required of you, and although in addition we strictly prescribed that you should in no way give it, are now daring to say that letters of this sort about prohibiting the oath were not written from the opinion of our mind and by our own will, but rather by the consideration and industry of others. And for that cause do the same strive to persuade you that our mandates in the said letters are not to be listened to. Truly has this message perturbed us, and the more so because, having knowledge of your obedience (our sons uniquely beloved), who, that you might obey this Holy See, have piously and generously taken no account of wealth, resources, dignity, liberty, finally life itself, we never suspected that among you could the faith be called into doubt of our apostolic letters, so that, under this pretext, you might exempt yourselves from our mandates. But we know the cunning and the deceit of the enemy of human salvation, and to him rather than to your will do we attribute this resistance. For which reason we have decided again to write to you and once more to signify to you that our apostolic letters of the past year, given on the tenth of the calends of October, about prohibition of the oath, were written, not only on our own initiative and from our sure knowledge, but also after employment of grave and long deliberation about all the things that are in them contained; and to signify that you are on that account bound altogether to observe them, rejecting any interpretation that persuades otherwise. Now

this is our simple, pure, and complete will, we who, solicitous for your salvation, think always those things that are more expedient for you. And that our thoughts and counsels might be enlightened by him, who has set our humility over guarding the Christian flock, we do unceasingly pray; whom also we daily beg that he might increase in you our sons, most greatly beloved, faith, constancy, and mutual charity and peace among yourselves. On whom all do we, with all affection of charity, most fondly bestow our blessing. Given at Rome in Saint Mark, under the signet ring of the fisherman, the tenth of the calends of October, 1607, in the third year of our Pontificate.”

Stirred up by these pontifical letters, and by the epistle from the most illustrious Cardinal Bellarmine, written to the Archpriest of England, the King of England, against each Brief and the epistle, and in defense of this last oath, wrote a little book, or had it written, keeping his own name secret. In which he chiefly tries to show that nothing other by that oath is exacted of his subjects than civil obedience and fidelity; and therefore does he vehemently complain that his subjects are being deterred from giving him civil obedience. For thus does the king himself at the beginning of his *Preface*, p.13, affirm, and in another place of his *Apology* he speaks thus: “As to what concerns the next head of the letter, wherein he forbids all pontificalists to enter our churches or to frequent our rites and ceremonies, I do not now have a mind to touch upon these things; since indeed that part alone now of the business presses, that I should to the world speak out the injuries and injustices of the Pontiff who forbids my subjects to profess their obedience toward me.” And in another place, with great weight and exaggeration of words, he thus affirms: “For I, as far as my mind can follow, do not believe the heaven is further distant from the earth than the profession of civil obedience to the civil king is different from all

the things that are in any way at all annexed to the Catholic faith or the primacy of St. Peter.”

Now these and many like things, which are in the *Apology* contained, were not left by Cardinal Bellarmine without sufficient response and attack. For as soon as the *Apology* came into his hands, he wrote an antidote for it, although keeping his name covered; wherein he proved that oath to be, not one of fidelity, but of infidelity, and not profession of only civil obedience to the king, but also of denial of pontifical power. The king, holding as it were that response in contempt, has in this second edition of his *Apology* judged that nothing should be thereto added. But almost at the beginning of his *Preface*, after he has inveighed bitterly against the author of that response and has very gravely complained of the injuries, reproaches, and other defects in its mode of writing, he finally concludes that the author “never directly responded to that on which the hinge of the cause turns.” By this occasion, indeed, he again there declares that there were two heads only which in his *Apology* he discussed: “First, to prove that in the oath of fidelity there is nothing contained other than the merely civil and secular obedience due to supreme princes from their subjects. Second, to show that this power over kings unjustly usurped by the Pontiffs is in conflict with the Scriptures, the Councils, and the Fathers.” Now, of these two heads, the latter has been extensively treated of by us in books 3 and 4, where we responded with sufficient directness to all the things that the king in that part of his *Apology* or his *Preface* adduced; but the other, which we judge to be briefer and clearer, we also briefly will pursue in this book. But lest he object to us also that we have strayed from the target, we will again a little more fully and distinctly put it forward.

Chapter 1: What is the target of the present controversy, and the state of the cause, and what method of disputation must be observed in it.

Summary: 1. Various kinds of oath of fidelity. 2. Catholic dogma is that an oath of fidelity in respect of civil obedience is licit. 3. Several Councils have taught the same dogma. 4. From the Council of Aachen the difference of ecclesiastical primacy from lay is proved. The opinion of Constantine about the jurisdiction of bishops. 5. Never formerly was it heard that a lay prince has spiritual jurisdiction. Rochester's retraction in respect of the offered oath. 6. State and division of the controversy.

1. So as to put before our eyes the proper target of this disputation and the state of the controversy, various kinds of oath that can be exacted by a temporal king, and that are collected from what has been said, need to be distinguished. One can be said to be civil oath, because it is of only civil obedience in things merely temporal and truly pertaining to the power of a king. Another is sacred or ecclesiastical oath, that is, of only ecclesiastical or spiritual obedience to be given to a temporal king as to one having supreme ecclesiastical or spiritual power. By which oath the power of the Pontiff and the obedience due to him are as a result abjured. A third can be said to be a clearly and straightforwardly mixed oath, because by it profession is expressly made of both powers in a temporal king and obedience in both is promised to him, and consequently both are also foresworn to the Pontiff. A fourth can be said to be an extenuated mixed one, because by it civil obedience is expressly sworn; but covertly and under less clear words the obedience due to the Pontiff is denied and attributed to the king.

2. About the first kind of oath, as I said, there is no controversy between the

Pontiff and the King of England. For however much the king complains that injury and injustice are done to him by the Pontiff in prohibiting his subjects not to promise to him and keep civil obedience, in truth it is not so, as Bellarmine rightly noted in his response to the royal *Preface* ch.2, and in the *Apology*, by responding to the objections against the first Brief of the Pontiff § ‘Pergit deinde auctor etc.’ Because in neither Pontifical Brief is rejection of such an oath found, nor can the king allege any Catholic author who has judged this kind of oath not to be in agreement with the Catholic faith. Wherefore without cause does the king labor in his *Apology*, p.25 and following, to prove from the Scriptures, Councils, and the Fathers that either civil obedience is in conscience due to kings or the oath whereby it is promised is licit; for that this is not only true but even a Catholic dogma is confessed by us all. But this and nothing else is proved by the testimonies alleged by the king, as we expressly showed in book 3 by running through them one by one. And certainly the testimonies of the Fathers, which he himself adduces, do eloquently so speak; for either they distinguish each obedience, or they speak with moderation and limitation. For Augustine, when he had said that Christian soldiers obeyed Julian, although he was an apostate and an infidel, at once adjoined: “When it came to the cause of Christ, they acknowledged only him who was in heaven.” But Tertullian, when saying, “We honor the emperor,” at once adds, “in this way, as it is both licit for us and expedient for him.” And there are like things in Gratian in *Decret.* 11 q.1 just before the end.

3. Nor is less superfluous what in his *Apology*, at the beginning of his response to the letter of Bellarmine, the king brings together from the 4th, 5th, 6th, and 10th Councils of Toledo to prove that an oath of fidelity made to a king by all his subjects is to kept. For

those Councils deal with a pure, licit, and honorable oath of fidelity, which was made even then in Spain to its kings and is also made now and is very faithfully kept. For it did not come into the mind of the Fathers of those Councils that there could in the Catholic Church be another sort of oath, whereby ecclesiastical obedience is promised to a temporal prince, or any spiritual power recognized in him or abjured in the Pontiff. Hence in the 10th Council of Toledo ch.2 it is expressly said: “If any of the religious, from a bishop down to a cleric of the last order or a monk, be found to have by profane will violated general oaths given for the safety of the king and of the nation or fatherland, let him be thereupon deprived of his proper dignity and excluded from place and honor.” Which words make it sufficiently clear that the discussion is about general oaths that are wont to be offered to the king in any human republic for its conservation, and for civil obedience, and for the safety of his own life and possessions. And in like manner are the other Councils clearly speaking of an oath that was accustomed to be made, not only between the faithful, but also among any Gentiles whatever. Hence the 4th Council of Toledo ch.25 thus speaks: “A sacrilege indeed it is if faith promised by nations to their kings is violated, because transgression of the pact is done, not only against them, but also against God, in whose name the promise itself was offered.” And in the same way do the others speak. Therefore they are dealing with a common pact between a king and his kingdom confirmed by an oath of fidelity, which is a purely civil and political oath, about which there is no controversy. Hence those Councils seem to have been adduced more for show and appearance than for proving the cause. Nor to the target of the cause is more pertinent canon 12 of the Council of Aachen under Louis and Gregory IV in article 2, or a member of it, where those are in general condemned who rise up against a king and fail

to keep with him their oath of fidelity. For that Council too speaks of a pure civil oath, both because no other was at that time heard of in the Church to be made to kings, and also because the Council premises as foundation: “It is clear that whoever resists a power given by God resists, according to the Apostolic teaching, the ordinance of God;” but the power of a king is only civil; of a like oath then is the Council speaking.

4. But if the King of England puts faith in that very grave Council, as is appropriate, I request first from him that he attentively consider the foundation laid down, for immediately at the beginning the Fathers thus speak: “It has seemed first that the norm of universal religion and of ecclesiastical discipline consists in two persons, namely the pontifical and the imperial.” Which foundation it confirms first with the authority of Gelasius, who puts the authority of the Pope before the power of kings, next on the authority of Fulgentius, who says: “As much as pertains to the life of this age, there is found in the Church no one superior to the Pontiff, and in the secular world no one superior to the Christian emperor.” And in part 3 of the same Council many things are handed on about the royal office and power, and in ch.5 of that part there is reported a saying of Constantine to the bishops: “God has given you power to pass judgment even on us, and therefore are we rightly judged by you, but you cannot by men be judged.” When, therefore, Councils decree that oaths of fidelity made to kings are to be kept, they do not confound civil obedience with ecclesiastical, but lay down that to each is to be given what belongs to each, to Caesar what is Caesar’s, to God what is God’s. And thus is there about the first oath of merely civil fidelity and obedience no controversy.

5. But about the second kind of oath, whereby a faithful vassal of a Christian king recognizes him as supreme head or governor of the Church in ecclesiastical and spiritual

things, and promises him obedience in the same spiritual things, there was formerly indeed no controversy in the Catholic Church, because never was such an oath heard of in it, because its matter was always judged sacrilegious and contrary to the doctrine of the faith. But from the times of Henry VIII that oath began to be introduced in the kingdom of England; and at the beginning that king himself did not dare to propose it in the assemblies of his kingdom, because it was a new thing and unheard of, and he knew that to Catholic men, and especially to ecclesiastics, it would be very bitter. And therefore he compelled Rochester, a man of great authority, to propose it and to persuade others of it by his own authority; now he, although he was not ignorant of the iniquity of the oath, induced at that time by fear or human reasonings, obeyed the king and proposed an oath to the rest of the bishops, not simply, but with a certain limitation added, namely, “as far as it was by the word of God permitted and licit for them.” But afterwards he very heavily repented this lapse sprung from human weakness, and publicly called to witness that he should not have allowed the oath with that exception, as if it were a thing doubtful, but should have laid bear the truth by the word of God, so that others might not be induced into the fraud. Therefore, from then on schismatics and the fearful began to approve and give the oath, but Catholics to detest and avoid it. And the same disagreement among Catholics and heretics continues until now, and will continue endlessly as long as those schismatics persist in their error, since for us it is certain that the Catholic faith condemns such an oath.

Yet, nevertheless, the question now at issue is not about this oath, for the King of England knew well that the Roman faith condemns that oath and that it must not be offered by his true and constant Catholic subjects; nay (as we will see below), for this

cause does he say that he has changed the formula of the oath so that his subjects may not be led, with great danger, into those difficulties. For although he himself and other English Protestants think, in their own private error, that the oath is licit, because they think the promise is about a thing licit and due, nevertheless they do not deny, nor can they deny, if they do but use their natural reason, that it is unjust to give such an oath against one's conscience, whether with a mind not to fulfill it or believing that such obedience is only to be given to the Supreme Pontiff. Wherefore there does not remain between us on this point a controversy about the oath, but about the matter of it, which controversy coincides with the one about primacy, which was treated of in book 3.

And, for the same reason, there is no question about the third oath, which comprehends openly each obedience, civil and ecclesiastical. For since good comes from a complete cause and evil from some defect, and since one part of the matter of such oath is perverse, it is manifest that the whole oath is unjust. For just as a conjunctive proposition, one part of which is false, is simply false, so that oath, since by it is promised conjunctively, so to say, both civil and ecclesiastical obedience to the king as to supreme head, is simply unjust and detestable. Next, one who believes that a temporal king is supreme in temporal and spiritual things, although he is not in error on the first part but only on the second, is a heretic simply, because one heresy suffices to make a heretic; in like way, therefore, that oath is profession of a certain heresy and thereupon is abominable. And the same ought to be no less evident and certain about the fourth form of oath, wherein a promise of civil obedience to be made to the king, and the abjuring of pontifical obedience, is proposed, not clearly, but covertly and tacitly; because in morals those two are equivalent, and it matters little to constancy of faith that Catholic truth is

denied openly or under some veil and pretense. Hence too on this point there is no principal controversy; but because it can, by the ignorant, be brought into doubt, we will below in an opportune place confirm the said truth.

6. The principal point, then, on which the king has established the controversy, is not about the right, so to say, but about the fact, that is, whether in the form of oath invented by the King of England there is exacted of subjects only civil obedience and in no way ecclesiastical obedience, neither expressly, nor tacitly, nor covertly, nor tenuously. And likewise, whether by that oath the primacy of the Pope is abjured and his supreme spiritual power denied, or whether profession is only made of supreme royal power in its order and rank, without profession of a spiritual power that it is usurping. For the King of England contends that in the oath is only contained a promise of purely civil obedience and profession of supreme royal temporal power. For thus does he say in his *Preface* p.12: “With very great study and very great concern I took care that nothing be in the oath contained beyond promise of that fidelity and temporal obedience which nature itself prescribes to all born in the kingdom.” And later he says he wrote the *Apology* wherein he undertook to prove “that nothing was contained in the oath except what has regard to such merely civil and temporal obedience as is to supreme princes due from subjects.” And he repeats the same in other places both of his *Preface* and of his *Apology*, some of which I have reported in the preceding preface. This, then, is what we must in the first place examine. And, to begin with indeed, we will discourse of the thing itself considered in itself and, by going through, as the king seems to demand, the individual parts of the formula of the oath, we will show how unjust and contrary to the faith the oath is. Afterwards we will indeed easily reply to the things objected against the

Pontifical Briefs.

Chapter 2: Whether in the first part of the formula of the oath anything beyond civil and contrary to ecclesiastical obedience is proposed to be sworn.

Summary: 1. Division of the formula of the oath into four parts. 2. In the first part of the oath of King James poison lies hidden. An evasion is excluded. 3. By the words of this oath the power of the Pontiff is abjured. 4. Chief reason. 5. Other errors that are contained in those words. 6. Another error. 7. The final oath contains virtually in itself the earlier ones.

1. The said formula of the oath is divided into four parts or paragraphs; the first is at its beginning, the second in the paragraph, "Again I swear," the third in the paragraph, "In addition I swear," and the fourth in the paragraph, "And further I believe;" these need to be broken up, and one must carefully consider whether in all or in some of them is found true the pronouncement of the king that nothing is contained in the oath except what has regard to civil and temporal obedience. Now, before I descend to the individual parts, I first give warning that it has by others been noted that the verb 'I swear' is not added on in the first and final sections, and so in them no oath is sworn, and thereupon as great a certitude required about the truth of the things is not so proposed in them that someone may not be able, without at least grave fault, to confess them, although he not believe them, as is necessary in the other two parts that are pronounced under oath. But this consideration is false and pernicious. For, first, it is beyond doubt true that even the things contained in the first and final part are proffered under oath. For in the first it is

said, “in my conscience before God,” which two remarks taken strictly are wont to be forms of swearing oaths; and although, individually taken, they be sometimes ambiguous, yet taken together conjointly they mutually aid each other and determine the signification to an undoubted form of swearing. And the certitude is increased from the solemnity of the oath, and from its matter, and because it is at once said in the second section, “Again I swear,” and from the other things that I will now state. For in the final section is placed the phrase “in my conscience,” and it is next simply supposed that this oath is so valid an oath as to all its parts that the Pontiff cannot absolve anyone from any of them. And what takes away all doubt is said later, “And all these things I completely and sincerely acknowledge and swear.” And at the end it is concluded, “in the true faith of a Christian man,” and, “so help me God.” Which last words are sufficient for swearing to everything that precedes, as is also contained in canon right, ch. ‘Ego N.’ *De Iureiurando*. But I add lastly that, since in the first part is said, “I acknowledge, profess,” and in the final part, “I believe,” and since the matter pertains to the dogmas of faith, even if an oath not intervene, it will in that matter be a very grave sin to confess or profess anything false, because it would be against the confession of faith which is necessary for salvation, as witnessed by Paul *Romans* 10.9.

2. Taking this as supposition, then, I note, first, at the very beginning of the oath, “I, A. B., do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, that our supreme Lord, King James, is the supreme and true king, etc.,” that although these words, purely proposed and understood, seem to contain expressly nothing other than profession of temporal lordship and kingship, yet in those words “our supreme Lord, King James” poison lies hidden. For,

according to the intention of the speaker, and from his other formula for swearing that oath, which has never been retracted and is sufficiently known from his public profession and writings, and according to the common and received sense in that kingdom, the phrase “supreme Lord” signifies that he is supreme simply, as well in spiritual things as in temporal; supreme positively, I say, in his kingdom, because he is above everyone, both lay and ecclesiastic, and in both temporal and spiritual things, and negatively in respect of the whole world or the Church, because he does not recognize therein any superior. Since, therefore, in the very form of the oath, everyone who swears is compelled to recognize the king in that way as supreme lord, he is tacitly compelled to confess the king’s primacy in Great Britain and Ireland, and his exemption from all superior power, and consequently he is tacitly compelled to abjure the supreme spiritual power of the Pontiff. Thus, therefore, in that single phrase “our supreme Lord” something beyond civil and temporal obedience is contained.

Someone will say, let it be that this was the intention of the king, which can certainly not be denied, he deliberately did not express it in the formula itself, so that there might not in pontificalists (as he himself speaks) be caused a scruple of conscience which they could not set aside easily by swearing, not according to the intention of the speaker, but according to the simple sound of the words, and in the accommodated sense that those words could make, by understanding them only of supreme lordship in temporal matters. However this escape, although it might be sustained speculatively, as they say, and abstractly and with scandal removed, yet in use and in practice in such a place, and among such persons, and with the other circumstances, and with the danger of scandal that arises there at the same time, scarce can such a signification be removed

from those words; and consequently it will be a sort of external confession and profession of the power of a king supreme in all matter, and without any limitation besides that which is added in the words themselves about lands subject to his dominion. Which limitation increases the rest of the words so that they are understood to be said without any limitation. And much more do the following words make it clear, where now not covertly, but expressly, the oath is extended beyond civil and temporal obedience. For the addition is:

3. “And that the Pope, neither by himself nor by any other authority of the Church or of the Roman See, or by any means in company with certain others, has any power or authority to depose the King.” Who, I ask, would say that by these words is only demanded from subjects such a civil obedience “as is to supreme princes due from subjects”? Certainly other kings of the Church are no less supreme princes in temporal things than the King of England, and yet neither do they exact such an obedience, nor do they believe it is due to them from their subjects, nor do their subjects recognize it; therefore the King of England plainly declares that he is speaking and thinking of himself as a supreme prince having no superior on earth, and is demanding this profession by that oath from his subjects. Next, by those words obedience is not so much sworn to the king as power is foresworn to the Pope; but to treat of the power of the Pope, and to propose swearing or foreswearing it, does not pertain to the civil or temporal power of a king, nor to the civil obedience due him; therefore those words evidently exceed the limits of civil obedience, both because the very words signify something else besides civil obedience due to a king, as is from them themselves manifest; and also because the very act of exacting such an oath, and of imposing the obligation to profess this or that about the power of the Pontiff, is an act of jurisdiction more than civil, nay of a superior jurisdiction, or one not subject to the power of the Pontiff;

because to civil power it does not pertain to prescribe limits to spiritual power, especially supreme spiritual power. Therefore, to make the thing clear in theological terms, in two ways does the king demand in those words an obedience more than civil, first in the signified act of proposing non-civil matter, second in the exercised act of using a power more than civil and in compelling his subjects to be subject to it and to recognize it by their profession.

4. Add that by those words is proposed profession of a certain error against a doctrine approved by the Universal Church. For although the matter is in truth ecclesiastical, if the doctrine proposed were true, it would be, however tolerable, a usurpation of jurisdiction; since, however, the form itself of the oath contains error, and since it compels subjects to profess it, not only does it demand something beyond civil obedience, but it also compels them to deny pontifical power and to confess something contrary to sound doctrine. The assumption is clear because that article of the oath includes this proposition and faith in it: “In the Pontiff or in the Universal Church there is no power to depose a baptized king in any case, or for any cause or guilt.” For although in the form itself of the oath all those words “in any case, or for any cause or guilt” are not expressly added, they are contained in other equivalent ones, namely when it is said that “the Pope, neither by himself nor by any other authority of the Church or of the Roman See, nor with certain others, has any power or authority to depose the King.” For if he has no power, he therefore has not have power to punish, nor does he by any other title have effective power for such an effect or such a deposition. And this same thing is amplified in the other clauses, namely that the Pope does not have power to depose the king from the kingdoms established under this dominion, or to concede to another king the authority to invade them. For all these depend on the principle that the Pope cannot compel him by such punishment of deposition, even if he be a heretic or a schismatic or a persecutor of Catholics, nor can use other means of temporal or corporeal

coercion to punish him, or to defend the Church and to snatch Catholics from so great a danger. But how false this dogma is, and how alien to the principles of the faith, to the usage of the Church, and to all even right reason, given the supposition of the pastoral office that Christ committed to his Vicar, was sufficiently shown in book 3; and therefore I do not for the present further delay on the point.

Finally, of the same nature is the other section with which this part of the oath is concluded, wherein the king compels his subjects to swear that in the Pontiff there is no power “to discharge any of his subjects from their obedience and subjection to His Majesty, or to give any of them license to bear arms against him, to sow discord, or to cause any violence or loss to the person, the State, or the governance of His Majesty, or to any of his subjects within his dominions.” Which section is of almost the same nature as the preceding, and it proceeds from the same error, namely, that in the Pontiff there is no power of coercion through corporeal violence or other temporal penalties; which doctrine is erroneous, as was shown in the same book 3. Wherefore in this section too there is something beyond civil obedience proposed for swearing, and spiritual power is usurped, and subjects are compelled to profess it in the oath itself and to acknowledge it in the king. And next too pontifical power is abjured and an error contrary to the faith is sworn.

5. Nay, there are here new errors involved. One is that the Pope does not have power of relaxing oaths, even if a just and reasonable cause intervenes; which is against ecclesiastical custom and the use and approval of General Councils ch.2 *De Re Iudic.* 6, and against the consent of Catholic doctors, and against the power of binding and loosing given to Peter, and thus made clear in the use and morals of the whole Christian people. And in addition it is also against reason, for in similar oaths is always either included the tacit condition if the promise can be fulfilled without loss and danger to the swearer, but especially

when the danger and loss comes from the injury and violence of him to whom the promise is made. Or there is understood the reserved right of a superior, who, notwithstanding the promise made by a subject, can prevent him from fulfilling it or from carrying out the promised action, if a just and reasonable cause intervenes, and consequently can relax the oath, by prohibiting the matter of it. Next this error supposes the prior one; for if the Pope can depose a king, it is as a consequence necessary that he can take away the bond of obedience and of the oath, because obedience is not promised to James as he is James but as he is king; hence if he ceases to be king, by that very fact obedience is not due to him, and thereupon neither is the oath binding; for once the matter of the oath has been taken away, the obligation of the oath must as a result be taken away.

6. Another new error is that not only is the Pontiff denied the power of deposing a king himself heretic, but also of coercing his subjects by penalties of this sort, as is clear from the phrase “to any of his subjects.” For it must be noted about the sense of those words that there is no one who teaches that the Pontiff can by his own choice, and without a compelling reason of justice, give any prince license to take up arms against another king or his subjects, and inflict on him any force or harm; just as also he cannot at will give license to subjects to stir up disturbances against their king, as the King of England in the discourse of this book seems to attribute to the Pope, as we noted and refuted at the end of book 3. For which Pontiff has ever arrogated this power to himself? Or which Catholic or which person in possession of the use of reason has ever taught or preached this? One should not, then, cover or extenuate those words by imagining that the sense of them is that the Pope cannot give that license at will or without cause, for this neither does the king fear nor has it ever come into the mind of men.

7. The sense, then, is that the Pontiff cannot inflict any violence or loss, not only on a

king, but also neither on his subjects, nor give anyone license of doing anything the like against the subjects of the King of England, even if they are apostates and rebels from the Roman Church, and sowers or supporters of schismatics and heretics. In this way, then, we say that in those words a great and new error is contained, or certainly the same error about primacy is made more explicit. For what is this other than to profess that the subjects of the King of England do not have on earth another superior besides the king himself, and that they cannot be coerced or punished by another because of their crimes, even if they are pernicious to other Catholics and to the Church of Christ? Therefore by all these section is the supreme power of the Pontiff either expressly enough, or at least implicitly, denied and abjured, and attributed to the king. Hence the conclusion is drawn that it is both false that nothing is in this oath exacted besides profession of civil and temporal obedience, and that it is on the contrary very true that this oath is mixed and contains virtually whatever was in the former oaths being offered for swearing to. Nor do I see what might with any appearance of probability be said in reply to these reasons; but we will, in the following chapter, touch on a certain escape that the king insinuates.

Chapter 3: In the second part of the oath as well something beyond civil obedience and against ecclesiastical obedience is offered to be sworn.

Summary: 1. This second part of the oath differs in almost nothing from the first, and further it deprives the Pontiff of the power of jurisdiction. 2. Double sense of this second part. The first sense is excluded and is shown to be alien to the mind of the king. 3. The second sense intended by the king contains an error. 4. In that part of the oath is included profession of an error against the faith. How many sins lie hidden therein. 5. An evasion is excluded. 6. The succeeding words of the oath contain an error and one similar to the

preceding. Another error in the second part. 7. Subjects licitly can and should reveal treason to a prince. 8. Treason is not to be revealed if it is taken in an improper sense. 9. This revealing cannot be licitly promised in an oath. 10. The accusation placed against Garnet. 11. A thing heard in confession can for reasonable cause, with concealment of the person, be made manifest. First limitation of this doctrine. 12. Second limitation.

1. This part begins from the words, “Again I swear,” and contains almost nothing diverse from the preceding, but in it are made clearer all the things that are foresworn in the first part against the power of the Pope, in order, no doubt, that they may be understood to proceed not only of extra-judiciary power, so to say, or of power of acting through human force, but also of the power of jurisdiction and of judiciary power, which is in this second part more expressly denied and foresworn to the Pope in the following words: “Again I swear from my heart that, notwithstanding any declaration or sentence of excommunication or privation, whether done or conceded, or to be done or conceded, by the Pope, or his successors, or by any authority derived, or claimed to be derived, from him or from his See, against the said king, his heirs, or notwithstanding any absolution of the said subjects from their obedience, I will nevertheless give faith and true obedience to His Majesty and to his heirs and successors, and I will defend him and them with all my strength against all plots or attempts whatever that against his person or theirs, and against his and their crown and dignity, will by reason or color of any sentence or declaration or in any other way have been committed.”

2. In order, therefore, not to give any place for subterfuge, I ask whether the king understands that the sentence of a Pope deposing, because of crimes, a baptized king, and

one who professes himself a Christian, can be just, or whether instead he believes that it is always unjust. The first, I believe, he will not assert, otherwise he would be inducing his subjects to swear to something very base, namely to not obeying a just sentence that brings with it a just command. For if the sentence is just, the command whereby subjects are bidden to keep it will also be just, since otherwise it could not be committed to execution. Again, if the sentence of deposition passed by a Pope against a king can be just, it will also be effective; therefore it has the effect of the punishment which it imposes. Hence, since a punishment imposed by sentence of deposition from the kingship is *ipso facto* to deprive the king of the dominion and property of his kingdom, a just sentence does effectively deprive him of the kingdom; therefore it is against justice and the obedience due to the Pope to resist such a sentence and to defend the person of the king against the execution of such sentence; therefore, he who believes the first understanding and nevertheless swears to this second part of the oath is swearing to a thing plainly unjust and wrong. And, in another respect, it is contradictory to want to keep obedience and fidelity to someone as to a true king whom you know has, by a just declaration or sentence, been with effect deposed from the kingship. So that if the Pope himself were to exact an oath from the faithful that, notwithstanding any sentence or declaration whatever of his deposition, even for the crime of heresy, passed by any General Council whatever, they will defend him in his See and supply him with the same obedience and fidelity, the oath would be unjust, because it would be about a thing unjust and contrary to the Church and to faith. Of such sort, then, is this oath of the king, if the said sentence is supposed to be just. This then the king will without doubt not admit, nor do I even think that he has such an unfair valuation of his own state of things that, if he

do concede that a sentence passed by a Pope against some king can be just, he would nevertheless deny that it could possess the same justice against himself. For what greater immunity or innocence could he allege in himself than in other kings who were rebels against the Roman Church or deserters and attackers of the faith? Or although he not acknowledge in himself a cause worthy of deposition, whence does he know that it cannot be in his successors, although nevertheless he exacts the oath equally about all of them? There is no doubt, then, that the foundation of this oath is that such a sentence cannot be just.

3. Hence, therefore, we draw the evident conclusion that the subjects of the King of England are required by those words to swear that a sentence of deposition against a king can neither be valid nor just; for this they do in truth profess when they swear not to obey such a sentence or to keep it. Hence we further conclude that the same are required to swear that there is in the Pontiff no power for passing such a sentence. The proof is that for no other reason does the king believe, and wish by his subjects to be believed, that that sentence will be unjust, except that it would be passed without any power and jurisdiction of the Pope over a king; for this yoke does the king try with all his means to break and to remove from himself, and therefore in his book he often repeats that he has nothing to do with the Pontiff and the Pontiff nothing to do with him, and the like. Nor can the king allege or claim in such a sentence any other reason of injustice that would be permanent and could give a foundation to this part of the oath. For, although at the beginning of his *Apology* he himself indicates two other causes, namely that disparity in cult of religion is not a sufficient cause to enable subjects to conspire against the king, and that he should, cause unheard, be condemned, which complaints I will treat of below;

nevertheless neither of these is universal and lasting (to say nothing now of their quality). And thus the form of oath cannot be founded on those causes, both because the Pontiff had not yet written his Brief, about which the king is complaining, and also because the oath does not speak of a sentence passed or to be passed against the king or his successors; it comprehends, therefore, every sentence, whether it is passed when the party has been heard or whether not heard, or whether on account of disparity of religion, or whether for any other crimes or cause whatever. Therefore the injustice, which the king supposes in the sentence and on which he has founded the formula of the oath, does not exist, unless because he believes that it cannot flow from legitimate power and jurisdiction.

4. I conclude, therefore, that in the words of this oath not only is civil obedience demanded of subjects, but also profession of this error, that the Pope does not have power and jurisdiction to pass a sentence of deposition against a king for any cause at all, and thereupon I conclude that this proposition of the king is not true, “that nothing is contained in the oath except what has regard to merely civil and temporal obedience.” And hence the further inference is drawn that subjects sin very gravely in giving that oath. For they outwardly profess that the Pope does not have jurisdiction over a king whereby he could pronounce a just sentence of deposition against him, for whatever cause and in whatever way he pass it, in keeping with the order that, if the power were not lacking, natural justice would demand. For he who makes this oath either believes or does not believe what he professes; if he believes it, he is in heart and deed a schismatic and errs in a doctrine of the faith; but if he does not believe what is contained in the form of the oath and yet swears it, he sins both against confession of the faith and against the religion

of oath, whether he swears without the intention of fulfilling what he swears, or whether he swears with the intention of keeping it; because in the first way he is a perjurer, in the second way he makes the oath a bond of injustice and proposes to obey men rather than God, by promising to obey the king against a just sentence and precept of the Pontiff.

5. But if the king say that those who swear simply do not understand everything that is contained in the oath, we reply that the excuse is frivolous, both because we are treating, not of the ignorance of persons, but of the quality and justice or injustice of the oath; and also because that ignorance can scarcely be invincible in Catholics, unless they are very rustic types and too little instructed in religion; because the literate and expert will easily understand the errors lying hid in the oath, and those who are less learned will at least be in doubt and will be bound to search out the truth; but no one is so ignorant that he could with a safe conscience rashly swear without first inquiring of what sort the oath is. Which above all has place in England, because, since all Catholics know, even rustic types, that the king and his counselors are pursuing the Pontiff with very great hatred and are rejecting the Roman faith, and since they see in the very form of oath many things foresworn against the Pontiff, they must be in doubt of what sort that foreswearing is; therefore if they swear rashly, they are not excused from the very serious faults that we have made clear are present in the oath. And then, since such oath results in contempt of the Apostolic See and loss to the Christian religion, it cannot be admitted without great scandal; and so Catholic pastors and doctors of the Church which is in England should not keep the truth secret and permit the simple to be ignorant, for in an event of this sort there is less evil in tolerating temporal affliction, or permitting the inconstancy of a fall in some, than to hide or disguise the truth.

6. And this discussion made about the unjust foreswearing of a just sentence which can by a Pontiff be passed against a king, can also be applied to the like foreswearing of any absolution from an oath of fidelity which the Pope can concede to the subjects of a king that is made in the words “notwithstanding any absolution of the said subjects.” For these words too exceed political obedience, because that the Pope can or cannot absolve from an oath is not matter of civil obedience but is ecclesiastical matter, having regard to the interpretation of the power of binding and loosing given to Peter by Christ the Lord. And in addition, these words are connected with the preceding ones and contain the same error; because the obligation of obedience in any order or state whatever lasts as long in the subject as the dignity or power and jurisdiction lasts in the superior, because these things are correlative and one depends on the other. Hence, in the case both of prelates of the Church and of civil magistrates, by the very fact that a superior person is deposed from his prelacy or magistracy the obligation of obeying such a person ceases in the subjects, because they are not now subject to him. Which also has place in the Supreme Pontiff, if he renounces the pontificate or is deposed for heresy; thus therefore, if the Pontiff can depose a king, he can also absolve subjects from obedience to him; therefore there is at least equal error in abjuring all absolution from fidelity made by the Pontiff as in abjuring all sentence of deposition. I add, indeed, that a new error is involved in this second part, because the Pontiff can, even without deposition from the kingship, command subjects not to obey a king who is stubborn in some error, or in some public and scandalous crime, and to absolve them from their oath of obedience for the time being by way rather of suspending the obligation than of absolute privation, as we will treat of below when dealing with the censure of excommunication.

7. It remains to consider the final words of this paragraph, wherein there is required the oath of a special promise to reveal all treachery, in these words, “and I will expend all my effort to reveal and make manifest to both His Majesty and to his heirs and successors all treasons and treacherous plots that against him or any of them may come to my notice or hearing.” About this promise, then, I note that, if its words are taken in a simple and proper sense, it is honorable and contains nothing which either exceeds civil fidelity or is repugnant to sound doctrine. For “treachery” signifies the very great crime of *lèse majesté* against a prince or a republic, which in the vernacular is called ‘betrayal’; therefore treacheries of this sort, or treasonous plots, subjects are bound, even when a special promise is excluded, to reveal to their legitimate kings both by the law of charity and piety and observance toward them and the republic, and also by title of subjection and fidelity which by the very law of nature they owe by reason of that subjection to their prince; and therefore to strengthen and increase this obligation by promise and oath is honorable and holy. But it is necessary that the words “that...may come to my notice or hearing” be understood in a sound way of merely human notice, and that it not be obtained through sacramental confession; for it is in no case licit to reveal the seal of confession, as I will next say. And indeed, if the words of this promise were, as I said, simply taken, they include of themselves that clarification and limitation, because (among Christians and Catholics especially) those words, pronounced generally or indefinitely according to their common sense, do not propose any other sense, nor introduce any greater obligation.

8. But although this be true when one speaks of the force of the words and without consideration of special circumstances, nevertheless, when these are all weighed,

one must beware of a double fraud or deception in the words. One is that by the name 'treachery' the king does not understand only that which is truly and in itself treachery, but also everything that is in his own judgment, and according to the errors of the preceding sections, reckoned to be treachery. Therefore, even if the king is legitimately deposed by the Pontiff, and his subjects are legitimately freed and absolved by the same Pontiff from the bond of oath and of obedience due to a king, every plot of the kingdom or of the republic or of the subjects to expel the king and free themselves from tyranny (if he is perchance exercising tyranny) the king will call treachery and a treasonous plot, although however in truth it is not such, but is a just defense or a just war or punishment, as I will show in the following chapter. When treachery, then, is understood in this sense, the exaction of such a promise is unjust; and it would be base and sacrilegious to swear it, both because, as I said, it is not treachery, for in that case faith is rather to be kept with the republic, or with the community of the subjects oppressed by force, than with the tyrant, who is unjustly oppressing them, since in truth he is not now king; and also because then the natural secrecy, under which notice of such a plot would be held, is obligatory, because it is about a thing just and necessary for the common good of the community which is justly defending itself; and therefore a promise contrary to that secrecy neither obliges nor can be honorable, and accordingly cannot be solemnly sworn. Wherefore those words, considered in themselves and taken on their own, so to say, might be lacking in suspicion; nevertheless, when taken together with what precedes, they are to be avoided, because this latter sense seems to be most of all intended by the king.

9. Another fraud can be that the promise seems to be made even if notice is obtained through sacramental confession; for that this was the mind of the king, and of those who produced that form of oath, can be collected from this, that among them there is no sacramental confession, and they regard the seal of confession as nothing, and establish no difference between that notice and any other notice. Nor will he much doubt about this mind of the king who has carefully considered what he wrote about the seal of confession in his *Preface* p.147. For there, although he admits that scholastic doctors, from when they began to exist in the Church, have all asserted that whatever is revealed to a confessor under the veil of confession, however harmful and pernicious a thing it may be, the confessor is bound to keep secret the name of the one confessing; nevertheless he so proposes the doctrine that he seems rather to be making fun of it. For he says that: "From when those scholastic doctor fellows began to be in the Church, the ancient foundations of theology also began to be subverted by novelties begged from philosophy," signifying that the opinion about the seal of confession pertained to this lapse or defect of theology. But the Christian world is not ignorant that the innovators of this age have hatred for scholastic theology, either because they are ignorant of it, or because it more accurately uncovers and impugns their errors. However, that the foundations of that doctrine and opinion about the seal of confession are older than the scholastic doctors, and always were and are now in the Church, has been elsewhere expressly proved by us, and cannot now be treated of by the by in a worthy way, nor is there need, since the king, in the place cited, refused to contend about the doctrine as to this part of it.

10. He adds, however, that none of the ancient scholastics denied that, if something was made known to a confessor the hiding of which might cause great harm to the republic, the confessor can and should, as often as it happens, reveal the thing, though he hide the man, so that he might confront the danger. Which opinion he thinks to be so certain that he says that the contrary one, which he attributes to the Jesuits, contains a new and pernicious dogma, such that neither a king nor a republic can be secure where that doctrine finds protectors. But this doctrine he has there proposed and exaggerates for this cause, that he might accuse Henry Garnet of being aware of a plot that was not revealed and make him a participant in it through not allowing the excuse of secret confession. Although, not content with this charge, he adds later, and tries to show, that Garnet had knowledge of the plot, not in confession, but outside the sacrament. But as to what concerns Garnet's deed, I can say nothing with sure knowledge, because I was not present, nor have I been able to read a sure history of the affair. I know, nevertheless, that Garnet, whom I knew familiarly for many years, was a man adorned by God with great gifts of mind; for, besides the excellence of his genius and his eminent erudition, I always observed in him great candor of mind and integrity and probity of morals, which I have, by sure signs and testimonies, always understood that he preserved up to his death. Wherefore I have no doubt that, in keeping the plot secret, whether before he was arrested, or in giving his judicial confession, he preserved great prudence, fidelity, and truth. And therefore, since Cardinal Bellarmine affirms that many witnesses, and one of them grave in the first rank and beyond all exception, solemnly affirmed to have heard from Garnet's mouth at the very moment of death that he was not aware of the plot save in sacramental confession, I think faith is to be given to both, namely, both to Garnet

denying that he had any other notice, and to the witnesses affirming that Garnet denied it. Nor let the king take it indignantly if we prefer the testimony of the faithful and of Catholics to the testimonies of the heretics who have imposed on the king himself.

11. But as what to pertains to right, or to the doctrine asserting that a thing heard in confession can, in order to avoid a great harm, be revealed without revealing the person, we say that it is indeed true absolutely, and has never been denied by Jesuits; for Bellarmine in his *Apology* ch.13 frankly admits it, and I in vol.4 *De Poenit.* disp.33, when expressly clarifying the secret of confession and the precept about it, expounded in sect.3 n.3 that the secret must be understood in relation to the person of the sinner, and therefore, for utility's sake, a confessor can speak about the thing itself keeping silent about the person, which I again confirmed and made clear in sect.7. Nor will the king be able to show an author of the Society who has taught the contrary doctrine. They do however apply the necessary clarifications, lest anyone abuse the doctrine. One of them, in defense of Garnet and in response to the king, was acutely to be sure and prudently used by our Bellarmine, when he says that it is indeed licit in general words to warn a prince about a treachery known in confession so that he might avoid the danger; but yet it must be understood, in the first place, about a Catholic prince who believes in and holds in due reverence the religion of sacramental confession, and next about a pious and Christian prince of whom it can be presumed that he will not ask anything beyond what is right. Otherwise, a priest is being held to put himself in very great danger and difficulty, nor ought or can he licitly reveal the secret of confession to him whom he knows both to hold confession as nothing and to be going to try with all his strength to interrogate and make examination about the person of the traitor.

12. And to this has regard the other general clarification, that the understanding of the doctrine must be that it is licit then to speak about a thing itself known in confession when the person is neither directly nor indirectly revealed. Hence because in morals the danger is equivalent to the fact (for, *Ecclesiasticus* 3.26, “he that loveth danger shall perish in it”), therefore he who so speaks about the thing itself that he exposes the person of the one confessing to moral danger, that is, by giving moral occasion, or preparing the way, for it to come to his notice, is acting against the seal; for he is, at least indirectly, revealing the person, and so it is by no reason licit. Nor is this doctrine, so understood, contrary to the security of kings and kingdoms. For rather this very great religion and observance of the secret is necessary so that, by way of confession and by the counsels and warnings of the confessor, some remedy might be applied to these sorts of treasons and iniquities, which would otherwise clearly cease; for if penitents are not made secure of their safety by that secrecy, there would be no one who would dare in confession to reveal the like facts. And so those rather, who either mock confession or subvert its secrecy, are consulting too little the security of kings and kingdoms.

Finally, to return to our point from which we have digressed, since in the formula of the oath the King of England is exacting from his subjects a promise to reveal all treacheries that might come to their notice, Catholics can rightly fear, nay and believe, that it is demanded without any distinction, whether the notice be through confession, and whether revealing the treachery is done at the same time with revealing the traitor, or with moral danger of it, or in any other way at all. In which sense too that form exceeds civil obedience and involves something against Catholic religion. And therefore also in this respect the oath is very suspect; and for that reason can Catholics and prudent men

rightly demand a greater clarification of it, although they are bound for other causes simply to refuse it.

Chapter 4: Whether in the third part of the oath something beyond civil obedience and against Catholic doctrine is contained.

Summary: 1. The third oath of the King of England. Two kinds of tyrants are distinguished by theologians. 2. A prince, although governing tyrannically, cannot be licitly killed by private authority. 3. The contrary doctrine is condemned as heretical. Error of Wycliffe and John Hus. 4. Foundation of the true doctrine. 5. Whether it is licit to kill a prince in defense of one's own life. 6. What holds in defense of the republic. 7. A tyrant in title is licitly killed. 8. What is required for a tyrant in title to be licitly killed by a private person. 9. Another limitation. Final condition. 10. Opinion of others. 11. It is refuted. Response to Augustine. 12. A new difficulty. 13. The difficulty is explained. 14. A second difficulty. For what reason an heretical king may be deprived of lordship of the kingdom. 15. The difficulty is clarified. When a republic can deprive a tyrannically governing king of the kingdom. 16. A Christian kingdom depends on the Pontiff in deposition of a tyrannical king. 17. How a king can be punished after a just declaratory sentence. 18. A private person cannot, on his own authority, kill someone justly condemned to death. 19. From this doctrine an error is demonstrated in the third part of the oath. 20. It is also demonstrated from the very words of the oath. Second reason. 21. A twofold error included in the third part of the oath.

1. After the preceding oaths a third is in these words added, "In addition I swear

that I do from my heart abhor, detest, and abjure, as impious and heretical, this doctrine and proposition that princes excommunicated or deprived by the Pope can be deposed or killed by their subjects or by anyone else whatever.” In these words three things must be considered; first the doctrine itself, second by what right this oath is exacted of subjects, third how much these words are repugnant to the things by which the king promises to show that nothing is contained in this oath besides civil obedience. About the first, since the king, solicitous of his own security, often insists on the common question whether it is licit for a private person or for subjects to kill a tyrant king, and since on its true resolution much depends the understanding of this and the other parts of the oath, I have thought it necessary to preface a few things about it. There is, then, a distinction made by theologians between two tyrants; one is he who has, not by just title, but by force and unjustly taken hold of a kingdom, and who in truth is not king nor lord but occupies his place and wears his shadow; the second is he who, although he is true lord and possesses the kingdom by just title, is ruling tyrannically as to use and government, because, that is, either he turns everything to his own advantage, despising the common, or he unjustly harasses the subjects by despoiling, killing, perverting, or perpetrating other like things publicly and often unjustly. Such was Nero, for example, who is numbered among the tyrants that God sometimes permits to be lord by Augustine bk.5 *De Civitate Dei* ch.19, thus reading that verse of *Proverbs* 8.15-16: “By me kings reign...and tyrants by me hold the earth [alt. and nobles, even all the judges of the earth].” And among Christians is most of all to be numbered in this order a prince who leads his subjects into heresy, or something else as far as apostasy, or into public schism.

2. The present question, then, is principally dealt with in respect of a legitimate

prince governing tyrannically, because the King of England speaks of these princes, and because we hold him in this rank of legitimate kings. We say, therefore, that a prince cannot, because of tyrannical governance or any crimes at all, be justly killed by private authority. The assertion is common and certain. St. Thomas taught it in bk.1 ch.6 *De Regimine Principum*, where he confirms it with the best moral reasons. The same is handed on by Cajetan, *ST IIa IIae* q.64 a.3, on which are other moderns, and by Soto bk.5 *De Iustitia* q.1 a.3, Molina vol.4 *De Iustitia* tract.3 disp.6, Azor vol.1 bk.8 ch.12 q.17, and ch.26 q.7, and vol.3 bk.2 ch.2 q.1, and ch.7 q.30, Cardinal Toletus in his *Summa* bk.5 ch.6, and the summists generally on the word ‘tyrant’. The assertion of this truth is agreed to by the jurists, Bartolus, Alexander, Socinus, Cardinal Praepositus, and the others whom he refers to, and Gigas follows them tract. *De Crim. Laesae Maiest.* q.65 the whole of it. The same is handed on by Lucas de Penna in bk.1 *Code* ‘Ne Armorum Usus’ bk.11, and by Conrad Bruno tract. *De Seditiosis* bk.5 ch.2 nn.9 & 10, and by Thomas Actius opusc. *De Ludo Sachor.* q.2 n.50 extensively and well, and Restaurus Castaldus, with many references, tract. *De Imperat.* q.82 the whole of it, and Paridius de Puteo tract. *De Sindicat.* § ‘An liceat occidere regem’, who intends this though he speaks confusedly, as I will say below. Covarruvias in *Epitom. 4 Decretal.* p.2 ch.3 §4 n.6. This truth is also in conformity with the precepts of *1 Peter* 2.13: “Submit yourselves to every ordinance of man [alt. to every creature] for the Lord’s sake, whether it be to the king, etc.” And later, v.18: “Servants, be subject to your masters with all fear; not only to the good and gentle, but also to the froward.”

3. But it is more in its species defined and the contrary condemned as heretical in the Council of Constance sess.15 where (as I reported in book 5) this article is

condemned: “Any tyrant whatever can and should licitly and meritoriously be killed by any vassal or subject whatever, even by means of secret ambushes, notwithstanding any oath or confederacy whatever made with him, and without waiting for the opinion or command of any judge.” And the Council declares that they who stubbornly defend this article are heretics and must be punished as such. For this definition, as all modern authors understand, proceeds of a tyrant in ruling, not one in title and usurpation of kingship, which may be collected from the words themselves. For a vassal and a subject are properly spoken of with respect to a true prince and superior. Again the words, “notwithstanding any oath...made whatever,” include also oaths legitimately made to true kings; for the words are universal. Hence there is no doubt but that the author of that article at least spoke universally about all tyrants, whether in title or in governance, as is clear from his words and exaggerations. Again, because the article arose from the doctrine of Wycliffe and John Hus, who said that temporal lords, through any mortal sin whatever, lose their principality by that very fact, and can therefore be chastised by their subjects at will, as is contained in the same Council sess.8. Now the Council condemned the article because of its universality and precipitate nature, which it displays in all its articles and amplifications, and it chiefly condemns it in that it includes true kings and princes governing tyrannically. But it can also be extended to a tyrant who is so most properly through unjust usurpation and retention of a kingdom, if it is with all its exaggerations rashly asserted, namely “notwithstanding any oath or confederacy whatever made with him;” for this is false and against natural reason, which declares that compacts, especially sworn compacts, are to be kept.

4. But the reason for the assertion is that a king governing tyrannically might be

killed by any private subject whatever either under title of just revenge or punishment, or under title of just defense of himself or the republic. The first is altogether false and heretical, because the power of avenging or of punishing offenses is not in private persons but in the superior, or in the whole perfect community; therefore a private person killing his prince under that title is usurping a jurisdiction and power that he does not have; therefore he sins against justice. The major is *de fide* certain, and is handed on by Augustine bk.1 *De Civitate Dei* chs.17 & 18 when he says that “it is not licit for any private power to kill a guilty man, license to kill whom is not conceded by any law,” and chs.21 & 26 when he says “he who kills another without public power or its just command is a murderer.” But the reason is both that revenge and punishment for offenses are ordered to the common good of the republic, and have not been committed except to him to whom the public power of governing the republic has been committed; and also that to punish is the act of a superior and of jurisdiction, so if it is done by a private person it is an act of usurped jurisdiction; and next, because otherwise there would ensue infinite confusion and disturbance to the republic, and occasion would be given for seditions and murders. But if for this reason it is murder to kill a private man by one’s own authority, even if he is a murderer, a thief, and an assassin, a much greater crime is it to lay one’s hands by one’s own authority on a prince, though he be unjust and a tyrant. Finally, because otherwise there would be no security in kings, for vassals easily complain that they are being by them unjustly treated.

5. The other title indeed of defense, although perhaps it might in some case be in place, yet not in the case of which we are treating, namely whether a king can be killed by a private person solely for tyrannical governance. Therefore we must distinguish

whether someone is defending himself or the republic. Again, if himself, whether he is defending his life or limbs or against grave mutilation of body, or is only defending external goods and goods of fortune. For it will not be licit to kill an invading king solely because of defense of external goods; both because the life of a prince is to be preferred to these external goods on account of his dignity and because he represents God in a certain special way and holds his place; and also because a prince has a certain superior administration over the goods of all his subjects; and although perhaps he go beyond them, not for that reason is he to be resisted as far as killing. For it is enough that he remain afterwards obliged by justice to restore or compensate for the things taken away, and that the subject can demand them, as far as he can do so without violence. But if however the defense is of his own life that the king is advancing violently to take away, then indeed it will ordinarily be licit for a subject to defend himself, even if the death of the prince do thence follow, because the right to protect life is the greatest; and then the prince is not in any necessity that might oblige the subject to lose his life for him, but he himself has put himself voluntarily and unjustly in that peril. But I say ‘ordinarily’, for if the republic would necessarily be thrown into confusion by the death of the king, or would suffer some other great disadvantage against the common good, then charity for the fatherland and for the common good would oblige to not killing the king, even with peril of one’s own death; but this obligation pertains to the order of charity, of which we are not now treating.

6. If, however, the discussion is about the defense of the republic itself, this does not have place unless the supposition be that the king is actually aggressing against the city so as unjustly to ruin it and kill the citizens, or something the like. And then certainly

it will be licit to resist the prince, even by killing him, if defense cannot be done in any other way. Both because, if this is licit for one's own life, it is much more so for the common good, and also because the city itself or the republic then has a just defensive war against an unjust invader, even if he is its own king; therefore any citizen at all, as a member of the republic and expressly or tacitly directed by it, can in that conflict defend the republic in the way he is able. But we are not at present treating of the case where a king is actually carrying out aggressive war against the republic itself to destroy it and to kill the multitude of the citizens, but of the case when, reigning in peace, he troubles the republic in other ways and is harmful to it, and then there is no place for defense by force, or by ambushes against the life of the king, because then there is not being brought to bear against the republic an actual force that it is licit to repel by force. Hence to attack a prince then would be to start a war against him by private authority, which is in no way licit, "because natural order, adapted to the peace of mortals, makes this demand that authority for undertaking war should lie with the republic or the prince," as Augustine said bk.22 *Contra Faustum* ch.24. Again, because just as it is not licit on one's own authority to avenge, through someone's death, the evils he has committed, so neither is it licit on one's own authority to prevent future evils that one fears from someone by killing him. For the reason is the same, and in the case of private malefactors it is evident; the same then has place with greater reason in a prince.

7. Now, in order for us to be able to illustrate this doctrine more fully and to apply it better to the proposed section of the oath, there is first need to speak about the other member, that is, about a tyrant in very title, whether the preceding doctrine has place in him or not. For there is commonly drawn a distinction between these two kinds of

tyrants; for the assertion is that this tyrant as to title can be killed by any private person at all who is a member of the republic that is suffering the tyranny, if he cannot otherwise free the republic from that tyranny. So thinks St. Thomas in *Sentences* bk.2 dist.44, which is 2 art.2 in the body of the text and in answer to the final objection, and almost all the doctors cited have followed him, and one can look at Conrad Bruno tract. *De Seditios.* bk.6 ch.3, where he reports various examples; they are, however, amassed from just and unjust acts and so do not prove the right but the use. The reason is, therefore, that in this case there is killed, not a king or prince, but an enemy of the republic. In this way the same St. Thomas bk. *De Regim. Princip.* ch.6 defends the deed done by Aod, *Judges* 5, who although he was a private person killed Eglon, King of Moab, whom Israel was in service to, because he was not true king of the people of God, but an enemy and a tyrant. The same is also handed on by Abulensis on that place q.26, and he adds that he could have been killed by any Israelite. Thus too did Judith kill Holofernes, *Judith* 4, which is praised in ch.5. Thus too does St. Thomas in the former place approve the opinion of Cicero praising those who killed Caesar, because he was usurping empire, not by just title, but by force and tyranny. Therefore do the doctors also say that the crime of *lèse majesté* was not committed against this tyrant, because in such a tyrant there is no true majesty. They also say that this sort of tyrant does not come with the name of ‘prince’, and therefore the decrees that say it is not licit to kill a prince do not include this tyrant, as can be seen in Gigas tract. *De Crim. Laesae Maiest.* q.65.

8. But St. Thomas above adds the limitation, namely that this is licit when no recourse can be had to a superior by whom a judgment about the invader can be made. Which limitation has place above all when the tyranny is being exercised, not by a

supreme prince, but by some inferior. For not only kings but also inferior potent lords can through tyranny usurp some lordship or jurisdiction or magistracy. For then, in a case of actual aggression, the people can resist an invader, although after he already possesses it in fact and is dominating, they cannot on their own authority kill him, nor start a new war against him, if they can have recourse to a superior. Because when they do have a superior, it is not licit for them on their own authority to take up the sword, and it will be less licit for any private person, otherwise everything will be thrown into disorder and great confusion will arise in the republic. And for that same reason, even when there is no superior to whom recourse can be had, it is necessary that the tyranny and injustice be public and manifest; for if it is doubtful, it will not be licit to remove him who is in possession, since in case of doubt his condition will be better, unless it is certain that the possession was tyrannical. Besides, in order for the killing of such a tyrant to be licit, it must be the case that it is necessary for obtaining the liberty of the kingdom, for if a tyrant can in a less cruel way be removed, it will not be licit immediately to kill him without greater power and examination of the cause.

9. In addition, the common opinion must be understood when no contract, or signed agreement, or pact confirmed by an oath intervenes between the tyrant and the people, as Abulensis noted above; for pacts and oaths, even with enemies, are to be kept, unless perhaps they were evidently unjust and done by coercion. Another limitation too must be applied, if the same or greater evils are feared for the republic from killing the tyrant than it is suffering under him. And thus Bartolus said, tract. *De Guelfis et Gebell.* 9, that it is licit in that case to kill the tyrant for the common good, but not for a private one. For if someone kills the tyrant so that he himself might become master of the empire

through a similar tyranny, he is, because of the new tyranny, not excused from the guilt of homicide. Again if it is believed that the son of the tyrant or some like associate of his will inflict the same evils on the republic, it will not be licit, because an evil is done without hope of greater good, and because in truth the republic is not then being defended, nor liberated from tyranny, by which title alone would that death be justified. Next, it is necessary that the republic not expressly object; for if the republic is expressly opposed then it not only does not give authority to individual persons, but even makes clear that the defense is not appropriate for you who needs in this to be trusted, and hence as a result it happens that it is not then licit for a private person to defend the republic by the death of the tyrant.

10. But these things notwithstanding, there are not lacking authors whom this distinction and opinion do not please, but they think it should distinctly be said that it is not licit for a private person to kill a tyrant, whether he is a tyrant in governing only or also in title. Thus does Castro think bk.14 *Adversus Haer.* at the word ‘tyrant’, insofar as he is speaking distinctly; and the Council of Constance has the same understanding, and all its reasons tend in that direction. Azor proclaimed the fact more expressly when rejecting the said common opinion in vol.2 bk.11 ch.5 q.10. The foundation is, first, that the Lateran Council speaks about a tyrant absolutely and generally. Second, that Augustine bk.1 *De Civitate Dei* also says absolutely that without public administration it is not licit to kill anybody. Third, that St. Thomas does not say that this tyrant is laudably killed by any private person, but says indefinitely that he is laudably killed. Fourth, that no malefactor can by right be killed, nor can he who is in possession be overthrown in fact, unless he is first heard and judged. Nor is evidence of the perpetrated deed

sufficient, unless sentence precedes.

11. But these things are of little cogency against the received opinion. For the Lateran Council, as I said, does not state a universal negative proposition that no tyrant can be killed, but it condemns the universal affirmative that every tyrant can be killed, and not as stated absolutely but with many amplifications; and therefore its statement is reduced to this indefinite one, that not every tyrant can be killed before sentence pronounced against him; from which no argument against the common opinion can be taken. To Augustine I respond that the private man who kills a tyrant of this sort does not do it without public administration, because either he does it by authority of the republic tacitly giving consent, or he does it by the authority of God who has, through the natural law, given to each one the power of defending himself and his republic from the force that a similar tyrant is doing. To St. Thomas we reply that he speaks sufficiently clearly, for in the body of the article he says: “When the means are to hand, anyone can expel such a domination;” but in his solution to objection 5 he plainly means a private person by the word ‘anyone’, both by thus interpreting the words of Cicero about the killers of Caesar, and because he thus concludes: “For then he who kills a tyrant to free the fatherland is praised and receives a reward.” To the final reason is said that it proceeds when someone is to be killed in punishment for an offense, or is to be deprived of the goods he possesses quietly, and without actual conflict, formal or virtual; but in our case the question is not about vengeance but about defense, nor does the tyrant have possession quietly but through actual force; because although perhaps the republic is not starting war, because it cannot, nevertheless (as Cajetan rightly notes) it is always waging implicit war, because it is resisting as much as it can.

12. But hence arises a new difficulty, because according to this doctrine there is no difference between the two cases or tyrants. Because even a tyrant as to title is not licitly killed by private authority but by public; but in this way it is also licit to kill a king governing tyrannically. Hence I argue further that a tyrant in title is to be killed either in vengeance for his crime or by reason of defense. It has already been said that in the first way he cannot be killed by any private person with private authority, both because to punish is an act of jurisdiction and of a superior, as I said above, and also because neither the republic itself, which has suffered the offense of such a tyrant, can in this way punish him, but by public council and with the cause cognized and sufficiently judged; and so, for a private person to do it, the tacit or presumed consent of the republic is not enough, but there is required an express declaration by a special or at least by a general commission. Hence too it would, by this title, not be licit for any external person, nay neither for a public person having jurisdiction over such a tyrant, to kill him by this title without the express commission of the offended republic. But if only by title of defense is this killing licit for a private person, there is thus no difference between the two tyrants; because it is also licit by title of defense for a private person to kill a true king who is tyrannically invading his own kingdom or city, as I said. Again, such a killing in that way is not licit by a power tacitly conceded by the republic to its members, but by authority from God, who by the natural law has given to each one the means to defend himself and his fatherland, nay to defend any innocent person. Therefore by this title to kill a tyrant is licit in both cases and both tyrants, not only for members of the republic, but also for foreigners; therefore there is no difference.

13. In the first place I reply to the last question that it is true that a tyrant seizing a

kingdom without just title cannot be justly killed by any private person by way of vengeance or punishment; for this is proved by the arguments made in the first member of the dilemma. Hence I admit that, to this extent, there is no difference between this tyrant king as to the absolute reason of justice, although the crime with respect to a king proper is far graver and one of *lèse majesté*, which it is not in respect of the other tyrant but simple injustice and usurped jurisdiction. There remains, therefore, that only by right of defense is it licit for a private person to kill this tyrant. But herein there is a great difference between him and a corrupt king. For the king, although he is governing tyrannically, does not, as long as he is not moving actual unjust war against the republic subject to him, inflict on it any actual force; and therefore there is with respect to him no place for defense, nor can any subject by this title attack him or move war against him. However, a tyrant proper, as long as he is unjustly holding the kingship and is dominating by force, is always actually inflicting force on the republic; and so the republic is always waging actual or virtual war against him, not vindictive war, so to say, but defensive war. And as long as the republic does not make clear the contrary, it is always reckoned to be wanting to be defended by any of its citizens, nay by any foreigner too; and therefore if it cannot otherwise be defended except by killing the tyrant, any member of the public may licitly kill him. Hence also is strictly true that it is not then done by private but by public authority, or rather by authority of the kingdom wanting to be defended by any citizen as by its member and organ, or by authority of God, the author of nature, granting to each man the power of defending the innocent. Hence in this too there is no distinction between the two tyrants; for neither of them can be killed by private authority, but public authority is always necessary. The difference, however, is that this power is reckoned to

have been committed to any particular person against a tyrant proper, but not against a lord proper, because of the distinction declared.

14. But from this there now arises a new difficulty necessary for the present purpose. For from this latter resolution about a tyrant proper, it follows that the former one, about a king governing tyrannically, only proceeds before there has against such a king been passed a sentence of deposition; not, however, after it has been passed, as the King of England badly infers and as is deserving of examination. For, to begin with, the consequence has a considerable foundation in the Council of Constance; because that Council only speaks of killing a tyrant prince by private authority, “without waiting for the opinion or command of any judge;” for in this way did the Council of Constance condemn the contrary assertion; therefore, if the legitimate judge of such a king, whoever he is or could be, has passed a just sentence against him whereby he has by that very fact deposed the king from the kingship, the definition of the Council does not now hold. Next, even the reason given ceases, and so the first assertion, as it has been proposed, will not then have place. For then the just and legitimate sentence being waited for is now assumed, and thus the aggressor is not proceeding by private authority but in virtue of the sentence, and consequently as an instrument of public authority. Next, after a king has been legitimately deposed, he is not now legitimate king or prince, and as a result the assertion that speaks of a legitimate king cannot hold of him. Nay, if such a king, persevering in his stubbornness after legitimate deposition, retains the kingship by force, he begins to be a tyrant in title, because he is not legitimate king nor does he possess the kingship by just title. The thing is made more clear in the case of an heretical king; for by his heresy he at once is by that fact deprived in a certain way of the lordship and property

of his kingdom, because either it remains confiscated or it passes by right itself to the legitimate Catholic successor, and nevertheless he cannot at once be deprived of the kingdom, but he justly possesses and administers it until by a sentence at least declaratory he is condemned of crime, according to ch. ‘Cum Secundum Leges’ *De Haeres.* in 6. However after sentence has been passed he is altogether deprived of the kingdom, such that he cannot by just title possess it; therefore, from then on he can be treated as altogether a tyrant, and can consequently be killed by any private person.

15. This difficulty supposes that against a king supreme even in temporal things a punishment of deposition and a sentence of privation of kingdom can be passed, which the King of England refuses to hear; yet it is very true, and is evidently collected from the principles laid down in book 3, and it will be said again in what follows. But by whom such a sentence can be passed is a large question; briefly, however, we now suppose that this power of deposing a king can exist either in the republic itself, or in the Supreme Pontiff, though in diverse way. For in the republic it exists only by way of a defense necessary for its own preservation, as I said above in book 3 chapter 3. Therefore if a legitimate king is governing tyrannically and the kingdom has no other remedy for defending itself unless it expel and depose the king, the whole republic, along with the public and common council of the citizens and nobles, can depose the king, both by force of natural right whereby it is licit to repel force with force, and because this case of necessity for the proper defense of the republic is always understood to have been made an exception in that first compact whereby the republic transfers its power to the king. And in this way must it be taken, because St. Thomas says *ST* IIa IIae q.42 aa.2 & 3, it is not an act of sedition to resist a king governing tyrannically, that is, if it is done by the

legitimate power of the community itself and prudently without greater harm to the public. Thus too did the same St. Thomas expound it in bk.1 *De Regimine Principum* ch.6, and his disciple Soto bk.5 *De Iust.* q.1 a.3, Bañez 2.2 q.64 a.3 dub.2, Molina vol.4 *De Iust.* tract.3 disp.6. The other jurists, however, speak confusedly on this point, for Paridius de Puteo above and Antonius Massa tract. *Contra Duel.* nn.78 & 79, so affirm it that they seem to concede the license even to individual citizens; but contrariwise Restaurus and Castalis on the said q.82 so oppose it that they seem to deny it even to the community, but they are to be tempered according to the aforesaid.

However, in the Supreme Pontiff this power exists as in a superior having jurisdiction to chastise kings as subject to him, even supreme kings, in the way shown above. Hence if the crimes are in spiritual matter, as is the crime of heresy, he can directly punish these crimes in a king even up to deposition from the kingdom, if the stubbornness of the king and providence for the common good of the Church so demand. But if the vices are in temporal matter, he can, insofar as they are sins, chastise them by direct power; but insofar as they are damaging temporally to the Christian republic he can punish them, at least indirectly, insofar as the tyrannical governance of a temporal prince is always also pernicious to the salvation of souls.

16. Nay, there must further be added that although the republic or the kingdom of men, considered in the sole nature of the thing as it existed among the Gentiles and now exists among the heathen, has the power that we said for defending itself from a tyrant king and deposing him, if it be necessary, for that purpose, nevertheless Christian kingdoms have, in this respect, some dependence on and subordination to the Supreme Pontiff. First, because the Pontiff can prescribe to any kingdom that it not, without

consulting him, rise up against its king, or not depose him, unless first the cause and reason have been by himself cognized, on account of the moral perils and loss of souls that in these popular tumults morally intervene, and so as to avoid seditions and unjust rebellions. Hence we read in the histories that almost always in these cases kingdoms consulted the Pontiffs, or even asked him to depose a foolish or tyrannical king. As was related about Childeric, King of Gaul in the time of Pope Zachary, ch. 'Alius' 15 q.6 and about others in book three chapter 23 above; and about the King of Portugal, Sancius II, at the time of Innocent IV the Portuguese histories relate extensively that he was by the Pope deposed from the royal administration, although not deprived of the kingship; as is also reported in ch. 'Grandi' *De Supplend. Neglig. Praelatorum* in 6. Secondly, a Christian kingdom depends on the Pope in this, that the Pontiff is able not only to advise or consent that a kingdom depose a king pernicious to it, but even to prescribe and compel it to do so when he will have judged it necessary for the spiritual salvation of the kingdom, and especially to avoid heresies or schisms. Because then most of all has place the use of indirect power about temporal things for the sake of a spiritual end, and because he can of himself immediately depose a king in such a case; therefore he can compel a kingdom to carry it out, if it be necessary, otherwise his power would not only be ineffective but even insufficient. Lastly, because such a precept is in that cause most just.

17. On the supposition of this foundation, then, one must say that, in the last point proposed, after the passing by legitimate power of a condemnatory sentence against a king about depriving him of the kingdom or, which is the same, after a declaratory sentence of a crime that has such punishment by right itself imposed, he indeed who

passed the sentence, or he to whom he committed it, can deprive the king of the kingdom, even by killing him, if he cannot do it otherwise, or if the just sentence is extended to this punishment too. However, the deposed king cannot at once be killed, nay nor forcibly expelled, by any private person until it is prescribed to him or the general commission is in the very sentence or in right declared. The first part evidently follows from the preceding principle; for he who can justly condemn someone can also carry out the punishment, by himself or by the assistance necessary for it; otherwise the power to declare right, without effective coercive power, would be vain. And for this reason, as Augustine says bk.1 *De Civitate Dei* ch.26, the minister of a king acts rightly in killing a man by precept of a king, because then he is executing rather the power of the king than his own. Thus, therefore, when a republic can justly depose a king, its ministers act rightly in coercing or killing the king, if necessary, because they are now not operating by private power but by public. And thus did Soto rightly speak bk.5 *De Iustit.* q.1 a.3, although a king who is a tyrant in governance alone cannot be killed by anyone whatever, “when,” he says, “the sentence has already been passed, anyone can be set up as minister of its execution.” And in the same way a king, if the Pope deposes him, can only be expelled or killed by those to whom he himself has given the commission. Which, if he give command for the execution to no one, will pertain to the legitimate successor in the kingdom or, if none can be found, it will concern the kingdom itself. And the doctors hand down that it must in this way be kept in the case of the crime of heresy, when an heretical king has, by public sentence, been declared deprived of the kingdom, as can be seen in Castro bk.2 *De Iust. Haeret. Punit.* ch.7, Simanus *De Cathol. Institut.* tit.46 n.75.

18. But from these things is the second part easily proved, that although someone

is justly condemned to death, no private person whatever can kill him at will unless he is commanded, or otherwise directed, to do so by the one who has the authority, because no one can kill another except a superior who has such a power over him, or the superior's minister; but he cannot be called a minister if he is not directed by princely power. But if this is true with respect to any malefactor, with much greater reason, certainly, does it proceed with respect to a king. Someone will perhaps say that an implicit or tacit direction of the republic is sufficient, which by the very fact that it has deposed a king wishes him to be by everyone expelled, and coerced, and, if he resists, even killed. But this is false and thought up or imagined contrary to reason; for a judge condemning a private heretic or malefactor, does not at once give the means to everyone for noticing it in him; therefore neither does the republic, nor the Pope when condemning a king who is a heretic or otherwise tyrannical, concede such license, even tacitly or implicitly, to everyone. For by no just reason can this license be more presumed against a prince than against others; for prudence and a just manner in the execution itself are always necessary, and there is greater danger of disturbance and excess in coercing the person of a prince or king than of others. Hence if the Pope declares by sentence some king a heretic and deposed from the kingdom, and declares nothing further about the execution, not any prince can immediately move war against him, because neither is he, as we suppose, superior to him in temporal things, nor does he receive that power from the Pope by force of the sentence alone. And therefore, as I was saying, only his legitimate successor, if he is a Catholic, has this faculty, or if he himself is negligent, or there is no successor, the community of the kingdom succeeds to that right, provided it is Catholic. But when it seeks help from other princes, they will be able supply it, as is *per se* clear.

Now if the Pontiff (as we showed in book 3 by examples was often done) attributes to other kings the power to invade such kingdom, then it can justly be done, because neither just cause nor power are lacking.

19. From this true and certain Catholic doctrine, then, we prove manifestly that the third part of the oath contains on various heads an excess of power, injustice against good morals, and an error against true and Catholic doctrine. First proof: for by what authority does the king compel his subjects to swear that a proposition is heretical which the Catholic Church has not hitherto condemned? For if the king say that it was condemned in the Council of Constance, he cannot, to begin with, consistently say this, since he holds the authority of Councils, especially modern ones, for nothing. Next, where does he read in the Council of Constance the phrase “princes excommunicated or deprived by the Pope”? Or the phrase “by their subjects or...anyone else whatever”? Since, therefore, these phrases added to the proposition make it and its sense very different, such a proposition is by a fallacious and imaginary inference attributed to the Council. But if not by the authority of the Council but by his own he condemns that proposition, he without doubt exceeds and abuses a power which he does not have. And it is besides remarkable that he often contemns the power of the Pope to define the things of faith and dares himself to arrogate it to himself, for although he does not say this in words he professes it in fact. In which too he seems to be too little consistent with himself; for he glories elsewhere in the same *Apology* that he does not hammer out new articles of faith in the manner of the Pontiffs. Next, since he himself thinks nothing to be *de fide* except what is contained in Scripture, he should show us in Scripture where that proposition is condemned as heretical, or the contrary divinely revealed, so that it can be

held as heretical. Certainly, although Paul said, *Romans* 13.1, “Let every soul be subject unto the higher powers,” he never added that everyone should be subject also to powers excommunicated or deprived by the Pope; nor can one of these be collected from the other, since they are far different, not to say almost opposites, for a deprived king is not now a higher power. And hence I conclude further that the profession of this oath, as to this part, is a sort of confession of royal authority and power both to condemn propositions as heretical at will, and to propose authentically to the faithful what they should *de fide* believe or protest as heretical; which is on the part of the king an excess and usurpation of spiritual power, and on the part of those who confess such an oath a sort of virtual profession of a false faith.

20. Besides, from the words themselves it is very plainly clear that the king in this oath is not merely requiring civil obedience or the swearing to it. For to demand under oath the detestation of a proposition as heretical clearly exceeds civil obedience, which is of a far inferior order to Christian faith. Especially when such a precept is new in the Church, such that not only does the king compel his Christian subject to detest a proposition elsewhere condemned by the Church (which sometimes a Catholic king, keeping to the due measure, can do), but he compels him also to detest a proposition that he himself condemns anew on his own authority, as now the king is doing. Hence it continues sufficiently proved that this oath is on the part of the king unjust, because in many ways it exceeds his power; and thus it is violent coercion and usurpation of alien jurisdiction. But on the part of the faithful too it is unjust to accept it, for the general reason indeed that they are swearing either to something illicit or to a lie; for if they believe that the proposition is heretical because of the king’s authority alone, the oath is

for this very reason alone damnable, and much more so because the proposition which is condemned is most true and, from true principles of the faith, certain, as was proved in book 3. But if they externally abjure such a proposition which in their mind they do not believe to be heretical, they are committing manifest perjury, as is *per se* evident. And beyond this, such a profession contains a special and proper injury against the Pontiff, whose power and obedience they are, because of human fear, denying.

21. Finally from these things is easily understood that this part of the oath involves doctrinal error too. One error is that there is not in the Pontiff a power to depose an heretical or schismatic king, and one who is dragging or perverting his kingdom into the same schism or heresy. For profession of this error is chiefly and more directly made through those words than through others, as will be clear at once to anyone reading them, and as was in many ways proved above. The other error is less express indeed in the words, but it lies hid and is virtually contained in the very opinion that, in things pertaining to the doctrine of faith and to the detestation of heresies, a temporal king can demand even sworn faith from his subjects. Nay, also in this, that the opinion of the king is to be preferred to the opinion of the Pontiff. Which is to be sure a sort of virtual profession of the primacy of a temporal king in things spiritual or ecclesiastical, for there is nothing greater in the primacy of Peter, nor more necessary to the conservation of the Church and its union, than the supreme power in proposing things of faith and condemning heresies that the King of England is in those words arrogating to himself; therefore profession of such an oath is manifest profession of schism and error; therefore true Catholics are in conscience bound to repudiate it.

Chapter 5: On the final part of the oath and the errors contained therein.

Summary: 1. The errors set forth in the first four chapters of this book are repeated and exaggerated in the final part of the oath. 2. The Pontiff can absolve the subjects of an heretical king from the oath of fidelity. 3. Confirmation with another reason. 4. The oath of the King of England is not of itself obligatory. 5. The formula of the oath that is related in this paragraph attributes supreme spiritual power to the king. 6. In the final words of the oath, profession of all the preceding errors is repeated.

1. In the final part of the oath the same errors more or less are repeated, and so there hardly remains anything that needs to be added about it; but because they are in part further declared and exaggerated, in part too the depravity of the oath increased, the individual elements must be briefly noted and expounded so that they may by everyone be easily understood. First, then, the authority and power of the Pontiff are abjured again in these words: “And further I believe, and in my conscience am resolved, that neither the Pope nor anyone else whatever has power to absolve me from this oath or from any part of it.” In these words is plainly affirmed this proposition: “The Pope cannot absolve subjects of a temporal king from an oath of fidelity.” Because what is affirmed about this in the oath is not on account of a special reason in it, nor on account of a dignity that may be greater in the King of England than in other temporal kings, as is *per se* evident and as the king himself in his *Preface* plainly professes. But when it is said, “the Pope cannot etc.” it is understood simply, that is, in no way, for no cause, in no case; for this is what the words signify according to their plain and common sense and understanding, in the way the king himself a little later wishes the words of this oath to be taken. Besides the

fact that it is sufficiently clear from the end of the oath and from its first part that this is the mind of the king.

2. Now in this way that proposition is heretical, because it is contrary to the power of binding and loosing given to Peter, as the Catholic Church has always understood and exercised it. For thus are the subjects of any heretic at all, by the fact that the heretic has been publicly denounced by a public sentence, absolved from their oath of fidelity, from the decree of Gregory IX on the last chapter *De Haereticis*; and the power and very just reason for that punishment are explained by St. Thomas *ST IIa IIae* q.12 a.2. In like manner anyone is absolved from the bond of an oath of fidelity given to a lord who has been publicly excommunicated and denounced, from Urban II on the last chapter 15 q.6, and Gregory VII along with the Roman Synod in ch. ‘Nos Sanctorum’ on that very place. Where the bond of the oath is not altogether and simply taken away, but as it were suspended for the time that the one excommunicated stubbornly persists in censure. But it is otherwise when a king or prince is for heresy or other crimes deposed and deprived of lordship of the kingdom; then the oath is altogether taken away and, with its matter removed, nullified as it were. And in this way Innocent IV, along with the Council of Lyons, absolved from their oath of fidelity all the vassals of the emperor Frederick; and other examples were presented above whereby the ancient and universal sense of the Church, which is the best interpreter of Scripture, is made clear. For if all rights say about human custom that it is the best interpreter of human laws, why will the best interpreter of the law by Christ laid down, and of the power of binding and loosing bestowed by the same on Peter, not be the universal and very ancient custom of the Church and its use of such power? Which power was by the same Pontiffs who used it defended with the

highest authority and doctrine. Especially Gregory VII bk.8 *Register* epist.21, and Innocent III in epistle to the duke of Carlingia in ch. 'Venerabilem' *De Elect.*, and Boniface VIII in *Extravag.* 'Unam Sanctam' *De Maiorit. et Obedientia.*

But if the king does not believe this proposition founded in Scripture, declared by the authority of Pontiffs and Councils, and received hitherto by common consent, by what right or by what authority does he wish to compel all his subjects to believe, affirm orally, and confirm by oath the contrary falsity? Or how can they themselves be "resolved in their conscience," as is said in the oath, to believe it and to swear to it without any reason or motive? Unless they believe that the king alone together with his ministers has, for confirming his own error and demanding faith in it, greater authority than has the Roman and Universal Church together with the Supreme Pontiffs handing it on with such constant tradition and consent. But if the king does intend this, and is obliging his subjects to this faith, he must admit that in this oath he is not fighting for merely temporal jurisdiction but for spiritual primacy.

3. Which I evidently declare also in another way. For it is against natural reason to say that no one can be absolved from a promise confirmed by an oath through a change in its matter, by taking the promise away and as it were nullifying it. For although someone may have promised by an oath to return a deposit, if the other yields up his right, the depositary is absolved from his oath. Hence if such a change is brought about by a superior power, the obligation of fidelity is equally taken away. Which was also recognized by Triphon, *Justinian Code* law 50 'Bona Fide' and following of deposit, when he says that, if someone has received a deposit under trust of returning it to the owner, and the owner is later condemned by the praetor and his goods confiscated, the

depository is freed from the trust of returning the deposit to the same owner, and should put it in the public treasury. Because as he says later: "Reason of justice demands that the fidelity to be kept in a contract is not to be regarded only in respect of the contracting parties, but also in respect of the other persons to whom that which is done pertains." Which is most of all true where the authority of a superior and the public good intervenes. Nor has the king, as I think, hesitated to exercise a like power in his own kingdom, by for example depriving a subject of his goods who has been apprehended in the crime of *lèse majesté*, and consequently by transferring all the actions or all the promises made to him either to himself or to his treasury, whether certainly by simply nullifying them, or by presenting or remitting them to the debtors; from which it necessarily follows that, although those actions and promises had been confirmed by oath, the debtors remain absolved from the oath. Therefore it cannot be denied but that this mode of absolving from an oath might be honorable and valid, if there is in the absolver power to make disposition either about the matter of the oath, or about the right of the creditor or lord or of the promisor. Therefore the power of absolving vassals from an oath made to an heretical king, or to one dangerous to Christian subjects, is either very unjustly and against all reason denied to the Supreme Pontiff; or it is denied without other foundation than that he is not believed to have power to coerce and punish temporal kings. And so this part returns to the earlier ones, and it plainly contains profession of error against the primacy of the Pontiff, and an heretical assertion about the primacy of the king and about his absolute exemption from obedience to the Pontiff, especially as to coercive force through temporal penalties.

4. Next, I will not omit to note (because the king does not speak of an oath in

general, but of this oath) that in the true and Catholic sense, though contrary to the mind of the king, it can be said that no one can absolve the swearer from that oath, because, namely, no one can be properly absolved who has not been bound; but that oath does not bind the swearer, because an oath cannot be a bond of injustice, as that oath is, and therefore no one can be loosed from it. Yet, nevertheless, he can be declared absolved, or not bound, because the Pontiff can do it by special authority, and he did sufficiently do it when he declared that the oath is illicit and contrary to eternal salvation. For thence it not only follows that it must not be given, but even that, if it has been given, it must not be observed. Hence it also happens that the Pontiff can in another sense absolve from that oath after it has already been made, that is, from the sin committed in supplying such an oath, provided a penance worthy thereof, as a necessary disposition, precedes.

5. Second, in the same part, confession of supreme royal power in spiritual things, and of its exemption from the Pontiff, is made in the words: “Which oath I acknowledge has been with right and full authority legitimately administered to me.” And afterwards the oath is confirmed in these words: “And all these things I completely and sincerely acknowledge and swear.” For that that confession is contained in those words is clear first from the phrase “with full authority;” for although the word ‘supreme’ was with purposeful diligence avoided, lest perhaps it deter the more simple, nevertheless the word ‘full’, on the basis of the king’s mind sufficiently understood from the whole discourse, is placed there as its equivalent, for the oath is not said to be with full authority except because there is among men no power that is able to impede, prohibit, or remove it; but this is supreme power. Next, since the oath is itself expressly against the power of the Pope, the signification, when “with full authority legitimately administered” is added,

clearly is that the royal power administering the oath is either superior to the power of the Pope or equivalent to it. What therefore the king in other places expressly professes, is here covertly, and in the use of usurped power, involved. Hence he who consents to such an oath is clearly swearing that an act of usurped power is an act of legitimate power, which is open perjury and contrary to confession of the Catholic faith. And lastly, the king is from these words too convicted of not demanding only civil obedience in this oath, since he demands recognition and confession of his own power to decide against the power of the Pope.

6. Third, in the final words a new oath is added of this tenor: “And this recognition and acknowledgement I make from my heart and my will and truly, in the true faith of a Christian man. So help me God.” Which is a fresh confirmation and repetition of all the preceding errors, and of a confession of them, not merely external, but also internal, so that the swearer cannot be excused either of internal infidelity or of perjury. And in addition I weigh the word ‘my will’, which involves an open lie, which is sufficient for it not to be capable of being sworn by Catholics without perjury. For it is evident that they are not themselves giving the oath with their will but coerced by threats and terrors. Because, as the king had himself said a little before, “if they renounce such oath they are wretchedly put and thrust into danger of loss of life and fortune;” how then can they truly swear that they are giving such oath with their will? For that ‘with their will’ does not signify there any will at all, but a will that is uncoerced by grave fear and powerful human violence, and that the swearer would have even if he were not coerced; but Catholics know that they do not have such a will, and the king himself is not ignorant of the fact; therefore on this head too the oath is unjust, because it involves and requires

in it perjury.

Chapter 6: The reasons are considered by which the oath is defended.

Summary: 1. The foundations of the king. 2 A triple consequence is deduced from these foundations. 3. The final class of proof of the King of England. 4. Satisfaction is made to the foundation of the king. From the title of the oath it is demonstrated that the oath was made up for the purpose of distinguishing Catholics from sectaries. 5. From the title of the second oath is collected that the king wishes for primacy in spiritual things. The chief target of this oath is the denial of pontifical power. 6. Confirmation from the equivocation of the words. Civil power is subordinate to spiritual. 7. The conclusion is drawn that this oath demands more than civil fidelity. 8. A latent objection of the king is met. 9. What the civil obedience of subjects is. 10. The obedience due to kings is part of the right of nations. By what reason it can be said to be of natural right. Sometimes it is not binding. 11. Civil obedience in Christian subjects is limited by divine faith. 12. A certain evasion is refuted. 13. The Pontiff by excommunication deprives a king of the jurisdiction of his kingdom as to the use of it. 14. An objection is refuted. 15. The deposition of a king is not the proper effect of excommunication. The power of the Pontiff to depose kings is shown from the daily use of the Church. 16. Satisfaction is made to the argument of the king. 17. The third corollary of the king is refuted. The final one is refuted. 18. Response to the final proof of the king. The propositions that the king infers are considered. 19. The tenth proposition involves a repugnance and gives occasion for calumny. 20. The twofold opinion in the eleventh proposition. 21. The thirteenth proposition is true and rightly follows from rejection of the oath. 22. The final

proposition is false and wrongly inferred. 23. The falsity is shown of the words that the king adds to his proposition. 24. All Catholic doctors admit in the Pontiff jurisdiction to depose an heretical king.

1. Hitherto we have refuted the oath and shown its deformities “in its parts and bit by bit,” as the king in the same words declared he wants; now lest we should seem to be giving sentence against a party unheard, which is also a complaint of the king, we have thought it necessary to bring into examination whatever in defense of the oath the king either indicates or we have been able to think of, so that it might be thence more evident that rather could the condemnation of the oath be therefrom increased than the oath defended or excused.

First, then, can be objected to us the royal authority which, in words express and rather often repeated, affirms that he wished to require from his subjects by that oath nothing other than civil obedience and its profession. Thus does he often make repetition both in his *Apology* and in his *Preface*. For on p.4 he says that he has sufficiently shown that he desired nothing more through the oath than that he might be made secure about the faith and constancy of his subjects “which,” he says, “they are bound because of conscience to supply me.” In the *Preface* he more often, namely on pp. 11, 12, 13, & 14, and more plainly, not only affirms it but also proves it in more or less this way: Since Parliament in its lower house had asserted in the oath a clause “whereby the power of the Pontiff to excommunicate me was taken away, I immediately wanted it deleted;” therefore may one thence collect “with how much concern I took care that nothing be in the oath contained beyond profession of that fidelity and temporal obedience which

nature itself prescribes to all born in the kingdom.” A proof of this sort is collected for this inference from the same place that, after the abjuration of the power of the Pontiff to excommunicate a king was taken from the oath, nothing was left in it besides civil obedience and fidelity. For if anything can be argued, most of all is it that “because the right of removing kings is to the Pontiff denied and abjured, and because this is most just and does not exceed civil fidelity, therefore, etc.” The proof of the minor is, first, that such right “has in no legitimate way been acquired by the Pontiff, but has been appropriated by the unjust usurpation and secular violence of Popes,” which he often repeats in his *Preface*, and on p.22 in particular he says he took it as a thing to be proved in his *Apology* that the usurpation of the Pontiffs is repugnant to the Scriptures, the Councils, and the Fathers. Second, that such removing or deposition of kings “far and wide exceeds the limits of excommunication, which is a spiritual censure;” therefore excommunication by the Pontiff cannot supply subjects with a just and legitimate cause for them to contrive anything against a king or his command. Thus more or less the king in that place.

2. And from this foundation he tacitly infers, both there and in other places, that subjects cannot by the Pontiff be absolved from the civil obedience due to a king, because a Pontiff cannot depose a king from his rank and lordship; therefore neither can he bring it about that the obedience not be due to him, because it is due by natural right, which right the Pope cannot take away. For this is what the king wished to signify in the words, “which nature itself prescribes to all born in the kingdom.” In like manner he infers that the Pontiff cannot absolve subjects from their oath of fidelity, because the matter of that oath, which is civil obedience and the promise of it, is immutable and always honorable,

since it is due by the right of nature; therefore by no human power can it be brought about that the swearing of it not be always binding. The proof of the consequence is that no one can be absolved from an oath's obligation, under which he promised something, unless the promise itself, or its matter, be first remitted or nullified, because the bond of an oath is *per se* inviolable and obliges by human, and most of all by divine, right; since therefore the matter cannot be removed from this oath, neither indeed can the oath itself be loosed. Third, there is hence collected as well that there is a great difference between this last oath and the ancient oath of primacy, because in the latter oath spiritual power as well, but in the former the temporal power only which the Pontiff usurps over kings, is abjured. Hence in his *Preface* the king much blames Bellarmine because, as he says, "he tries to prove that this oath of fidelity is nothing other than the ancient oath of primacy now fashioned in obscurer words and with ambiguities of circumlocution, etc." From here he next says, at the beginning of his *Apology*, that "this oath was not established for any other end than that a distinction exist not only between faithful subjects and perfidious traitors, but also between pontificalists themselves who believe fidelity should be kept to kings and those of them who, under pretext of disparity of religion, think it is licit to conspire against a king." Thence he later concludes that "this oath was established for the end that there will be the likeness of a pledge and contract of his subjects' faith towards himself." It contains, therefore, nothing besides civil obedience.

3. Finally, to this place has regard another class of proof that in his *Apology*, at the beginning of his attack on the letter of Bellarmine, the king introduces, by reduction to inconsistency. Because he who teaches that this oath is to be refused must in traitorous and absurd positions necessarily entangle the subjects whom he is striving to ward off

from this oath. And he numbers fourteen propositions of that sort, all or some of which he says are necessarily inferred from rejection of the oath. Now which those propositions are will be clear below in our response to this part.

4. These are the things that I have from various places and sayings of the king been able to collect in his defense, which, although they are frivolous excuses and always turn on the same hinge, I have thought should not be omitted; both so that it might be more evident to all that nothing of service that could conduce to showing the difficulty or the truth has by us been passed over; and also so that, if possible, the king himself may note by what light reasons and what badly founded opinions he is, in a thing of such great moment and such great peril, allowing himself to be led. Therefore to the words of the king we say, in the first place, that his deeds do not conform to his words, and that one should go along more with the deeds and the things themselves than with the words or promises. For what matters it that the king affirms that he wished to exact by that oath nothing other from his subjects than civil fidelity and obedience if, from the form of the oath and in all its parts, the contrary is clearly shown? For in the royal edict, where this formula of oath is contained, the title written above it was: "For uncovering and repressing papists," that is, Catholics and those who obey the Pope and recognize his primacy; but if the oath demanded only civil fidelity and temporal obedience, it could not be a sign for distinguishing papists from sectaries or from apostates from the Pope, because civil obedience is common to all; for those who obey the Pope do not deny just civil obedience to their kings. Therefore such an oath is for no other reason said to be given for uncovering papists save that those who admit the oath are reckoned by that very fact to be renouncing the Pope and abjuring his power, and because those, on the

contrary, who refuse it show themselves by that very fact to be faithful and obedient to the Pope; it is not, then, given for civil obedience alone; for (as also the king himself contends with all this strength) civil obedience does not conflict with the Roman Religion, and thereupon neither with obedience to the Pope, which they profess whom the king calls papists.

5. Besides, in the same royal edict two oaths are contained, distinct in their titles; for one is inscribed “About the primacy of the king in spiritual matter,” which was the sort of oath in use under Elizabeth and which was by King James expanded with a certain promise, as we noted above in our preface. But the other was entitled: “Against the power of the Pontiff over Christian princes,” which is nothing other than what the king now calls the oath of fidelity; for nothing else was in that edict passed, nor was mention up to that point made of anything else; therefore from the inscription itself it is clear that this oath contains abjuration of the power of the Pontiff over kings rather than fidelity of subjects toward the king. For the former is both directly intended, as the inscription shows, and is immediately and expressly declared and rather often repeated in the words; but the latter is at most indirectly and remotely or by a certain consequence contained in the oath itself, although it was by the king himself, perhaps, *per se* and principally intended. Hence rightly can we note here and apply a distinction of scholastics and moral philosophers about the intention of the doer and of the deed, and about the intention of the end and the choice of means for the end. For the king could by this oath have principally intended the civil fidelity of the subject and the security and indemnity of his affairs, but the means that he used to obtain it was abjuration of pontifical power; and thus, although the former end was perhaps the chief one in the doer, that is, in the king

instituting the oath, nevertheless, in the oath itself, the particular target and as it were object of it is denial of pontifical power; and in this way we say that it is the principal end of the deed, that is, of such oath, because it is its intrinsic end and its proximate matter, as has been made clear in the individual parts of it. And thus, however the thing may be with the principal intention of the king, which we are not worried about nor do we wish to charge him with lying, it cannot be doubted but that the oath itself, which the king uses as the means, has exceeded the limits of civil obedience and, in order to strengthen that obedience beyond what is right, has invaded pontifical power by abjuring it and by at the same time overturning and denying the foundations of the faith.

6. To make this more fully clear, I note that in this phrase “the fidelity of civil obedience,” as far as the King of England uses it, there lurks an equivocation whereby the simple and ignorant can easily be deceived. For the king exacts from his subjects a civil obedience and fidelity of the sort that recognizes no superior to the king on earth, whether directly or indirectly, and of the sort that can in no case or for any cause be by any jurisdiction existing in mortal man impeded or taken away. And because so great a supreme power cannot be recognized in the king unless the power of the Pontiff is denied, which alone could be that superior on earth, even in civil matters, at least indirectly, therefore he has, in order to strengthen his civil obedience in the rank and manner in which he demands it, used the means of abjuring pontifical power. And therefore in his words he says that he is demanding from his subjects only civil fidelity, although in truth he is extorting from them the abjuration of the Catholic faith. However, according to sound and true doctrine, civil obedience is generally said to be that which is due to the higher temporal and civil powers, to each in its rank, and in its matter, and

within its measure, according to the remark of Paul *Romans* 13.7: “Render therefore to all their dues; tribute to whom tribute is due; custom to whom custom, fear to whom fear; honor to whom honor.” And that of Peter, *I Peter* 2.13-14: “Submit yourselves to every ordinance of man for the Lord’s sake; whether it be to the king as supreme, or unto governors as unto them that are sent by him, etc.” Therefore to civil magistrates too is civil obedience due, subordinate, however, to kings who are supreme; now to kings who do not recognize a superior in temporal things is also due the civil obedience that is greatest in its order; it cannot fail, however, if it is to be Christian obedience, to be subordinate to the spiritual power. Because it ought to be in accord with the measure of faith, for everyone, whether king or subject, is bound in accordance therewith “to obey those that have the rule” over them, *Hebrews* 13.17, and chiefly to the Vicar of Christ, to whom Christ himself has subjected all his sheep, among whom kings are numbered. And therefore, if by a temporal king such civil obedience is demanded as excludes obedience to the Pontiff, it is not now merely civil obedience but passes over into spiritual and ecclesiastical obedience. Now such is the obedience that the King of England is demanding of his subjects; therefore, in this formula of oath, as if forgetful of civil obedience, he relies wholly on the denial and abjuration of pontifical powers.

7. Hence it is clear, first, that what the King of England says is simply false, that he is demanding through this oath only “that fidelity from his subjects which they are in conscience bound to supply him.” For subjects are in conscience bound, as Christ said, *Mark* 12.17, to “render to Caesar the things that are Caesar’s, and to God the things are God’s,” and consequently also to the Vicar of Christ the things that are his; and because these pertain in a singular way and title to God, they are contained under the second

member of Christ's words. Wherefore, just as, when Caesar gives commands against God, God is to be obeyed rather than men, as Peter said, *Acts* 4.19 and 5.29, so, although Christians are in conscience bound to obey the king as supreme in his order, yet are they not bound, nor are they able, to obey him when he commands abjuration of pontifical power, nor even are they bound to obey him contrary to the obedience due to the Pontiff, which obedience is of a higher order, to which civil obedience is in such way subordinate that in certain cases, or for just cause, it should sometimes yield to it. Therefore it is false that in the oath nothing is demanded from the subjects of the king except what they are in conscience bound to supply him.

8. Now what he repeats a little later in the *Preface* with a small change in the words, "that nothing is in the oath contained beyond the profession of fidelity and civil obedience which nature itself prescribes to all born in the kingdom," must be read with caution and care. For it contains an objection and a latent error. The objection was made above, that obedience and fidelity are due to kings by natural right; therefore it is due to them independently of the Pontiff; hence the Pontiff himself can no more change it than he can change the right of nature, nor can he more absolve from it than from natural right. But the error or deception lies hidden, because the king does not think that one must judge in a higher way of civil obedience among Christians than among heathens; for to each is due from their subjects the civil obedience which nature itself prescribes; and so he thinks that the civil obedience to be supplied by Christians to their princes is not to be defined in other terms or with other rules than is the obedience due from the heathen to their kings. And that this was the mind of the king he will easily persuade himself who recalls to memory the king's other clearer words that he wrote in his *Preface* p.34 against

Bellarmino. For he says: "Since he numbers me with heretics and puts me on a level with Julian the Apostate, he must think me to be outside the fold and flock of pontificalists. Therefore I am in right to be reckoned with heathen princes, over whom he himself admits the Pontiff has no power." On the basis of this principle, therefore, the king wanted to signify in other words that, just as the Pope cannot depose a heathen king nor absolve the latter's subjects from obedience to him, so neither can he free the former's own subjects from their obedience and fidelity; and that accordingly he is demanding nothing in the oath than what nature itself has imposed on all born in the kingdom.

9. Now Catholic truth teaches that, although faith and grace do not destroy nature, they do however perfect it and constitute it under higher rules and laws; and therefore civil obedience among Christians, although it arises from the law of nature, is nevertheless defined and limited to a civil obedience that is in conformity to a such state, and is not repugnant to faith and religion, and is subordinate to the just laws and precepts of the Church. And, on that account, civil obedience among Christians is not to be equated in all respects with civil obedience among the heathen, or among men, who can be governed by pure natural prudence without any light of faith. Because the heathen or infidels, not having been baptized, are not subjected to the Pontiff and to the laws of the Church in the sort of way that Christians are; and therefore Christian princes, even those who are supreme in temporal things, can be prohibited by pontifical law from commanding, even in civil matter, something to their subjects in many cases where heathen princes cannot be compelled, because they are not in the bosom of the sheep, nor did they even enter it. But King James (as we proved in book 1), although he cannot be excused from the crime of infidelity, or heresy and apostasy, is not for that reason to be

numbered among the heathen in exemption from the obedience of the Pontiff, for by reason of baptism he cannot in himself delete its character; so neither can he be exempt from the debt of ecclesiastical obedience, even if a thousand times he destroy the yoke and break the bonds and say: I will not obey. For he will be able in fact to resist and not obey, but he will with God always be guilty of the disobedience, not only of himself, but also of his subjects. Wherefore, when he says that “nothing is in the oath contained beyond profession of that fidelity and temporal obedience which nature itself prescribes to all born in the kingdom,” if he understand it (as he seems to) of obedience loosed from all rule and direction of the faith, such as can exist even among the heathen who use right reason, he sufficiently confesses, by that very fact, the error of the oath and the perversity it involves, because he demands such civil obedience as excludes in it ecclesiastical obedience and as is put in preference to it; but if we wish in a sound way to interpret the civil obedience that nature prescribes to all those born in the kingdom, it will thus be false that nothing else is contained in the oath, as will be clear in our response to the objection that we have put together from those words.

10. For we reply that the fidelity and obedience given to kings, although it is founded and rooted in natural right, is more truly and properly said to be of the right of nations, because it is not of natural right immediately but on the supposition of a joining together of men in one political body and perfect community. Or certainly it can at most be said that it is of the right of nature on the supposition of a pact and convention among men themselves, just as is of natural right the obligation or promise of a vow to God and of an oath among men, as above in book 3 and also in bk.3 *De Legibus* we have declared at length. And hence it happens that the obligation of civil obedience is not, as to its

matter and mode, equal in all men who are born in a kingdom, but exists in each one according to the original institution of the kingdom and the condition of the pact and contract between the king and the people, about which there is wont to be agreement either by written laws, which are elsewhere called *fora*, or by a custom exceeding the memory of men. And hence also it happens that the bond of such fidelity or obedience either is sometimes not obligatory, or can sometimes even be rescinded, according to the conditions that in the first contract between the king and the kingdom were either expressly stated or, by the demand of the right of nature itself, internally included. And in this way the obedience does not oblige to the obeying of a king when he prescribes things illicit or contrary to the salvation of the soul. And the perversity of a king can be so great against the common good of the republic, or against the compacts and agreement made with the king, that the whole kingdom can by common counsel rescind the pacts and depose the king, and thus liberate itself from civil obedience and fidelity to him, as we said above in chapter 5.

11. Thus, therefore, in a good sense can Christians who are born in a kingdom also be said to have the fidelity of their kings prescribed by nature, though in a way that is accommodated to the common right of the nations of the Christian and Catholic world, or rather to divine right and faith. But this way is that civil obedience is subordinate to ecclesiastical and is directed by it, as far as those things are concerned that have regard to the salvation of the soul, and consequently that the bond on which the obligation of civil obedience is founded can be dissolved by the Pastor of the Church, if he who has the civil power abuses it to the spiritual ruin of his subjects, or of himself, together with public scandal and harm to others. But in this sense it is false that the King of England in that

oath is only demanding from his subjects the civil obedience that nature itself prescribes to all those born in a Christian kingdom; because nature itself in Christians, having been illumined by divine faith, asserts that kings are to be obeyed in civil matters unless they include or prescribe something against the faith or against ecclesiastical obedience, in the way that, as has been sufficiently and more than sufficiently proved above, is done in this oath by the King of England.

12. Now to the sign by which the king tries to prove the contrary, that he did not permit the clause, in which the power to excommunicate him is abjured, to be put into the oath, we reply that, though it be so (which, because of the word of the king testifying to the fact, we do not doubt), yet the sign is insufficient. First because, although an express abjuration of the power of excommunicating was removed, an implicit and covert one was left. Second, because there is expressly put in the oath an abjuration of the power of the Pontiff to depose a king for any cause, however just it be, and of loosing subjects from any fidelity or obedience due or promised or sworn to the king; which power is with no less certitude fitting to the Pontiff than the power of excommunicating. Both are made clear easily from what has been said. Because in two ways is it possible for a king who is obstinate, or who is a rebel against religion, to be deprived by the Pontiff of the power of the kingdom, and for his subjects to be absolved from their fidelity; in one way as to use alone and by way of a certain suspension; in another way as to property and dominion and by way of deposition; and both does the king of England deny in the oath, the first indeed more expressly in the second and fourth sections of the oath than in the other sections, but the other in the whole of the oath and in all its parts. Catholic doctrine, however, teaches both.

13. For the first mode of privation is intrinsically included in the very bond of major excommunication, as Pope Gregory VII teaches in ch. ‘Nos Sanctorum’ 15 q.6, where he says that those “who are tied” to excommunicated persons “by fidelity or oath we by our apostolic authority absolve, and we in every way forbid that they keep fidelity with them.” In which words a new prohibition is not so much made as is that declared which by virtue of such censure is done. For the censure deprives persons not only of sacred but also of civil communication in all things or cases not excepted by right; but therein is not only an exception not made, but a prohibition is even made clear. But that it is not an absolute deposition but a sort of suspension is clear from the limitation thereto adjoined: “Until they come themselves to make satisfaction;” for hence is it clear that the absolution is not perpetual but for as long as the bond endures. It is therefore by way of suspension of power as to use, and not by way of deposition. But because those final words are said not to be found in the manuscript codex found in the Vatican, a like decision with that express declaration is found in Pascas 2 on ch. ‘Iuratos’ 15 q.6, “as long as he is excommunicated.” And a similar limitation is contained in the final ch. *De Poenis*.

14. Nor does the king’s objection stand in the way of this, that excommunication is a spiritual censure and that therefore the privation of jurisdiction or of temporal power even as to use and by way of suspension exceeds its limits. For the consequence is denied; for although excommunication is said to be a spiritual censure, whether from its principal matter and end or because it proceeds from spiritual power, yet, just as the power itself, although it be spiritual, is extended indirectly to temporal things, so also the censure of excommunication is in the same way both spiritual and extended indirectly to

temporal things; for it deprives not only of sacred communion but also of civil and human, as is clear from the institution and usage of the Church, approved by perpetual tradition and founded on Scripture. For in *2 John* 1.10 is said: “neither bid him God speed;” and Paul in *1 Corinthians* 5.11: “With such an one no not to eat.” And the reason he in the same place insinuates when he says, vv.3, 5: “I have judged...to deliver such an one unto Satan for the destruction of the flesh, that the spirit might be saved in the day of the Lord Jesus.” In this way, then, is a man harassed also in temporal and corporal things, so that the harassing give him understanding, so that he return from his stubbornness.

15. But the other way of privation, by way of deposition from the kingdom or from some other temporal power, and consequently with perpetual absolution of subjects from civil fidelity and obedience, is not the proper and intrinsic effect of major excommunication, provided nothing further is added, as I assume from the proper matter of it and from the common usage of the Church, and it is sufficiently collected also from the rights mentioned. Yet, nevertheless, even this deposition and absolution is, by way of singular punishment, joined to censures when the offences of princes compel Pontiffs to use that severity, which use was sufficiently proved by us in book 3. And hence is the power demonstrated, because so public and constant a use, and one without the violence of arms so effective, could not exist without the faith of the Church recognizing in the Pontiff a legitimate power for imposing punishment which is included in the power of binding and loosing given to Peter by Christ and in the pastoral staff, which he has received for ruling the Church, as we sufficiently showed in the place cited. And here as well Paul’s reason has place, that often a man that is a sinner needs to be very severely afflicted in bodily and temporal goods so that he may return to his right mind. Again, a

very good reason is that subjects often need this remedy so that they be not overthrown. For that is why Paul said about a heretic, *Titus* 3.10, “after the first and second admonition reject him;” which is wont to be much more necessary in the case of a prince than in the case of others.

16. And thus there is no problem in what the king says, that this punishment exceeds far and wide the limits of excommunication; for let it be so, yet when deposition is thus understood it does not, as is in the oath abjured, exceed the limits of pontifical power. But when he says that this right has by no legitimate title been acquired to the Pontiff, we reply that it has indeed not been by any human title properly acquired but has been by divine right conferred, as was shown from the words of Christ in book 3. Where we also refuted the words of the king, “by the unjust usurpation and secular violence of the Popes.” For to say these things is easy, especially for a powerful king and one too much caught and blinded by affection of supreme power (to speak *pace* him), but it is impossible to prove them. And the king has thus introduced no proof or evidence for this unjust usurpation, nor is it likely that an unjust usurpation has prevailed against the power of emperors and kings. Hence those words that the king adds about “secular violence” are more *per se* incredible, because this violence is not done except by arms and secular power; but this was not so great in the Pontiffs that it was sufficient for inflicting violence on emperors and kings. And thus is there no such violence of the Pontiffs read of in the histories; it is asserted gratuitously, then, and by mere freedom of speaking.

17. Wherefore, from among the corollaries that the king infers, the first and second, about the absolution of subjects from obedience and oath of fidelity, have been from what has been said been sufficiently rejected. But the third about the comparison of

this oath with the previous one about primacy is also easily refuted. For rightly did Cardinal Bellarmine say that the one is virtually and covertly included in the other. Because the power by which the Pontiff deposes kings who are schismatic and pernicious to the flock of Christ is not other than the very power that he received from Christ, which is one and indivisible (so to explain the thing), and therefore it is not divided or lessened, nor can it be in part abjured and in part retained. Since, therefore, in this oath the power of checking and punishing kings is abjured to the Pontiff, his whole spiritual power is thoroughly abjured, which is what was expressly done in the previous oath. Now a sufficient indication of this truth is that the king himself, so as to seem to be denying with a foundation this power of deposing him, denies as a result that Christ gave to Peter, or through him to the Roman Pontiff, supreme spiritual power for ruling the Church, thinking that these are so connected that one cannot be denied without the other. Therefore, while in this oath one is expressly denied, the other is as a result and virtually denied and with the same perjury. But the final inference and, as it were, protestation of the king about the end of the oath is of no help to him. For let it be that he intended by that oath to separate out and recognize traitors, yet the means that he used was the abjuration of pontifical power. Hence by that oath not only does he civilly distinguish faithful persons from traitors, but he also induces faithful Catholics to betray and abjure their faith; from which it turns out that he discriminates much more between believers and non-believers, or at any rate between those resolutely refusing an unjust oath or wretchedly making pretense of it to avoid temporal disadvantage. Wherefore, such an oath should be in right reckoned a character of the Anglican schism than a pledge or contract of the faith of subjects.

18. It remains that we respond to the final proof of the king taken from the fourteen propositions that he infers from rejection of the oath. And to begin with we say that there is evidently collected from them that the intention of the oath is not so much about supplying obedience to the king as about denying power to the Pontiff and usurping it to himself. For, out of all the propositions, only one pertains to guarding royal dignity, and that one does not follow from rejecting the oath; but the others are almost all directly about Pontifical power and they are, in a sound sense, very true, and therefore is the oath rightly rejected, because it contains the contradictory assertions, as the king himself admits when he says that these propositions follow by antithesis from the rejection of the oath. Now to make this more evident, I will note the individual propositions and what must be thought about them.

The first is: *That I, King James, am not legitimate king of his kingdom and of all my other domains.* But this follows not at all from detestation of the oath, for although James be true and legitimate king, nevertheless the oath is corrupt in the way that pontifical power for deposing him for legitimate cause is abjured; for this power the Pope does have over legitimate and true kings and emperors.

The second is: *That it is licit for the Pope to depose me from the kingdom purely on his own authority, or if not on his own, yet by authority of the Church or the Roman See; if not by authority of the Church or the Roman See, yet by other means and with the help of others it is licit for him to depose me from the kingdom.*

The third is: *That it is licit for the Pope to give rulings at will about my kingdoms and domains.*

The fourth is: *That it is in the power of the Pope to concede to any foreign prince*

whatever power to invade my domains.

The fifth is: *That it is licit for the Pope to absolve my subjects from the faith and obedience due to me.*

The sixth is: *That it is in the power of the Pope to give license to one or more of my subjects to bear arms against me.*

The seventh is: *That it is in the power of the Pope to give pardon to my subjects for offering violence to my person or domains, or to any of my subjects.*

The eighth is: *That if the Pope, by a sentence passed, excommunicate or depose me, subjects are not at liberty to persist in the faith and obedience due to me.*

The ninth is: *That if the Pope judicially excommunicate or depose me, subjects are not at liberty to defend with all their strength my person and my crown.*

The tenth is: *That if the Pope has promulgated any sentence either of excommunication or deposition against me, subjects are by force of that sentence in no way obliged to reveal all the conspiracies or treasons commenced against me that they happen either to hear or learn of.*

The eleventh is: *That it is not heretical nor detestable to think that princes excommunicated by the Pope can be with impunity deposed or killed by their subjects or by anyone else at all.*

The twelfth is: *That the Pope has power to absolve my subjects from this oath or from any part of it.*

Now all these assertions more or less come together into one, which is declared as it were by parts in those twelve positions so as to exaggerate the thing. But in some of them there is sometimes added a phrase which destroys and changes the true sense. What,

then, is said in the second position, that *the Pope can depose King James purely on his own authority*, is very true and Catholic provided the word ‘purely’ does not exclude legitimate cause, but declares only a sufficiency, without the aid of any other, of that authority. And because the proposition speaks in particular of such person in whom a legitimate cause is not lacking, as is sufficiently clear from what has been said and as is manifest to the Universal Church, therefore the proposition makes true sense without any equivocation, because it does not exclude legitimate cause but supposes it. But in the third, which is more or less similar, the phrase ‘at will’ contains ambiguity and gives occasion for calumny; especially because in other places the king is wont to say ‘at pleasure’ or something the like. Therefore, if it be understood of a just and legitimate choice, the proposition is true; but if it be understood of pure and absolute will and mere pleasure, thus it is an imposture and can by no likely consequence be inferred from rejection of the oath. And for the same reason about the rest. For all are about the same supreme power of the Pope to coerce Christian rebels, even if they be kings, as far as to depose them, should the gravity of the cause and the necessity of the spiritual kingdom demand it.

19. Only in the tenth proposition must one note (as was indicated above) that partly it involves a repugnance and partly gives occasion for calumny. I say that it involves a repugnance because, if the king, through a just sentence of the Pope, is by that very fact deposed, by that fact do those who before were subjects to him cease to be subjects; for the king himself would now not be king nor superior. And therefore, if any plots were made against him, they could not now be properly called treasons. Nor would the citizens be bound, at any rate by a title of fidelity of subjection, to reveal them. But I

add that that way of speaking can be exposed to calumnies because, although a criminal king be deposed, he cannot at once by plot or ambush be justly killed by anyone among the people; because neither may a private citizen who is a criminal be licitly killed in these ways by other citizens on their own authority, but only on public authority, or by power received from it, whether by command or special commission.

Wherefore if, after a king has been deposed, some people, without having received power from a legitimate judge, were through private ambush to devise death against him, one who, outside the confession, were to become aware of it, would be obliged from charity, with the concurrence of the circumstances that are wont to be necessary for such an obligation, to reveal them so as to prevent an evil to his neighbor. But when one proceeds against the person of such a king according to the tenor of the just sentence, not exceeding the limits of the power conceded by a legitimate judge, then all obligation of revealing a secret would cease, because now the ambush would not be iniquitous but a just war. Because, therefore, that proposition speaks indistinctly, for that reason I said that it can give occasion for calumny, as if it were saying that even when plots and treasons are unjust and iniquitous citizens are never held by any title, even of charity, to make them manifest; which is false, nor does it follow from rejection of the oath, as is of itself evident.

20. The same caution must be used in the eleventh proposition; for its opinion is in sum that an excommunicated king can be deposed or killed with impunity by anyone at all. Which, as thus simply pronounced, is very false; for excommunication alone and by itself does not give power to kill the one excommunicated, nor to deprive him of the lordship of his own affairs, but to deprive him only of communion, and the one

excommunicated can, as a result, be deprived of the use of any of his own property if this cannot be done without such communion. An excommunicated king, therefore, if the sentence contains nothing else, cannot at once be deposed or killed by his subjects or by anyone else, nor does this follow from rejection of the oath. But if in that proposition under the term 'excommunication' is included also deposition and distrust, which is in a canonical sentence sometimes done, thus it will contain truth; nay, even understood of the sole censure of excommunication in common form, if the sense of the proposition were that an excommunicated prince, while the excommunication lasts, is deprived of the right of commanding his subjects to obey him, but that, if he compel them, they can themselves resist him, even by just war, the proposition will in this sense be very true and the contrary doctrine heretical, against the force and the power of the keys of the Church; but in that proposition, and its bare words, all this is not sufficiently explained, and therefore calumny should be avoided and one should speak plainly.

21. The thirteenth proposition is: *That this oath may by no means be administered to my subjects with full and legitimate authority.* This does indeed plainly follow from the rejection of the oath, because an unjust oath can by legitimate authority be supplied by no one. The proposition is, however, very true and certain, which is evidently shown from the former ones, for it is clear from the tenor of them that all the articles are about the power of the Pontiff, and thereupon many articles contrary to the power of the Pontiff are contained in the oath; therefore it is manifest that there is in a temporal king no legitimate authority to administer such an oath to his subjects. And with the like clarity it follows that such an oath is not being given about civil obedience alone, but about apostolic power; nay is being demanded contrary to it.

22. The final proposition is: *That this oath would have to be taken with equivocation, with mental evasion or tacit reservation, and not from the opinion of one's mind and from one's inmost breast, in the true faith of a Christian man.* Now this in no way is connected with or follows from rejection of the oath. Because although that part of the oath too is rejected, it is not thereby affirmed that this oath must be taken with equivocation. For these affirmations are contraries and both can be false and between them there is a mean, namely that the oath is supplied in neither way. Hence so far are we from saying or thinking that such an oath is to be taken with equivocation that rather we reject this too. Both because it would be done with perjury against the final part of the oath, and also because it would be done with scandal and with omission of confession of the faith at a due time; nay, also with external denial of the faith, as we will in the following chapter more explain.

23. Finally, after these propositions, the king adds these words: "These are the articles elicited by antithesis from various parts of the oath. To these the opposite theses neither touch upon the primacy of the Pontiff in spiritual causes, nor has it ever been concluded and defined in any fully completed General Council that this sort of power over kings pertains to the authority of the Pontiff. And lastly their scholastic doctors themselves, in some inexplicable quarrelling, disagree with each other about them up to this day." But it has already been sufficiently shown by us how the power, which is in these articles explained, pertains to the spiritual dignity of the Pontiff, and how, as a result, the opposite theses included in the oath are directly repugnant to it. But what the king subjoins, that in no fully completed General Council has it been concluded and defined that this sort of power over kings pertains to the authority of the Pontiff, nay, that

about this very power there is dissent among scholastics, is plainly false in both its parts; neither can it be affirmed by the king except because, since he was himself not able to peruse the Councils or the scholastics, he has been deceived by Protestants. For above in book 3 it was shown that many General Councils acknowledged and approved this power in the Supreme Pontiff; besides the fact that, without a definition of a Council, the definitions of the Pontiffs would be sufficient for making the truth certain. However, more often the Pontiffs together with General Councils have used that power, as Innocent III in the Lateran Council ch.3 and Innocent IV in the Council of Lyons. Hence, there is no doubt but that Councils themselves, by approving the things done, recognized the power in the Pontiff. In addition, this truth is founded on the common tradition and consent of the Church.

24. Nor is there dissension on this point among Catholic theologians; for it is those, I think, whom the king understands by the name of scholastics, for his own theologians detest scholastic theology. But about the common consent of Catholics on this point enough has been said in book 3, and more extensively by our Cardinal Bellarmine in his book against Barclay, at the beginning. And those who say they disagree should show us the Catholic authors who contradict this truth, which certainly they cannot do. For even those scholastics who have seemed sometimes to restrict the power of the Pontiff, as Occam, Gerson, Parisius, and the like, never denied to him this power of deposing kings who were heretical or pernicious to the salvation of their subjects; although, in the mode of speaking, there be among them some diversity as to whether the Pope of himself and immediately does it, or only by giving command to the subjects to throw off such a king; and in this too many of them, and those who think better, and all the rest, judge that both

modes fall under the power of the Pontiff. And in truth it is *per se* incredible that a Christian kingdom has no remedy against an heretical king; for it is against all reason and against the accurate providence of God, since an heretical king may very easily infect the whole kingdom, as experience teaches. Hence the Pope too, if he be a heretic, can be deposed by the Church; therefore it is necessary that there be power on earth that can depose an heretical, stubborn, and incorrigible king. Therefore it should above all exist in the Pontiff as in the supreme visible pastor on earth of souls; nor could such a power have been located in anyone else more agreeably in order that the depriving, which is exposed to many difficulties and perils, might be done with greater maturity and justice, as has been explained.

Chapter 7: The Supreme Pontiff was not only able, but also obliged, to turn English Catholics by his warning away from profession of the said oath.

Summary: 1. Three objections of the King of England against the Pontifical Brief. 2. The foundations of the contrary doctrine. The Pontiff has power to examine the oath proposed by the king. 3. The Pontiff is bound by his function to condemn such oath. 4. Any controversy about the oath whatever, although it be a doubtful one, is to be settled by the Pontiff. 5. The first objection of the king is turned back against him. 6. The Pontiff has imposed on the king no punishment. 7. Difference between the Briefs of Pius V and of Paul V. 8. Response to the second objection of the king.

1. Hitherto we have pointed out the injustice and errors of the aforesaid oath of fidelity, and we have refuted vain excuses; it remains for us to defend the Pontifical

Briefs and make satisfaction to the complaints and objections of the king; which can from the principles laid down be briefly and easily carried out. At the beginning, then, of his *Apology*, the king dares to blame the Pontiff because “in his Brief sent to Britain and there made public he has forbidden all the little papists to suffer themselves to be obligated to this oath of fidelity.” And three sins especially he notes in it, one against the king himself, another against English Catholics, a third in the manner itself of refuting the oath. About the first he speaks thus: “Since war has not been declared, it cannot be denied but that the Pontiff has acted against good morals and against the custom especially of Christian princes, because he has condemned me unheard.” Hence he later thus concludes: “The Pontiff, if he considers himself my judge competent, as is wont to be said, why does he condemn me unheard? But if things stand otherwise, and if there is no business between the Pope and me (which is most true), why does he get mixed up in a work not his own, and put his scythe to another’s crop, especially in a matter that is civil and in no way concerns him?”

Second, he proves that the Pontiff has sinned against the Catholics of England, because “he has thrown them into wretched difficulties, such that either they renounce, with danger to life and loss of fortune, fidelity to their prince, or they bring, with loss of Catholic faith, the salvation of their souls, as the Pontiff pretends, into peril.” For both of these perils would be avoided if, as they had begun to do, they were allowed to give the oath in good faith. Third, he proves that the Pontiff has been deficient in manner, “because he takes on a lot of work in reviewing the whole formula of the oath as to its wording, but afterwards, with one general word, he proscribes the whole oath,” not indicating what he is blaming, so that it might either be emended or favorably interpreted,

or, if he despises to do this himself, so that his Catholic subjects might have some excuse if they refuse the oath.

2. These objections, however, proceed from two erroneous principles. One is that the Pontiff does not have direct spiritual power over the king; the other is that much less does the Pontiff have even indirect power over the king in temporal matters. But the contrary dogmas were established and proved by us in book 3, on the supposition of which all the objections are easily refuted. For we say, to begin with, that the Pontiff could of his own right examine a formula of oath prescribed by the king and, to the extent he made judgment of it, condemn or prohibit it as sacrilegious either as contrary to the Christian religion or as contrary to the reverence of an oath. The proof is, first, that an oath is a thing very spiritual and sacred; therefore it falls directly under the spiritual power of the Pontiff; therefore it pertained to the function of the Pontiff to condemn an oath in respect of a thing unjust and very pernicious to the faithful, such as has above been sufficiently shown to be contained in that formula.

Second, when a civil law either exceeds its own temporal limits or makes disposition about temporal things by fostering sins or giving occasion to them, the Pontiff by his spiritual power, as far as it extends indirectly to temporal things, can condemn it, and invalidate it or declare it invalid, as was extensively shown above in book 3 chapter 22; but that formula, as the king himself contends, is a certain royal decree or civil law, and (as we have shown) it exceeds the limits of civil and temporal matter, and contains many things contrary to Religion and good morals, such that it cannot by the faithful be kept without loss of their souls; therefore the Pontiff in condemning it used the legitimate power of the keys, namely the key of knowledge, by making clear the injustice and

malice of the oath, which is the proper function of the pastor to whom it concerns to feed the flock of Christ, and the key of power, by prohibiting the use of such oath. Hence there is a confirmation too, for the Supreme Pontiff has the right to defend the power that Christ has conferred on his See; but that oath is directly contrary to pontifical power; therefore he could by right efficaciously condemn and prohibit it.

3. Next we add that not only was he able but he was also, by force of his function and office, obliged not to keep silent about or to hide the truth, but to warn his subjects to abstain from such an oath. The proof is, first, that he is bound to uncover public scandals and occasions of sinning in doctrine when, by fraud or deception, they are offered by the enemies of the Church to the faithful. And he is likewise bound, insofar as is in him, to take away by his power or impede such perils, especially when they are approved and proposed by some public authority. For both of these are included in the words of Christ, “feed my sheep,” for there the power is given, as was above made clear extensively, and those words contain, together with the conferring of the power, the imposition of a precept on Peter and his successors, as is clear both from the form of the words and from their matter; for this precept, on the supposition of the function, is connatural with it, on account of which Paul said, *Hebrews* 13.17, that those will give an account for the souls of their subjects who have the rule over them. But in this oath all those things come together, namely the hidden occasion of error and deception in accepting the abjuration of pontifical power under color of an oath of civil fidelity, and consequently an occasion of schism, heresy, and perjury; therefore the Pontiff was bound, by force of his function, to disclose the truth, notwithstanding any disadvantage whatever, because the truth in the case of such great spiritual harm is not, on account of disadvantages feared from the

malice of men, to be passed over in silence.

Again, this obligation follows from another principle, because the Pontiff, as a faithful and prudent steward, is bound to protect and defend ecclesiastical rights. Which, although it be true of all ecclesiastical goods, has place especially in protecting pontifical dignity and power, because it is the foundation of ecclesiastical unity, as Christ himself taught, and is most of all necessary for keeping the truth of the faith, as experience itself shows and as was proved in book 3. But this pontifical power is subverted by this oath; in the kingdom, indeed, of England by power and corrupt doctrine; and thence it could redound by corrupt example to others; therefore was the Pontiff bound, notwithstanding any difficulty or impediment, to oppose himself to that oath and to detest it.

4. Nay rather, we add further that not only in a thing so clear, as is the perversity of that oath, but also if it were a thing doubtful, did it pertain to the Pontiff to disclose the truth, lest in a thing so grave and dangerous the faithful should dwell in the dark. Thus does Innocent III generally teach in ch. 'Per Venerabilem' *Qui Filii sint Legit.*, and he adduces the saying of *Deuteronomy* 17.8-12: "If there arise a matter too hard for thee in judgment, etc." up to "And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the Lord thy God, or unto the judge, even that man shall die." Which law, to the extent it is directive and moral, has place even now, not by virtue of the Old Law, but by virtue of evangelical faith, because, on the supposition of the power of the Supreme Priest of the Law of Grace, that obligation necessarily follows from a law connatural, as it were, with that power. Hence is the reason proper, because the matter is spiritual, both because it pertains to the doctrine of faith and morals, which pertains to the pastors of the Church, not to kings, as was above

sufficiently proved from Scripture and the Fathers; and also because it immediately touches the salvation of the soul, for it treats of whether such an oath is harmful to the soul or not; therefore to the pastors of souls, and especially to their head, does judgment in a case of such doubt pertain.

There is a confirmation and declaration; for when a like controversy has arisen between a king, even a Catholic one, and the Pope whether some oath is licit and conformable to the faith, such a controversy is certainly not to be settled by war; because neither is war a fitting means for declaring moral truth, nor would in that way provision be suitably made for the Church in spiritual things, for schisms would thence arise and a kingdom divided against itself could not stand. Nor even could such a controversy be ended by arbitrators, because, in declaring moral truth, such judgment about a thing doubtful does not go beyond human opinion, nor can it with greater power be passed by any arbitrator, and so it does not suffice for the security of the Church, nor can the Pontiff submit himself to such a judgment; therefore it is necessary for such a controversy to be settled by the king or the Pontiff. But no one who has read the Scriptures would in this business prefer royal to pontifical power, since the latter is simply superior, spiritual, and belongs to the Vicar Pastor, to whom Christ committed his sheep for directing them in faith and morals. A king in a like controversy, then, should be directed and governed by the Pontiff, and be as a sheep led and fed by the pastor.

From these it is sufficiently proved that the King of England not only wrongly complains about the Supreme Pontiff that he has passed judgment on his formula for the oath, but also very gravely sins in disagreeing with his judgment, since he is bound to obey him as a subject, especially in spiritual causes, to which the controversy about the

oath very evidently pertains. Add that he has hitherto been unable to bring any just excuse or defense of his oath, as was shown in the first part of this book, and what we said there proves that none can be found. Nor has he even against the Pontifical Briefs objected anything grave or of any moment, especially as to what pertains to the point of the principal cause, which is about the uprightness of the oath, as we will see in what follows.

5. In his first matter of blame, then, wherewith he accuses the Pontiff, because the Pontiff is condemning him unheard since there has between them been no war declared, the king himself sins in many ways in making the accusation. First, because the reason about undeclared war is impertinent. For even among temporal princes, especially Christian ones, although neither is subject to another, it is not licit to condemn unheard, even after declaration of war. For in order that a war be itself justly declared on the part of the attacker, it is necessary that he not make moves against an unheard party. For, on the witness of Augustine, bk. *Quaestionum in Josue*, otherwise bk. *Sex Quaestionum* q.10: “Wars are wont to be defined as just that avenge injuries, if any people or city, which is to be attacked by war, has neglected to avenge what has by its own been done wickedly or to return what has by injury been taken away.” But these cannot hold of a party that has not been heard; therefore even in a just war a just condemnation cannot be made against an unheard party; therefore not even after declaration of war can one king by a sentence, or in any other way, condemn unheard another his equal or superior, in the way that the king seems to suppose in his objection. Next because, although among other princes equally supreme it might in any way whatever proceed, a far different reason intervenes between himself and the Pontiff; and therefore he is abusing that comparison

as well, since he is by right subject to the Pontiff by reason of baptism and of the faith that he therein professed. But if the king himself does not fear publicly to deny this truth and to profess the contrary, how can he complain that he is condemned unheard? Besides, when the king says that war has not been declared between himself and the Pontiff, if he understands it of a material or corporal war, what relevance is that to the cause, which is principally and directly, so to say, spiritual? But a spiritual war has above all been declared between the King of England and the Supreme Pontiff, and it was first publicly declared by Henry, whom James his successor imitates; and this is enough for him, even were he condemned, not to be able to complain that he is condemned unheard.

6. Next, why does he complain that he has been condemned? For in neither Pontifical Brief is any condemnation read of, nor excommunication passed, nor deposition pronounced, nor any other punishment inflicted, or sentence stated. But if he calls the condemnation and prohibition of the oath condemnation, he wrongly says that he has been condemned unheard, because the formula of the oath is heard and read everywhere, which is enough for him to be able to be condemned. Nor is it necessary for a person to be further heard when against him no declaratory sentence of crime committed in publishing or seeking such an oath, nor any punishment on account of the same crime against a king, has been passed. But the king says the Pontiff has condemned him unheard, “partly by numbering him with the persecutors, partly by commanding English Catholics to abstain from this oath.” But neither of these pertains to a proper and juridical condemnation that ought not to be passed against a person unheard. For to judge by private opinion from a fame that is public and manifest in its effects, and to speak about someone as about an author of some crime, is often licit, even if he himself is not

first heard, as is *per se* manifest. But for what reason the King of England could justly be numbered with the persecutors of the faithful we will see in chapter 10. But about the prohibition of the oath we have already said that the king has been sufficiently heard as to this part by the reading of the formula itself of the oath, which neither does he himself deny, nor can there be doubt that it was by his authority done and proposed to his own subjects.

Wherefore, if the king is only speaking of private condemnation, so to say, the dilemma he subjoins adds nothing to the issue, because judging privately about someone does not need a competent judge, that is, a judge using jurisdiction; nor is it even necessary, as I said, to hear the person to be judged; for it is enough to have sufficient causes, reasons, and motives to so judge. Nor is the dilemma rightly accommodated even to the second member of the prohibition of the oath, because condemning false doctrine does not need a competent judge of its author, nor the hearing of him otherwise than by his writings. But to prohibit under precept such an oath, there must indeed be jurisdiction over those to whom the precept is made, which jurisdiction English Catholics in the Supreme Pontiff, as in their pastor, do recognize. Rightly, therefore, could the Pontiff impose such a prohibition on the English, especially since he did not so much make a new law as declare a divine and natural law about avoiding an illicit oath, and about fleeing from profession of false error, and confirm it with his precept. But although, with respect to the king, it be very true that the Pontiff is his competent judge, as we showed above, yet nevertheless in this act he exercised no judgment of jurisdiction over the king. For although the author of a like oath were some unbaptized heathen prince, if the oath involved some error in the Christian faith, or injury to our religion, the Pontiff could

condemn it and prohibit it to Catholics living under any gentile emperor whatever, as is sufficiently manifest from what has hitherto been said.

7. Wherefore wrongly does the king on p.7 of his *Apology* compare and make equivalent the sentence passed by Pius V against Elizabeth with this Pontifical Brief of Paul V when he says: “Could he (that is, Pius V) have laid down anything more bitter or more grave than this Pontiff has laid down against me? For what difference there is between these two, to loose subjects from the bond of obedience and to command them to take up arms, as Pius V did, and to proclaim to subjects that they should not obey a prince demanding an oath of fidelity, as today’s Pontiff did, cannot easily be discerned.” But although the deed of both Pontiffs was very fair, they are so far distant that a difference can very easily be discerned between them. For Pius V pronounced a sentence against the person of the queen, declared a very grave punishment, and used his power severely, though justly, against her. But Paul V has in his Briefs passed no sentence against the King of England, nor has he hitherto punished him with any penalty, or declared by his authority that he has incurred it; but he has disclosed the wickedness of the oath alone and, as was a necessary consequence, forbidden the king commanding it to be obeyed. But he did not (as the king always alleges) simply and absolutely forbid subjects to give their king an oath of fidelity, but that they not give this oath, which is injurious to Christian faith and religion. And so these things are very different, to prohibit the king’s subjects to take this oath or to absolve them from civil obedience to their king; for they can, without coercion to this oath, give and swear the civil obedience that is not repugnant to the purity of the Christian faith.

8. To the second objection about the losses and dangers of the subjects, the reply

is that subject Catholics are not being reduced to those difficulties by the Pontiff teaching truth and prohibiting what was *per se* evil, but by the king commanding such an oath. For, on the supposition of the force and coercion of the king, the Pontiff could not, in fulfilling his function as was right, keep silent about or hide the error. To the third a response has been very well made by others, that the Pontiff wrote as a legislator, and so indicated briefly what was to be avoided. But we can add that it was not necessary for the Pontiff to designate what in the oath he was reprehending, for from its beginning up to its end there is almost nothing in it which should not be avoided and shunned, because in its individual parts, as we have shown, either the same or diverse errors are inculcated. And all its sentences are so connected with each other that scarce are any of them free from suspicion of error. Wherefore not only by a prudent, but also by a necessary, counsel did the Pontiff designate nothing in particular as worthy of blame, lest he should seem tacitly to approve the rest.

Chapter 8: Might Catholics who admit this oath be by any reason or in any way excused from fault?

Summary: 1. Twofold objection of the king against the Pontifical Brief. 2. Response to the first objection. 3. To the second. 4. Whether he who takes up the oath can be excused from sin. First excuse. 5. Second excuse. 6. Third excuse. 7. The first excuse is refuted. 8. A grave sin is committed in abjuring the power of the Pontiff even in a single act of deposing a king for just cause. 9. It is shown by an argument ad hominem. Foundation of the said pontifical power. 10. The second excuse is refuted. 11. A confirmation of pontifical power is refuted. An evasion is excluded. 12. In what sense and in what persons

the third excuse may have place.

1. After the beginning and as it were preface of his *Apology*, the king first reviews the Brief of the Pontiff to the letter, and then advances to attack it. Now we can distinguish the Brief itself into three parts; for first the Pontiff prefaces a few words to console the faithful in their tribulation and to instruct them in morals; next he condemns and prohibits the oath; and finally he exhorts his sons to courageous resistance for the faith and to concord of charity. All which words pretty much the king attacks in the same order, but it has seemed more agreeable to us to complete first the matter of the oath and then to digress with the king about the other things. After setting forth the formula of the oath, the Pontiff forbids the taking of it in these words: “Which things being so, it should to you be clear from the very words that this sort of oath cannot, with preservation of the Catholic faith and the salvation of your souls, be given, since it contains many things that are openly contrary to faith and salvation.” Against which words the king objects nothing new but repeats the two attacks which, though he often presses, he adds no force to beside acrimony. The first is that the Pontiff blames the oath in very few words and refutes it without any proof. Hence the king subjoins: “With this, in truth, does the old saying square that is spread around about the philosopher: he says much but he proves little, nay indeed, he proves absolutely nothing.” The second objection is that a profession of fidelity to a prince cannot be in opposition to religion and salvation, and of the contrary assertion he says: “It so exceeds my theology, as little as it is, that an utterly new and thoroughly exotic assertion I cannot judge; nor one pronounced from the mouth of him who advertises himself enough as universal bishop and ecumenical pastor of all

Christian souls.” And this argument the king repeats on pp.31 & 31 of his *Apology*.

2. But in these objections, as I said, if the pious and thoughtful reader attends to them, he will find no force of reason or no solidity of doctrine but only a license of speaking. To the first reproof, then, we have already given for the brevity just causes in the previous chapter. But to the new rebuke, “that the Pontiff says but does not prove,” Bellarmine rightly responds that the things the king mentions are not those of a man faithful and Christian but of a pagan or infidel philosopher, whether it was Aristotle speaking of Moses, as the king indicates, or Averroes of Christ, as they say, or Galen, as it is found written in him; for all of them were being ruled, not by faith, but by their own judgment and opinion, whom the heretics in this respect imitate; and therefore it is no wonder if they object to the Pontiff what others opposed to Christ or to Moses. But the Pontiff, since he was speaking to the faithful, to whom it is said: “unless you believe, you will not understand,” was not putting together a disputation nor adjoining a prolix proof, but judged that a setting forth of the simple truth was enough. For since he was speaking to the orthodox, who do not doubt of his authority and power, and among whom are many uneducated and ignorant not able to follow theological reasons and proofs, it was not fitting to burden them with reasons and proofs but to teach the simple truth. Nay, even for doctors it was necessary not to place a thing of so great moment on the unreliability of opinions and of human reasons, but to secure it on pontifical authority, and to make it clear in a brief declaration of truth. I add, indeed, that even in those words the Pontiff insinuated a very certain and very evident proof by saying: “it should to you be clear from the very words;” for no other proof is necessary besides the words of the oath; and that is very sufficient, as we have demonstrated in the first six chapters, and

these can serve for a sort of commentary on these words of the Pontiff.

3. To the second objection it has already been often replied that it was not necessary to speak of an oath of civil fidelity generally, but of this oath, which is rather of abjuration of faith toward the Pontiff than of fidelity to the king. An oath of fidelity, then, taken generally is not repugnant to the Roman religion, nor to Christian faith, which is the same, nor even to the salvation of the faithful; and he who does not know this does not merit the name of theologian. However, to speak freely for the truth, he who attributes that assertion to the Pontiff has not sufficiently considered it, since in neither of his Briefs, nor indeed in the universal decrees of the Pontiffs, is any trace of it to be found. But this oath of fidelity does clearly conflict with true religion, and is against the salvation of souls; and this is what the Pontiff said, and it is very true and from the words of the oath manifest, as was answered and proved by us in the preceding and earlier by Cardinal Bellarmine. To which proofs the king replies nothing, but digresses thereafter in his *Apology* to proving the authority and power of kings in temporal matters, as if any Catholic denied it. Hence he adduces nothing that pertains to the point of the present controversy. For all the proofs are that kings have supreme power in temporal matters, but not that they do not have it as subordinate and subject to the power of the Pontiff, as was very extensively shown in the discourse of book 3. Response was there given to everything that the king here proposes, and so nothing more remains for us to say of this objection. Only I will not omit to note that the king, on p.33, wrongly attributes to the Pontiff that, led by uncertain rumors, he released this Brief rashly; for it is very clear from the very few words of the same Pontiff that, not by report or rumors or other extrinsic testimonies, but by the clear words of the oath was he moved, or rather

compelled, to forbid such an oath to the faithful. Nor are dissimilar the things that the king, up to the end of this part, subsequently brings forward, which I gladly omit, because they pertain to facts only and Bellarmine gives a copious reply to them.

4. Someone can, to be sure, doubt about this part of the Pontifical Brief whether, it notwithstanding, he who has refused to give the oath could in any way be excused from the guilt of infidelity or of sacrilege. And the reason for doubt can, in the first place, be that no dogma seems in that oath to be denied or abjured. For in it there is at most denied the power of the Pontiff to depose a king, for the rest depends on this principle; but although we believe it to be true that the Pontiff has this power, yet it does not seem to pertain to the dogmas of the faith, because it is not found expressed in Scripture nor has it been by the Church defined as *de fide*; therefore although the power be denied by giving such an oath, no dogma of the faith will be denied. Hence can further be inferred that no one is with great sacrifice, and especially with evident danger to life, bound to refuse such an oath, because, if it does not contain external denial, it is not intrinsically evil nor against religion; and thereupon he will, on account of grave cause, be excused from fault.

5. Second, the excuse can be increased, because the words of the oath are not so clear that they cannot be taken and sworn in some other sense, in which even the power of the Pontiff for deposing kings is not abjured; therefore in this way is this oath licit or excusable from fault. The proof of the consequence is that, although the one proposing the oath is demanding it in a corrupt sense and with a bad intention, the one swearing it is not bound to conform with the former's intention, but can use the amphiboly that the words allow; and then he swears neither against truth nor against religion or confession of faith, because the swearer intends to swear no such thing. The difficulty, then, seems to

be in the proof of the antecedent, for in the first clause, when the king swears “that he is supreme lord, etc.” it can be understood in a sound sense about supreme temporal lordship; and when there is subjoined that the Pope cannot depose him, the swearer can tacitly understand “at his will or pleasure,” as the King of England is wont to say; therefore these words of his can thus be taken as if the tacitly understood phrase were expressed or, which amounts to the same, there can be tacitly understood the phrase “without legitimate cause.” And the same phrase can be conceived in the mind and be repeated in the rest of the words of the same clause. And, in the second clause, this can be founded specifically on the words: “and I will defend him and them with all my strength against all plots or attempts whatever.” For “plots” and “attempts” are taken in worse part to mean conspiracies and tumults unjustly stirred up. Therefore each one can take the words in this sense, and he will not sin in swearing them in that same sense; therefore he can conceive and swear all the preceding words in the same sense, because in the one context the later words explain and limit the preceding ones. And thus, as a result, the remaining clauses admit of a similar excuse, as will be readily clear to one who considers them.

There is also wont to be a confirmation from the English, that this amphiboly is accepted by those who are worthy of trust, because the oath has been set forth in the English tongue and, in the original, for the words “kill the king” is put in the vernacular the word “murder,” which in English means “kill unjustly,” and thus is it commonly taken; therefore in the oath too it can be thus licitly taken even in its literal and common sense, especially in a matter of loss of life or of all one’s goods. But in that sense it is true that it is never licit for subjects to “murder” the king, and it is heretical to assert that it is

at any time licit, just as it would be heretical to say that it is at any time licit to do injustice. Therefore the other words can, because of the connection, be drawn to the same sense; or certainly, because the whole proposition is, since it is conjunctive, false by reason of the second part. For in the third clause is proposed conjunctively for abjuring the proposition “it is licit to depose and kill the king” (that is, unjustly); therefore the whole proposition will be false and heretical by reason of one of its parts; and thus it will be possible for it to be abjured without sin, because a conjunctive proposition, of which one part is false, is false simply, and likewise, if one part is heretical, it will be heretical simply.

6. The third popular evasion is wont to be about excuse through ignorance, which some of the English have tried to prove not only can be, but has in fact been, invincible in them. Because the opinion asserting that it is licit to give the oath has been made probable by the authority of many men and by diverse reasons and expositions of the clauses; therefore, although the oath be in itself corrupt, as the Pontiff has declared, nevertheless those who allow it will, by conforming themselves to a probable opinion in a case of so great necessity and extreme peril, not in practice be sinning. And these are the excuses which I hear have been found out by some people for permitting a like oath, but in truth they are frauds rather for deceiving souls than legitimate defenses of such a promise contrary to true religion, as we will briefly prove by running through them one by one.

7. The first excuse, then, could have been discovered rather by heretics than faithful theologians; for what is assumed at the beginning of the excuse is false and heretical. For the proposition, ‘the Pope has power to depose heretical and stubborn

kings, or kings pernicious to their kingdom in matters pertaining to the salvation of the soul,' is to be held and believed among the dogmas of the faith. For it is contained in the words of Christ spoken singularly and with special reason to Peter, "whatever you bind," and "whatever you loose," and "feed my sheep," in exactly the way the Catholic Church, which is the pillar and ground of the truth, has understood them, and as Boniface VIII very clearly declared in *Extravag. 'Unam Sanctam' De Maiorit. et Obedien.*, when he concludes that this truth is of necessity for salvation. And thus do all Catholic doctors, both jurists and theologians, receive this truth in this rank of certitude, as was in book 3 expressly disputed and rather often stressed. Since this power is there in that oath abjured, the Catholic faith is plainly abjured. Hence if it is done from the heart, the faith is lost and a fall is made into heresy; but if it is done with pretense, manifold perjury is committed and sin is done against confession of faith, as is clear.

8. But I add too that what is assumed in the latter part of the excuse is very false, because although that truth would not be *de fide* with the greatest strictness, in the first rank, as they say, but with a sure, theological certitude, it will be a very grave sin to abjure such a truth and the act of pontifical power. The proof is in the reason just made, that either the abjuration is done falsely and many perjuries and things injurious and pernicious to the Pontiff are committed; or that it is at least contrary to the reverence and obedience due to him by right, and it clearly includes the malice of schism, which therefore the king does not dare to deny about himself, although he disguises the malice of it, as we sufficiently proved in the first book. But if the abjuration is done from the heart, more gravely and formally, so to say, schism is being committed; and, although it be against one's intention, the oath is by that very fact rendered iniquitous and a bond of

iniquity. For to deny in a matter most grave, and necessary for the unity and concord of the Church, a sure truth, even if it were not *per se* primarily *de fide*, is a most grave sin against the charity of the Church, and against justice, by denying to the Apostolic See what is by legitimate title its own; therefore to swear such an abnegation is a sacrilegious and pernicious oath. It cannot, therefore, be allowed in any way for avoiding any temporal disadvantages whatever.

9. There is an *ad hominem* clarification; for it is certainly not *de fide* that James is true king of England, for it has nowhere been revealed; nay, neither is it theologically certain; for it will be enough if it is believed by a sort of human faith to be morally certain; and yet the king will not, indeed, deny that to swear James is not true king of England is a grave sin, because it is to swear either something that is in truth false or at least something that cannot without great rashness be believed or affirmed as true; and therefore the king will easily concede that such an oath cannot, even to avoid death, be done. But however much the king in his *Preface* turns aside, it is far more certain that the Pontiff has power over the king himself than that he himself is true king; for the former has more and higher principles than the latter. For that James was true successor to the kingdom could be founded only in a certain human tradition and proof; and he himself has feared not a little lest, since he was a heretic and succeeded a queen already declared a heretic, it be brought into doubt; which fear the public acceptance of the kingship together with the patience and toleration of the Pontiff was able to take away. But the power of the Pope over a king has foundation in the word of Christ, in the common confession of the Church, in the decrees of Pontiffs and Councils, in the doctrines of the Fathers and the best and Catholic theologians and of the prudent interpreters of each kind

of right, and in frequent and longstanding use; how then can one certitude be compared with the other? If, then, the king does not grudgingly concede that it is unjust for him to be abjured as king by his subjects, how does he dare to dispute that it is not very unjust and pernicious for faithful Christians to abjure to the Pontiff his right, power, and obedience, which in that oath is evidently done?

10. The second excuse seems to have been found out by men timid and little constant in faith and charity; for it is very frivolous and in many ways repugnant to the words of the oath. For, first, at the end of the oath is added a clause excluding every extraordinary sense of the words through tacitly understood phrases or in any other way at all. For thus is it said: "And all these things I completely and sincerely acknowledge and swear according to the express words here by me pronounced, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion or secret reservation whatever." If, then, anyone pronounces these words without the intention of fulfilling them, by that fact he is a perjurer; but if he pronounces them from his heart and mind, the whole of the second excuse has no place, as will be readily clear to him who considers it. For although we might grant that the phrase "without legitimate cause" or "at his pleasure" can be tacitly understood in the abjuring of the power of the Pontiff considered in itself and without the adjunct of the other clauses, yet such a tacit or mental addition cannot, on the supposition of the last clause, be adjoined without perjury.

Next, in this oath there is not only made a promise never to kill the king, or to cooperate in a plot against him, or the like things, which pertain to doing and might be understood of unjust doings, but the power of the Pontiff itself is abjured with so many

distributive phrases that that sense or tacitly understood limitation has no place. For thus is it said in the first clause: “and that the Pope, neither by himself nor by any other authority of the Church or of the Roman See, or by any means in company with certain others, has any power or authority to depose the King, etc.” Which words can in no way be restricted to the power of deposing unjustly or without cause. Both because all power is denied to the Pope both in the particular respect of this king and in the general respect of all his successors, as is added in the second clause and along with the distributive phrases, “notwithstanding any declaration or sentence of excommunication or privation, whether done or conceded, or to be done or conceded.” And also because there is a swearing virtually that such a sentence or deposition cannot be just or efficacious due to defect of power, even if the king, who is demanding the oath or about whom in particular the oath is being sworn, is a heretic or a schismatic.

Besides, in a like manner and with the same augmentations, the power of loosing subjects from the bond of obedience is abjured, as well as that, notwithstanding any absolution at all, subjects should defend the king even against the Pope, and without taking account of any censure or excommunication. Which cannot be restricted in the mind to an unjust or to no excommunication, because the words are so universal that such a limitation is repugnant to them, namely, “notwithstanding any declaration or sentence of excommunication or privation;” from which words cannot be excluded the declaration that such a one is a heretic or a schismatic, although it be true and done by the Pope through some power of his whatever, for those words include everything. Next, the whole profession or confession and abjuration is directly contrary to the definitions of the Pontiffs and the Councils; therefore it is an express external denial of dogmas of the faith,

which can never on account of tacitly understood interpretations or phrases be made licit, because it is against the obligation to confess the faith and not to deny it even externally. To pass over the public scandal to other believers which cannot be separated from such action; nor should it be given, even to avoid death, as we are taught by the example of Mattathias Maccabaeus.

11. Hence to the confirmation about the vernacular English word ‘murder’, which is said to signify the same as ‘unjustly kill,’ the response is that, if was only proposed there for swearing that it is heretical to say “a king can be murdered by his subjects,” it would be a tolerable excuse. But now not only is that proposed but also that it is heretical to say that princes deprived or excommunicated by the Pope can be deposed by their subjects, which is contrary to the doctrine of the faith. Nor does the evasion have place that the whole conjunction, by reason of one part, is false, both because, in the form of the oath in the way it is contained in the royal book, there is read the disjunction “deposed or killed;” and also because, even if the conjunction “deposed and killed” were read, the sense amounts to the same, because the swearing is not that the whole conjunction or hypothetical proposition is heretical, but the swearing is that the individual parts are heretical, namely that a prince deposed by the Pope can be deposed by his subjects and can be “murdered;” and thus there is always condemned as heretical a proposition that is Catholic and according to the faith certain. Most of all for the reason that the word ‘murder’ is for this purpose put there, because it supposes that, notwithstanding the sentence of the Pope, the killing of a king is an unjust betrayal of him and against the faith due to a king, and thus is this whole thing there sworn. Hence, although the word taken by itself have that meaning, yet in the oath it is made clear and

expanded by many other words such that the limitation does not have place, especially in respect of the whole oath and of all its clauses. Wherein there is often an express and absolute and universal abjuration of the power of the Pope to punish kings, even rebellious and stubborn ones; and in addition there is recognized in the king an authority and a power to exact such an oath, and other things are mixed in that cannot with truth be sworn, or be excused from perjury by those equivocal and tacitly understood words.

12. About the third excuse one must distinguish the times and the persons. For as to the times we can speak of the time before the declaration made by the Pope or of the time after it. In the former time there could perhaps have been, with preservation of conscience, some contention or diversity among Catholics. After the declaration of the Pontiff, however, in no way can an opinion be judged probable that is contrary to the decision, how there is with him power of declaring doubtful things of this sort pertaining to good morals and the faith by which subjects are bound to stand, otherwise such power would be useless. Of which fact we have above sufficiently spoken. As to the persons, however, one must distinguish among those who are learned, and who can by themselves consider the quality of the oath and pass judgment on it, and the rest who are ignorant, who must be led by the opinion and judgment of others. About these latter there is no doubt but that some could be excused by ignorance if the priests, who were reputed honest and learned, were teaching them that the oath could, with preservation of conscience, be given, provided the intention is kept of not swearing anything contrary to faith or to the power of the Pope. But this ignorance will not now after the Pontifical Brief have place even among these more simple folk, because they are bound to prefer the Brief to all their private teachers. If, nevertheless, there were some so unlearned that

they had heard or understood nothing of the pontifical declaration, such ignorance could still persist in them, because they will be exactly as if the Pope had declared nothing. However, the thing is so notorious and public in those parts that scarce could the case morally arise. But with the other educated faithful who can by themselves consider the movements of the oath, even were the Pontifical Brief taken out of the way, I think that never was the opinion of them probable who taught that profession of such an oath was licit, because the words of the oath were always so clear and so multiplied, and were in so many ways entrapping the conscience and inducing approval and profession of schism, that, although in one or other little word or specious phrase an evasion was able to have place, it would have been impossible to find a truly probable way of making the whole oath honorable, or of excusing it and avoiding its perils, as is sufficiently proved by the things that have hitherto been weighed in respect of its individual words. If at the beginning, then, any of those commended for doctrine and life fell into that opinion, led perhaps by fear or human reason, they did not sufficiently consider the thing; whose ignorance, whether it was probable or not, there is not need now to judge, but I think they should fear the stain, and by both penance and public confession, whereby the weaker may be animated and instructed not to fall into the fraud, make compensation for it and, if necessary, blot it out with their own blood.

Chapter 9: Is it licit for English Catholics to enter the temples of heretics and to communicate with them in their rites, without intention of cult or of cooperation with them, solely so as to avoid temporal penalties?

Summary: 1. English Catholics were being compelled by diverse penalties to frequent the

churches of heretics and to participate in their rites and sermons. 2. The divine precept about external confession of faith is explained. 3. The proper motive for confession of faith is to manifest our internal faith. 4. In the precept to confess the faith the negative is included. 5. The precept to confess the faith and not to conceal the faith is not at every moment obligatory. Twofold concealing of the faith. 6. For what time the precept to confess the faith is obligatory. 7. Reason for doubt. 8. First argument whereby it seems to be shown that it is licit to enter the churches of heretics etc. 9. Second argument. 10. Third argument. 11. The declaration of the Supreme Pontiff is very much in conformity with the Scriptures. 12. And it is also in conformity with the Fathers. 13. A twofold evasion is refuted. First reason to prove that communication with heretics is illicit. 14. Confirmation. The reason of St. Augustine is further clarified. 15. Second reason. 16. Why the precept to confess the faith in the aforesaid critical moment is obligatory. 17. This is clearly supposed and taught by Navarrus in cons. 10 De Haeret. n. 10. The example of St. Ermenegildus. 18. The doctrine handed down is confirmed by reason of scandal. 19. It is next proved from the danger of losing the faith. 20. Response to the first reason for doubt. 21. Response to the second. When the precept to confess the faith is most obligatory. 22. Response to the third reason for doubt. 23. Public protestation is not sufficient to make superstitious communication honorable.

1. Although the King of England in his *Apology*, when referring to this part of the Brief, refused to touch on it, I have judged that, for the completeness of this work and for the great instruction of the faithful, as well as for the greater declaration and confirmation of the things we have said about the oath, it is opportune and necessary in this place to

say a few things on this point. But the occasion or necessity for this doctrine has arisen from the harsh ill treatment that Catholics in England are suffering when they are, by the bitterest laws, deprived of their goods and subjected to other grave penalties unless they enter the churches of heretics and participate in their sermons, prayers, or other rites. For, immediately from the time of Elizabeth, Catholics began to be coerced by the gravest penalties to frequent the churches of heretics and to participate in their rites and sermons. And first, as Sander reports bk.3 for the year 1559, a fine of twelve pence per head was proclaimed for those refusing to frequent the churches as before. But afterwards (as the same Sander reports for the year 1582), “Having called the orders together, they promulgate a law by which they impose on individuals of each sex (provided they have reached the sixteenth year of age) who refuse to attend the prayers, sermons, and churches of protestants a fine of twenty English pounds monthly, that is, almost seventy gold coins.” And there was added, as the bishop of Tarragon reports, that those who did not have the sum of gold coins were to be detained in prison until they should pay it. Which rather bitter laws and penalties have been carried out up to the present day, as we will report in the following chapter. For this reason, therefore, some people, moved by pious pity for the Catholics, began to doubt whether they might, in keeping those laws, be for some reason excused of guilt, such that they might not, without evident obligation, be compelled to undergo so many evils, nor also, with peril of conscience because of human fear or too much love of temporal things, be subjected to unjust and tyrannical laws.

2. But in order that the reason for doubt and the true decision about it might be better founded, there is need to preface a few things about the obligation and precept of confessing the faith not only in words but also in deeds. And, to begin with, three things

must be discerned that in this matter are commonly distinguished; namely ‘to confess the faith externally’, that is, publicly or in the presence of others, such that those who see or hear understand by the external signs I display that I am a Christian; to this is opposed, at the extreme, ‘to deny the faith’; as a sort of mean between these is ‘to conceal the faith’, which is only opposed negatively to confession, not as contrary to it in the way that to deny the faith is.

Now, of these three, it is certain that the first, namely to confess the faith, falls under divine precept. Thus do all Catholic doctors teach along with St. Thomas IIa IIae q.3. It is also *de fide* certain from the verse of Paul *Romans* 10.10: “With the heart man believeth unto righteousness; and with the mouth confession is made unto salvation.” For in this final phrase “is made unto salvation” Paul signifies that confession of faith is necessary for salvation; for, just as it is said that with the heart is belief made unto righteousness, because faith is necessary for justification, so is confession of faith said to be done unto salvation, that is, eternal salvation, because it is necessary for attaining it and preserving grace. And hence too it is clear that Paul is speaking of external and perceptible confession of faith, for internal confession pertains to the former member, of believing with the heart, for we do not in any other way confess the faith internally, that is, the truths of the faith, except by attributing internal assent to them, which is to believe with the heart. Beyond this, then, is external confession required for salvation. Which is also explained by Paul when he says it is done “with the mouth,” not because it can or should only be done with the mouth, for it can also be done by the bodily actions and the other external signs by which we profess religion; but, because words are signs that are more express and established principally for expressing the mind, Paul for that reason

specifically attributed confession of faith to the mouth.

Moreover, Christ in *Matthew* 10 said absolutely, v.32: “Whosoever therefore shall confess me before men, him will I confess also before my Father which is in heaven.” Which words do not so much have the express form of a precept as of a promise, but in other places Christ explained that our confession is necessary for us to obtain his confession, as we will see directly. Now rightly does the promise of Christ square with Paul’s phrase “unto salvation.” For the Apostle distinguished between faith of the heart and confession of the mouth, and he said the former was necessary for righteousness, that is, to obtain remission of sins and internal renovation of soul, because internal faith is the foundation of righteousness itself; but for the former external confession of faith is not thus necessary, except perhaps in the general intention to obey all the precepts. For a man is in any case justified by internal faith, along with contrition of heart and love, before he proceed to the external act of confession of faith. Hence rightly did Ambrose say on *Psalms* 38: “Faith belongs to the beginning for believers, confession belongs to the execution of it.” And therefore confession of faith is not said to be unto righteousness, but “unto salvation;” for, after righteousness has been obtained, there is still need of confession of faith for persevering in that righteousness and consequently for obtaining salvation, for *Matthew* 10.22: “he who endureth to the end shall be saved,” and Christ will confess him before his Father.

But this precept is not only a divine positive precept, but is a moral precept connatural, as it were, to faith itself, or to man once the state of faith has been supposed; and therefore at all times and in every state of the Church confession of faith was necessary for salvation. Now the reason for this truth is touched on by Augustine bk. *De*

Fide et Symbolo at the beginning where he says: “Faith demands of us the office both of the heart and of the tongue; for says the Apostle, ‘With the heart man believeth...’ And therefore it is necessary for us to be mindful of righteousness and salvation, seeing that we who will reign in eternal righteousness cannot be saved from the present wicked age unless we too, striving for the salvation of our neighbors, confess also with our mouth the faith we carry in our hearts.” By which words he insinuates that confession of faith is necessary on account of our neighbor. And he declares the same more fully in serm.181 *De Tempor.*, otherwise serm.59 *De Diversis*, in these words: “Without faith it is impossible to please God; this he recognizes in our hearts who searches the reins and the hearts. But on account of preserving the unity of the Church in the dispensation of this time, confession of the mouth is necessary along with faith of the heart, because with the heart man believeth unto righteousness; but with the mouth confession is made unto salvation, not only of preachers but also of the learned; for in no other way may brother feel for brother, nor may the peace of the Church be preserved, nor could one teach another or be taught by another the things that are necessary for salvation unless what he has in his heart he were to transmit, by signs of the voice as by his own vehicles, to the hearts of others. Faith then is to be preserved in the heart and brought forth by the mouth. For faith is the foundation of all goods.”

3. Therefore Augustine thinks that faith of the heart is *per se* and first necessary on account of God, while confession of faith is necessary on account of neighbors or the Church; for just as internal faith is the foundation of the union of the soul with God, so confession of faith is the foundation of ecclesiastical unity and peace. Not that the confession itself of faith is not also a precept for the honor and cult of God, but because it

does not so directly and immediately tend to God, or is necessary because of him, as internal faith is. Wherein one must also consider that confession of faith can be done in two ways; in one way for showing exteriorly the internal faith that we have in our hearts, such that this be the chief and as it were sole proximate motive for such confession; in another way it is done for carrying out some external cult and exhibiting it to God; and in this way the sacrifice of the mass and the use of the sacraments and the other ceremonies can be said to pertain to confession of faith, though properly they are acts of religion and are done and prescribed chiefly and proximately for the cult and honor of God. However the formal, so to say, and proper confession of faith is that which is done to make manifest to others our internal faith, and this without doubt is referred immediately to men; for it was not necessary on God's account, and therefore the reason for this precept is rightly founded on the necessity of this confession for joining together the faithful in the peace and the unity of one Church, which faith itself demands. And thus too did the same Augustine expound that verse of *Psalms* 115 [116].10: "I believed, therefore have I spoken." "Because those who believe," he says, "do not perfectly believe, they do not wish to speak."

And hence is also collected that the second, namely 'to deny the faith' is against a divine precept, or falls under a prohibitory or negative precept. Which is in the same way *de fide* certain, Christ the Lord saying, *Matthew* 10.33: "whosoever shall deny me before men, him will I deny before my Father which is in heaven." For he who denies will hear, "I do not know you," as Theophil. there says. Hence Paul *2 Timothy* 2.12: "if we deny him, he also will deny us," where Ambrose, Theodoret, and Primas note the fact. And Chrysostom hom.35 on *Matthew* gives the reason when he says: "He seeks a free

confession, and he leads us to greater love, and desires us to be exalted and unconquered, wherefore he gives all of us these precepts.” And in the same way does he interpret there the words of Christ, *Matthew* 10.16: “be ye wise as serpents,” which expose their body to any wound so that they may preserve the head; for thus should the faithful rather hand over their body than deny the faith, which is the head and beginning of all goods. Which things are also contained in Jerome there, and Hilary can.10, and Augustine bk.2 *De Doctrina Christiana* ch.16.

4. And this precept follows from the first; for in every affirmative precept there is included the negative of not doing anything against what is prescribed by the affirmative; as that, if we are bidden to love God, we are implicitly forbidden to do anything against divine love, and thus about the others; for one contrary destroys the other, hence if one is prescribed, the contrary is without doubt forbidden. Since, therefore, confession of faith is prescribed, the denial of faith is there implicitly forbidden, for this latter is contrary to confession, as is *per se* evident. Nay, from the precept of internal faith follows necessarily the prohibition of denying the same faith. For he who denies the faith by his mouth is either denying the same faith in his heart, and thus he is an infidel and is acting not only against confession of faith but also against the precept of faith; or, denying the faith with his mouth, he is retaining it in his heart, and thus he is lying with a lie very pernicious and contrary to the honor of God, because by denying the faith he has attributed a lie to God, saying that what God has said is false; he has also very gravely offended against the Christian religion and, in so far as in him is, has destroyed the Church and rended its unity. Therefore is that lie prohibited, not only by the general precept not to lie, but also by the special precept of the Christian faith and religion, as

Augustine rightly thinks in bk. *Contra Mendacium* ch.6. Hence also it happens that, just as a lie is pronounced in two ways, namely, either by denying what is true or by affirming what is false or what is contrary to the truth, so in the present case, this denial of faith can happen in two ways, namely, either by simply denying that the truth of the faith is true or certain, or by professing the contrary error, for profession of the false is necessarily denial of the true, and it involves the same or greater malice.

5. The third one that we proposed, namely concealing the faith, has as it were a middle nature, because it is neither always bad nor always licit, as also all Catholic doctors teach. The reason is that to keep silent about the truth, or not to pronounce it, is not to deny it but to hide it, as is evident of itself; and thus too to conceal the faith is not to deny the faith; and therefore, to this extent, it is not always bad. But, in another way, the precept to confess the faith, since it is affirmative, is, although always obligatory, yet not obligatory at all times; for this is the nature of an affirmative precept, as we now suppose; and for that reason, not to confess the faith, which is done by concealing the faith, is not always bad, because, if the carrying out of some act is not *per se* necessary, ceasing from that act cannot be always bad, as is evident of itself. Concealing the faith, then, will only be vicious if faith is concealed at the time for which the precept to confess the faith is obligatory; just as to keep silent about one's own sins is not always but only then bad when the precept to confess them in some court is obligatory. Hence a double concealing of the faith can be distinguished; one is by way of simple negation, which can be licit or without sin during the whole time in which or for which is man is not bound to exhibit an external confession of faith; the other is by way of moral privation or omission, because it is allowed at the time at which a confession of faith is to be shown, and it is in

this way the lack of a due action, and therefore is it called a moral privation. And this is a sin grave of itself, because it is against the precept to confess the faith. For an affirmative law prescribing an act at some time prohibits, as a result, the omission of it at the same time, as is evident of itself.

And of this omission can be rightly understood the words of Christ, *Luke 9.26*: “For whosoever shall be ashamed of me and of my words, of him shall the Son of man be ashamed when he shall come in his own glory, and in his Father’s, and of the holy angels.” For ‘to be ashamed’ seems to be less than ‘to deny’; for not only he who denies but also he who, when he should, omits to confess Christ and the truth of his faith (which is the same) is ‘ashamed’ of Christ. And although Christ used there the word ‘ashamed’ (which properly signifies to avoid something because of shame or fear of some contempt or derision), because either it was more accommodated to the current matter of which he was speaking, or because at the beginning the doctrine of the gospel was derided by Gentiles and Jews, and thus many were, through shame or disgrace, going to be despised; nevertheless the doctrine and the warning are general; for by whatever reason, whether shame or fear of losing his life or other temporal goods, someone omits confession of the faith at the due time, he will meet the same rebuke and warning.

6. But it at once occurred to ask what that time is for which the confession of faith is obligatory; but to explain this expressly does not belong to the present occasion. Let it be enough, then, to suppose that it is the time when confession of the faith is necessary to guard the honor of God or of the Christian religion, as is reckoned to be whenever someone is being questioned by a tyrant or a public power about his faith, or certainly as often as when to keep silent and not to confess is in effect to deny. For this is the other

way in which this omission becomes vicious, because it involves virtual denial of the faith, because in morals the implicit is reckoned for express when it has the same effect. And thus does the precept of not denying the faith forbid not only express denial but also tacit and virtual denial. But such an omission will be called a virtual denial of the faith when the very omission to confess is commonly taken for a sign of denying the faith. Just as not to wear in ordinary and common use the clothes and tonsure of a cleric or of a monk without special cause or necessity is a sort of virtual denial of such state, which can sometimes be enough for external apostasy. Thus, therefore, can it happen in confession of the faith, if there be justly instituted anywhere some sign so proper to Christianity that he who omits it seems by that very fact to deny that he is a Christian, as will be more explained in what follows.

7. From which things is understood that the difficulty of the proposed question lies in this, that we should consider whether to do those acts of going to the churches of heretics, or to hear their sermons and to pour out prayers in their company, or to participate in their rites, is to deny the true faith or (which is the same) to profess the contrary error; or whether indeed it is only not to confess the true faith and, on this view, whether it is a simple negation or a sinful moral omission. Now the reason for doubt is taken from the difference between words and actions or other things; for words both signify more expressly than things and do not have another proper use, for they are *per se* primarily instituted for this purpose; but other things, as clothing, houses, food, and the like, or even the acts of hearing, seeing, and such are not *per se* instituted for signifying the mind of the doer, but for other natural or human uses, although sometimes they seem, by a sort of consequence, to signify something. Hence it happens that the signification of

things is wont to be more obscure and ambiguous or equivocal than the signification of sounds. Next, it also happens that pretense, or dissimulation without lying, also seems to have place more easily in the use of other things or actions than in the use of words, which have a more certain and, so to say, more usual signification. Next, there is, from this same principle, a far other reason for doubting about this actions of going to churches, etc., of which we are now treating, than about profession of the oath of fidelity; for the latter is done by express words and for this end alone of explaining the mind; and the words of the formula of the oath are such that they contain an express denial of the doctrine of the faith and consequently a confession of the contrary heresy; and therefore no one who does not live in the same heresy, or unless he fall into some ancient one that said the faith could even with an oath be denied under tortures without sin, can doubt but that the profession of that oath is not licit.

8. However, about the actions proposed in the question it seems there can be doubt. First because these are in their proper objects and materials indifferent; for to enter a church is in itself good or at least indifferent. Nor does it for this reason become intrinsically evil that heretics are badly using the place; for this pertains to their corrupt intention, without which entering thither is indifferent; for even to enter a synagogue of Jews or a temple of pagans is not of itself evil. Likewise, to hear a talk of some doctrine, even a corrupt one, is not intrinsically evil; for someone can be listening to it in order to confute it, or to enjoy the eloquence of the speaker, or to deride it. Next, to participate in their prayers and sacred acts, taken materially, is indifferent, because someone can, while he is there, be pouring out secretly the prayers of Catholics and in the Catholic rite, or be thinking of the true faith. In other respects, indeed, those acts do not have the

signification contrary to the faith that they may *per se* be posited to have, because they are not specifically posited to signify faith, but only to perform something which is done immediately by one or other of those acts. But if such acts, whether from the discourse of the onlookers, or from the common use of others, are wont to indicate a corrupt faith, that is accidental, provided they are not done by a Catholic with that intention; because he himself does not signify a false faith, nor does he deceive others, but permits them to be deceived. Therefore those who do such acts only for obeying the king in external material acts, so as to avoid temporal loss, are not denying the faith, nor are they lacking in the confession of faith that is by precept due, because there is then no special necessity on account of which the affirmative precept to confess the faith is at that time obligatory; therefore all reason of fault ceases. Hence Catholic doctors have taught that it is not *per se* evil to communicate with heretics in sacred actions, as long as these are not by name made clear.

9. Second, if there were there any fault, it is most because there is profession of false religion, at least in pretense; but this pretense is not always intrinsically evil; therefore it will most in that case be licit, so as to avoid very heavy fines and ill treatment. The consequence is clear, because if such pretense is not intrinsically evil, it will not be forbidden because evil; therefore at most it will be evil because forbidden, or accidentally so because of the evils that thence follow; but these reasons cease in so urgent a necessity, because a positive prohibition does not oblige with such strictness, and the disadvantages that now follow are not intended but permitted, and therefore they are not imputed. The major too is clear, because we are supposing that the intention of the doer is not to profess anything false, but only to be there present and to do something

either good or indifferent, whatever others thereby think, which is material pretense or dissimulation. The proof of the minor, then, is first that there have not been lacking Catholic and grave authors who have taught that it is not intrinsically evil to simulate a false or superstitious religion, or to feign it in external acts by doing them only materially, as they say, that is, without intention of religion or cult, but on account of some human utility. Nay, many attribute this opinion to Jerome who says that it was licit for the Apostles to keep the legal precepts in appearance at that time when they were already deadly if done in earnest and with intention of cult, as I said extensively in bk 9 *De Legibus* ch.16, where I mentioned many authors and adduced the testimonies of the Scriptures which moved them. Now the reason was touched on above, that such pretense is not a lie; for there is no intention by it to signify anything false or against one's mind, but there is only concealment, or non-confession, of some truth or of the faith. But concealment has, by the first reason, that it is not evil like denial of the faith, because the latter is not without lying; moreover, by the second reason it is not evil, because there is nothing that then obliges to make oneself manifest or to confess the truth.

10. But it can be replied that these reasons rightly proceed of a malice found *per se* in those acts; yet, nevertheless, they are evil by reason of the scandal that cannot morally be separated from them, and that is enough for an act to be always morally bad. But against this is objected, third, that the scandal too not only can be separated but is also in fact separated from those acts, according to the way they are said to be able to be done in that kingdom by Catholics. For, to begin with, everyone knows that those who hold the Roman faith are not doing those acts of their own accord or from their heart, but only to avoid the penalties. Nay, they also know that the precept was given by the king

himself rather because of greed for gold and silver than because of the cult of God or religion, and that therefore he more willingly imposes pecuniary penalties than corporal ones; hence, as a result, they are also persuaded that Catholics are not doing those actions for the sake of religion, or in contempt of the faith, but only to avoid the plundering of their goods. Therefore there is nothing whence they might reasonably take scandal, since the action is not of itself evil, and since the appearance of evil, which it seemed to have, is being removed by that public knowledge. Add that the faithful are said to make beforehand a public profession of their right intention and true faith; therefore, if there is any scandal remaining, it is not given but taken, which to the doer is not imputed, especially when so grave a cause and necessity intervene.

Nevertheless, it must without any doubt be said that it is not licit for English Catholics to gather in a church of schismatics and heretics to hear heretical sermons and to perform profane rites. Thus does our Supreme Lord Paul V in his Brief admonish in these words: “Assuredly we without doubt believe that those who have hitherto, with so much constancy, undergone the most atrocious persecutions, well-nigh complete miseries, in order that they might walk faultless in the law of the Lord, will never bring it about that they should be polluted by communion with those who have deserted the divine law. Nevertheless, impelled by the zeal of our pastoral office, and with the paternal solicitude whereby we labor unceasingly for the salvation of your souls, we are compelled to warn and to implore you that under no condition should you go to the temples of heretics, or hear their public sermons, or communicate with them in their rites, lest you incur the wrath of God. For it is not licit for you to do these things without detriment to the divine cult and to your own salvation.” From which words one may

collect that this is not only a positive or human prohibition, by reason of which those acts become evil because prohibited, but is a law declarative of the malice or baseness existing in the acts themselves, by reason of which they are prohibited because evil. For this is signified by the words “For it is not licit for you to do these things...;” and therefore does the Pontiff use words not so much prohibitory as admonitory and attestative of the malice of such communication with heretics. There is next collected from those words that this fault is sufficiently mortal and grave “lest you incur the wrath of God. For it is not licit for you to do these things without detriment to the divine cult and to your own salvation.” Hence although perhaps there was before some controversy or diversity of judgment among Catholics on this point, now it should altogether cease, because it is not licit for them to be in doubt about an authentic declaration of the Pontiff in matter moral and pertaining to the salvation of souls.

11. We must, however, show how this declaration is in conformity with the principles of the faith, and with the doctrines of the holy Fathers, and with reason. For, to begin with, in Scripture communication with infidels is very much forbidden, especially in the case of sacred things; but there is no doubt but that heretics are included under infidels. Nay, about these is Paul chiefly writing *2 Timothy* 2.16-18: “But shun profane and vain babblings; for they will increase unto more ungodliness. And their word will eat as doth a canker; of whom is Hymenaeus and Philetus, who concerning the truth have erred, etc.” And therefore in *Titus* 3.10 he gives admonishment to avoid a man who is a stubborn heretic, and he warns very gravely in *1 Corinthians* 6 and in *Romans* 16.17-18 to keep away from “them which cause divisions and offences contrary to the doctrine,” he says, “which ye have learned... For they...by good words and fair speeches deceive

the hearts of the simple.” Again the words of *2 John* 10-11 are to be noted, for when he had said of heretics “neither bid them God speed,” he subjoins the reason, “for he that biddeth them God speed is partaker of their evil deeds.” Wherefore, although all communication with heretics is forbidden by the apostles because of the danger, yet that communication most and with greater strictness that is “in evil deeds,” which they certainly do insofar as they are heretics. But such are the deeds of which we are now treating, and it cannot be denied but that Catholics coming together with them in churches to perform the like meetings are communicating with them in the same deeds. Wherefore, although perhaps not every other communication with the persons of heretics not yet declared to be excommunicated is under strict precept forbidden, this particular one, which is in evil and schismatic deeds, so to say, is always forbidden. For Paul says *1 Corinthians* 10.20-21: “I would not that ye should have fellowship with devils. Ye cannot drink the cup of the Lord, and the cup of devils; ye cannot be partakers of the Lord’s table, and of the table of devils.” And *2 Corinthians* 6.14: “Be ye not unequally yoked together with unbelievers,” that is, as St. Thomas expounds, “do not communicate in the works of infidelity with infidels.” For as the Apostle subjoins, v.14-15: “for what fellowship hath righteousness with unrighteousness? And what communion hath light with darkness? And what concord hath Christ with Belial? Or what part hath he that believeth with an infidel?”

12. This law of the Scriptures the holy Fathers have followed and handed on to us. For Irenaeus in bk.3 ch.3 says that the Apostles and their disciples were afraid so much “that they did not communicate as much as by a word with any of those who adulterated the truth;” and he reports the testimony of Paul and the widely known examples of John

the Evangelist and of Polycarp, and in bk.1 ch.13 he says: “those who exhale against and anathematize them must fly elsewhere and far from them.” To the same opinion Cyprian epist.55 to Cornelius, at the end, says: “For the rest, may our most dear brothers bravely shun and avoid the words and speeches of those whose word eats as doth a canker, as the Apostle said.” And later: “Let us be as separate from them as those fugitives are from the Church.” And later: “This,” he says, “is not only the warning but the also the command of the blessed Apostle, to depart from such people. ‘We command you,’ he says [2 *Thessalonians* 3.6], ‘in the name of our Lord Jesus Christ that ye withdraw yourselves from every brother that walketh disorderly, and not after the tradition which ye received of us.’” This precept, then, is apostolic, on the witness of Cyprian, and it is fitting very properly to the present cause; for the meeting places of the schismatics of England are very disorderly and are new human inventions foreign to the traditions of the Apostles; therefore, from the precept of Paul, a faithful man cannot communicate in such rites and assemblies. Like things are contained in [Cyprian’s] bk. *De Lapsis* at the end. But, touching more clearly and expressly on the same state in epist.4 to the people, against those who, contrary to legitimate morals, were rending the Church and contemning its rites, he says: “There is one God and one Christ and one Church and one Cathedral founded on Peter by the voice of the Lord. Another altar cannot be established or a new priesthood made besides the one priesthood and the one altar.” And he subjoins a little later: “Depart far from the contagion of this sort of men, and their sermons by flight avoid like the cancer and the plague, on the admonition and saying of the Lord, ‘They are blind and leaders of the blind’ [*Matthew* 15.14].” And later, “Let no one,” he says, “take the sons of the Church out of the Church; let them perish alone by themselves who have

wished to perish; let them remain alone outside the Church who have left from the Church.” And later: “Avoid the wolves which separate the sheep from the shepherd.” What clearer could be said about the Anglican schismatics?

In addition, St. Hilary can.10 on *Matthew* interpreting mystically the words of Christ, v.5, “Go not into the way of the Gentiles, etc.” says: “Not that they were not sent also for the salvation of the Gentiles, but that they should abstain from the work and life of Gentile ignorance. And that they are forbidden to enter the cities of the Samaritans is that they are warned not to enter the churches of heretics.” Augustine bk. *Contra Mendacium*, and bk.2 *Retract.* ch.62, expressly teaches that it is not licit to pretend heresy even for converting the heretics themselves, and he thinks that it is always a pernicious lie. And in epist.162 at the beginning he teaches that communication with heretics, except in things that are ordered to their conversion, should be altogether avoided; therefore especially in things that pertain to religion. And there are many monuments of antiquity whereby it is clear that the holy Fathers shrank from the rites of heretics and most of all from all communication with them in sacred things. For it was for this reason always forbidden to receive communion from them, as is clear from the decree of Pope Julius in ch. ‘Is qui Acceperit’ 24 q.5 with similar ones. The example is to be noted too which Gregory of Tours reports bk.1 *De Glor. Martyr.* ch.80, that a priest, namely a Catholic or (as he says) a “Roman” priest, refused to taste food blessed by a heretic priest, even if he did not use an heretical rite in the benediction, and that God approved the deed with a miracle. How much more, therefore, must communication be avoided in heretical ceremonies themselves? Hence we also read that Gregory bk.1 epist.41 wrote to Leander that it was necessary for a time to omit the rite of baptizing with a triple immersion,

because heretics were abusing it for false signification.

13. But this doctrine of the holy Fathers is general and someone might be able to elude it, either by interpreting it not as strict precept, but as advice by reason of danger, or by limiting the same to ordinary and voluntary use, not to unavoidable coercion with enormous danger. However neither evasion has place in the words of Augustine in serm.6 *De Verbis Domini* where, treating of *Romans* 13.2: “Whosoever therefore resisteth the power, resisteth the ordinance of God,” he asks: “But what if it order that which you ought not to do?” And he replies: “Here certainly despise the power by fearing the power.” Which he declares with an example subjoining later: “If the emperor commands, let it be for me to obedience in the right, but not in idolatry. In idolatry a greater power forbids. Pardon me: you threaten prison, he threatens Gehenna.” Next, from the opinions mentioned of the saints, if the individual words are weighed and all of them among themselves compared, both evasions can easily be refuted; but this will be done more efficaciously by explaining the reasons for this truth and by, on the occasion of them, further urging and enriching the testimonies of the Fathers. The first reason, then, is that the communication with heretics, about which the question is being moved, cannot be done except by profession of the new religion, or rather superstition, of the heretics, or at any rate by pretense of it; but each is intrinsically evil and against the precept of confessing the true faith and of honoring Christ and his true religion; therefore on account of no human fear is such communication licit. The consequence is evident from what has been said. But the antecedent as to both its parts is shown thus. For those who meet together in churches with heretics can be present there in two ways. First, with a mind to worship God in those rites and ceremonies or with the intention of performing those rites

as licit and religious; and this is formally and truly to profess a false religion; just as he who adores an idol with true intention of worship truly professes idolatry, and he who now performs the Jewish rites with intention of worship would be truly a professor of the sect of the Jews. Hence it is necessary that he who thus professes a false religion denies the true one, and consequently also the faith on which it is founded. Nor can there in this by any doubt, nor do Catholics intend to partake of the rites of heretics in this way.

In the other way, then, can this be done without intention of cult or religion but only of a certain coerced political obedience as to external presence of the body with the purpose of secretly there worshipping God in the Catholic rite. But in this very thing is necessarily included a pretended profession of schism and an exterior communication with heretics in their own rites, because, according to the common and received use of that nation and place, this is signified by those external actions, and for this end is meeting and common assembly made. But such pretense is always evil, as Augustine proves extensively in the said book *Contra Mendacium* and in various epistles *De Cessatione Legalium ad Hieronymum*, and I along with him proved it in bk.9 *De Legibus* ch.17. It is also briefly shown first from Paul *I Corinthians* 10.21: “Ye cannot drink the cup of the Lord, and the cup of devils,” that is, of Gentile superstition and idolatry; “ye cannot be partakers of the Lord’s table, and of the table of devils,” that is, by eating things sacrificed to idols, even without intention of cult and adoration of the idol, as the following words make clear, which we will consider a little later. And thus did the Fathers understand the place by gravely censuring the eating of food sacrificed to idols when it is done externally by way of religious act and as use of sacred food. As one may see in Cyprian in the said book *De Lapsis* and in many epistles wherein he very gravely

condemns all external signification of communicating or consenting to the rites of infidels, especially in epistles 31 and 52, some words from which I will report below. The same does Tertullian bk. *De Spectacul.* ch.13 say extensively: “We abstain from idolatry, we despise the temples no less than the statues, we do not sacrifice, nor do we eat of what is sacrificed.” And later: “We keep our eyes and ears from things sacrificed to idols;” and bk. *De Idolatr.* ch.13 he says: “One must hold back from this place on the feast days (namely of heretics) and other extraordinary solemnities, which we sometimes by our wantonness, sometimes by our fear subscribe to, communicating against the discipline of the faith with the Gentiles in the things of idols.” And he subjoins the question: “Whether a servant of God should, without a habit and without nourishment, communicate with the Gentiles themselves in these things, etc.” namely in so far as they are done for the sake of religion; and he replies: “As to these things there is no communion between light and darkness, life and death.” Which doctrine is also extensively handed on by Origen bk.8 *Contra Celsum* a little from the beginning. There is also about it a striking place of Chrysostom in ‘Imperfecto’, whose words I will immediately refer to. But the proper reason is that all communication in these superstitious rites, even if it is done with a feigned intention, is a sort of participation in the superstition. Hence, just as exterior idolatry, even done with feigned mind, partakes of the malice of idolatry, so too all exterior superstition, even pretended, puts on the malice of superstition.

14. A confirmation for this reason is that feigned exterior profession of such schism is a sort of approval and affirmation thereof, that it is religious and of true faith; but this is intrinsically evil, even if it not be interiorly believed or intended, because it is exteriorly to confess a false religion. For neither can the signification be separated from

such deeds and in such matter, namely of religion and cult; because exterior acts, clothing, or other ceremonies are not assumed for cult except because of some signification; therefore he who exteriorly uses them by way of religious cult approves, at least exteriorly, that rite of worshipping God. But this is intrinsically evil, for to approve or confess in words that such rite is religious is evil and against faith and religion; therefore to approve the same also in deeds is equally corrupt, and this is the very strong reason of Augustine in the places cited. Which is hence further made clear, because this pretense of false religion is a certain exterior negation of the faith; but this is always evil, as we laid down at the beginning; therefore so is the pretense. The major is clear, because the pretense is approval of superstitious religion and, consequently, it is confession of the false faith from which that superstition proceeds; but the affirmation of error is denial of truth; therefore the pretense is denial of the Catholic faith that is contrary to the heresy. Next, since the true religion is one only, he who approves that one exteriorly rejects every contrary; therefore he who exteriorly approves heretical rites denies in the same way by that very fact the Catholic religion; and thus he fails contrariwise in confession of faith. Hence, on this reason too, such pretense is very contrary to the honor of the Christian religion; for it leads to contempt of it, since it is exteriorly denied and rejected, and the contrary is strengthened in the minds of its enemies, as we will say a little later. From which finally is concluded that such pretense is never licit, even for avoiding death, both because external and pretended denial of the faith is never licit for avoiding any evil at all, and also because a man is especially bound to keep a precept, even a positive and human one, notwithstanding any danger of violent death, when transgression of it is extorted for contempt of religion, as I said in bk.3 *De Legibus* ch.30.

15. We can in another way explain the force of this obligation, because in that critical moment, when the faithful are coerced by unjust laws to participate in the sacred rites of heretics, the affirmative precept to confess the Catholic faith by resisting such laws is specifically binding, and accordingly those who make external pretense and obey, even if they do it with feigned mind, are failing in confession of faith; and thereupon they are to be reckoned among the lapsed in persecution of the faith. This doctrine I take from Cyprian in the places mentioned before, especially from epist.31, which is to him from the clerics existing at Rome, where, after they had said that not only those who sacrificed exteriorly to idols, or ate things sacrificed to idols, were failing in the faith, but also those who had offered, when present, or sent, when absent, notifications of submission, they add the notable words: "He is not immune from crime who wishes to seem to have made satisfaction to proposals or edicts or laws against the Gospel; for in this very fact he has obeyed because he wished to seem to have obeyed." And later Cyprian stabs more vehemently at the English as both schismatic and weak in constancy of faith when he says: "Far be it from the Roman Church to abandon her vigor with such profane ease, and to loosen the nerves of severity after having overthrown the majesty of the faith." And the words are in agreement of the same Cyprian when he says in bk. *De Lapsis*: "Nor let them deceive themselves into not doing penance who, although they have not soiled their hands with abominable sacrifices, have yet polluted their consciences with notifications of submission. And that profession is the affirmation of a Christian denying what he was, of a Christian rejecting that he himself did what another by doing committed. And although it is written, 'Ye cannot serve two masters,' he has served the secular lord, has submitted to his edict, and has obeyed human command more than God."

I take the same doctrine from Chrysostom homi.25 on *Matthew* in ‘Imperfecto’, where he first shows the necessity of confessing the faith, and among other things he says: “If God had created only a heart for you, the faith of the heart would be sufficient for you; but now God has created a mouth for you, so that you may believe with the heart and confess with the mouth.” And he adjoins: “Not only with the mouth but also with the five bodily senses; but if even one sense was too little the confession is not perfect.” But, when declaring the necessary occasion for such confession, he adds the following words, which, because they confirm this truth in many ways and bring light for solving the arguments, I will report complete. “Therefore,” he says, “if anyone say to you, ‘do not eat the thing sacrificed to an idol, but look only at the idols, how splendid they are’, if provoked you look, you have with your eyes denied Christ. Not because looking at idols is anything, but you sin because you look when invited. But if you do not look, you have with your eyes confessed Christ. Therefore is it written [*Psalm* 119.37]: ‘Turn away mine eyes from beholding vanity’. But if he say to you, ‘I do not wish you to look at the idols but only to listen, how that Gentile blasphemes Christ so that he might glorify the Gods’, if you listen, you have with your ears denied Christ. If he say to you, ‘I do not wish you to hear blasphemy against Christ, but lo, how incense is offered to the gods, stand only and receive the odor of the incense,’ if you smell it, you have with your smell offended Christ. Again if he say to you, ‘do not eat the meat with your teeth, just feign that you are eating from the sacrifice,’ if you pretend, you have thus with your taste denied Christ. But if you refuse to feign, you have confessed Christ, just as did Eleazar in the book of Maccabees, who refused to eat sheep’s meat under the appearance of pork. If he say to you, ‘I do not wish you to feign that you are eating of the sacrifice, but only touch the

idol with your hand or hold the thurible', if you touch or hold, you have with your touch denied Christ. But if you refuse, you have with your touch confessed Christ, as it is written [*Psalm 7.3*]: 'If there be iniquity in my hands'. For all the members of your soul or of your body God made not only for your use but for his glory.”

16. Now by reason can be shown the said assumed proposition, namely, that in that critical moment the affirmative precept to confess the faith is obligatory, because the precept especially then or for that time obliges when the faithful is by an infidel or heretic tyrant, or by any public persecutor whatever of the faith, questioned about his faith, as whether he be a Christian or obedient to the Roman Pontiff, or if he is questioned whether he believe that a sect or a rite of worshipping God foreign to the Catholic or Roman Church is licit or holy; for in these cases the faithful is bound not only not to deny openly the Catholic faith, or not to confess a false one, but also not to turn aside or to dissimulate or keep silent, but openly to confess the Catholic faith and religion; but in the case in which the faithful are by edict coerced to enter the temples of heretics and to take part in their rites, they are being virtually questioned by the public power whether they approve those rites or not, or whether they profess the Catholic religion; therefore the faithful are bound to confess the truth by not obeying such edicts, for the refusal is a sort of confession of the faith to which the precept then obliges. The major proposition is common to the theologians along with St. Thomas *IIa IIae* q.3 a.2, where Cajetan and all the modern expositors not only agree but also hand it on as certain dogma. For although there be some controversy whether any questioning at all suffices (which for the present is not important), yet, when the questioning is by the public power, there is no doubt about the obligation to confess the faith, because then most of all is the necessity urgent

to honor God and the Christian religion; and therefore he who then turns aside takes from God his true honor and is truly ashamed of Christ. About which Cyprian thus writes in the cited book *De Lapsis*: “Christ says in his precepts: ‘He who is abashed of me before men, him will the Son of man be abashed of’; and does he think himself a Christian who is abashed or afraid to be a Christian? How can he be with Christ who is ashamed or afeared to belong to Christ?”

17. But that in the case of which we are now treating, Catholics are being questioned by the public power, both about their religion and faith and also whether they approve or refuse the superstition of the Protestants, is manifest from the fact itself. For that is why they are being under very grave penalties coerced to enter the churches, etc., so as to show whether they are pontificalists or belong to the Roman religion, as they themselves say, and whether they detest the Calvinist religion. Nay rather, they are questioned in such way that they cannot exteriorly show both; therefore that occasion is one where the precept to confess the faith most obliges, at least by refusing such communication with heretics. Which is very well confirmed by the example of St. Ermenegildus, prince of Spain, who, so as not to receive the Eucharist from the hand of a heretic, even at the bidding of his father, refused to the point of death. Which deed is much commended by Gregory bk.3 *Dialog.* ch.15 when he says: “The man, given to God, reproached, as he ought to have, the arriving Arian bishop, and repulsed from himself his perfidy with deserving rebukes.” By which words he signifies that he did it by the duty of obligation, so that he might not seem to be communicating with heresy.

18. Another reason for this obligation can be taken from scandal, which seems so intrinsically annexed to these actions that it seems inseparable from them. But this is

enough for any external communication with schismatics to be sinful and detestable, according to the doctrine of the Apostle *Romans* 14 and *1 Corinthians* 8 where he calls this sin, v.12, “sin against Christ,” and 10.28-29: “Eat not...for conscience sake...Conscience, I say, not thine own, but of the other.” And from the deed of Mathattias in *2 Maccabees* 6 and from his excellent words it is clear that death is to be borne rather than this scandal be given to the brethren. But there is clarification that scandal intervenes in this business. First, on the part of the heretics themselves, for from this sort of weakness of Catholics they are confirmed and hardened in their error, and they despise the Roman faith. Hence Sander bk.3 *Histor.*, after he had reported that at the time of the queen, because of the very bitter law and coercion, many Catholics refused not at some time to go even publicly to the churches, sermons, communion, and assemblies of schismatics, he subjoins: “In the meantime the queen and hers reckoned things to be from the beginning going splendidly with them, because, although there were so many worshippers of the ancient faith in the kingdom, yet they knew that most were embracing, or in some way or other by their presence approving, the rites publicly prescribed to them, although interiorly they were worshipping another faith, about which they themselves did not care much or thought it necessary for the time to conceal. And they rejoiced not a little that some of the priests did not even shrink from administering these rites.” In this way, then, this pretense of Catholics resulted in increase to the schism and great contempt to the Roman religion, and occasion for the same scandal always remains. And thus there is found also in such action another malice, because it redounds to the favor and help of heretics insofar as they are heretics, that is, as they perform the works of their error; but this is intrinsically evil, as in a similar case was noted by

Navarrus cons.12 *De Haereticis* n.6 at the end and following. Hence this scandal is also most found on the part of Catholics, especially the simpler of them; for they easily imitate others who seem to be wiser; and thus this sort of custom becomes an offense to the weak. For if anyone (as Paul says) sees him who has knowledge in the churches of heretics taking part in their rites, his conscience, since it is weak, is made to imitate him, and thus the weak perishes in the knowledge of the more learned. And, which is chief, it hence happens that as the multitude increases, now they use, not in pretense, but from their heart that rite to worship God, such that the simple do not know how to distinguish between the ancient religion and the new superstition. There is, then, an evident harm and scandal, by reason of which this sin is not only against fraternal charity and divine honor, but also against confession of faith, which obliges most of all, on the witness of St. Thomas above, when, by dissimulation or silence, due honor is taken from God, “and utility should on neighbors be bestowed.”

19. Lastly we can add to these a reason taken from moral danger; for if a faithful people frequents the assemblies of heretics, and especially if it hears their sermons, they live in very great danger of losing the faith. For although one or another could hear them without danger, nay and attack and confound them, yet the simple crowd is easily deceived, and therefore even the more advanced are bound to abstain from such sermons lest by their example they bring others with them, and so the faith of these is endangered. And therefore does Chrysostom warn *orat.2 De Provid. et Fato* that one should flee places and sermons that are full of pestilential opinions more than contagious and infected places, because the latter harm the body but the former kill the soul. “Do not stand,” he says, “but jump back, do not delay, fear even the briefest pause here. These

things we say, not fearful of the firmness of those opinions, but afraid for your weakness, etc.” Therefore too does Augustine warn in bk. *De Fide et Symbolo* ch.1: “So that the faith cannot by the deceitful cleverness of heretics be in the least part violated in us, one must make provision of pious and cautious vigilance.” And Gregory Nazianzen in orat.53, which is about the new Lord’s Day, gravely blames those who, as he himself says, “accommodate their faith to the arbitrament of time,” namely, when heretics have possession of affairs, following their own will in matters of faith and, as he subjoins, “employing dispensation in the faith.” Which is rather a sort of dangerous pretense; and therefore does he also say that those who thus walk “limp in the faith,” because in truth they fail in confession of faith and live in danger of losing the faith; and although perhaps they themselves be constant, they put their brothers in danger.

20. Now, to the reasons for doubt, the response is easy from what has been said. To the first is said that those actions, taken abstractly and generally, can be said to be indifferent, insofar as they are not intrinsically evil, yet, taken in the particular case, as done in such way and in such circumstances, they do contain an intrinsic malice. For, as I was reporting from Chrysostom, to look at idols is not intrinsically evil, but to look at them because of inducement, or fear of a tyrant, is to deny Christ. “Not,” he says, “because looking at idols is anything, but you sin because you look when invited.” To enter, then, in such way a church of heretics or a synagogue of Jews is in itself nothing; but to enter for the sake of religion and to perform the rites of heretics, so as to obey the command of a heretic, is evil. Thus too, although to hear the sermon of a heretic is not *per se* and intrinsically evil, yet to go to sermons frequently, and at the command of those inducing to heresy, and with scandal and danger to the weak, and sometimes to oneself, is

pernicious. It is also much more clearly superstitious to take part in the prayers and rites of heretics, because either it is a sort of tacit approval of this kind of superstition, or cooperation too is mixed in. Which is most of all seen in participation of the sacraments; and therefore, among all the rites that are done by Calvinists, the more hateful is communication with them in the sacrilegious supper and the fictive Eucharist that they administer; for those who participate in that are evidently cooperating in an infidel superstition and are receiving, for the sacrament of Christ, what is a nothing, and are by their own deed approving that custom. Thus, next, although in a case of necessity a Catholic might be baptized by a heretic who is using a true and substantial rite of baptism, yet if the heretic make use of other rites accidental, superstitious, and foreign to the custom of the Roman Church, he cannot cooperate in them, although he could sometimes tolerate them, if neither scandal nor contempt of religion intervene and he cannot avoid them.

And thus too is response made to the other part of that reason. For those acts are by common imposition and use acts of religion, and they have this signification partly from the nature of the thing, partly from imposition and the use of men; hence, when taken in the particular case and on such occasion and with such inducement and in consort and communication with such schismatics, they clearly signify their religious cult and rite, and have for this purpose been instituted by such a king. Wherefore, just as it is intrinsically evil to assume the sign of a false religion, nor can it, on account of that fear, be licitly done, as is a thing settled in theology, so is it *per se* evil to perform those acts in such a way and on such an occasion. But the doctrine that, when a heretic has not been denounced, it is licit to communicate with him in sacred rites, which Navarrus hands

down, by the same is it expressly said that the proviso is that the sacred acts themselves are done in the Catholic rite, and that there is no communication in an heretical rite, ceremony, or impiety; and in addition that no offense to Catholics or no danger to the faith intervene, as was made clear expressly by Azor when reporting Navarrus in the said book 8 ch.11 q. 4 in the volume.

21. To the second reason the response is that the pretense of a false religion is intrinsically evil, as in the said book 9 *De Legibus* I showed extensively from the opinion of Augustine above mentioned and of many doctors whom I there referred to; and the same opinion is held by all who deny that it is sometimes licit to assume the sign of a false religion or to perform an external act of infidelity, even if internal faith is retained. Because, although he who assumes the sign does not intend its signification, he cannot separate it, and therefore, willy nilly, he signifies by the act itself that he is an infidel; and thus, in the very deed, he confesses a false religion, which is contrary to the precept of confession of faith. For, just as the true faith obliges to its confession, so it also obliges to avoiding the contrary infidelity, and consequently also to avoiding the exterior confession thereof. This obligation is also more urgent when the harassment of a public tyrant is insistent on the contrary; for then most of all does the precept oblige of confessing the true faith and of avoiding all opposed pretense. And this obligation will be greater the greater is the scandal and the greater is the danger of overthrow of faith and of contempt for the Roman religion; all which things most come together in the present case.

22. Through which is response made to the third reason, which was about scandal; for we say, in the first place, that there are, besides the scandal, other sufficient reasons. Next, we say that the scandal is not avoided because of the escapes there proposed. For

when it is said that it is known to all that those things are not done by Catholics from the heart but by coercion, we reply that this is uncertain (for it was possible for many to be ignorant of the fact), and that this is enough for very grave scandal, for that very pretense is a grave sin; besides the fact that other dangers and injuries to the Christian religion are not avoided. Again, when it is said that the king is not so much harassing the faithful because of religion as because of greed for money, I reply that this is said by guesswork; but however it may be, it matters little, because the intention not of the doer but of the deed must be looked at; for although the king intend monetary gain, he is proximately giving inducement to profession of a false and superstitious religion, together with express, or at least tacit, denial of the Roman religion; but this is intrinsically evil, and so, for whatever reason it is intended by the king, it is to be resisted.

23. Next too the protestation does not excuse, both because it cannot morally be as public and notorious as is the pretense itself of heresy, and also because the protestation, although it were known to all Catholics, does not remove the fact that the action is a pretense and an external profession of error and of false superstition; nor does it remove failure to confess the faith, nor contempt of religion, nor danger to souls. Nay, in that way license is given for exterior profession of any infidelity at all along with protestation, made before faithful Catholics, that it is not being done with an infidel heart, but from human affection for not losing one's resources and other temporal goods; but this is very base and pernicious and against reason; for this fictive profession of corrupt religion is not only evil because other faithful will believe that it is done from infidelity, but also because this is being signified to whoever sees and understands such signs. But at most the protestation takes away that estimation from Catholics, because the

protestation is wont to be done only before the faithful, not before infidels. In addition too, even were it done among all, the action is always against the honor of God and to the contempt of the faith, and with danger and scandal to the weak. The protestation, therefore, does not purge the malice of such actions. And in this way does Azor ultimately explain his own opinion, in vol.3 bk.1 ch.7, after q.2.

Chapter 10: Whether the ill treatment that Catholics are suffering in England is true persecution of the Christian religion.

Summary: 1. He who in hatred of the Roman Church ill-treats any part of it persecutes the Catholic Church. 2. State of the controversy. 3. The reasons whereby the king excuses himself. 4. Ill treatment of Christians in temporal things is not persecution of the Church. 5. What Christian persecution or persecution of the Church is. 6. What persecution proper of the Church is. 7. The first means which persecutors are wont to use. 8. From the end itself of persecution is shown that the ill treatment of the English faithful is persecution of the Church. 9. The same is shown on the part of the means. How grave the persecution was under Henry. 10. How much the persecution increased under Edward, under Elizabeth, under James. 11. The second means of persecution. How much under Elizabeth. 12. And under James. 13. The meeting of the four Irish bishops for extirpating the Catholic faith. 14. An evasion that the king uses is excluded. 15. Other evasions of the king are refuted. 16. The progress of persecutions under King James. 17. His second evasion is met. The king is not excused from persecution because of the benefits that he reports he has, for reason of political governance, conferred on Catholics.

1. This question is not to be treated in the sense that we should return again to the first controversy about where the true and Catholic religion is, whether in the island of England, or in the whole world, or, which is the same, in the Roman Church; for this was sufficiently disputed in book 1. And, from the things there said, we suppose that the true faith and the Christian religion exist in the Roman Church; from which it evidently follows that if in England the faithful (who are called papists by heretics) are ill-treated because they are in union with the Roman Church, and profess its faith, religion, and obedience, that is proper and altogether true persecution of the Catholic faith and of the Church of Christ, and he who is author of it is an enemy of Christ and a persecutor of Christians. Nor can anyone doubt of this consequence or conditional proposition, once the said hypothesis has been posited; for if the Roman Church is the true Church of Christ, he who persecutes the Roman Church because of his own religion, or he who opposes its religion, is persecuting and attacking the Church of Christ, and consequently that will be persecution of Christ and of his Church. Which is then most so called when it is not only private persecution of one or another person, but is also public and general to the whole community. For although the persecution of any member at all, insofar as he is such or on account of faith or justice, is persecution of the same Christ and seems, by reason of its general cause or motive, to redound against the whole Church, nevertheless by antonomasia that is said to be ecclesiastical persecution which attacks the community of the Church and its universal body. However, it is not necessary for such ill treatment to deserve the name of persecution of the Church that it be directly and immediately done either in the whole Catholic Church, as it is diffused through the whole globe, or in the Roman Church, as it is a particular bishopric; but it is enough that it prowl about in some

Christian kingdom on account of the same Roman and Catholic faith. For Augustine says bk.8 *De Civitate Dei* ch.53: “For what is it not to consider that the Church, bearing fruit and growing in the whole world, can in some nations be suffering persecution from kings even when in others it is not suffering?” And he brings forward the example of the persecution done in Persia by the king, and by the Goths in their dominion, and by Herod in Jerusalem. For such ill treatment in one kingdom or principal part of the Church is not done without some participation and troubling of the Universal Church; for the whole is in a certain way shaken. Because although the persecution is in motion in one province, it is trying to overturn the foundations of the whole Church.

2. With this supposed, then, as a constant, the sense of the present controversy, since it is *de facto* clear that those who profess the Roman religion are, by the princes after Henry VIII of that kingdom (Catholic Mary excepted), in many ways ill-treated and afflicted with great sufferings, is whether it truly is and should be called persecution of the Church and of Christ, or only either unjust war or just punishment. And the occasion for the question has been provided to us by the King of England, who complains greatly about the Pontiff that he seems to be numbering him among the persecutors of the Church. Hence he contends that the penalties and afflictions that in England are by royal authority being inflicted on the papists (as we are by them understood to be) do not merit the name of persecution of the Church because they are being inflicted, not by title of religion, but in just punishment of crimes committed against the king and the republic. Hence at the beginning of his *Apology* he thus speaks: “It cannot be denied but that the Pontiff has vehemently sinned against the good morals and the custom of princes, especially Christian ones, since he has condemned me unheard, which thing indeed he

has done by numbering me among the persecutors; as is not obscurely indicated by the fact that he is encouraging his Catholics to aspire to the glory of martyrdom.” But next, in his attack on the first Brief of the Pontiff, he digresses at length about this and first he affirms of Elizabeth on p.18 that: “on none of the pontificalists did she impose punishment for religion’s sake until their crimes and outrages had extorted from her, as it were unwillingly, the sufferings that they have borne.” Now this he in this place more or less proves because the queen, neither before nor after the issuing of the Brief of Pius V against her, can justly be branded with the infamy of persecution. He shows the first part because, at that time, before Pius V had fulminated his sentence against the queen, “neither did she impose on Catholics any heavier fine or severer laws, nor was any capital punishment at that time established against Catholics.” He shows the second part since, from the time when that sentence had been passed against the queen, “so many plots and machinations and public rebellions rose up in the kingdom that the punishments of the delinquents were not only just but also moderate;” therefore the queen cannot, on account of those punishments, be branded with the infamy of persecution, but can rather be commended with the name of great clemency.

3. Next he makes transition to himself and his own kingship, and on p.23 he thus speaks: “As to what they falsely accuse me of about the persecution of Catholics, it can never be proved that anyone for the sake of conscience, and therefore of religion, has hitherto in my reign either been punished with death or lived merely in danger of death. Unless perhaps (he adds) this wretched interdiction given by the Pope to Catholics not to make, on their oath, promise to me is becoming henceforth the cause why many of them are rightly punished.” Next, with many arguments and signs he tries to show that he does

not merit the name of persecutor. First generally by comparison with the queen, because James has conducted himself with much greater mildness and piety toward Catholics than the queen. Second, because he has used so much clemency toward Catholics “that even they themselves have come to the hope that they will soon enjoy the freedom of their religion,” and that other sectaries, familiars of the king, are astonished and fear therefrom great calamity for the kingdom. Third, he reviews the human favors and temporal benefits conferred on Catholics, as are the giving some recusants the dignity of knight, making others sharers in access and conversation with him, lavishing on them honors and benefices without any discrimination of religion, and the like. Fourth, he numbers among these benefits that he has admonished his judges not to afflict priests with punishment, even if they have been convicted, and chiefly he exaggerates “a most clement edict whereby it was permitted to all priests who had not been apprehended, and were at that time active outside custody, to leave the kingdom within a predetermined day. But if any were being detained in prison, they were permitted also freely to depart, and if any others were afterwards apprehended, they were sent off across the sea and there restored to liberty.” From which he concludes that ingratitude is shown in the Pontiff “who has with so unjust a measure compensated so many benefits.”

4. But because for us it is certain and has been examined that the persecution which the Catholic Church is now suffering in England, and suffered after Henry under Elizabeth, is one of the gravest of persecutions that the Church has hitherto in any particular kingdom endured, therefore, in order to show this from its own beginnings and foundations, I note that in every persecution, so as to pass judgment on it, what must be looked at is, first of all, the target and end at which the persecution is tending, next the

means through which the attainment of that end is intended. In order, therefore, for some ill treatment of the Church to be a proper and public persecution, it is necessary and sufficient on the part of the end that it be ordered to bringing about destruction or change of the Catholic religion in the whole Church or in some notable part of it. For although the ill treatment of a Christian people or kingdom be ordained to seizing tyrannically the temporal lordship thereof, and although for this reason many temporal harms be done to Christians by rapes, murders, and other like injuries, if these do not tend to the overthrow of the Christian religion but come to a stand in the appetite only for temporal empire, there will not be a persecution proper of the Church as we are now treating of it. Because by it the faithful are not being ill-treated insofar as they are faithful and Christians, but insofar as they are men and citizens, just as Gentiles and pagans are sometimes ill-treated. It will, therefore, be able to be called a bodily persecution, not a spiritual one, a human persecution, not a Christian one, for the latter ought to be because of Christ or because of his faith, according to the verse of *Matthew* 5.11: “Blessed are ye, when men shall revile you...for my sake.” And *1 Peter* 4.15-16: “But let none of you suffer as a murderer... Yet if any man suffer as a Christian, let him not be ashamed; but let him glorify God on this behalf.”

5. However, if on the contrary the persecution tend to that end, and be done under that name, by whatever means intended, it will be a Christian persecution. Because, as is said in morals, the end is what gives being and species to an action. Hence just as he who favors Christians because they are Christians, and confers any benefits whatever on them because of faith and love for Christ, is honoring Christ and can expect a reward from him, according to the verse of *Matthew* 10.42: “And whosoever shall give to drink unto one of

these little ones...only in the name of a disciple...he shall in no wise lose his reward;” so also, contrariwise, he who directly intends to offend the Catholic religion and to turn therefrom those who profess it, whatever means he use for this purpose, will be properly a persecutor of Christians, and consequently also of Christ, according to his word when saying to Paul, *Acts* 9.4: “Why persecutest thou me?” But as to the means, in the same place of *Matthew* 5 the same Lord insinuates various ways of persecuting Christians when he says, v.11: “when men shall revile you, and persecute you, and shall say all manner of evil against you falsely for my sake.” Where Augustine bk.1 *De Sermone Domini in Monte*, accurately distinguishing those three things, says that “persecutions” are properly done by force or ambush; but “to revile” is to dishonor someone in his presence and to afflict him with insults; “but to say all manner of evil against someone” is properly to disparage someone in his absence and to damage his reputation. But although these things are rightly said when the word ‘persecution’ is taken strictly, nevertheless even the ill treatment that is done through insults or defamation of Christians deserves the name of persecution, as is said of the Apostles *Acts* 5 that, v.41, “they departed from the presence of the council, rejoicing that they were counted worthy to suffer shame for the name of Jesus.” And *1 Peter* 3.14: “If ye suffer for righteousness’ sake, happy are ye.” Therefore, according to the diversity of means or tribulations, a persecution can indeed be greater or lesser; yet, in whatever way it be done, if it is done by reason of the Christian faith or religion, it will be Christian persecution. Just as Augustine in the cited place said that “then does someone suffer for Christ when he is, according to the true faith and Catholic doctrine, called a Christian, and is for that reason ill-treated.”

6. Next, so as to bring more light to the cause, we judge it useful to explain more

distinctly both the ends of the persecutions of the Church and the means by which they are wont to be done. For a persecution can either be only against good morals, by introducing through violence and human power some corrupt morals into the kingdom, and by gravely afflicting those who resist or fight in any way for the truth. But such ill treatment, as long as it is contained within those limits, is, because it can exist in any kingdom, even a merely human and Gentile one, wont for that reason not so much to be called an ecclesiastical persecution as unjust and tyrannical government. Therefore ill treatment by a Christian prince is wont to advance further to rending the unity of the Church, and to so despising obedience to the one head that he afflicts all those subjects of himself who do not consent to the same schism, and judges them for this very thing alone worthy of punishments. And this now properly reaches some rank of ecclesiastical persecution. Finally, the end and target of the persecution can be change of faith and of the true religion founded thereon, along with ill treatment and affliction of the faithful who resist such change. And this is, on the part of the end, consummate persecution of the Church, because it strives utterly to overthrow its foundation.

7. But the means which persecutors of the Church are wont to use for this end are more or less these. First, by force and power to overturn divine cult in the Church by destroying churches, burning images, converting monasteries and sacred places to profane uses. Just as is related by Optatus bk.6 of the Donatists, whom he accuses in the words of Elijah [*1 Kings* 19.10]: “They have thrown down thine altars.” “Why,” he says, “have you overturned the desires of men along with the altars themselves? Why have you destroyed the way with your prayers?” And Augustine bk.3 *Contra Crescon.* ch.59 therefrom convicts the Donatists of having persecuted the Maximianists, “because they

destroyed the basilica of Maximian.” Thus too were the Arians overthrowing the temples of Catholics, as Victorius reports bk.1 *De Persecut. Vandal.* Other persecutors also overthrew and burned images, as is sufficiently well known. Another means is wont to be to proclaim laws and edicts contrary to the faith, whereby the faithful are compelled, under the gravest penalties, to abjure the faith and to profess something contrary to the rules of faith. Which not only did the Gentile emperors do, but also those who defected from Christ, Julian, Valens, and the like. To these are added the carrying out of punishments and tortures. And sometimes too violent means are wont to be applied, whereby the children of Catholics are taught and instructed by heretical ministers and masters, and in order that they may, on the contrary, be kept away and in every way hindered from the discipline of Catholics, as is in memory recorded was done by Julian the Apostate. Next, sometimes tyrants are wont with human enticements and favors to tempt the minds of believers, as is in the ecclesiastical histories matter of common report.

8. First, then, must be proved that the ill treatment of the faithful in England is, on the part of the end, ecclesiastical persecution. For it will be clear if we observe its beginning and origin. For Henry VIII, in order to make proceed in his kingdom the sentence of his divorce against Catherine, in contempt of the Holy See, introduced a new form of the Church in England, and set himself up as head of that church; and he established a decree that there was in that kingdom no need of the authority of the Pontiff in any administration of the affairs of the Church. And, by this power thus usurped, he decreed the introduction into his kingdom of new rites of religion and laws for worshipping God that were far other than they had formerly been; and for this end he did many things which we will later touch upon. This target had Edward also, or rather his

protector and advisers, who so increased and amplified the end “that within a short time the awesome sacrifice, the divine office, and all the sacraments ceased altogether in England to be done in the Catholic rite,” as Sander reports. Nay, although Henry forbade, the article of primacy excepted, change to be made in other things pertaining to the faith, straightaway with Edward the Zwinglian heresy began to be introduced, as we saw above. The same end was restored by Elizabeth as soon as she was assumed to the monarchy; for she both declared herself supreme governess of the whole of England no less in spiritual and ecclesiastical things than in temporal, and wished it to be sworn by her subjects. Nor did she in every way insist only on preserving the schism but also on introducing the Lutheran heresy, or some other little different from it, and on completely changing the Catholic religion that her sister Mary had begun to restore; and she labored in that care and solicitude to the end of her life.

Now, that the same form of religion, namely one repugnant to the Catholic, is being by King James preserved in his kingdom, and guarded, and in all ways intended, there is no need to prove. For this the king himself, with sufficient eloquence and explicitness, rather often professes in his own book, as is sufficiently manifest from the profession of his faith treated of above, and we will, in the following, point out many of the words and places in it where he shows and declares this end. From all which it is clear that those three corrupt ends which we above distinguished in persecution of the Christian religion, namely corrupt morals, change of religion by schism, and change of faith by heresy, are all found in this Anglican disturbance; for it began from corruption of morals, and proceeded to schism, and was consummated in open heresy, and does thus now persist. For schism is not even denied by the king himself; but that was already

founded on heresy, as was shown in book 3, and it has culminated in many other heresies, as was proved in books 1 and 2; but schism and heresy cannot exist without great corruption of morals. Therefore, on the part of the end, all the evils which can be found in ecclesiastical persecution there come together.

9. But that it was on the part of the means too, both before Elizabeth and under her, and after her under James, a most bitter persecution, is proved by running briefly through the heads that we have touched on. The first was about violent overthrow and usurpation of sacred things; but this began at once with the change of religion under Henry. For Henry alone seized violently 10,000 monasteries and temples built by Catholics over many centuries, and turned them to profane uses, as Bozius reports vol.1 *De Signis Ecclesi.* ch.10; and the sequence and manner of his tyranny is more extensively described by Sander bk.1 pp.154 and following. “And at the beginning,” he says, “Henry prescribed that all the men and women of all the orders should hand over all the most precious ornaments and relics of their churches to his treasurers.” Next, he says he obtained in the public assemblies that all the minor monasteries, whose revenues did not exceed 700 gold coins, should be given over to his own pleasure; and in this way he seized 376 monasteries, and from them 120,000 gold coins each year, and he dismissed into the world more than 10,000 religious of both sexes. Within three years, indeed, he overthrew all the monasteries of his kingdom, and through supreme violence devoted all their goods to his exchequer. But by how much force and how he entrusted this with corrupt arts to execution, is pursued extensively by the same author. But after this, he moved war against the images, tombs, and relics of the saints, and destroyed all the more famous ones, and treated them with contempt and plundered them. But other churches,

although he did not utterly overthrow them, yet he seized whatever was precious in them, and violated them in infinite other ways, treating everything sacred with dishonor.

10. Now all these things were continued and increased under Edward, for if any images or crosses had remained in England, they were partly overthrown and partly burned; and everything gold and silver, chalices and sacred ecclesiastical vestments, and all the goods of churches were devoted to the king. And the divine office began to be recited in a heretical rite and in the vulgar tongue, and thus, with the divine sacrifice taken away and the altars destroyed, the churches of Catholics ceased to be temples of God and of Christ, and were transformed into synagogues of Satan. But afterwards Elizabeth again took out of the way the temples, monasteries, and all the sacred things that her sister had in part brought back to the ancient beauty of the true religion, and invaded with greater force and power everything sacred, and tried with all her strength to take away all use of the ancient religion. James, however, although perhaps he did not find monasteries to destroy or their immovable goods again to occupy, nor temples that had not yet been debased by heretics, is nevertheless reckoned to be inflicting violence on sacred things. First, because he acts by his own power to preserve that abomination of desolation, and with the same violence he prevents anything redolent of the Catholic religion from being restored in his realms. And although in Ireland (as we have thence received) the Church, formerly wrecked by heretics, is now by order of the king being rebuilt with the expenses of the Catholics, yet it is being done so that it might serve the sacrilegious rites and assemblies of Calvinists; which is to double, so to say, the injury and the persecution. Next, if any sacred vessels are being secretly retained by Catholics, and the ministers of the king find them, they seize them and convert them to their own

and profane uses. Nay (as we have received from those worthy of faith), under this color they steal all precious vessels of gold and silver or ornaments of women, feigning that they are sacred vessels and are being kept for adornment of reliquaries or altars.

11. Another way of persecuting the Christian religion is wont to be by edicts and laws violent and repugnant to the Catholic faith, of which sort it is very well known that innumerable were passed in England under the aforesaid kings, and are being passed daily. For Henry, at the beginning of his fall, compelled his subjects by public edict to give him an oath of primacy, as was seen above; nay, he was inflamed with so much hatred for the Pontiff that he prescribed by public law, under punishment of death, that everyone should delete the name of Pope from their books. And other similar laws were under him and under Edward passed against the Catholic religion. But later Elizabeth, immediately at the beginning of her reign, proposed an oath about her ecclesiastical primacy to be taken by her subjects. For although she did not use the name of 'head of the Church' but of 'supreme governess', it was however afterwards made clear that the same thing was signified by both phrases. Also was added the penalty of privation of goods and perpetual incarceration for those who refused the first time, but the penalty of death the second. In addition, the use of the sacrifice and of the sacraments in the Roman rite was forbidden under penalty of 200 gold pieces the first time, 400 the second, all goods and perpetual incarceration the third. Again, she forbad anyone, under penalty of loss of all one's goods and perpetual incarceration, to bring into England Agnus Deis, crosses, or any other sacred thing consecrated by authority of the Pontiff, and, under penalty of death, to carry Briefs or Bulls from Rome. To reconcile anyone to the Roman Church she wanted to be the crime of *lèse majesté*. Those who sailed outside the kingdom

for the sake of religion she first deprived of all their goods. Afterwards, however, she proclaimed a law whereby all clerics ordained by pontifical authority were within a certain day compelled to leave the kingdom and never, under penalty of *lèse majesté*, to return from overseas. And she promulgated innumerable like edicts.

12. Nor has King James, in attacking the Catholic faith, been more sluggish in his laws. For, as is extensively reported by Cardinal Bellarmine in his response to the *Apology*, there proceeded from the king in the year 1606 an edict whose title was 'For Detecting and Repressing Papists'. From which title is manifest that the edict was passed for the cause of religion and for defection from the Pope. Hence in its first article the laws passed by Elizabeth are confirmed, but in others many things are under the gravest penalties established for the same end. As that the fining with diverse pecuniary penalties of Catholics who refuse to receive the supper of heretics, or to enter their temples and take part in their sacred rites, was being done, through increase of these on each occasion, in a far more bitter way than under Elizabeth. Next, although the king say that he has tempered the ancient oath, he has not however removed it. For we know by faith worthy of report that it was last year decreed that all subjects should give the oath. In addition, those who also refuse to accept the new oath of fidelity are thrown into the prison of murderers; and if they there also refuse, they are deprived of all their goods and delivered over to perpetual incarceration. Again, as that he who leads any of the king's subjects back to obedience to the Church is held guilty of *lèse majesté*, and he undergoes punishment for the crime unless, having confessed the crime within a certain period, he take both the oaths, of primacy and against the power of the Pope. All which edicts and laws are manifestly ordered to the target of turning men from the Roman religion, and

they contain considerable coercion; since, by the threat of privation of goods and perpetual incarceration, men are kept from acts in harmony with the Roman faith and religion, and are drawn toward an oath of perfidy and the sacrilegious superstitions of heretics.

13. Add that it was before under Elizabeth not so bitterly done as in these later years, especially from the year 1605 to the present. The same edicts have in Ireland (as is being written from there) been promulgated by legates and governors sent with great power from the king, by whom Catholics are so ill-treated that they are scarce permitted to live, unless they renounce the ancient religion. For it is prescribed to all, under the gravest penalties. that they go to the churches of Protestants on the Lord's days and on feast days and take part in their impious rites, and Catholics are compelled to leave their fatherland if they do not wish to be in conformity with Protestants. In addition, Catholics are forbidden, under pain of perpetual incarceration, to teach grammar or any other science to young men within the kingdom. Parents are prohibited, under pain of confiscation of goods, to send their sons outside the kingdom to Catholic studies of letters; but if it is clear that they have sent them, they are detained in prison until their sons return. Again, those who are their own master are likewise forbidden to depart the kingdom for the sake of obtaining knowledge, under pain, if they are apprehended on their departure, of perpetual incarceration. No one is permitted to be chosen for some magistracy, nor admitted to control of it, unless he first take the oath about the ecclesiastical primacy of the King of England. All these things and many more, which I omit for brevity's sake, are ordered to the same end of tearing up by the roots the Roman religion from that island where it was seeming still to be in vigor. Hence when, by order

of the king, the four archbishops, who are the only ones in that province, met in Dublin to deal with affairs of religion, they all swore with one mouth to procure by all means and ways that in their own and their suffragan dioceses, and so far in the whole island, uniformity in rite of religion be preserved. “To the end,” they say, “of eradicating thoroughly the papistical religion and of planting in its place the true (of course) faith and religion.”

Now this ill treatment by edicts and laws stops not only at threats but in great part proceeds to implementation, as Sander in bk.3 of his history extensively reports about the time of Elizabeth. And about this time it is clear to us, by constant report and relations very worthy of faith, that Catholics are being very greatly ill-treated by plunder and rapine, and having been reduced, at the extreme, to poverty they have neither strength nor spirit to resist. Of which thing we could report many examples; but let one suffice, about a certain illustrious man, the Viscount Montagu, who, in order not to take the new oath, paid in the previous year of 1611 6,000 pounds in compensation, that is, 24,000 Portuguese cruciats or ducats. Nor is there need for us to employ longer proof for the other means of tortures, punishments, and coercion by which the faithful are ill-treated very gravely; because both in the following chapter will it be necessary to relate many arguments and examples of this truth, and now will the same be more evidently made clear by response to the objections, or rather excuses, of the king. For even the king himself does not dare altogether to deny the afflictions and penalties that the orthodox have suffered in England and are also now suffering; but he makes pretense of other excuses which need to be considered so as to make very clear that the persecution is so clear and cruel that it can by no subterfuge be hidden.

14. First, then, the king excuses his predecessor Elizabeth by the above made partition of times. For before the passing of the sentence by Pius V she did not gravely ill-treat the faithful, while after the sentence she did not ill-treat them but defended herself, nor did she persecute the faith but crimes and plots. Now the first member rests on a false foundation. For the king says that, before the excommunication by Pius V, there were passed in England rather severe laws against Catholics. But the excommunication was passed by Pius V in the year 1569, and yet in 1558 and the following year the laws related above were passed, which can and should be called, not only rather severe, but even very severe. For the penalties of privation of goods or of perpetual incarceration, taken in themselves and singly, are very grave; how then is the law not to be judged very severe that imposed both penalties on him who refused once the oath of primacy, that is, of perfidy? Again, the other laws imposing pecuniary penalties both on those who keep the Catholic custom in sacred rites and on those who avoid the sacrilege of Protestants, since they deprive them little by little of their goods necessary for life and ultimately deliver those persevering in good to perpetual incarceration, cannot fail to be judged very grave and very severe.

15. The king adds besides that no penalty of death was at that time established for pontificalists. But the contrary is clear from the said laws; for on him who for a second time refused the oath of perfidy was the penalty of death being imposed. And the same penalty was being paid by one who brought any pontifical Bull at all into England. And a doctor of the Catholic faith, if he converted anyone from heresy, was guilty of *lèse majesté*, and thereupon was held also guilty of death. Nor only by the laws, but also by the execution of them, and in innumerable other ways did the queen already at that time

ill treat Catholics. For Sander reports bk.3, for the year 1585, that many bishops, who refused either to swear or to consent to the other impieties, were deposed from their rank and delivered to prison, and there at length “were by long and tedious miseries extinguished.” Again, other nobles and other religious of both sexes either endured other ill treatments or, to avoid them, were compelled to leave their fatherland and, abandoning everything, become exiles. It is therefore very evident that Elizabeth ill-treated Catholics with the gravest persecution before Pius V turned his attention to her. Hence, if in fairness of spirit, as the king demands, he himself wanted to judge and ponder the thing with all its circumstances, he would far more truly say that Pius V imposed no penalty on the queen before her stubbornness and her savagery toward Catholics compelled the Pontiff to the defense of the innocent.

Let us see, next, how legitimate is the excuse about the acts of Elizabeth in the later time. “Elizabeth,” says the king, “exasperated by the censure and deposition of Pius V, was moved with anger and indignation against Catholics.” But what then is this excuse? Surely none; nay, rather is the iniquity of the persecution thence made graver and more detestable. For, as was shown, Elizabeth had, before the sentence of Pius V, for many years been ill-treating Catholics in order to turn them from obedience to the Pontiff; and although Pius IV had sent her a legate, who admonished her not to destroy her most noble kingdom for hatred of the Pontiff, and affirmed that, if she feared anything for herself by right of the kingdom, it could easily be settled by the kindness of the Apostolic See, she neither wished to hear the legate nor permitted him to cross over into the island, as in book 3 for the year 1566 Sander reports. He adds too that another legate was nevertheless sent by the same Pontiff to England to exhort her to send, with all

promise of security, some of her bishops to the Council of Trent, so that the cause of the faith might be dealt with, whom also she proudly rejected. Again he says that she was by various letters from the emperor, kings, and other illustrious Catholic men made always more harsh. What wonder, then, if Pius V, when he had for almost four years of his Pontificate patiently awaited some correction or moderation in the morals of the queen and was achieving nothing, at length judged that severity was to be used against her? No one, certainly, who did not doubt of the power of the Pope will dare to blame his indignation nor excuse the stubbornness of the queen.

We can also adapt to the present cause the excellent opinion of Augustine who, in bk. *De Unitate Ecclesiae* ch.24 speaks thus to the Donatists: “If you have erected an altar against the Church of Christ and are separated from Christian unity, which is diffused through the whole world, by a sacrilegious schism, and if you oppose by blaspheming and attacking as much as you can the body of Christ, which is the Church diffused through the whole world, the holy and canonical Scripture proves you are the impious and the sacrilegious; they, however, who so kindly decree that, for so great wickedness, you are to be deterred and coerced with warnings of losses, with privation of places or honors or money, so that, bethinking why you suffer those things, you may flee your cognized sacrilege and be freed from eternal damnation, are esteemed to be both most beloved and most pious advisers. This love the Pontiffs owe you, so that your sacrileges too they may both on account of Christian mildness decree are not to be punished as they deserve, and on account of their Christian care not let go altogether unpunished. This does God work in them, whose mercy, even in these troubles of which you complain, you refuse to acknowledge.” Although Augustine speak these things more or less, not about a

Pontiff coercing a schismatic king, but about an emperor raging in favor of the Church against subject rebels, nevertheless, as I said, these very words and the whole opinion are very well adapted, with proportion, to the present cause. Nor will anyone be able to contradict them save he who denies the power of the Pope to coerce schismatic kings; but he will bring the controversy back to the question of the cause of religion. And in this way too is the conclusion drawn that, although Elizabeth, provoked by the sentence of the Pontiff, increased the persecution, not for that reason did she change the target and end of the persecution; for always she fought against religion and was in that intention, by the occasion of a just sentence, more confirmed and made more cruel, and in this way the persecution of Catholics was not changed or taken away, but increased.

16. To the other things that the king proposes about himself and his own governance, we reply briefly that, in the first place, from the comparison he makes between himself and Elizabeth, he at most shows that at the beginning of his rule he behaved himself more gently toward Catholics and in some way tempered the persecution of Elizabeth; but he did not cease from it. For we can easily show that even James himself from the beginning of his reign persecuted the Catholic religion. First, because in the first year of his reign, and in the first Parliament, he not only confirmed the edicts of the queen but also not a little expanded them, as Bellarmine in his response testifies. Second, because the king himself says that Catholics, having trusted in his kindness, came to the hope that they might trust they would soon enjoy the liberty of their religion. Therefore he admits that, even while he himself was reigning, it was always forbidden to Catholics to profess or observe their religion; therefore were they compelled to desert it; but what can be a more evident persecution of the Church than to forbid the use of it by

unjust laws and force? Third, the king himself admits that his supreme clemency toward Catholics reached the point that they were, within a fixed day, permitted to leave the kingdom, or rather were coerced, for the exile was conceded to them for avoiding graver penalties. And this the king calls “a most clement edict.” But let him hear what about a like concession made at the time of Elizabeth Sander writes. “They formed in those very days a new plan, about sending into exile some of those whom they were holding in bonds; either because they felt that by the death and slaughter of priests they effected nothing, or because they judged that their clemency, whose praise they so greatly aspire to, could, when dyed especially by this fact, be noised abroad in many places.” What then if someone make the same judgment about the like plan of the king? Perhaps he will not err much from the truth. However, let us grant that the king did it in the spirit of mitigating the ill treatment and lessening the penalties, “assuredly neither is perpetual exile a great argument for leniency,” as the same author adjoins; nay, considered in itself, it is a very grave penalty, and to be compelled by it to avoid graver penalties is a great calamity, and, finally, when it is imposed on the condition that to return is a capital offense, it is very harsh and savage.

17. But the king says that during his reign it cannot be proved that anyone was punished with death for the cause of religion. But, to begin with, this is no grace, nor is the deed of thieves to be reputed a benefit who are wont to glory that they have given those life whom they did not do away with. Next, very wicked is the conclusion: ‘Catholics are not being killed; therefore neither are they suffering persecution’; as if, indeed, only killing and death are coercion and grave punishment. Hence Augustine *De Unitate Ecclesiae* ch.20: “As often as princes, by the terrors of even the milder

punishments, deter from good life and good deeds by threats and savagery, they are persecutors and oppressors.” Next, what is asserted is false, as we will show in the following chapter. And from what the king adds, and signifies will be, that the forbidding of the oath is occasion for the killing of many who refuse, it sufficiently shows that the purpose of the king is to persecute the saints unto death for the sake of religion. For, as we showed, religion and conscience oblige the faithful not to admit this oath; therefore, he who for that cause kills the faithful is persecuting them unto death for the sake of religion. “Their blood not on the Pontiff,” as the king prophesies, but will on the heard of the persecutor fall, unless he be corrected. For the Pontiff, who, by declaring the truth, forbad the oath, did not give cause for shedding such blood; but the king, who both imposed such oath by attacking the truth, and decided to persecute unto death those who refuse it, will be true cause of blood so cruelly shed. Besides, the favors and benefits that he relates he has conferred on Catholics are also of little moment for excusing persecution; for not for the sake of religion did he begin to favor them, or rather to dissemble with them, but for political reasons, so that he might, at the beginning of his reign, in some way conciliate everyone to himself. And perhaps he was by such flatteries and honors eager to win their hearts, so that he might afterwards in things also of religion find them more obedient to his will. But if it is so, that is no excuse, but is rather to be reckoned part of and augment to the persecution. Finally, what the king frequently alleges in his defense, that he was compelled to act more severely against pontificalists by the wickedness of their plots, both does not excuse the persecution, which he had begun much before, as we showed, and helps nothing to excuse from persecution the ill treatment of Catholics that has thence ensued, as we will show in the following chapter.

Chapter 11: Whether those who for the Roman religion and obedience are in England punished with death are to be numbered among true martyrs.

Summary: 1. So as to escape the disreputable mark of persecutor of the Church, the king asserts that faithful and religious men have been killed for crimes and treason. 2. The truth for the affirmative is shown. The Carthusian and Franciscan martyrs; again the illustrious martyrdoms of Thomas More and Rochester. 3. The martyrdom of Thomas, Earl of Northumberland. 4. The testimony of Baronius about the martyrs of England. The martyrs of the Society of Jesus. 5. Grave testimony for Henry Garnet of the Society of Jesus. 6. An evasion of the king is refuted. 7. From his own words it is demonstrated that some of those killed by him have died for Christ. 8. They are martyrs who, when offered the pardon they deserve from death, spit it back so as not to deny the Roman faith. 9. Those inflicted with death for not keeping an unjust law are martyrs. Many Catholics who were killed for transgressing the laws of King James have died for Christ. 10. For the same cause were the martyrs of the nascent Church being killed. 11. They are martyrs who for violation of laws prohibiting acts of the Roman religion are killed. 12. He who is killed because he is performing acts of the Catholic religion will be a martyr. 13. It is no crime of treason to obey the Pontiff. Confirmation from an edict of King James for the oath of fidelity. 14. Those who are in various ways ill-treated for the faith of Christ will not lack the glory of martyrdom. 15. A twofold way of enduring the aforesaid afflictions.

1. So that the King of England may in some way escape the infamy of persecutor of the Church, he has tried to throw the infamy back against the religious and faithful

men killed for Christ in the same island, constantly affirming that they were for evil deeds and the crime of treason, or for grave disobedience in transgressing the civil laws, inflicted with a just punishment, and were not killed for the cause of conscience and religion. And therefore he affirms that those who call them martyrs are lying and he much ridicules them. Hence in his *Preface* he thus speaks: “Although it be enough and more than enough that by fitting proofs is it patent that the Jesuits are guilty of treason and plots, and although they have themselves, conquered by truth, confessed it, nevertheless they must be held for martyrs.” Later, indeed, after a long digression directed against Fr. Henry Garnet and others, he adjoins: “This I constantly aver, which I put also in my *Apology*, that here no one, whether in my own times or in those of the deceased queen, has been for the cause of conscience and religion inflicted with punishment.” But if this is true, the conclusion necessarily is that no Catholic who, at least in the times of Elizabeth and James, was inflicted with the punishment of death, has been a true martyr, because (as is the constant principle in theology) the penalty does not make the martyr but the cause, as we have from Cyprian, Augustine, and other Fathers made clear above in book 1 chapter 22. But on what arguments or indications the king relies to prove that the violent deaths of the holy English faithful, carried out by royal authority in England, were inflicted, not for the cause of religion, but for other crimes, we will afterwards see. And we will show that the glory of the martyrs is not obscured by those arguments, but is rather lit up and proved by the words of the king himself; for so powerful is the light and splendor of truth that it can never by cleverness or violence be so hidden that it does not eventually betray and show itself.

2. We say, therefore, that not only under Henry VIII, but also under Elizabeth and

James, many in the Anglican persecution have for Christ undergone death, who are, with great glory and abiding truth, counted among the true martyrs of Christ. Thus about these holy men do all Catholic writers think who have in these times written about English things. For Polydore Vergil, relating at the end of his *History* the fall of Henry in denying the power of the Pope and constituting himself head of the Anglican Church, subjoins: “But that decree was not approved by all. And in the first place by the Bishop of Rochester, a man of great learning, supreme integrity, and innocence; again by Thomas More, knight, most adorned in letters and good morals; who finally preferred to depart from life than from that opinion, so that they might in heaven, as they themselves were hoping, the sooner enjoy eternity; and some few others voluntarily did the same.” Where, although he does not by express name call them martyrs, yet, when he testifies of their innocence and discloses the true cause of their killing, he confirms both that they were very martyrs and that they were killed for the sole reason of religion. Sander affirms the same of them, and of others killed under Elizabeth, and he shows it with various examples and reasons in bks. 1 & 3 *De Schismate Anglicano*. For in bk. 1, for the years 1533 and following, he relates that many illustrious religious of the Carthusian and Franciscan families were martyrs, and he confirms that they gloriously triumphed in giving illustrious testimony for the truth. Afterwards he describes the martyrdoms of Rochester and More, and distinctly relates of More that he was asked “whether he approved the law publicly passed in which all power was abrogated from the Roman Pontiff and supreme government of the Church conceded to the king.” To which interrogation, although he had first responded in such way that he seemed neither to be denying the faith nor offering himself rashly to danger of death, at length, under urgent

necessity, he thus replied: “I by the grace of God always Catholic, and never departing from the communion of the Roman Pontiff, heard at some time that the power of the Roman Pontiff was indeed legitimate and laudable, but yet that it was of human right and not divine prescription. Therefore, when I saw that the state of this kingdom was being carried to such place that necessarily there had to be investigation into the origin from which the power of the Roman Pontiff flowed, I gave myself for a whole seven years to most diligent research of the matter, and I discovered that the power of the Roman Pontiff, which rashly (to say nothing more serious) you have abrogated, is not only legitimate, laudable, and necessary, but is also of divine right and prescription. This is my opinion, this my faith, in which by the grace of God may I die.’ Scarce had he said these things when all in a loud voice cried out that More was a traitor and an enemy.” And likewise of Rochester, he says that he was killed for the fact that he refused to consent to the article about the spiritual primacy usurped by Henry. But he adds that both were killed for the fact that they refused to swear that the marriage of Henry with Anne Boleyn was legitimate. From which King James takes opportunity to mock their martyrdoms; but that on this head too they were made more illustrious, we will in the following chapter show. Next, the same author in almost all the following years of the life of Henry relates most illustrious martyrdoms; however, because King James says nothing of the time of Henry, these things are at present sufficient.

3. Now in his third book he affirms that many were for sole cause of faith killed by Elizabeth, whom he judges also to be martyrs. And first, before the Brief of Pius V had been readied, he reports that Thomas, Earl of Northumberland, who had taken up arms against the heretics, was betrayed into the hand of the English, “and having,” he

says, “been offered life if he would change his opinion of religion, he ended with a famous martyrdom faithfully in the Lord.” Now the author interposed here the words “offered life if he would etc.” lest perhaps anyone think this ear should be excluded from the glory of martyrdom on the ground that he seemed to have been killed for starting rebellion; for it is not so, for the condition offered him was sufficient for him to have died for testimony of faith rather than for a prior deed (of whatever sort it was). Which is for many other examples a thing to be heeded. Afterwards, indeed, in the year 1571, although many laws, noted in the preceding chapter, had been passed against Catholics, Sander says: “When many devoted Catholics either were truly committing offense against these laws, or netted at least by the calumny of the laws were being held in custody, some were punished with prison, some with proscription of goods, some also with death, both priests and lay folk of both sexes from all orders.” And for the following year 1581 and thereafter he relates also the very famous martyrdoms of Fr. Edmund Campion of the Society of Jesus and of many others, about whom he finally says: “But I have in vain commemorated in this intended summary for what crimes punishment was so cruelly inflicted on the innocent, since it is clear to all that the true and sole cause was profession of the ancient religion and defense of the Apostolic See and communion against the rebel sons of the Church.” Which later he confirms with many signs and testimonies. Hence, as to what King James says, that Elizabeth committed these and the like things irritated by Pius V, it can do nothing to prevent all these from being true martyrdoms. Nay rather, therefrom can be more shown that all those murders were committed in hatred of the Roman religion and for confirming the sect contrary to it, and thereupon nothing can in them be wanting for true nature of martyrdom.

And in the same way about these martyrs does Genebrard think in his *Chronicle* for the year 1534, referring to Paulus Jovius, Georgius Lilius in his *Chronicle*, and Sleidam bk.9. Again Sirius in his *History*, Bozius *De Signis Eccles.* p.1 bk.11 ch.1, where he relates extensively the martyrdoms of the Carthusians under Henry, and notes that these endured them willingly. “For the condition was proposed to them,” he says, “either to depart from the faith or undergo those torments.” Next, indeed, he relates the torments and martyrdoms of others under Elizabeth, all of which he pursues more extensively in bk.12 ch.22. After these Didacus de Yepes, a Spanish bishop, in his *English History* often confirms this truth, but especially in bk.1 ch.14 he reveals the counsel and industry of the heretics in wrapping the cause of religion under the name of the crime of *lèse majesté*, so that Catholics might under that pretext and calumny be killed, and should not obtain among Christians the glory of martyrs. And in bk.2 ch.5 he refers to Andreas Filipater writing excellently about these martyrs who were made by Elizabeth.

4. In addition, the most illustrious Baronius in his *Martyrology* for the 29th day of December, on which day the Church celebrates the feast of St. Thomas of Canterbury, after a brief description of his martyrdom subjoins: “He deserved to see our century, in this respect most happy, what a number of Thomases, most holy priests, and other most noble Englishmen, crowned with an ampler (may it be permitted to say) martyrdom and enlarged with crowns of a double title!, since not only for ecclesiastical liberty (as Thomas), but for guarding, restoring, and conserving the Catholic faith, do they repose in a most noble martyrdom; as, among others, those whom recently the holy Society of Jesus lavishly fed, like innocent lambs in sacred enclosures, with holy erudition for martyrdom, victims most pleasing to God; whom the Roman, whom the Rheims sacred

colleges, which I would call high citadels from the face of the North and most strong defenses of the faith, have sent out to their triumphs, and have carried forward to their crowns. Band of Englishmen, go on in spirit, go on in virtue, most nobly and gloriously, who have given your name to so illustrious a campaign, and in a sacrament pledged your blood! Certainly I emulate you with the emulation of God, since I behold you candidates for martyrdom and designated martyrs of the most noble purple. I am compelled also to say: May my soul die with the death of the just, and may my last days be similar to theirs.” Which words the most grave man spoke, not only about those who suffered in the times of Elizabeth but also about these who did so under James too in his time, of whom that there were not a few we have it as ascertained fact in the reports of many persons worthy of faith, although it not be written down in some history committed to print that has come into our hands.

5. Next thus does Petrus Opmeerus think about the English martyrs in a very recent work of chronography for the year 1535, and Laurentius Beyerlinck in vol.1 of the same chronography for the year 1606, where, after describing the gunpowder plot against the King of England and the punishments inflicted on the authors of the plot, he gives grave testimony about Fr. Henry Garnet, which it has seemed opportune in this place to transcribe. “A little later there came also into suspicion of the gunpowder plot, by hatred, I would believe, of the Society of Jesus in which he had enrolled himself, Henry Garnet, a man cultured in all kind of letters, who however had never involved himself in those arts, protesting that he had found out about them nothing publicly. Catesby had revealed in the secret of conscience that there was something in his heart that might advance religion, yet he so wrapped it in the cover of words that he never made mention of a royal

killing. The acts of the court, and what both against him and for his defense was brought forward into the open, have been explained in published books. Meanwhile on the 28th of March (others say the 3rd of May), unafraid and with unruffled face he was drawn to the place of punishment and to killing, protesting that he rejoiced greatly that he had found that death which would open up for him the entrance to immortality. Nor had he alone come into suspense of that outrage, but many in addition, of whom not a few, who were living in Belgium, are said to have been defiled by that stain. The day on which the plot was first discovered, having been recorded in the annals and famous in the whole kingdom, was commanded kept for perpetual remembrance of the thing.”

6. I know that to all these things King James will reply that no faith is to be put in these authors, both because they are pontificalists and also because they were deceived by false rumors. However, since not only the faith in God of all those authors but also their doctrine and prudence are well known, and some of them were illustrious in integrity and purity of life, they are rather to be believed than Protestants who have both denied the faith and have become, by hatred for the Pontiff, worse than infidels. Wherefore those who speak, not from the relation of others, but from sure science and experience, as Sander and those whom he alleges, are certainly witnesses superior to all exception. But that those who report what they heard were not moved lightly is manifestly shown by their words. Hence one should rather believe that the king has, in the things he affirms about the legitimate proofs in his courts, been deceived by heretics and enemies of the Pope than that so many wise men have been led by vain rumors; since they affirm the thing not as doubtful but as certain, and many of them testify that they learnt the things they publish from writings and testimonies most worthy of faith. Which

was also, without any fear of falsity or refutation, done by the most illustrious Bellarmine, to pass over other writers of the Society who have given testimony to this truth.

7. But, passing over conjectures and witnesses, we can demonstrate the same truth from the words of the king himself. For I suppose, from the things said above in book 1 chapter 22, that nothing else could be wanted in the persons killed by the monarchs of England but that they were put to death for justice, faith, or true religion; for all the other conditions requisite for martyrdom, and all the indications of true martyrdom, are found in their death. Because as well in the antiquity of their faith as in their constancy and patience of mind, and also in the gravity and prudence of their words, they imitated the ancient martyrs, as I made clear in the said chapter. Hence, neither the King of England himself nor any of the Protestants have hitherto been able to find any other reason or way of obscuring these martyrdoms except by denying that those martyrs suffered for the cause of religion. And perhaps for this reason have they dared to pretend this excuse because, since it depends on fact, its proof seems to be difficult; however so powerful is the force of truth that James was not able even in his words to deny, nay even to hide it.

8. For in his *Preface* p.153, when he had said that no one in his or the queen's time was inflicted with the ultimate penalty for the cause of religion, he subjoins a proof in these words: "For however much one may be given to one's religion, however much one may openly and steadily profess it, no danger of death hangs over him from the laws; unless, by some ascertained external act, he has offended against the laws, or has entered upon conspiracy or counsels pernicious to matters supreme; excepting only the sacrificing priests and the rest of the pontifical party who are initiated into sacred orders

in regions beyond the sea, who, infamous for so many plots, so many betrayals in England by them either conceived or praised, are kept away, under penalty of treason, from our borders.” In which words is first to be noted the general rule whereby the king says that over those “who openly and steadily profess the Catholic faith hangs no danger of death from the laws.” For he does not deny that other grave penalties and afflictions threaten them, nor can he affirm that it is licit by the laws for them to profess their faith in those acts and ways that the faith itself prescribes or teaches, as will be clear from what must be said. Next are to be noted the exceptions; one is about “those who have entered upon conspiracy,” of which it is not necessary to say anything, for if they have been legitimately convicted of such a crime, they are justly punished for it; nor does that death pertain to martyrdom. But the custom (as has from certain of the examples been shown above, and as repute generally preaches) is for them to be promised remission of penalty if they abjure the Roman religion; and in that case, if along with repentance for past offenses they suffer, they will not lack the glory of martyrdom, because they are ultimately undergoing death for their constancy of faith; but about this elsewhere. Now, as to what pertains to our issue, there is a second exception for those “who by some external act have offended against the laws.” And over this point one must pause, and we will consider it along with the rest of what is said about the religion and extermination of Catholics.

9. I ask, therefore, about which laws the king is speaking, whether about purely civil ones, by which thieves, murderers, and other like persons are punished with death, or about laws by which Catholics either are compelled to profess a false sect or to abjure the obedience and power of the Pontiff, or are forbidden to perform acts of the Catholic

religion, or to teach it. Truly the king cannot be speaking of the former laws alone, otherwise his assertion will be easily convicted of falsehood. Both from the laws mentioned in the preceding chapter, and from facts known to all the world, and also from the words of the king in his *Apology*, where those who refuse the oath recently published are threatened with death, as we already considered in the preceding chapter, and we have heard already by certain report that some have in England been killed for that refusal alone. The king, therefore, must be speaking of laws in matter of religion making disposition against the Roman religion. But hence it evidently follows that those who are killed for transgression of such laws alone are killed for the sole cause of religion and conscience, and thereupon are true martyrs; because, as I said, nothing else can in such a death be wanting for true martyrdom.

10. Now the proof the inference is, first, in the laws prescribing acts contrary to true religion, as are to swear the primacy of the queen or king, and to abjure the power of the Pope, or to delete his name from all books, as Henry prescribed. Because no one can keep such a law except by acting against his conscience, or by interiorly or at least exteriorly denying the Catholic religion; therefore to be killed for transgression of such laws is the same as to be killed for keeping one's conscience and religion immaculate. The consequence is evident, and the antecedent is clear from the opinion of Peter and the Apostles, *Acts* 5.29: "We ought to obey God rather than men." Hence rightly did Augustine say, epist.166: that "if it happen that the emperor is living in error and gives laws for his error against the truth, those who do not do what he commands because God prohibits it, although they are tortured, are not punished but are now tested and afterwards crowned." And the like opinions of the Fathers are collected by Gratian 11 q.3

ch.92 and following. And there is confirmation, because not otherwise have all martyrs from the beginning of the Church suffered. For, by the edicts of the emperors, they were being bidden to do something against the faith and cult of the true God under threat of death, which they chose rather to undergo than to obey such commands. But in the same way are transgressors of such laws in England being punished. And this reason and assertion have place also in the case of those laws of England that prescribe other sacrilegious acts, as participation in the Calvinian supper and similar communications with heretics in their rites and synagogues. For although in the laws there is no capital punishment imposed, nevertheless, whatever punishment it be, to undergo it for transgression of such a law is a sort of participation or beginning of martyrdom, which, if they undergo it unto death, will be able to consummate martyrdom, as I will say below.

11. But about the laws forbidding exterior acts that are good and have proceeded from the Catholic faith and religion, as to do sacred things, to say private masses, to absolve the penitent, to exhort Catholics, to teach the ignorant or those deceived by heresy, and specifically to teach that the Pope is the head of the Church existing everywhere, even in England, and the like – about these laws, I say, it can also easily be proved that those who are killed for transgression of them are true martyrs and are killed for cause of religion. For these laws are similar to the precept of the priests and scribes given to the Apostles in *Acts* 4.18, when “they called them and commanded them not to speak at all nor teach in the name of Jesus.” To whom Peter and John replied, vv.19-20: “Whether it be right in the sight of God to hearken unto you more than unto God, judge ye. For we cannot but speak the things which we have seen and heard.” And again in ch.5, when the high priest blamed the Apostles, saying, v.28: “Did not we straitly

command you that ye should not teach in this name? etc.” The Apostles replied, v.29: “We ought to obey God rather than men.” And when for that cause they were beaten, v.41: “they departed...rejoicing that they were counted worthy to suffer shame for his name.” Where I consider that, although the priests had the Apostles beaten for transgression of their precept, these themselves nevertheless judged that they had suffered “for his name;” hence, if that suffering had reached unto death, it would without doubt have been a consummated martyrdom. From which we generally collect that, if a human precept or law forbid acts of the true Catholic religion, which are ordered to its defense, preservation, and propagation, and if someone is killed for transgression of the law by a persecutor of the faith, he is truly killed for the cause of religion, even if the tyrant say the punishment is imposed for transgression of his law. For the reason is altogether the same. Since, therefore, by these laws of England similar acts of the Catholic religion are forbidden, they in no way prevent any who are killed for use of such acts from dying because of the faith and religion.

Now the reason is that those laws are unjust and can introduce no obligation, both because they are civil laws and are in matter of religion making disposition against religion; and because they are prohibiting acts in themselves licit and holy to the spiritual ruin of the Church that exists in that kingdom. And therefore not to observe those laws is no fault; nay, if it be done in a prudent way and without rashness, it is a signal act of fortitude and religion, and a sign of great charity; therefore death inflicted for such acts is in truth not punishment for transgression of law, because where there is no law there is also no transgression, and consequently no fault; therefore neither is there true punishment. It remains, therefore, that there is only persecution of religion and only

affliction or suffering of such a person because he professes or defends or preaches such religion; but this is to suffer for cause of religion and for Christ, just as the Apostles suffered. Now this reason more evidently proceeds when the action prohibited by man is commanded by Christ; both because a man then suffers so as not to prefer man to God, according to the Apostolic opinion, “we ought to obey God rather than men;” and also because in that moment of crisis the precept of Christ is binding, *Matthew* 10.28: “Fear not them which kill the body.” For where the author of *Imperfecti* homil.25 says: “Not only is he betrayer of the truth who in transgressing the truth speaks a lie, but also he who does not freely proclaim the truth when he ought freely to proclaim it.” Hence he subjoins that not only a priest but also a layman is debtor to professing the faith in such a moment of necessity. How then will he not be a martyr if for that cause he is killed?

12. I add, indeed, that although such deeds prohibited by human law might sometimes be omitted without transgression of the divine precept, either because they are only of counsel, as to vow chastity or profess religion, or because, if they fall under an affirmative precept of God or the Church, it does not bind either for such time or with so many dangers, and therefore it could very well be then omitted without transgression of the same, nevertheless, if someone, notwithstanding the unjust prohibition and tyrannical threat, perform, for zeal of the faith, those acts in the way they are licit for him and as he judges them expedient for the glory of God and the utility of souls, if for that reason he be killed, he will be a true martyr, because not “as a slanderer or a thief,” or disobedient to the king, whose law is unjust, “but as a Catholic Christian” does he suffer, and on account of justice is he killed. For a man does justice not only when he obeys a precept but also whenever he works for Christ and the glory of God, although he be then not

under obligation; therefore he who suffers so as not to omit this, so to say, voluntary justice, that is, a justice not then necessary by precept but pleasing to God and useful for neighbors, suffers in truth for justice; therefore if he be killed for the same cause, he is truly killed for the cause of religion, and thereupon he is a true martyr.

Since, therefore, the king admits that in England pontificials are killed for transgression of such civil laws, he cannot deny but that they are killed for cause of religion, and consequently neither can he refuse to acknowledge them as true martyrs. For an unjust and invalid law cannot impede the truth of martyrdom, nor alter the true cause of such death; which cause is in truth the mere profession of such acts, which for this reason displease the king and his counselors because the Roman religion displeases them, and they are afraid lest by those acts it be preserved or restored in that island, and lest the opposed sect be confounded. Nor does it matter if they say that those acts are prohibited, not because of religion, but for civil reasons, that such men are seditious and promote plots, etc. For, to begin with, these are for the most part false calumnies and pretexts for overthrowing the Catholic religion. For granting, but not conceding, that some Catholics have in this matter sinned in some respect or gone to excess, not for that reason should their disgrace redound against all Catholics; for this is against reason and against justice, as is clear. It is most of all unjust that for this cause the Catholic religion itself (so to say) is defamed and suffers persecution through the prohibition to subjects of the use of it and of all the means necessary or useful for its preservation or propagation. Next, in English laws many things are prohibited and punished under penalty of death that are neither necessary nor useful for avoiding that danger, if it be one; as, for example, 'to prohibit the affirmation that the Pope is the head of the Church' certainly

contributes nothing to that end. Nay rather, the law brings it about that the faithful obedient to the Pope are compelled to hide themselves, from which and the like violence such plots are wont to spring. And the same holds about the prohibition of the use of sacrifice and other sacred things, as of images, and about the administration of the sacraments in the Catholic rite. Yet, if subjects were allowed freely to profess their faith and those who are of the Pontiff were known, the occasion for plots and the like dangers would be taken away; therefore such laws, or the deaths that happen under title of them, cannot, by this color, be excused from persecution for the cause of religion. From which finally we say that, if there is any danger of ambushes and plots, it comes from the stubbornness of the heretics themselves. And therefore if, for avoiding the danger, they want rather to overturn the Catholic religion utterly than to desist from their stubbornness, they show evidently by this very fact that they are persecuting the Catholic religion in order to retain their heresy and to preserve therein the temporal state; therefore when for a like cause they kill priests or other faithful, they are taking them away for cause of religion, and thereupon they are, willy nilly, sacrificing them as true martyrs to God.

13. Nor should Catholics be moved or brought into any doubt because the laws of England condemn those who so act as enemies, traitors, and secret adversaries of the king and the republic; for they cannot be judged such before God, but before the depraved judgment of men. For the makers of such laws think the dignity of the Pontiff is contrary to the royal majesty, and therefore do they call profession of obedience to the Pontiff the crime of *lèse majesté* although, however, to deny obedience to the Pontiff is the crime of *lèse majesté* against the Divine Majesty, who has committed his vicariate on earth to the

Pontiff; and therefore the obedience that is attributed to him is attributed to God, and it cannot be contrary to the fidelity that is just and due to temporal princes; since Christ himself taught that to give the things that are Caesar's to Caesar is not repugnant to giving the things that are God's to God. But that this is the principal intention and artifice of such laws can easily be understood from the things that Sander relates about Elizabeth's time, bk.3 p.469, where he says of the holy confessors: "Although the rest of the fabricated charges they had easily in court rebutted, next their more secret thoughts and future deeds become inquiry through certain captious interrogations about the declaratory Bulls of Pius V; namely, whether they judge that sentence legitimate? Whether they think there is power in the Pope to de-authorize kings and to make their subjects free of obedience to them? What their future deeds will be and what they will prescribe in conscience to others if war is waged by anyone on account of religion? and others of this kind; wherein, if they said anything on behalf of pontifical power, even with the most prudent moderation of the ancients, they were immediately decreed guilty of *lèse majesté* and not of religion." And afterwards he confirms the same at length by the confession of one John Nicolas and by diverse and illustrious examples; and finally he proves it by laws contained in a certain edict of the queen, chiefly up to p.484. But we can prove that very thing from King James' edict for the oath of his fidelity, or rather of denial of pontifical power, made at proclamation or petition of Parliament in the seventh year of his reign, whose tenor, omitting the preface, is: "By these presents we strictly prescribe and command that the lords and the rest of our more secret council, archbishops, bishops, presidents, and guardians of the peace...to whom this business has regard, that they administer this oath to all persons, and chiefly to those to whom it can

and should be administered according to the statute made in the third year of our reign, and that they note those who refuse, according to our laws respectively. And although we will be able, from our love toward all our subjects (over whom we are, by the providence of God, in the place of father), to wish that there be none found within the limits of our domains who will have refused it, nevertheless, if anyone has so alienated his heart from their most serene prince so that it, or any part of it, they have subjected to a foreign power in derogation of our crown and dignity, we will make clear the severity and justice of our laws due to him; just as, on the contrary, our favor and kindness will be due to our well-deserving subjects. Nevertheless, because this alienation from us and from our crown is a certain preparation for a further and more dangerous defection, and tends for that reason to the crime of *lèse majesté*, we have determined to reserve to ourselves and to our use all ordination, power, and disposition concerning this case as also concerning the punishments of the same.” From which words is clear enough that these punishments are not in truth inflicted save for confession of the primacy of the Pontiff, or for non-denial of his power, which is manifestly cause of religion; but, in order to obscure the glory of the martyrs, the true cause is covered by the fictitious veil of the crime of *lèse majesté*, while the severity and injustice of the punishments are hidden under the flattering words of clemency and paternal providence, wherein the King of England imitates other emperors who have defected from the Church. For thus about Constantius does Hilary report in his book against him, because he was persecuting Catholics partly by flatteries, partly by terrors and afflictions “without envy (he says) of their glorious deaths.” Hence in this way does he cry out against Constantius: “You fight against God, you rage against the Church, you persecute the saints, you hate the preachers of Christ, you take away

religion, tyrant now not of human beings but of divine.” And later: “You creep up under a flattering name, you kill in the appearance of religion, you accomplish impiety, you, a false preacher of Christ, destroy the faith of Christ.”

Likewise Julian the Apostate “cleverly and artfully” (as Nazianzen says, *orat.3* and elsewhere against him) moved war against Christians, “putting clemency round tyranny like meat round a hook, so that he might cover force with persuasion and flattering words.” And Nazianzen subjoins: “Since, as he envied the athletes in other things so he envied them in the honor with which martyrs are wont to be treated. And accordingly he undertook this labor, that he himself indeed might both bring force to bear and not seem in the meantime to be doing so.” Which he pursues there at length. And he repeats similar things in *orat.4*, which is the second one against the same. But in *orat.32*, after he has spoken about Julian, he subjoins about Valens: “The second was in no way more humane than the former; nay, even bitterer than he, because, bearing the name of Christ, he was a false Christ, and a disgrace and shame to Christians, for whom to do was impious and to suffer inglorious, so that they might not seem indeed to be receiving injury, nor the illustrious name of martyr be added to their tortures, but that this too might be a dye to hide the truth, so that those who were suffering as Christians might be afflicted with torment as impious.” There is no reason, then, that Catholics should doubt of the martyrdom of those saints; for, according to the rule of Augustine *bk.20 De Unitate Eccles.*, since they are certain that they died in the unity of the Church for the same unity and obedience, they cannot doubt but that they have been crowned as martyrs, and that their killers are to be judged as persecutors of the martyrs. “Let no one, therefore,” as Cyprian said *bk. De Lapsis*, “defame the dignity of the martyrs, let no one

destroy their glories and crowns. The strength of their incorrupt faith remains unimpaired, nor can he say or do anything against Christ whose hope, and faith, and strength, and glory are all in Christ.”

14. We can, finally, add to the consolation of the faithful that Catholics so long vexed for the faith, although they have not died violently for the faith, if they persevere in that tribulation constant unto death, if either as wandering in flight in mountains and wastes, or as afflicted with bonds and prisons, or as sojourning in voluntary or coerced exile, or as hiding in caves and caverns of the earth, or as undergoing in other ways and in need many troubles with patience, they have arrived at the end of life, they will not have to be deprived of the glory or reward of martyrdom. Of which truth for me is sufficient witness Cyprian epist.5 & 6 to the people of Thibaris, whom he exhorts to martyrdom and says: “If a thief has oppressed someone fleeing in the wastes or the mountains, if fierce famine or thirst has seized him, or cold afflicted him, or if hurrying through the seas in a precipitate voyage, tempest or storm has submerged him – Christ everywhere sees his soldier fighting, and renders to him, dying because of persecution for the honor of his name, the reward he promised he would in persecution give. Nor is the glory of martyrdom less for not perishing publicly and among many, since the cause of perishing was perishing for Christ. Sufficient witness for testimony of his martyrdom is he who proves and crowns the martyrs.” And thus did the same Cyprian speak epist.18 to Pope Lucius: “Martyrdoms deferred in the confessors of Christ do not diminish the merit of confession, but show the mighty deeds of the divine protection.”

15. For these toleratings of afflictions and punishments up to death can happen in two ways; in one way with so great violence and infirmity of body from the afflictions

themselves, or arising from the occasion of them, that death in large part comes therefrom, or is much hastened, as happens in long incarceration, or in exile to unhealthy places, in long and perilous voyages, or in so great penury of things that the body is weakened by grave and continuous troubles until it is extinguished. And in these cases martyrdom is in all propriety and truth perfected; and thus is the Church wont to venerate those who in this way die for Christ as true martyrs, and to celebrate their deeds. But in another way can it be done, so that although someone sustains bonds or exiles or other like afflictions until death for Christ, nevertheless those afflictions are not the cause of death, but it comes in its own natural course; and then, although there be doubt among theologians whether that testimony of faith rendered unto death suffice for obtaining the name and special halo of martyrdom, nevertheless it is certain that there cannot be lacking to him the plentiful glory and reward of martyrdom. For he who has thus persevered has in truth fulfilled the condition demanded by Christ: "Whosoever shall confess me before men;" hence it is necessary that Christ himself too fulfill his own promise: "him will I confess before my Father."

And in these, because they thus suffer, has most place what Augustine says in serm.46 *De Tempore*: "Not mere spilling of blood consummates martyrdom, nor does merely the burning of flames give the palm. Not by death alone but also by contempt of the flesh is the crown reached." And serm.232: "Whoever has given testimony for the truth, to him will the lord compute for martyrdom the whole of what he has borne for the testimony of truth and justice," namely, by persevering in that confession unto death. And thus too in these confessors is very much completed what the holy Fathers often say, that martyrdom is not lacking where the will is not lacking, just as Chrysostom said on *Psalm*

95: “Martyrdom is not reckoned only by the event but also by the purpose.” And Cyprian epist. 11: “Let none of you be sad as if he were less than those who having before you suffered torments, having conquered and trodden the world under foot, came by a glorious journey to the Lord. The Lord is searcher of the reins, and he examines the secrets of the hearts, and gazes upon what is hidden. There suffices for meriting the crown of God the testimony alone of him who will judge.”

Chapter 12: Response to what the king objects against the second Pontifical Brief and against the letter of Cardinal Bellarmine.

Summary: 1. The king’s refutation of the brevity of Cardinal Bellarmine. 2. The chief strength of the second Brief of Paul V. 3. Since the king does not have anything to object against the second Brief of the Pontiff, he uses exaggeration of words. 4. By what spirit the form of swearing the oath was contrived. 5. Response to the final inference of the king. 6. The king’s objections against the letter of Cardinal Bellarmine are refuted. 7. The illustrious martyrdoms of Thomas More and of Rochester are vindicated from calumny. 8. The final objection of the king against Bellarmine.

1. Among the other arrogant signs that the king in his *Preface* enumerates and reproves from the *Apology* and from the response of Bellarmine, one is that the same brevity that the king had held to in writing Bellarmine himself wanted to follow in replying; and he adds: “The same brevity I used in refuting the second Brief of the Pontiff he wished to use against me and, on my example, he confines himself within the narrowness of one page.” So that I may, then, avoid a like rebuke, and might flee all

shadow of occasion for it, I have desired to give on this point, as hitherto I have done in the rest, a plenteous rebuke to the most serene king. But neither in the Brief itself have I found anything that is in need of a new defense and proof, nor in the attack of the king anything that might require a special response; therefore I have thought it more satisfactory to fall into the same offense and rebuke of the king than either to repeat things already said or weigh down the page with superfluous and idle words. And therefore I will next briefly explain the decree of the Pontiff and its reasoning, then I will with the same brevity show that nothing difficult is objected by the king against it; lastly in a similar way I will run through the refutation about the letter of Bellarmine.

2. The Pontiff, then, in this second Brief imposed no new burden or obligation on English Catholics, but again confirmed the first Brief and more distinctly explained that in it two things were done. One is to make clear that it was not licit in conscience to give this oath of fidelity; the other is to prohibit it also by his own precept, so that all occasion of turning aside or of doubt might be taken away. In addition he also makes clear that the first Brief was written, not only on his own initiative and from sure knowledge, but also after application of long and grave deliberation about all the things contained in the oath, and that therefore the Brief must be absolutely kept, with rejection of every interpretation persuading otherwise. But the reason or necessity for this new declaration or confirmation was that, as the Pontiff himself reports, some, whether subjects or seducers of the king, had sown a rumor in England that the Brief was either false or not legitimately and with sure knowledge got ready but by some secret deception; on which pretext some, contemning the Brief, were not refusing the oath. Which fraud and resistance the same Pontiff kindly and prudently attributed to the craftiness of the

adversary of human salvation, in order to excuse the frailty of the weaker among the faithful.

3. The King of England, however, since he had nothing, whether taken from authority or reason, that he might object to the most true declaration of the Pontiff and his necessary prohibition, erupted into exaggeration of words, and snatched at the words of the Pontiff himself which we have just adduced, and turns them against him saying that by no fraud could the demon have in a thousand years so harmed the Catholics of England as the Pope has harmed them by the ready issuance of this Brief. Because from it this great harm, of course, will follow, that even many priests who had admitted the oath will be compelled to abjure it, and so it will come about that they would perjure two oaths of fidelity given to their king. One is that which everyone born in the kingdom tacitly swears, the other that which they later admitted. "Hence it follows," he says, "that no one can in England profess the Roman religion, nor care for the salvation of his soul, who has not cast off and perjured his own acknowledged and sworn fidelity toward the prince." And nothing else does he object against this second Brief.

4. But it is not difficult in the present point "to try the spirits" and to show whether the intent of the oath and its exaction rather than its rejection and prohibition were from the spirit of Satan, for these can "from their fruits" or their effects be discerned. For the end of the oath is to turn the faithful from ecclesiastical obedience under color of civil obedience, by inducing them to deny pontifical power under pretext of swearing fidelity to the king. Hence the fruits of such an oath, if it is taken, will be profession, confirmation, and increase of schism, denial of the faith, and the complete ruin of the kingdom in spiritual things, and the loss of souls. It is clear, then, that the oath

was by the adversary of human salvation thought up and put into the hearts of the Protestants who advise the king; and that from the same spirit proceed all the words and means whereby such oath is defended. Contrariwise, however, that the rejection and prohibition of the same oath has been inspired by the contrary or divine spirit; both because it is the proper work of the spirit of God to destroy the works of the devil, and also because those who have received the prohibition in full faith and constant obedience are both consulting their consciences and resisting schism and infidelity with hope of great fruit and reward. But those who, whether from frailty of spirit or by error and deception, have, as the king affirms, admitted such oath, recognizing their fall and their error through the cry of their Pastor, will break the bands of impiety and abjure an unjust oath. For this is not only, as the same king infers, not unfitting but rather necessary for salvation, and should be counted among the chief effects of this Brief.

Nor for that reason does the second part follow that the king includes, namely that an oath of obedience and fidelity to the king, which is congenital with the subjects themselves, is abjured. For whether by this oath he understand the obligation that comes as it were by hereditary right to all subjects and to their sons from the fidelity sworn by their parents and ancestors to princes, or whether too he speak of an express oath, licit and honorable, made by subjects about political fidelity due to the king, in neither way does it follow that the natural bond or oath of civil obedience, because of retraction of the oath devised by the king and by some admitted, has been abjured. Because in it, as we showed, there is not promised to the king a civil obedience that is just and honorable, but there is directly denied obedience and power to the Pontiff; and therefore, when it is retracted, the denial is abjured, so to say, and return is made to his obedience. But to the

king is only denied the obedience that was contrary to obedience to the Pontiff and to God, which that it is not contrary to civil obedience and is not naturally due has been very often declared and proved.

5. Hence we have now responded to the final inference of the king. For if the king speak of an obedience, as he himself desires, which recognizes no obedience above it, either directly in spiritual matters or indirectly in temporal ones, he infers rightly that no one can in England hold and keep the Catholic faith by swearing such obedience to the king, or by not retracting such an oath if he has once given it. Nor would the king have doubt on this point if he believed, as he is bound to, that outside the one Catholic and Apostolic Church there can be neither salvation nor faith; because where there is not union with the head, there is there schism and division and separation from the Church; and so it cannot happen that he who has admitted the oath and has persisted in it should exist in the state of salvation. However, if the king were speaking of pure and legitimate civil obedience, the inference would be of no moment, because this civil obedience does not conflict with ecclesiastical, and in other Catholic kingdoms subjects keep the Roman religion and consult their own salvation and yet they do not cast off nor abjure the fidelity due to their king, nay they observe it with fuller faith and with greater peace and security for their kings.

6. After impugning the pontifical decrees, the king inveighs against the epistle of Cardinal Bellarmine, to whom in this regard I have not thought it worthwhile to reply; both because the most learned Cardinal wrote it very fully with his accustomed erudition, and also because the king has touched on almost nothing pertaining to the cause that has not above been satisfied. So that this might be evident to all, I will very briefly make it

clear singly and by parts.

For, first, he attributes to Bellarmine that he has confounded the oath of fidelity with the oath of primacy. But this objection the Cardinal himself sufficiently refutes. And for that reason we put forward at the beginning of this book the formula for each oath, so that no place of turning aside or ambiguity might be left.

Second, in the passage “And that justice etc.,” he has set forth fourteen assertions, all or at least some of which he affirms follow from attacking the oath. But enough was said about these in chapter 6.

Third, in the section “And that more clearly,” the king makes transition to prove the justice of the oath of fidelity from the authority of the Councils. But, as I noted in chapter 2 of this book, those Councils speak of an oath that is far different. Hence not unjustly can we turn back against the king the error that he himself, at the beginning of this attack, attributes to Bellarmine, namely, that for proving an oath which is altogether foreign to the question he is piling up unnecessary proofs, as in the said place I more extensively declared.

Fourth, in the section “But now” which is found at p.65, he digresses for many pages attacking and blaming Bellarmine with injurious words or abuses and insults; but in none of them do I find anything pertaining to the cause or to doctrine or worthy of discussion; however, of whatever sort they are, they are learnedly refuted by the same Bellarmine, although they could not unjustly have been contemned.

Fifth, on p.84, the section “Now, however,” he is (he says) returning “whence he had made digression,” but he is by something else immediately diverted to convict Bellarmine of another contradiction, to effect which he assumes as a thing to be proved

that the emperors were by the Pontiffs much ill-treated, troubled, and persecuted to death. And he brings in various examples of emperors and kings whom the Pontiffs deposed. But among them are many false ones mixed in with the true, as Bellarmine eruditely shows. Whereon, those that are true confirm the Catholic truth, as by referring to them in book 3 we diligently considered, weighing the circumstances of them individually; but those that are false are to be contemned, for they refute rather the arguer. And so neither of them show that Pontiffs plotted the slaughters of kings by assassins and traps, which thing Bellarmine had denied, for falsehoods prove nothing; but the true histories prove only that when a legitimate cause intervened, and a just cause required, the Pontiffs rather often proceeded, by keeping the order of right, against unjust princes, up to sentence of deposition.

Sixth, on p.90 the passage “For since it is clear etc.,” the king comes more nearly to treating of the cause about the malice or honesty of the oath; however, he does not much persevere with it, for at once he is distracted by the likenesses or examples adduced by Bellarmine into looking for differences in them as if for knots in a bulrush. But nothing does he adduce in defense of the oath or for showing its honesty, besides the general principle that an oath of civil fidelity given to a king is holy. Although, however, the difficulty turns on the application of that very true principle to this oath that the controversy is about, by demonstration that it is a pure oath of civil obedience and contains nothing contrary to the Catholic religion, he indeed often supposes and repeats this but never proves it nor defends it, except by denying the power of the Pontiff. And therefore we have judged we must stand on this point alone; for the other likenesses or examples, which are brought in for exhortation rather than for proof, suppose the

Catholic doctrine; and they are, on that stance, very good, nor are they refuted by the king except by denial of Catholic doctrine, as the same Bellarmine rightly noted when defending and confirming all the parts and examples of his epistle. But because certain words of the Pontiffs Gregory and Leo, which the king extensively attacks from p.106 up to p.116, pertained to the cause of primacy, we dealt with them extensively in book 3. But in the second book we refuted the things that on p.117 he repeats against communion under both species and against private masses.

Seventh, on p.117 up to p.126, he again inveighs against Bellarmine and Sander, and then against Thomas More and Rochester; and although none of the things he touches on pertains to the point of the cause, yet because they in some way touch upon the doctrine of the faith, we have thought it necessary to say something briefly about them one by one. For first he blames, not Bellarmine, but the Church because it does not, in the words of the consecration of the Body, add the words “which is given for you,” “against,” he says, “Luke and Paul.” He also adds that he holds Bellarmine, who confesses that they cannot be reconciled, for an adversary and an enemy. But who ever said that there is opposition between persons speaking about the same thing one of whom tells the thing completely, the other of whom reports part without discrepancy but about part keeps silent? If this is a contradiction or opposition, there are infinite oppositions among the Evangelists that will not be able to be reconciled. Nay, on this same point Luke and Paul are opposed by Matthew and Mark, who were silent about the phrase “which is given for you” that Luke and Paul set down. Nay, even Luke and Paul will be in some way opposed to each other, because they did not use the same word, but one said [*Luke 22.19*] “which is given for you,” the other [*I Corinthians 11.24*] “which is broken [alt.

delivered] for you.” Which I have pleased to advert to so that he who reads will notice under what pretexts Protestants leave the Catholic Church and dare to blame its Apostolic rites. For it is clearly known that there is no opposition there, because to keep silent is not to contradict, and Paul and Luke did not say all the words that are necessary for consecrating the Eucharist, and it is not likely that Matthew and Mark omitted something substantial for this sacrament; but it is blasphemous and heretical to think that Peter handed over a mutilated and insufficient form of the Eucharist to the Roman and Catholic Church; on which matter we have elsewhere expressly disputed.

7. Of the person of Sander the king says that “he deserved ill of his fatherland,” which he proves from the man’s opinions or assertions, and he reviews eight which here it is not necessary to transcribe; for they can easily be seen in his books. But from them is plainly collected that for no other reason is Sander said to have deserved ill of his fatherland than that he taught the Catholic truth; or that he did not adhere to or flatter schismatic kings; or finally that, for the constancy of his faith, he died an exile from his fatherland. Of Thomas More and Rochester, signal men and most illustrious martyrs, although the king was not able to deny that they were killed because they refused to assent to the decree about the primacy of the King of England in spiritual matters, he adds that not for this cause alone were they killed, but also because they refused to approve the second marriage of the king. Which he says specifically of More, but understands the same of Rochester, for the histories report thus about both. Now the king subjoins “which in my judgment was a very carnal cause for martyrdom.” But I judge that this judgment of the king sufficiently shows how potent is an error once imbibed for perverting prudent judgment even in things that are clearer than the noonday sun. For

what can be more detestable than to say that bad is good? Or what more grave than to approve the false as true, especially in things of morals and that concern eternal salvation? Since, therefore, the second nuptials of King Henry were so detestable that they were without validity and effect contracted against all divine and human right, the refusal to approve them, even if no other cause for death had intervened in addition, would without doubt have been enough for martyrdom. For although adultery and polygamy, while the first and true spouse is living, are carnal, yet to condemn them is a work of virtue and very spiritual, and resolutely to bear death because of resoluteness in such a deed is an excellent cause for martyrdom. For thus was the death of John the Baptist, as the Church thinks, an illustrious martyrdom, although John was killed rather from hatred of a concubine than of a wife, because he preached to the king “it is not lawful for you to have her;” because that cause, although it was on the part of the king and Herodias carnal enough, nevertheless on the part of John it was spiritual, namely testimony of the truth, for which he was killed. Thus therefore does it happen to More and Rochester; and so on this head their martyrdom is not obscured but made more illustrious. But the rest that the king says in detraction of these holy men pertains to the calumnies of the heretics, in whom he himself has faith; and therefore he also opposes to Rochester the writers and assemblies of the heretics of England, against the authority and consent of the whole world, which is very frivolous, as Bellarmine excellently describes in detail.

8. Eighth in the section “Finally that etc.,” he advances to prove the royal dignity and power from the Scripture of the *Old* and *New Testaments*; but he labors in vain, because no one denies the legitimate dignity and power of a temporal king; but the

spiritual power of a king, or his exemption from obedience to the prelates of the Church, are not proved by those testimonies, and by other very certain testimonies are they condemned, as was shown in book 3, where we spoke copiously about the testimonies that the king here piles up. And hence is it sufficiently clear how frivolous the oppositions are that the king fabricates between the modes of speaking of Scripture and of Bellarmine about the dignity and power of temporal kings, whereto Bellarmine himself satisfactorily replies. Just as he also refutes what the king afterwards subjoins against the titles ‘Greatest Pontiff’ or ‘Head of Faith’ with which the Pope is wont to be honored; about which, and about many other things too we have spoken in book 3. And therefore, as I said, I judge that there is in this whole part of the *Apology* nothing further to be delayed over.

Conclusion of the work and peroration to the King of England.

With what gravity and moderation of words one must speak or dispute in controversies of the faith we are, with both example and sentence splendid and most grave, taught by that Gregory who has by antonomasia obtained the name of Theologian, when he says in orat.³²: “Not without skill do we teach, nor do we with abuses and insults advance against adversaries, as many do, fighting not against the speech but against the speaker, and concealing the while with curses the infirmity of their reasons and arguments in no other wise than they say the octopus vomits out black ink before itself to escape the fishers or snatch from them its view. But that we wage war for Christ we make plain with this argument, that we do battle according to Christ, who was mild

and peaceful and carried our infirmities. For neither do we study peace to the detriment of true doctrine when we in some measure hold back in contentions for minds in order to acquire reputation for easiness and gentleness (for we are not wickedly lying in wait for what is good); and we again cultivate peace when we fight legitimately and hold ourselves within our limits and the rule of the spirit. And of these things indeed I do in such wise think, and for all stewards of souls and judges of right doctrine do I lay down as law, that neither by hardness should they exasperate the minds of men, nor by submission make them proud and insolent, but behave themselves prudently and advisedly in cause of faith, and not in either of these exceed the mean.”

To this rule of writing I have desired so to conform this whole disputation that, if it be possible, I should not in the least depart therefrom. For that this is due to the royal majesty and belongs to my office and is most necessary to attain the end for which I have undertaken this work, of whatever sort it is, I have been always convinced. For I have not for the praise of victory or the display of genius or doctrine desired conquest, but I have had most in my prayers that truth itself might conquer, and that errors’ darkness might be dispelled, and that Christ in all things might reign. Wherefore, most Serene King, if anything in my response and disputation has seemed more sharply said than I am wont, or more freely than is just, may you understand it to have been said, not against the person that you bear, but against the doctrine both new and also ignominious to the Vicar of Christ; and may you in tranquil heart consider that a corrupt and pernicious doctrine, which a Catholic man abhors, a doctor turns from, a religious man takes indignantly, is a thing most difficult to reprehend in sharpness without something seeming to redound against the followers of such doctrine. For these are so conjoined that scarce might they

in disputation and admonition be separated. Which in Paul was sometime noted by Chrysostom, hom.4 on *Romans* 1, when he says: “He wanted to speak with preservation of gravity and reverence, and at times to strike down his hearer with cuts; but these were not given together, but one was impediment to the other. For if anything you say reverently, you could in no way restrain your hearer; but if again you wish to restrain him vehemently, you must point to the thing plainly and in undressed speech. Yet the prudence,” he says, “of Paul provided both in exactness, increasing the rebuke in the very name of nature, and making use thereof for a sort of curtain over the shame of his narration.” This prudence of Paul I have certainly held before my eyes, and have studied to imitate it with what diligence I could, always treating, as far as could be, of the thing itself, not of the person, or, where necessity compelled, directing my speech not to the king but to the Protestants his deceivers.

It remains, then, most Serene King, that, with what kindness of mind you are endowed, and what greatness of genius, about which I have always had much confidence, you disdain not to receive with good will this work, and leaf through it at times with pure love of truth, and that you consider at the same time that it is mark of a generous mind and of the greatest judgment to put aside a false opinion when the falsehood has been uncovered, and to embrace the understood truth with the mind and profess it in word, and to guard against the impending perils of eternity. For in stubbornness there is no glory, but in docility of intelligence there is supreme prudence, and in pious conversion to God providence, whereby the interests, not of yourself alone, but of your once most flourishing fatherland, now indeed placed in supreme crisis, you may, insofar as from the magnitude of your office you are debtor, consult. But if you have heard the voice of God

calling you and have determined to obey him, what he himself by calling has begun, he will by aiding perfect, and there will be nothing that, supported on the divine protection, you will not be able to conquer and overcome. Hence there is no reason that you should fear the contradiction of the enemies of truth, whose word creepeth as doth a canker, for God will protect you from the contradiction of tongues. “Many tongues contradict,” says Augustine on *Psalms* 30, “diverse heresies, diverse schisms make loud noise, many tongues contradict the true doctrine; run you to the tabernacle of God, hold the Catholic Church, do not from the rule of truth depart, and you will in the tabernacle be from the contradiction of tongues protected.” The Henry that was first named defender of the faith first wrote excellently against the contradicting tongues, afterwards in folly, and badly consulting the interests of himself and his fatherland, he left an example to be deplored both to England and to the whole world. Why may not James too, although he have first, by seducers deceived, written against the tabernacle of God, namely the Catholic Church, afterwards, understanding the truth, stand forth a most sharp defender of the same Church, and restorer of English honor? For so shall it be that the illustrious title of defender of the Catholic faith, which not without cause you show you value much, you may, not in words only, but in deed and truth, with immortal praise deserve.

But if perhaps, most Serene King, we have by our disputations not yet made satisfaction to your desire, and your greatness of mind and sharp intelligence, and if for other things a fuller response or greater proof be desired, or if to you or to your ministers new objections against Catholic doctrine occur which it be necessary to satisfy, my wish were that they should with all sincerity and for the sake of understanding the truth alone be set forth, and you will always find me ready, as much as will in me be, to give account

for the faith that is in us, whether in writing or in speech, if occasion offer, and to make response, according to my strength, to all things that are proposed, confiding, not in myself, but in the divine help and in truth. This only do I earnestly of your Majesty ask with all submission of heart, that if, against those things which in these disputations I have treated, it seem good to write something in reply, there be abstention from all vain contention of words; and that diverse digressions about things which, from time to time, either escape by chance or are touched on by the by, and which matter nothing to the cause of faith, may be avoided, and that in sole love of truth the thing itself be treated and the truth of the faith be inquired into. For if I obtain this from you, I shall, roused by hope of some public utility, spare no labor but most gladly spend and be myself spent for your soul.