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Just War and Scholastic Intellectual Culture in Early Modern Europe

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Warfare was central to Europe's experience of early modernity: we thus have good reason to wish to understand what Europeans thought and argued about warfare.¹ The teachings of the European universities on the theory of the just war formed an important part of that wider discourse, and Anglophone historians have not made it a major subject of study. This essay will first review the historiography of the just war among English-speaking historians. Members of this historical tradition, and especially historians of political thought, have not simply neglected this subject, but rather excluded it from their research on the grounds of its incompatibility with their fundamental preoccupations. It will then be argued that there are two major groups of sources which have, for these reasons, been placed outside consideration by English-speaking scholars. The first of these are those discussions of warfare by Franciscan scholastics who regarded the thirteenth-century theologian John Duns Scotus as the master of their school. The second group of sources comprise analysis of warfare by Protestant scholastics, whether Lutheran or Reformed. Including these sources into our history of European thinking about warfare suggests that while Christian advocates of holy war have been much less common than some scholars have alleged, nevertheless nature and supernature were not so neatly divided as many historians of political thought have suggested, and that the phenomenon of sacralisation demands further attention.

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In some ways, it should be quite easy to write an accurate history of scholasticism. Older studies in the history of ideas regarded scholasticism, the learning of the universities, as both static in content and socially isolated from wider European life, and therefore irrelevant to the advent of European modernity (Forlivesi: 2013; Ariew: 1999). The new history of universities, pursued by scholars like Mordechai Feingold and Laurence Brockliss, has attacked both this allegation of stasis and of isolation, by building a new account of the universities as powerful agents of cultural transmission in Europe, providing valued services to local, national, and international communities (Tuck: 1998; Brockliss: 1987; Brockliss: 1996; Feingold: 1998; Schmitt: 1983). Moreover, there was enough similarity across Catholic and Protestant universities and institutions of higher learning in Europe for us to be able to speak about a single phenomenon of early modern scholasticism, rather than breaking it down into a series of confessional and national movements. It is true that Catholic and Protestant university teachers tended to write their theology in somewhat different ways. Catholics wrote commentaries on Peter Lombard's *Sentences*, on Thomas Aquinas's *Summa*, or on the other great medieval theologians. Protestants did not write *Sentences* commentaries, often preferring to organise their theological textbooks around central biblical texts or commonplaces (*loci communes*) and Biblical commentary was generally central to their way of teaching theology (Brett: 2011; van Asselt: 2001). But all of these textbooks and commentaries, whether Protestant or Catholic, Italian, German, or French, were written in Latin by high-status persons, censored by their peers, institutionalized in scholastic curricula, and so charged with considerable social power. They provided the raw materials for the education of thousands of young men year in, year out, all across Europe. And because this scholastic literature was indeed deeply institutionalised, it is easier to make historical generalisations about it than is the case with more popular discourses and forms of literature. Popular pamphlets from the sixteenth or seventeenth centuries often contain multiple

contradictions; authors seem on one page to urge holy war and on another seem to deny that such a war would be licit. This is because these pamphlets are ephemeral polemical publications, addressed to immediate political problems. There was no need for the author to be consistent, no cost associated with inconsistency, and perhaps some benefit to saying two contradictory things at the same time. Scholastic commentaries and textbooks were generally characterised not by polemical expediency, but by logic, system, and tradition (some of which was the common inheritance of all early modern Christians). The university professor was more tightly bound by rules and conventions which carried social costs and sometimes legal penalties than the pamphleteer (Serjeantson: 2019; Cavarzere: 2011). All this renders European scholasticism highly suitable for historical analysis.

Despite this, English-speaking historians of political thought have not generally subjected just war theory to close analysis, and the subject has instead been treated by scholars trained in philosophy or the social sciences. The history of political thought is a discipline which emerged from the Anglophone liberal tradition in the later nineteenth century (Dauber: 2019). Although scholars like John, Baron Acton, and John Neville Figgis ranged very widely in their research into the components of this tradition, the political theory of Thomas Hobbes and John Locke has become ever more central to it over the course of the twentieth century. Hobbes and Locke were largely silent on war between states, unlike the figure traditionally seen at the origins of the continental secular natural law tradition, Hugo Grotius (Armitage: 2006). Built into this liberal tradition from the mid-nineteenth century has been the proposition that religion can and should be separated from politics, and so liberal historians have tended to regard Europe's theological heritage as separable from the secular history that they wished to write. Just war theory, which was the creation of Christian theologians from St Augustine forward, was thus left to scholars without historical training. In this way, much of the most prominent recent Anglophone scholarship on the just war

tradition has stemmed from Michael Walzer commentary on the rights and wrongs of the Vietnam War (Walzer: 1977). Similarly, Andrew Fiala and Jeff McMahan have written about the history of just war theory from the perspective of the Iraq War of 2003-2011 and the USA's campaign against Al-Qaeda (Fiala: 2008; McMahan: 2009). These scholars are political scientists or philosophers, and their work does not always rest on firm historical foundations. So Andrew Fiala argued that because just war theory had its origins in Christianity it was thus tainted by a voluntarist ethics organised around divine commands, which was exemplified by the holy wars of extermination commanded by God against the seven peoples of Canaan (Deut 7, 1-5). According to Fiala, it is thus a tradition that today best serves authoritarianism and the sacralisation of military service (Fiala: 2008, 32-37). It will be demonstrated below that this claim is wrong, but it is worth pointing out that Fiala apparently relied on Roland Bainton's argument that something called 'Puritan Crusade' was practiced by Protestants in seventeenth-century England (Bainton: 1960, 144-151). Bainton was an accomplished scholar, the author of a famous biography of Luther, but this argument is absurd. If crusade can include warfare in which no-one takes the cross, no-one swears the vow, and no-one receives a papal indulgence for their sins (many of these Protestants thought the pope was Anti-Christ), then the category is meaningless (Purcell: 1975; Housley: 2008).

In the face of this work by very widely read philosophers and political scientists, one thing must be clarified first: the most authoritative early modern Christian theologians rejected holy war, in the sense of a war fought by secular princes for evangelisation or other supernatural reasons. It will be useful to review the positions of two important theologians, John Calvin and Francisco Suárez, on the divinely commanded wars that the Israelites fought against idolaters in the Old Testament. Calvin commented on these in a Biblical commentary entitled *Mosis Libri Quinque Commentariis*, also known as the *Harmonia*, first printed at Geneva in 1563. The book was a harmony in that it sorted and ordered all the Law contained

in Exodus, Leviticus, Numbers and Deuteronomy underneath the heads of the Ten Commandments. So for example, Deuteronomy 12 which appears to command war to destroy idolatry, Calvin treats as a political appendix of the second commandment against images, and sees it as establishing an obligation on the magistrate to promote good religion, rather than popular iconoclasm. Calvin does not take the passage as a command to wage war on idolaters outside the magistrate's jurisdiction, and indeed Calvin never sees any of the divinely commanded wars of the Old Testament as providing a mandate for contemporary warfare. In fact, Calvin used Deuteronomy 20, under the heading of the sixth commandment against murder, to make a plea for the use of humanity in all warfare (Calvin: 1573, *secundum praeceptum*, pp. 303-4, *sextum praeceptum*, pp. 349-350). Marco Hofheinz's research is central to the analysis of this subject (Hofheinz: 2012).

The great Jesuit theologian Francisco Suárez wrote on this problem in his *Opus de Triplici Virtute Theologica* printed posthumously at Lyons in 1621. Suárez's way of framing the problem was to ask whether or not Christian princes might have any just title to make war apart from that dictated by natural reason. Suárez saw the notion that princes should wage war on idolaters as meaning that princes were obliged either to vindicate God from injury, or to defend him against future injury. He did not believe that there was any evidence that God had given all humans the power to vindicate injuries against him, and he thought that God was quite capable of doing this himself if he wanted to. And Suárez thought that if one looked closely at the divinely commanded wars of the Old Testament, most of them had natural origins, such as the denial of rightful passage through territory. Suárez concluded that all titles of war proper to Christian princes were founded in the law of nature, because the law of grace does not destroy the law of nature but perfects it (Suárez: 1621, *De Charitate*, *Disputatio 13, Sectio 5*, pp. 487-488). So, it does not seem to have occurred to Calvin that a Christian magistrate would take it into his head to fight a war against idolatry or for

evangelisation, whereas Suárez (operating in a context of Spanish imperialism) considered such a possibility but rejected it: these are positions that one encounters very frequently in the Reformed and Catholic traditions. On these grounds I think that the arguments of Fiala and Bainton can safely be dismissed.

These basic positions of Calvin and Suárez on the irrelevance or injustice of religious war are likely to be ones that liberal moderns find attractive; and indeed there is a learned tradition of painting especially the Catholic scholastics with their strong natural category as proto-secularists (Figgis: 1907). In this way they have been praised for being modern by liberal historians of political thought like Quentin Skinner, and blamed for being secular by twentieth-century Catholic theologians like Henri de Lubac (Skinner: 1978, vol. 2, 134-184, 345-348; de Lubac: 1998, 140-166). Skinner knew that Jesuit theologians like Suárez were widely read in seventeenth-century England, and he thought that their theory of natural law had been taken up and secularised by Grotius, Hobbes, and Locke. De Lubac agreed that early modern Catholic theologians like Suárez were secularisers, but he thought that this was a disaster for humanity.

It is important that the most scholarly treatment of early modern just war theory in English has turned away from this traditional liberal account of secularisation. Richard Tuck's aim in his Carlyle Lectures delivered at Oxford in 1999 was to bind just war theory into the history of European liberalism. Tuck placed Alberico Gentili, an Italian Protestant appointed professor of Roman law at Oxford in 1581, at the centre of his account, and identified Gentili as a characteristic humanist. Tuck argued that it was the humanists of the late sixteenth century, mainly lawyers and teachers of the arts degree, who constructed a modern state of nature in which sovereign states strove for pure material advantage, recognising no natural law but self-defence. This was the vital foundation upon which Hugo Grotius, Thomas Hobbes, and John Locke built their modern, materialistic natural law

systems. Tuck distinguished the humanists from the great Catholic scholastics and their more Aristotelian natural law doctrines, in which God had created humans who would pursue ends including the preservation of family, the state, and divine worship. Grotius, Hobbes, and Locke borrowed their autonomous agents, living in a state of nature, and governed by a minimal natural law, from the humanists, not from the Catholic scholastics. Tuck thus placed reflection on warfare at the heart of the history of European liberalism (Tuck: 1999).

Tuck has noted, and it is useful to amplify, that the interpretation of the great Jesuit scholastics as proto-secularisers is implausible. Tuck took the accomplished contemporary of Suárez, Luis de Molina, as his case study, but indeed the two Jesuits thought alike on many problems (Tuck: 1999, 51-77). Like Suárez, Molina wrote that

neither on account of the crime of idolatry nor other sins which are contrary to natural reason, is it just either for the pope or the emperor or any other prince who lacks jurisdiction over them, to punish such infidels or to make war on them for that reason, so long as these crimes are not such as inflict injuries upon innocents.²

By this last reference to innocents, Molina meant that if princes of whatever religion engaged in human sacrifice or cannibalism, then a Christian prince would be obliged by natural law to intervene and defend the innocent. Like Suárez, Molina argued that neither the pope nor the emperor possessed jurisdiction over the whole world, and thus neither pope nor emperor had the authority to compel infidels to convert to Christianity. However, Molina did hold that the pope could authorise warfare against infidels who unjustly occupied lands which had previously been Christian, and Molina believed that the lands of Muslim princes around the

² "Neque propter idolatriae scelus, neque propter alia peccata, quae pugnant cum lumine naturae, fas est vel summo Pontifici, vel Imperatori, aut cuivis alteri Principi, qui jurisdictionem in eos non habeat, punire ejusmodi infideles, bellumve ea de causa adversus eos movere: modo ejusmodi criminia talia non sint, quae injuriam inferant innocentibus." Molina: 1733, Disputatio 106, p. 235.

Mediterranean fell into this category. Molina thus endorsed the traditional doctrine of crusade (Molina, disputatio 105, p. 234).

Early modern crusade is an area that requires very much more research, and cannot be treated here. Norman Housley has argued that towards the end of the middle ages the traditional components of crusade – the cross, the vow, the papal indulgence – started to become separated from each other, and floated free in early modern culture (Housley: 2008). Scholars are well-informed about the controversies over the direct or indirect power of the pope to depose heretical princes – especially from the first two decades of the seventeenth-century, and the polemic between Suarez, Bellarmine, and King James I (Höpfl: 2004). Scholars are perhaps less well-informed about the granting of papal indulgences to those fighting in wars of which the papacy approved during the sixteenth and seventeenth centuries – in the Spanish case these crusade indulgences became an almost mundane component of royal income (O'Banion: 2013). Scholastic treatises were published on the problem of the Bull of Crusade during the seventeenth century, but I do not yet understand the range of early modern scholastic views on the subject, and I am not yet sure if we should see this phenomenon merely as an appropriation of sacred power by the early modern state (Latus: 1657; Mendo, 1669).

Returning to more solid ground, both Suárez and Molina did insist that Christian preachers had the duty to evangelise everywhere in the world, and that this evangelisation could be enabled even by war (Suárez: 1621, *De Fide*, disp. 18, pp 282-297; Molina: 1733, disp. 105, p. 234). There were grave practical implications to these doctrines: Giuseppe Marcocci has described Jesuit missionary practices in the Portuguese empire which included a large measure of force and violence (Marcocci: 2013; Marcocci: 2011). Some Jesuits saw stricter limits on this right to preach than Suárez and Molina. The Jesuit Pedro Hurtado de Mendoza, who taught theology at Salamanca for thirty years from 1611, insisted that the *ius*

praedicandi should not be defended by military force, and that all missionaries should adopt the peaceful methods of evangelisation used by St Francis Xavier in Japan (Mendoza: 1621, Disputatio 75, Subsectio 3, p. 582). Nevertheless, the right to preach was where natural rights intersected with a divine command which was central to early modern Catholicism, and it is the best demonstration that nature was not a sphere which could easily be emptied of God and his commands. These Catholic theologians defended a natural sphere not to protect the state from the sacred, but to clarify the superior, supernatural purpose of the Church (Allemann: 2019;; Tutino: 2010).

At this point however, it must be emphasised that Tuck's portrait of European intellectual life in the late sixteenth century and early seventeenth centuries omitted two important groups of sources: both all Catholic scholasticism outside the tradition of Thomas Aquinas, and also Protestant scholasticism.

Catholic scholasticism will be treated first. When Tuck referred to Catholic natural law he meant the natural law theory developed solely from the theology of Thomas Aquinas, and he believed that the Jesuit scholastic Luis de Molina epitomised the whole Catholic natural law tradition. Quentin Skinner too took the great Jesuits and Dominicans as paradigmatic of early modern Catholic intellectual life. There are two problems with this approach. First, these scholars have focused on that part of Catholic intellectual life (Dominican and Jesuit scholasticism) which was most widely received and discussed in seventeenth-century England (Sommerville: 1999). This might be sufficient if one's interests were limited to the Anglophone liberal tradition, but it is not enough if one wants to gain a wider appreciation of the European scene. Second, these Anglophone scholars appear to have drawn on, or been influenced by, Catholic historians operating in the nineteenth-century Neo-Thomist mode who painted anything other than the theology of Aquinas as deviant, unorthodox, and negligible, and wished to portray the Thomist natural category as a closed

system in which modern science, and even modern politics, could proceed independent of God (Broggio: 2009, 1-11; de Lubac: 1998, 140-166; Forlivesi: 2017, vol. 2, 325-343).

However, Catholic intellectual traditions alternative to Thomism did operate in the seventeenth-century universities and more widely in learned baroque culture, and important among these was the theological tradition derived from John Duns Scotus and preserved especially by the Franciscans. Historians of Scotist theology and philosophy have long identified a particular energy to seventeenth-century Scotism, as the various strands of the Franciscan family stirred themselves to defend their way of being religious against Dominican and Jesuit competition (Forlivesi: 2002; Scaramuzzi: 1927). Scotist theologians were often less friendly towards Aristotle's philosophy than the Thomists, and they envisaged politics more as the reconciliation of rights in conflict than as a stage upon which rational creatures flourished, or humans pursued the natural ends impressed in them by God. And while Jesuits like Molina held that just war could not be fought *causa religionis*, for the sake of religion, by contrast for the Scotists wars of evangelisation were not at all out of the question.

This essay will point out three important Franciscan friars from the sixteenth and seventeenth centuries who were advancing strong, clear doctrines of holy war. Three is not very many, and further research in this field is certainly required. But these friars were not erratic or strange Scotists; rather, when they advocated holy war they were advancing normal Scotist doctrines by just one more logical step.

The political arguments advanced by Scotist theologians were often quite different to those defended by their Thomist contemporaries. Scotists thought of their system of natural law as lying between the intellectualism of Aquinas and the voluntarism of William of Ockham, but this meant that their system was indeed more voluntaristic than Thomist natural law. Scotist natural law was weaker than the Thomist variety with respect both to God's

positive law, and to human positive law. So, of the Ten Commandments, Scotists held that God could not revoke the First Table commandments, but that God could revoke the Second Table Commandments when he wished. And all the second table commandments were thought of as being a weaker sort of natural law (Scotus: 1639, vol. 7 part 2, Quaestiones in Libros III Sententiarum, Distinctio 37, pp 854-914). For the Scotists marriage did belong to the natural law, but only to the weaker, second table kind. And they argued that the marriage bond between two slaves was less strong than the property right of their master, so that the master could, as Scotus wrote, justly sell the husband to Africa and the wife to France (Scotus: 1639, vol. 9, Quaestiones in Libros IV Sententiarum, Distinctio XXXVI, q. 1, p. 759). By contrast, Thomists saw marriage as more firmly grounded in natural law, and were at the very least more ambivalent about breaking up slave marriages (Cornish: 1998; de Lugo: 1642, vol. 1, dist. 3, section 2, p. 44). Another place where Scotist natural law seems weaker than the Thomist variety is with regard to the Jewish family. The Scotists argued that the Christian prince's duty was to resolve clashing rights in his jurisdiction. Jewish parents did have a right in their child, but God's right was greater, and so the prince was obliged to confiscate the child for baptism (Scotus: 1639, vol. 8, Quaestiones in Libros IV Sententiarum, distinctio 4, q. 9, pp 275-280; Marmursztejn and Piron: 2004).

These are all basic Scotist political positions – they derive from the Sentences commentary of John Duns Scotus and they are defended by most seventeenth-century Scotists. I am currently writing a book about the Scotists who worked in or passed through seventeenth-century Rome, and friars like Fillipo Fabri, Bartolomeo Mastri, Anthony Hickey, John Punch, Bonaventure Baron, and Cardinal Lorenzo Brancati de Laurea all defended similar positions. This way of conceiving of natural law seems to leave the rights of infidels in a much weaker state than in Dominican or Jesuit natural law, and one might speculate that this might allow the development of especially powerful theories of holy war. That was

certainly the interpretation of Jesuits like Hurtado of Salamanca and Giles de Coninck of Leuven, who blamed especially that doctrine of forced baptism for the Scotist tendency to favour holy war (Hurtado: 1631, disp. 75, pp. 578-81; de Coninck: 1623, disp. 18, dubium 14, con. 4, pp. 360-63).

The first of the three Scotist holy war theorists who will be reviewed here is Alfonso de Castro, who became professor of theology at the Franciscan convent in Salamanca in 1512. He began moving in the circle of the Emperor Charles V in 1530, and accompanied Philip II to England in 1554 as preacher royal (Castro: 1958). Castro published his *De iusta haereticorum punitione* at Salamanca in 1547; reprints followed at Venice, Lyon, and Antwerp. Charles V had just defeated the Schmalkaldic League at the battle of Mühlberg, and Castro explained in his book that some of his Spanish contemporaries had alleged that the emperor's war was unjust, because Christianity should be promoted by reason, not by arms. Castro retorted that the first and best cause for war was to throw down idolatry, as commanded in Deuteronomy 20. For this reason also, he wrote, the Spanish conquest of New Spain was just. The second best cause for war was to punish those who fell away from the true worship of God, for which Castro also relied on Deuteronomy 12. The defence of one's natural right, property, and person only appeared as the third, fourth, and fifth best causes of war (de Castro: 1556, book 2, chap. 14, pp 369-389). Castro did not cite Scotus directly on these subjects, and the small existing literature about him does not dwell on his Franciscan or Scotist identity, but his arguments seemed very Scotistic to Jesuit enemies like Hurtado and De Coninck.

The holy war theory of the Franciscan friar Juan Focher was both more subtle than Castro's, and also more Scotistic. Focher arrived in New Spain perhaps as early as 1532 and died there in 1572, passing the greater part of his life in Mexico City. With expertise both in canon law and theology, one of his main duties was to resolve the cases of conscience

brought to him by the friars working the missionary circuit around New Spain. This task became especially pressing from about 1550 as local peoples began to attack the connections between Mexico City and the great silver mines to the north – a conflict known as the Chichimeca War (Focher: 1969, x-lxviii). Focher's treatment of the justice of the Chichimeca war, entitled *A Catholic Itinerary for those setting out to convert the Infidels*, was printed in Seville in 1574, and was possibly intended as a defence of Franciscan practice in New Spain rather than merely a useful manual.

Focher's book contains three arguments which are intended to justify Franciscan support for the viceroyalty's war against the local pagans. The arguments are cumulative rather than entirely sequential. Focher first pointed to Luke 22.36, where Christ told the apostles 'he that hath no sword, let him sell his garment and buy one'. Focher understood this to mean that preachers sent to convert infidels should be accompanied by large bands of armed men (Focher: 1574, fol. 3-4, 5-10v).

Second, Focher repeated Scotus's argument that the Christian prince of unbelievers must remove children from infidel parents and baptise them by force. But while Scotus had held that only the prince could order this confiscation of children, Focher argued that the friars acted with the pope's authority, and so did not need authorisation from the prince to pursue this sort of action. Scotus had written that pagan adults could be forced to baptism by 'threats and terrors'; Focher expanded this, arguing that pagan adults under the jurisdiction of a Christian prince might be compelled to the faith by 'threats and terrors, injuries and slavery'.³ Focher thus developed Scotus's original positions until he reached the following conclusions: friars working at a local level could decide when to use penalties up to physical harm and slavery within Native American families, within native jurisdictions conquered by

³ "minis et terroribus", Scotus: 1639, vol. 8, Quaestiones in Libros IV Sententiarum, distinctio 4, q. 9, p. 276; "minis et terroribus, iniuriis et servitutibus", Focher: 1574, fol. 14.

the Spanish, and also across jurisdictions not yet conquered by the Spanish (Focher: 1574, fols 10v-16).

In the third and final part of the book, Focher placed the Chichimeca war into the just war framework established by Thomas Aquinas. War could only be waged by a public authority, with just cause, in the right intention. According to Focher, the Spanish crown constituted the public authority, the Chichimeca attacks on the faithful using the public road provided just cause, and right intention was proved by the activities of the friars, described above (Focher: 1574, fol. 84-91).

Focher mixed Scotus's doctrine on forced baptism with Thomist positions on the *ius praedicandi* and just war. This was clearly an attempt to reach out to the Dominicans, but nevertheless fundamental differences remained between Focher's position and the Thomist one. It was not only that Focher could not see any natural rights that might obstruct or complicate evangelisation; it was that decisions on these matters could be taken not only by pope or prince, but by the friars at a local level.

The third and final Franciscan holy war theorist to be considered here was at work in Rome in the 1640s, but I have published on him elsewhere, so I offer here only a very brief summary of his significance (Campbell: 2016). John Punch had belonged to the small team of Irish friars who, under the direction of Luke Wadding, had published the first complete *Opera Omnia* of John Duns Scotus at Lyons in 1639 (Wadding: 1650, 221-22). Punch composed the commentaries on natural law for this edition; he also published philosophy and theology textbooks *ad mentem Scoti*, and a separate complete commentary on Scotus in Paris in 1661, the year of his death. Punch wrote on all the topics I have mentioned so far; he defended the revocability of part of the natural law, his natural law often yielded to other laws, he favoured the forced baptism of infidel children, and he insisted on the justice of wars fought for

evangelisation.⁴ His last treatment of warfare was very thorough, dealing with the range of just causes for war, who it was that might declare war, the quality of knowledge of just cause that was required for war, the massacre of civilians, and the service of chaplains in war (Punch: 1661, vol. 4, 323-338).⁵ The distinctiveness of Scotist ethics and politics, and its separateness from Jesuit and Dominican positions, was evident at every stage in Punch's argument.

Tuck also omitted Protestant scholasticism almost entirely from consideration. Major figures like Martin Luther, Huldrych Zwingli, John Calvin, and Philip Melancthon all discussed the relationship between Christianity and warfare, establishing the parameters within which Lutheran and Reformed theologians would analyse warfare for more than one hundred years. As Michael Becker has argued, it is not merely an historian's reification to see systematic discussion of the *Kriegsrecht* or 'law of war' among the first generation of reformers; rather *Kriegsrecht* was logically a part of their *Obrigkeitslehre*, or doctrine of authority, and so vital to their understanding of order in this world. Later Reformed theologians who made considerable contributions to the analysis of warfare included Peter Martyr Vermigli, Lambert Daneau, Gulielmus Bucanus, David Pareus, Gisbert Voetius, Wilhelm Zepper, Dudley Fenner, Bartholomäus Keckermann, Johann Heinrich Alsted, Johannes Hoornbeeck, and Amandus Polanus von Polansdorf. Lutheran theologians like Heinrich Bocer, Elias Reusner, Christoph Besold, and Matthias Bernegger also worked in this field.⁶ Tuck not only omitted this tradition, but separated from it figures central to his argument, like Alberico Gentili, whom he identified as a largely secular Renaissance humanist. By contrast, Noel Malcolm and Michael Becker have argued that Gentili was

⁴ For natural law, Punch: 1661, vol. 4, pp 527-586; Punch: 1652, 290-5. On natural law for slaves, Punch: 1652, 712, 733, 741-3. On forced baptism, see Punch: 1652, 569-571.

⁵ Punch, *Commentarii theologici*, vol. 4, pp 323-338.

⁶ Becker: 2017, 36-58, 116-189, 297-301, 356-358, 364-5, 381-2; Voetius: 1655; Fenner: 1586; Keckermann: 1625; Alsted: 1630; Hoornbeeck: 1689.

formed in a Reformed intellectual milieu, and that his work can only be understood against that background (Malcolm: 2010; Becker: 2017, 7-11).

The general conclusions of Becker's learned survey of Protestant writings on war are vital to this subject. Becker is alert to the danger of advancing a sort of confessional determinism, in which (for example) fundamental soteriological doctrines determine peripheral political doctrines; in order to avoid this he proceeds empirically, noting only the overt arguments on warfare advanced by Protestant scholastics. Protestant scholastics did not, generally speaking, need to address the imperial problems and dilemmas which preoccupied many Catholic theologians, and for this reason forced evangelisation was a phenomenon they rarely addressed. When it did come up, the Two Kingdoms doctrine provided the grounds upon which they rejected it. Just as this doctrine excluded the rule of the saints over the temporal sphere, it also ruled out the use of force to advance the Gospel, which these theologians often regarded as characteristic of the old canon law and papal tyranny (Becker: 2017, 334-7). Nevertheless, Protestant scholastics very often accepted that a war fought in defence of right religion was just, and this was prominent in Protestant writing on politics even among the first generation of reformers. A complete version of the argument can be found in Melancthon's *Loci Communes* of 1559 which described the magistrate's *custodia utriusque tabulae*, or obligation to defend both the first (duties towards God) and second (duties towards humanity) tables of the Decalogue, both within his own conventional jurisdiction and in neighbouring jurisdictions (Becker: 2017, 74-76, 106-7, 373-6). Finally, while most theologians understood, on the basis of the doctrine of the Two Kingdoms, that the conflict with the Anti-Christ was a spiritual rather than physical struggle, nevertheless it was possible in times of great political pressure even for famous theologians like David Pareus to drift from using the Biblical account of the last things to interpret wars then being fought in Europe, towards legitimating those wars. This drift is most evident in the more

obscure pamphleteers, sometimes careless of theological orthodoxy and consistency, amongst whom the war waged by Emperor Ferdinand II and Duke Maximilian I of Bavaria against the Protestants might be understood as the eschatological struggle of the true Church. (Becker: 2017, 356-361). Members of this Protestant tradition might occasionally resort to the Catholic distinction between nature and supernature (as the Presbyterian Samuel Rutherford did in Scotland in the 1640s), but the distinction was not native to them, and they generally considered the sacred to be more densely interwoven into the secular state than did Catholics (Coffey: 1997). I am currently editing and translating a collection of Reformed scholastic texts on warfare by Vermigli, Daneau, Bucanus, Pareus, Voetius, Keckermann and others with my colleague Dr Floris Verhaart in Belfast, and our findings largely support Becker's argument.

As mentioned above, most Reformed scholastics insisted that the struggle against the Antichrist was a spiritual struggle, not a physical one, and so wars could not be justified by invoking this eschatology. One notable expression of this doctrine was advanced by Lambert Daneau, the Reformed scholar who taught at Geneva, Leiden, Ghent, and Orthez between the 1570s and the 1590s (de Félice: 1882). Daneau's *Ethices Christianae Libri Tres* of 1577 was a fierce attack on the use of corrupt human reason in ethics, and he insisted that the Holy Spirit was the direct source of all human knowledge of right and wrong; consequently, pagan philosophy was a total waste of time (Daneau: 1577, fol. 1-3v). One might have expected this voluntarist outlook to extend to evangelisation, but in fact Daneau's *De Antichristo* printed at Geneva in 1576 carefully rejected this. His 29th chapter asked whether Protestants might lawfully make war on papists in order to extirpate the kingdom of the Anti-Christ. Daneau thought this was the same as asking whether it was right to make war on papists, idolators, Turks, or heretics in order to remove their error. And he argued that since neither Christ nor his apostles had given any hint that the Gospel should be advanced by force, one could only

make war on such people if they, for example, broke public laws and the customs of our ancestors. Never forget, Daneau warned, how detestable are those papist wars called crusades (Daneau: 1576, 141-147).

But in other major Reformed authors, the drift between eschatology and holy war doctrine is more clear. David Pareus was professor of theology at Heidelberg from 1598 to his death in 1622, though of course he had to flee the city as the Spanish advanced in 1621. Pareus was a staple of Reformed libraries across Europe, and his commentary on St Paul's epistle to the Romans was burned at Oxford, Cambridge, and London in 1622 (Himmighöfer: 2001, 65-66; Serjeantson: 2019). Pareus was unpopular with the English authorities because his commentary defended the right of lesser magistrates to resist tyrants; but it is important to note that Pareus saw mundane tyranny and the monarchy of Anti-Christ as closely related.

Pareus's commentary on Romans 13 was followed by a series of essays on the relationship between church and state. One of these essays was titled 'whether and to what extent it is licit to resist authority and the pope of Rome?'.⁷ Pareus wrote that on the basis of Romans 13, it might seem that even the AntiChrist could not be resisted; to this he opposed Matthew 22 – Render therefore unto Caesar the things which are Caesar's, and unto God the things that are God's, which means that Caesar is capable of doing wrong and must be resisted. Pareus then developed this point into seven conclusions, the first four relating to civil power and the last three to the Roman AntiChrist. First, bishops and pastors must resist unjust magistrates, but only by the Word. Second, because inferior magistrates have their own right of the sword, *ius gladii*, directly from God and independent of the superior magistrate, inferior magistrates were obliged to defend themselves, the state, the Church, and true religion. Third and fourth, private subjects were obliged to obey, but retained a personal right of self defence in extreme circumstances. With his fifth conclusion, Pareus turned to the AntiChrist, arguing that private

⁷ "An et quatenus licitum sit resistere potestatibus et Pontifici Romano?", Pareus: 1608, col. 1378.

persons, who again did not have the right of the sword, were permitted to oppose papal tyranny by flight, but not by force. Sixth, Pareus insisted that pastors and elders of the church also did not have the right of the sword. In any case, continued Pareus, it was the preaching of the Word (described as the breath of the Lord's mouth in 2 Thessalonians) that would overthrow the AntiChrist. In his seventh conclusion, Pareus argued that kings and princes must resist the tyranny of the AntiChrist even by the sword (Pareus: 1608, cols. 1378-1387). In Revelation 17.16 it was predicted that Christian kings would burn the whore with fire, and, wrote Pareus 'The prediction has the force of a precept that they do this.'⁸

Pareus was still, in the traditionally Protestant manner, envisaging a war fought in defence of religion, but this was a war predicted and to an extent commanded by the eschatological books of the Bible. This tendency is also clear in his commentary on Revelation printed at Heidelberg in 1618. St John's Apocalypse provided a map of recent Protestant history, which served to legitimise wars fought by Protestant powers in Europe over the previous century, from the Schmalkaldic war to the Dutch Revolt. After so long fornicating with the whore, Pareus wrote, the kings and princes of England, Scotland, Denmark, Sweden, Germany, Bohemia, France, Poland, and Hungary, 'have put down their weapons against the lamb, have embraced the heavenly doctrine of salvation restored through the two witnesses in the age of our forefathers, and today they hate the Roman adulteress and they desert her.'⁹ In light of these arguments advanced on a large scale and by the most prestigious theologians, it is not possible to sustain the argument that the struggle against the AntiChrist was always solely spiritual. In the context of eschatological reflection, when under

⁸ "At praedictio habet vim praecepti ut hoc faciant", Pareus: 1608, col. 1387.

⁹ "Rursus vero est, quod miremur, et quidem vehementer, quod post tanti temporis fornicationem, Regum aliqui, Angliae, Scotiae, Daniae, Suetiae: Principes potentissimi Germaniae, Bohemiae, Galliae, Poloniae, Hungariae, positus contra Agnum armis, coelestem salutis doctrinam per duos testes, parentum nostrorum aetate postliminio restitutam amplexi, hodie Romanam adulteram odio habent, solam faciunt", Pareus: 1618, col. 937.

great political pressure, it could become a physical struggle, integrated into the traditional Protestant doctrine of a war fought for defence of religion.

In conclusion, this essay has argued that the older Anglophone histories of the doctrine of the just war must be read with some scepticism. The most skilled English-speaking historians of political thought neglected this area because it made no obvious contribution to the great English liberal tradition of the Seventeenth Century. Their interest did not extend further than pointing to the natural law theories of the Dominicans and Jesuits as a background and resource for the natural law of Hobbes and Locke. Richard Tuck, still focused on providing an account of the new secular natural law, recognised the futility of ascribing a proto-secular category to the Jesuits, and attempted to introduce a new category of humanist just war theorist, in order to account for the emergence of Grotius, Hobbes, and Locke. But in all this, Tuck ignored non-Thomist Catholic scholastics, especially the Franciscan followers of John Duns Scotus, and he also ignored Protestant scholastics. A study of these fields reveals not firm boundaries between nature and supernature in early modern Europe, nor a natural category ripe for secularisation, but the profound anxieties of Europeans as they attempted to distinguish the two, or rejected that distinction altogether. It should soon be possible to write an accurate history of Just War theory in early modern Europe which incorporates all these disparate elements, and this history would be worthwhile on its own merits. But such a history might reveal important data about the development of European political thought in general. Tuck argued that broad intellectual fields provided resources for the development of early liberalism. If it is demonstrated that these fields provided nothing of the sort, then that story of liberalism's development, and the development of other modern political ideologies, becomes more uncertain. This may just be a periodisation problem, a debate about when Europe's Confessional Age ends – whether 1648, 1732 or 1829 (Lotz-Heumann: 2008, 136-157). Or it may raise the possibility that

liberalism has been a much weaker and more contested force in European political life than classic Anglophone histories of political thought admit. We might thus have good reason to return to Paolo Prodi's argument that the phenomenon of greatest importance in early modern Europe is not the secularisation of the state, as religion and politics are slowly separated, but the sacralisation of the state, as states draw sacred power into themselves (Prodi: 2012).

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