

Rival Revivals of Aquinas's Tyrannicide Doctrine: Mariana and Suárez

Robert Wyllie
*Ashland University**

At the turn of the seventeenth century, intense controversies raged over regicide. These informed modern notions of constitutionalism and sovereignty.¹ After the failed 1605 Gunpowder Plot, James I required English Catholics to take an Oath of Allegiance, which abjured both papal authority to depose kings and the prerogative to kill a prince thus deposed. A Catholic partisan assassinated Henry III of France in 1589, then another fatally stabbed the popular Henry IV in 1610. Particular blame fell on Jesuits for encouraging tyrannicide. As a result, the Society of Jesus was expelled from France between 1594 and 1603. Its superior general, Claudio Acquaviva, S.J., banned the discussion of tyrannicide among members of the Society three times: in 1600, 1610, and 1614.² The most infamous Jesuit defender of tyrannicide was the Spanish historian and political theorist Juan de Mariana, S.J. (1536–1624). James I accused “Mariana the Iesuite” and his book *De rege et regis institutione* (1599) of “highly extolling” parricides.³ The parlement of Paris ordered *De rege* to be burned publicly in 1610.⁴

Recent scholarship suggests that the Jesuits were associated with tyrannicide almost by accident, as their scholastics were

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teaching standard topics in theology and law that were suddenly politically charged because of the crises in England and France.⁵ Indeed, high-profile Jesuit defenders of tyrannicide were working out a doctrine sketched by Thomas Aquinas more than three centuries earlier. I focus here on Mariana and Francisco Suárez, S.J. (1548–1617) because, by infamy and papal commission,⁶ respectively, they wrote the most prominent defenses of tyrannicide in this period.⁷

Although historians of political thought still locate Mariana and Suárez in the scholastic tradition, they suggest that these Jesuits somehow depart from Aquinas on tyrannicide.⁸ Harald Braun, for example, thinks that Mariana’s “Augustinian” pessimism about the powers of reason and virtue inspire his resistance theory.⁹ This pessimism allegedly makes Mariana more receptive to Machiavellian strategies of manipulating fear than a proper Thomist would be. Quentin Skinner and Annabel Brett agree that modern resistance theory is developed by such “Augustinian” modifications of scholastic natural law theory.¹⁰ For instance, Skinner argues that Suárez’s “sombre Augustinian perception” tempers the extent to which he thinks human reason participates in the natural law.¹¹ New currents of pessimism, it seems, soften scholastic resistance to modern political realism.¹² Though he endorses a version of this argument, Harro Höpfl offers a colorful warning against overstating this view: Mariana is not “scholasticism in drag”; nonetheless, he belongs to the seventeenth-century “evaporation” of scholasticism and its confluence into the mainstream of early-modern political thought.¹³

My contribution here is a more emphatic warning (but sadly drier than Höpfl’s) against overstating discontinuity: Mariana’s and Suárez’s defenses of tyrannicide require no element of “Augustinian” pessimism that is not present in Aquinas already. Unlike the wide-ranging work of intellectual historians like Skinner, Brett, Höpfl, and Braun, my aims are more limited in two respects. First, I limit my claims to the topic of tyrannicide. Second, instead of tracing historical influence, I simply compare the treatments of tyrannicide in Aquinas’s *De regno ad regem Cypri* (c. 1267), Mariana’s *De rege et regis institutione* (1599), and Suárez’s *Defensio fidei catholicae et*

apostolicae adversus Anglicanae sectae errores (1613) to show that these texts are broadly consistent with one another. Thomistic tyrannicide doctrine is not abandoned, repudiated, or significantly modified by Mariana and Suárez but rather clarified, refined, and developed.

My argument has three parts. First, I argue that Aquinas's *De regno* hands down an underspecified and highly permissive justification of tyrannicide to his successors, further developing an argument I made in 2018.¹⁴ The main problem, as I now see it, is that the question of who comes to hold "public authority" under tyrannies, and how, remains vexing and elusive in Aquinas (see DR I.7.48). Second, I show how Mariana focuses on an obvious internal problem: Tyrants characteristically interfere with and even disband institutions with visible public authority, such as courts and public assemblies. Mariana argues that tyrannicide is permissible where recourse to public assembly is impossible. Third, I show how Suárez sharply distinguishes between two justifications for tyrannicide, one derived from a superior's right of punishment and another derived from the universal right to defend oneself and others.¹⁵ I emphasize how closely Mariana and Suárez work with the categories of Aquinas's resistance theory throughout.

Few scholars would still contend that sixteenth-century Calvinists invented a new political theology of resistance whole cloth that defines early modernity.¹⁶ But even those scholars who, following Skinner, trace Catholic antecedents for Protestant resistance theory find a complex of conciliarist, Scotist, and neo-Augustinian arguments that are novel to the fourteenth century.¹⁷ However, Mariana and Suárez defend an older justification for resistance to tyrants, one drawn from Augustine and ultimately from Cicero, but also one drawn through Aquinas and in no way opposed to his thinking. A classical and scholastic resistance theory animates resistance to tyranny into the modern era.¹⁸ This Thomistic resistance paradigm coexists with newer resistance theories associated with early-modern liberalism, though it is not always well differentiated from them, either by seventeenth-century Jesuits or by intellectual historians today.¹⁹

I

For over a century, many scholars have misinterpreted Aquinas, arguing that he “unequivocally rejects tyrannicide.”²⁰ As a result, scholars otherwise attentive to the scholastic roots of modern political thought overlook his theory of resistance to tyrants. Skinner’s influential *Foundations of Modern Political Thought*, for example, does not consider the *De regno*. Instead, he searches for the origins of modern resistance theory in fifteenth-century conciliarists like Jean Gerson and John Major.²¹ However, at least some Renaissance humanists who defended tyrannicide seem to have been aware of Aquinas’s permissive doctrine.²² Suárez cites the arguments from the *De regno* three times in a brief chapter defending tyrannicide.²³

Aquinas’s ethical theory is at the root of the misunderstanding. Tyrannicide is not an act of virtue according to “apostolic doctrine” (DR 1.6.46). For Aquinas, any deliberate act of the will belongs either to the good of some virtue or to the evil of some vice. No deliberate act of the will can be morally indifferent.²⁴ Thus, if killing a tyrant is not virtuous, it must be vicious. But extending this syllogism overlooks a special class of actors for whom tyrannicide is an act of virtue. The apostles’ teaching lacks a political science, a body of knowledge directed toward the common good of the city (ST II–II, q. 47, a. 11). Aquinas has a political science, which is pertinent to individuals who act in public authority (DR I.7.48). While it is a virtue for “strong men” to endure tyranny, like the apostles and martyrs, other moral considerations come into play for public authorities. Aquinas writes, “[I]t seems that to proceed against the cruelty of tyrants is an action to be undertaken, not through the private presumption of a few, but rather by public authority” (DR I.7.48).

The concept of public authority underpins Aquinas’s doctrine of tyrannicide. Of course, “perfecting” Christian prudence, which “counts as nothing all things of this world” and “directs all the thoughts of the soul to God alone,” has nothing to do with political ends (ST I–II, q. 61, a. 5). Pagans may extol the natural virtues of tyrannicides, but Christianity demands martyrs. Nevertheless,

Aquinas instructs his Christian audience, carefully, about tyrannicide.²⁵ The most developed account comes in *De regno*, a letter written to a public authority, a Norman crusader king of Cyprus who may have been engaged in a conflict with a rival claimant to the crusader Kingdom of Jerusalem.²⁶ A deposed king arrayed against an excommunicated usurper (not a far-fetched example, given the uncertain historical context of *De regno*) might do injustice to his subjects by choosing martyrdom rather than repelling the tyrant. And faced with rival claims to kingship amid the dynastic conflicts within Christendom, how is an ordinary Christian to know which “higher power” (Romans 13:1) he is bound by God to obey? Can citizens and clergy who do not hold formal political office assume public authority to determine who their rightful ruler is? While many of these questions never receive clear answers, Aquinas does not leave his Christian audience with a passive or defactoist teaching. His analysis of the common good and public authority begins to offer guidelines, knowable by the natural law, for moral and political reasoning in times of regime change.

In the proem to *De regno*, Aquinas indicates that he will use scripture, philosophy, and princely exemplars to teach, first, the origins of kingship (*regni originem*) and, second, those things that pertain to the office of king (*ea quae ad regis officium pertinent*). Thomas Eschmann argues the work is incomplete on the grounds that Aquinas never explains what these are.²⁷ As Mary Keys notes, the *De regno* is “more centrally preoccupied with avoiding or mitigating tyranny” than giving an account of kingship.²⁸ Nevertheless, William McCormick has recently argued, contra Eschmann, that the ends of kingship are central to Aquinas’s argument in *De regno*.²⁹ The heavenly and earthly rewards of kingship that Aquinas describes, McCormick thinks, cause individuals to wish to rule in kingly fashion, and therefore these rewards are the origins of kingship.³⁰

Tyranny is the situation in which a public authority has the right to provide a new king, so the origin of kingship is in tyranny (DR I.7.49). Aquinas inherits a radical view from Cicero’s *On the Commonwealth*, by way of Augustine, that tyranny dissolves not

only kingship but also the *res publica* itself. Augustine argues that tyranny dissolves the political community because it undermines the common sense of justice that fundamentally defines a people in the first place:

[W]hen the king is unjust (or a tyrant, as he [Scipio in Cicero's *On the Commonwealth*] put it, after the Greek fashion), or the highest men are unjust (he called the union of such men a "faction"), or the people itself is unjust (in this case he found no term in current use; although he might have called the people itself a "tyrant") then the republic is not merely flawed, as had been argued the day before. *Rather, as the conclusions entailed by Scipio's definitions would indicate, it entirely ceases to be.* For it could not be the "property of the people," he said, when a tyrant or a faction took possession of it. Moreover, *the people itself would not be a people if it were unjust:* for then it would no longer answer to the definition of a people as a multitude united in fellowship by the common agreement as to what is right by a community of interest.³¹

Aquinas takes up this dissolution problem from Cicero and Augustine. If tyranny dissolves the political community, we should expect to find the origins of kingship in the public authority that refounds the republic and reconstitutes the people by reestablishing a common sense of justice. While McCormick looks to tyranny only to find "boundaries" that limit kingly prudence,³² we can look for extraordinary permissions for moral actions, including intentional killing, that would be immoral if the republic were undissolved and if citizens did not assume public authority and the right to act according to regnative or military prudence. The treatment of tyranny and special prudence in the *Summa Theologiae* begins to bring this interpretation into view.

In the *Summa Theologiae*, Aquinas defines the tyrant as the one who rules not for the common good but for his private interest (ST I–II, q. 96, a. 4; cf. DR I.2.10).³³ Tyrants by definition are guilty

of sedition against the political community (ST II-II, q. 42, a. 2, ad 3). All usurpers are tyrants, but hereditary kings with legitimate title can also become tyrants. In Jean-Bethke Elshtain's concise formula, kings "delegitimize themselves" by ruling selfishly.³⁴ Because the tyrant acts unjustly, and more specifically seditiously, the tyrant's commands are not laws but *violentiae*, violations of higher laws (ST I-II, q. 96, a. 4). In ST I-II, q. 90, aa. 1-4, law is a principle of reason, directed toward the common good, decided collectively by the whole people, or to some "public person who has care of the whole people" and promulgated to all the people. All human law participates in the divine law, a type of divine wisdom to which all creatures are subject (ST I-II, q. 96, aa. 3 and 6). The "greatness of kingly virtue," Aquinas writes in *De regno*, is the "special likeness to God" of his public person when he ordains laws toward the common good (DR I.10.72). For the same reason, the tyrant who pretends to be such a public person while acting for private gain is the worst kind of hypocrite (DR I.11.83). Tyranny is lawless sedition against the public trust, the common good, and the public person whom the tyrant claims to be. Following Aristotle,³⁵ Aquinas expects that most tyrants wield power under the cloak of kingly dignity (DR I.5.30).

If ruling for one's private benefit makes a ruler a tyrant, then tyrannies seem to abound for Aquinas. Indeed, Aquinas writes that most Roman emperors were tyrants (DR I.5.33) and that the line of Hebrew kings likewise fell into tyranny (DR I.5.34). Despite this tendency for monarchies to degenerate into tyrannies, Aquinas thinks regimes where the many rule may be even more prone to tyranny (DR I.6.39). Although Aquinas does not claim explicitly to live in an "age of tyranny," as Bartolus of Saxoferrato does around 1350,³⁶ in the descriptions on offer tyranny seems to be even more commonplace than legitimate rule.

It is difficult to determine exactly at what point a king, ruling for private gain, becomes a tyrant. Aquinas thinks wicked individuals who covet power are most likely to press the issue and risk their lives and fortunes to resist rulers whom they name tyrants (DR I.7.47). Therefore he proposes that only the "excess of tyranny"

(*excessus tyrannidis*) calls for resistance, whereas a “milder tyranny” (*remissam tyrannidem*) ought to be tolerated (DR I.7.44). He seems to countenance disagreement on these issues, because he allows that “perhaps” one must obey even a tyrant if disobedience were to cause scandal or disturbance (*turbatio*; ST I–II, q. 96, a. 4).³⁷ The same is true, *a fortiori*, of resistance: Aquinas argues that resistance to tyrants cannot pose any scandal that would create a “grave disturbance” (ST II–II, q. 69, a. 4). Though subjects are generally not bound to obey tyrants’ command, any disobedience that involves this “danger” of disturbance may generate a duty to obey *per accidens* (ST II–II, q. 104, a. 6, ad 3). Aquinas is not so optimistic about rational coordination that later Thomists need some dash of Augustinian pessimism to generate a resistance doctrine. When Aquinas outlines his natural law framework for contested political obligation, prudential dilemmas proliferate.³⁸

The *De regno* begins to clarify and address these problems by developing the concept of public authority. Yet Aquinas’s account is not altogether satisfactory. He does not explain why, for instance, some peoples have public authority but others do not (DR I.7.49–50). Aquinas’s position on tyrannicide, as I contend in greater detail elsewhere, is “wide-ranging” and “dangerously vague.”³⁹ The public authority must determine an objective question: whether the king is just (by Aquinas’s definition of the virtue of justice)—that is, whether his rule is directed toward the common good (see ST II–II, q. 58, a. 5). One is not a tyrant by ruling without the consent of the legislature or the people, as on the subjective-right account of John Locke, where executive power devolves to the undissolved legislature when government is dissolved.⁴⁰ The question is more difficult for Aquinas, and the stakes are higher, since he inherits Augustine’s (and Cicero’s) description of tyranny as an anarchic situation where the people is dissolved. It is only in this anarchic situation that the public authority would have a right to provide a multitude with a new king (DR I.7.49). The public authority that asserts itself against a tyrant has a tall order: to reestablish justice, thus to refound the republic, and thereby to reconstitute the people.

How exactly the public authority is supposed to provide a new king is a major lacuna in Aquinas's political science. Aquinas does not take a position on whether God delegates rulers directly ("designation theory") or whether communities confer divine authority on their leaders ("transmission theory").⁴¹ More vexingly, the *De regno* is expressly indeterminate about which communities have a public authority. The right to provide a king is either the right of the multitude (*ius multitudinis*; DR I.7.49) or the right of a certain superior (*ius alicuius superioris*; (DR I.7.50). Aquinas offers no criteriology to begin to distinguish what we now might call a sovereign nation from a subject people.

Aquinas's two examples of public authority both come from the history of ancient Rome. His first example is the right of the Roman "multitude" (*ius multitudinis*) to expel Lucius Tarquinius Superbus from their city. This was no tyrannicide, since the armed multitude of excited youths did not kill this last king of Rome in 509 BC but instead forced him into exile. Aquinas omits important details that might help his readers assess the multitude's ability to act in public authority. For instance, he does not mention the role of Lucius Junius Brutus in instigating the mob with the bloody corpse of Lucretia. Earlier in the *De regno*, again, he simply remarks that the so-called kings, who were in fact tyrants, were driven out "by the Roman people" (DR 1.5.31). Neither does Aquinas mention the role played by the Centuriate Assembly under the Servian constitution in electing Brutus and Lucretia's husband, Lucius Tarquinius Collatinus, consuls.⁴² He merely writes that "the Romans" set up the consular power (DR I.7.49). Rudimentary details about the institutional context or the high passions of the episode are missing. Aquinas's second example is the killing of Emperor Domitian in AD 96. Now he emphasizes the role of a delegated public authority rather than the multitude: Domitian is "destroyed" by the Roman Senate—"a *senatu Romano interemptus est*"—for exercising tyranny.⁴³

Taken together, Aquinas's two examples, conspicuously lacking in historical detail, suggest the very broad scope of public authority. There are no limitations about who can wield it. Aquinas's view is

consistent with that of Augustine and Cicero, for whom citizens hold public authority primarily by their virtue and dignity, and not because they hold public office.⁴⁴ This allows leading citizens to resist tyrants, John von Heyking explains, if they have sufficient numbers and evidence of divine aid.⁴⁵ There are then no absolute limitations in Aquinas on the means the public authority can employ. In AD 96 the Senate “destroys” Domitian for tyranny. It can be an act of virtue for public authorities to intentionally kill tyrants.

The public authority must consider more than the urgent necessity of resistance. Any private person can understand the necessity of self-defense or even the immediate defense of the city. Aquinas often reminds his readers that necessity is not subject to the law and creates exceptions to it: Homicide can be lawful in self-defense, stealing food when hunger creates an urgent need, or defying orders to open a gate to save a city’s returning defenders (ST II–II, q. 64, a. 7; q. 66, a. 7; ST I–II, q. 96, a. 6). However, assuming public authority to resist tyrants involves a more profound “prudential dilemma.”⁴⁶ In this extraordinary situation, citizens presume a special type of prudence in relation to the common good (ST II–II, q. 47, a. 11)—namely, a “regnative” prudence for directing others (ST II–II, q. 50, a. 1., ad 1 and 2), and perhaps the “military” prudence for directing others to repel the tyrant’s hostile attacks (ST II–II, q. 50, a. 4). These intellectual virtues extend far beyond recognizing the immediate necessity of some action. They involve more complex matters on longer time horizons, rightly considering the best ways to achieve the political common good or repel hostile attacks. When citizens assume public authority to resist a tyrant, they must draw on the intellectual virtues proper to statesmen, kings, and military officers. It is a tall order.

Assuming public authority opens up a range of actions that are virtuous even though they involve lethal intent. Aquinas uses an old analogy between the surgeon’s anatomical science and the political science of the body politic:

[I]t is lawful to kill an evildoer in so far as it is directed to the welfare of the whole community, so that it belongs to

him alone who has charge of the community's welfare. Thus it belongs to a physician to cut off a decayed limb, when he has been entrusted with the care of the health of the whole body. Now the care of the common good is entrusted to leaders [*principibus*] having *public authority*: wherefore they alone, and not private individuals, can lawfully put evildoers to death. (ST II-II, q. 64, a. 3)

Defense of the common good renders virtuous a range of actions like intending death as a means, actions that in ordinary situations are wrong without exception.⁴⁷ Public authorities can resist a tyrant just as doctors perform surgery. Here Aquinas restricts acting in public authority to leaders or *principes* (a distinction missing from the *De regno*), though perhaps not to formal officeholders. While Cicero or perhaps even Augustine could presume a political culture where leading Roman citizens gained experience in military and political administration, such that private citizens could wield public authority on these matters, it is less clear that Aquinas's expectations of public authority are reasonable in the thirteenth century.

Nevertheless, Aquinas's political science is integrated into a much more developed theological vision in which creation is the origin of public authority. Justice restores the order of creation from the vitiation of sin because "justice is the love of God and our neighbor which pervades the other virtues, that is to say, is the common principle of the entire order between one man and another" (ST II-II, q. 58, a. 8, ad 2). Every founding is a restoration of justice: This is the origin of kingship. Aquinas explains "the duties that pertain to the office of a king in founding a city" by making a "comparison with the creation of the world" (DR I.14.101). Founding a kingdom in the midst of a tyranny is a "procreative" participation in God's creative act. Kings must bring human communities into alignment with the natural order and the natural law (DR I.14.100). This is why in the structure of *De regno* Aquinas starts with tyranny (the dissolution of kingship) and moves to discuss the king as a founder.

Zeal for justice is the mark of public authority. Except for the possible qualification about rank in ST II–II, q. 64, a. 3, this is the one distinguishing feature by which a third party might recognize a fellow citizen acting in public authority. Aquinas writes,

As Augustine says (*Contra Faust.* xxii, 70): “To take the sword is to arm oneself in order to take the life of anyone, without the command or permission of superior or lawful authority.” On the other hand, to have recourse to the sword (as a private person) by the authority of the sovereign or judge, or (as a public person [*si sit persona publica*]) through zeal for justice, and by the authority, so to speak, of God [*quasi ex auctoritate Dei*], is not to “take the sword,” but to use it as commissioned by another, wherefore it does not deserve punishment. (ST II–II, q. 40, a. 1, ad 1)

It is by the authority of delegated legal authorities, like princes and judges (*ex auctoritate principis vel iudicis*) that private persons are authorized to take the sword. But public persons can also be authorized through “a zeal for justice” (*ex zelo iustitiae*) and “as if” (*quasi*) by God’s authority. This is further evidence for the earlier inference, from Aquinas’s example of the Roman multitude that expels Tarquinius Superbus in DR 1.5.31, that ordinary citizens can assume public authority and resist tyrants.

While Aquinas turns to pre-Christian Roman history to find examples of public authorities resisting tyrants, he denies that the Bible contains tyrannicides. Aquinas argues that Ehud is not a tyrannicide because the king he kills is an enemy and, later, that the killing of Jehoash is a regicide (DR I.7.46).⁴⁸ He would have rejected John Milton’s seventeenth-century assessment that the Hebrews have a “custom of tyrant killing.”⁴⁹ Customarily, Aquinas interprets the scriptures as pointing to a higher virtue of martyrdom, even for strong and armed men like St. Maurice and the Theban Legion (DR I.7.46). Aquinas neither uses Rome to criticize tyrannicide, in the way that Augustine questions Brutus’s

motives for driving out the Tarquins,⁵⁰ nor uses biblical history to glorify it in Miltonic or “Hebrew-republican” fashion.

Aquinas offers no examples of Christian tyrannicides either. Therefore it is unclear what political role, if any, the Church has to play against tyranny. In the *Quodlibetal Questions*, Aquinas writes that once kings “stood against Christ,” but now “kings understand and wisely serve the Lord Jesus Christ with fear, etc. Hence, at this time kings are vassals of the Church. Thus, the Church is in a different state now than it was then, but it is the same Church” (Quodlibet XII, q. 12, a. 1, 444).⁵¹ In the *De regno*, Aquinas confirms that in “the law of Christ, kings must be subject to priests” (DR I.15.11), and ultimately to the pope (DR I.15.10)—that is, to those who “have care of our ultimate end” (DR I.16.114). Nevertheless, the “precise arrangement” between the king and the Church, and especially the temporal powers of Church over and against kings, is left unclear.⁵²

Aquinas wishes to preserve both a true dualism of these powers and the “primacy of the spiritual” power—the Church that understands humanity’s final end, beatitude.⁵³ The specific competence of the Church to judge whether a realm has fallen into tyranny, and whether local bishops or the pope has a primacy derived from this competence, however, is not explained by Aquinas. Any further speculation about *why* Aquinas does not consider the role of the Church in the specific context of tyrannicide must be informed by context, *inter alia*, his argument from the *Summa Theologiae* that the spiritual power does not usurp the temporal power when it interferes in civil government on temporal matters subject to the spiritual authority (ST II–II, q. 60, a. 6, ad 3), his argument from the same that the pope can unbind oaths (ST II–II, q. 98, a. 3, ad 1),⁵⁴ his earlier statement in the *Commentary on the Sentences* that the papacy is the apex of temporal as well as ecclesiastical power,⁵⁵ and the later feudal language in the Quodlibets that kings are the vassals of the Church (XII, q. 12, a. 1, 444). The primary role of the Church in the face of tyranny is not necessarily prophetic or indirect but simply remains unspecified.

This section has identified three open questions in the *De regno* about how the public authority restores the political community and originates a new kingship. First, why do some peoples, but not others, have the right to provide themselves with kings? Second, what recourses must citizens exhaust against tyrants before the armed resistance of the multitude becomes permissible? Third, what role does the Church play in deposing a tyrant and refounding a political community? Mariana and Suárez address the second and third open questions, refining and developing legitimately “Thomistic” positions. The Thomistic doctrine of tyrannicide is underdeveloped, especially in terms of how citizens and ecclesiastic authorities should proceed to reconstitute public authority and restore justice. Mariana and Suárez address these gaps.

II

Mariana was best known in his time and long afterward for his popular thirty-volume history of Spain.⁵⁶ In our own time, his work on political economy has perhaps drawn the most attention.⁵⁷ In *De monetae mutatione* (1609),⁵⁸ Mariana argues that currency devaluation is a characteristic strategy of tyrants. Murray Rothbard considers Mariana’s description of a subjective theory of value in this work as an important step toward contemporary marginalist theories of economics.⁵⁹ Rothbard’s epithet for Mariana, “the learned extremist,” accords with his twentieth-century reputation as a “singularly daring” political theorist, indeed the most consistent and emphatic constitutionalist of the period.⁶⁰ In the last twenty years, this view has been called into question.⁶¹ I focus on his *De rege et regis institutione* (1599)—the book twice burned publicly in Paris—to show that the doctrine of tyrannicide contained therein is an elaboration consistent with Aquinas’s *De regno*.

De rege et regis institutione is a mirror for princes, which Mariana (already a historian of some renown) wrote for the future Philip III at the behest of the prince’s tutor, Fr. García de Loaysa, perhaps as early as 1594. *De rege* belongs to the same genre, then,

as Aquinas's *De regno*.⁶² But unlike that earlier work, which was never sent to the Cypriot king, Mariana prepared his mirror of princes for wider publication in 1599. Mariana's audience, evidently, is not strictly limited to princes. Instead, García Loaysa, by then archbishop of Toledo, likely encouraged Mariana to publish *De rege* to disseminate a political theory of monarchy that was friendly to the Church and her interests.⁶³

De rege is a "sui generis"⁶⁴ work for a scholastic. It is neither written in question-and-answer format nor replete with citations to scholastic authorities.⁶⁵ Instead, Mariana implores rulers to listen to the "mute teachers," the dead in their history books (perhaps Mariana's), rather than their counselors (III.14, 390/119).⁶⁶ For this reason, in his magisterial study of Mariana's political thought, Braun argues that "artful and imaginative reading between the lines is exactly what the reader of *De rege* is required to do."⁶⁷ The historical examples Mariana offers, sometimes without his commentary, are meant to teach prudence, which Höpfl calls the "meat and marrow" of Mariana's instruction for princes.⁶⁸

To distinguish between kingship and tyranny, Mariana turns to the same Roman examples of tyranny that Aquinas does—Tarquinius Superbus (though now citing Livy), Nero (citing Tacitus), Titus, and Domitian—and to many more besides (I.5, 50/140; II.11, 174/237).⁶⁹ We should not fail to notice, therefore, that *De rege et regis institutione* uses much of the same secular history that *De regno* does to instruct the prince. Time and again Mariana reminds the reader that tyrants surround themselves with flatterers and undermine all representative or deliberative institutions that might lay claim to public authority, such as ecclesiastical councils, courts, and legislative bodies (I.5, 50/138; I.6, 60/147–48; I.8, 72–73/159). He praises kings like the Spartan ruler Theopompus, whom he must know from Plutarch's *Parallel Lives*, for devolving power to deliberative bodies (in this case the ephors) and so making their rule more limited but more stable (I.8, 75/161).

While he turns to similar secular history, Mariana departs from Aquinas in one important pedagogical respect: The famous scholar of Spanish history does not hesitate to use contemporary examples.

Between his treatment of tyrannicide in Roman history in I.5 and his admission that biblical history disavows regicide in I.6 comes the most controversial section of the book. Mariana comments upon the assassination of the last Valois king of France, Henry III, at the hands of a Dominican lay brother, Jacques Clément, on July 31, 1589—less than ten years before the publication of *De rege*. Mariana relates that Clément was denounced by some, but also widely hailed as a tyrannicide, even as an “eternal glory of France” (*eternum Galliae decus*; I.6, 69/144). The inflammatory line was stricken from later editions of *De rege*. As Höpfl notes, Mariana distances himself from Clément, emphasizing that he learns about the permissibility of tyrannicide from Dominican teachers, not from Jesuits.⁷⁰ When François Ravaillac assassinated Henry IV a decade later, he would deny that Mariana’s book had any influence on him.⁷¹ Even so, and despite the fact that Mariana is not the only Jesuit to consider Clément’s act in a positive light,⁷² these lines permanently associate Mariana with tyrannicide. Yet even Aquinas had written approvingly of Cicero’s view of the assassination of Julius Caesar, that “when there is no possibility of appeal to a higher authority” from tyranny, “one who liberates his country by killing a tyrant is to be praised and rewarded.”⁷³ Mariana becomes infamous only by offering a contemporary example of this phenomenon.

Mariana’s purpose may have been to caution princes from tyrannical behavior, rather than to encourage tyrannicides. Braun interprets the “specter of tyrannicide” in *De rege* as a “psychological deterrent” for kingly tyranny.⁷⁴ Yet Braun’s interpretation does not explain why Mariana would wish to publish *De rege* and disseminate it beyond the court of Philip III. The rational force of law is insufficient to restrain princes, so Mariana turns to fear.⁷⁵ While he believed that human beings are primarily motivated by what appears useful to them (III.14, 395–96/345), Mariana argued that fear by its very nature exceeds the limits of pain (III.14, 394/344).⁷⁶ By describing the glory and popular acclaim accrued by tyrannicides, Mariana raises the specter of regicide to frighten the prince into behaving prudently. However, by publishing

this teaching more broadly, Mariana reveals to all his readers his strategy of frightening kings. Mariana not only reminds the prince that tyrannicide is a historical phenomenon but also reminds a wider audience of its salutary effect on kingly government.

Mariana's contribution to the Thomistic doctrine of tyrannicide is twofold. First, he shows more clearly than Aquinas that tyranny is inimical to public authority. Like Aristotle,⁷⁷ Aquinas understands that tyranny is inimical to friendship (DR I.4.27). But Mariana shows that tyrants are opposed to public assemblies and institutions with the competence to discriminate between the king and the tyrant. In contrast to Aquinas's assertion that the Senate "destroyed" the tyranny of Domitian, Mariana shows that he is aware that the emperor was murdered by a single individual, Stephanus, and moreover that household conspirators or Praetorians murdered Gaius Caesar, Caracalla, and Elagabalus for private reasons of their own (I.6, 57/146). With these examples, Mariana develops the argument that tyrannicide, in the central case, will not look like impeachment and capital punishment by a court or a legislative assembly. Tyrants undermine the public authority of institutions that are not beholden to them. Mariana downplays Aquinas's more orderly examples where public authority is manifest in institutions.

Mariana's second contribution is to argue that the prohibition of public assemblies is specifically characteristic of tyranny.⁷⁸ Moreover, private persons are permitted to kill tyrants at this point, where public assembly for the redress of grievances is impossible (I.6, 59/148). The public authority has the competence to discriminate between the king and the tyrant. But by dismantling public authority and prohibiting assemblies, the ruler shows himself a tyrant. This may be Mariana's behind-the-scenes reasoning. Yet Mariana's tyrannicide solution does not entirely solve the problem without creating a new one, since for both Aquinas and Mariana, legitimate princes have the power to suspend public assembly temporarily for the public good. And an old Thomistic problem remains barely clarified. Mariana argues that barbarian nations with no customs or laws about deliberation have no recourse to tyrannicide (I.8, 71/159). But since the bishops of the Church

always form a deliberative body, Mariana regards this as a problem for a pre-Christian or non-Christian nation. Far from closing the door to tyrannicide, as one might conclude from the fact that Aquinas's examples come exclusively from pagan Rome, Christianity seems to leave the possibility of tyrannicide permanently open, because all Christian nations ought to allow their bishops to convene together in some kind of public authority.

There is scholarly debate about where Mariana's approach is most novel. Braun argues that Mariana evinces an overarching "Augustinian" pessimism about human reason in contrast to a "neo-Thomist view of human nature," all in the service of bolstering ecclesiastic power.⁷⁹ Furthermore, he argues that Mariana's limited permission for private persons to slay tyrants is "stupendously dangerous" and "clearly deviates from mainstream Catholic doctrine."⁸⁰ Höpfl takes a more deflationary line, suggesting that the "only moderately distinctive aspect" in Mariana's thought is that tyrants cannot prevent assemblies.⁸¹ Höpfl has the better of this argument for three reasons: First, there is no reason why Mariana is more "Augustinian" on the tyrannicide question than Aquinas; second, Aquinas already proposes a potentially dangerous doctrine where ordinary individuals might potentially wield public authority; third, mainstream Catholic doctrine after the Council of Constance (1415) condemned only the argument that private persons have a moral obligation in the general case, as opposed to a special permission in particular cases, to kill tyrants (I.6, 62/150). Even though Mariana does not extend the permissiveness of Aquinas's resistance theory in any substantial way, by the turn of the seventeenth century, working out obvious problems in the Thomistic doctrine of tyrannicide had become very controversial.

III

Suárez was a well-established philosophical and theological authority when Pope Paul V asked him to enter the polemics between James I of England and Robert Bellarmine, S.J., among many others, over the Oath of Allegiance. The papal commission overrode Acquaviva's gag order that Jesuits should not discuss the

subject of tyrannicide. The *Defensio catholicae fidei contra anglicanae sectae errores*, which appeared in 1613, is thus the only place in his vast corpus where Suárez treats the issue.⁸²

Suárez is easier to interpret than Mariana because he shows his work by citation. Suárez cites the arguments in Aquinas's *Commentary on the Sentences* (thrice), the *De regno* (thrice), and the *Summa Theologiae* (once).⁸³ These citations imply that Aquinas consistently maintains a coherent position on tyrannicide throughout his various works. Suárez never cites the controversial Mariana, although he must have been aware of his confrère's arguments.⁸⁴ In the *De legibus*, Suárez defines tyranny in a similar way to Aquinas, making clear that tyrants rule outside the divine law and—perhaps to signal how ancient the view is among Christian philosophers—citing Origen's distinction that tyrants are permitted to rule by God but are not ordained.⁸⁵

The locus of Suárez's tyrannicide doctrine is the fourth chapter of Book VI of the *Defensio fidei*. Here Suárez proposes that a prince "cannot licitly be slain on private authority, even though his government be tyrannical," and he says the proposition is "laid down by Saint Thomas in the *De regno* (I.7) where he confirms it by means of excellent moral arguments" (DF VI.4.2, 714; 804–5). Suárez offers two arguments against tyrannicide by private persons that echo concerns raised by Aquinas in *De regno*: First, strong Christians can bring more converts to the Church by patiently suffering the persecution of tyrants (I.7.46); second, because they are willing to risk more for earthly power, wicked people are more likely to commit regicide than tyrannicide (I.7.47). But Suárez develops this second argument further, or at least draws out its obvious implications: Glory-seeking king-killers are likely to spread the scourge of civil war and justify their actions as tyrannicide (I.7.47). There would be "no security among kings and princes" if tyrannicide were permissible for private persons (VI.4.4, 717; 808). This initial argument against tyrannicide by private authority points to the linchpin of Aquinas's tyrannicide doctrine: public authority.

Here the Suárezian position is significant because it distinguishes between the deposing power, pertaining to who has the

authority to discriminate between the legitimate king and the tyrant, and tyrannicide. Suárez argues that this deposition power resides both in the republic (*respublica*) acting as a whole, publicly, and by the common counsel of its cities (*communi consilio civitatum*), as well as in the papacy (VI.4.15, 721; 820). Suárez argues that there are two superiors, one representing the spiritual power, the other representing the temporal power. He introduces two levels of distinctions into Aquinas's vague concept of public authority. Now in Suárez, we find something like unitary and municipal (or federal) authority as well as spiritual and temporal authority. Tyrannicide cannot occur otherwise, because the power of punishment is contained in "an act of jurisdiction, to be performed by a superior" (VI.4.12, 719; 816). The Church or the republic must act in a public and orderly juridical fashion, because the forceful removal of a tyrant requires the "intervention of a public council and after a hearing and adequate judgment of his case" (VI.4.12, 719–20; 816).

The entire republic and the papacy have not only deposition power but also the power to punish the tyrant—in other words, powers of resistance that include tyrannicide. However, the authority to punish tyrants does not automatically devolve to "any private person whatsoever . . . unless that private individual has been commanded to act thus, or unless a general commission to this effect is contained in the sentence itself or in law" (VI.4.18, 722; 822–23). Deposition invests the lawful successor of the tyrant only with the right to drive out the tyrant as punishment (VI.4.19, 723; 825). At least initially, Suárez seems to disagree with Aquinas that ordinary individuals among the multitude can assume public authority.

This limitation is important, Suárez argues, because the authority to punish (what we might call executive power) is "ordained for the common good of the republic" and "entrusted solely to him who has also been entrusted with public power for the government of the republic [*gubernandi rempublicam*]" (VI.4.4, 717; 807).⁸⁶ Even though Suárez seems to be limiting the Thomistic permission for tyrannicide at this point, Höpfl points out, it is in Suárez that "the Jesuits' opponents had the explicit link between

tyrannicide and the deposing power," which they had always accused the Jesuits of holding.⁸⁷

As we have seen, in the *De regno* Aquinas does not specify whether some spiritual power or body of the Church has the competence to declare anyone a tyrant, but at the pope's request, Suárez considers the deposing power held by the Church. His arguments for papal deposition power do not represent a radical break with Aquinas or even Mariana. Mariana argues that all who claim papal deposition power agree with him that regal power is not unlimited, and he adds that the pope cannot deny a commonwealth's deposing power without threatening it with tyranny (I.8, 74/160). However, clearly Mariana offers a rival interpretation, where the local bishops, as Braun notes, represent "the one group able to take things in hand, and act as impartial defenders of the interests of the people."⁸⁸ Mariana defends the deposition power of the bishops of a people, not a papal power, and argues that for many centuries most popes have failed to exercise their proper teaching duty (III.2, 223/275). Braun argues that "the one thing Mariana is least likely to do" is articulate papal deposition power.⁸⁹ Mariana and Suárez fill in the practical implications of Thomistic doctrine in somewhat different ways. Höfpl concludes that Suárez "could not resist Mariana's logic that the public assembly of the commonwealth is the appropriate agent for disciplining kings, and that tyrannicide was the *ultima ratio*."⁹⁰ However, to the extent they envision *how* the Church might depose a tyrant—local bishops for Mariana versus the pope for Suárez—they represent rival revivals of Aquinas's tyrannicide doctrine.

To this point it appears that Suárez has ruled out the ways that Aquinas and Mariana would allow private persons to act in public authority to kill tyrants in certain circumstances; however, Suárez develops a prior argument for tyrannicide that bypasses the deposition from the natural right of self-defense. Private persons can slay tyrants in self-defense if one is defending one's life (not only one's goods) from a ruler who lacks a "charitable regard" for the common good or the country (VI.4.5, 717; 809).⁹¹ Here, Suárez thinks, distinguishing excessive and thus resistible tyranny is of no import:

“[I]f the act in question is permitted to a private individual only on the ground of defense, there is, consequently, no distinction” (VI.4.12, 720; 816). All that matters is that one is acting in defense of one’s life as well as one’s republic (VI.4.13, 720; 817). And while he considers that David had the right to slay Saul in self-defense, and not only by his rightful claim to kingship, Mariana does not develop his argument systematically into a fallback justification for tyrannicide in the way that Suárez does (I.6, 61/144). The justification for tyrannicide on the grounds of self-defense brings Suárez closer to the conclusions of Mariana and Aquinas, but according to a new stated principle: self-defense.

This tyrannicide argument grounded on the notion of self-defense power is expanded by Suárez’s proposal that private persons might act in defense of the republic. (I prefer “republic” or better *res publica* because the *res* being defended is the common good.) A tyrant with a title of king may be “actually attacking the republic, with the unjust intention of destroying it and slaughtering the citizens” (VI.4.6, 717; 809). In this case the citizen is

engaged in a just defensive war against an unjust invader, even though he be its own king, so that any citizen whatsoever, acting as a member of that republic [*membrum reipublicae*], and impelled—whether expressly or tacitly—by it, may therefore defend the same republic [*ipsi reipublicae*], in the course of conflict, in whatsoever way is possible to him. (VI.4.6, 717; 809)⁹²

What does it mean that otherwise private persons are no longer private persons because they are defending the *res publica*? The ability for ordinary citizens to assume public authority, present in Aquinas and Mariana, is explicit here in Suárez. One plausible interpretation of Suárez’s intention as compared with Mariana’s is that he neither rejects his conclusions nor really passes him over in silence but rather in the end finds self-defense grounds to argue for his view: a just defensive war against those who destroy institutions, prohibit public assemblies, and prohibit the community from

carrying out justice. After all, Suárez takes himself to be defending Aquinas's view—the Ciceronian defense of tyrannicide—described in both the *Commentary on the Sentences* and the *De regno* (VI.4.7, 718; 811).

In Suárez's resistance argument grounded in self-defense, which does not rely on the deposition power or a derived power to punish, we encounter the unofficial public authority, or the otherwise "private person" who acts in "public authority."⁹³ We have encountered this character in the Roman multitude example in *De regno*, as well as in Mariana, but Suárez makes clear that this individual has a right of defense, rather than a right of punishment. It is licit for anyone to repel force with force (*vim vi repellere*; VI.4.15, 721; 820). Suárez preserves this distinction, clearly offering a natural right justification of tyrannicide that is distinct from the natural law justification that in Aquinas places such great demands on prudence.

Suárez does not necessarily depart from Aquinas's view at ST II-II, q. 64, a. 4, but he introduces a distinction between defensive tyrannicide and punitive tyrannicide. Here he is aided, like other later scholastics, by Bartolus's principle of *vim vi repellere*.⁹⁴ Suárez clarifies that the right to repel an attacker with force is part of the natural law, not the *ius gentium*.⁹⁵ Even Thomas Hobbes will admit that the right of self-preservation gives a right to resist even the force of a legitimate sovereign—defense against attack is something people do by necessity.⁹⁶ But would Thomas Aquinas agree? Perhaps not. It is not just to resist lawful punishment, and therefore we have no right to resist, even if we are compelled by biological necessity. Suárez seems to be opening a new view, grounded in subjective rights, beyond the Thomistic objective rights view, one that has more in common with the doctrine of natural rights in Hobbes's warlike state of nature.

Suárez's discrimination of defensive (natural right) tyrannicide from punitive (natural law) tyrannicide may be a distinction without a difference. Aquinas, after all, describes tyranny in terms of civil war and even a dissolution of political society altogether. Therefore, he might be congenial to Hobbes's state-of-nature and

subjective natural rights perspective, even if he never worked out the details of this significant political exception to his natural law theory.⁹⁷ Put another way, Aquinas's description of the natural law's lack of relevance for the public authority creates space for Suárez's natural rights innovation. Those who think Aquinas is already quietly a natural rights thinker, like Edward Goerner, or those who argue that prudence typically receives little or no guidance from the natural law in Aquinas anyway, will need no convincing.⁹⁸ However, one need not endorse these broader interpretations, or follow Goerner in looking for an "esoteric teaching" within the *Summa Theologiae*, to see how Aquinas gives political prudence free rein under tyranny.⁹⁹ When the public authority confronts a tyrant, natural law prohibitions against violence are irrelevant. There is more classical "latitude" for "statesmanship" in Thomistic interpretation than some critics (famously including Leo Strauss) allow.¹⁰⁰ This is not some narrow carve-out exception to the ordinary situation of legitimate rule. As we have seen, tyranny is the commonplace political situation for Aquinas, so political exceptions to natural law restrictions are very often on the table.

Although Suárez develops a conception of natural rights grounded in self-preservation, this incidentally justified tyrant-killing does not come into play on the topic of tyrannicide, in the strict sense of the term, for two reasons. First, a tyrannical punishment cannot be a lawful one. Second, to act in public authority, one cannot act in self-defense (or out necessity) but in defense of the *res publica* (VI.4.13, 720; 817). The understanding that resistance is made from the right of defense can be read as a clarification of Aquinas's position, which is vague on this question. Resistance does not depend on Suárez's new conception of subjective natural right.

In the case of the "true tyrant," the one who acts in self-defense of the republic may treat the tyrant as *presumptively deposed*. Suárez writes,

A true tyrant, on the other hand [*Ac vero proprius tyrannus*], is inflicting continual and actual violence upon the republic as long as he unjustly retains the royal power and

reigns by force; so that the said republic continually wages against him an actual or virtual war [*actuale seu virtuale bellum*], not vengeful in its character (so to speak) but defensive. Moreover, provided the republic makes no declaration to the contrary, it is always regarded as willing to be defended by any of its citizens, or for that matter, even by any foreigner; and therefore, if it cannot be defended in any way save by the slaying of the tyrant, any one of the people can licitly slay him. This is indeed true, strictly speaking, that this act of slaughter is committed, under the circumstances described, not by private but by public authority [*id non fieri tunc auctoritate privata, sed publica*]; or rather, by the authority either of a kingdom willing to be defended by any citizen whomsoever as by its own members or organ, or else by the authority of God, the Author of nature, Who gives to every individual the power of defending the innocent. (VI.4.13, 720; 817)

There need be no political body, civil or ecclesiastic, with the power of deposing a tyrant in this case. Suárez believes he has not violated the doctrine of the Council of Constance (1415) because he is not deriving an obligation for all private persons to slay tyrants but a permission to *only some* (VI.4.11, 719; 814).

Suárez offers six limiting conditions when it comes to private persons resisting tyrants in the defense of the republic, whereas Mariana prohibits only the use of poison, which can never be virtuous (I.7, 63/152). According to Suárez, first, killing the tyrant must be an act of last resort; there must be no recourse to another (VI.4.8, 718; 812). For a Christian people, therefore, there must be recourse to the pope. In contrast to Mariana, Suárez claims the pope has contra-deposition power as well, for he may order a people to obey a tyrant who has been presumptively deposed for his tyrannical rule (VI.4.17, 721; 821). Second, it is necessary that tyranny and injustice be public and manifest; and third, tyrannicide must be necessary for the liberty of the republic (VI.4.8, 718; 812). Fourth, no prior oath or compact can bind the people to the tyrant;

fifth, tyrannicide must not make things worse for the people; sixth, the republic cannot oppose tyrannicide by its customs or popular sentiment (VI.4.9, 718–19; 813). The fourth and sixth conditions begin to elaborate what remains obscure in Aquinas and Mariana: which peoples have the right of public authority to provide themselves with a king, and which do not.

On this question of tyrannicide, it is misleading to distinguish between Augustinian and Thomistic positions. Augustine, Aquinas, Mariana, and Suárez are all working out the consequences of a Ciceronian argument that tyranny dissolves the republic. Unlike humanists who took a Greek approach to “uproot tyranny from the soul of the ruler,” the Augustinian-Thomistic tradition follows the Roman law approach of defining “tyranny as a violation of *ius*.”¹⁰¹ Even when Aquinas and Mariana write their “mirrors of princes” to instruct rulers, they define tyranny in this fashion: Tyranny dissolves law, the common agreement about justice, and the very constitutive fact of the republic; tyranny departs from the ordination of divine law (though God may permissively will tyranny as a punishment); tyranny threatens to destroy the very essence of a people. And yet God raises up the legitimate regimes of Christian princes. Because an anti-tyrannical resistance opposes the dissolution of the regime, and attempts to reestablish law, justice, and the republic, they are constructive on the Augustinian and Thomistic view. Resistance to tyrants is the origin of a new or restored kingship.

Mariana and Suárez inherit and develop a republican tradition of resistance to tyranny, albeit one that has lost any bias against kingship. It works out Aquinas’s arguments that some tyrannicides are justified, particularly if public authorities with a zeal for justice (and perhaps some guidance from the Church) found new kingdoms in the anarchic situation where tyranny has dissolved peoples and kingdoms. The Thomistic position, even after its refinements by Mariana and Suárez, offers broad permissions for almost anyone to countenance anything to resist tyrants. Therefore, later defenders of national sovereigns, like Hobbes, correctly dread this scholastic tyrannophobia that some within the Catholic Church (the

“kingdom of Darknesse”) draw from classical sources (*Leviathan* II.xxix.14, 215)—in this case Augustine and Cicero especially. Their reasoning that tyranny fundamentally dissolves the political community can be contrasted with John Calvin’s appeal to constitutional magistrates to restrain the “willfulness of kings.”¹⁰² Since lesser magistrates retain a deposition power by the will of God (and Romans 13:1), Calvin gestures toward an undissolved constitutional authority. So too is Locke, after his own treatment of tyranny, careful “to distinguish between the *Dissolution of Society* and the *Dissolution of the Government*” at the end of his *Second Treatise of Government*.¹⁰³ The dissolution of government dissolves neither the constitution of the legislative nor the capacity of the people to form a new legislature. With their distinction between the government and a constitutional sovereign, Calvin and Locke offer a useful and familiar contrast to the Ciceronian, Augustinian, and Scholastic dissolution problem and public authority explained in this article. Mariana and Suárez, though they offer rival interpretations of how the Church should play a part in the resistance to tyrants, both draw from an ancient republican tradition that is alive but umbrageous in the works of Aquinas.

Notes

1. Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton University Press, 2001), 12.
2. Harro Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1640* (Cambridge University Press, 2004), 319 and 328; Guenter Lewy, *Constitutionalism and Statecraft in the Golden Age of Spain: A Study of the Political Philosophy of Juan de Mariana, S.J.* (E. Droz, 1960), appendix 1.
3. James I, *The Political Works of James I*, ed. Charles Howard McIlwain (Harvard University Press, 1918), 247.
4. Silvia Mostaccio, *Early Modern Jesuits Between Obedience and Conscience During the Generalate of Claudio Acquaviva, 1581–1615* (Ashgate, 2014), 24 and 321.
5. Höpfl, *Jesuit Political Thought*, 314. In *The Jesuits and the Monarchy: Catholic Reform and Political Authority in France, 1590–1615* (Ashgate, 2005), Eric Nelson argues that French Jesuits were busily accommodating themselves to the reign of Henry IV. Annabel Brett adds

- that not only Acquaviva on behalf of the Society but also authors like Suárez and Bellarmine “strenuously resisted” the implication that they were apologists for revolution. Annabel Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law* (Princeton University Press, 2011), 128.
6. Pope Paul V (r. 1605–1621) invited Suárez to respond to James I’s Oath of Allegiance. The result was *Defensio catholicae fidei contra anglicanae sectae errores* (1613).
 7. Robert Bellarmine, S.J., e.g., focuses on the nature of deposing power rather than the question of tyrannicide. Höpfl, *Jesuit Political Thought*, 337.
 8. See esp. Michael D. Breidenbach and William McCormick, “Aquinas on Tyranny, Resistance, and the End of Politics,” *Perspectives on Political Science* 44, no. 1 (2015): 10–17, 13. For a literature review of the long-running debates, the reader should consult Harald E. Braun, *Juan de Mariana and Early Modern Spanish Political Thought* (Ashgate, 2007), 21.
 9. Braun, *Mariana and Early Modern Spanish Political Thought*, 161.
 10. Annabel Brett, *Liberty, Right, and Nature* (Cambridge University Press, 1997), 31.
 11. Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge University Press, 1978), II:159.
 12. Braun, *Mariana and Early Modern Spanish Political Thought*, 111.
 13. Harro Höpfl, “Scholasticism in the Foundations,” in *Rethinking the Foundations of Modern Political Thought*, ed. Annabel Brett and James Tully with Holly Hamilton-Bleakley (Cambridge University Press, 2006), 119.
 14. Robert Wyllie, “Reconsidering Tyranny and Tyrannicide in Aquinas’s *De Regno*,” *Perspectives on Political Science* 47, no. 3 (2018): 154–60.
 15. “Self-defense” is too limited to capture the Thomistic concept. John Finnis, *Aquinas: Moral, Legal, and Political Theory* (Oxford University Press, 1998), 275ff.
 16. See Michael Walzer, *The Revolution of the Saints: A Study in the Origins of Radical Politics* (Harvard University Press, 1982). This view is decisively rejected by Skinner, *The Foundations of Modern Political Thought*, II:207.
 17. Skinner, *The Foundations of Modern Political Thought*, II:321–22. Cf. Mark Goldie, “The Context of *The Foundations*,” in *Rethinking “The Foundations of Modern Political Thought,”* ed. Annabel Brett and James Tully with Holly Hamilton-Bleakley (Cambridge University Press, 2006), 14.

18. See O. Carlos Stoetzer, *The Scholastic Roots of the Spanish American Revolution* (Fordham University Press, 1979).
19. For an illuminating comparison and evaluation of natural rights and the limits of legitimate political authority in Suárez and Locke, however, see Catherine Sims Kuiper, "Francisco Suárez and John Locke on Rights and Alienability: A Critical Conversation," in *Francisco Suárez (1548–1617): Jesuits and the Complexities of Modernity*, ed. Robert Maryks and Juan Antonio Senent de Frutos (Brill, 2019), 439–67.
20. Breidenbach and McCormick, "Aquinas on Tyranny, Resistance, and the End of Politics," 11. Cf. Martin Grabmann, *Thomas Aquinas: His Personality and Thought* [1912], trans. Virgil Michel, OSB (Russell & Russell, 1928), 168–69; Wilfrid Parsons, "The Medieval Theory of the Tyrant," *Review of Politics* 4, no. 2 (1942): 129–43, 141. The most recent treatment of the subject is more ambivalent but still leans toward the view that "Aquinas rejects tyrannicide." William McCormick, S.J., *The Christian Structure of Politics: On the "De regno" of St. Thomas Aquinas* (Catholic University of America Press, 2022), 89, but see 92–93.
21. Skinner, *The Foundations of Modern Political Thought*, I:144, II:119 and 163; see also Annabel Brett, "Scholastic Political Thought," in *Rethinking "The Foundations of Modern Political Thought,"* 132.
22. Jacob Burckhardt, *The Civilization of the Renaissance in Italy*, 3rd ed. (Phaidon, 1995), 42. See also James Hankins, *Virtue Politics: Soulcraft and Statecraft in Renaissance Italy* (Harvard University Press, 2019), 15, 130, 201.
23. Francisco Suario, *Defensio fidei catholicae et apostolicae adversus anglicanae sectae errores* (Conimbricæ: Apud Didacum Gomez de Loureiro, 1613), IV.4.2, 716; IV.4.7, 718; IV.4.15, 721). Cf. Francisco Suárez, *A Defense of the Catholic and Apostolic Faith*, in *Selections from Three Works*, ed. Thomas Pink, trans. Gwladys L. Williams, Ammi Brown, and John Waldron with Henry Davis, S.J (Liberty Fund, 2015), 805, 811, 820.
24. This is an important difference between Thomists and Scotists. For Aquinas's position, see ST I–II, q. 18, a. 9. See also ST II–II, q. 40, a. 1, obj. 3; and *De malo*, q. 2, a. 5.
25. I thank Michael Promisel for valuable discussions related to this point.
26. Wyllie, "Reconsidering Tyranny and Tyrannicide in Aquinas's *De Regno*," 154–60.
27. I. Thomas Eschmann, O.P, "Introduction," in Thomas Aquinas, *On Kingship*, trans. I. Th. Eschmann (Pontifical Institute of Mediaeval Studies, 1949), ix–xxxix.

28. Mary Keys, *Aquinas, Aristotle, and the Promise of the Common Good* (Cambridge University Press, 2006), 64.
29. McCormick, S.J., *The Christian Structure of Politics*, 119.
30. McCormick, S.J., *The Christian Structure of Politics*, 166.
31. Augustine, *The City of God Against the Pagans*, ed. and trans. R. W. Dyson (Cambridge University Press, 1998), II.21, 78. Translation modified. My emphasis.
32. McCormick, S.J., *The Christian Structure of Politics*, 89 and 96.
33. See also Aquinas, *Commentary on Aristotle's Politics*, trans. Richard J. Regan (Hackett, 2007), 209, cf. 117.
34. Jean-Bethke Elshstain, *Sovereignty: God, State, and Self* (Basic Books, 2008), 15.
35. Aristotle, *The Politics*, trans. Carnes Lord (University of Chicago Press, 1984), V.11.19, 1314a38.
36. Bartolus, *De tyranno*, in Diego Quaglione, *Politica e diritto nel Trecento italiano: Il De tyranno di Bartolo Sassoferrato*, 171–213 (Olschki, 1983). Quoted in Hankins, *Virtue Politics*, 113.
37. Finnis points out that *turbatio* means something like “demoralization” elsewhere in the *Summa Theologiae*. Finnis, *Aquinas*, 273n112. Finnis’s interpretation has an attractive neatness to it: *Scandalum* threatens spiritual downfall, whereas *turbatio* threatens moral downfall. And at one point, Aquinas does use the two terms basically interchangeably (ST II–II, q. 3, a. 2, ad 3). But *turbatio* can also mean social unrest (ST II–II, q. 42, a. 2, ad 3).
38. For a presentation of these issues in the later Thomistic tradition, see Höpfl, *Jesuit Political Thought*, 167–76, and “Scholasticism in the Foundations,” 128; Braun, *Mariana and Early Modern Spanish Political Thought*, 105.
39. Wyllie, “Reconsidering Tyranny and Tyrannicide in Aquinas’s *De Regno*,” 159.
40. John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge University Press, 1988), 408–10.
41. For these distinctions, see Heinrich Rommen, *The State in Catholic Thought* (Herder, 1945). See also Yves R. Simon, *A General Theory of Authority* (University of Notre Dame Press, 1962), 164.
42. The Servian constitution refers to the reforms organized by the sixth king of Rome (Servius Tullius). Livy, *The History of Rome*, vol. 1, trans. B. O. Foster (Harvard University Press, 1919), I.59–60.
43. Aquinas’s history is probably wrong. The assassination involved “many people in public life” but had no “prior senatorial authorization.” Finnis, *Aquinas*, 290n94.

44. John von Heyking, *Augustine and Politics as Longing in the World* (University of Missouri Press, 2001), 123–26.
45. There is even an account here about how martyrdom and resistance might work in tandem, for Augustine, something entirely missing from Aquinas's account. Heyking, *Augustine and Politics as Longing in the World*, 126–30.
46. Peter Burnell, "The Problem of Service to Unjust Regimes in Augustine's *City of God*," *Journal of the History of Ideas* 54, no. 2 (1993): 177–88, 188.
47. John Finnis, *Moral Absolutes: Tradition, Revision, and Truth* (Catholic University of America Press, 1991), 70.
48. Aquinas seems to have overlooked Jehu, who pierces Jehoram of Israel (the son of Jezebel) through the heart with an arrow in his back (2 Kings 9:24).
49. See John Milton, *The Tenure of Kings and Magistrates*, ed. Thomas H. Luxon. https://milton.host.dartmouth.edu/reading_room/tenure/text.shtml
50. Augustine, *City of God*, I.19, 29–31.
51. Thomas Aquinas, *Quodlibetal Questions*, trans. Turner Nevitt and Brian Davies (Oxford University Press, 2020). This last quodlibet remains "unfinished and unrefined" according to Turner Nevitt and Brian Davies, "Introduction," in *Thomas Aquinas's Quodlibetal Questions* (Oxford University Press, 2020), xxvi n13.
52. McCormick, S.J., *The Christian Structure of Politics*, 178.
53. McCormick, S.J., *The Christian Structure of Politics*, 222.
54. See Breidenbach and McCormick, "Aquinas on Tyranny, Resistance, and the End of Politics," 12.
55. Thomas Aquinas, *Scriptum super libros sententiarum*, ed. Pierre Mandonnet (P. Lethielleux, 1929), II, d. 44, exp. textus ad 4.
56. Lewy, *Constitutionalism and Statecraft in the Golden Age of Spain*, 19.
57. Jesús Huerta de Soto, "Juan de Mariana: The Influence of the Spanish Scholastics," in *The Great Austrian Economists*, ed. Randall G. Holcombe (Ludwig von Mises Institute, 1999), 1–12.
58. It has been re-released as Juan de Mariana, *A Treatise on the Alteration of Money*, trans. Patrick T. Brannan with Stephen J. Grabill (CLP Academic, 2011).
59. Murray Rothbard, *An Austrian Perspective on the History of Economic Thought: Economics Before Adam Smith* (Edward Elgar, 1995), 117.
60. Brett, *Liberty, Right, and Nature*, 1. See, e.g., Leopold von Ranke, *The Ecclesiastical and Political History of the Popes of Rome*, 3 vols., 2nd ed. [1841], trans. Sarah Austin (Cambridge University Press, 2011), II:192.
61. Ronald Truman, *Spanish Treatises on Government, Society, and Religion in the Time of Philip II: "The De regimine principum" and Associated*

- Traditions* (Brill, 1999); see also Braun, *Mariana and Early Modern Spanish Political Thought*.
62. See Höpfl, *Jesuit Political Thought*, 318.
63. Braun, *Mariana and Early Modern Spanish Political Thought*, 4.
64. John Neville Figgis, *Studies of Political Thought from Gerson to Grotius* (Cambridge University Press, 1907), 146.
65. Höpfl, “Scholasticism in the *Foundations*,” 119.
66. The first page number indicates the Latin edition of 1611 that is widely available online courtesy of the Boston Public Library: Ioannis Marianae, *De rege et regis institutione* (Madrid: Typis Wechellianis, 1611). The second page number, after the backslash, where available, indicates the partial translation: Juan de Mariana, *The King and the Education of the King*, ed. and trans. George Albert Moore (Country Dollar Press, 1948).
67. Braun, *Mariana and Early Modern Spanish Political Thought*, 3.
68. Höpfl, *Jesuit Political Thought*, 167; cf. Braun, *Mariana and Early Modern Spanish Political Thought*, 5.
69. Cf. *De regno* 1.7.49 and 1.8.60.
70. Höpfl, *Jesuit Political Thought*, 320.
71. Braun, *Mariana and Early Modern Spanish Political Thought*, 7.
72. E.g., Thomas Fitzherbert, S.J., also considered Clément in a positive light. Höpfl, *Jesuit Political Thought*, 126.
73. Thomas Aquinas, *Commentary on the Sentences* II, q. 2, a. 2, in *Aquinas: Selected Political Writings*, ed. A. P. d’Entrèves, trans. J. G. Dawson (Blackwell, 1959). Quoted in Oliver O’Donovan and Joan Lockwood O’Donovan, eds., *From Irenaeus to Grotius: A Sourcebook of Christian Political Thought, 100–1625* (William B. Eerdmans, 1999), 329.
74. Braun, *Mariana and Early Modern Spanish Political Thought*, 66 and 90.
75. Braun, *Mariana and Early Modern Spanish Political Thought*, 80.
76. Höpfl, *Jesuit Political Thought*, 215; Braun, *Mariana and Early Modern Spanish Political Thought*, 91–94.
77. Aristotle, *The Politics*, V.11.8, 1313b17.
78. There may be deeper continuities between Augustine and Mariana than are explored here, since Heyking concludes, “Augustine thought rebellion justified and necessary when a tyrant destroys political and social life in such a way that civil friendships and associations are seriously prevented from developing.” Heyking, *Augustine and Politics as Longing in the World*, 129.

79. Braun, *Mariana and Early Modern Spanish Political Thought*, 161.
80. Braun, *Mariana and Early Modern Spanish Political Thought*, 85.
81. Höpfl, *Jesuit Political Thought*, 246.
82. Höpfl, *Jesuit Political Thought*, 333.
83. DF IV.4.2, 716; IV.4.7, 718; IV.4.15, 721. Cf. Pink, ed., 811, 812, 815 (*Commentary on the Sentences*); 805, 811, 820 (*De regno*); 820 (*Summa Theologiae*).
84. Pablo Font Oporto, "Suárez, Mariana, y el tiranicidio: convergencias, divergencias, y silencios estratégicos," 11–34, *Revista cuadernos salmantinos de filosofía* 44 (2017): 11–34.
85. Suárez, *A Treatise on Laws and God the Lawgiver*, in *Selections from Three Works*, ed. Pink, III.1.11, 426–27.
86. Translation modified.
87. Höpfl, *Jesuit Political Thought*, 337.
88. Braun, *Mariana and Early Modern Spanish Political Thought*, 87.
89. Braun, *Mariana and Early Modern Spanish Political Thought*, 88.
90. Höpfl, *Jesuit Political Thought*, 92.
91. See also Francisco Suárez, *A Work on the Three Theological Virtues: Faith, Hope, and Charity*, in *Selections from Three Works*, ed. Pink, "On Charity" discussion I XIII, chap. 8, 976–77.
92. Translation modified.
93. Wyllie, "Reconsidering Tyranny and Tyrannicide in Aquinas's *De Regno*," 157–59.
94. Höpfl, *Jesuit Political Thought*, 374; Braun, *Juan de Mariana and Early Modern Spanish Political Thought*, 82.
95. Suárez, *A Treatise on Laws and God the Lawgiver*, II.xvii.6, 379.
96. Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Hackett, 1994), II.xxvii.25, 198. See Susanne Sreedhar, *Hobbes on Resistance: Defying the Leviathan* (Cambridge University Press, 2010), 8.
97. See Michael Zuckert, "Do Natural Rights Derive from Natural Law?," in *Launching Liberalism* (University of Kansas Press, 2002), 183.
98. E. A. Goerner, "On Thomistic Natural Law: The Bad Man's View of Thomistic Natural Right," *Political Theory* 7, no. 1 (1979): 101–22; Daniel Mark Nelson, *The Priority of Prudence* (Pennsylvania State University Press, 1992), 70 and 114.
99. Goerner, "On Thomistic Natural Law," 103.
100. Leo Strauss, *Natural Right and History* (University of Chicago Press, 1953), 164. See also Marc Guerra, "Beyond Natural Law Talk: Politics

- and Prudence in St. Thomas Aquinas's *On Kingship*," *Perspectives on Political Science* 31, no. 1 (2002): 9–14.
101. Hankins, *Virtue Politics*, 57 and 103.
 102. John Calvin, *Institutes of the Christian Religion*, 2 vols., ed. John T. McNeill, trans. Ford Lewis Battle (Westminster John Knox Press, 1960), II:1519.
 103. Locke, *Two Treatises of Government*, 406–7.