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The Wadding Circle and the History of Political Thought

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The purpose of this essay is to establish the *status quaestionis* on the relationship between Luke Wadding's circle of friends and collaborators, and the history of political discourse or political theory. Thanks to the pioneering studies of Canice Mooney and Patrick Corish, recently reinforced by Clare Carroll, the fundamental elements of Wadding's relationship to Irish politics now seem relatively clear. During the 1640s, Wadding sought Catholic victory in Ireland, within the framework of Stuart sovereignty. But the theology which Wadding and his colleagues at Rome taught and printed also took up a range of positions on wider political matters. One of Wadding's most important scholarly allies, John Punch, explored natural law and positive law, the rights of princes and the rights of parents, the private lives of slaves and indeed the problem of holy war itself. Nevertheless, the modern liberal sceptic, who sees the political category as inherently secular, might ask whether real political discourse, and the discussion of truly political theories, could take place within the Wadding circle, or whether the notion of ascribing political theory to these seventeenth-century theologians might be entirely anachronistic. It will be argued here that it is indeed possible to identify truly political theories of human life within wider Christian theologies such as those taught at the College of St Isidore. The question nonetheless remains a worthwhile one because the theory of religious war taught by Punch in St Isidore's during the 1640s was so radical as to place the Christian category of the political itself under strain.

Neither the practical political positions nor the political theories of Irish Catholic churchmen have attracted the sustained attention of those Irish historians standing in the liberal tradition, searching for the seeds of a distinctively Irish secularism buried deep in the unpromising soil of the seventeenth century. For example, Aidan Clarke's elegant study of the Old English in Ireland explored the historical irony of the adherence of this group of Catholics, born in Ireland, to the English and unionist cause on the island. Clarke argued that the majority of the Old English were content to exist in a state of divided loyalty between pope and king in the early seventeenth century, and treated ecclesiastical intellectuals like Wadding as largely unimportant but occasionally disruptive outliers. Wadding and his kind, wrote Clarke, had left Ireland when very young, and their continental education and Roman experiences had equipped them very poorly to understand the balance of loyalties which was so important to their Old English relatives. They were too far away, and had too little directly at stake, to appreciate all those complications so vital to those still living in Ireland.¹

Those scholars, often exceptionally learned, who have stood in Ireland's Catholic and nationalist tradition of history-writing, have found Wadding problematic for quite different reasons. On the one hand, Wadding possessed many of the attributes of a great Irishman, and indeed a great Irish Franciscan; on the other hand he was the agent of the Supreme Council of the Catholic Confederates of Ireland at Rome, at a time when the papal nuncio accredited to that confederation excommunicated most of its leadership. This excommunication split the Irish Catholic Church into what looked very like its old medieval components of the church among the English and the church among the Irish. It was difficult to paint this as a positive moment in the unfolding of the Irish national spirit and the development of the modern Irish nation. What was more, Wadding was peripherally implicated in a ham-fisted attempt by friars aligned to, if not instructed by, the Protestant James Butler, earl, marquis, and later duke of Ormond, to split the Irish Franciscan

¹ Aidan Clarke, *The Old English in Ireland, 1625-42* (first edition, 1966; Dublin: Four Courts Press, 2000), 9, 21-5.

province in two. These were the concerns that prompted the Franciscan linguist and historian, Fr. Canice Mooney, to entitle his 1957 study of Waddings politics 'Was Luke Wadding a Patriotic Irishman?'.² This was the first essay in a collection edited by the friars of the Franciscan house of studies, Dún Mhuire, for the three hundredth anniversary of Wadding's death. While Mooney's title might have been provocative, there was nothing philistine about his study; he was a highly skilled and cosmopolitan scholar whose entry in the *Dictionary of Irish Biography* describes a fruitful academic career. Drawing on the archives in Simancas, Dublin, and Rome, as well as the widest range of printed materials, Mooney subjected even the most severe contemporary accusations against Wadding to sober analysis, all carefully placed in the context of the changing relationships among the European powers. Some of these accusations were strange and extreme: a memorandum submitted to the Spanish Council of State in 1656 by Francis Magruairk accused Wadding of practising very advanced forms of black magic (including the use of familiar spirits, weather magic, and prophecy). Somewhat more conventional were the accusations advanced by the authors of the *Commentarius Rinuccinianus*, Richard O'Ferrall and Robert O'Connell. They claimed that from 1646 Wadding had undermined the papal nuncio, GianBattista Rinuccini, in Rome, and betrayed confidential information about his nunciature to those who favoured an ignoble and heretical accommodation with the marquis of Ormond and Stuart royal power. Mooney carefully defused the greater number of the accusations developed by O'Ferrall and O'Connell, explaining Wadding's actions, and occasional misjudgements, through his generally consistent belief that there was no practical alternative to Stuart monarchy in Ireland, that the condition of the Irish church would have to be improved within that framework, and that (here Wadding differed from the Ormondists) this improvement would have to be radical and entirely congruent with Roman orthodoxy. Mooney capped this with a subtle and yet still accessible treatment of what it might have meant to be a patriotic Irishman in the seventeenth century. Mooney, broadly committed to a nationalist teleology, wrote that Wadding was 'far in advance of most of his fellow Anglo-Irishmen', but at the same time warned 'Let no ardent patriot of today require Luke Wadding, great lover of his country that he was, to have been an Irish republican, a modern separatist, still less expect him to have been an inveterate Anglophobe or an irreconcilable enemy of the English crown.'³ Mooney sought to educate his readers in the traumatic birth of the modern Irish nation, which he held to be a mixture of 'two races', English and Irish.

Patrick Corish's analysis of Wadding's political commitments was first broadcast on Radio Éireann on 17 November 1957 and belonged broadly to the same commemorative effort that had prompted Mooney's article.⁴ This was a more chronological and less problem-based account of Wadding's interactions with the Confederation. Corish was more openly critical of Rinuccini's resort to excommunication in 1648 than Mooney, but his interpretation of Wadding's role was broadly similar. On the question of whether Wadding had betrayed the nuncio's secrets to the Ormondists, Corish wrote that 'information given in, say, 1646 or 1647, in the hope of bringing people together, could, in 1649, when the parties were irreconcilable, be interpreted as evidence of having always been a party man.'⁵ Corish's own nationalism too was similar; he concluded by arguing that Wadding had seen the future of the Irish nation more clearly than his contemporaries. Waterford, Corish wrote, had taught Wadding the 'Anglo-Irish world, Spain and the Franciscans had opened up the old

² Canice Mooney, "Was Wadding a Patriotic Irishman", in *Father Luke Wadding: Commemorative Volume*, ed. Franciscan Fathers (Dublin: Clonmore and Reynolds, 1957), 15-92.

³ *Ibid.*, 87.

⁴ P. J. Corish, "Father Luke Wadding and the Irish Nation", *Irish Ecclesiastical Record*, 5th service, 88, no. 6 (1957): 377-95.

⁵ *Ibid.*, 393.

Gaelic order, all three and Rome especially had shown him the Catholicism of the Counter-Reformation', thus equipping Wadding with the three chief sources of the modern Irish nation.⁶

Clare Carroll's recent study, *Exiles in a Global City*, engages in learned dialogue with this earlier tradition. Carroll offered a study of Wadding's *Annales Minorum* (eight volumes printed at Lyons and Rome between 1625 and 1654) which emphasised the relationship between the national and the imperial in Wadding's history. Carroll described Wadding's dedications to Spanish noblemen and the Emperor Ferdinand IV as offering an insight into his conception of the global mission of the Franciscans and the church as a whole, and argued that Wadding's account of Ireland could only be understood in this global framework. Carroll's overall aim is to argue that Irish nationality was one in which experiences of exile were formative, thus providing deep cultural resources for the construction of a liberal, open, and global nation today.

The place that Wadding's politics enjoy in recent Italian scholarship is rather different. Works like Paolo Broggio's *La teologia e la politica* operate in a historiography grappling with the confessionalisation thesis, which holds that Christianity made a major contribution to the modern state, contradicting the conventional Anglophone liberal account in which the establishment of the modern state was contingent on the Enlightenment's removal of Christianity from politics.⁷ However, in some variations of this thesis religion itself becomes a mere function of state power – a means by which elites gained control of populations. Broggio was especially conscious of Bruno Neveu's argument that nineteenth century historians of Christianity had felt it necessary to distance themselves from theology in order to secure their positions in the modern, secular university, which could result in a history of the Church understood as nothing more than the play of simple material interests.⁸ Broggio's *La teologia e la politica* thus insists on the interaction of political and theological elements in doctrinal controversies in Rome in the late sixteenth and seventeenth centuries. Luke Wadding, as both a theologian and a powerful ecclesiastical politician, played an important part in Broggio's depiction of the theological context in which the diplomatic and political struggles of the Spanish monarchy and the Papacy over the Immaculate Conception took place.

Broggio developed this analysis further in an ancillary article which emphasised Wadding's service to the Spanish monarchy during initial period in Rome.⁹ Wadding had arrived in Rome on 17 December 1618 as a member of the household of Antonio de Trejo, bishop of Cartagena, chosen by King Philip III of Spain as ambassador extraordinary to press the Roman curia for the final definition of the Immaculate Conception. For the curia, this embassy constituted an unwarranted secular interference in a question of purely doctrinal character, properly a papal competence alone. Broggio argues that Wadding's account of this embassy, *ΠΡΕΣΒΕΙΑ*, printed at Louvain in 1624 with the assistance of Florence Conry, was shot through with Spanish regalism, exalting the unique power of the king of Spain in ecclesiastical affairs over that of the pope. Broggio argues that both in this book,

⁶ Ibid., 395.

⁷ Paolo Broggio, *La Teologia e La Politica: Controversie Dottrinali, Curia Romana e Monarchia Spagnola tra Cinque e Seicento* (Florence: Olschki, 2009).

⁸ Bruno Neveu, *L'Erreur et Son Juge: Remarques sur Les Censures Doctrinales à L'Époque Moderne* (Naples : Bibliopolis, 1993).pp 12-14; idem, 'Juge suprême et docteur infaillible: Le pontificat romain de la bulle *In eminenti* (1643) à la bulle *Auctorem fidei* (1794)', in idem, *Erudition et Religion aux XVII^e et XVIII^e Siècles* (Paris : Éditions Albin Michel S. A., 1994) : 385-450.

⁹ Paolo Broggio, 'Un teologo irlandese nella Roma del Seicento: il francescano Luke Wadding', *Roma Moderna e Contemporanea*, 18, fasc 1-2 (2010): 151-178.

and in a series of other interventions in Rome in the 1620s, Wadding defended the position that Philip III's interventions in the spiritual sphere were not anomalous, but rather entirely necessary for the safeguarding of the Spanish state. Nevertheless, Broggio also insists that during the later 1620s and into the 1630s Wadding distanced himself from his Spanish regalism and became an accomplished curialist, frequently defending papal power against its detractors during his service for the Congregations of Rites, Propaganda Fide, the Holy Office, and the Index, as well as the commission on Jansenism, and the committees for Irish affairs, and for the reform of the liturgy. Broggio sees Wadding's work for the Congregation of the Index as the most important of these duties in accommodating the Irish friar to Roman norms. Nevertheless, Broggio believed that Wadding never entirely shed his identity as one of the King of Spain's servants in Rome.

Wadding's wider theological commitments, distinct from the bare ecclesiastical politics of the Immaculate Conception and Jansenism, have not received analysis in this existing scholarly literature. With regard to Jansenism, there is agreement among scholars like Lucien Ceysens, Thomas O'Connor, and Paolo Broggio that Wadding adopted an Augustinian, or at least anti-Jesuit, position during the early part of the Jansenist controversy, one that was strong enough, combined with the meddling of King Philip IV, to see him temporarily suspended from the commission on Jansenism in 1651.¹⁰ Nevertheless, we lack a study that describes Wadding's soteriological commitments in as much depth as his ecclesiastical-political ones. It is possible to agree with Broggio that most of Wadding's prestige in Rome accrued to him from his work as the annalist of the Franciscans, and Carroll has taken steps to expose the scale and ambition of that effort. But Wadding was also assigned the task of editing the first *Opera Omnia* of John Duns Scotus in 1636; a fourteenth-century theologian who, over the course of the sixteenth and early seventeenth centuries, became the Franciscan theologian above all others in the order. It was Scotus who was thought best suited to help young friars, across most of the Franciscan family, defend their way of being religious. The Scotus edition that was finally printed at Lyon in 1639 was accompanied by commentaries composed for the project by Anthony Hickey (Hiqueus), John Punch (Poncius), and including also commentaries previously published by Aodh Mac Cathmhaoil (Cavellus) and Francesco Licheto (Lychetus), former minister General of the Observants.¹¹ These long commentaries were not just explications of Scotus's text: they were active, and often aggressive, defences of Scotus against his enemies, especially Dominicans and Jesuits. Moreover, these commentaries adapted thirteenth and fourteenth theologies to modern circumstances, filing and polishing doctrines so that they better served the church, or part of the church, in that moment. And these texts and commentaries offered their readers an account of Scotus's vision of the nature of human excellence in society, an account of the relationship between divine law, natural law, and human law, and a treatment of the rights and responsibilities of princes, families, and the Church. Traditional nationalism will tend to distract scholars from the study of these important doctrines, because the traditional nationalist will organise all of Wadding's political thinking around the problem of the Irish nation, its essence and development, neglecting wider discussion of the nature of the human political community itself.

Nevertheless, one might argue that it is totally anachronistic to look for 'political thought' or 'political theory' in these theological works. It could be said that because the worldview of Wadding and his Roman colleagues knew no secular sphere, all aspects of human life were subordinated to

¹⁰ Broggio, 'Un teologo irlandese': 176; Thomas O'Connor, *Irish Jansenists 1600-70: Religion and Politics in Flanders, France, Ireland and Rome* (Dublin: Four Courts Press, 2008), 72, 226-8; Lucien Ceysens, 'Florence Conry, Hugh de Burgo, Luke Wadding and Jansenism', in *Father Luke Wadding*, 295-404.

¹¹ John Duns Scotus, *Opera Omnia*, 12 tomes in 13 vols (Lyon, 1639); Charles Balić, 'Wadding the Scotist', in *Father Luke Wadding*, 463-507.

religion, and abstracting from their theology a few mentions of earthly kings and kingdoms can yield only a distorted account of their assumptions, aims, methods and desires, and will tell us nothing about the wider culture. The essence of this argument is that theologians were not secular and therefore were not political; they were not modern, did not contribute to or anticipate modernity, and therefore are unworthy of historical study. In response to arguments of this kind, Annabel Brett has written that there is no doubt that scholastics like Wadding did think of human life as orientated towards certain ends, the most important of which was union with God. But, Brett went on, as heirs to ancient thought about politics, thought which had formed a significant part of their early educations in the classics, these scholastics were all too aware that humans could conceive of other purposes and ends to human life apart from God. Those seventeenth century scholastics who followed Thomas Aquinas were quite clear that humans had valid natural ends, distinct from supernatural ones, which God wished them to pursue.¹² This is the crucial point: a Christian who believed that humans had natural capacities and natural purposes, found in creation but distinct from God's direct gift and God's direct command, did have a politics. The corollary of this was that a Christian who believed in the natural human capacity for political life, would also admit that non-Christians, whether pagans or heretics, were capable of valid and lawful political activity. Did Wadding's circle possess a political category, and political theories, in this sense?

There is no doubt that members of Wadding's circle sometimes described human life in just the same way as those they called Thomists. For example, John Punch, writing in the massive textbook of Scotist theology that he published in Paris in 1652, and which seems very likely to have been informed by his earlier teaching in Rome, carefully explained that *dominium* or lordship had a two-fold sense: one being dominium in the sense of jurisdiction, 'the power of governing subjects', the other being dominium in the sense of property, 'the power which one has of disposing of a thing on one's own part'.¹³ Then in the tract 'On justice and right' that Punch added to the end of this textbook, Punch asked whether 'Infidels, sinners, children before the use of reason, and the insane, might be capable of dominium?'¹⁴ He responded that it was certainly the case that dominium both of property and of jurisdiction, both civil and ecclesiastical, could be held without the virtues of faith and charity, and that this had been defined at the Council of Constance (1414-18) against John Wyclif.¹⁵ The English heresiarch had argued in his *De civili dominio* of 1376-8 that civil dominion or lordship was confined to those who were predestined to eternal life; and no obedience was owed to those sinners in a state of mortal sin who were predestined to hell. He wrote: 'No one has natural lordship for the time when he sins mortally'.¹⁶ For Wyclif certainly, there was no politics as it was known either in the classical world, or in the liberal, post-Enlightenment one. This was the doctrine, summed up as 'Nobody is a civil lord or a prelate or a bishop while he is in mortal sin', that the

¹² Annabel Brett, 'Political philosophy', in *The Cambridge Companion to Medieval Philosophy*, ed. A. S. McGrade (Cambridge University Press, 2003), 276-299.

¹³ 'unum jurisdictionis, quae est potestas gubernandi subditos... alterum proprietatis... est potestas quam habet quis ad disponendum de re ex eo', John Punch, *Integer Theologiae Cursus ad Mentem Scoti* (Paris: Antonius Bertier, 1652), p. 277 (when citing early printed books, I will indicate page, folio, or column numbers).

¹⁴ *Ibid.*, p. 741.

¹⁵ *Ibid.*

¹⁶ John Wyclif, 'On civil lordship (Selections)' in *The Cambridge translations of Medieval Philosophical Texts: Volume two, Ethics and Political Philosophy*, ed. Arthur Stephen McGrade, John Kilcullen, and Matthew Kempshall (Cambridge University Press, 2001), 587-654, at 621. Note the controversy over the importance of this doctrine: Gordon Leff, *Heresy in the Later Middle Ages*, 2 vols (Manchester University Press, 1967), 2: 546-549; Anne Hudson and Anthony Kenny, 'Wyclif [Wycliffe], John [called Doctor Evangelicus] (d. 1384), theologian, philosopher, and religious reformer,' *Oxford Dictionary of National Biography*, accessed 12 Oct. 2018, <http://www.oxforddnb.com>.

Council of Constance condemned on 4 May 1415.¹⁷ Punch may have known the detailed refutation of Wyclif by Thomas Netter, *Doctrinale Fidei Ecclesiae Catholicae contra Wiclevistas et Hussitas*, printed at Venice in 1571; more likely the Irishman simply borrowed from Robert Bellarmine's *Controversiae*, first printed at Ingolstadt between 1586 and 1589.¹⁸

Bellarmino wrote against Wyclif that it was easy to prove that there was *principatum*, sovereignty or empire, even in the wicked.¹⁹ Bellarmine pointed to several proofs from authorities: biblical texts which indicated that the power even of evil kings had come from God, the decision of the Council of Constance, and St Augustine's argument in the *City of God* that God had given empire even to the pagan emperors of Rome, to both the most agreeable and the most cruel. But Bellarmine also offered a proof from reason:

For the foundation of lordship is not grace but nature; for man because made in the image of God, is next gifted with mind and reason, therefore lords it over inferior things, as can be deduced from the first chapter of Genesis: but nature remains in unbelievers, although they lack grace, and therefore they possess true lordship. Additionally, since grace and justice are entirely hidden and no-one knows of himself or of another whether he might be truly just, if grace were the title of lordship, it would follow that no lordship could be certain. From which would be born unbelievable confusion and disturbance among humans. Nor do the arguments of those who ground lordship in grace conclude otherwise.²⁰

Bellarmino returned to these problems when treating the conditions necessary for just war shortly after. A just war required legitimate authority, a just cause, good intention and a compatible method. The first thing Bellarmine mentioned with regard to just cause was that sin in general (including things like heresy) could never provide just cause for the declaration of war: such a declaration could only be grounded in the warding off of an injury:

The reason for this is because the prince is not a judge unless of humans subject to him, therefore he cannot punish any sins whatsoever of other people, but only that which falls to the detriment of the people subject to him; for even if he is not the ordained judge of the other people, he is nevertheless defender of his own people, and for reason of this necessity he is made in a certain way judge of those who do his own people an injury, so that he can thus punish them by the sword.²¹

¹⁷ 'Nullus est Dominus civilis, nullus est praelatus, nullus est episcopus, dum est in peccato mortali', Norman P. Tanner, *Decrees of the Ecumenical Councils: Volume One, Nicaea I to Lateran V* (Georgetown University Press, 1990), 411-413.

¹⁸ Antony Kenny, 'The Accursed memory: the Counter Reformation Reputation of John Wyclif', in idem ed. *Wyclif in his times* (Oxford: Clarendon Press, 1986), 147-168. Note the bibliography in Stefania Tutino, *Empire of Souls: Robert Bellarmine and the Christian Commonwealth* (Oxford University Press, 2010). I have used Robertus Bellarminus, *Disputationum... de Controversiis Christianae Fidei*, 4 vols (Ingolstadt: Adamus Sartorius, 1601).

¹⁹ Bellarminus, *Disputationum... de Controversiis Christianae Fidei*, vol. 2, bk. 3, chap. 8, col. 642.

²⁰ 'Nam domini fundamentum non est gratia, sed natura; homo enim quia factus est ad imaginem Dei, proinde mente ac ratione praeditus est, ideo dominatur rebus inferioribus, ut ex primo capitulo Genesis deduci potest: at natura in infidelibus manet, licet gratia careant, igitur et dominia vera habere possunt. Ad haec cum gratia et iustitia sit occultissima, et nemo sciat de se, vel de altro, an sit vere iustus, si gratia esset titulus dominiorum, sequeretur, nullum dominium esse certum. Ex quo nasceretur incredibilis confusio et perturbatio inter homines. Neque argumenta eorum aliquid concludunt.' Ibid., col. 643.

²¹ 'Ratio autem huius est, quia princeps non est iudex, nisi hominum sibi subditorum, ergo non potest quaecunque peccata aliorum hominum punire, sed solum ea, quae cedunt in detrimentum populi sibi subiecti; nam etsi non est iudex ordinarius aliorum, est tamen defensor suorum, et ratione huius necessitatis efficitur

There could thus be no grounds for the secular prince to declare war on heretics not his subjects, unless they had done him or his subjects some kind of direct injury. For Bellarmine, punitive action against heretical princes was thus something to be left to the pope, and his indirect deposing power. Although the pope had no purely temporal power, Bellarmine wrote, he nevertheless had, with a view to the highest spiritual good, 'the power of disposing of the temporal things of all Christians.'²² Bellarmine added that:

It is not lawful for Christians to tolerate an unbelieving or heretical king, if this king strives to draw his subjects into his heresy or unbelief; and to judge whether the king is drawing his subjects towards heresy pertains to the pope, to whom is entrusted the care of religion. Therefore the pope is to judge whether the king must be deposed or not deposed.²³

For Bellarmine then, there could be no just rebellion or no just war against Protestant monarchs, for sole reason of their Protestantism, without the pope's judgement.

In his textbook of 1652, Punch endorsed several of the positions that were fundamental to Bellarmine and to Jesuit political thought more generally. Insisting that non-Christians and heretics did indeed possess true *dominium*, he wrote:

This position is proved further from that, which Christ himself says in Matthew 23, that to Caesar must be given that which is Caesar's, although Caesar was an infidel, and consequently without faith and charity. There is also this reason: because otherwise the commonwealth would be badly provided for, since it would be uncertain, who possessed faith and charity; and since, if as often as a lord were to sin mortally, it would be just for a subject to disobey him, it would disturb commonwealths beyond measure.²⁴

Thus far, Punch was happy to endorse Bellarmine's conclusions and the conclusions of Jesuit political thought in general. Both Punch and Bellarmine seem to have believed that dominium or lordship was independent of grace or God's love, and that unbelievers could possess real lordship that Christians were generally obliged to respect. This means that both Bellarmine and Punch saw a real political category in which humans might legitimately act, separate to a degree from God's direct command. To this extent, Punch's Scotism was just the same as Bellarmine's Thomism.

Nevertheless, the manner in which Punch's natural category functioned was rather different to that of Bellarmine. Thomists typically established the content of the natural law by considering the ends or purposes for which God had created humans: he had created them to preserve their own lives, and so there was a natural law against murder and suicide; he had created them to preserve their species, which meant that marriage belonged to the natural law; he had created them to live

etiam quodammodo iudex eorum, qui suis iniuriam fecerunt, ita ut possit eos gladio punire.' Ibid., vol. 2, bk 3, chap. 15, col. 665.

²² 'Potestatem disponendi de temporalibus rebus omnium Christianorum', Ibid., vol 1, Lib. 5, Cap. 6, col. 1079.

²³ 'Non licet Christianis tolerare Regem infidelium, aut haereticum, si ille conetur pertrahere subditos ad suam haeresim, vel infidelitatem, at iudicare, an Rex pertrahat ad haeresim, nec ne, pertinet ad Pontificem, cui est commissa cura religionis: ergo Pontificis est iudicare, Regem esse deponendum, vel non deponendum.' Ibid., vol. 1, bk 5, chap. 7, col. 1084.

²⁴ 'Probatur ulterius ex eo, quod Christus ipse Matthaео 23 dicat Caesari reddenda, quae Caesaris, quamvis fuerit infidelis; et consequenter sine fide, ac charitate. Ratio etiam est; quia alias male providereur Reipublicae cum incertum esset, quinam haberent fidem et charitatem; et cum, si quoties domini peccarent mortaliter, si fas esset subditis non obedire, nimium perturbaret Respublicas' Punch, *Integer Theologiae Cursus*, p. 741.

together in political society and worship God, which founded the state in natural law.²⁵ Bellarmine expressed this slightly less technically, saying that there were three grades of natural precepts, the first of which was impressed in the hearts of humans so that by the light of reason alone some things were judged just by all, such as the good is to be desired, the evil shunned, life is to be conserved by food and drink, offspring are to be propagated and educated to conserve the human race, God is to be worshipped, and that one should not do to another what one would not want done to oneself. The second level of natural law was simply deduced from the first and was summarised in the Ten Commandments, or Decalogue. Since God is to be worshipped, it follows that idols must not be worshipped; since one should not do to another what one would not have done to oneself, it follows that one should not kill or steal, and so on. The third level of natural law was deduced from the first precepts in a way that was not purely necessary and not completely evident, and was labelled the *ius gentium* or right of peoples.²⁶ Elsewhere, and in an authentically Thomist way, Bellarmine mentioned that when humans perceived the natural law they were participating in God's eternal law, an expression of God's own natural essence.²⁷

Accounts of natural law such as these, which spoke of humans pursuing natural ends impressed in them by God, or which located the natural law in natural reason, seemed to Scotus to rob humans of their freedom, so that they were no more than slaves to these things imposed on them by God, which in turn meant that could not justly be punished for their sins.²⁸ Punch advanced this definition: 'Natural law consists in the compatibility or incompatibility which certain actions have to natural reason independently of the positive law of God or of his creatures'.²⁹ Punch did not make natural law effectively the same thing as natural reason, as Bellarmine had, but neither did he reduce natural law to God's command, as those he labelled 'Nominalists' (which would have included theologians like William of Ockham) had done.³⁰ Bellarmine's natural law theory was focused on the purposes for which God had created humanity, hence his concern in the first level of natural law with food, drink, and the upbringing of children. Punch attended more to the fact that the one thing humans could be sure of was that God must not be dishonoured, which was true on the basis of what all humans knew about God, and could not be revoked even by God himself. This was the heart of natural law. Other commands of the natural law, such as the prohibition on the killing of the innocent, the prohibition of adultery, and so on could be, and indeed had in the past been revoked by God. Thus, Punch's natural law was not interlocked with this-worldly human purposes as Bellarmine's had been.

Scotist natural law, and the natural law theory that Punch advanced in his textbook, was less capacious and wide-ranging than that of the Thomists, and Scotus's view of marriage provides a good example of this. Thomas Aquinas had argued that marriage belonged to the natural law, whereas Scotus argued that it belonged to the natural law only in the secondary sense. And Scotus thought that in the case of slaves, the natural law of marriage was weaker than the slave's natural obligation to give everyone what they deserved – in this case the obligation to give his or her master

²⁵ Thomas Aquinas, *Opera Omnia, cum... Commentariis partim Thomae de Vio Cajetani, et partim Francisci Ferrariensis* (17 tomes in 14 volumes, Venice, 1593-4), 1st Part of the 2nd Part, qu. 94, art. 2.

²⁶ Bellarmine, *Disputationum... de Controversiis Christianae Fidei*, vol. 2, bk 1, chap. 29, cols 405-6.

²⁷ *Ibid.*, lib. 3, chap. 11, col. 648.

²⁸ Hannes Möhle, 'Scotus's theory of natural law', in *The Cambridge Companion to Duns Scotus*, ed. Thomas Williams (Cambridge University Press, 2003), 312-31.

²⁹ 'Lex naturalis consistit in conuenientia, aut disconuenientia, quam habent actiones alicue ad naturam rationalem independenter a lege positua Dei, aut creaturae', Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 290.

³⁰ *Ibid.*

his or her labour. And Scotus did not believe, in any case, that the conservation of the human species really required every human to procreate.³¹ This meant that, by contrast with the Thomists, Scotus could see nothing strictly unjust about the separation and selling off of slave families; he used the example of sending a husband to Africa and a wife to France.

Punch adhered to the general Scotist line on marriage. Like Scotus, Punch insisted that marriage belonged to the natural law only in the second, lesser sense. When treating the nature of marriage in his textbook, he wrote 'Marriage, as it is a contract, very much conforms to the law of nature, but it is not of the law of nature strictly speaking, thus namely, so that by the law of nature anyone, from the whole community of humans, would be bound to enter into marriage.'³² Punch wrote that it conformed to the law of nature, because as an insoluble contract it was conducive to the increase of the human race, the good education of children, and the avoidance of many inconveniences, which would arise if the contract were soluble. But it was not part of the natural law on the basis of the terms themselves (the criterion for strict sense natural law), nor could it be deduced from those evident principles on the basis of the terms, for although it might be a command of the law of nature that humans should multiply themselves for the preservation of the human species and their mutual advantage, and even though entering into a contract might make procreation and the upbringing of children easier, this did not imply an obligation to an insoluble contract, because all the advantages of marriage to the human race, to the individuals and to the commonwealth might be fulfilled through a contract limited to a certain number of years.³³ As marriage was not rationally necessary in the same way that honouring God was necessary, it belonged to a lesser category of natural law.

Punch turned to slave marriages later in his 1652 textbook. He wrote that slaves had the power (*potestas*) to get married, even though their masters might be unwilling. But he disagreed with the Jesuit theologian Cardinal Juan de Lugo that this was because marriage was one of the 'goods of the body' guaranteed by natural law.³⁴ Punch pointed out that one could be deprived of the power to marry just as one could lawfully be deprived of one's liberty. But Punch admitted reluctantly that it was a common judgement that the lord who forbade his slaves to marry sinned, at least (he mentioned in passing) with regard to Christian slaves. Punch also asked whether a master might sell his slave a long distance away from his wife. Punch first wrote that it would be against charity or love to do this. Then he ran through a series of practical examples which ran parallel to cases that De Lugo had treated. If the slave had been married before he had been captured in a just war, then then master might lawfully sell him away as a general part of his punishment. Likewise if the slave had sold himself into slavery. But if his wife had not consented to this sale, then it would inflict an injustice on the wife to sell her husband away. The slave who sold himself into slavery with the consent of his wife might be sold away, because such circumstances were to be expected. The slave who got married with his master's consent might not be sold away, because then it might be supposed that the master had renounced his rights. Finally Punch argued that he who sold himself into slavery so that he might be sold in turn where the master wished, who married without warning his master, might still be sold on by the master. These examples illustrate that, for Punch, marriage was considered just one kind of contract among many, and often less important than the master's

³¹ Aquinas, *Summa Theologiae*, 1st Part of the 2nd Part, qu. 94, art. 2 and 3, *Supplementum Tertiae Pars*, qu. 41, art. 1; Scotus, *Opera Omnia*, tome 9, *Quaestiones in Lib. IV Sententiarum*, dist. 36, qu. 1, p. 756.

³² 'Matrimonium, ut est contractus, est valde conforme legi naturae, sed non est de lege naturae stricte loquendo, ita scilicet, ut ex lege naturae teneatur ullus illis inire ex tota hominum communitate', Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 712.

³³ Ibid.

³⁴ Juan de Lugo, *De Iustitia et Iure*, 2 vols (Lyons: Petrus Probstus, 1642), vol. 1, dist. 3, section 2, p. 44; Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 742.

property right.³⁵ Nevertheless, on this question of the rights of slaves with regard to marriage, the Scotist natural law theory to which Punch adhered did not make his final positions on slavery really very different from that of a Jesuit like Cardinal de Lugo.

Scotist natural law also informed Punch's position on the forced evangelisation of Jewish children, and on this point Jesuits and Scotists did stand opposed. Scotus had argued that it was wrong to imagine that the natural rights of parents in their children precluded the baptism of Jewish children. This natural right, according to Scotus, meant that it would be wrong for private individuals to baptise the children; but, he continued, as the purpose of the prince was to reconcile clashing rights, so the Christian prince should recognise that God's right in the children was greater than the parents' natural right. Therefore the prince should confiscate and baptise the children. Scotus added the yet more alarming suggestion that the parents might as well be baptised by force at the same time, and that if it were thought necessary for some Jews to be preserved so that the prophecy of St Paul might be fulfilled and a remnant of Jews might be saved at the end of the world, then a small population of these people could be maintained on an island somewhere.³⁶

Punch endorsed Scotus unambiguously:

The children of infidels subject to Christian princes, whether as citizens or as slaves, can be baptised without the parents' consent; when it seems reasonable that an equivalent harm will not proceed from this action. This is the opinion of the Subtle Doctor, book four question nine, against St Thomas and the more recent theologians generally.³⁷

Punch confirmed his argument with a reference to 1 Maccabees 2, in which the Jewish leader Mattathias commanded that children captured in war be circumcised, which was the figure of baptism under the Old Law. But Punch devoted more time to analogies from the prince's obligations in civil affairs to his obligations in religious affairs. Just as the prince, wrote Punch, was obliged to use force on those negligent parents to provide for their children, and could go so far as separating parents from children in order to protect them, so all the more the prince should look to procuring for the children's a spiritual good, as necessary as baptism, stepping in so that the parents do not kill their children spiritually by absence of baptism and by bad upbringing in unbelief. The prince, Punch went on, could invade all sorts of natural rights to prevent subjects abusing those rights, as when someone expended family resources to the detriment of the wider family. Punch concluded:

Parents impeding the baptism of their children abuse their right that they have in their children, which right does not extend to such great detriment to the children, but rather tends towards their good; and although those parents might think that impeding the baptism of those children might be for the good of the children, out of the ignorance of their unbelief; nevertheless the Prince knows that it falls to their great detriment: therefore he

³⁵ Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 742.

³⁶ Scotus, *Opera Omnia*, tome 8, *Quaestiones in Lib. IV Sententiarum*, dist. 4, qu. 9, pp. 75-280 ; Elsa Marmursztejn and Sylvain Piron, 'Duns Scot et la Politique. pouvoir du prince et Conversion des Juifs', in *Duns Scot à Paris, 1302-2002*, ed. O. Boulnois et al. (Turnhout : Brepols, 2004), 21-62.

³⁷ 'Filiis infidelium principibus Christianis, tam civiliter, quam serviliter subiectorum, possunt invitibus parentibus licite baptizari; quando rationabiliter constat, quod inde non proveniat aequale damnum. Haec est Doctoris 4. distincto 4. quaestio 9. contra D. Thomam, ac Recentiores communiter', Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 569.

can force them, lest, impeding the baptism, they should abuse their right in their children to their notable detriment.³⁸

As he developed his position, Punch went on to argue that it was by the law of nature that parents were obliged to secure the baptism of their children, dismissing as totally inadequate Thomist distinctions between nature and grace.

Punch's compressed but thorough defence of holy war was also totally different to anything advanced by the Jesuits or Thomists. The relevant arguments were contained in a disputation dealing with the vices opposed to the virtue of Charity. The disputation was divided into questions, and the questions into conclusions. The second question in this disputation asked whether war was licit, and on account of what cause. Five conclusions argued that war was indeed licit, even among Christians, that the cause of going to war must be proportional to the harm to be created by the war, that rebellion was a sufficient cause of waging war (and here Punch endorsed the pope's indirect deposing power), that it was licit to use war to force unbelievers to undergo evangelisation, and that war against one's own king was lawful especially when he made laws against the true religion (and here Punch explained that this justified wars fought by Irish Catholics against the kings of England). The third question asked who might declare war, and three conclusions determined that even parts of commonwealths (rather than whole commonwealths) could defend themselves by war if required. Question four dealt with the quality of knowledge of just cause that was required before going to war, question five defended the slaughter of those civilians who were associated with those who had undertaken an unjust war (the massacres of Protestants in Ireland seem to have been in Punch's mind), and question six defended the role of military chaplains serving with Catholic troops.³⁹

Punch's conclusion on forced evangelisation very much recalled the techniques that he had probably seen applied to the Jews of Rome: 'it is lawful by war, when other means do not avail, to force unbelievers and much more heretics to such a condition, that they should not impede the preaching, and instruction, by which they might be converted to the faith, and also to force them to gather to hear that instruction.' The Roman Ghetto, a twenty-minute walk from St Isidore's College, had been established in 1555 and attendance at Christian sermons was compulsory for its residents from 1584.⁴⁰ Punch justified the invasion of the natural rights of unbelieving princes in just the same way that he had justified the invasion of Jewish parents:

Because by the command to love our neighbour we ought to procure the good necessary to him for eternal life, and bring to this task whatever licit necessary means; but the good of faith is necessary to salvation, and in this case war is the necessary and indeed licit means; for if war were licit for procuring goods of much less importance, how much more is it licit to procure a greater good.⁴¹

³⁸ 'Parentes impediētes baptismum filii abutuntur iure, quod habent in illos, quod ius non se extendit ad tam magnum detrimentum filii; sed totius tendit in bonum ipsius; et licet illi existiment impedire baptismum cedere in bonum filii, ex ignorantia suae infidelitatis; tamen Princeps cognoscit, quod id cedat in magnum detrimentum filii: ergo potest cogere ipsos, ne, impediendo baptismum, abutuntur iure suo in filios ad tam notabile detrimentum eorum.' Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 570.

³⁹ Punch, *Integer Theologiae Cursus ad Mentem Scoti*, pp. 403-8.

⁴⁰ Marina Caffiero, *Forced Baptisms: Histories of Jews, Christians, and Converts in Papal Rome*, trans. L. G. Cochrane (Berkeley: University of California Press, 2010).

⁴¹ 'Quia ex praecepto de dilectione proximi debemus procurare bonum necessarium ipsi ad vitam aeternam, et ad hoc applicare necessaria media quaecumque licita; sed bonum fidei est tale; et bellum in casu conclusionis

Punch then immediately applied this to Ireland, arguing that the education of children of the Catholic nobility in Protestant households was the same as killing them spiritually, a project that demanded even violent pre-emptive action.⁴² Punch's fifth conclusion was that subjects had a most just cause of undertaking war against their own king when he made laws which harmed the commonwealth, and this was true on the basis of natural law. The commonwealth could not grant the king the right to harm it even if it had wanted to. Thus, wrote Punch:

It is obvious from this that, since the most unjust penal laws had been spread by the heretical kings of England against Catholics in their dominions on account of the exercise of the Catholic faith and since those laws fall to the great temporal prejudice of those Catholics, when they cannot counteract that harm by any other means, Catholics can provide for themselves by war, when there is a well-founded hope, that without more grave or equivalent harms, they might do so; and they may do this on account of merely temporal harm; but much more on account of that harm conjoined with the spiritual.⁴³

No other Stuart subject, including the most radical of Protestants, produced a theory of holy war as thorough and elaborate as that advanced by John Punch.

It is possible to suggest the month in which Punch first began to teach these doctrines in St Isidore's. In the course of laying out his theory of holy war in his textbook of 1652, Punch often referred his reader to his commentaries for details; so immediately after making his first statement on the validity of a war fought for evangelisation he wrote 'I have cited the authors for and against this conclusion in my previous Commentary'.⁴⁴ Punch did not mean the commentary he had contributed to the 1639 edition of Scotus (which did not contain such material); he meant the then unpublished commentaries on Scotus probably first composed as lectures for the students of St Isidore's. These were only finally printed in 1661, the year of Punch's death, and they did indeed contain the same arguments on religious war as the textbook, but in a more thoroughly developed form. And in these 1661 commentaries, Punch referred to the war in Ireland, 'happily undertaken now about a year ago', which, since the war in Ireland began in October 1641, indicates that Punch first delivered this material in lectures in October 1642.⁴⁵

But it would be wrong to presume that everyone in the College of St Isidore agreed with Punch on this framing of the Irish war. On 25 March 1642, Luke Wadding wrote to Hugh Burke (also Bourke or De Burgo) OFM, who was then resident in Flanders and heavily engaged in the organisation of military aid for the Irish Catholic cause; in November 1642 the Confederate Catholics would formally appoint Burke their representative to Emperor Ferdinand III and other Catholic authorities in

est medium necessarium, et quidem licitum; si enim sit licitum medium ad procuranda bona minoris momenti, quanto magis ad maiora bona', Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 404.

⁴² Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 404.

⁴³ 'Hinc patet, cum iniustissimae fuerint leges poenales, latae per Reges haereticos Angliae contra Catholicos in suis dominiis, propter exercitium Religionis Catholicae, et cum illae leges cesserint in magnum praeiudicium temporale ipsorum, quando alia ratione non possent illi damno occurrere, Catholicos potuisse bello sibi providere, quando bene fundata spes esset, quod sine gravioribus, aut aequivalentibus damnis, id facere possent; et hoc ob ipsum damnum temporale; sed multo magis ob illud, et damnum spirituale coniunctum.' Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 405.

⁴⁴ 'Authores pro et contra hanc conclusionem citavi in meo Commentario supra', Punch, *Integer Theologiae Cursus ad Mentem Scoti*, p. 404.

⁴⁵ 'iam ab uno circiter anno feliciter susceptam' Punch, *Commentarii theologici*, 4 vols in 6 parts (Paris: Simeon Piget, 1661), vol 4, p. 336.

northern Europe.⁴⁶ Wadding wrote, as he often did to Irish friends, in Spanish, occasionally flecked with Italian. The main purpose of the letter was to tell Burke that the Irish could not hope for much help from Rome, and to urge him to get all the aid he could, especially artillery, from King Philip IV of Spain. Wadding added a gentle warning to Burke that Cornelius Jansen's doctrines were not being received in Rome with the approval that Burke might have expected, and also mentioned that John Punch's philosophy textbooks were currently being printed. But, as previously indicated by Mooney, the letter's purpose was to impress upon Burke that further aid from Rome was not only impracticable, but positively undesirable:

It would not be appropriate that the pope should declare himself because by acting on his own account, he would make it a war purely of religion, and the Protestants who are now allied to the Catholics would forsake them and remain deaf to their burden, and it will render the king and queen shipwrecked, without the influence and favour that one might expect even over the Protestants in favour of this side against the Puritans. Well, you already know Father how hateful even the shadow or name of the pope is to any sect of heretics, and so in the time of the Geraldines and the earls of Tyrone and Tyrconnell, Pope Gregory XIII, Clement VIII, and Paul V helped them by means of the arms of the Catholic princes, especially those of Spain, in order to make the business less hateful and the process of assistance easier.⁴⁷

When Wadding wrote 'se declare', he probably meant declare himself merely by providing aid, but may also have had in mind the provision of papal indulgences for Catholic soldiers, which would have made the Irish war far more like a traditional crusade. Wadding did not address the question here of whether all religious wars were right or wrong – though he does seem to have thought that papal endorsement was, at least in the British and Irish context, the most important mark of holy war. But his statement on the identification of the Irish war as one of religion could hardly have been more clear, or more practical. As Wadding saw it, denying the true dominium of Protestants over their property and authority was not advantageous.

The significance of Luke Wadding to the politics of the mid-seventeenth century Irish Catholic Church, and consequently to the politics of the Catholic Confederation, has been established by scholars who have made the history of that Church their specialism. But to isolate discussion of Irish politics in St Isidore's during the 1640s not only from the politics of global Catholicism (as emphasised recently by Clare Carroll) but also from the more basic political questions debated in the college, would be a grave error. Members of Wadding's circle like John Punch did advance what we

⁴⁶ The letter's addressee is unnamed, but Mooney judged this person to be Hugh Burke, which seems highly likely. Canice Mooney, 'The letters of Luke Wadding', *Irish Ecclesiastical Record*, 5th ser., 88 (1957), pp 396-409, at 407-8; Robert Armstrong, 'Burke (Bourke, De Burgo), Hugh', in James McGuire and James Quinn (ed), *Dictionary of Irish Biography* (Cambridge, 2009), <http://dib.cambridge.org/viewReadPage.do?articleId=a1194>, accessed 8 October 2018.

⁴⁷ 'No conviene che el Papa se declare, porque haciendolo y tomando esto a su cuenta se haca guerra meramente de religion, y los Protestantes que stan aora unidos con los Catholicos los desampasaran, y deyarán sordo al peso a los Catholicos, y quedara el Rey y Reyna derelictos sin la fuerza y calor que se espara todavia de los Protestantes en favor d'esta parte contra los Puritanos, pues ya sabe Usted Padre que con qualquiera secta d'estos herejes sola la sombra o nombre del Papa es odioso. Y cosi en las ocasiones passadas de los Geraldinos y Condes de Tyron y Tirconel, Gregorio 13, Clemente 8, y Paulo 5 los han assistido con las armas de los Principes Catholicos particularmente d'espana, para hacer el negocio menos odioso, y el socerno mas facil.' Luke Wadding to Hugh Burke, 25 March 1642, Wadding Archive, folder D4.1, pp. 307-311, at 307-8, University College Dublin Archives. I would like to thank Dr Benjamin Hazard for his learned advice on Wadding's Spanish.

should recognise as political theories; theories that are nevertheless rather different to those generally included within the canon of the history of political thought. The Scotists set out from different fundamental problems, developing their distinctive political theory from questions about God's ability to abrogate the natural law, questions about the family lives of slaves, and questions about the rights of Jews. Moreover, it would certainly have seemed to a Thomist like Bellarmine that Punch's endorsement of wars fought for the sake of religion brought the political category itself into question. These problems, which mattered very much to the remarkably talented circle assembled around Wadding in Rome, cannot be understood in an Irish national context alone: they must be analysed in relation to the wider field of seventeenth-century Catholic intellectual culture.