

ON RELIGIOUS TOLERATION: PRUDENCE AND CHARITY IN AUGUSTINE, AQUINAS,  
AND TOCQUEVILLE

By

MARY C. IMPARATO

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P. Dennis Bathory

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## ABSTRACT OF THE DISSERTATION

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By MARY C. IMPARATO

Dissertation Director:

P. Dennis Bathory

This work seeks to explore the concept of religious toleration as it has been conceived by key thinkers at important junctures in the history of the West in the hopes of identifying some of the animating principles at work in societies confronted with religious difference and dissent. One can observe that, at a time when the political influence of the Catholic Church was ascendant and then in an era of Church hegemony, St. Augustine and St. Thomas Aquinas respectively, faced with religious dissent, argue for toleration in some cases and coercion in others. While, from a contemporary liberal standpoint, one may be tempted to judge their positions to be opportunistic, harsh, or authoritarian, if we read them in the context of their social realities and operative values, we can better understand their stances as emanating ultimately from prudence (that virtue integrating truth and practice) and charity (the love of God and neighbor). With the shattering of Christian unity and the decoupling of throne and altar that occurs in the early modern period, the context for religious toleration is radically altered. Alexis de Tocqueville seeks a toleration *of* religion within the liberal political order, and again we see prudence and charity, manifested in an attention to what is possible in a given reality, play an important role. In contemporary political life, however, we find marginalization of and even hostility towards religion. Perhaps, in examining the operation of religious toleration in the past and carefully assessing the arguments for the central place of religion, we can draw lessons for a political future not marked by liberal neutrality and walls of separation, but the care for the soul and the common good.

## **Dedication**

For Benedict Joseph, Dominic, and Teresa

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## Introduction

Sir, didst thou not sow good seed in thy field? whence then hath it cockle? And he said to them: An enemy hath done this. And the servants said to him: Wilt thou that we go and gather it up? And he said: No, lest perhaps gathering up the cockle, you root up the wheat also together with it. Suffer both to grow until the harvest, and in the time of the harvest I will say to the reapers: Gather up first the cockle, and bind it into bundles to burn, but the wheat gather ye into my barn.<sup>1</sup>

The above scripture passage has served for centuries as the *locus classicus* for Christian instruction on religious toleration. St. Jerome interprets the passage as providing direction in dealing with error:

“Let us then be willing to correct our brethren to the utmost of our power, but let it be always with mercy, charity and compassion; what we cannot correct, let us bear with patience, permitting what God permits, and interceding with him to move and convert their hearts. But when an opportunity offers, let us publicly advocate the truth, and condemn error.”<sup>2</sup>

In St. Jerome’s commentary we see that he urges charity in the manner of correction and prudence in seizing the right opportunity to persuade. St. Augustine, too, relies on this passage to comprehend what ought to be done about dissenters in the midst of the faithful, writing in Letter 105 to the Donatists (c. 409/410), “...[W]e tolerate them until the time of harvest or winnowing...[f]or we do not want because of them to uproot the

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<sup>1</sup> Matthew 13:27-30. Douay-Rheims translation.

<sup>2</sup> Haydock, George Leo. "Commentary on Matthew 13:29". "George Haydock's Catholic Bible Commentary". <https://www.studydrive.org/commentaries/hcc/matthew-13.html>. 1859.

corn or remove the bare grains from the threshing floor by cleansing them before time...”<sup>3</sup> He continues, “That is why the Lord used these and other similes to encourage tolerance in his servants, to avoid them destroying little ones, or to avoid little ones [Mt 18.14] being lost through reckless human disputes...”<sup>4</sup> The interpretation of Jesus’ words in the Parable of the Wheat and the Tares sets a standard for the treatment of religious dissenters in the West. They should be treated with charity, forbore patiently (lest too hasty a response cause greater damage to the faithful), and prudentially challenged at the appropriate time. In other words, this passage laid the groundwork for the pre-modern tradition of religious toleration. St. Jerome’s counsel that the truth should be proclaimed and error condemned publically “when an opportunity offers,” indicates that a primary virtue required to exercise religious toleration is prudence or practical wisdom. We will see that this is the animating principle at work in the treatment of heretics and unbelievers not only in the thought of St. Augustine, but in the work of St. Thomas Aquinas. Religious toleration, then, is the virtue or stable disposition of forbearance in the face of error. It only makes sense in a context of a shared commitment to the true and the good, such that any affront to these transcendentals can be judged tolerable or intolerable.

Prudence is also an architectonic virtue in the relationship of religion and society for Alexis de Tocqueville. However, for Tocqueville, the field of political possibilities had been radically altered; conceptions of the good had become privatized, while a more procedural notion of rights took priority over the good. In this political landscape, Tocqueville provided numerous prudential arguments on the necessity for secularists to

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<sup>3</sup>Letter 105.16 in Atkins, E.M. and Dodaro, R.J., eds., *Augustine: Political Writings* (Cambridge, U.K. ; New York: Cambridge University Press, 2001). 172

<sup>4</sup> Letter 105.16 in Atkins, E.M. and Dodaro, R.J., 172.



safeguard (or at least tolerate) religion in a democracy. While the problem of the place of religion in the liberal political order persists, a close examination of religious toleration in pre-modern society may yield insights for a time and place where shared conceptions of the good produce standards for judgment and foster solidarity among democratic citizens.

### *Liberalism, Its Critics, and Post-Liberal Possibilities*

Liberalism, the regnant political ideology in the West, is the lens through which we typically conceptualize religious toleration. To begin this project, we must disentangle liberalism and toleration, first by painting the contours of liberal ideology and then by reviewing some of the arguments of its more prominent critics. This will set the stage for reflections on a notion of toleration conceived of apart from liberal categories.

Over the course of nearly 500 years, numerous thinkers have articulated liberal ideas in various historical contexts. Although this makes it difficult to give a comprehensive definition of liberalism, it is possible to highlight a few concepts that have emerged as central to this political ideology: the view of the individual as free, equal, and rights-bearing, the role of the state as providing a neutral, procedural framework in which the individual can pursue his interests, and the view that truth—which cannot be known with certainty—ought not be enforced by the suppression of error or the resort to cruelty. Liberalism begins with the individual, standing apart from society, and possessing basic equality with others.<sup>5</sup> This abstracted individual bears rights independent of membership

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<sup>5</sup> For Thomas Hobbes, this equality is based on the fact that all are vulnerable to violent death at the hands of others; even the weakest can kill the strongest. See *Leviathan*, Chapter XIII.

in a particular society.<sup>6</sup> These moral claims made against others arise out of the individual's fully formed interests. For liberalism, politics is the instrument through which the individual secures his interests; the *polis* does not serve to form the individual in accordance with his achievement of the highest end. Indeed, there is no *summum bonum*, apart from that end each individual freely chooses to pursue, in accord with his own vision of the good life.<sup>7</sup> Further, liberalism is based on the rule of law, which through its various procedural guarantees, provides the structure for a free and equal society. It provides a neutral framework in which the individual can pursue his own comprehensive conception of the good.<sup>8</sup> Because individuals will differ in their conceptions of the good, liberalism not only tolerates diverse viewpoints, but seeks to protect this "marketplace of ideas," in part out of an uncertainty that we can even know who possesses the truth and who is in error.<sup>9</sup>

The idea that we cannot be certain about who, in fact, possesses the truth gives way, among more recent liberals, to a skepticism that truth exists at all.<sup>10</sup> Indeed, liberals will identify suppression of error in service of the truth (about which we are at best uncertain)

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<sup>6</sup> John Locke identifies the "natural rights": "Reason...teaches all Mankind, who would but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions." See *Two Treatise of Government* 2.87.

<sup>7</sup> See Hobbes *Leviathan*, Chapter XI. Indeed, he will identify felicity with the satisfaction of desires.

<sup>8</sup> John Rawls explains that a doctrine should be considered "comprehensive" when "it includes conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our nonpolitical conduct..." See *Political Liberalism*, 175.

<sup>9</sup> Mill does not utilize the phrase "marketplace of ideas," but his arguments against the suppressing of opinions are frequently associated with this concept. Regarding uncertainty about the truth, he writes, "To refuse a hearing to an opinion, because they are sure that it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility." See J.S. Mill *On Liberty*, 19.

<sup>10</sup> "Truth cannot be out there – cannot exist independently of the human mind...The suggestion that truth, as well as the world, is out there is a legacy of an age in which the world was seen as the creation of a being who had a language of his own." Richard Rorty, *Contingency, Irony, and Solidarity* / (Cambridge University Press, 1989), 5.

with cruelty.<sup>11</sup> Liberalism, according to Judith Shklar, starts with an aversion to cruelty (defined as “the willful inflicting of physical pain on a weaker being in order to cause anguish and fear”) and sees this, and not offenses against God, as the worst thing that human beings can do.<sup>12</sup> She reveals the immanentist strain in liberalism when she writes, “By putting [cruelty] unconditionally first, with nothing above us to excuse or to forgive acts of cruelty, one closes off any appeal to any order other than that of actuality.”<sup>13</sup> Any such attempts to justify cruelty Shklar calls hypocritical, as when she recounts the case of Spaniards in the New World whose acts of “slaughter” represent a species of “cruelty so liberally laced with piety.”<sup>14</sup> Given the foregoing reflections, liberalism can fairly be said to express a skepticism towards religious truth claims and a hostility towards those who would seek to support such claims utilizing the authority of the state. It is avowedly secular in this respect, focusing on the protection of rights in the here and now, while leaving questions of the hereafter to individual judgment.

Secular though it may purport to be, political theorists have made a convincing case that liberalism is not neutral in its stance towards comprehensive conceptions of the good (religious or otherwise).<sup>15</sup> Moreover, in attempting to maintain a secular framework of

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<sup>11</sup> Rorty identifies with Shklar about the centrality of cruelty, writing, “I borrow my definition of “liberal” from Judith Shklar, who says that liberals are the people who think that cruelty is the worst thing we do.” xv.

<sup>12</sup> Judith N. Shklar, *Ordinary Vices* (Belknap Press of Harvard University Press, 1984), 8.

<sup>13</sup> Shklar, 9.

<sup>14</sup> Shklar, 12.

<sup>15</sup> For an early version of this claim, see Michael Sandel, *Liberalism and the Limits of Justice* (1982) where he argues that a Rawlsian “unencumbered self” is inadequate to generate the liberal framework of justice advanced by Rawls. See also Sandel’s review of Rawls’ *Political Liberalism* where he challenges the “notion that justice can be detached from considerations of the good.” *Harvard Law Review* 107, no.7 (May 1994): 1768. More recently, Peter Simpson has argued that liberalism is not neutral in its stance towards competing conceptions of the good: “The paradox is that while liberalism claims to free people from the oppression of states that impose on everyone the one true doctrine espoused by the state, liberalism itself imposes on everyone such a doctrine: namely liberalism itself.” *Political Illiberalism: A Defense of Freedom*, 1 edition (Routledge, 2018), 3.

law in which rights-bearing individuals can pursue their own notions of the good life, as in Rawls' notion of political liberalism, even liberals have wondered whether such a hollowed-out scheme could provide the necessary sources of social solidarity.<sup>16</sup> Indeed, some argue that society is coming apart as a self-interested elite has distanced itself from a disadvantaged, morally dissolute working class.<sup>17</sup> More recently, theorists have claimed that liberalism has brought about its own demise through its creation of atomized individuals who are in fact radically *unfree*.<sup>18</sup> These projects offer us important insights regarding the inner workings of liberalism, and yet they typically do not fully address the question of an alternative political order. Liberalism's critics, if not confronted by a dystopian specter of the illiberal populist regime, at the very least, are called upon to address the important question: "If not liberalism, then what?"<sup>19</sup>

While the above critics have done important work in revealing flaws in our dominant political ideology, this project will not present yet another critique of liberalism. I seek rather to understand the pre-liberal political order—particularly on the seminal question of religious toleration—with an eye towards what is to come in a post-liberal era. The matter of religious toleration is, after all, one of the initial concerns that seemingly

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<sup>16</sup> See, for instance, Jürgen Habermas' contribution to a debate with Joseph Ratzinger in which he acknowledges the import of religion as a source of solidarity and affirms (contra Rawls) that religious citizens have the right to "make contributions in a religious language to public debates." *The Dialectics of Secularization: On Reason and Religion* (San Francisco: Ignatius Pr, 2007), 51.

<sup>17</sup> See Christopher Lasch *Revolt of the Elites* (1995) and Charles Murray *Coming Apart* (2012).

<sup>18</sup> Patrick J. Deneen, *Why Liberalism Failed* (New Haven, CT: Yale University Press, 2018).

<sup>19</sup> David Runciman's *How Democracy Ends* (2018) or William Galston's *Anti-Pluralism: The Populist Threat to Liberal Democracy* (2018) are recent examples of works analyzing the ramifications of the dying faith in liberalism. The question of alternatives was a common response to Deneen's *Why Liberalism Failed*, exemplified here: Jennifer Szalai, "If Liberalism Is Dead, What Comes Next?," *The New York Times*, January 17, 2018, sec. Books, <https://www.nytimes.com/2018/01/17/books/review-why-liberalism-failed-patrick-deneen.html>. Some have addressed this concern; John Milbank and Adrian Pabst attempt to define a program of post-liberalism that would bring more substantive notions of the common good to bear on the economy, politics and culture. *The Politics of Virtue: Post-Liberalism and the Human Future* (Lanham, Maryland: Rowman & Littlefield International, 2016).

necessitated the growth of the liberal political order. The commonly held narrative regarding liberalism's origin is that, after the Protestant Reformation, with the shattering of Christian unity and the attendant wars of religion, the West was finally reconciled to religious pluralism via this truce: You may follow your conscience in matters of religion as long as you tolerate that others will follow theirs.<sup>20</sup> Liberalism thus elevates freedom of conscience and freedom of worship to the status of inalienable rights, while questions of religious truth and the good life are bracketed. What might it look like to "un-bracket" those concerns and to advance a comprehensive vision of the good in public life? I will not claim to unravel this vast conundrum here, but to offer a look back at the ground the West has traversed in this regard, with an eye towards where it is headed.

### *Toleration as a Virtue*

Before embarking upon an outline of the historical cases to be analyzed herein, it is necessary to engage in some definitional and philosophical reflections on toleration, conceived of outside of the common liberal framework. Tolerance involves forbearance in the face of violations of universal moral laws; for, indeed, knowing such moral truth does not entail harshly imposing it on others. Clearly, however, not every violation of the moral law can or ought to be tolerated. We can only make the judgment regarding what ought and what ought not to be tolerated with reference to some external standard of right

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<sup>20</sup> William Cavanaugh cites Shklar and Jeffrey Stout as prominent purveyors of this narrative. Stout, for instance, claims "liberal principles were the right ones to adopt when competing religious beliefs and divergent conceptions of the good embroiled Europe in religious wars..." "'A Fire Strong Enough to Consume the House:' The Wars of Religion and the Rise of the State," *Modern Theology* 11, no. 4 (1995): 398.

and wrong.<sup>21</sup> Otherwise, how could we possibly hope to distinguish between behavior that is and is not beyond the pale and to determine what is not worthy of being tolerated?<sup>22</sup>

Following the argument of J. Budziszewski, I will claim that toleration is an Aristotelian virtue. He identifies toleration as the mean between two extremes – with “narrow-mindedness” being the defect and “overindulgence” being the excess. As with all virtues, the “rules” for following it can never be listed exhaustively, and so exercising toleration requires prudence (or practical wisdom).<sup>23</sup> Again, it does *not* follow that pursuing the good and avoiding evil necessarily entails attempting to suppress all evil. Toleration rests on the realization that suppression of some evils may bring forth greater evil.<sup>24</sup> Once the determination has been made that a behavior is beyond the limits of what can be prudently tolerated, we then will see the use of coercion, or the attempt to persuade another to conform his behavior to what is within the bounds of the tolerable. Persuasion may be rhetorical in nature or may take the form of social pressure exerted upon a dissenter, yet it will still leave him the option of voluntarily altering his behavior.

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<sup>21</sup> I am here following the argument of J. Budziszewski. He writes in defense of the natural law and its import for judging proper toleration. “Tolerance and Natural Law,” *Revue Générale de Droit* 29 (1998): 234.

<sup>22</sup> I am aware of a prominent liberal solution to this problem—J.S. Mill’s “harm principle,” whereby our choices ought to be tolerated as long as we do not harm others. He writes, “That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinion of others, to do so would be wise, or even right...” *On Liberty*, (Originally published 1859) (Kitchener, Ontario: Batoche Books, 2001), 13. I take this to be an inadequate justification for legal sanctions, as the notion of what counts as “harm to others” here is entirely too thin. Further, in seemingly suspending moral judgments, Mill has just practiced a moral judgment—in favor of license.

<sup>23</sup> Budziszewski writes that to have practical wisdom is “to know good and evil deeply enough to put into practice the counsel that good is to be done and followed, and that evil is to be avoided.” “Tolerance and Natural Law,” 235.

<sup>24</sup> Budziszewski, 235.

Coercion, on the other hand, is more forceful than persuasion, for it lacks this voluntary invitation to change. To coerce, according to Aquinas, is to make something necessary for another. What he calls the “necessity of coercion” occurs when “a thing must be, when someone is forced by some agent, so that he is not able to do to the contrary.”<sup>25</sup> For this project, coercion entails the use of compulsion by the state through the threat of punishment. Indeed, for Aquinas the use of coercion is especially linked to the power of the state, as he explains that the notion of law is characterized in part by its coercive power<sup>26</sup> and that “the governor of a city has perfect [complete] coercive power: wherefore he can inflict irreparable punishments such as death and mutilation.”<sup>27</sup>

At this point, several key distinctions need to be made regarding the way toleration will be conceptualized in this project. First, I am primarily concerned with “legal tolerance,” that is, the action of the state in punishing or permitting vice or error.<sup>28</sup> This is distinct from “social tolerance,” where social convention or custom may indicate disapprobation of certain vices, though those same acts remain legal. For instance, we might say that adultery, although not illegal, is still subject to social stigma. The next key distinction to note is that this project, while referencing toleration writ large here for conceptual clarity, is focused on *religious* toleration, the central question of which is: Are there religious practices that the state ought to command or prohibit? While our initial

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<sup>25</sup> Thomas Aquinas, *The Summa Theologiae of St. Thomas Aquinas*, trans. Fathers of the English Dominican Province, Second and Revised Edition, 1920 (1273). Accessed at <http://www.newadvent.org/summa/>, I.I Q82 A1. Hereafter referenced as *ST*.

<sup>26</sup> *ST*, I.II Q96 A5

<sup>27</sup> *ST*, II.II Q65 A2. Discussion of Aquinas on coercion is informed by Scott Anderson, “Coercion,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2017 (Metaphysics Research Lab, Stanford University, 2017), <https://plato.stanford.edu/archives/win2017/entries/coercion/>.

<sup>28</sup> Budziszewski draws this important distinction between legal and social tolerance. “Tolerance and Natural Law,” 237–38.

liberal instinct might be to say that there are not, we might find, upon reflection, that even today there are instances in which religious tolerance is not extended, specifically in practices involving drug use or animal sacrifice.<sup>29</sup> To begin to approach the issue of the state's role in religious toleration, an important clarification should be made regarding what we can know about God by the light of natural reason and what can only be known through revelation.<sup>30</sup> Throughout the historical cases to be addressed herein, we find that religious truths (the practice of infant baptism, for instance) known by special revelation are not necessarily enforced against non-believers. This is a key distinction as we will see in the writing of Augustine and Aquinas that those who do not accept the validity of Christian revelation because of a certain blindness or because they lack the gift of faith are afforded greater toleration. In sum then, the question that pertains to toleration in general—where do we draw the line on behavior that simply cannot be tolerated—also pertains to religious toleration. This question has elicited various prudential responses throughout history, and the exploration of these will be the focus of this project.

Apropos of the foregoing considerations, one final conceptual note remains: religious toleration will be addressed throughout as a political phenomenon and not as an abstract, subjective right. Religious toleration is employed with regard to concrete political realities. In the best cases, it is utilized with prudence, respecting a mean, being neither too lax nor too constricting. Even a seminal liberal thinker like John Locke, who

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<sup>29</sup> See, for instance, *Employment Division v. Smith*, 494 U.S. 872 (1990), in which the Supreme Court determined that Alfred Smith, who had been fired for using peyote as part of a Native American religious practice, could be denied unemployment benefits by Oregon because the state did not have to accommodate otherwise illegal acts done for a religious purpose.

<sup>30</sup> In making this distinction, Budziszewski adds that this does not mean that the "State may command every religious duty knowable by general revelation [natural reason], nor does it follow that the State must be indifferent to special revelation." 238.



seemingly elevated toleration to an absolute right (writing, for instance, “The toleration of those that differ from others in matters of religion, is so agreeable to the Gospel of Jesus Christ, and to the genuine reason of mankind, that it seems monstrous from men to be so blind...”)<sup>31</sup> responded to the demands of realities of life under a Protestant monarch when he did not extend this toleration to Catholics and atheists.<sup>31</sup> If we are to elucidate a political theory of religious toleration then, recognizing it as a time-bound phenomenon, responsive to concrete historical circumstances, is a necessary first step.

### **Method: A “Historically-Minded” Theory**

The next step in articulating a political theory of religious toleration, given its historical specificity, would be to examine its use at critical junctures in the past and then to discern the animating principles at work in the exercise of toleration. Such an approach may diverge from that encountered in much of contemporary political science which, as Sheldon Wolin claims, is “characterized by a diffidence toward theory and history.”<sup>32</sup> Indeed, Wolin argues that the contemporary political scientist engages in a “divestment,” jettisoning attachments to the past, identity (class, religion, occupation, etc), or any other source of potential prejudice, and thus reenacts the “archetypal American experience of breaking with the past.”<sup>33</sup> In contrast to the divested political methodist, Wolin says the theorist should opt to access “tacit political knowledge”: this knowledge is context-dependent; it is “illuminative” but not determinate; it accrues over time; and it is “rooted

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<sup>31</sup> John Locke, *A Letter Concerning Toleration* (Buffalo, N.Y.: Prometheus Books, 1990). 17

<sup>32</sup> Sheldon S. Wolin, “Political Theory As A Vocation,” *American Political Science Review* 63, no. 4 (1969): 1062–82. He cites Tocqueville’s assessment that, “Hardly anyone in the United States devotes himself to the essentially theoretical and abstract portion of human knowledge,” and, “Among democratic nations...the woof of time is every instant broken and the track of generations effaced.” 1069.

<sup>33</sup> *Ibid*, 1070

in the knowledge of the past and of the tradition of theory.”<sup>34</sup> In exploring the tacit political knowledge regarding religious toleration then, we must look to the past, but especially to certain critical junctures, those moments of crisis when “problems-in-the-world” have posed either a threat or a promise.<sup>35</sup> It is there that we see concrete dilemmas (what Wolin refers to as “derangements”) managed in the service of right order. In this project, I seek to take on the role of Wolin’s “historically-minded theorist” who introduces complex political problems and explores the efforts of past thinkers to confront them, while highlighting the lasting import of these solutions.<sup>36</sup>

I will proceed by examining several historical cases from the history of Christianity in the West to see how the issue of religious toleration has been dealt with under various circumstances: when the Christian Church was ascendant, when it was at the zenith of its temporal power, and when the Church’s power was on the decline. The first case I explore is from the early 5<sup>th</sup> century when St. Augustine was addressing the Donatist controversy in Northern Africa at a time when Christian orthodoxy was becoming increasingly aligned with the power of the Roman Empire. The next period I address is 13<sup>th</sup> century Christendom, when St. Thomas Aquinas faced a political landscape of confessional states seeking to devise a way to contain heretics and live with non-Christians. The final case I examine is in 19<sup>th</sup> century post-Enlightenment France and America. Through the lens of Alexis de Tocqueville, we can see how both sides of the Atlantic attempted to balance the interests of the secular nation-state with a multi-denominational version of Christianity.

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<sup>34</sup> Ibid, 1070-1071.

<sup>35</sup> Ibid, 1080.

<sup>36</sup> Ibid, 1077.

While elucidating these three key moments in the approach to religious toleration, I will highlight a complex interplay of values and draw conclusions about the driving considerations at work. A common thread runs through all of these cases: there are primarily two values, charity and prudence, which are held together in a fruitful tension when we consider the place of religion in the sociopolitical order.

### **An Interplay of Values: Truth and Freedom, Charity and Prudence**

Before discussing charity and prudence, one must situate them in the context of the dilemma at the heart of religious toleration: religious truth claims and the reality of human freedom. The first value to elucidate is truth, for it forms the backdrop in which considerations of religious toleration take place. Christianity proclaims a universal truth that pertains to all times and places. It is a truth that addresses the most essential of life's questions: Why are we here? Where am I going? Is there a God? It makes claims regarding the duty of creatures to worship the true God and requires that we act in accord with the innate dignity of beings created in the image and likeness of God. For the believer, this truth about God and the universe is worthy of being both proclaimed and defended. Far from being a stifling reality, knowledge of the truth is seen as liberating: "And you shall know the truth, and the truth shall make you free."<sup>37</sup> In contrast, unbelief is associated with darkness, captivity and corruption.<sup>38</sup>

If the truth is intrinsically linked to freedom, we are bound to consider what *kind* of freedom this might be. We thus come to the second value running throughout the religious toleration cases: the fact of human freedom. This value should not be

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<sup>37</sup> John 8:32

<sup>38</sup> Matt 4:16; Luke 4:18; Ephesians 4:22

understood as a freedom of license or a freedom *from* the interference of state authority.<sup>39</sup> A thick conception of freedom represents the freedom to do what one ought and to form one's soul so as to fulfill one's capacity as a rational, social and political animal.<sup>40</sup> Such a freedom—that befitting rational creatures—requires judgments and limits. That is, it is best lived in accord with the truth. The limits set by truth (i.e. X is good and is to be pursued. Y is evil and is to be avoided)<sup>41</sup> are particularly important in a postlapsarian world. After the fall, as a result of original sin, humans struggle to use their freedom to grow in virtue; it is much easier to use freedom to feed one's base desires.<sup>42</sup> Freedom used in service of the appetites is actually no freedom at all.<sup>43</sup> The thick notion of freedom expounded here, rather than being in opposition to and stifled by the truth, is thus *in need of* the truth—about human nature and the good.

The integration of truth and freedom as necessary for living the good life, a life of virtue, a life of happiness and flourishing is an idea present in the Western tradition since Plato and Aristotle.<sup>44</sup> Their insights about human nature are powerful, but they are limited to the pursuit of natural virtue in the *saeculum*—the temporal reality. Christianity was revolutionary not least because it expanded our horizon to include a conception of a fuller reality outside of time—*aeternitas*—and a *telos* beyond the achievement of mortal happiness—the eternal beatitude of the immortal soul. *Aeternitas* is not only to be

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<sup>39</sup> This type of liberty is famously referred to as “negative liberty” in Isaiah Berlin, *Two Concepts of Liberty; an Inaugural Lecture*, 1959. Benjamin Constant referred to this individualistic liberty as the “liberty of the moderns.”

<sup>40</sup> In expanding Aristotle's definition, Aquinas calls man a “civic and social animal” (*ST*, I.11, Q72 A4).

<sup>41</sup> See Aquinas' first precept of the natural law (*ST*, II.1, Q94 A2).

<sup>42</sup> See Augustine's *Confessions* (II. 9-14) and his reflections on sin, particularly his examination of his theft of the pears where the sinful desires of pride, curiosity, and idleness are ultimately desires to be like God.

<sup>43</sup> This is the moral of Plato's reflections on the soul in the *Republic*. The tyrannical man is the least free because he is a slave to his passions. The philosopher, in contrast, who possess knowledge of the Good and orders his life in accord with reason, is the freest and happiest of men.

<sup>44</sup>In particular see Aristotle's *Nichomachean Ethics*, Book I

distinguished from the *saeculum* because it is unending, but because it contains the fullness of truth, the reality beyond the mere appearances of this time-bound existence. Plato too had the intuition (famously expressed in his allegory of the cave) that this world of becoming and corruption is but a mere shadow and that a higher realm of existence is actually the object of our desire for knowledge. More than a Platonic realm of Ideas, Christianity concretizes this notion: eternity is a place outside of time where the true, the good, and the beautiful will finally be known. St. Paul expresses this in his Letter to the Corinthians, writing, “We see now through a glass in a dark manner; but then face to face. Now I know in part; but then I shall know even as I am known.”<sup>45</sup>

If the advent of Christian revelation altered perspectives of time and reality, virtue too was super-naturalized; faith hope and charity were added to the (Platonic) classical virtues of wisdom, courage, temperance, and justice. Possession of the supernatural virtues makes a life not simply happy in the temporal order, but also sanctified, and thus happy in eternity. In a significant departure from the ancient conception of virtue, the supernatural virtues cannot be attained without supernatural aid in the form of grace.<sup>46</sup> Of the supernatural virtues, pride of place is given to charity (*caritas*) or love. Indeed, St. Paul continues his Letter to the Corinthians: “And now there remain faith, hope, and charity, these three: but the greatest of these is charity.”<sup>47</sup> Charity or *caritas* as a virtue calls us beyond the love of self (for Augustine, *amor sui*) to a love of our neighbor. The

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<sup>45</sup> 1 Corinthians 13:12.

<sup>46</sup> I will bracket here the theological divide between Catholics and Protestants of the Reformed tradition on precisely how divine grace operates in sanctification. The Catholic understanding is that the sacraments are vehicles for divine grace and that sanctification is an ongoing process taking place throughout the lifetime. Indeed the life of grace for the believer can be lost due to mortal sin and restored through the reception of the sacrament of Penance. See *Catechism of the Catholic Church* #1426.

<sup>47</sup> 1 Cor 13:13

love of neighbor involves moving beyond the seeking of our own good to the willing of the good of another. Most obviously, charity encompasses a care for the good of our neighbor's body; this notion accords with our more colloquial idea of the term charity, and might be exemplified in the operation of hospitals, shelters, food pantries and the like. However, since the temporal world is passing away (indeed even the most cared-for body eventually does as well), we must ultimately will the good of our neighbor's immortal soul. The spiritual good thus takes precedence over the temporal good (though by no means is this unimportant). For Augustine and Aquinas, because human beings have immortal souls, the ultimate good of our neighbor is eternal beatitude, and thus charity towards one's neighbor means always keeping this final end in mind. On the scale of the political, this involves a care for the good of the community or the common good, where the good of that community's constituents is conceived of as not only the attainment of human flourishing here (as Aristotle would have it), but happiness in the hereafter.

We have seen that charity involves the love of neighbor such that I will his good, and willing the good for my neighbor requires a concern for his temporal good, but above all, for his spiritual good. To be clear, I do not mean to set the spiritual good of one's neighbor over and against his temporal good. Indeed the two are intimately linked insofar as the highest spiritual good is not merely a matter of intellectual ascent to a series of religious propositions but involves the performance of the small, concrete actions in the service of others. To practice a self-giving care for the everyday needs of others with whom we share a particular place is to pursue both their (and our) temporal and spiritual goods.

Having discussed the interrelation of truth and freedom with charity, an important puzzle remains: In political life, how are we to balance the truth claims of religion, the fact of human freedom (and fallenness), and the call to charity? Here prudence is an indispensable virtue. Politics is the art of the possible; organizing our common life requires careful consideration of concrete circumstances, the character of the people and the nature of the time and place. Prudence, then, is the means by which a political community can live the truth in freedom and charity. At the level of the individual in the community, prudence might involve the decision to break an unjust law or it might involve discerning that, though the law in question is unjust, to disobey it would cause grave scandal, and so one ought to follow it.<sup>48</sup> At the level of the polity, prudence might dictate that a particular vice in public life is so pernicious that it must be outlawed. Alternately, prudential consideration might determine, in a different place and time and with people of a less virtuous nature, that to forbid that same vice would in fact bring about greater harm.<sup>49</sup> Prudence in politics involves an integration of universal truth with the concern for the common good of a concrete political community. The common good is always spoken of in reference to its context, or its *place*; such considerations of place encompass such particulars as the character and history of a people, their geography, and the size and scope of their polity.

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<sup>48</sup>ST, II.I. Q 94-97

<sup>49</sup> ST, II.I Q96 A2

## **Religious Toleration in Various Historical Contexts**

What follows are brief overviews of the three historical cases to be discussed in this project. In each chapter, a fuller account of the interplay of charity and prudence in these cases will be presented.

### *Augustine and Coercion of the Donatists*

St. Augustine, living in northern Africa during the late Roman Empire confronted several Christian heresies, but the one we shall focus on here is the Donatist controversy. The Church was still ascendant (in 380 Emperor Theodosius had made Nicene Christianity the official religion of the Roman Empire) and, especially in northern Africa, was not fully unified. We find that early on in the controversy, Augustine's views on the coercion of the Donatists were relatively tolerant; he preferred to win converts through persuasion rather than with the aid of state force. However, particularly after Rome issued the Edict of Unity (405) siding with the Catholics and penalizing the Donatists for heretical practices, Augustine came to more readily accept the use of force to bring dissenters back into the fold. I argue that underlying this evolution in views is the virtue of prudence, particularly manifested in an attention to what is possible in a given time and place. Early on in the controversy, northern Africa was a Donatist stronghold and Rome had not yet officially sided with the Catholics. Doubtless, the Donatists represented a real threat to the social fabric and (especially the Circumcellions) were prone to engage in violence. Nonetheless, Augustine was at first reticent to forcefully coerce heretics, as when he instructed a father that his Donatist daughter was not to be physically compelled to leave the sect. In part he feared that the Catholics could not absorb the false converts that would attempt to join the church simply out of fear of coercion. Later in the



controversy, and particularly when writing to Donatist leaders, Augustine strikes a less tolerant tone, essentially telling the Donatists that they are reaping what they have sown, in the form of violent coercion. With the support of the state, Augustine saw that coercion was effective in gaining converts and that they could be absorbed into his fold. Throughout these varying circumstances, we can observe that Augustine attempted to act with prudence, but we also can discern that his varying prudential approaches to the toleration of heresy were motivated by *caritas*—a love that wills the highest good of one's neighbor. As we shall see, Augustine's notion of *caritas* sometimes calls for the compulsion of a wayward neighbor.

#### *Aquinas on Coercion of Heretics and Toleration of Unbelievers*

For St. Thomas Aquinas, writing in the 13<sup>th</sup> century, at a time when the Church was firmly established as both a spiritual and political power in the West, the confrontation with religious dissent remained inevitable. Certainly there were Jews and Muslims (to a lesser extent), living within the boundaries of Christendom, but the more formidable difficulty was posed by the presence of heretics, particularly the Cathars in southern France, whom Aquinas' Dominican order had been charged with converting or ferreting out via the Inquisition. As he writes in the *Summa theologiae*, for Aquinas, the conditions for religious toleration depended first on whether the dissenting position was held by a heretic or an unbeliever. Heresy comes in for harsher treatments as it represents a breach of faith and a threat to the belief of the most susceptible among the faithful. Heretics, therefore, are to be subjected to greater repression than that applied to unbelievers because their belief represents the breaking of a promise and a more

immediate threat to the common good. Unbelievers, particularly Jews, were to be tolerated in their rites and their children not subject to forced baptism, as their beliefs did not represent a breach of faith with the community. Whether prudence dictated that non-violent rhetorical persuasion be employed against heretics or more forceful coercion be meted out by the state, the animating principle for Aquinas remained the same—*caritas*—love of God and love of neighbor, manifested in a solicitude for the common good.

### *Tocqueville on the Separation of State from Church*

If the question facing Augustine and Aquinas in the pre-modern West was how to handle religious dissent in a Christian society where the state and Church were closely allied, the challenge for Tocqueville (and even more so for religion today) is that it finds itself *in need of* toleration in a society determined to maintain a wall of separation between church and state. With the Enlightenment, the script was flipped. Tocqueville was addressing a society where this change had just occurred: the tie between throne and altar had been severed, and secular rule constituted the new order. He makes a strong argument for the secular state to respect religion, as it is invaluable to the preservation of democracy. It would have been difficult for him to argue to committed secularists that they should support religion because its claims are true. Rather, he counsels the secular state on the most prudent course with respect to religion, and reminds them that a democratic people, if they are to remain free (in the fullest sense), require religion.

I conclude this project with some reflections on what the foregoing cases have to say to us in the current year, when the relationship between church and state is characterized by separation and neutrality towards religion. Given this starting point, to advocate for a confessional state that merely tolerates religious dissent, would most certainly be imprudent. There are ways, however, that the secular state can become more accommodating towards religion, recognizing that the limits and criteria it provides are necessary both for a free people and a functioning democracy.

## Chapter 2

### Toleration and Coercion in the Thought of St. Augustine

If we understand tolerance as a virtue exercised with prudence and attention to the circumstances of a place, then St. Augustine's views on the coercion of religious dissenters, which appear to have evolved from a position of relative tolerance of the Donatist sect to one of intolerance, can be more readily understood. We can further discern that, underlying these varying prudential approaches to toleration of heresy, is the virtue of *caritas*—a love that wills the highest good of one's neighbor. Like the work of a court, Augustine's counsel is dispensed on a case-by-case basis, yet an overarching principle is discernable. For instance, we find that in advising a father alarmed that his daughter had joined the Donatists, Augustine counsels that she not be compelled, but permitted to return in "the free exercise of judgment" (Letter 35). In addressing a Roman official, he advises against "surgical removal" of the tumor of heresy (Letter 86), and while counseling a fellow bishop encountering the Arian heresy, Augustine writes that experience proves many people benefit from compulsion "through fear or pain" (Letter 185). Augustine's toleration is not manifested in a neutrality towards the good, but rather, he is continually seeking to advance his conception of the true end of man and the role of

the state in maintaining just public order. We find that in different circumstances prudence dictates that toleration is or is not warranted. We can further discern an overarching purpose in these letters: Augustine is a pastor of souls, and, in charity he desires that they attain their final end through repentance (Letter 100). Only rarely and reluctantly, does he accept the use of state power to coerce dissenters. In the main, Augustine's letters on the Donatist controversy exhibit the virtue of *caritas*.

The focus in this chapter is Augustine's views on treatment of heretics, rather than his views on unbelievers like pagans or Jews (for whom he advocated toleration) because in his views on the treatment of heretics, we can see the space where toleration becomes coercion; we see the rationale for that time when tolerance is at an end.

### *The Received Tradition on Heresy*

Before proceeding with an analysis Augustine's writings on the Donatist controversy, some introductory remarks are needed to provide context for this struggle against a heretical sect. The first point to note is that, by the 4<sup>th</sup> century, there is no set, systematic way of handling dissenters. We can, however, examine some of the received notions regarding heresy and the way it was conceptualized as a sort of threat or contagion in the community of the faithful. Demons were seen as ultimately responsible for heresy, thus tolerance of such evil was thought to provoke the wrath of God and be ruinous for the locality. Heresy was also traditionally conceptualized "as an illness or contagion [which]...pointed in the direction of thorough cleansing: that alone would

remove all the spores of the carried infection.”<sup>50</sup> Burning, which had been employed against the Manichees and sorcerers, was seen as achieving this cleansing. Warnings of heresy’s imminent danger to souls and to society were bolstered by scriptural references. One common interpretation, dating back to Origen, compared the foxes that spoil the vine in the Song of Songs (2:15) to heretics: “Catch for us the foxes, the little foxes that ruin the vineyards, our vines that are in bloom.”<sup>51</sup> Reports of heretics refer also to their feigned high morality which served to attract victims to their movement. Tertullian uses the scriptural language of wolves in sheep’s clothing, saying: “The Lord teaches that many ravening wolves will come in sheep’s clothing. What is sheep’s clothing, but the outward appearance of the name of Christian? What are these ravening wolves, but those thoughts and treacherous spirits which hide within [the name of Christian] to infest the flock of Christ?”<sup>52</sup> While there was a clear antipathy towards heretics and an understanding that they posed a serious threat, less certain were the procedures for confronting, investigating, and punishing heretics.

Initially for Augustine, the legitimacy of the use of force against heretics remained an open question. However, prior to engaging his thought on the question of the treatment of heretics, we should first examine how he defines the term. In Book 18 of the *City of God*, he writes: “[T]here are those in the Church of Christ who have a taste for some unhealthy and perverse notion, and who if reproved—in the hope that they may acquire a taste for what is wholesome and right obstinately resist and refuse to correct

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<sup>50</sup> Malcolm Lambert, *The Cathars* (Oxford: Blackwell Publishers, 1998), 9. He refers to R. I. Moore and Robert Ian Moore, *The Origins of European Dissent* (B. Blackwell, 1985), 246–50.

<sup>51</sup> Lambert, *The Cathars*, 9.

<sup>52</sup> Edward Peters, *Heresy and Authority in Medieval Europe: Documents in Translation* (Philadelphia: University of Pennsylvania Press, 1980), 29.

their pestilent and deadly dogmas, and persist in defending them. These become heretics when they part company with the Church, they are classed among the enemies who provide discipline for her.”<sup>53</sup> He goes on to explain that, even in their grievous errors, heretics serve the Church by training her members to patiently endure bodily suffering, helping them to grow in wisdom, or by causing them to exercise benevolence towards their enemies in the form of instruction or discipline.

We must note two important aspects of Augustine’s definition of the heretic. First, we can see that false belief alone is not sufficient to make one a heretic; it is *obstinacy* after correction and persistence in error that separates this type of dissenter from the Church. Further, not all those that obstinately dissent from the Church can be considered heretics. The above definition of heretic begins with reference to “those in the Church of Christ,” illustrating that Augustine does not consider non-Christians to be in the same position as heretics. Heretics are seen as traitors in need of correction and repentance. In the case of non-Christians, however, Augustine displays greater patience, recognizing that there can be a blindness which keeps them outside of the Church.<sup>54</sup> Coercion of heretics, however, is perceived as part of the Church’s pastoral duty to rescue wayward sheep. In analyzing Augustine’s reticence when it came to coercion of pagans, R.A. Markus draws this illuminative distinction: “With pagans it had been a question of

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<sup>53</sup> St. Augustine, *De Civitate Dei* 18.51. DCD citations are from St Augustine, *City of God*, trans. Bettenson, Henry, 14th edition (London: Penguin Classics, 1984).

<sup>54</sup> For instance, in his *Tractatus adversus Iudaeos*, Augustine writes of the proper attitude of Christians towards the Jews: “[W]hether the Jews receive these divine testimonies with joy or with indignation, nevertheless, when we can, let us proclaim them with great love for the Jews. Let us not proudly glory against the broken branches; let us rather reflect by whose grace it is, and by much mercy, and on what root, we have been ingrafted. Then, not savoring of pride, but with a deep sense of humility, not insulting with presumption, but rejoicing with trembling, let us say: ‘Come you and let us walk in the light of the Lord’ ...” St Augustine, “Treatise against the Jews,” available online at *Roger Pearse* (blog), June 11, 2015, <https://www.roger-pearse.com/weblog/2015/06/11/augustines-treatise-against-the-jews/>.

forcing them to accept a truth to which they were blind and to accept a historical destiny expressed in the Christian Church and its alliance with the Roman Empire. With the Donatist schismatics it was a matter of *recalling* them to the flock to which they rightfully belonged and from which they had strayed.”<sup>55</sup>

### *Assessments of Augustinian Toleration*

Before advancing my own claims regarding Augustine’s motivations for eventually advocating the coercion of heretics, I want to begin by surveying several of the positions taken in the literature on Augustinian toleration. The Augustinian move towards approval of coercion in matters religious is frequently seen as part of a larger narrative in which the Church performs the ultimate about-face; formerly persecuted under the Roman Empire and preaching toleration, the newly ascendant Church becomes an advocate for persecution of dissent once in possession of Imperial backing. Peter Garnsey remarks on “how speedily and comprehensively the principle of religious freedom...was abandoned once Christianity captured the throne,” noting that the “Christian church...stands accused, and convicted, of intolerance toward pagans, Jews and nonconformists within its own ranks.”<sup>56</sup> Garnsey argues that Augustine’s efforts to defend a theory of “just persecution” distinguish him sharply from earlier Christians like Tertullian and Lactantius, who insisted that the Roman emperors ought not to persecute

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<sup>55</sup>*Saeculum: History and Society in the Theology of St Augustine* (Cambridge University Press, 1970), 142.

<sup>56</sup>“Religious Toleration in Classical Antiquity,” in *Persecution and Toleration: Papers Read at the Twenty-Second Summer Meeting and the Twenty-Third Winter Meeting of the Ecclesiastical History Society*, ed. W. J. Sheils, *Studies in Church History* 21 (Oxford: Published for the Ecclesiastical History Society by B. Blackwell, 1984), 2.



Christians on the basis that religious belief cannot be compelled.<sup>57</sup> For Garnsey, then, Augustine's coercive turn essentially represented a power-grab that ran counter to the prevailing tradition of non-compulsion in religious matters. Other scholars, accepting the idea of this coercive doctrine in Augustine, seek to situate it within his larger political vision. Some view Augustine's ultimate approbation of the coercion of Donatist heretics as consistent with an overall Augustinian political project that they see as illiberal and authoritarian. Others view his position on the coercion of heretics to be "tragic" and in tension with his general acceptance of a pluralist secular order.<sup>58</sup>

William Connolly is among those who interpret Augustine's political vision as essentially authoritarian. While not addressing the Donatist controversy in detail, Connolly draws out the political implications of Augustine's confessional theory and practice; he sees it reinforcing patterns of control and exclusion. According to Connolly, following Augustine's own conversion experience, related in the *Confessions*, Augustine devoted "energy to settling the context of authority through which others confess in turn," thus establishing a "politics of confessional identity."<sup>59</sup> He writes that, "A stable culture of confession needs a set of supporting institutions...[with] authorities available to nudge the confessors in the right direction."<sup>60</sup> This reliance upon authority Connolly terms the "Augustinian Imperative," or "the insistence that there is an intrinsic moral order

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<sup>57</sup>Ibid., 17.

<sup>58</sup> John von Heyking categorizes the literature in this manner. *Augustine and Politics as Longing in the World* (Columbia, MO: University of Missouri Press, 2001), 223. For von Heyking, works in the former category include William Connolly's *Augustinian Imperative* (1993) and W.H.C. Frend's "Augustine and State Authority: The Example of the Donatists" (1987), while R.A. Markus' *Saeculum* (1970) best exemplifies the interpretation that Augustine's acceptance of coercion was a "tragic" inconsistency in his thought.

<sup>59</sup> *The Augustinian Imperative : A Reflection on the Politics of Morality* (Rowman & Littlefield, 2002), 67.

<sup>60</sup> Ibid.

susceptible to authoritative representation.”<sup>61</sup> Connolly asserts that this view of authority necessarily runs into difficulty when confronted with religious difference. Thus, he terms the “Augustinian Temptation” as that temptation to “translate a series of alternative faiths that deviate from the intrinsic order you confess into instances of blasphemy, heresy, evil, infidelism, or nihilism”; it is manifested in “the imperious desire to inhabit a world in which everyone confesses your faith.”<sup>62</sup> Indeed, the labelling of religious difference as heretical or inferior is accompanied by a belief that the Church’s moral order ought to be supported by the political means.<sup>63</sup>

Like Connolly, R.A. Markus is troubled by Augustine’s stance on religious coercion, however Markus see this position as a departure from the body of Augustine’s political thought on the *saeculum* and its limitations in advancing a vision of the good life for its citizens. Markus defines the “*saeculum*” as the temporal reality, or that span of time in which the City of God and the City of Man are necessarily intertwined.<sup>64</sup> It is characterized by a secularization of history (as it lacks “ultimate significance” beyond the scriptural canon), the secularization of the state (insofar as it has “no immediate relation to ultimate purposes”), and the secularization of the Church (in that, in its social existence, it is bound up with the world, not separate, pure and distinct from it). He reads

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<sup>61</sup> *The Augustinian Imperative*, xxvii.

<sup>62</sup> *Ibid.*, xviii–xix.

<sup>63</sup> Connolly’s assessment of Augustine’s “politics of confession” is ably countered by Robert Dodaro. He faults Connolly with failing the accurately situate Augustine within his theological and historical context. Theologically, the authoritative doctrines to which Augustine subscribed were developed prior to and existed after his time; indeed, belief in many such doctrines (like an omnipotent God presiding over the moral order) was shared with Donatists and Pelagians. Further, in the context of late antiquity, theoretical foundations for “religious tolerance” were lacking in Christian *and* non-Christian ancient religions. “Augustine’s Secular City,” in *Augustine and His Critics*, ed. R.J. Dodaro and George Lawless (London: Routledge, 2005), 240.

<sup>64</sup> *Saeculum*, 133.

Augustine's vision for the political order as 'pluralist' in the sense that "it is neutral in respect of ultimate beliefs and values."<sup>65</sup> Not surprisingly, Markus has great difficulty reconciling Augustine's "notorious defense of religious coercion" with this interpretation of the body of Augustine's work.<sup>66</sup> He repeatedly laments this "unresolved tension," suggesting that, "had Augustine thought of this issue in terms of the proper function of the 'state', he might have come to take another view of the matter than he did."<sup>67</sup> Markus then advises looking to his "reconstructed" version of the political implications of Augustine's theology rather than to "remain content with what he actually said about the duties of Christian rulers and subjects."<sup>68</sup>

I will argue that some of this tension can be alleviated when we consciously step outside modern categories, eschewing attempts to label Augustine's political thought as either liberal pluralist or illiberal authoritarian. To begin with, the modern formulation of the church /state dichotomy can be misleading when applied to late Roman antiquity. Instead of faulting the Church for shrewdly harnessing the coercive powers of the Empire against heretics or blaming the Empire for its authoritarian zeal in quashing dissent (with the Church as a mere bystander), Peter Brown cautions that we must adjust our concept of church and state as to more accurately reflect the "symbiosis" that existed between ecclesial and Imperial authority.<sup>69</sup> Importantly, Roman laws punishing Donatists through

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<sup>65</sup> Ibid., 151.

<sup>66</sup> Ibid., 134.

<sup>67</sup> Ibid., 152. I contend that Augustine's consideration of the "proper function of the state" would not have yielded the conclusions Markus hopes for, particularly because the church/state dichotomy as we understand it was not operative in late Roman antiquity.

<sup>68</sup> Ibid., 153. In this chapter, I will be focusing on "what he actually said" as I believe it will provide clearer picture of Augustine's actual intentions and the animating principles at work throughout his writings on the church and the political order.

<sup>69</sup> *Religion and Society in the Age of St. Augustine* (New York: Harper & Row, 1972), 302.

the loss of civic rights or the imposition of heavy fines were proposed as acts of ‘Unity.’<sup>70</sup> Thus, we see that what provided for unity in the body politic in northern Africa was that which supported the unity of the Catholic Church.

Further, liberal ideas about toleration and coercion do not easily transfer to the realities of Augustine’s time. John Bowlin claims that in that in the “rough and tumble North African church of the late fourth and early fifth centuries” toleration of religious minorities was rare and coercion was a fact of life: “In business and in family life, and eventually in the relations between a bishop and his flock, coercion was an ordinary feature of the North African moral landscape.”<sup>71</sup> In contrast with the liberal approach to religious matters, with Augustine we do not find a principled defense of a universal ‘right to religious freedom,’ the protection of which would come prior to any consideration of the good and the true. Prudence—the use of practical wisdom in pursuit of the good—demands caution at the invocation of such universals. Thus, policies of toleration are prudent while they help avoid greater evils (i.e. *ficti* or false converts for the church to absorb, violence against dissenters, scandal to the faithful, or overweening emperors taking advantage of the situation). While a whole host of evils can result from more forceful policies of coercion, where the good is best served through coercion Augustine advocates for it, mainly as a matter of last resort with the most recalcitrant of heretics. I will argue that religious toleration for Augustine is ultimately a prudential judgment, animated by *caritas*. To love one’s neighbor and will his good entails both a concern for

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<sup>70</sup> Ibid., 305.

<sup>71</sup> “Augustine on Justifying Coercion,” *The Annual of the Society of Christian Ethics* 17 (1997): 50–51.

his eternal destiny and a recognition that, even in this life, true freedom requires discipline.

### **Distinguishing Liberal from Augustinian Toleration and Coercion**

In order to adequately assess Augustine's position on the toleration or coercion of religious dissenters, we must understand his thoughts on these topics in their proper context. Quentin Skinner criticizes a tendency among scholars to abstract ideas from their original context. We can see this tendency on display in works that seek to explain 'toleration' in Augustine and end up finding him 'intolerant' by contemporary standards. According to Skinner, part of the difficulty with approaching the history of ideas by "abstracting particular arguments from the context of their occurrence" lies in the various ways in which these key concepts (whether it is 'toleration,' 'state,' 'justice,' or 'nature') can be utilized in different thinkers' arguments.<sup>72</sup> For the current study, it is important to begin by noting that the modern liberal understandings of religious toleration and coercion do not transfer well to Augustine. We should therefore be careful distinguish the term as it is understood by liberals from how it was understood by Augustine.

Any discussion of the liberal tradition of tolerance must include Locke's *Letter Concerning Toleration*. He argues against the use of state coercion in religious matters, writing that, in a religiously pluralist society, one ought to resort only to persuasive argument when confronting religious difference. He cautions: "Any one may employ as

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<sup>72</sup> *Visions of Politics : Regarding Method*, 1st edition (Cambridge ; New York: Cambridge University Press, 2002), 86–87.

many exhortations and arguments as he pleases, towards the promoting of another man's salvation. But all force and compulsion are to be forborn. Nothing is to be done imperiously."<sup>73</sup> Jean Elshtain accurately assesses Locke's move in the *Letter*; he is cleaving a gap between the realm of governance and the private realm of religious conviction. She writes:

[Locke] draws up a map separating soulcraft, the world of religion, from statecraft, the realm of the government. One can be a citizen of each so long as religion means freedom of conscience rather than strong institutional loyalty to an autonomous religious body that engages society in all its aspects and is itself a particular form of governance. Locke argued that his separation of statecraft and soulcraft created terms that would serve toleration for all religions—save atheism and Roman Catholicism, neither of which was to be tolerated.<sup>74</sup>

She refers to Locke as a “prophet” of “liberal monism,” or the idea that, in democratic society, the public sphere must be one, conforming to a “single authority principle,” governed by a certain type of rational discourse. In this scheme, religion is a private matter and any sort of public religion would represent a threat to civic life.<sup>75</sup> Understanding the liberal conception of religious tolerance can help us confront the preconceived notions that we bring when evaluating Augustine on this question.

John Rawls can further elucidate the contemporary liberal notion of toleration. He develops the idea of what constitutes acceptable rational public discourse. Whereas Locke finds religious rhetoric (but not the force of the state) to be permissible in convincing others of our viewpoints, Rawls argues that believers, when engaged in debate in the public square, should translate their religiously-informed arguments into

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<sup>73</sup> Locke, *A Letter Concerning Toleration*, 57.

<sup>74</sup> “Religion, Enlightenment, and a Common Good,” in *Religion, the Enlightenment, and the New Global Order*, ed. John Owen and J. Judd Owen (Columbia University Press, 2011), 60.

<sup>75</sup> Ibid.

widely accessible “public reason.”<sup>76</sup> In writing of salvationist religions, Rawls writes that believers should bracket their comprehensive doctrines; they should “not put forward more of [their] comprehensive view than [they] think needed or useful for the political aim of consensus.”<sup>77</sup> Further, in the face of a plurality of incompatible, yet reasonable, comprehensive religious, philosophical, and moral doctrines, Rawls contends that we must look for “overlapping consensus” among these doctrines.<sup>78</sup> In this consensus, he says that these comprehensive reasonable doctrines “endorse the political conception [of justice], each from its own point of view”; this, in turn, lends unity and stability to society.<sup>79</sup> For Rawls, the possibility of a society united behind one comprehensive doctrine is foreclosed due to the “fact of reasonable pluralism together with the rejection of the oppressive use of state power to overcome it.”<sup>80</sup>

I highlight these Rawlsian arguments to demonstrate the development of liberal monism—a commitment to a privatized religion that merely lends legitimacy and a bolsters the stability of the liberal regime—and to make the contrast with Augustinian notions of toleration plain. Augustine does not value (for its own sake) pluralism in matters of religious truth claims, and thus would not seek to achieve an overlapping consensus with what he sees as a dangerous heretical sect like the Donatists. To the extent that toleration has value, it is as a *modus vivendi*; a dangerous sect might be tolerated in the hope of avoiding greater evil, but ultimately, this is a matter of prudential concern. For Augustine, toleration involves forbearance, or putting up with those in error

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<sup>76</sup> *Political Liberalism*, 2nd edition (New York: Columbia University Press, 2005), 216–20.

<sup>77</sup> *Ibid.*, 153.

<sup>78</sup> *Ibid.*, xvi.

<sup>79</sup> *Ibid.*, 134.

<sup>80</sup> *Ibid.*, 146.

for the sake of the common good. Recall the conception of toleration on display in Letter 105. Addressing the Donatists (c. 409/410) Augustine references the Parable of the Wheat and the Tares (Mt 13, cited at the start of this work), saying: "...[W]e tolerate them until the time of harvest or winnowing...[f]or we do not want because of them to uproot the corn or remove the bare grains from the threshing floor by cleansing them before time..."<sup>81</sup> Thus we see one evil to be avoided through the exercise of toleration is the prevention of scandal ("uproot[ing] the corn") that repression would bring about among the most vulnerable of believers—the poor, the uneducated, the newly converted—whom Augustine refers to as "little ones."

Another term requiring clarification is that of 'coercion.' We make a mistake if we are to apply, for instance, Mill's "harm principle" regarding the only appropriate and justifiable use of coercive measures. According to Mill, "[T]he sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection."<sup>82</sup> In Mill's conception, individual liberty consists in non-interference on the part of state authority, as long as no other individual is being "harmed." We might note that there are numerous instances in which an individual's unfettered exercise of his liberties might result in grave harm to himself, and in such cases we might suspect that state coercion is warranted. Mill addresses this matter in his famous bridge example, where we see that an individual, in danger of *physical* harm that he does not *knowingly desire* for himself, may be coerced (prevented from engaging in the dangerous action). Mill explains, "If either a public officer or any

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<sup>81</sup>Letter 105.16 in Atkins, E.M. and Dodaro, R.J., *Augustine*, 172.

<sup>82</sup> *On Liberty*, 13.



one else saw a person attempting to cross a bridge which had been ascertained to be unsafe, and there were no time to warn him of his danger, they might seize him and turn him back, without any real infringement of his liberty; for liberty consists in doing what one desires, and he does not desire to fall into the river.”<sup>83</sup> The individual in this example actually desires to cross a bridge, but unwittingly, is about to suffer grave physical injury. We can ascertain that, for Mill, coercion is warranted when—possessing more knowledge about the truth of the situation—a public officer prevents imminent physical harm to an individual and facilitates that individual’s attainment of his desired end.

For Augustine, the justification for state coercion in religious matters goes well beyond the harm principle (though certainly actual physical harm caused by heretics could justify their compulsion at the hands of the state). If we are to understand Augustine’s position on the coercion of heretics, we do well to consider the use and meaning of coercion in proper historical context. For a provincial bishop, coercion in some form was one of the ‘facts of life,’ whether utilized in Roman military culture, in family relations, or in the relationship of a bishop and his people.<sup>84</sup> Indeed, Augustine had already witnessed the role of Roman authorities in suppressing and bringing about the somewhat unexpected and hasty demise of paganism when he wrote in his first public work against the Donatists (published in 400): “Christian Roman Emperors have an unquestioned right of *cohercitio*...to punish, restrain and repress, those impious cults over which God’s providence had given them dominion.”<sup>85</sup> He contended that the prophetic

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<sup>83</sup> Ibid., 88.

<sup>84</sup> Brown, *Religion and Society in the Age of St. Augustine*, 261. Cited in Bowlin, “Augustine on Justifying Coercion,” 51.

<sup>85</sup> Brown cites *Contra Epistulam Parmeniani VIII*, 15 (51, 35) in “St. Augustine’s Attitude to Religious Coercion,” *The Journal of Roman Studies* 54 (1964): 110.

truth that the Church be diffused among all nations was coming to pass, as evidenced by the submission of paganism throughout the Roman Empire and the continuing repression of heretics.<sup>86</sup> Further, we should note the meaning of coercion as Augustine understood it. He uses the term “coercion” loosely, to mean the deliberate use of force against one’s will.<sup>87</sup> Such force can be exercised with more or less severity and in various ways, three of which Augustine references in his letters on the Donatists and to which the sect was subjected. Under a less severe form of coercion, one can be given an *incentive* to refrain from doing what one wants (as with the threat of a fine, referenced in Letter 93). One can also be *restrained* from doing what one wants as, Augustine says, a doctor does with a madman, or one can be *compelled* to do what one does not want or intend to do as a father does with an undisciplined son (see Letter 185).<sup>88</sup>

To aid the comparison of justifiable coercion in the Augustinian and Millian frames, it is helpful to juxtapose their driving analogies. In his bridge example, Mill approves of coercive measures in the service of bodily integrity and when there is a failure of adequate knowledge on the part of the subject, such that he will be rendered unable to achieve his desired aim. We can contrast this with the example that Augustine provides in Letter 93 (written to the heretical bishop Vincentius), of one delirious with a fever. Here too we see an individual lacking adequate knowledge who ends up grateful for having been spared an unfortunate fate.

For if any one saw his enemy running headlong to destroy himself when he had become delirious through a dangerous fever, would he not in that case be much more truly rendering evil for evil if he permitted him to run on thus, than if he took

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<sup>86</sup> Ibid.

<sup>87</sup> Coercion is being forced “*contra voluntatem tuam*,” Letter 173.4, cited in Bowlin, “Augustine on Justifying Coercion,” 49.

<sup>88</sup> Bowlin, “Augustine on Justifying Coercion,” 49 provides this three-way breakdown of coercion.

measures to have him seized and bound? And yet he would at that moment appear to the other to be most vexatious, and most like an enemy, when, in truth, he had proved himself most useful and most compassionate; although, doubtless, when health was recovered, would he express to him his gratitude with a warmth proportioned to the measure in which he had felt his refusal to indulge him in his time of phrenzy. Oh, if I could but show you how many we have even from the Circumcelliones, who are now approved Catholics, and condemn their former life, and the wretched delusion under which they believed that they were doing in behalf of the Church of God whatever they did under the promptings of a restless temerity, who nevertheless would not have been brought to this soundness of judgment had they not been, as persons beside themselves, bound with the cords of those laws which are distasteful to you!<sup>89</sup>

In Augustine's analogy we see that to render justice to a subject who is heading for self-destruction (and not return evil for evil), it is necessary to curtail his freedom. Whereas Mill's bridge analogy applies to saving the individual from impending physical harm, for Augustine, this person is in grave spiritual danger and the binding with the "cords of those laws" is done to serve the health of the soul. We must remember that, for Augustine, the soul is real and eternal perdition due to culpably errant belief is a live possibility, thus the care for the soul is every bit as important (more so, in fact) as care for the body. Coercion—forcing one against their free will—can be seen in this light: as an act of charity, manifesting love of one's neighbor and his ultimate end. Indeed, Augustine connects coercion with love of neighbor in Letter 173, addressed to Donatus, a Donatist priest, who had attempted suicide by throwing himself into a well:

When you threw yourself the other day into a well, in order to bring death upon yourself, you did so no doubt with your free will. But how cruel the servants of God would have been if they had left you to the fruits of this bad will, and had not delivered you from that death! ... And yet you, with your own free will, threw yourself into the water that you might be drowned. They took you against your will out of the water, that you might not be drowned. You acted according to your own will, but with a view to your destruction; they dealt with you against your will, but

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<sup>89</sup> St Augustine, "Letter 93," in *Nicene and Post-Nicene Fathers, First Series, Vol. 1*, ed. Philip Schaff, trans. J.G. Cunningham (Buffalo, NY: Christian Literature Publishing Co., 1887), <http://www.newadvent.org/fathers/1102093.htm>. Hereafter *Ep. 93*.

in order to your preservation. If, therefore, mere bodily safety behooves to be so guarded that it is the duty of those who love their neighbour to preserve him even against his own will from harm, how much more is this duty binding in regard to that spiritual health in the loss of which the consequence to be dreaded is eternal death!<sup>90</sup>

Given Augustine's conviction on the link between charity and coercion, we might wonder what concerns he initially harbored over the coercion of Donatists. Firstly, his hesitancy at imposing full coercive measures was not borne of a concern for a right to religious liberty for heretical believers. Rather, Brown argues that Augustine was most concerned that coercion would result in many false conversions and that the Church would not remain healthy if it had to absorb such an influx of *ficti*.<sup>91</sup> Through his pastoral experience as bishop, however, Augustine became convinced of the Church's ability to handle this influx and, due to his evolving thoughts on grace, he left the problem of the *ficti* to the power of God.<sup>92</sup> In his "Answer to Petilian," Augustine argues that God draws people to himself while also allowing for free will: "For how does He draw them to him if He leaves them to themselves, so that each should choose as he pleases?"<sup>93</sup> In essence, Augustine holds that the pressures exerted upon any false converts could be the means by which God draws those people to himself, until they come to their ultimate internal conversion. Understood in this sense, Augustine came to see that coercion could be a manifestation of *caritas*, bringing about the conversion and salvation of a former heretic.

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<sup>90</sup> St Augustine, "Letter 173," in *Nicene and Post-Nicene Fathers, First Series, Vol. 1*, ed. Philip Schaff, trans. J.G. Cunningham (Buffalo, NY: Christian Literature Publishing Co., 1887), <http://www.newadvent.org/fathers/1102173.htm>. Hereafter *Ep. 173*

<sup>91</sup> Brown, "St. Augustine's Attitude to Religious Coercion," 111. Indeed, Augustine cites this concern himself in Letter 93.

<sup>92</sup> *Ibid.*

<sup>93</sup> "Answer to Petilian" (Book II), Cited in Brown (1964), 112

### Augustinian Prudence in the Donatist Controversy

Having explored the Augustinian meaning and application of coercion, let us turn to the virtue used at the opposite end of the spectrum—tolerance. As previously noted, toleration should be viewed as a virtue to be exercised utilizing prudence, with careful attention paid to the particularities of a given place and time. Given this conception of toleration, we can better comprehend St. Augustine’s views on the coercion of religious dissenters which, at first glance, seem to have evolved from a position of relative tolerance of the Donatist sect to one of intolerance. After assessing Augustine’s various prudential responses at different points in the controversy, we will be able to discern an underlying, animating principle; these varying approaches to toleration of heresy are undergirded by the virtue of *caritas*—a love that wills the highest good of one’s neighbor.

To more clearly see Augustine’s exercise of prudence throughout the Donatist controversy, a brief recounting of the relevant facts of it is required. It has been said that the Donatist movement started in a schism and ended as a heresy. After the Diocletian persecution, the *traditores* (those who had “handed over” sacred vessels and books to the authorities) sought to be reconciled with the church. Donatists, whose movement was named for their second leader, maintained that these traitors needed to be re-baptized. They thus emphasized the importance of clerical purity. The heretical phase of the movement erupted over the spiritual authority of these clergy, with the Donatists maintaining that sacraments effected by these tainted individuals were not valid. In response to the Donatist claim, we get the orthodox formulation of *ex opere operator* (literally, “by the work worked”), whereby a sacrament is valid apart from the sinfulness

of the minister.<sup>94</sup> In addition to this “puritan” excess of Donatism—which itself impacted many lives and relationships—the movement was seized upon by those uninterested in the theological controversy, but disaffected with the Roman Empire’s political and economic power. The Catholics were thus regarded by many Africans as the allies of imperial Rome.<sup>95</sup> W.H.C. Frend, author of the most comprehensive and authoritative study on the Donatist movement, notes that the remarkable staying power of Donatism can be attributed to its political significance. For instance, the schism flourished in rural areas, which were typically most opposed to Roman tax-gathering, while the Catholics were strongest in the cities, areas most favorable to Roman rule.<sup>96</sup>

Among those Donatists entrenched in the countryside was a radical element known as the Circumcellions. They were called such because they lived around the shrines of the martyrs (*circum cella*).<sup>97</sup> The Donatists used the circumcellions for their willingness to engage in violent attack. According to Frend, “[W]hen there was some tough work to be done, like sacking a Catholic church or a Roman villa, or bringing some troublesome dissenters to heel, the Circumcellions would be called in.”<sup>98</sup> Augustine describes them as peasants who made their living by terrorizing the great estates.<sup>99</sup> In their religious fanaticism they were ever-prepared to become martyrs. As their activities represented a real threat to the lives and property of Catholics, to handle this danger, the Catholics came to rely on the civil power for support and protection.

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<sup>94</sup> John A. Rohr, “Religious Toleration in St. Augustine,” *Journal of Church and State* 9, no. 1 (1967): 52.

<sup>95</sup> Willis, Geoffrey Grimshaw, *Saint Augustine and the Donatist Controversy* (London: S.P.C.K., 1950), xiii.

<sup>96</sup> *The Donatist Church: A Movement of Protest in Roman North Africa*, (Oxford, Clarendon Press, 1952), cited in Rohr, 53.

<sup>97</sup> Frend, W.H.C. 173

<sup>98</sup> Frend, W.H.C. 172

<sup>99</sup> Ibid.

Geoffrey Willis divides the time of Augustine's involvement with the Donatist controversy into five distinct periods: The first period covers the years 391-395, during the priesthood of Augustine, when he began his campaign against the Donatists, but limited its reach to his diocese. The second period stretches from 395-400 and it tracks the time beginning with Augustine's rise to the episcopacy, when he had extended his anti-Donatist campaign to the entire African church. During the period from 400 to 405, Augustine realized the importance of appealing to the state for assistance. This culminated with Rome's issuance of the Edict of Unity (405), treating the Donatists as heretics by confiscating their churches and exiling their clergy. In particular, the Edict forbade rebaptism under penalty of arrest and confiscation of goods.<sup>100</sup> Augustine continued his policy of seeking state assistance in the period stretching from 405 until 411, when the Conference at Carthage was called under the auspices of the state. The final period is marked by the end of this conference; the imperial commissioner found in the Catholic Church's favor, and Augustine began to work for the return of schismatics.<sup>101</sup>

Throughout the Donatist controversy, Augustine addressed the matter primarily in letters. This lends his thinking on the issues of toleration and coercion a distinctly non-systematic character. The reader is left to construct a more generalized picture of his thought on these matters from letters, sermons, and even songs. Indeed, his earliest work on the Donatists, the *Psalmus contra partem Donati* (written 393, two years after his priestly ordination), was a didactic, alphabetical psalm. His use of song to inculcate

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<sup>100</sup> Willis, 51.

<sup>101</sup> Ibid.

Catholic doctrine and refute Donatist claims demonstrates a pastoral concern for the ability of the faithful to understand the heretical threat.<sup>102</sup> We also see in Augustine's approach a prudential ability to adopt a tactic that had proven successful in the heretical party's instruction of the uneducated.<sup>103</sup> The psalm, in 293 verses arranged in 20 strophes (with each strophe beginning with a letter of the alphabet from A to U), "tells in very simple verses the story of the origin and development of the schism, its malice, and the only possible cure for it."<sup>104</sup> The refrain of the *Psalmus* is an invitation to those who seek peace to judge the case against the Donatists. Augustine thus starts his work against the Donatists acknowledging that this division has deprived the community of peace, and indicating that his approach will be one of persuasion, not coercion.<sup>105</sup> In the epilogue, when Augustine has Mother Church speak, she "intensifies fear...calls the schismatics 'dead'...and says she awaits Christ as Judge."<sup>106</sup> The threatening, menacing tone on which the *Psalmus* ends demonstrates Augustine's belief that fear could have an important role in arousing attentiveness and prompting transformation, thus working in the service of *caritas*.<sup>107</sup> At this early stage in Augustine's handling of the Donatist

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<sup>102</sup> Augustine writes of his efforts in this regard: "Wishing even the lowliest and most ignorant people to know about the case of the Donatists, and to fix it in their memory, I wrote an alphabetical psalm to be sung to them..." Cited in Willis, 36.

<sup>103</sup> Ibid., 36.

<sup>104</sup> F. Van Der Meer, *Augustine The Bishop: The Life and Work of a Father of the Church*, trans. Brian Battershaw and G.R. Lamb (London ; New York: Sheed and Ward, 1961), 104.

<sup>105</sup> Lines 1-2 read: "*Omnes qui gaudetis de pace, modo verum iudicate*" ("All you who find joy in peace, now judge what is truth.") Cited in and translated by Paul J. J. van Geest, "Space in Coercive Poetry. Augustine's Psalm Against the Donatists and His Interpretation of the Fear of God In Enarrationes in Psalmos," *Perichoresis* 14, no. 2 (October 1, 2016): 25.

<sup>106</sup> Ibid., 28-29.

<sup>107</sup> Van Geest, in his insightful analysis of the *Psalmus*, makes this point and offers that, for Augustine, fear of God is "necessary but it is 'only' an *ancilla* of hope, joy, love, and desire." 21.



controversy, we can see he resorts to more tolerant, persuasive measures, utilizing an implicit appeal to fear in the service of the good of souls in his care.

At this same early stage in the controversy, we also see Augustine direct arguments in his Letters to a specific people in a particular circumstances. Here too, his tone is conciliatory and he emphasizes teaching and dialogue as solutions to the crisis. For instance, in Letter 22, written in 392 prior to Rome's issuance of the coercive Edict of Unity, Augustine is a new priest writing to a bishop, Aurelius. The letter evinces a sensitivity to the varying degrees of culpability among the heretics; he urges meekness towards most and severity with a few, advising that, to address the offenses of the Donatists, the bishop ought to employ:

[O]ther methods than harshness, severity, and an imperious mode of dealing—namely, rather *by teaching than by commanding, rather by advice than by denunciation*. Thus at least we must deal with the multitude; in regard to the sins of a few, exemplary severity must be used. And if we do employ threats, let this be done sorrowfully, supporting our threatenings of coming judgment by the texts of Scripture, so that the fear which men feel through our words may be not of us in our own authority, but of God himself.<sup>108</sup>

In that same year, Augustine addressed the Donatist bishop Maximin following reports that a Catholic deacon had gone over to the Donatists and been rebaptized. In his bishop's absence, Augustine took the initiative to ascertain the truth of the report and invited his interlocutor to give an account of his actions and engage in a public discussion of the matter. He wrote, "I have resolved, therefore, with such strength and opportunity as the Lord may grant, so to manage this discussion, that by our peaceful conferences, all who belong to our communion may know how far apart from heresy and schism is the

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<sup>108</sup> St Augustine, "Letter 22," in *Nicene and Post-Nicene Fathers, First Series, Vol. 1*, ed. Philip Schaff, trans. J.G. Cunningham (Buffalo, NY: Christian Literature Publishing Co., 1887), <http://www.newadvent.org/fathers/1102022.htm>. Emphasis added. Hereafter *Ep. 22*.

position of the Catholic Church, and with what care they should guard against the destruction which awaits the tares and the branches cut off from the Lord's vine." While the tone is civil and Augustine affords the Donatist the opportunity to offer an explanation, he adds an element of fear though the scripturally-based threat of eternal damnation.

As a priest, Augustinian prudential toleration in the Donatist controversy involved educating his flock on the threat posed by the heresy, attempting to persuade and debate the Donatists, and invoking the fear through the threat of God's judgment. In 396, following his episcopal ordination, Augustine demonstrates a pastor's sensitivity towards the circumstances of one of the "multitude" (mentioned in Letter 22) who has gone over to the Donatist party. In Letter 35, written to Eusebius a fellow Catholic bishop, Augustine addresses advice to his peer, using the example of the counsel he gave to a father whose daughter had run off to join Donatists. Augustine had urged the father to be lenient with his daughter; she should not be assaulted or forced to return, but must be received by her own will. He recounts the story, writing:

The daughter of one of the cultivators of the property of the Church here, who had been one of our catechumens, had been, against the will of her parents, drawn away by the other party, and after being baptized among them, had assumed the profession of a nun. Now her father wished to compel her by severe treatment to return to the Catholic Church; but I was unwilling that this woman, whose mind was so perverted, should be received by us unless with her own will, and choosing, in the free exercise of judgment, that which is better: and when the countryman began to attempt to compel his daughter by blows to submit to his authority, I immediately forbade his using any such means.<sup>109</sup>

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<sup>109</sup> St Augustine, "Letter 35," in *Nicene and Post-Nicene Fathers, First Series, Vol. 1*, ed. Philip Schaff, trans. J.G. Cunningham (Buffalo, NY: Christian Literature Publishing Co., 1887), <http://www.newadvent.org/fathers/1102035.htm>. Hereafter *Ep. 35*.

In this case, we can see Augustine making a prudential judgment that the error of this young woman be tolerated and that she not be subject to violent coercion. He acknowledges that, if she were to return due to her father's use of force, her conversion might not be sincere. He did not want her received by the Church if her mind was still in such a "perverted" state. This concern seems to be both for the woman's free will and for the integrity of the Church.

We see Augustine become more accepting of coercive action against heretics following Rome's increased involvement in settling the controversy. With the issuance of the Edict of Unity in 405, Donatist clergy and laypeople were essentially coerced into uniting with their Catholic fellow countrymen. Donatists who did not repent were punished with the loss of civic rights (such as the ability to hold public office or bring a lawsuit), and by 412 and 414, heavy fines were imposed on Donatist hold-outs.<sup>110</sup> For Augustine's part, in the two years following the Edict, he witnessed its effectiveness in drawing the Donatists of Hippo into the Catholic Church and he became convinced of the ability of his community to absorb the new converts. He thus became more open to the use of coercive measures. Letter 93 (408) marks a shift for Augustine towards openness to the use of coercive measures. Writing to the Donatist leader Vincentius, he recounts the impact the Edict had on his outlook:

For originally my opinion was, that no one should be coerced into the unity of Christ, that we must act only by words, fight only by arguments, and prevail by force of reason, lest we should have those whom we knew as avowed heretics feigning themselves to be Catholics. But this opinion of mine was overcome not by the words of those who controverted it, but by the conclusive instances to which they could point. For, in the first place, there was set over against my opinion my own town, which, although it was once wholly on the side of Donatus, was *brought over to the Catholic unity by fear of the imperial edicts*, but

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<sup>110</sup> Brown, *Religion and Society in the Age of St. Augustine*, 305.

which we now see filled with such detestation of your ruinous perversity, that it would scarcely be believed that it had ever been involved in your error.<sup>111</sup>

It must be noted that Augustine never, on principle, rejected the use of coercion; it was always to be a pastoral strategy of last resort, utilized in the appropriate cases and only with sorrow.<sup>112</sup> By 408, Augustine explains that experience had shown that the state, in imposing *molestiae medicales* ('treatment by inconveniences'),<sup>113</sup> could effectively bring those lost to heresy back into the Catholic fold.

Even while Augustine writes Letter 93 admonishing a Donatist and explaining his openness to coercion, he writes to an imperial official, recommending the use of the least coercive means in dealing with his recalcitrant flock. In Letter 86 to Caecilian (written around the same time as Letter 93, in the period 406-409), Augustine praises the official's efforts at restoring the unity of the Church in Africa. While noting the obstinacy of his own flock, Augustine nevertheless, implores the official to show leniency: "Then with the help of our Lord God, you will no doubt see to it that their blasphemous folly, like some tumour, is healed by deterrence, rather than punished by surgical removal."<sup>114</sup> In this very same time period, however, Augustine adopts more forceful rhetoric regarding the coercion of heretics, as, for instance, in Letter 105 (dated 409-410) addressed to Donatists. He notes that the Catholics first resorted to the use of persuasive rhetoric, but were compelled to rely on more coercive means when the Donatists responded with violence: "We were happy to preach the truth and let each person listen to it in security

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<sup>111</sup> Augustine, "Letter 93," Ep. 93.5. Emphasis added.

<sup>112</sup> Recall Ep. 22

<sup>113</sup> Ep. 185.7 is one of numerous instances where this phrase is used. Cited in Brown, *Religion and Society in the Age of St. Augustine*, 305.

<sup>114</sup> St. Augustine, "Letter 86," in *Augustine: Political Writings*, ed. Atkins, E.M. and R.J. Dodaro (Cambridge, U.K. ; New York: Cambridge University Press, 2001), 134.

and choose of his own free will, you have always prevented us from doing this by your violence and terrorism....Examine the behavior of your Circumcellions...then you will see what has stirred this all up against you.”<sup>115</sup> He goes on to defend the Catholics’ reliance on Roman authorities to repress the Donatists, writing, “How much more ought we to use the ordained authorities (which God has subjected to Christ, as his prophet foretold) to resist your madness, in order to free wretched souls from your control, and to uproot them from longstanding falsehood...”<sup>116</sup>

Juxtaposing these two letters we see that Augustine is sensitive to the demands of particular circumstances and to the needs of his audience; he emphasizes different arguments, such that an imperial officer is asked for leniency while a Donatist is admonished for his sect’s crimes. By the time that Rome ruled in the Catholics’ favor at the Conference of Carthage (411), we see in Letter 185 to Count Boniface (417) an Augustine who is conciliatory rather than vengeful toward his adversaries. He writes that, while it is better for people to be drawn to God through teaching than through pain, experience has shown that some need to be obliged: “Many people are benefitted by being compelled in the first place by fear or pain; so that subsequently they are able to be taught.”<sup>117</sup>

Let us reflect then, on religious toleration exemplified by Augustine throughout the phases of the Donatist controversy. I contend that his toleration is subject to prudential considerations. If prudence is practical wisdom that enables man to choose

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<sup>115</sup> St. Augustine, “Letter 105,” in *Augustine: Political Writings*, ed. Atkins, E.M. and R.J. Dodaro (Cambridge, U.K. ; New York: Cambridge University Press, 2001), 164.

<sup>116</sup> *Ibid.*, 165.

<sup>117</sup> St. Augustine, “Letter 185,” in *Augustine: Political Writings*, ed. Atkins, E.M. and R.J. Dodaro (Cambridge, U.K. ; New York: Cambridge University Press, 2001), 186.

what is most in conformity with the good,<sup>118</sup> then we must consider that what is *most* in conformity with the good, at any given time, will change with changing circumstances and possibilities. Prudence cannot be agnostic regarding the results of our action or inaction. There is a discernment that takes place; Augustine is frank enough to state that, that when it comes to toleration and coercion, he was taught by experience. For Augustine, one ceases tolerating error when the evil it brings about is so great that coercion is justified. In this case, one is pursuing the good.

### ***Caritas in the Earthly City***

Amidst all of this specificity and attention to context in this analysis of Augustine's approach to toleration, can we find an overarching principle at work? Does Augustine espouse a situation ethics, where right and wrong vary in different circumstances? If we are to be mindful of Skinner's admonition to avoid judging thoughts and actions of past figures through modern lenses, these questions are more appropriately asked as: What intentions of Augustine can we recover and how does *Augustine* view what he's attempting to accomplish with these letters? Entering into Augustine's framework, we find that he is first a priest and later a bishop, but always a pastor of souls. Significantly, he is a pastor who has undergone a conversion experience himself. He desires that same freedom—achieved through repentance, leading towards salvation—for others. He wills the highest good for the other, and so I argue that his intention in arguing for either toleration or coercion is *caritas*, or charity towards his neighbor. In Augustine's letters

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<sup>118</sup> Dom Jean-Charles Nault, O.S.B, *The Noonday Devil: Acedia, the Unnamed Evil of Our Times* (San Francisco: Ignatius Press, 2015), 95.

and sermons, we can readily observe his stated care for individual souls. Perhaps less obvious, but no less significant is the more political formulation of *caritas*, which Augustine demonstrates through a concern for the common good. Indeed, he writes in the *City of God* that this mutual concern for one's neighbor is best realized in an atmosphere of peace and harmony among men.

Turning towards Augustine's vision of *caritas* with regard to individuals, Augustine makes it clear that authentic charity for another is intrinsically linked with one's willingness to use necessary discipline. Nowhere is this clearer than in his Sermon 110 *On Love*. He says:

If any of you should wish to act out of love, brothers, do not imagine it to be a self-abasing, passive and timid thing. And do not think that love can be preserved by a sort of gentleness – or rather tame listlessness. This is not how it is preserved. *Do not imagine that you love your servant when you refrain from beating him, or that you love your son when you do not discipline him, or that you love your neighbor when you do not rebuke him. This is not love, it is feebleness. Love should be fervent to correct. Take delight in good behavior, but amend what is bad. Love the person, but not the error in the person: God made the person, but the person alone made the error.* Love what God made, not what the person made. If you love one thing, you remove another. When you esteem one thing, you change another. But if you are severe, let it be out of love, for the sake of correction. This is why love was represented by the dove which descended upon the Lord. [Matt. 3:16] Why did the Holy Spirit, who pours love into us, take the form of a dove? The dove has no bitterness, yet she fights with beak and wings for her young; hers is a fierceness without bitterness. In the same way, when a father chastises his son he does so for discipline. As I said earlier, the kidnapper inveigles the child with bitter endearments, in order to sell him; a father, for the sake of correction, chastises without bitterness.<sup>119</sup>

Augustine describes dealing charitably with one's neighbor, in formulations that we might today equate with "tough love." For Augustine, true charity is that which is

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<sup>119</sup> St Augustine, "Sermon 100," in *Nicene and Post-Nicene Fathers, First Series, Vol. 1*, ed. Philip Schaff, trans. J.G. Cunningham (Buffalo, NY: Christian Literature Publishing Co., 1887), <http://www.newadvent.org/fathers/1102035.htm>. Hereafter Sermon 100. Emphasis added.

“fervent to correct,” and can be fierce and chastising, yet lacking in “bitterness.” Perhaps such manifestations of charity might not have been experienced as such by those being compelled, and yet such fierce interpersonal charity is a mirroring of God’s care for individual souls, as Augustine himself experienced along his path toward a mature faith. Like the heretics he chastises, Augustine too had not always believed and stood in need of correction and conversion; the length of this journey he later famously laments in the opening lines of the *Confessions*: “O Ancient Beauty, why is it that I have known you so late?... O Ancient Sweetness! Why did I not relish you before?”<sup>120</sup> Throughout the *Confessions* we see a pre-conversion Augustine whom God permitted to suffer in his errors (of thought and behavior). He was chastised by God without bitterness. Finally, in anguish, he turns to Scripture and finds St. Paul’s admonition to not live in drunkenness and carousing, but to be converted. God sought him out and compelled him to enter at that moment. In recovering Augustine’s intention in his treatment of heretics, we would do well to consider his biography—out of love for his neighbor, he wants heretics (through correction, if necessary) to find what he has found. If God uses signs to compel the individual sinner to be converted, then it is fitting for the believer to compel the heretic to abandon his error and be reunited with the faith.

This motivation of *caritas*, or love of neighbor, is consistent throughout Augustine’s dealing with the Donatists and, I argue, it is the animating principle or the intention that we recover from his letters. Sixteen years prior to Letter 93 to Vincentius (408)—and Augustine’s alleged “about-face” on coercion—while Augustine was still a priest, he

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<sup>120</sup> St Augustine, *St. Augustine Confessions*, trans. Chadwick, Henry (Oxford University Press, USA, n.d.). Book I.



wrote with similar concern to the Donatist bishop Maximin, demonstrating that love of neighbor was consistently his primary motivation in addressing heretics. He refers to the Donatist prelate as, “*Maximin, My Well-Beloved Lord and Brother, Worthy of Honour.*” Augustine finds it necessary to offer an explanation for this perhaps unusual mode of address towards one’s enemy, writing: “[I]n this duty of writing to you I am actually by love serving you, I do only what is reasonable in calling you my lord, for the sake of that one true Lord who gave us this command. Again, as to my having written well-beloved, God knows that I not only love you, but love you as I love myself; for I am well aware that I desire for you the very blessings which I am fain to make my own.”<sup>121</sup> Here we see again Augustine’s stated motivation of *caritas*, that is, the willing of another’s good.

Having addressed what Augustine sees as *caritas* towards other individuals, we must also observe what, for Augustine, *caritas* looks like in the political community. We can be guided in this search by looking to Book XIX of *City of God*. There he asserts that *caritas* requires peace in community. If *caritas* amongst individuals is manifested through mutual concern, one for another, then this can only be achieved in a community of ordered harmony. To trace his reasoning, we must note that Augustine first observes that “man finds three objects for his love: God, himself, and his neighbor;” where the term “neighbor” includes one’s spouse, children, other household members, and “all other men, so far as is possible.”<sup>122</sup> To Augustine, love for neighbor involves, first and

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<sup>121</sup> Letter 23

<sup>122</sup> Augustine, *City of God*, XIX.14 (p. 873). Even here we see that concern for one’s neighbor extends to other men only as far as is *possible*. Augustine uses the word *potuerit* (to have the power to) several times in this chapter, indicating an attention to practical limitations.

foremost, a concern for others' spiritual well-being, specifically a concern for whether or not they love God.<sup>123</sup> If we love God, Augustine argues, and we are to love our neighbors as ourselves, then "[i]t follows....that [we] will be concerned also that [our] neighbor should love God."<sup>124</sup> Conversely, if we love God, we will desire that others have this concern for us, should we need it.<sup>125</sup> Out of this mutual concern, according to Augustine, arises a community where there is "peace among men," living together in "ordered harmony." To secure and maintain this peaceful, harmonious community, there are two essential rules: "Do no harm to anyone" and, "Help everyone whenever possible."<sup>126</sup> Again, we see the use of the term "possible," (*potuerit*) demonstrating that while he espouses high ideals, Augustine is ever aware of practical limitations.

Returning to Letter 93 (to Vincentius), we can see concretely the connection between *caritas*—love of neighbor—and a concern for the maintenance of peace. If you love your neighbor, but do nothing in the face of violence, then you too are guilty of wrongdoing. He claims that when a heretical movement has disturbed the peace of the community, a coercive response can be appropriate: "Wherefore, if we were so to overlook and forbear with those cruel enemies who seriously disturb our peace and quietness by manifold and grievous forms of violence and treachery, as that nothing at all should be contrived and done by us with a view to alarm and correct them, truly we would be rendering evil for evil." Recall the analogy of the person delirious with fever who had to be bound by cords to prevent him from further harm. We might imagine that,

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<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

if one were to stand idly by, while the ill person hurled themselves to their death, one would be blameworthy and certainly could not be said to have practiced love of neighbor. *Caritas* can, in such cases, demand the use of coercion.

Lest we understand Augustine as saying that intervention and coercion is warranted in all cases of heresy, we must note that there are important limits to the *possibility* of coercion. Here we see *caritas* (manifested as a mutual concern for one another's souls) tempered by prudence. Far from espousing utopian fantasies or ideas that ultimate perfection can be attained in the earthly city, Augustine was ever-aware of the human condition. Jean Elshtain refers to this as Augustine's *via negativa*, an ideology informed by the limitations of the *saeculum*. She writes, "We time-bound creatures, doomed or compelled to narrate our lives within temporality, within what Augustine calls the *saeculum*, can gather together the self and forge a compelling if not conflict-free identity."<sup>127</sup> According to Elshtain, Augustine's is a vision of a community where the best we can hope for, the "lowest common denominator," in the *saeculum* is a social life of peace and order.<sup>128</sup>

## Conclusion

"Let the heretics be compelled to come in from the hedges: let the heretics come from the hedges, here they shall find peace. For those who make hedges, their object is to make divisions. Let them be drawn away from the hedges, let them be plucked up from among the thorns. They have stuck fast in the hedges, they are unwilling to be compelled. Let us come in, they say, of our own good will. This is not the

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<sup>127</sup> Jean Bethke Elshtain, *Augustine and the Limits of Politics*, Frank M. Covey, Jr. Loyola Lectures in Political Analysis. (University of Notre Dame Press, 1995). 91.

<sup>128</sup> Ibid. 91.

Lord's order, Compel them, says he, to come in. *Let compulsion be found outside, the will arise within.*<sup>129</sup>

The scriptural reference here is to the parable of the man who prepares a great banquet and yet many of his guests decline the invitation. The master orders his servants to extend the invitation to others: “And the Lord said unto the servant, Go out into the highways and hedges, and compel them to come in, that my house may be filled.” (Luke 14:23). Based on this parable, Augustine can conclude that allowing the heretics to come in of their “own good will,” is “not the Lord’s order;” for those who do not respond to non-coercion (accept the invite to the feast), God (the master) uses compulsion to incite the will. Jean Elshtain, commenting on Augustine’s position on compulsion, writes that while non-coercive persuasion is better, “earthly rule is always a tragic rule—necessarily so—involving the disciplining of sin...”<sup>130</sup>

That the human condition necessitates discipline does not then give *carte blanche* to authorities to use any and all methods of coercion against all manner of religious dissenter. Augustine is careful to distinguish between the necessity of compelling schismatics to come back in, while at the same time respecting the consciences of pagans whom he views as blind to the truth.<sup>131</sup> Further, Augustine is an advocate of limits on coercion. He preferred milder forms of coercion, such as fines or floggings, and likely would have been horrified by the extremes later employed.<sup>132</sup> In this way, we can see that religious toleration for Augustine involves a careful balancing of *caritas* and prudence—

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<sup>129</sup> Sermon 62. Emphasis added.

<sup>130</sup> Elshtain, *Augustine and the Limits of Politics*, 91.

<sup>131</sup> Markus, 142.

<sup>132</sup> Chadwick, 81-82.

out of love for one's neighbor, one compels him to come in, and yet out of prudence, compulsion is not appropriate at all times and in all cases.

### Chapter 3

#### Aquinas on Coercion of Heretics and Toleration of Unbelievers

“There are some unbelievers who have never received the faith, such as the heathens and the Jews. These are in no way to be compelled into the faith, so that they may believe; for belief is an act of the will.”<sup>133</sup>

“She condemns [the heretic] not at once, but ‘after the first and second admonition’, as the Apostle directs. After that, if the heretic is found to be pertinacious still, the Church, no longer hoping for his conversion, looks to the salvation of others by separating him from the Church through the sentence of excommunication; and, further she hands him over to the secular tribunal to be removed from the world by death.”<sup>134</sup>

Having examined the limits of toleration and the use of coercion in the thought of St. Augustine, in this chapter, I will be exploring the conditions for religious toleration as outlined by Aquinas in II.II of the *Summa theologiae*. We will see that for Aquinas, heresy represents a breach of faith, an exercise in vanity and a threat to the faith of the most susceptible believers. Heretics are to be subjected to greater repression than that

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<sup>133</sup> ST II-II 10,8, *responsio*, in Thomas Aquinas, *Aquinas: Political Writings*, trans. R. W. Dyson, 1 edition (Cambridge, UK ; New York: Cambridge University Press, 2002).

<sup>134</sup> ST II-II 11,3, *responsio*, in *Aquinas: Political Writings*, trans. R.W. Dyson

applied to unbelievers, primarily because the heretic's belief represents a breaking of a promise to the faith community, a threat to unity, and thus a greater threat to the common good. My contention is that in both the non-violent attempts at persuasion of heretics and the more repressive coercion where the arm of the state is invoked, the animating principle remains the same—*caritas*—love of God and neighbor.

For Aquinas, toleration is forbearance—a putting-up-with of those in error for the sake of the common good. This of course demands the use of prudence in deciding which rites and practices are to be tolerated. For instance, regarding unbelievers, after noting that Jews should be tolerated in their rites (for, he says, those rites prefigured his own), Aquinas makes a key distinction for non-Jews, writing:

“[T]he rites of other unbelievers, which contain neither truth nor advantage, are not to be tolerated in any way, except perhaps to avoid some evil; that is, to avoid the scandal of dissension that might otherwise arise, or some hindrance to the salvation of those who, if they were tolerated, might gradually be converted to the faith. For this reason the Church has sometimes tolerated the rites even of heretics and pagans, when there was a great multitude of unbelievers.”<sup>135</sup>

Note, in this instance, the careful judgment that must be made to tolerate even the rites of heretics and pagans. Clearly there is a prudential weighing of consequences taking place for Aquinas; if intolerance brings about more evil than good, then it is not the prudent path. Central to these considerations is the fact that Aquinas is ultimately hoping for the conversion of unbelievers and is willing to tolerate their rites if this might one day result in their conversion to what he sees as the true faith. In such cases, the decision to tolerate the rites of unbelievers is thus a manifestation of *caritas*—a care for the ultimate good of his neighbor.

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<sup>135</sup> ST II-II 10,11 Thomas Aquinas, *Aquinas: Political Writings*, trans. R. W. Dyson, 1 edition (Cambridge, UK ; New York: Cambridge University Press, 2002).

## Various Interpretations of Aquinas on Tolerance

Before delving into the Thomistic approach to the toleration of religious dissent (primarily from heretics, but from unbelievers as well), it will be helpful to review some of what has been written on the topic. When examining the literature discussing Aquinas on toleration, we might break the works down into three categories. The first approach to interpreting Aquinas' position on the treatment of heretics is to read him through a modern lens and find him disgracefully intolerant. The largest camp attempts to understand Aquinas' historical context as a way of apologizing for his intolerant attitudes. These find him to be a supporter of freedom of conscience except in the shameful instance of dealings with heretics. They might also point to his relatively tolerant position towards Jews and other nonbelievers as examples of his general proclivity toward toleration. Finally, there are scholars who contextualize Aquinas' statements regarding heretics and Jews, and defend his positions.

A compelling example of the first sort of interpretation is found in the work of Shadia Drury. She outright refuses to accept any apologies for Aquinas' positions offered in the form of historical context. She writes, "It cannot be argued that Aquinas simply took the Inquisition for granted, because he could not rise above his time... The Inquisition was reviled by many good Catholics... He defended it against very strong objections from his predecessors and contemporaries."<sup>136</sup> Those who argued for tolerance recalled the admonition to "suffer both to grow until the harvest," (Matt 13:28). She writes that Aquinas, in contrast, found it acceptable to uproot the chaff (the heretic) when

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<sup>136</sup> Shadia Drury, "Aquinas and the Inquisition: A Tale of Faith and Politics," *Salmagundi*, no. 157 (2008): 91–108, 199. 96.



there was no longer any danger of uprooting the wheat (innocent believers) along with it. Drury concludes that Aquinas was “one of the zealous fanatics of his age.”<sup>137</sup> Indeed, for Drury, Aquinas’ arguments regarding the treatment of heretics are so horrific that they can serve as an example of why mixing faith and politics is dangerous.

There are of course more nuanced interpretations of Aquinas’ stance on toleration. Michael Novak is part of the second camp, viewing Aquinas as generally a champion of conscience rights and a friend of religious freedom who, in the instance of heretics, abandoned this stance in his “perfunctory” social and political philosophy. He asserts that Aquinas gave in to the political realities of the day where heretics were seen as treasonous threats to kingly power, who could potentially rend an already worn social fabric.<sup>138</sup> According to Novak, Thomistic “toleration is a means of gaining respect for the true faith, rather than an end in itself, it is a duty simply owed to the conscience of others.”<sup>139</sup> Novak’s interpretation of Thomistic tolerance fails to recognize that for Thomas, tolerance is more than a means to an end or simply a way of honoring the consciences of others. Firstly, as J. Budziszewski convincingly claims, toleration is a virtue, practiced with the prudent use of forbearance—a mean between “narrow-mindedness” and “overindulgence.”<sup>140</sup> More importantly, for Aquinas tolerance is primarily a prudent way to pursue the common good and preserve the peace of the community (particularly when dealing with heretics), rather than a way to honor freedom of conscience. Though we do find it mentioned that unbelievers cannot be compelled to

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<sup>137</sup> Ibid, 97.

<sup>138</sup> “Aquinas and the Heretics | Michael Novak,” First Things, accessed June 22, 2018, <https://www.firstthings.com/article/1995/12/aquinas-and-the-heretics>.

<sup>139</sup> “Aquinas and the Heretics | Michael Novak.”

<sup>140</sup> See the introductory chapter of the present work for a fuller explanation of Budziszewski’s argument.

believe, this is primarily because of the harm and scandal that could result from such a course.<sup>141</sup>

Other scholars in this second camp, while attempting to situate Aquinas in the appropriate historical context, ultimately condemn what they see as his violent turn with heretics. Brian Tierney, while respecting the religious orthodoxy of medieval thinkers and the incipient rights found in their thought, rejects what he sees as a heresy-hunting mindset.<sup>142</sup> Roger Johnson offers a balanced perspective, highlighting the threat posed by the Cathars (the heretical sect that would have chiefly concerned Aquinas) to the unity of Christendom. He writes that Aquinas' theology offers a "Christian alternative to violence;" Thomas' approach to heresy appeals largely to rational means to achieve conversion, and is only uncharacteristically violent due to the nature of the times.<sup>143</sup> Nevertheless, Johnson offers a critique of Thomas for his supposed ambivalence regarding the violence of the Albigensian Crusade and his condoning the use of torture by Inquisitors. Arthur McGrade accepts that heresy existed and asserts that medieval thinkers were not wrong in their assessment that heresy was a "real and calamitous possibility for individuals and communities." However, he adds that even in the clearest cases of heresy, persecution was an unreasonable response.<sup>144</sup> A final scholar who is careful to provide adequate historical context and ultimately finds aspects of Aquinas'

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<sup>141</sup> Recall the parable of the wheat and the chaff; the believer is instructed to suffer both to grow together until the harvest, lest the good be uprooted along with the bad. Tolerance is more for the sake of the common good than for the heretic or unbeliever.

<sup>142</sup> Brian Tierney, "Religion and Rights: A Medieval Perspective," *Journal of Law and Religion* 5, no. 1 (1987): 163–75. See also the reference in Arthur Stephen McGrade, "The Medieval Idea of Heresy: What Are We to Make of It?," *Studies in Church History Subsidia* 11 (ed 1999): 111–39, 112.

<sup>143</sup> Roger A. Johnson, "Christians Orthodox and Heterodox: Thomas Aquinas and the 'Manichees,'" in *Peacemaking and Religious Violence* (Lutterworth Press, 2009), 71.

<sup>144</sup> Arthur Stephen McGrade, "The Medieval Idea of Heresy: What Are We to Make of It?," *Studies in Church History Subsidia* 11 (ed 1999): 111–39, 139.

positions problematic is John Hood, whose work covers Aquinas' position on the Jews. Hood holds that Aquinas' main contribution to Christian attitudes towards Judaism was to systematize traditional Church teaching in this area. To the extent that Aquinas broke new ground, Hood writes that it was "largely in the direction of tolerance rather than persecution."<sup>145</sup> In fact, he continues that Aquinas' attitude towards anti-Jewish trends in theology was to be "skeptical or actively opposed to them." The problem, for Hood, arises when one considers the "central role [Aquinas' theology] played in the development of oppressive social policies."<sup>146</sup> Aquinas' theology, according to Hood, logically implies a less tolerant position than is at first apparent.

Finally, there are those scholars who take into account both the historical context surrounding Aquinas' writings on heretics and Jews, and understand the fuller picture of Aquinas' body of work, thus providing a more friendly interpretation. John Knassas, for instance, goes so far as to argue that Aquinas' natural law ethics grounds the ideal of tolerance better than any other ethical system. Indeed, he finds in Aquinas a "fraternal tolerance," one which recognizes that beneath the differences that separate individuals, there is an essential "sameness that grounds a respect."<sup>147</sup> In defending Aquinas' writing on the treatment of heretics, Knassas is careful to make a key distinction. While the contemporary reader may think of heretics as a sort of conscientious objector to Catholicism, for Aquinas, heretics are more than this. They are guilty of the sin of unbelief because they know that Catholicism is true and yet oppose it freely while leading

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<sup>145</sup> John Y. B. Hood, *Aquinas and the Jews* (Philadelphia: University of Pennsylvania Press, 1995), xi.

<sup>146</sup> Ibid.

<sup>147</sup> John F X Knassas, *Thomism and Tolerance* (Scranton and London: University of Scranton Press, 2011). 7

others along with them.<sup>148</sup> As Knasas succinctly explains, “Aquinas’ understanding of the heretic is analogous to society’s understanding of a citizen who commits treason, that is, someone who betrays his country to another country for a sum of money...[T]he heretic is attacking the spiritual common good just as much as someone who commits treason is attacking the temporal common good.”<sup>149</sup> Likewise, when defending Aquinas’ position on the Jews (against John Hood’s arguments), Knasas is careful to make a similar distinction; the Jews Aquinas is writing about are those who are guilty of the sin of unbelief, meaning they knew that Christ is the Messiah and yet refuse to enter the Church.<sup>150</sup> For Knasas, it is the heretic or the Jew in this particular sense, to which Thomas’ seemingly intolerant statements apply.

As the foregoing distinctions made by Knasas make clear, we would do well to avoid abstracting ideas or terms from their original context. Rather than defining “heretic” or “tolerance” and “intolerance” through a modern lens, my goal is to recover the intentions of Aquinas through an engagement with his historical context, audience, biography, and body of work.

### **Historically Situating the Thought of St. Thomas Aquinas**

In order to undertake the task of historically situating the thought of Aquinas on heretics, it is necessary first to fully understand the nature and scope of the threat posed by the heretics of his day. By the 11<sup>th</sup> century, a prominent and pernicious heretical sect—

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<sup>148</sup> Knasas. 94

<sup>149</sup> Knasas. 94

<sup>150</sup> Knasas. 95

the Cathars or Albigensians—had arisen in southern France. By 1244, the year Thomas took the habit of the Order of Preachers (or the Dominicans, founded by the Spanish canon Domingo de Guzman to counter the Albigensian heresy) the Crusade and Inquisition against the heretical sect was well underway. The existence of the Cathars would play a prominent role in Aquinas' thought on the coercion of heretics. In order to better understand the heresy Aquinas had in mind while writing the *Summa*, a brief overview of the history and beliefs of this sect will be helpful.

### *The Cathar Heresy*

Catharism became an enduring and formidable heresy. The Cathari (or Pure Ones) had a distinctive appeal for believers often disgusted by clerical excess and abuse; the example of the apostolic poverty and asceticism of the *perfecti* (or *bonhommes*) and, the end-of-life *consolamentum* that guaranteed a freeing of the soul from the wicked body attracted adherents and won sympathizers. There is much to be said about the origins of Catharism (several historians assert that it was brought to Western Europe by missionaries from Bulgaria who were adherents of Bogomilism, another dualist movement)<sup>151</sup> as well as about the specific nature of Cathar doctrine.<sup>152</sup> For the purposes of this present discussion, however, it will serve to briefly summarize some of the generally held tenets of Cathars, particularly those held at the heart of the movement in the Languedoc region of southern France.

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<sup>151</sup> The clearest statement of this belief is in Jeffrey Burton Russell, *Dissent and Reform in the Early Middle Ages* (Berkeley and Los Angeles: University of California Press, 1965). "Pere Antoine Dondaine has succeeded in showing beyond a doubt that dualism was introduced into the Occident by Bogomil missionaries. This link in the chain is now firmly forged," 192. Lambert too makes this connection.

<sup>152</sup> For centuries Inquisition records served as the primary source regarding Cathar beliefs. Then, in 1939, Antoine Dondaine, OP published a Cathari source which summarized their doctrine—the *Liber de duobus principibus*.

Catharism was primarily an absolute dualism,<sup>153</sup> meaning all of reality was marked by the struggle between the eternal and independent principles of good and evil. Anything in the visible world was created by the devil, so the eating of animal products (meat, eggs, cheese, etc.) was scorned, as was procreation, for in having children one was propagating the enslavement of a soul in wicked flesh. The *perfecti* were those Cathari who had undergone a *consolamentum* (a laying on of hands by another *perfecti*, accompanied by the repetition of the *Pater Noster*) and undertook a life of abstention from sex and animal products. Most believers were *consoled* at the end of life so that the practice served as an extreme unction; upon death, the soul could be freed from the power of Satan. Their dualism was of course reflected in their Christology: Christ was never actually born of a virgin (he overshadowed Mary with his heavenly body), nor did he really take on human flesh, and therefore he did not suffer the Passion and Cross.

Cathars set down strong roots in Languedocian society and (like the Donatists before them) essentially established a parallel church. The Cathar Council of Saint-Felix-de-Caraman in 1167 set up diocesan structures. Cathar adherents were tolerated within their families and villages. Inquisition records show one man saying that he tolerated Cathars because he knew them, he grew up with them and they were good people.<sup>154</sup> Several anecdotes will serve to illustrate the extent of Cathar influence: At Cambiac, the curé complained that all of his parishioners except four were Cathar believers and at Caraman, Lant and Verfeil around 1215 it is said that few died without the

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<sup>153</sup> Lambert argues that, owing to the poverty of theological discourse, and the lack of fine distinctions in Languedoc, Cathars were largely of the absolute dualist variety, 164. Edward Peters, *Heresy and Authority in Medieval Europe: Documents in Translation* (Philadelphia: University of Pennsylvania Press, 1980) says they were mostly mitigated dualists and only radicalized later, 106.

<sup>154</sup> Lambert, *The Cathars*, 135

*consolamentum*.<sup>155</sup> In terms of actual numbers of perfected Cathari in Languedoc, the total was likely around 1,000 to 1,500 at the start of the 13<sup>th</sup> century.<sup>156</sup> The much larger number of believers and sympathizers, however, is more difficult to ascertain. We do know that at Béziers, reportedly a hotbed of heresy and the site of a crusade siege, the bishop had a list of 220 persons defamed for heresy out of a total population of upwards of 10,000.<sup>157</sup>

Apart from understanding the extent to which Cathar ideas had spread, it is well worth noting the particular threat posed by their ideology. In examining contemporary sources, we can find more specific evidence of the threat to the social fabric posed by the Cathar heretics. Peter of Les Vaux-de-Cernay, a young monk from outside of Paris who had accompanied Albigensian crusaders led by Simon de Montfort, was an eyewitness to events in the period of 1212-1218. His *Hystoria Albigensis*, completed in 1218, includes a description of Cathar beliefs as well as a narrative of events. He argues that the nature of Cathar belief led them to disrupt the social order:

Those who were called perfect wore a black dress, falsely pretended to chastity, abhorred the eating of flesh, eggs and cheese, wished to appear not liars when they were continually telling lies, chiefly respecting God...Those were called “believers” of the heretics, who lived after the manner of the world...[they] were given to usury, rapine, homicide, lust, perjury, and every vice; and they in fact sinned with more security and less restraint, because they believed that without restitution, without confession and penance, they should be saved, if only, when on the point of death, they could say a Pater Noster, and receive imposition of hands from the teachers”<sup>158</sup> [the practice of *consolamentum*].

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<sup>155</sup> Lambert in *Medieval Heresy* (1992) cites the work of Elie Griffe, *Le Languedoc Cathare de 1190 a 1210* (Paris: Letouzey & Ane, 1971), 91.

<sup>156</sup> Walter L. Wakefield, *Heresy, Crusade and Inquisition in Southern France 1100-1250* (Berkeley and Los Angeles: University of California Press, 1974), 70.

<sup>157</sup> Ibid.

<sup>158</sup> Peters, *Heresy and Authority in Medieval Europe: Documents in Translation*, 1980. 124.

The accusation of pretension to virtue is particularly important to notice, as such luminaries as Diego of Osma and Dominic Guzman (i.e. St. Dominic) observed that one of the ways that the Cathars drew followers was by their seemingly exemplary way of life, their apostolic poverty. Here Peter of Les Vaux-de-Cernay is attempting to expose the heretics as frauds, an argument directed especially at those who may tolerate or even admire the sect. As we shall see, one of Aquinas' chief objection against heretics is that they present a "forgery" of the faith, leading the simple astray.

Further, the Cathars were perceived as a threat because of both the rapidity with which they spread and their propensity to abuse and kill preachers sent to convert them. Peter of Les Vaux-de-Cernay describes the turn to violence: "...God who with his customary goodness and inborn love had shown compassion to his enemies, the heretics and their supporters, and sent his preachers to them—not one, but many, not once, but often; but they persisted in their perversity and were obstinate in their wickedness; some of the preachers they heaped with abuse, others they even killed."<sup>159</sup> An account of the dangerous spread of the Cathar heresy is provided by Caesarius of Heisterbach (1180-1240), a Cistercian from the Rhineland, charged with instructing novices, who authored the *Dialogus miraculorum*, probably in the years 1220-1223. He wrote, "The error of the Albigenses waxed so strongly that in a short space of time it had infected as many as a

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<sup>159</sup> Malcolm Barber, *The Cathars: Dualist Heretics in Languedoc in the High Middle Ages* (Harlow, England ; New York: Pearson, 2000). 108. Barber references the source in translation in W. A. Sibly and M. D. Sibly, *The History of the Albigensian Crusade: Peter of Les Vaux-de-Cernay's 'Historia Albigensis'* (Woodbridge: Boydell Press, 1998). 45-46.



thousand cities, and, if it had not been reduced by the swords of the faithful, I am sure that it would have corrupted all Europe.”<sup>160</sup>

Finally, we can get a sense of the threat posed by the Cathars in the accounts of their profaning the sacred spaces and objects of Catholics. Peter of Les Vaux-de-Cernay claims that a heretic named Hugo Faber, “fell into such depths of madness that he emptied his bowels beside the altar in a church and by way of showing his contempt for God wiped himself with the altar cloth.”<sup>161</sup> Caesarius of Heisterbach, also recounts a profanation story. At the start of the siege of Béziers, he writes that heretics, after urinating on a copy of the Gospel, “threw it from the wall and shot arrows after it as they shouted, ‘Here is your Law, you wretches!’” Hinting at the violence of the coming siege, he continues, “But Christ, the sower of the Gospel, did not leave unavenged the insult offered Him.”<sup>162</sup>

In the Church, confusion reigned regarding the appropriate handling of these heretical believers. A brief review the official papal policy towards this burgeoning dissident sect will serve to contextualize the explanations offered in the *Summa* regarding the use of force against heretics. At the Third Lateran Council of 1179, Pope Alexander III, influenced by St. Augustine, decreed that heretics should be sanctioned with ecclesial measures, namely excommunication, and, if they died in their error, they were to be denied Christian burial and were not to be prayed for. He did, however, acknowledge the possible benefits of the use of force: “[T]hough the discipline of the church should be

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<sup>160</sup> Beverly Mayne Kienzle, *Cistercians, Heresy, and Crusade in Occitania, 1145-1229: Preaching in the Lord's Vineyard* (Rochester, NY: York Medieval Press/Boydell Press, 2001).196.

<sup>161</sup> Barber, 110, citing Sibly and Sibly, 24.

<sup>162</sup> Kienzle, 153.

satisfied with the judgment of the priest and should not cause the shedding of blood, yet it is helped by the laws of catholic princes so that people often seek a salutary remedy when they fear that a corporal punishment will overtake them”<sup>163</sup>. In his 1184 decretal *Ad Abolendum*, Pope Lucius III emphasized the role that bishops were to play in investigating parishes and rooting out heresy. According to the decree, in areas rumored to contain heretics, locals were forced to take oaths denouncing heresy; a refusal would be interpreted as a sign of guilt and offenders were to be excommunicated and handed over to secular authority.<sup>164</sup>

With the accession of Pope Innocent III in 1198, we see a more active papal role in the quelling of heresy. Initially, Innocent stressed the use of preaching and example to convert heretics. He sent his confessor, Rainer, a Cistercian, on a preaching mission to Languedoc in 1199. In the 1204 papal bull, *Etsi nostri navicula*, Innocent appointed three Cistercians as his legates and commissioned them, “to preach, and at the same time, [he] gave them full authority to wipe out the pollution of heresy with the usual battery of exile, confiscation of property, and the help of the secular arm.”<sup>165</sup> As the preaching missions bore little success, the tone of Innocent’s letters became increasingly strident. He wrote to King Philip Augustus as well as the barons and knights of France in 1207 promising indulgences as a reward for their intervention.<sup>166</sup> His 1208 letters, written following the assassination of the papal legate Peter of Castelnau, were addressed to the archbishops of the region and (again) to Philip Augustus. Innocent openly advocated the

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<sup>163</sup> In Malcolm Barber, *The Cathars: Dualist Heretics in Languedoc in the High Middle Ages* (Harlow, England ; New York: Pearson, 2000), 113.

<sup>164</sup> Rosalind B. Brooke, *The Coming of the Friars* (New York: Harper & Row, 1975), 79.

<sup>165</sup> Brooke, 83.

<sup>166</sup> Kienzle, *Cistercians, Heresy, and Crusade in Occitania, 1145-1229: Preaching in the Lord’s Vineyard*. 151.

use of force and employed rhetoric likening the heretics to “little foxes that endeavor to ruin the vineyard,” to plague, and to rabies.<sup>167</sup> The secular arm would respond with action—the crusade began in 1209, though not led by the king himself.

While the Albigensian Crusade was being waged, the Fourth Lateran Council met in 1215 and outlined the procedure for handling heretics: “Those condemned, being handed over to the secular rulers or their bailiffs, let them be abandoned, to be punished with due justice, clerics being first degraded from their orders.”<sup>168</sup> The punishment for heresy was excommunication and confiscation of property, and if after one year under excommunication, the heretic did not abjure his error, he was to be handed over to the secular arm for punishment. The Council ordered: “Secular authorities...ought publicly to take an oath that they will strive in good faith and to the best of their ability to exterminate in the territories subject to their jurisdiction all heretics pointed out by the Church...”<sup>169</sup>

### *Biographical Notes on St. Thomas Aquinas*

Having outlined the contours of the Cathar movement and the Church’s official response to it, it remains to understand how the life and work of Aquinas was intertwined with this heresy. Thomas was born in 1224 or 1225 to a politically-connected noble family. (Frederick II, a great persecutor of heretics, was his second cousin.) Thomas’ choice to enter the Order of Preachers (or Dominicans) in 1244 while a student at Naples was not welcomed by his family, who desired that he someday become the powerful

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<sup>167</sup> Kienzle, 151.

<sup>168</sup> Peters, 175.

<sup>169</sup> Ibid.

abbot of Monte Cassino.<sup>170</sup> His vocation to the Order of Preachers is significant, as the Dominicans were founded to combat the Albigensian (Cathar) heresy. In addition to their work of preaching to convert the Cathar heretics, in the mid 1230s Pope Gregory IX gave them responsibility for the Papal Inquisition, examining remaining Cathars.<sup>171</sup> As Johnson states, “While Thomas’s Dominican vocation did not require him to become a wandering preacher or traveling inquisitor, it did mean that he would devote his intellectual abilities to the task of establishing Catholic truth and Cathar error...[which is] what he did, especially in his *Summa theologiae* [written in the late 1260s].”<sup>172</sup>

Two stories in particular demonstrate the space that the Cathars occupied in his vocation. In 1263, not long before he wrote the *Summa*, Aquinas made a pilgrimage to the tomb of a victim of the Cathar heretics, the martyred St. Peter of Verona, a famous missionary to the Cathari.<sup>173</sup> While at St. Eustorgio’s Convent in Milan where the saint was entombed, Thomas composed a verse to memorialize his sacrifice, from which the following is an excerpt:

Here silent is Christ’s Herald;  
Here quenched, the People’s Light;  
Here lies the martyred Champion  
Who fought the Faith’s holy fight.

The Voice the sheep heard gladly,  
The light they loved to see  
He fell beneath the weapon  
Of graceless Cathari.<sup>174</sup>

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<sup>170</sup> Jean-Pierre Torrell, *Saint Thomas Aquinas: The Person and His Work*, trans. Robert Royal, vol. I (Washington, D.C: Catholic University of America Press, 1996). 9

<sup>171</sup> Johnson, “Christians Orthodox and Heterodox: Thomas Aquinas and the ‘Manichees.’” 43

<sup>172</sup> Johnson.

<sup>173</sup> Victor F. O’Daniel, *The First Disciples of St. Dominic*, accessed February 23, 2020, <http://opcentral.org/resources/2012/08/27/the-first-disciples-of-st-dominic/>.

<sup>174</sup> O’Daniel. “*Praeco, lucerna, pugil Christi, populi, fideique, / Hic silet, hic tegitur, jacet hic mactatus inique. / Vox ovibus dulcis, gratissima lux animorum, Et verbi gladius gladiis cecidit Catharum*”

The verse demonstrates that Thomas was very much in solidarity with his fellow friars who were out in the mission fields preaching and risking their lives. His task, as a philosopher-theologian and professor was to construct cogent arguments against the Cathars and instruct fellow churchmen in those arguments. In fact, one of the most famous anecdotes from the life of Aquinas, shows him at the table of King Louis IX, lost deep in thought about the Cathar heresy (referred to below as the Manichees, as both were dualist movements). What follows is an excerpt from the colorful telling of the anecdote by G.K. Chesterton:

Somehow they steered that reluctant bulk of reflection to a seat in the royal banquet hall; and all that we know of Thomas tells us that he was perfectly courteous to those who spoke to him, but spoke little, and was soon forgotten in the most brilliant and noisy clatter...And then suddenly the goblets leapt and rattled on the board and the great table shook, for the friar had brought down his huge fist like a club of stone, with a crash that startled everyone like an explosion; and had cried out in a strong voice, but like a man in the grip of a dream, "And that will settle the Manichees!"<sup>175</sup>

While the banquet guests were shocked, King Louis IX ordered his secretaries to go to Thomas's side to record his insights, lest he forget them.<sup>176</sup> Apparently the philosopher-theologian was so lost in thought that he thought he was in his study contemplating the Manichean heresy.<sup>177</sup> Johnson claims that this episode occurred in 1269 as Aquinas was writing the *secunda pars* of the *Summa theologiae* where Thomas' innovative theology is

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<sup>175</sup> G.K. Chesterton, *St. Thomas Aquinas: The Dumb Ox*, 1933, <https://www.appii.org/wp-content/uploads/2016/04/The-Dumb-Ox.pdf>. 78-79

<sup>176</sup> Torrell cites this famous anecdote from the *Ystoria sancti Thome de Aquino de Guillaume de Tocco*. If this event took place, Torrell says it would have been during Aquinas' second Parisian sojourn, 1268-1270. This timing makes it difficult to say (as some do) that the settling of accounts with the Cathars can be found in *Summa contra Gentiles* III.15, which was written around 1265. SCG III.15 or "That there is not any Sovereign Evil, acting as the Principle of All Evils," concludes: "Hereby is excluded the error of the Manicheans."

<sup>177</sup> Johnson, "Christians Orthodox and Heterodox: Thomas Aquinas and the 'Manichees.'" 33, citing James A. Weisheipl, *Friar Thomas D'Aquino: His Life, Thought and Work*, 1st edition (Garden City, N.Y: Doubleday, 1974). 236

on display. There he resists the tendency to idealize or spiritualize man and the world, separating them from the material realm (as the medieval “Manichees” did) and instead grounds religion “in the created conditions of human nature.”<sup>178</sup> Johnson concludes that these “Manichees” (Cathars) played a significant role in shaping Thomas’ theology. Indeed, they were a significant force in the entire Catholic world of the time: “...they were perceived as such a threat to the Catholic Church and the unity of Christendom as to provoke a century of religiously sponsored violence.”<sup>179</sup>

### *Heresy and the Church*

To further comprehend Aquinas’ position on heretics, we would do well to briefly look at the received tradition on heresy (especially on the use of forceful coercion) from the time of Augustine. Aquinas cites Augustine’s Letter 93; here Augustine reveals that, while he initially thought no one should be coerced into unity and should be conquered by reason alone, this opinion was “overcome” by examples of individuals for whom “fear of the law has been so profitable that many now say, ‘Thanks be to the Lord, Who has burst our bonds asunder.’”<sup>180</sup> Following the time of Augustine, the coercion of heretics continued to be largely a prudential consideration. For instance, Bishop Wazo of Liège, in a letter from the 1040’s, favored public excommunication but not death for heretics

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<sup>178</sup> Johnson, “Christians Orthodox and Heterodox: Thomas Aquinas and the ‘Manichees.’” 34

<sup>179</sup> Ibid.

<sup>180</sup> Ep. 93 to Vincentius. Aquinas cites Augustine in *ST II.II 10 ad 1* “On Relations With Unbelievers.” Whereas Augustine’s thinking on the coercion of heretics changed over the course of his dealings with the Donatists, Aquinas’s views on heretics do not undergo such a metamorphosis. Indeed Aquinas takes Augustine’s final position as a starting point. Returning to the Parable of the Wheat and the Tares, Aquinas cites Augustine’s exegesis (in *Contra Parmenianum donatistam* 3:2) that they should suffer both to grow until the harvest lest “ye uproot also the wheat with them.” Augustine says that where there is no danger of uprooting the wheat along with the tares, as when a crime is so notorious that it has no defenders and there is no danger of schism, then “the severity of discipline should not sleep.”

and warned that using the “hoe of judicial decision to rid the grainfield” of tares would usurp God’s power to mete out justice and could result in the death of innocents.<sup>181</sup> St. Anselm commented on the impact of the bishop’s letter saying that, “in a measure he curbed the habitual headstrong madness of the French, who yearned to shed blood.”<sup>182</sup> The Cathar heresy would arise, then, in an atmosphere marked by uncertainty over the use of force in handling dissident movements.

### **Prudence in the Treatment of Heretics and Unbelievers**

Thomas Aquinas was first a teacher, and the *Summa* was written as an introductory theology text for novices of the Dominican order. That heresy should be dealt with in those pages is significant, since Aquinas was instructing future members of the Order called to root out the Cathar heresy through preaching and by conducting the Inquisition. What follows is an overview of the reasoning provided in the *Summa* regarding the sin of heresy and its danger to the faith.

#### *Heretics as Frauds and Traitors*

Just as the traitor in war is dealt with more harshly than the enemy combatant, so heretics were particularly despised, not only for their novel doctrine, but for their act of having broken faith with the community. In his decretal *Vergentis in senium* (1199), Pope Innocent III stated that heretics were to be considered traitors in Roman law, thus

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<sup>181</sup> Cited in Malcolm Lambert, *The Cathars* (Oxford: Blackwell Publishers, 1998) 18. referencing P. Brown’s *Religion and Society in the Age of St. Augustine* (1972), 301-31.

<sup>182</sup> Lambert, 18, citing Robert Ian Moore, *The Origins of European Dissent* (New York: St. Martin’s Press, 1977). 21-24.

enabling an array further serious legal penalties.<sup>183</sup> Aquinas, writing after the victory in the Albigensian Crusade and while the Inquisition was in full swing, justifies using force to compel heretics to fulfill their baptismal promises. In the *Summa*, he argues that heretics and apostates should “be submitted even to bodily compulsion, *that they may fulfill what they have promised*, and hold what they, at one time, received.”<sup>184</sup> If one were breaking a legal contract, for instance, the state would have no problem enforcing the terms of that agreement on the faithless party. Likewise, Mary Keys interprets Aquinas’ argument for bodily coercion of heretics in terms of natural justice: “Once the free act of faith has occurred...the social virtue of fidelity or faithfulness comes into play, and so compulsion is legitimated according also to human natural justice.”<sup>185</sup>

The analogy Aquinas actually uses in arguing that heretics deserve to be “severed from the world by death,” is not that of a breach of contract, but of forgery. He writes: “For it is a much graver matter to corrupt the faith which quickens the soul than to forge money, which supports temporal life. Wherefore if forgers of money and other evildoers are forthwith condemned to death by the secular authority, much more reason is there for heretics, as soon as they are convicted of heresy, to be not only excommunicated but even put to death.”<sup>186</sup> The matter is not simply that heretics have broken faith (or a contract); in that case they would be merely be guilty of the evil of apostasy. Rather, these individuals go on to “forge” the faith, to fraudulently pass falsehoods off as doctrinal truths. This of course, renders them a serious threat to the Church, particularly to her

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<sup>183</sup> Peters, 190.

<sup>184</sup> ST II-II 10,8 cited in Mary M. Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (Cambridge: Cambridge University Press, 2006). 231. Her emphasis added.

<sup>185</sup> Ibid, 231.

<sup>186</sup> ST II-II 11,3 cited in Peters, 182.



most easily-deceived members. For Aquinas, the real evil of heresy then is that the heretic leads others astray with fraudulent teaching and removes these “little ones” from the flock that is the Church.

If heretics sin by what they do to the most innocent or easily-deceived believers, they also are held guilty of assaulting the integrity of the temporal ruler’s claim to rule. We must be mindful of the fact that, as far as the Church was involved, the guilty heretic would only be excommunicated. It was the temporal power that executed the convicted heretic. For this reason, we should examine the rationale behind this further step; heretics were treated like traitors. If kings rule by divine right, and God’s church on earth (which bolsters this claim) is under attack from heresy, then by implication, the heretic assaults the legitimacy of the ruler, thus endangering the social fabric.

Heresy, indeed, is presented as treason. Those who deny the articles of the Catholic faith implicitly deny the claims of rulers to derive their authority from God. They are enemies not merely of God and of the souls of individuals but of the social fabric. Their questioning of religious truth involves a questioning of the monarch’s command over the law; as enemies of the law, they are its legitimate targets, and the position of primacy accorded to legislation against heretics is thus entirely proper.<sup>187</sup>

Abulafia notes, when writing about Frederick II, the infamous persecutor of heretics, that in the code of Melfi (1231), the emperor condemns heresy first (before sacrilege, treason, usury, and counterfeiting) as a crime against the state.

### *Heretics as Vain*

Additionally, heretics were seen as especially odious because they had given themselves over to the vices of vanity and pride. The Fourth Lateran Council notes that

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<sup>187</sup> David Abulafia, *Frederick II: A Medieval Emperor*, First Paperback Edition edition (New York: Oxford University Press, 1992). Cited in “Aquinas and the Heretics | Michael Novak.”

all heretics manifest vanity: "...[W]e condemn all heretics under whatever names they may be known, for while they have different faces, they are nevertheless bound to each other by their tails, since in all of them vanity is a common element."<sup>188</sup> Aquinas says those heretics sin who are so prideful that they "hold obstinately to their individual errors, against the faith of the universal church" and choose to follow the "suggestions of [their] own mind."<sup>189</sup> They refuse to see themselves as part of a community whose actions impact others, but choose to view themselves as autonomous individuals pursuing their own intellectual satisfaction. Indeed, Aquinas evinces a grave concern for how the faith of the "learned" impacts that of the "simple."

*Heresy as a sin against charity*

Aquinas shows particular concern for the poor and unlearned whose faith may be shaken by the arguments of the clever: "Heretics from among the learned tend especially to take advantage of their greater practice at subtle discriminations and their more extensive study of the fine points of doctrine to sway the simple over to their opinions and corrupt the faith."<sup>190</sup> This is why heretics were often compared to plague, rot on grapes, or mange on dogs; the educated among them, by clever argumentation and convenient citation of scripture can easily and quickly spread their (erroneous) interpretations among the unlearned. Keys, in reflecting on Aquinas' severity when it came to heretics writes, "...Aquinas's spiritedness was greatly aroused against heretics and apostates from the universities and upper echelons of society, who in their pride

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<sup>188</sup> Peters, 175.

<sup>189</sup> ST II-II 2,6 ad 3 and II-II 11,1 paraphrased in Keys, 232.

<sup>190</sup> ST II-II 2,6, ad 2, and ST II-II 11,3 paraphrased in Keys, 233.

confused others, especially the simple, to the detriment of the common good.”<sup>191</sup> Recall Augustine’s comparison of the heretic with a person made delirious from fever, who is about to destroy himself.<sup>192</sup> In charity, one is obligated to restrain the sick person; likewise one might coerce a heretic to prevent his spiritual destruction. To extend the analogy, and make it relevant to Aquinas’ point, imagine that the man with fever deliberately went about infecting unwitting others. Now, out of charity towards one’s “infected” neighbors and a concern for the common good, it is all the more necessary to restrain the heretic who has spread the “disease” of heresy through the community. Aquinas himself borrows disease imagery from St. Jerome’s commentary on Galatians: “‘Cut away the rotten flesh, expel the diseased sheep from the fold, lest the...whole body, the whole flock, ...perish, rot, die. Arius was but a little spark in Alexandria; but because that spark was not quenched forthwith, the whole world was laid waste by its flame.’”<sup>193</sup>

### *Relative Toleration of Unbelievers*

Throughout this section I will largely be using the Jews as the exemplar for what Aquinas refers to as ‘unbelievers,’ though certainly much of what he says would apply to Muslims and pagans as well. With regard to the policy of the Church towards the Jews, it remained largely the same from the time of Pope Gregory I (590-604), though the popes

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<sup>191</sup> Keys, 233-234. She uses this assertion to back up her claim: “In this rare instance, his unchecked spiritedness led Aquinas to endorse in unusually immoderate terms an unjust and unwise ecclesial-political policy.” This would place Keys among the scholars who seek to apologize for Aquinas’ intolerance (by modern standards).

<sup>192</sup> St Augustine, “Letter 93,” in *Nicene and Post-Nicene Fathers, First Series, Vol. 1*, ed. Philip Schaff, trans. J.G. Cunningham (Buffalo, NY: Christian Literature Publishing Co., 1887), <http://www.newadvent.org/fathers/1102093.htm>.

<sup>193</sup> ST II-II 11,3 *responsio* Translation in R.W. Dyson, *Aquinas Political Writings*, 275.

of the 13<sup>th</sup> century extended its enforcement and carried it out with greater zeal.<sup>194</sup> Pope Gregory's principle, which was to be incorporated into every 13<sup>th</sup> century papal Bull of Protection and was termed the "*Constitutio pro Judeis*," stated: "Just as it should not be permitted the Jews to presume to do in their synagogues anything other than what is permitted them by law, so with regard to those things which have been conceded them, they ought to suffer no injury."<sup>195</sup> Essentially, the *Constitutio* establishes boundaries and lays the groundwork for toleration; just as Jews must not transgress, so too, they must not be persecuted. This principle was incorporated into the foundational edict of Pope Calixtus II, *Sicut Judeis*.<sup>196</sup> While proclaiming that the Jews were obstinate in their error, this document nonetheless granted Jews protection from forced baptism, violence, robbery, and desecration of cemeteries. Charity demanded that Jews be peacefully encouraged to see the truth, and in the meantime, be tolerated and preserved as a testament to Christian truth.

In a 1233 letter to the bishops of France, responding to reports of the imprisonment and torture of Jews, Gregory IX invoked the shared humanity of Christians and Jews, saying that Jews "bear the image of our Savior, and were created by the Creator of all mankind," and so "are not to be destroyed."<sup>197</sup> He closes the letter with another rationale for religious toleration: "Such kindness must be shown to Jews by

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<sup>194</sup> Solomon Grayzel, *The Church and the Jews in the XIIIth Century: Volume II - 1254-1314*, ed. Kenneth R. Stow (New York : Detroit: Wayne State University Press, 1989) attributes the greater mildness of Gregory's policy to both his "deeper spirituality" as well as to the conditions of the day ("Jews, then, were not the only non-Catholics scattered over Western Europe."), 9. Pope Gregory was too consumed with the barbarian horde to instigate confrontation with the Jews.

<sup>195</sup> Ibid, 9.

<sup>196</sup> This discussion of *Sicut Judeis* is informed by the research in Leonard Glick, *Abraham's Heirs: Jews and Christians in Medieval Europe* (Syracuse, NY: Syracuse University Press, 1999). 120.

<sup>197</sup> Grayzel, 201

Christians, as we hope might be shown to Christians who live in pagan lands.”<sup>198</sup> These two arguments for toleration may be classed as, first, a call for charity towards all creatures made in God’s image, and second, as a do-unto-others, “Golden Rule” rationale.

In the *Summa*, Aquinas expands on these humanitarian reasons when he argues for the toleration of the religious practices of unbelievers and against forced conversion. He strikes a prudential tone when arguing that the rites of unbelievers ought not to be outlawed: “[U]nbelievers although they sin by their rites may be tolerated either because a greater good may come of it or some evil may be avoided.”<sup>199</sup> Note that Aquinas does not argue for a “right to error,” or a right to religious liberty; rather he is taking a prudential stance. When it comes to his opposition to the forced conversion of children, however, Aquinas does invoke natural right: “[I]t is against natural justice for a child to be taken from the care of his parents before he has the use of reason or for something to be decided about him against the will of the parents.”<sup>200</sup> Once he begins to have the use of reason, the unbeliever “can be induced to accept the faith not by force but by persuasion.”<sup>201</sup>

Despite the relatively tolerant stance Aquinas takes towards Jews, there are less tolerant aspects to be found in his writings. For instance, Aquinas recommended policies to the Empress of Brabant in ‘*On the government of Jews*’ that were meant to insulate the faithful from the influence of unbelievers. The recommended measures included keeping

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<sup>198</sup> Grayzel, 203.

<sup>199</sup> ST II-II 10, 11. Translation from Thomas Aquinas, *St. Thomas Aquinas on Politics and Ethics*, trans. Paul E. Sigmund, 1st ed (New York: W. W. Norton & Company, 1987).

<sup>200</sup> ST II-II 10, 12

<sup>201</sup> Ibid.

the infidels in ghettos, making them wear distinctive dress, and prohibiting them from employing Christians.<sup>202</sup> Another instance of intolerance arises on the question of whether it is lawful to extract tribute from the Jews. Aquinas replies to the empress: “[A]s their sins deserve, the Jews are, or have been, given over into perpetual slavery, as the laws state, so that earthly lords may take their property as though it were their own, provided only that the things necessary to sustain life are not withdrawn from them.”<sup>203</sup> He qualifies this statement, adding that “forced service should not be exacted of them,” and that tribute should be exacted of the Jews “according to the custom of your predecessors...”<sup>204</sup>

While the aforementioned measures to isolate or tax Jews certainly are less tolerant than Aquinas’ other positions on the Jews, it is no exaggeration to say that, on the matter of coercion, Aquinas advocates, overall, a much stricter policy towards heretics. These prudential differences in approach to heretics and Jews, especially with respect to violent coercion, can be accounted for by consideration of the gravity of heresy: it represents both a breach of faith with the community and a threat, as heretics seek to spread their errors and wound the body of Christ, the Church. Jews, conversely, while subjected to policies of degradation and separation as punishment for “obstinacy,” were tolerated in the practice of their faith and (officially, at least) protected from violent persecution.

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<sup>202</sup> Drury, “Aquinas and the Inquisition,” 96.

<sup>203</sup> ‘On the government of Jews.’ *Aquinas: Political Writings*, trans. R.W. Dyson, 233

<sup>204</sup> ‘On the government of Jews.’ *Aquinas: Political Writings*, trans. R.W. Dyson, 234

## ***Caritas* and the Common Good**

In this final section I want to explore another of the animating principles behind the toleration and/or coercion of heretics and unbelievers: *caritas*. All of the preaching, the disputations, and the desperate exhortations directed against heretics, (as Augustine would put it “acting only by words, fighting only by arguments, and conquering only by reason”) represented what historian Edward Peters has called the “way of *caritas*.”<sup>205</sup> Under the way of *caritas*, the strictest measures imposed were expulsion from a diocese or excommunication; violence, when committed, was often at the hands of mobs of laypeople.<sup>206</sup> Once heretics did not respond to this approach, Peters argues that they were subjected to the “way of *potestas*.” (or the resort to temporal power). I contend that the way of *caritas* and the way of *potestas* are not mutually exclusive. Once the church resorted to the way of *potestas*, it was not abandoning *caritas*. To the extent that Peters places the two ways in opposition, it is due, I believe, to his more limited conception of *caritas*. It can be an act of charity to utilize the coercive power of the state in order to preserve average members of the faithful from false belief, as well as to protect the integrity of the social fabric and Church teaching. What follows will be a fuller explanation of an important aspect of *caritas*—in Aquinas, we find that *caritas* is a love of God and a love of neighbor, which, in turn, involves the primacy of the common good.

For Aquinas, the love of neighbor is included in the love of God; he cites 1 John 4:21: “This commandment we have from God, that he, who loveth God, love also his

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<sup>205</sup> Peters, *Heresy and Authority in Medieval Europe: Documents in Translation*, 1980, 165.

<sup>206</sup> Peters, 165.

brother.”<sup>207</sup> What we love in our neighbor is the image of God and the fact that he may be with God in eternal beatitude. Thomas writes, “Now the aspect under which our neighbor is to be loved, is God, since what we ought to love in our neighbor is that he may be in God....Consequently the habit of charity extends not only to the love of God, but also to the love of our neighbor.”<sup>208</sup> Having established that charity (*caritas*) is love of God and neighbor, it remains to be examined precisely the means by which one demonstrates this love for neighbor.

Charity towards one’s neighbor includes a concern for, indeed a love for, the common good. If to love one’s neighbor means willing his good, then that good clearly includes experiencing the tranquility of order (peace) in our common life together. When we love the common good in itself (and not for what we can acquire by it), we see to it that peace is preserved. That which disturbs the tranquility of order (heresy, for instance), upsets the common good, and thus impedes our love of neighbor.

To reiterate the point that charity towards God and neighbor are inextricably linked with the common good, let us turn to 20th century Thomist Charles de Koninck. He cites Aquinas in *de Caritate (de Carit., a. 2, c.)* basing charity towards neighbor on that which all people share—an eternal destiny : “... [T]his is what charity consists of, to love God for himself, and the neighbor who is capable of beatitude as oneself.” De Koninck adds the common good into this equation, saying that “one cannot love the

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<sup>207</sup> ST II-II 25,1 *sed contra*. Translation from Thomas Aquinas, *The Summa Theologiae of St. Thomas Aquinas*, trans. Fathers of the English Dominican Province, Second and Revised Edition, 1920, <http://www.newadvent.org/summa/>.

<sup>208</sup> ST II-II 25,1 *responsio*. Translation from Fathers of the English Dominican Province.



common good without loving it in its capacity to be participated in by others.”<sup>209</sup> The chain of reasoning we have then is: We love God for himself; we love our neighbor who is capable of beatitude with God; and, we love the common good because it is capable of being participated in by our neighbor. Thus, we hold a primacy of place for the common good, and ought to be particularly on guard against that which threatens it, namely those individuals who love only their private good.

As heretics have already been denounced as prideful, vain, and guilty of perpetuating a fraud on their neighbors, we might safely say that they are lovers of the private good. De Koninck says of such individuals, “A society constituted by persons who love their private good above the common good, or who identify the common good with the private good, is a society not of free men, but of tyrants...in which the ultimate head is no one other than the most clever and strong among the tyrants...This refusal of the common good proceeds, at root, from mistrust and contempt of persons.”<sup>210</sup> Here we have the reversal of the equation that was just laid out above: Hatred of one’s neighbor results in dismissal of the common good in favor of private good.

Returning to the original contention in this section that the way of *caritas* and the way of *potestas* can in fact work in tandem, we see that it is precisely in living out *caritas* (in the form of love on one’s neighbor and love of the common good) that one finds the way of *potestas* is occasionally necessary. Both Aquinas and Augustine—at least the position he finally embraced—are animated primarily by *caritas*, or love of God and

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<sup>209</sup> Charles De Koninck, “On the Primacy of the Common Good Against the Personalists and The Principle of the New Order,” trans. Sean Collins, *The Aquinas Review* IV (1997): 27. Originally published 1943 by Université Laval.

<sup>210</sup> Ibid

neighbor, when they approve of the coercion of heretics. For Augustine there is an emphasis on charity that is directed more towards the ultimate good of the individual heretic. Perhaps this is due, in part, to the nature of his writings on the Donatists; they are largely in epistolary form, addressed to individual heretics.<sup>211</sup> Aquinas, in contrast, emphasizes charity towards those the heretic seeks to “infect” in the community. In Aquinas, we get more of a sense that the common good is under threat, and that charity demands its protection.

## Conclusion

Having discussed the role of *caritas* in the coercion of heretics, it remains to review the role of prudence in the disparate approaches taken towards heretics and unbelievers. These differences in approach, especially with respect to the use of coercion, can be accounted for by consideration of the gravity of heresy: it represents both a breach of faith with the community and a threat, as heretics seek to spread their errors and further wound the body of Christ, the Church. Jews, conversely, while subjected to policies of degradation and separation as punishment for their “obstinacy,” are tolerated in the practice of their faith and (officially, at least) protected from violent persecution.

For Aquinas, to the extent that heretics represent a pernicious threat to the common good, then, out of love of our neighbor and the desire that they attain eternal beatitude, coercion, even the resort to the way of *potestas* can be justified. To the extent

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<sup>211</sup> See Ep. 93 when he compares of a heretic to someone delirious with fever who will later reacts with gratitude once saved from his “phrenzy.” See also Ep. 173 when he writes to a heretic intent on suicide whom the faithful saved from drowning. If they do this for the body, he says, how much more should they do it for the heretic’s spiritual welfare.

that this strikes us as intolerant, we are likely conceiving tolerance as that highest of liberal virtues and not as the prudential move in the interest of the common good that Aquinas sees it as.

## Chapter 4

### Tocqueville and the Toleration of Religion

It might seem that nothing can be further from Christendom during the High Middle Ages than nineteenth century France. Having explored the state of religious toleration at a time when Christianity was at the zenith of its societal influence, we have come to a time when Christian unity is no more and secularism dominates among the elites; religious skepticism is the new orthodoxy. Rather than examining the arguments for religious toleration of dissenting belief, we now look at the arguments for the secular state's toleration of religion. By toleration of religion is meant, firstly, that the state no longer perceives religion as a threat and ceases hostility towards it. In addition, it means that religion is preserved from dangerous entanglement in political affairs, with the state refraining from co-opting it.

We find such toleration of religion advocated for in the work of French political thinker Alexis de Tocqueville. On his famous sojourn in America, he praised the separation of church and state he saw there, while *also* arguing that religion—far from being a threat—was an essential aid to democratic society. Tocqueville's notion of

separation of church and state is better conceived of as a separation of state *from* church. When the state refrains from co-opting religion, religious institutions and believers can remain free to practice their faith.

Tocqueville's notion of separation of church and state was unidirectional, focused on preserving the purity of religion from entanglements with the state, rather than the other way around. He warned against the politicization of religion, where the faith would see its prospects rise and fall with the regime to which it was tied. For Tocqueville, the essential role of religion in sustaining the democratic order—and protecting it from its excesses—was too central to have it subjected to the vicissitudes of political life. Further, Tocqueville evinces a concern for the integrity of religion; the religion that sustains democratic life must be a robust one, rather than a diluted civil religion useful for propping up a government.

## **Background**

In order to provide some context for the pending explorations, it is necessary to delve into a brief overview of Alexis de Tocqueville, his character, and his times. In this way we can understand both the genesis of his beliefs on the toleration of religion, as well as the uniquely difficult position in which he found himself—caught between the Old Regime and post-Revolutionary France, between the class of his birth and the dominant political philosophy of his time, between a country once Catholic and one newly secular.

Alexis Charles Henri Clerel de Tocqueville was born during great societal upheaval, in Paris, on July 29, 1805, to family from among the *petite noblesse*. His father, Hervé de Tocqueville and his mother Louise de Rosambo were imprisoned during the Revolution and were only spared the guillotine by the fall of Robespierre. Alexis, the third son of the family, was born in the shadow of Napoleon. His father had taken the oath to Napoleon and was made mayor of Verneuil, where the family was then domiciled.

The young Tocqueville's formation had been entrusted to the care of the family priest, as was common among his class. The abbé Lesueur taught his charges "hatred of the Revolution and love of those freed by it."<sup>212</sup> With the return of the Bourbons to the throne in 1814, the family's fortunes rose and Hervé was appointed prefect of the department of the Oise. Eventually, Alexis went away to study at the *Lycée* at Metz where he excelled in rhetoric and French composition. It was in this period that the adolescent Tocqueville, exploring his father's library at the prefecture, came across the works of 18<sup>th</sup> century skeptics and agnostics. The works shook Tocqueville's Catholic faith, "with the result that...a torturing fire of intense and anxious interest in the whole subject of religion was kindled in him."<sup>213</sup> At eighteen, Tocqueville returned to Paris to undertake three years of legal studies, after which his father secured for him a position as *juge auditeur* (an apprentice magistrate) in the court at Versailles. By 1830, despite predictions that Tocqueville had a promising judicial career ahead of him, he increasingly felt the pull of politics.

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<sup>212</sup> George Pierson, *Tocqueville in America* (Baltimore and London: The Johns Hopkins University Press, 1996), 14–16. Pierson is here quoting from Rédier, *Comme disait Monsieur de Tocqueville*. The information in this biographical sketch is drawn from Pierson.

<sup>213</sup> Pierson, 17.

Indeed, politics of the time had grown tense. With the accession of Charles X, an ultra-conservative, to the throne, a liberal reaction was brewing. For his part, Tocqueville sympathized with the liberals and found himself at odds with his conservative aristocratic family. Pierson describes his liberalism as:

[M]oderate, hesitating, intellectual, rather than positive and radical. A thinker rather than an actor, a student rather than a politician or manipulator of men, an aristocrat in the liberal fold, he was puzzled and full of doubts. What had been done before, or elsewhere? He asked himself. What did he know about history or political science? About the institutions not only of foreign countries but of his own? Little, or nothing.<sup>214</sup>

In this atmosphere, Tocqueville would make the acquaintance of a fellow magistrate, an idealistic, ambitious, and liberal young noble, Gustave de Beaumont. The two friends could sense the coming political storm and took to studying history and political economy.

Finally, in July of 1830, protest erupted and the barricades went up. Charles X was replaced by Louis Philippe of the House of Orléans, a monarch friendly to the liberal cause. Tocqueville would take his oath to the “bourgeois king” in August of that year. In accepting the king, he had preserved his position as a magistrate, but had offended many relatives and friends, and was perceived as a traitor to his class. Additionally, the new government was suspicious of his loyalty; he was made to take the oath a second time and was demoted. Ambitious to make a difference in the life of his country and perceiving that he would never be permitted to advance in the magistracy under the July Monarchy, Tocqueville sought a new direction. With the revolution, reform in general and of the prison system in particular, captured the popular imagination. Beaumont and

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<sup>214</sup> Pierson, 20.

Tocqueville proposed to visit the United States to study the new penitentiary system. According to Pierson, this would, “provide a graceful way out of a difficult situation, and give them a chance to abandon their jobs without antagonizing the government... This prison mission would be for them the ladder to a new career, the first step toward influence and fame.”<sup>215</sup> Thus would begin the journey that would eventually lead to the publication of *Democracy in America*.

### *The mind of Tocqueville*

Given Tocqueville’s complicated relationship with religion and the class of his birth, as well as his ambition to do something great for his country, many scholars have been attracted to exploring Tocqueville’s mind and his position in the world. Sheldon Wolin, for instance, writes that Tocqueville was a man caught between two worlds—the Old Regime and post-Revolutionary France, his aristocratic birth and his liberal tendencies, and most especially between the worlds of political theory and practice. For Tocqueville, on the one hand there was exhilaration at the thought of political participation and yet a disappointment with the triviality of parliamentarianism.<sup>216</sup> Regarding his class, there was an ambivalence too; he was “an aristocrat who repeatedly declared that aristocracy no longer mattered politically, yet who in his writings reconstituted that class as a ghostly but crucial element in the structure of his theory.” Finally, Wolin writes, Tocqueville the political theorist was confronted with the embodiment of his famed concept “democratic despotism” in the person of Louis

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<sup>215</sup> Pierson, 31.

<sup>216</sup> Sheldon S. Wolin, *Tocqueville between Two Worlds: The Making of a Political and Theoretical Life* (Princeton, NJ: Princeton University Press, 2003), 562.



Napoleon, and yet, rather than engage politically, he chose to seclude himself in the past, writing *The Old Regime and the Revolution*.<sup>217</sup>

Other scholars have picked up on the theme of Tocqueville's ambivalent position between two worlds by writing of the human condition, especially as it appears in Tocqueville's work. Peter Lawler refers to restlessness as part of what it is to be a human being in possession of liberty. Tocqueville himself calls it "natural" for the human mind to be restless; indeed this mental restlessness is both "a manifestation and the cause of human liberty."<sup>218</sup> It is this feverish condition that propels the "restless 'audacity' of revolutionaries"; yet while feverish discontent *awakens* the human mind, too much fever drives one out of one's mind.<sup>219</sup> Thus a temperate sort of restlessness should be the aim.

Joshua Mitchell also takes note of the restless character of the human mind and the need to strike a balance between excess and defect. Mitchell theorizes about the presence of the "Augustinian self" in Tocqueville, one that is caught between isolation and restless activity:

By the Augustinian self I mean the kind of self that is prone to move in two opposite directions: either *inward* in which case it tends to get wholly shut up within itself and abandon the world; or *outward* in which case it tends to be restive, overly active, and lost amid the world, searching at a frenzied pace for a satisfaction it can never wholly find there.<sup>220</sup>

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<sup>217</sup> Wolin, 562.

<sup>218</sup> Peter Augustine Lawler, *The Restless Mind : Alexis de Tocqueville on the Origin and Perpetuation of Human Liberty* (Rowman and Littlefield, 1993), 5.

<sup>219</sup> Lawler, 5.

<sup>220</sup> Joshua Mitchell, *The Fragility of Freedom : Tocqueville on Religion, Democracy, and the American Future* (University of Chicago Press, 1995), 3.

Tocqueville proffers solutions to these two extremes: for the tendency to isolate (individualism), political participation is the remedy; for the problem of restlessness and *too much* motion, the institutions of the family and religion are indispensable.<sup>221</sup>

To the extent that the cast of Tocqueville's mind can be pinned down, several scholars note that he was plagued by skepticism and doubt. In his famous letter to Madame Swetchine (a Catholic mystic of Russian extraction who kept correspondence with the most distinguished men of the period) written in 1857, toward the end of his life, Tocqueville recounts the time he read the books in his father's library and was cast into "le doute universel."<sup>222</sup> He further describes his uneasiness and inability to find certainty: "The appearance of the problem of human existence preoccupies me incessantly and overpowers me incessantly. I can neither penetrate into this mystery, nor detach my eyes from it....In this world, I find human life inexplicable and in the other world, frightening."<sup>223</sup> Tocqueville though is no smug skeptic; he continues in this letter to refer to his being stricken with doubt as "a sad and frightening illness."<sup>224</sup> Despite these troubling uncertainties, we shall see that he is a firm believer in the importance of religion for political liberty.

Indeed, Tocqueville, in *Democracy in America*, very much admires the combination he finds there of the spirit of freedom with the spirit of religion.<sup>225</sup> In correspondence with a friend Tocqueville confided that his chief goal in political life was

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<sup>221</sup> Mitchell, 7.

<sup>222</sup> Roger Boesche, *The Strange Liberalism of Alexis de Tocqueville* (Ithaca and London: Cornell University Press, 1987), 186.

<sup>223</sup> Boesche, 186.

<sup>224</sup> Boesche, 186.

<sup>225</sup> Alexis de Tocqueville, *Democracy in America*, ed. Nolla Eduardo, trans. James T. Schleifer, English Edition, 2 vols. (Indianapolis: Liberty Fund, 2012). I: 1: ii: 69. All citations are to this edition. Hereafter referred to as *Democracy*.

to reconcile liberalism with Catholicism. He wrote, “Man’s true grandeur lies only in the harmony of the liberal sentiment and the religious sentiment, both working simultaneously to animate and restrain souls, and [my] sole political passion for thirty years has been to bring this about.”<sup>226</sup> Note that Tocqueville’s reference to the dual actions of liberty and religion—one to animate souls and the other to restrain souls—echoes the dual motions of the Augustinian self which must combat opposing tendencies toward isolation and restlessness. Far from having an antagonistic relationship, we see in Tocqueville’s thought the urgent desire to reconcile liberty and religion, for both have something essential to contribute to the human condition.

### *Religion in Tocqueville’s France*

If we are going to explore further Tocqueville’s arguments for the toleration of religion, it would be helpful, before examining his analyses of religion as he found it in America, to outline the state of religion as he saw it in his native France. In this way, we can obtain a keener sense of his diagnosis of a *troubled* relationship between religion and liberty. This will serve to draw a stark contrast between the French and the American religious circumstances—the former he views as problematic, the latter as archetypal.

Tocqueville writes of religion in France on the eve of the revolution in *The Old Regime and the Revolution*. While at first glance it would seem that he is analyzing a distant past, in the chapter on religion, he actually states that the secularizing revolutionaries at work prior to the revolution were still at work in his day. He writes of

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<sup>226</sup> Boesche, *The Strange Liberalism of Alexis de Tocqueville*, 187–88. Citing *Selected Letters on Politics and Society*. Ed. Roger Boesch. Trans. James Toupin and Roger Boesch. Berkeley: University of California Press, 1985, 295.

the revolutionaries and their staying-power: “They were, rather, the first of a new race of men who subsequently made good and proliferated in all parts of the civilized world, everywhere retaining the same characteristics. They were already here when we were born, and they are still with us.”<sup>227</sup> He does, however, draw an important distinction between the religious ideas of the 18th century and those of his 19th century contemporaries. He writes that, while those responsible for the revolution were “more skeptical as regards the Christian verities,” they also held one belief that was no longer prevalent—a belief in the “perfectibility of man” and in his “innate virtue.”<sup>228</sup> Out of their “arrogant self-confidence” and “passionate idealism,” he says, a new religion was born, one in which the revolutionaries were given to “altruistic sacrifices,” “heroic deeds,” and intense patriotism.<sup>229</sup> Not only did they topple the old religion, they toppled the existing state as well, such that both were thrown into the “melting pot,” leaving the populace in a state of “utter confusion.”<sup>230</sup>

Tocqueville traces the origins of this new religion back to the early eighteenth century when, he says, Christianity had ceased to have a hold on the minds of men, skepticism was fashionable, and irreligion in France had become “an all-prevailing passion, fierce, intolerant, and predatory.”<sup>231</sup> Interestingly, Tocqueville does not place blame on the Church for the rise of irreligion in France. Rather than point to something the Church had done or failed to do to bring about such a dire state of unbelief, and eventually, revolutionary fervor, he says that it is “less to religious than to social

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<sup>227</sup> Alexis de Tocqueville, *The Old Regime and the French Revolution*, trans. Stuart Gilbert (Garden City, N.Y.: Anchor, 1983), 157. Hereafter referred to as *Old Regime*.

<sup>228</sup> *Old Regime*, 156.

<sup>229</sup> *Old Regime*, 156.

<sup>230</sup> *Old Regime*, 157.

<sup>231</sup> *Old Regime*, 149.

conditions that we must look when we seek to trace the causes of the events that now took place in France.”<sup>232</sup> Indeed, he does not seize on the opportunity to blame the shortcoming of the Church as an institution, but looks rather at what the Church represented to pre-revolutionary political writers. To them the Church represented Tradition which they held in contempt. He writes: “[O]ur men of letters professed the utmost contempt for all such institutions as owed their prestige to the past,” and if they were to overthrow the social order, they must begin with that institution on which all the others were modeled and derived.<sup>233</sup>

To the extent that the Church can be faulted for the calamity that befell France in the Revolution, Tocqueville says it was in the imprudence of allowing herself to become entangled with the oppressive state.

[T]hough neither her vocation nor her nature called for this, [the Church] cooperated with the secular authority, often condoning vices in it that in other spheres she would have reprobated. Almost it seemed that she was bent on investing it with her aura of sanctity and making it as infallible and eternal as herself.<sup>234</sup>

Political writers of the day, he says, had particular reasons for making the “State religion” a target of their attacks. First, the Church was the body, associated with the government, with which they had the closest contact. The Church, because of its censorship of literature, engaged in regular interaction with these men of letters. Further, he writes, the Church represented an easy target, the most vulnerable point of the “fortress” they were attacking.<sup>235</sup> The Church found itself in a servile, dependent relationship with the state; they provided moral support to the state, while the state provided material support. This

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<sup>232</sup> *Old Regime*, 151

<sup>233</sup> *Ibid*

<sup>234</sup> *Ibid*

<sup>235</sup> *Old Regime*, 152.

alliance, according to Tocqueville was perilous for the Church since “such associations are always dangerous to a power founded not on constraint but on belief.”<sup>236</sup> Despite the alliance, the state, he says, allowed the Church to be harassed by a “sort of guerilla warfare.”<sup>237</sup> Throughout the discussion we see that, for Tocqueville, if the Church is to be blamed for what happened to her in the pre-Revolutionary period, it is for the imprudence she exercised in permitting herself to be the moral cover for the regime. The prudent course would have been for the Church to maintain a safe distance from the State, avoiding the extremes of an antagonistic relationship or a sycophantic one. As Tocqueville would state in *Democracy in America*, when the edifice of the State fell, it brought the Church down along with it.

### **A Prudential Approach for the Church: avoiding the danger of entanglement**

We now look back at the young Tocqueville more than twenty years prior to his writing *The Old Regime*. His journey to America took place in 1831 and Volume I of *Democracy in America* was published in 1835. It is clear that America provided a stark contrast with the religion he observed in his native France. Indeed, he attests that, when he arrived in America, “it was the religious aspect of the country that first struck my eyes.”<sup>238</sup> He had just come from a country where, he says, “[T]he spirit of religion and the spirit of liberty march almost always in opposite directions. In America he found them “intimately joined the one to the other: they reigned together over the same soil.”<sup>239</sup>

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<sup>236</sup> Ibid

<sup>237</sup> Ibid

<sup>238</sup> *Democracy*, I: 2: ix: 479

<sup>239</sup> Ibid

Oddly enough, what he most admired about this intimate co-reign of religion and liberty, is that, in practice, the state remains separate from the church. Note that he speaks of the *spirit* of religion and the *spirit* of liberty being joined, and *not* the apparatuses of church and state being interwoven.

To elucidate Tocqueville's notion of separation of church and state, it must be noted that he is not as concerned with the *church* overstepping its bounds and interfering with the state, as he is with the state becoming too entangled in religious affairs, thus diminishing the institution of the church. In America, he found religion unencumbered and free of risky attachments to a (potentially unjust) regime. He writes of his conversations with American Catholic priests: "[A]ll attributed the peaceful dominion that religion exercises in their country principally to the complete separation of Church and State."<sup>240</sup> Tocqueville notes that no layman or cleric he spoke to throughout his journey disagreed on this point. In fact, the clergy he spoke with said they voluntarily steered clear of political power. How then, he wondered, could it be that "by diminishing the apparent strength of a religion, you came to increase its true power..."<sup>241</sup> How could he account for the "peaceful dominion" of religion in American life?

He begins this inquiry by highlighting the danger that religion in America has averted—political entanglement. When a religion makes an alliance with a government, he writes, it "sacrifices the future with the present in mind."<sup>242</sup> There are numerous damaging effects of an alliance between religion and government: First, religion undercuts its claims to *universality*, for by coming to unite with a government, "it must

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<sup>240</sup> *Democracy*, I: 2: ix: 480

<sup>241</sup> *Democracy*, I: 2: ix: 481-82

<sup>242</sup> *Democracy*, I: 2: ix: 483

adopt maxims that are applicable only to certain peoples”; it thus “loses the hope of reigning over all.”<sup>243</sup> Secondly, religion is supposed to *unite* the faithful, yet in aligning with one political side, it may happen that religion finds men, who are otherwise religious believers, to be its political adversaries. Indeed religion could find itself associated with the animosities often roused by government. Tocqueville writes: “Religion cannot share the material strength of those who govern without burdening itself with a portion of the hatreds caused by those who govern.”<sup>244</sup> Finally, religion is supposed to be *timeless*, removed from the passing sentiments of this world, but when it “wants to rely on the interests of this world, it becomes almost as fragile as all the powers of the earth...it follows their fortune, and often falls with the passions of the day that sustain those powers.”<sup>245</sup> In sum then, Tocqueville argues that alliance between religion and political power is bound to be burdensome for religion. He cautions, “It does not need their help to live, and by serving them it can die.”<sup>246</sup>

Given what he would later write in *The Old Regime*, Tocqueville was undoubtedly thinking of the fate of the Catholic Church in his native land. Referring to Christianity at large, he laments:

In Europe, Christianity allowed itself to be intimately united with the powers of the earth. Today these powers are falling and Christianity is as though buried beneath their debris. It is a living thing that someone wanted to bind to the dead: cut the ties that hold it and it will rise again. I do not know what must be done to give Christianity in Europe the energy of youth. God alone would be able to do so; but at least it depends on men to leave to faith the use of all of the forces that it still retains.<sup>247</sup>

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<sup>243</sup> Ibid

<sup>244</sup> Ibid

<sup>245</sup> *Democracy*, I: 2: ix: 483-84

<sup>246</sup> *Democracy*, I: 2: ix: 484

<sup>247</sup> *Democracy*, I: 2: ix: 488



Tocqueville would be disappointed with the fortunes of Christianity in France, at least. Throughout his life, he would voice the complaint that religion was being compromised through its continual association with successive corrupt regimes. After Louis-Napoleon had come to power as Emperor Napoleon III in 1852 and received support from churchmen, Tocqueville would reflect in a letter to his friend Monsignor Daniel (1858):

I wonder if there is not some danger for religion in siding with the new power and recommending it in the name of God. Even in my own time, I have seen the Church confusing its cause with that of the first Emperor in the same way. I have seen it shielding the Restoration with its word in the same way, and it did not seem to me that it profited from this course of conduct.<sup>248</sup>

Indeed, in tying itself to so many failed regimes, religion had not only *not profited*, but it had lost something of itself in the process. In becoming entangled with so many morally questionable regimes, the Church herself brought her moral authority into question. Surely this is an outcome, however unanticipated by churchmen, which served to convince Tocqueville of the importance of separating the state *from* Church.

### *A Peaceful Dominion*

How are we to construe Tocqueville's concern that the state not become entangled with religion? Following Harvey Mansfield, I believe Tocqueville's view evinces a concern that religion maintain its purity. Essentially "religion loses its concern for the other world" when enmeshed in the politics of this world.<sup>249</sup> Religion's role is to foster restraint in politics, particularly since it serves as a reminder of a higher life than political

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<sup>248</sup> Andre Jardin, *Tocqueville: A Biography* (New York: Farrar, Straus and Giroux, 1988), 476. Jardin cites a letter found in the Tocqueville Archives.

<sup>249</sup> Harvey Mansfield, *Tocqueville: A Very Short Introduction* (Oxford: Oxford University Press, 2010), 31.

life. Its influence ought to be quiet and steady. It is not then, through sheer force that religion asserts its influence, but as Tocqueville says, through its “peaceful dominion.”

Tocqueville’s notion of “separation” or “non-politicization” of religion does *not* indicate that he is advocating for a secularized society as might the most ardent proponents of the separation of church and state. In a democracy, unbelief is dangerous; social trust requires shared values. He reports an incident in a New York courtroom, where a witness declared that he did not believe in God and the immortality of the soul and the judge wouldn’t allow him to be sworn in because he had destroyed all possible confidence in his testimony.<sup>250</sup> For Tocqueville, religion is in the very marrow of society; laws are undergirded by mores (mores, or *moeurs*, being the “habits of the heart” or “the whole moral and intellectual state of a people”<sup>251</sup>), and mores are rooted in religion.<sup>252</sup>

Given that Tocqueville is disinclined to see religious authorities overtly involved in politics, what means ought political authorities to use to “lead men back towards spiritual opinions.”? He argues that politicians ought to serve as role models – models of belief in the immortality of the soul and models of behavior, by conforming to religious morality in great affairs themselves. Thus they “teach citizens to know, love and respect religious morality in little affairs.”<sup>253</sup> In this way religion can avoid any official, potentially uneasy, entanglements with the state and yet can still hold a peaceful dominion over the hearts of men, their mores, and their leadership.

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<sup>250</sup> *Democracy I*: 2: ix: 476

<sup>251</sup> *Democracy I*: 2: ix: 466

<sup>252</sup> One vehicle for this quiet influence of religion, he says, is women: “religion...rules with sovereign power over the soul of the woman, and it is the woman who shapes the mores.” *Democracy I*: 2: ix: 473

<sup>253</sup> *Democracy II*: 2: xv: 962

### A Prudential Approach for the State: recognizing religion's essential role

If Tocqueville's prescription for religion is to avoid the damaging effects of political entanglements, then his prescription or warning for the state is that, essential to its survival as a free and democratic nation, a robust form of religion (not a diluted civil religion) must reign in the hearts of the populace. This is a lesson he learned through observation of American democracy, and it runs directly counter, he states, to the claims of the 18<sup>th</sup> century philosophers who posited, "Religious zeal must fade...as liberty and enlightenment increase."<sup>254</sup> In combatting this theory, Tocqueville refers to a European population "whose disbelief is equaled only by its brutishness and ignorance," and compares them to an American population that is one of the most "free and enlightened peoples in the world," and yet still "fulfill[s] with ardor all the external duties of religion."<sup>255</sup> In America he has found enlightenment, freedom, and religion coexisting amicably. Not only is religion *not* a threat to democratic society—a claim which counters the avowals of the French secularists—but, he argues, it actually has a *central role* in maintaining democracy by both forming citizens capable of democratic rule and shaping a polity humble in its reach and aspirations.<sup>256</sup>

First, for Tocqueville, religion both restrains individual action and makes it possible. In *Democracy in America*, we first see Tocqueville argue for a religion that provides the *self-restraint* necessary for self-government. In one of his work's most famous lines, he muses: "Despotism can do without faith, but not liberty...How could

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<sup>254</sup> *Democracy I*: 2: ix: 479

<sup>255</sup> *Ibid*

<sup>256</sup> Catherine Zuckert, "Not By Preaching: Tocqueville on the Role of Religion in American Democracy," in *Democracy in America: A Norton Critical Edition*, ed. Isaac Kramnick (New York and London: W. W. Norton & Company, 2007), 750–67. Zuckert's argument informs the following discussion.

society fail to perish if, while the political bonds grow loose, the moral bond does not become tighter? And what to do with a people master of itself, if it is not subject to God?” In a despotic government, restraint is provided by the bonds that keep the people held in their respective roles. In a democracy, however, where bonds are loosed, chaos could result if those bonds are not replaced with another sort of restraint. If individuals are to govern themselves and use their liberty, not as mere license, but in a way that forms their souls in accord with their rational nature, then they will require the limits provided by religion. As Boesche notes, for Tocqueville, religion provides a restraint on the passions and enables democratic citizens to master themselves. Additionally religion “curbs the passion for wealth,” which Tocqueville saw as an obstacle to democratic freedom.<sup>257</sup>

Aside from restraining the actions of democratic citizens, religion also provides the firm basis that makes action possible. According to Tocqueville, one of the unfortunate consequences of the loss of faith in the divine is that the individual loses faith in himself and his ability to act, due to the loss of moral certainty. “Such moral doubt is debilitating, even paralyzing, because a man cannot act very successfully or decisively if he does not know what to do.”<sup>258</sup> Religious dogma thus provides the moral certainty required for action.

Above all, a religious outlook, particularly a belief in the afterlife, is necessary for those actions which require the greatest individual sacrifice. Tocqueville’s well-known

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<sup>257</sup> Boesche, *The Strange Liberalism of Alexis de Tocqueville*, 188.

<sup>258</sup> Zuckert, “Not By Preaching: Tocqueville on the Role of Religion in American Democracy,” 759. Paraphrasing *Democracy II*: 1: v

doctrine of “interest well understood”<sup>259</sup> (or the idea that self-sacrificial, charitable action is undertaken out of concern for some private advantage) ultimately requires a religious outlook. The fact remains that virtuous, altruistic, or self-sacrificial behavior will not always serve one’s advantage in this life. The doctrine of interest well understood, thus requires a concern for one’s destiny in the afterlife. On this point, Tocqueville writes:

If the doctrine of interest well understood had only this world in view, it would be far from enough; for a great number of sacrifices can find their reward only in the other; and whatever intellectual effort you make to feel the usefulness of virtue, it will always be difficult to make a man live well who does not want to die.

In his later *Correspondence with Gobineau*, Tocqueville would echo these sentiments, referring specifically to the role of Christianity in guiding individual moral action.

“Christianity put the ultimate aim of human life beyond this world; it gave thus a finer, purer, less material, less interested, and higher character to morality.”<sup>260</sup> In short, Christianity expands human horizons to encompass both heaven and earth; it raises men’s gaze above the seeking of mere animalistic pleasures and fretful consumption, and it makes them capable of exercising their highest, most uniquely human rational capacities.

In addition to the restraining and enabling influences of religion in the life of individuals, it also has a key role to play in the life of the polity at large. At a societal level, Tocqueville argues that religion serves to reinforce the importance of limited government. Religion has a restraining role in confining the range of political experimentation. He writes, “Therefore, at the same time that the law allows the American people to do everything [i.e. changing laws, amending the Constitution],

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<sup>259</sup> Sometimes referred to as “self-interest properly understood.” I use the Schliefer translation of the term for the sake of consistency.

<sup>260</sup> Tocqueville, *The European Revolution and the Correspondence with Gobineau*, 191. Cited in Boesche, *The Strange Liberalism of Alexis de Tocqueville*, 188.

religion prevents them from conceiving of everything and forbids them to dare everything.”<sup>261</sup> He continues, adding that, while religion does not directly take part in governing society, it is nonetheless, the “first of their political institutions.” In calling religion the primary political institution, he signifies that, while not officially a political institution, it is *foundational* for the politics of a free society. If religion has not given Americans the “taste” for liberty, he writes, “it singularly facilitates their use of it.”<sup>262</sup>

In what way, we might ask, does religion facilitate the use of liberty? For the individual, we have seen that it provides both a restraining influence on restless striving and enables action. Religion can facilitate action at the societal level as well. In order for a community to undertake some collective action, it must be acting on the basis of some common belief. Further, there must be a trust among community members, a belief that one’s fellows are dealing honestly and are acting in good faith. This foundational source of common belief is provided by religion. Likewise, for Tocqueville, the all-important civil associations, the lifeblood of American society, in order to be cohesive and operate in an atmosphere of trust, require that others share the same basic moral standards. Consider an association that attempted to operate without cohesion or trust among members. As Zuckert writes, “Associations based solely on the conjunction of a particular interest in the context of indifference or distrust are unlikely; they will certainly be of brief duration and of limited effect.”<sup>263</sup> For Tocqueville, the shared standards necessary for common action in society are provided by religion.

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<sup>261</sup> *Democracy I*: 2: ix: 475

<sup>262</sup> *Ibid*

<sup>263</sup> Zuckert, “Not By Preaching: Tocqueville on the Role of Religion in American Democracy,” 760.

In addition to facilitating common action at the societal level, religion also can serve as a restraint on communal action. One of the ever-present dangers in a democracy, highlighted by Tocqueville, is the ability of a majority to tyrannize a minority. In the American republic there is no escape from majority rule, whether at the national or local level. While institutions and procedural checks and balances may limit tyrannical laws, they cannot touch the tyranny of majority opinion. Belief in a higher authority and in the limits of the human condition provide checks on majority action, curbing its capacity to tyrannize. It is the mores of a people that ultimately act to curb tyrannical majority opinion. Insofar as religion is an essential component in the formation of mores, it can teach the majority that its will is not coextensive with justice.

### **Charity, the Common Good, and Religious Association**

What is the place of charity in Tocqueville? To start with, we must return to that observation from the discussion of charity in Thomas Aquinas—that charity towards one's neighbors intrinsically involves a care for the common good. If charity is to will the good of the other, then surely this love of neighbor involves willing the good of that individual's community. The common good is a concept that is more implicit throughout *Democracy in America*. For, why else is Tocqueville warning against the tyranny of the majority (in Vol. I) and individualism, materialism and their attendant democratic despotism (in Vol. II), if he is not concerned to preserve the common good in a democracy? We can find more explicit reference to the common good in his correspondence with Madame Swetchine, where he writes of individuals working for the

prosperity of the collective human association to which we all belong. In speaking of the duty that educators have to their charges, he writes:

...I wish they would tell them more often that, as well as being Christians, they belong to one of those great human associations which God has established, without doubt to render more visible and sensible the bonds which must link individuals one to another...I could wish they would instill more strongly into them that each individual has duties to this collective being before he belongs to himself, that there should be no indifference towards this collective being,...and that everyone is obliged to work constantly according to his lights for its prosperity and to see that it is subjected only to beneficent, honourable and legitimate authorities.<sup>264</sup>

Tocqueville cautions against indifference towards the prosperity of the collective being (society and its common good). Indeed, for Tocqueville, one of the dangers inherent in democracy is a self-centered isolation that he calls “individualism.” He expressly defines this concept as: “[A] considered and peaceful sentiment that disposes each citizen to isolate himself from the mass of his fellows and to withdraw to the side with his family and his friends; so that, after thus creating a small society for his own use, he willingly abandons the large society to itself.”<sup>265</sup> Along with this individualism comes a focus on one’s own physical well-being, which he refers to as “materialism.” In both instances, the individual retreats into the comfort of his private affairs and leaves the care for the common good to the rest of society. Both conditions, he claims, are endemic to a society based upon equality; the individual—equal to all others—looks to himself for his beliefs and turns his feelings in on himself.<sup>266</sup> This equality arises as a result of individuals no longer being wealthy or powerful enough to exercise power over their fellows; they still, however, possess enough resources to be self-sufficient. Tocqueville

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<sup>264</sup> Tocqueville, cited in William E. Johnston, “Finding the Common Good Amidst Democracy’s Strange Melancholy: Tocqueville on Religion and the American’s ‘Disgust with Life,’” *The Journal of Religion* 75, no. 1 (1995): 56.

<sup>265</sup> *Democracy II*: 2: ii: 882

<sup>266</sup> *Ibid*



claims that such people believe they owe nothing to anyone else and can expect nothing from others. In one of the work's most evocative passages, Tocqueville compares aristocratic and democratic societies using the image of a chain: "Aristocracy has made all citizens into a long chain that went from the peasant up to the king; democracy breaks the chain and sets each link apart."<sup>267</sup> Thus we have the image of the lone, isolated link, separated from the others, and sufficient unto itself. One of Tocqueville's great concerns throughout Volume II is precisely how this chain can be re-forged in a democracy and individuals brought out of themselves.

The chief means for fighting this equality-driven impulse towards isolation is for Americans to join together in associations. In referencing what was lost from aristocratic society, Tocqueville offers a replacement that will serve in a democracy: "Associations, among democratic peoples, must take the place of the powerful individuals that equality of conditions has made disappear."<sup>268</sup> He further claims that, if a democratic people are to remain civilized they must cultivate the "art of association" in the same proportion to which equality spreads. Joining associations serves to make the isolated democratic citizen other-oriented; key among those associations which draw individuals out of themselves are religious ones. Religion, then, is a sort of antidote to individualism. (Recall Mitchell's claim regarding the Augustinian self—the inward motion of the self towards isolation is combatted by family and religion.) Tocqueville tells of witnessing Americans engaged in altruistic activities, he believes, not merely for the sake of reward in the next life, but because Christianity teaches "that you must do good to your fellows

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<sup>267</sup> *Democracy II*: 2: ii: 884

<sup>268</sup> *Democracy II*: 2: v: 901

out of love of God.”<sup>269</sup> This love of neighbor, reinforced by religion, counteracts the self-centered pull persistent in democracy. This other-orientated, fraternal stance among citizens is precisely what the democratic state would gain in tolerating and accepting the “peaceful dominion” of religion.

## Conclusions

In advocating for the toleration of religion because it saves democratic society from its worst impulses, one might naturally wonder if Tocqueville *only* values religion for its utility? In that case, does he merely support (following Rousseau) some sort of civil religion? If not a diluted civil religion, does he have some particular religion in mind? Will any religion serve democratic society well? Does the truth of a religion even matter? These are all questions that Tocqueville scholars have debated for decades and I cannot fully address any one of them here. I will, however, in the interest of clarifying the essential role of religion in a democracy, point to some initial answers, first to the issue of religion being a useful civil religion, and second, to the issue of religious truth.

To begin with, Tocqueville *seems* to see religion as solely instrumental and appears indifferent as to its content. In focusing so much on the social utility of religion, Tocqueville has apparently made faith a mere instrument of the state. These objections take several forms and point out apparent conflicts in Tocqueville: If the truth of religion doesn't really matter or if religion is emptied of its content, wouldn't that undermine its

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<sup>269</sup> *Democracy II*: 2: ix: 927

social utility?<sup>270</sup> On the other hand, if the truth of religion does matter, that would focus citizens' attention on the afterlife; how can a robust religion aid society when a democracy requires citizens to be involved in the here and now?<sup>271</sup> The first point to note is that the emphasis on the social utility of religion is, in part, a rhetorical move on Tocqueville's part, aimed at addressing the concerns of one of his audiences—the skeptics and secularists of France who see religion as a hostile enemy. He's trying to persuade them that, far from being a threat, religion is actually a necessity in the new polity they wish to pursue; they should thus become more tolerant and welcoming toward religion.

Further, Tocqueville's concern for religion goes beyond its mere utility as a generic civil religion. He states that he is concerned with *preserving* the faith as it is "the most precious heritage from aristocratic times."<sup>272</sup> As previously mentioned, Tocqueville had stated that his life's goal was reconciling the spirit of freedom and the spirit of religion (not melding freedom and religion together in a civil religion). Schliefer notes that Tocqueville longed for a genuine religious renewal in France, while acknowledging that only God could bring about such a revival.<sup>273</sup> Finally, to the extent that Tocqueville does emphasize the social utility of religion, he is not arguing that it is untrue (that's a separate question). Tocqueville acknowledges that it is human nature to integrate religion

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<sup>270</sup> See for example: Marvin Zetterbaum, *Tocqueville and the Problem of Democracy* (Stanford, CA: Stanford University Press, 1967); Jack Lively, *Social and Political Thought of Alexis de Tocqueville* (Oxford: Clarendon Press, 1962).

<sup>271</sup> See for example William A. Galston, "Tocqueville on Liberalism and Religion," *Social Research* 54, no. 3 (1987): 499–518; Sanford Kessler, "Tocqueville on Civil Religion and Liberal Democracy," *The Journal of Politics* 39, no. 1 (1977): 119–46.

<sup>272</sup> *Democracy*, II: 3: xviii

<sup>273</sup> James T. Schliefer, "Tocqueville, Religion, and Democracy in America: Some Essential Questions," *American Political Thought* 3, no. 2 (Fall 2014): 268.

into political affairs, to seek “to harmonize earth with heaven.”<sup>274</sup> However, such harmony does not have to amount to diluted civil religion.<sup>275</sup> Tocqueville’s use of the term religion was meant to refer to traditional, revealed, organized religion.<sup>276</sup> Religion in this robust form, with its moral authority and ability to educate citizens in limits and restraint, is what’s needed to preserve democratic society from the dangers of its excesses, namely its tendency to create isolated individuals, who abandon concern for public affairs and eventuate an all-encompassing centralized state and democratic despotism.

If we are to believe that Tocqueville was not advancing a civil religion, we might now consider whether there was a particular religion that he believed would best preserve democracy from its excesses. Did the truth of religion even matter to Tocqueville, as long as it was useful to democratic society? While Tocqueville holds that ‘no organized religion’ ever perfectly reflects God’s comprehension of the whole of reality, religions might be ranked according to how closely they correspond to divine truth. He agrees with Pascal that Christianity is superior to other organized religions.<sup>277</sup> Pantheism, for instance, will *not* do. It conceives of God and the universe as one great whole and can be tempting to a democratic people.<sup>278</sup> However, the Christian belief in an individual afterlife is essential for a democratic people because it focuses them on a higher world,

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<sup>274</sup> *Democracy*, I: 2: ix: 467

<sup>275</sup> This claim runs counter to those who see Tocqueville advancing a civil religion (see Cushing Strout, “Tocqueville and Republican Religion,” *Political Theory* 8, no. 1 (February 1980): 9–26) or promoting a useful social myth (see Lively, *Social and Political Thought of Alexis de Tocqueville*.) For the argument against civil religion see Peter Dennis Bathory, “Tocqueville on Citizenship and Faith: A Response to Cushing Strout,” *Political Theory* 8, no. 1 (1980): 27–38.

<sup>276</sup> Cynthia J. Hinckley, “Tocqueville on Religious Truth & Political Necessity,” *Polity* 23, no. 1 (1990): 39–52, <https://doi.org/10.2307/3235142>.

<sup>277</sup> Lawler, *The Restless Mind*, 143.

<sup>278</sup> *Democracy*, II: 1: vii: 757

restraining their quest for material gain. So essential is the Christian worldview, Tocqueville states that democracy (understood as equality) would not have come about without it. In fact, in the opening lines of *Democracy in America*, he credits the church with fostering the development of equality, since the ranks of the clergy were open to all—even a serf, by becoming a priest, could take his place among nobles.

Tocqueville clearly focuses in on Christianity as the religion best suited to play a central role in democratic society. What, however, are we to make of the fact that there exist numerous versions of this faith? Tocqueville notes that while there are a multitude of sects in America, what is key for society is that they possess a shared Christian morality.<sup>279</sup> Tocqueville is often criticized as being indifferent to the truth content of religion, as when he remarks that, since society has nothing to fear or hope from an afterlife, it matters not to society that citizens possess the true religion, but that they profess a religion.<sup>280</sup> Rather than solely being a sign of Tocqueville's religious indifferentism, this remark is mainly one about salvation. Societies do not face an afterlife; in contrast to society writ large, an individual *is* concerned that his religion be true because he *does* have to be concerned with his eternal destiny. If anything, the religious indifference noted in *Democracy in America* is found when Tocqueville references the Americans' attitude towards religion. In his marginalia for the chapter on the Indirect Influence Exercised by Religious Beliefs, he writes, "I am not sure that Americans are convinced of the truth of religion, but I am sure that they are convinced of its utility."<sup>281</sup>

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<sup>279</sup> *Democracy*, I: 2: ix: 473

<sup>280</sup> *Ibid*

<sup>281</sup> *Democracy*, I: 2: ix: 472

But was Tocqueville himself convinced of the truth of religion? He refers to himself as a “practicing Catholic,” but as was noted previously, he suffered from doubts throughout his adult life. Tocqueville’s own personal beliefs in the truth of religion are the subject of much scholarly debate. Biographer Andre Jardin writes that Tocqueville was more of a believer in liberalism than Catholicism.<sup>282</sup> Summarizing Tocqueville’s religious beliefs, Jardin writes, “He believed in God and in a future life, and to this limited spiritualist *Credo* he added a sense of the superiority of Christian morality.”<sup>283</sup> Others point to the accounts of the religious sisters who attended him during his final days and the fact that Tocqueville received the sacraments on his death bed as evidence that he died a believer.<sup>284</sup> Regardless, it seems clear that at the time Tocqueville was touting the place of a robust form of religion in the life of democratic society, he was yet unsure of its place in his own life.

If he remained unsure of religion’s place in his life, he was not unsure of religion’s essential place in a democracy. To the secularizing elites who would seek to banish religion from the public life, Tocqueville urges toleration, for it is in the interest of their own project that they allow religion to flourish in the hearts of citizens. Religion keeps citizens concerned for one another and for the common good, it restrains their materialist impulses, and it provides a shared moral basis on which to undertake collective action. For these reasons the modern secular state should wish to see religious

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<sup>282</sup> Jardin, *Tocqueville: A Biography*, 385.

<sup>283</sup> Ibid.

<sup>284</sup> John Lukacs, “The Last Days of Alexis de Tocqueville,” *The Catholic Historical Review* 50, no. 2 (July 1964): 180.

belief flourish. Failing this, the state ought to at least cease hostilities towards religion and to avoid damaging political entanglements with religious institutions.

## Conclusion

Thus far this project has traversed the centuries, examining the ways that differences over the most important questions—ones about eternal destinies, ultimate truths—are addressed by those in positions of power. When religion was an emerging and then a dominant force in society, as in the times of Augustine and Aquinas, we saw the Church prudentially exercise varying degrees of toleration and coercion depending on the possibilities of the time and the identity of the dissenter (whether heretic or unbeliever). Once religion was reduced to a more subordinate position in secular society, we see Tocqueville urging the state to tolerate and even encourage religious belief. In America today we find ourselves in a similar circumstance, where the state is separated from the church and government attempts to steer a course of neutrality regarding religious matters. What lessons might we draw from the preceding considerations for secular society today? What might be the prudent, or even the charitable, approach to take towards religion given the present circumstances? In order to address these questions, it is necessary to explore several key features of the contemporary situation.



## A Wall of Separation

The First Amendment's admonition that "Congress shall make no law respecting an Establishment of religion, or prohibiting the free exercise thereof" is commonly interpreted as establishing a separation of church and state in the American polity. The origin of this "wall of separation" rhetoric can, of course, be dated back to Jefferson's Letter to Danbury Baptists, in which he wrote:

"Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State."<sup>285</sup>

While the "wall of separation" language has proven powerful over time, in practice, we have been left with a tension between the First Amendment's two clauses. In preventing the "Establishment" of religion by, for instance, banning religious symbols from the public square, it seems inevitable that the "free exercise" of believers will be curtailed. Such an interpretation of separation of church and state views religion with suspicion, as a potential coercive force and a threat to the democratic order.

To more concretely see what separation of church and state has meant in practice, let us briefly review the contemporary state of jurisprudence on this topic. The following are four categories of cases the Court has dealt with: The first grouping of cases involve support for the secular activities (educational, healthcare, social service) of religious institutions. Since the 1980s, the Court has tended to allow for funding of these activities as long as the funding mechanisms and programs are "neutral." Secondly, we see cases

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<sup>285</sup> "Jefferson's Letter to the Danbury Baptists," accessed July 27, 2020, <https://www.loc.gov/loc/lcib/9806/danpre.html>.

involving religious exemptions for believers from burdensome laws (see, for instance, *Burwell v. Hobby Lobby* (2014) exempting that closely held, Christian-owned company from the HHS contraception coverage mandate). There are also cases that revolve around the place of religious symbols and speech in the public square. These cases frequently involve prayer in schools or Nativity displays or the Ten Commandments in public places. These cases have had vastly different outcomes, but generally such symbols and speech are ruled unconstitutional when deemed “coercive.” Finally, we have cases that involve government “entanglement” in matters of church discipline and religious doctrine, as in the *Hosanna-Tabor* case (2012) which held that anti-discrimination laws do not apply to the hiring and firing decisions of religious ministers and teachers. Given case outcomes that tend to enforce a strict separation between church and state, we might ask whether this suspicion of religion is warranted, particularly in cases involving the public expression of religion (as in *Santa Fe v. Doe* (2002) which disallowed prayer at a public high school football game). Following Tocqueville and his admonitions to the French secularists of his day, there *is* a way to conceptualize the separation of church and state that acknowledges the salutary effects of religion in society rather than its potential threats. Today, those who take an “accommodationist” stance I believe are nearer to the Tocquevillian position on matters of separation of church and state.<sup>286</sup>

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<sup>286</sup>“Accommodationists” (as opposed to “separationists”) are those who believe separation only requires that no national church be established. They thus allow or a broader role for government to advance religion. See Derek H. Davis, “Law, the U.S. Supreme Court, and Religion,” *Oxford Research Encyclopedia of Religion*, August 31, 2016, <https://doi.org/10.1093/acrefore/9780199340378.013.449>.

## Liberal Neutrality

As we have seen, Tocqueville cautioned democratic governments against taking a hostile approach toward religion and he elaborated on the many ways that religion was in fact essential to the health of a democracy. One wonders, then, if the supposed “neutral” stance taken towards religion by the nation’s highest court is actually deleterious to the role of religion in American democracy and represents a veiled form of hostility. If we read Supreme Court jurisprudence as reflective of American political thought on the question of religion in public life, we find numerous proclamations of the standard of liberal neutrality. What we effectively have, however, is the privileging of a secular worldview, as seen in attempts to eliminate religious displays from the public square (with bans on school prayer and religious symbols), or the *Lemon* Test requirement that statutes have a secular purpose and not advance or inhibit religion.<sup>287</sup>

With the incorporation of the First Amendment’s Free Exercise clause as binding upon the states in *Cantwell v. Connecticut* (1940), the Court revealed a view of religious belief as a private choice that must be “free of any compulsion from the state.” This arrangement is in keeping with the aforementioned Rawlsian notion of political liberalism in which the state must remain neutral with respect to competing conceptions of the good. *Everson v. Board of Education of Ewing Township* (1947), for instance, reflects this type of reasoning. In this case, the Court upheld a transportation subsidy for children attending parochial school on the grounds that such funds did not constitute a *support* of religion, however, an important precedent was set. That ruling determined that

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<sup>287</sup> *Lemon v. Kurtzman* (1971) created a three pronged test to determine whether a statute violated the Establishment clause: its purpose must be secular, its effect must not be to advance or inhibit religion, and it must not create “excessive government entanglement” with religion.

the First Amendment required “the state to be neutral in its relations with groups of religious believers and non-believers,” therefore no tax could be used to support a religious activity or institution. Thus we later see the principle of neutrality invoked in *Wallace v. Jaffree* (1985), where an Alabama law providing for a moment of silence at the start of the school day was found to be unconstitutional because it was “not consistent with the established principle that the government must pursue a course of complete neutrality toward religion.” Contrary to the Court’s stated aim, it actually has privileged a secular worldview over religious ones. Further, this approach has stunted public life, depriving citizens of the solidarity fostered by a shared conception of the good.

### **Religion’s Way Forward?**

Thus far, I have focused on the changes that the state must make to be more accommodating to religion. What is it that religion can do to enhance its position in the modern world? Joseph Ratzinger (later Pope Benedict XVI), in asserting the centrality of faith in society, cites Tocqueville’s claim that a free people cannot live without religion.<sup>288</sup> However, when Ratzinger argues for the place of religious truth claims in civil society, it is not primarily for *the purpose* of stabilizing the secular state which can otherwise provide for its own legitimation. Rather than serve an instrumental role, religious truth claims are pre-political and *foundational*; without them the state is “without roots” or is not “held together.”<sup>289</sup>

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<sup>288</sup> Joseph Ratzinger and Marcello Pera, *Without Roots: The West, Relativism, Christianity, Islam* (New York: Basic Books, 2007). 108-109.

<sup>289</sup> Joseph Ratzinger and Jürgen Habermas, *The Dialectics of Secularization: On Reason and Religion* (San Francisco: Ignatius Press, 2007). The title of Ratzinger’s contribution to the debate with Habermas was “That Which Holds the World Together: The Pre-political Moral Foundations of a Free State.”

Given the fundamental place of religion for Ratzinger, he has both a request for unbelievers and a particular task for people of faith. Ratzinger appeals to Kant to illustrate the centrality of belief in God. He writes that Kant “presented God, freedom, immorality as postulates of practical reason [ethics], without which he saw no coherent possibility of acting in a moral manner.”<sup>290</sup> Ratzinger then challenges unbelievers to try to live *veluti si Deus daretur*, as if God did indeed exist, as this “supplies a criterion of which human life stands sorely in need.”<sup>291</sup> To people of faith, Ratzinger implores them to be positive witnesses of the faith, or people “who make God credible in the world by means of the enlightened faith they live.”<sup>292</sup>

In *Without Roots* Ratzinger laments that Europe is in crisis, yet hasn’t returned to Christianity for renewal in the way that Islamic culture has returned to its faith and been reborn. He calls for convinced “creative minorities” to help halt Europe’s decline. These minorities live their faith in a manner that is “also convincing to others.”<sup>293</sup> He says, “Meeting places that become ‘yeast’ (Matt13:33)—a persuasive force that acts beyond the more closed sphere until it reaches everybody—should...be formed around minorities that have been touched by faith.”<sup>294</sup> Thus we have the Benedictine vision, a proposal to hold together that which is coming apart and to reestablish roots by asking unbelievers to live as if God existed and believers to attract by example, living as convinced creative minorities.

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<sup>290</sup> Joseph Ratzinger and Marcello Pera, *Christianity and the Crisis of Cultures* (San Francisco: Ignatius Press, 2006). 51-52.

<sup>291</sup> Ibid

<sup>292</sup> Ibid, 52.

<sup>293</sup> Ratzinger and Pera, *Without Roots*, 121.

<sup>294</sup> Ibid, 122.

## Post-Liberal Possibilities

If the influence of the Church was ascendant in the time of Augustine, reached its zenith in the time of Aquinas, and was on the decline when Tocqueville was writing, it appears as though the influence of the church today is fairly close to low ebb. Religious and moral beliefs have clearly shifted since the 19<sup>th</sup> century America observed by Tocqueville. The West is more secularized<sup>295</sup> and morally relativistic.<sup>296</sup> The 21<sup>st</sup> century has seen a significant rise in the percentage of Americans who are not religiously affiliated.<sup>297</sup> Those who do profess some religious affiliation are less likely to be strongly committed to doctrine. They may be vaguely spiritual and committed to mindfulness or self-improvement, but they constitute, in comparison to their mainline Christian forbearers, what has been called “a nation of heretics.”<sup>298</sup> If this is the state of religious belief in the body politic, one readily notes that post-liberal possibilities for an integration of religion and democracy appear quite limited. However, we need not see these developments—the spread of secularism and irreligiosity—as merely the result of individual determinations that religious claims are untrue. There is a societal pull involved; liberal neutrality favors the secular, the irreligious. It is unsurprising that individuals would internalize this ethos and conform to the dominant political ideology.

To reiterate the central claim of Aristotelian political naturalism: man is a political animal

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<sup>295</sup> I define a secular outlook as one espousing the complete separation of religious institutions from the state and its institutions and officers. More radical secularists are overtly hostile toward religion, placing their trust in what they term reason and science.

<sup>296</sup> Having characterized the contemporary West as a “dictatorship of relativism,” Joseph Ratzinger (Pope Benedict XVI) assesses the impact of moral relativism: “Being *faithful* to traditional values and to the *knowledge* that upholds them is labeled intolerance, and relativism becomes the required norm.” Ratzinger and Pera, *Without Roots*, 128.

<sup>297</sup> A 2015 Pew survey puts the “nones,” or those with no religious affiliation, at 22.8%. Pew Research Center, “Religious Landscape Study,” *Pew Research Center’s Religion & Public Life Project* (blog), May 11, 2015, <http://www.pewforum.org/religious-landscape-study/>.

<sup>298</sup> Ross Douthat, *Bad Religion: How We Became a Nation of Heretics* (New York: Free Press, 2012).

and is formed by the laws of the *polis*. If the *polis* remains aloof to matters religious, why should the citizens not? Conversely, we may surmise that a post-liberal order which abandons pretensions towards neutrality and seeks to respect the role of religion in civic life (perhaps by permitting public religious displays or prayer in schools, for instance) might find that its citizens gradually give religion a more significant place in their own lives, thus enabling the development of a shared vision of the good life. On the part of religion, one possible path forward has been highlighted by Joseph Ratzinger: that convinced creative minorities of the faithful can serve as both an example and a persuasive force in secular society.

This project is largely a descriptive look at the nature of religious toleration. I began with an attempt to discern the animating principles in two instances where the Church, backed by political power, confronted the challenge of religious dissent and difference. In those instances toleration consisted of prudentially balancing religious truth with the possibilities of a given place and the demands of charity. In Tocqueville we see an argument not so much for religious toleration but for the toleration of religion. He confronted the problem of where religion fit in the new sociopolitical order. That it has never again found its place makes his concerns our own. His arguments in favor of a central role for substantive religion in a democracy are undergirded by a concern for prudence and attention to what is possible in a given place. He also evinces a concern for charity towards neighbor in his insistence on the importance of associations and the need for citizens to be roused from their individualistic slumbers. While he is certainly wary of the deleterious impact that the stifling authority of the centralized administrative state could have on religion, he also cautions secularists to not be so hasty and dismissive

where religion is concerned; if they seek to maintain democratic rule, they will require religion to have a firm place in the hearts of citizens.



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