

“The Charge of Religion Belongeth unto Princes”: Peter Martyr Vermigli on the Unity of Civil and Ecclesiastical Jurisdiction*

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In various *scholia* respecting the office and authority of the civil magistrate, scattered through several of his biblical commentaries, Peter Martyr Vermigli mounts a sustained Augustinian critique of medieval scholastic as well as Tridentine assumptions concerning the relation between civil and ecclesiastical jurisdiction. Vermigli affirms in particular the need for uniting civil and ecclesiastical jurisdiction in the person of the supreme magistrate. The argument of this Protestant scholastic is remarkable for its simultaneous adherence to an Aristotelian conception of the unifying, architectonic function of the sovereign authority, and to a thoroughly Augustinian understanding of the clear distinction between the realms of operation of coercive and spiritual power. In his *Commentary on the Two Books of Samuel*, Vermigli stakes out his claim with the confident assertion that “the charge of Religion belongeth unto Princes.”¹ He appeals initially to the authority of Aristotle, for whom political association (*koinonia politike*) is the highest form of community (*teleia koinonia*), on the grounds that it aims at the highest happiness and the highest good; the ultimate goal (*telos*) of the *polis* is “to provide that the people may live well and virtuously.” And, Vermigli observes, “No greater virtue there is, than Religion.”² Through this identification of the Christian commonwealth

* Abbreviations: *ARG*: *Archiv für Reformationsgeschichte - CP: The Common Places of Peter Martyr Vermigli*, “translated and partly gathered” by Anthony Marten, London: John Day, 1583 - *CIC*: *Compus juris canonici*, ed. Emil Friedberg, Leipzig 1879; reprinted Graz 1955, 1959 - *IUD*: Peter Martyr Vermigli, *In Librum Iudicum ... Commentarii doctissimi ...*, Zurich: C. Froschauer, 1561 - Kingdon: Robert M. Kingdon, *The Political Thought of Peter Martyr Vermigli: Selected Texts and Commentary*, Geneva 1980 - *PMR*: John Patrick Donnelly, S.J., Frank A. James III, and Joseph C. McLeland (eds.): *The Peter Martyr Reader*, Kirksville 1999 - *ROM*: Peter Martyr Vermigli, *In Epistolam S. Pauli Apostoli ad Romanos ... Commentarii*, Basel: P. J. Perma, 1558.

1. This is the title given to his *scholium* on I Samuel 28:3. See *In Duos Libros Samuelis Prophetarum ... Commentarii*, Zurich: C. Froschauer, 1564; for an English translation see *CP* 4.14.2, p. 246.

2. Vermigli gives no precise reference but very likely is referring to the opening discussion in the *Politics*, where it is argued that the *polis* is the perfect form of community (*teleia koinonia*) on the grounds that it aims to realize happiness (*eudaimonia*) in the highest degree through the practice of virtue. “If all communities aim at some good,

with Aristotle's community of virtue, Vermigli attributes the care of religion to the sovereign power (*to krypton*) which directs the life of the state towards its appointed end. He appeals, moreover, to Aristotle's claim that government, that is the exercise of sovereign power, is the principal and architectonic art of all practical activity.³ There is indeed a hierarchy of practical "Arts" among which the art of government stands preeminent: "Wherefore seeing the office of a Magistrate is the chiefe and principall science, he ought to rule all the partes of a commonweale. In deed he himself exerciseth not those [particular] Arts, but yet ought he to see that none doe corrupt and counterfeit them. If a Phisitician cure not according to the prescript of Galen or Hypocrates, or if an Apothecarie sell naughtie and corrupt drugges, the Magistrate ought to correct them both. And if he may doe this in other artes, I see no cause why he may not doe it in Religion."⁴

Vermigli follows up this Aristotelian analysis of the magistrate's office with a list of Old Testament kings and Roman emperors who "shewed verie well that religion belonged unto their charge."⁵ In a letter to Queen Elizabeth on the occasion of her accession to the throne of England in 1558, Vermigli urges her to take command in the reform of the Church since it is the duty of a godly prince to defend both tables of the "law divine."⁶ He interprets the two tables of the decalogue in Deuteronomy as representing the ordering respec-

the state or political community, which is the highest of all, and which embraces all the rest, aims at good in a greater degree than any other, and at the highest good." Aristotle, *Politics* 1.1 (1252a 3-6) See also *Politics* 3.6 (1278b 15-24) where "well-being" (*euzen*) is defined as the "chief end both of individuals and the state."

3. Aristotle, *Ethics* I.2 (1094a 17-1094b 10) According to Aristotle, the art (*techné*) that aims at the highest good "is most truly the architectonic art. And politics appears to be of this nature; for it is this that ordains which of the sciences should be studied in a state, and which each class of citizens should learn and up to what point they should learn them ... now, since politics uses the rest of the sciences, and since, again, it legislates as to what we are to do and what we are to abstain from, the end of this science must include those of the others, so that this end must be the good for man ... though it is worth while to attain the end merely for one man, it is fine and more godlike to attain it for a nation or for commonwealths (*poleis*)."

4. *CP* 4.14.2, p. 247. See also Vermigli's Introduction to *In Primum, Secundum, et Initium Tertii Libri Ethicorum Aristotelis ad Nichomachum*, Zurich: C. Froschauer, 1563, fols. 1-10; *CP* 1.1.5-11, modern translation by J. C. McLelland in *Philosophical Works of Peter Martyr: On the Relation of Philosophy to Theology*, Kirksville 1996, pp. 12, 13.

5. *CP* 4.14.2, p. 247.

6. *CP*, vol. 5, p. 61. See Marvin Anderson, "Royal Idolatry: Peter Martyr and the Reformed Tradition," *ARG* 69 (1978), pp. 186, 187.

tively of religion and matters of civil obligation; both are committed to the power of the godly magistrate. Furthermore, in a paraphrase of Romans 13, Vermigli maintains that the magistrate is God's own vicar or representative, and for this reason "everie soule ought to be subject unto the higher power."⁷

In his *Commentary on Romans*, chapter 13, Vermigli commences the discussion with a formal and thoroughly Aristotelian definition of the subject matter at hand:⁸ "A magistrate is a person elected by God so that laws and peace may be protected, evil may be repressed by means of penalties and the sword, and virtue may be promoted by every means. In this the efficient cause⁹ is God; the final cause or purpose is the protection of the laws and peace from the troubles associated with vice and corruption as well as the increase of virtues."¹⁰ The formal cause is the order constituted in human affairs by divine providence. The material cause is a man, an individual person, since whoever is chosen to be a magistrate is selected from among men.¹¹

Emphasis on the divine provenance of the magistrate's authority is the keynote of this political segment of the commentary. According to Vermigli, "those who condemn the magistrate are against God to their own consider-

7. The magistrate stands "in the stead and place of God." *CP* 4.14.2, p. 247.

8. From *ROM*, fol. 640. The translation here is mine; see "The Civil Magistrate: Peter Martyr Vermigli's Commentary on Romans 13" in *PMR*, p. 223. See also the *scholium* "De Magistratu," which appears at the conclusion of his commentary on Judges 19, based on lectures given at Strasbourg 1553-56, *IUD*, fols. 897-911; *CP* 4.13, fols. 226-235. The sixteenth-century translation of these *scholia* by Anthony Marten in *Commonplaces* is reprinted together with the original Latin text in Kingdon, pp. 26-61. A magistrate is "a person chosen by the institution of God to keep the laws as touching outward discipline, in punishing of transgressors with punishment of the bodie, and to defend and make much of the good."

9. In this formal definition, Vermigli employs Aristotle's teaching concerning the "four causes." See, e.g., *Physics* 2.1 (192b 8-193b 22) and *Metaphysics* 5. 2 (1013a 24-1013b 28).

10. This twofold goal of the magistrate's power is well articulated by Thomas Cranmer in the intercessory prayer in the Communion Order of the second *Book of Common Prayer* (1552) of King Edward VI: "We beseeche thee also to saue and defende all Christian Kynges, Princes, and Governours, and speciallye thy seruaunt, Edward our Kyng, that under hym we maye bee godlye and quietly governed: and graunt unto hys whole counsaile, and to all that be putte in auctoritee under hym, that they may truly and indifferently minister iustice, to the punishment of wickednes and vice, and to the mayntenance of God's true religion and vertue." *The First and Second Prayer Books of King Edward VI*, London 1913; repr. 1999, p. 382. For a full discussion of Vermigli's influence on Cranmer's revision of the English liturgy see J. C. McLelland, "The Second Book of Common Prayer," in: *The Visible Words of God: An Exposition of the Sacramental Theology of Peter Martyr Vermigli*, Edinburgh 1957, pp. 28-40.

able harm.¹¹ While there are manifold constitutional forms – and here he cites the Aristotelian six-fold classification of monarchy, aristocracy, and polity along with their corrupt analogues, tyranny, oligarchy and democracy¹² – all are divinely sanctioned, for as the Apostle asserts, “there is no power but of God.”¹³ Regardless of the manner of the magistrate’s selection, whether “done by consent of the Senate, by the voices of the people, or by the will of the souldiers, or else by succession of inheritance,” these human forms of political process are all “mere instruments,” whereas in fact “the proper cause of magistrates is God himself.”¹⁴ Like the sun and the moon, the office of the magistrate is ordained by God’s providential cosmic design.¹⁴ The magistrate is to be acknowledged as the supreme vicegerent of God on earth since “the Prince is appointed to be in God’s place, between GOD and men.”¹⁵ This function of the magistrate as *mediator* of divinely ordained governance constitutes a key axiom in Vermigli’s subsequent account of the complex relation between civil and ecclesiastical power.

While the magistrate’s power is defined as deriving from an infinite divine sanction, the proper sphere of its exercise is nonetheless very carefully circumscribed. It is restricted specifically to “lawes touching outward discipline” as distinct from those that more directly concern “the inward motions of the minde.”¹⁶ By virtue of this thoroughly Augustinian distinction between spiritual and external spheres of power, Vermigli links his treatment of the authority of the magistrate to his basic soteriological assumptions regarding the right relation between the orders of nature and grace. While there are other kinds of offices that also depend upon the direct institution of God, they need not conflict with the appointed function of the magistrate to rule in the *forum externum*. “It is the office of ministers through the Word of God to pearse even to the *inward motions of the minde*: because the Holy Ghost joineth his power, both to the right preaching of his word, and also to the sacraments which are ministered in the Church. The magistrate only exerciseth *outward discipline* and punishment upon transgressors. The minister in the name of

11. *PMR*, p. 224.

12. Aristotle, *Politics* 3.7 (1279 a 22–1279 b 10). See *PMR*, p. 226; see also Kingdon, p. 3: “And although the latter three kinds are extremely corrupt and defective, yet God is the author even of them. For there is in them a force and power to govern and to coerce men which certainly could by no means come to be unless by God.”

13. *IUD*, fol. 898; Kingdon, p. 28

14. *IUD*, fol. 899; Kingdon, p. 30

15. *ROM*, fol. 646; Kingdon, p. 12

16. *IUD*, fol. 897; Kingdon, p. 26

God, bindeth the guilty and unpenitent, and in his name excludeth them from the kingdom of heaven, as long as they shall so remaine. The Magistrate punisheth with outward punishments, and when need requireth, useth the sword. Both of them nourish the godly, but diversely.¹⁷

Both civil and ecclesiastical jurisdiction serve the “safetie” or nourishment of the people, but this “safetie” is interpreted as intrinsically twofold, namely as belonging either to the operation of grace and eternal salvation, or to the order of nature and temporal peace. This distinction between spiritual and external jurisdiction recalls Augustine’s delineation of the twofold peace of the earthly and heavenly cities.¹⁸

Vermigli then proceeds to observe that such an identification of the civil magistrate with the divinely ordained “higher power” of Paul’s epistle is challenged by certain “ecclesiasticall men,” as he calls them, proponents of papal authority who maintain their exemption from the jurisdiction of the “publike and ordinarie power” of the civil magistrate.¹⁹ Perhaps he has in mind such apologists of the papal *plenitudo potestatis* as Reginald Pole²⁰, a contemporary of Vermigli’s in Italy before the latter’s flight, who addressed himself as follows to King Henry VIII in a pamphlet critical of his claim to headship of the Church in the *Act of Supremacy* of 1534: “Your whole reasoning comes to the conclusion that you consider the Church a *corpus politicum*. . . . Great as the distance is between heaven and earth, so great also is the distance between the civil power and the ecclesiastical, and so great the difference between this

17. *IUD*, fol. 897; Kingdon, p. 26, my italics.

18. On this see, for example, *De Civitate Dei*, XIX. 12–17.

19. *IUD*, fol. 899; Kingdon, p. 30: “But the Papistes and they which will be called Ecclesiasticall men, will not give eare hereunto : for they cry, that they are exempted from publike and ordinarie powers, whereas yet the Apostle used no exception, when he said, Let every soule be subject to the higher powers.” See also *CP* 4.2.10 & 11, fol. 33–35: “the Clergie and Ecclesiasticall men contend, that they by the benefite of Princes are exempted from tributes and customes.” Vermigli cites *Decretales Gregorii IX*, “Non minus” 3.49.4 in *CIC*, vol. 2, col. 654, 655; and Boniface VIII’s Bull of 1296, “*Clericis Laicos*,” under the title *De Immunitate ecclesiarum in Liber Sextus decretalium cum Clementinis*, in *CIC*, vol. 2, col. 1287, 1288.

20. Pole was a cousin of Henry VIII, studied in Padua in the 1520s during Vermigli’s time there, was created a cardinal by Paul III in 1536, and conferred at the Conference of Ratisbon in 1541 with Gasparo Contarini in a failed attempt to conciliate the Protestants. He was one of three papal legates at the Council of Trent and was consecrated Archbishop of Canterbury in 1556 under Queen Mary. In “Royal Idolatry,” p. 192, Marvin Anderson notes that Vermigli owned a copy of Vergerio’s 1555 Strasbourg edition of Reginald Pole’s treatise, *De Unitate Ecclesiae*.

body of the Church, which is the body of Christ, and that which is the body politic and merely human.²¹

On the ground of his supposition of the inherent superiority of the spiritual to the temporal sword, Pole rejects Henry's claim to supreme ecclesiastical jurisdiction over the Church of England. Pole's ecclesiology expresses a fundamentally disparate interpretation of the sense of Romans 13 when compared with Vermigli's. The reformer, however, chooses not to dispute directly with his contemporaries, but rather to examine the arguments for papal supremacy set out in early fourteenth-century canon law.²² While Vermigli cites a variety of sources from the canon law, he undertakes a particularly extensive analysis of the bull *Unam Sanctam* promulgated by Pope Boniface VIII at the Roman Council of October 1302, during his dispute with Philip the Fair, King of France.²³ This document sets out a series of dogmatic propositions which culminate in the assertion of papal supremacy. *Unam Sanctam* is remarkable both for succinctness and theological clarity and thus proves to be

21. *Ad Henricum Octavum Britanniae regem, pro ecclesiasticae unitatis defensione, libri quatuor* ... Excussum Romae: Apud Antonium Bladum Asulanum, 1538; repr. in Juan T. Rocaberti, *Bibliotheca maxima pontificia*, Rome 1698, XVIII, p. 204: "Tota tua ratio concludit te Ecclesiam existimare corpus politicum esse quod si ita est: equidem hac in parte crimine malitiae te libero, sed idem perniciosa ignorantia obcaecatum esse dico. Quantum enim distat caelum a terra, tantum inter civilem potestatem, et ecclesiasticam interest: tantum hoc corpus Ecclesiae, quod est corpus Christi, ab illo, quod est politicum, et mere humanum differt." Translated by E. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology*, Princeton 1957, p. 229. See also Reginald Pole, *De Summo Pontifice Christi in terris Vicario, eiusque officio & potestate*, Louvain: Apud Ioannem Foulereum Anglum, 1569; facsimile reprint, Farnborough 1968.

22. See "Of a Magistrate, and of the difference betweene Civill and Ecclesiasticall Power," *IUD*, fols. 899-907; Kingdon, pp. 31 ff.; *CP* 4.13.7-9 and 14-23; see also the *scholia* on "The powers that be are ordained of God," *ROM*, fols. 642-44; Kingdon, pp. 5, 6; and "Whether two heads may be in the Church, one visible and another invisible," *In Duos Libros Samuelis*, *CP* 4.3.10. For a critical discussion of Vermigli's use of the *CJC*, see Kingdon, pp. viii-ix.

23. The bull was formally issued on 18 November of the same year. The original is no longer in existence; the oldest text is to be found in the registers of Boniface VIII in the Vatican archives, *Reg. Vatic.*, I, fol. 387. There is no doubt of the genuineness of the bull. *Unam Sanctam* is incorporated under *Extravagantes Decretales Communes*, I.8.1, "De Maioritate et Obedientia" in the *CJC*, vol. 2, col. 1245-46. An English translation of the bull is available in Brian Tierney, *The Crisis of Church and State, 1050-1300*, Toronto 1988, pp. 188-189; see also Tierney's discussion of the dispute between Boniface and Philip, pp. 180-185. *Unam Sanctam* is available electronically in the *Internet Medieval Sourcebook*, ed. Paul Halsall, at www.fordham.edu/halsall/source/b8-unam.html.

most useful to Vermigli in his summary of the scholastic rationale for the subordination of temporal to spiritual power.²⁴

At the outset of his discussion of the bull, Vermigli remarks that it is "a worlde" (*preitum*) to read the arguments of those "ecclesiasticall men" who seek exemption from the jurisdiction of the magistrate (*IUD*, fol. 899). While the translator intended to convey the sense of "marvel" or "wonder," there is something quite appropriate about his rendering *preitum* as "worlde." For in the appeal of *Unam Sanctam* to the hierarchical logic of the "*Lex Divinitatis*" of the sixth-century Christian neoplatonist Pseudo-Dionysius the Areopagite, Boniface VIII formulates a distilled expression of a "political ontology" – indeed of a complete cosmic vision – which is deeply, though as we shall see, not totally, at odds with the Augustinian assumptions underpinning Vermigli's own thought. Through his polemical use of the bull, Vermigli succeeds in elevating the conflict between the traditional scholastic interpretation of Romans 13 and his own reformed reading of the text to the profound level of a theological tension between the two leading traditions of Christian Platonism, namely the Pseudo-Dionysian and the Augustinian.²⁵ At the Augustinian pole, emphasis is placed upon the utter incommensurability between the orders of grace and nature. Vermigli, along with the reformers generally, follows Augustine in looking directly to the incarnate Christ to accomplish an immediate union of the soul with God by grace alone in a "forensic" justification. Luther, for example, adopts a consciously Augustinian stance in his criti-

24. It is now thought likely that the great canonist and theologian Giles of Rome was the chief architect of the text of the bull. For a discussion of the authorship of the bull, see David Luscombe, "The '*Lex Divinitatis*' in the bull '*Unam Sanctam*' of Pope Boniface VIII," in C. N. L. Brooke, et al. (eds.): *Church and Government in the Middle Ages*, New York 1976, pp. 215. Aegidius Romanus or Giles of Rome, Archbishop of Bourges (1243-1316), was the author of *De ecclesiastica potestate* (*On Ecclesiastical Power*), ed. and transl. Arthur P. Monahan, Lewiston, Queenston, and Lampeter 1990; there is another recent translation by R. W. Dyson, Woodbridge, Suffolk 1986. Giles, known as *doctor verbosus*, presents here a considerably extended version of the argument of the bull; he also dedicated the treatise to his patron Boniface.

25. For a particularly helpful discussion of the historical interplay between the political theologies of Augustine and Pseudo-Dionysius, see Wayne J. Hankey, "Dionysius dixit, lex divinitatis est ultima per media reducere: Aquinas, Hierocracy and the 'Augustinisme Politique,'" *Médioevo* 18 (1992), pp. 119-150 and *idem*, "Augustinian Immediacy and Dionysian Mediation in John Colet, Edmund Spenser, Richard Hooker and the Cardinal de Bérulle," in: Dominique de Courcelles (ed.): *Augustinus in der Neuzeit*, Turnhout 1998, pp. 125-132, 159, 160. See also Louis Dupré, *Passage to Modernity: An Essay in the Hermeneutics of Nature and Culture*, New Haven 1993, pp. 167-189.

cism of the lack of an explicitly christological mediation between the soul and the divine in the Pseudo-Dionysian spirituality.²⁶ By contrast, at the pole of Pseudo-Dionysian spirituality, the orders of grace and nature constitute a contiguous, ascending hierarchy wherein the soul's approach to God is accomplished by a graduated process of *mediation*. Consistent with this latter approach, the hierarchical mediation of certain communal, liturgical, and sacramental functions is deemed necessary in the "transformational process" of salvation.²⁷ The tension between these two great theological traditions of Christian Platonism lies at the very heart of Vermigli's critique of the fourteenth-century canonists' interpretation of Romans 13 and, by extension, of the hermeneutic embodied in the ecclesiology of the Council of Trent.

Unam Sanctam, as the bull's title suggests, is concerned chiefly with the unity of the Church.²⁸ To this end Boniface propounds the doctrine of the papal plenitude of power (*plenitudo potestatis*) and consequently upholds first and foremost the subordination of temporal to spiritual jurisdiction: "For according to the Blessed Dionysius, it is the law of divinity (*lex divinitatis*) that the lowest things are led to the highest by intermediaries. Then, according to the order of the universe, all things are not led back equally and immediately, but the lowest by the intermediary, and the inferior by the superior. ... Therefore if the terrestrial power err, it will be judged by the spiritual power."²⁹

26. Paul Rorem, *Pseudo-Dionysius: A Commentary on the Texts and an Introduction to Their Influence*, Oxford 1993, pp. 126, 220. Luther notes that there is only minimal reference by the Pseudo-Dionysius to the mediatorial role of Christ in human salvation and an almost total absence of reference to Christ crucified.

27. See, e.g., Pius IV, *Professio Fidei Tridentinae*, first published in the bull "Injunction nobis" of 13 November 1564; repr. in H. Denzinger, *Enchiridion Symbolorum Definitionum et Declarationum de Rebus Fidei et Morum*, 37th edn., Freiburg im Breisgau 1991, pp. 587-9 (nos. 1862-70); English translation in Martin D. W. Jones, *The Counter Reformation: Religion and Society in Early Modern Europe*, Cambridge 1995, p. 70.

28. The reference is to the Nicene Creed: "et [credo] in unam sanctam catholicam et apostolicam ecclesiam."

29. *CIC*, vol. 2, col. 1245-46: "One sword ought to be subordinated to the other, and temporal authority subjected to spiritual power. For, since the Apostle said: 'There is no power except from God and those that are, are ordained of God' [Rom. 13: 1-2], they would not be ordained if one sword were not subordinated to the other and if the inferior one, as it were, were not led upwards by the other. For according to the Blessed Dionysius, it is the law of divinity that the lowest things are led to the highest by intermediaries. Then, according to the order of the universe, all things are not led back equally and immediately, but the lowest by the intermediary, and the inferior by the superior. ... Therefore if the terrestrial power err, it will be judged by the spiritual power; but if a minor spiritual power err, it will be judged by a superior spiritual

The document epitomizes the scholastic interpretation of the Gelasian ecclesiology of the "two swords" as shaped by Hugh of St. Victor, Bernard of Clairvaux, Albertus Magnus, St. Bonaventure, and Thomas Aquinas, all of whom were deeply influenced by the Pseudo-Dionysian spiritual and theological tradition.³⁰ In Vermigli's summary of this alternative exposition of Romans 13, the ecclesiology of the bull is reduced to a single, straightforward syllogism:³¹ all power is ordained by God; all powers are hierarchically ordered with respect to one another according to the *lex divinitatis*; therefore, given Christ's affirmation in the Gospel of the sufficiency of the two swords,³² the spiritual sword must by necessity regulate the temporal.³³ The syllogism thus hangs on the interpretation of the precise manner of divine ordination, that is *how* exactly the higher powers are "ordained of God." According to Giles of Rome, the putative architect of *Unam Sanctam*, "if the lower things were brought to the highest in the same way an intermediary is, there would be no right order in the universe."³⁴ On this account, the tempor-

power; but if the highest power of all err, it can be judged only by God, and not by man. ... This authority is not human but rather divine, granted to Peter by a divine word and reaffirmed to him and his successors. ... Therefore whoever resists this power thus ordained by God, resists the ordinance of God [Rom. 13: 2], unless he invent like Manicheus two beginnings. ... See Tierney, *Crisis*, pp. 188, 189. David Luscombe notes the close similarity between the logic employed here and the argument put forward by Giles of Rome in his treatise on ecclesiastical power, "Lex divinitatis in Unam Sanctam," pp. 206, 215-217. See also Giles of Rome, *De ecclesiastica potestate*, I. 4, pp. 17-20, and Arthur Monahan's introduction, p. xxvii.

30. Luscombe, "Lex divinitatis in Unam Sanctam," pp. 208-217. Hugh of St. Victor, *On the Sacraments of the Christian Faith*, trans. Roy J. Deferrari, Cambridge, Mass. 1951, 2.2.4-7, pp. 256-258 and also Hugh's *Commentariorum in Hierarchiam Coelestem S. Dionysii Areopagite*, Patrologia Latina 175, p. 1099. Bernard of Clairvaux, *Five Books on Consideration: Advice to a Pope*, trans. J. D. Anderson and Elizabeth T. Kennan, Kalamazoo 1976. See "Super Dionysium de caelesti hierarchia" in Albertus Magnus, *Opera omnia*, Monasterii Westfalorum 1951-, tome 36, pars 1. For Aquinas's formulation of the *lex divinitatis* see *Summa Theologica* IIa, IIae Q. 172, art. 2. See also Monahan's introduction to Giles of Rome, *De Ecclesiastica Potestate*, pp. ix-xxvii.

31. J. Rivière, *Le problème de l'église et de l'état au temps de Philippe le Bel: Étude de théologie positive*, Paris 1926, p. 396.

32. Luke 22: 38.

33. In a series of important monographs, Walter Ullmann has designated this the "descending theme" in medieval discourse on ecclesiastical power. See *Principles of Government and Politics in the Middle Ages*, 3rd ed., New York 1974; see also Walter Ullmann, *Law and Politics in the Middle Ages: An Introduction to the Sources of Medieval Political Ideas*, Ithaca 1975, pp. 30 ff.

34. *De Ecclesiastica potestate*, I. 4, transl. Monahan, p. 18.

al authority cannot claim an "immediate" relation to the divine source of power without violating the "order of the universe," for according to the *lex divinitatis* the due subordination of the lower things to the highest is nothing less than a cosmic law. For Vermigli, however, who follows a distinctly Augustinian logic, the first principle of order does not consist primarily in a gradual, hierarchical mediation but rather in a simple, binary distinction between two principal species of subjection, namely the political/external and the spiritual/internal. Unlike Boniface's appeal to a subordination of the temporal to the spiritual power according to the *lex divinitatis*, Vermigli's two species of power cannot be ordered hierarchically, as remarked previously, owing to their incommensurability. Thus, there are simply "two subjections," one civil and the other spiritual.

According to Boniface, however, such an assertion of the incommensurability of the two swords risks the charge of Gnostic dualism. The papal plenitude of power "is not human but rather divine, granted to Peter by a divine word and reaffirmed to him and his successors. . . . Therefore, whoever resists this power thus ordained by God, resists the ordinance of God [Rom. 13:2], unless he invent like Manicheus two beginnings. . . ." On the one hand, it might appear, at least superficially, that Vermigli's Augustinian insistence upon the incommensurability of the "two subjections" has led him precisely into the Manichean dualism envisaged by Boniface. On the other hand, however, Vermigli's ascription of ecclesiastical supremacy to the magistrate appears to conflate the civil and ecclesiastical powers and thus to raise the contrary logical difficulty. Both his first principles and his practical conclusions take issue with the hierarchical logic of the *lex divinitatis* as interpreted in *Unam Sanctam*.

How, then, in the light of these difficulties, does Vermigli interpret the alternative Augustinian dialectic of the "two subjections"? He argues that princes are to be called not only "Deacons or Ministers of God, but also Pastors" of the people.³⁵ As pastors the magistrates have the care of holy things. On the basis of this claim alone it would seem that the inversion of the bull's logic is complete; the prince is divinely appointed to the office of Supreme Hierarchy, that is the magistrate whose highest care is for the souls of his subjects: "For we do not imagine that a Prince is a Neteheard [cowherd] or Swineheard, to whom is committed a care onlie of the fleshe, bellie, and skinne of his subjectes, yea rather he must provide that they may live vertuouslie and

35. *Unam Sanctam*, in *CIC*, vol. 2, col. 1246

36. *IUD*, fol. 898; Kingdon, p. 27. See Anderson, "Royal Idolatry," p. 171.

godlie."³⁷ As we have seen, according to Vermigli's Aristotelian understanding of the commonwealth as the community of virtue (*teleia koinonia*), the promotion of "true religion" is the magistrate's highest care. Where in this argument is the Augustinian distinction between the "two subjections"? In making his case Vermigli both complicates and clarifies the question by arguing for a *mutual* subjection of civil and spiritual jurisdiction: "The civil power ought to be subject to the word of God which is preached by the Ministers. But in lyke manner the Ecclesiasticall power is subject unto the civill, when the ministers behave themselves ill, either in things humane, or things Ecclesiasticall. For these powers are after a sort interchangeable, and sundrie wayes are occupied about the selfesame things, and mutuallie helpe one another. . . . *The Ecclesiasticall power, is subject unto the Magistrate, not by a spirituall subjection but by a politicke.* For as touching the Sacraments and Sermons, it is not subject unto it, because the Magistrate may not alter the word of God, or the Sacramentes which the Minister useth. Neither can he compel the Pastors and teachers of the church to teach otherwise, or in any other sort to administer the Sacraments, than is prescribed by the word of God. Howbeit Ministers in that they be men and Citizens, are without all doubt subject together with their landes, riches, and possessions unto the Magistrate."³⁸

Preservation of the right distinction between "spiritual subjection" and "political subjection" demands recognition of the inherently equivocal nature of ecclesiastical power. To the extent that ecclesiastical jurisdiction is involved in the "lawes touching outward discipline," it is properly subordinated to the rule of the civil magistrate. At the same time, the magistrate is bound to submit to the jurisdiction of that aspect of ecclesiastical power which is exercised

37. *IUD*, fol. 901; Kingdon, p. 34. For a remarkably similar account see Richard Hooker, *Of the Lawes of Ecclesiasticall Politie*, VIII. 3.5; *The Folger Library Edition of the Works of Richard Hooker*, ed. W. Speed Hill, 7 vols., London and Cambridge, Mass. 1977-1997, vol. 3, 352.20-353.1: "A grosse error it is to think that regall power ought to serve for the good of the bodie and not of the soule, for mens temporal peace and not their eternall safetie; as if God had ordained Kings for no other end and purpose but only to farr up men like hogges and to see that they have their mast? Indeede to leade men unto salvation by the hand of secret, invisible and ghostly regimment or by the externall administration of things belonging unto pricely order (such as the worde and Sacramentes are) this is denied unto Christian Kings, no cause in the world to think them incapable of supreme authoritie in the outwardes govement which disposeth the affayres of religion so farr forth as the same are disposable by humane authoritie and to think them incapable thereof only for that, the said religion is everlastingly beneficiall to them that faythfullie continue in it."

38. *IUD*, fol. 901; Kingdon, p. 35, my italics.

in matters concerning "the inward motions of the minde."³⁹ Thus, in the internal and invisible realm of the *civitas Dei*, power is immediately derived from the divine source without the mediation of the magistrate; in the external and visible realm of the *civitas terrena*, on the other hand, civil and ecclesiastical jurisdiction are united in the prince or magistrate. This distinction between two species of ecclesiastical subjection reveals how Vermigli is able both to overthrow *and* to retain the logic of hierarchical mediation. Closely following Augustine, he upholds a christocentric *immediacy* in the relation between soul and God in the internal sphere of "spiritual subjection." In the external sphere of "politike subjection," however, the logic of hierarchical mediation continues to lend stability to the institutions of the Christian commonwealth. According to Vermigli, bishops, doctors, elders and other ecclesiastical rulers are subject to the architectonic correction of the sovereign power, "as when David, Joas, Hezekiah and Josiah reformed the religion and priestes."⁴⁰ Those "ecclesiastical men" who deny the supremacy of the magistrate in ecclesiastical matters "still dreame of one civil power that is Ecclesiasticall, and of an other that is profane. The one of the which they attribute unto the Pope, and the other unto the Magistrate: but all in vaine: for as much as pertaineth unto Ecclesiasticall power, the civil Magistrate is sufficient. For he, as saith Aristotle, in his Politikes, must provide, that all men doe their duetie: both laiers, phisitians, husbandmen, Apothecaries: among whom we may also reckon ministers and preachers. . . . For the church hath Elders, who must provide in what order all things ought to be doone, and that all things be in order the Magistrate ought to provide."⁴¹

Vermigli's overriding concern in his rejection of the traditional exemptions of the clergy from civil jurisdiction is unity and order in the commonwealth which comprises "all sorts and conditions of men." Hierarchy is to be maintained, therefore, not as a principle governing the relation *between* the spiritual and temporal realms, but rather as the means for securing the stability and unity of all matters concerning "outward discipline." Thus, Vermigli overturns Reginald Pole's claim that civil and ecclesiastical power are as far

39. *IUD*, fol. 897; Kingdon, p. 26. In the exercise of spiritual jurisdiction, Christ alone is Supreme Hierarchy: "For he is our King . . . [who] is now gone up into heaven, yet doeth governe this kingdome of his, indeed not with a visible presence, but by the spirit and word of the holie scriptures." *CP* 4, p. 60. See Anderson, "Royal Idolatry," p. 163.

40. *CP* 4, p. 61

41. See the *scholium* on I Sam. 8.7, "Whether two heads may be in the Church, one visible and another invisible." *CP* 4.3.5, fol. 38; compare *CP* 4.13.7.

distant from one another as heaven and earth and in his *Commentary on Samuel* observes that the title of headship claimed by King Henry VIII in relation to the Church of England is indeed justified.⁴²

What conclusions, then, may we draw from this inquiry? First of all – and perhaps most remarkably – the uniting of civil and ecclesiastical jurisdiction in the person of the civil magistrate becomes for Vermigli the very instrument whereby the binary Augustinian distinction between the "two kindes of subjection" is finally and safely secured. Indeed, the clear distinction between the orders of grace and nature reflected in Vermigli's own reformed soteriology appears to lead him to this formulation of the constitutional arrangement of civil and ecclesiastical power. In this argument there is, moreover, a remarkable conjunction of Aristotelian and Augustinian political theory. Through Vermigli's Augustinian critique of the Dionysian *lex divinitatis* as interpreted in the bull *Unam Sanctam*, ecclesiastical power is rendered simultaneously both more radically spiritual *and* more human and worldly: the power exercised by ministers through the Word in the "inward motions of the minde" is sharply distinguished from that wielded by the magistrate through the sword in matters of "outward discipline."⁴³ Conversely, civil power has become sacralised, chiefly owing to its unmediated link with the divine fount of power. And while Boniface VIII's interpretation of the Dionysian *lex divinitatis* has been repudiated, the hierarchical principle itself has nonetheless been reaffirmed in a secular guise. Indeed, owing to Vermigli's adherence to the Aristotelian conception of the architectonic function of political power, the logic of hierarchical mediation is reaffirmed by him as essential to the stable ordering of external political community, both civil and ecclesiastical. It is the hierarchical principle itself which demands the subordination of ecclesiastical persons to the ruling authority of the civil magistrate in all matters which touch "outward discipline." In his interpretation of Romans 13, Vermigli's Augusti-

42. "And this perhaps is it, why the king of England would be called head of his own Church next unto Christ. For he thought that that power which the Pope usurped to himselfe was his, and in his owne kingdome pertained to himselfe. The title indeed was unwonted and displeased manie godlie men: howbeit if we consider the thing it selfe, he meant nothing else but that which we have now said." *CP* 4.3.6, fol. 38. It is probable that Vermigli is alluding here, among others, to John Calvin, who had accused of blasphemy those who used this title to refer to the position of Henry VIII with respect to the Church of England. See Calvin's "Commentary on Amos," 7: 10–13, *Opera quae supersunt omnia*, ed. G. Baum, E. Caunitz and E. Reuss, Brunswick 1963–1900, 43: 134. I am grateful to one of the reviewers of this essay for this reference.

43. *IUD*, fol. 897; Kingdon, p. 26.

nian Christocentrism is normative in shaping his rejection of the hierarchical mediation between the orders of nature and grace, between the realms of the "two subjections." At the same time, however, within the order of nature, that is within the external, temporal realm of political existence, the hierarchical rule that the lower is led back to the higher through the intermediate power continues to hold. In the realm of "the inward motions of the mind," however, "Christ alone is given to be head of the Church for the Church is a celestial, divine, and spiritual body; ... for regeneration and remission of sinnes doe flowe from the spirite of Christ and not from man. ... So that everie sense and moving of the church floweth from Christ alone, not from any mortall man."⁴⁴ In the realm of "politike subjection," on the other hand, the magistrate assumes the role of Supreme Hierarch, the very "*lex animata*" who gives life and orderly motion to the manifold members of the body politic: "And kings maie be called the heads of the Commonweale. ... For even as from the head is derived all the sense and motion into the bodie, so the senses by good lawes, and motions, by edictes and commandements are derived from the prince unto the people. And this strength exceedeth not the naturall power. ... For vertue springeth of frequented Actions. So when as princes by lawes and edictes drive their subjects unto actions, they also drive them unto vertues. But the spirit of God and regeneration are not attained by manie actions, but onelie by the blessings of God."⁴⁵

Thus, Vermigli's rejection of the hierarchical *lex divinitatis* is best understood as qualified. By this argument, the goals of unity, order, and peace pursued by Boniface VIII by means of the assertion of the papal plenitude of power are sought equally by Vermigli in the Christian commonwealth, albeit through the due subordination of all subjects, in all matters civil and ecclesiastical, to the supreme magistrate. In this way the *lex divinitatis* is reinterpreted within an Augustinian and Aristotelian framework as a key stabilising principle in early-modern, secular political life.

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44. CP 4.3.2, fol. 36.

45. CP 4.3.1, 2, fols. 35, 36.

ZUSAMMENFASSUNG

In mehreren politischen „scholia“ äußert Peter Martyr Vermigli eine augustinisch geprägte Kritik sowohl an mittelalterlich-scholastischen als auch an tridentinischen Auffassungen über das Verhältnis von kirchlicher und weltlicher Gerichtsbarkeit. Er konzentriert sich dabei insbesondere auf die Bulle „Unam Sanctam“, die Papst Bonifaz VIII. 1302 erlassen hatte und die die hierarchische Sicht dieses Verhältnisses in Ableitung von der Ekklesiologie des Pseudo-Dionysius repräsentiert. Zwar weist Vermigli die scholastische Verteidigung der päpstlichen „Machtvollkommenheit“ zurück. Dennoch betont er die Notwendigkeit, die geistliche und die weltliche Macht in der Person eines „obersten Hierarchen“ zusammenzuführen. Dieser „oberste Hierarch“ ist für Vermigli niemand anderes als der fromme Fürst oder Ratsherr. Die Argumentation dieses protestantischen Scholastikers ist bemerkenswert, weil er einerseits die aristotelische Konzeption von der einigenden Funktion der politischen Obrigkeit vertritt, andererseits aber an der nach augustinischem Verständnis notwendigen Unterscheidung von weltlicher und geistlicher Macht festhält. Innerhalb dieses augustinisch-aristotelischen Rahmens interpretiert Vermigli die hierarchische „lex divinitatis“ der scholastischen neoplatonischen politischen Theorie neu und bekräftigt sie zugleich.