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# Religious Toleration in St. Augustine

JOHN A. ROHR, S.J.

The extended delay of Vatican Council II to approve the schema on religious liberty was illustrative of the ambivalence that has characterized Catholic thought on this delicate question for centuries. Since few Christian thinkers have influenced church-state attitudes of later generations in a manner comparable to that of St. Augustine, and since his thinking on religious liberty is characterized by a striking *volte-face*, it may be opportune to ponder his thoughts at a time when so many distinguished Catholic leaders can be found supporting sharply divergent views. Augustine, weighing both sides of the question of harshness towards dissenters, presents a microcosm of the problem as it appeared at the recent Vatican Council II.

A word of explanation is necessary at the outset to justify a further study of a question that has already been fully treated in many articles and monographs. Unfortunately, these pages do not disclose any "new" Augustinian text which would solve once and for all the problem of just why Augustine changed his views on tolerance to so marked a degree. What originality this study enjoys lies in an interpretation of well-known facts. This interpretation is twofold: (1) Augustine's change from a policy of tolerance to one of intolerance was not based on a change of fundamental principles, but rather upon a change in the application of a principle that remained consistent throughout his polemic with the Donatists. (2) An explanation of why religious tolerance, which certainly is a question of principle for us, was not a question of principle for him. The explanation lies in Augustine's failure to develop a theory of human rights and in his attitude on the nature of the state.

To make the interpretation suggested in these pages more intelligible a review of the factual situation confronting Augustine is in order. Since nearly all that Augustine had to say on religious tolerance was said in connection with the Donatist schism,<sup>1</sup>

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<sup>1</sup>Donatism was usually considered a schism rather than a heresy. Augustine uses both terms. In writing to Donatist adversaries his tendency is to call their separation a schism. He refers to it as a heresy when there is question of applying the anti-heretical laws to Donatism. A definition of heresy he suggests is that of a "schism grown old." J. P. Migne, ed., *Patrologiae Latinae*, (Paris: *Ex typis L. Migne*,

the salient facts concerning Donatism before Augustine's entry into the polemic ought first to be reviewed. Then the relevant texts from the writings of Augustine starting in 391, the year of his ordination, will be presented.

The basis of the Donatist schism was its contention that the validity of sacraments depended upon the personal worthiness of the minister. The origins of the schism can be traced to the great persecution of Diocletian (303-311.) Christians who had succumbed to the threats of the persecutors were called *traditores* because they had "handed over" the sacred books to the hostile civil officials. These *traditores* were to faithful Christians what the "collaborators" of Nazi days were to the activists in the French Resistance. When the persecution abated, a group of Christians led by Donatus charged that the new bishop of Carthage, Caecilianus, had been consecrated by a *traditor* and that his consecration was therefore invalid. When their complaints were ignored, Donatus and his followers proceeded to elect their own bishop of Carthage. This election in 311 marked the beginning of the Donatist schism; all through the fourth century Carthage had two bishops, a Catholic bishop and a schismatic Donatist bishop.

The Donatist theory that the validity of the sacrament depends upon the personal worthiness of the minister became particularly offensive to Catholics when it was extended to the sacrament of Baptism. The Donatists always rebaptized a convert from Catholicism to their sect; this practice continued to flourish despite several imperial rescripts forbidding it.<sup>2</sup> In 314 an ecclesiastical court found Felix of Aptunga, the alleged *traditor* who had consecrated the Catholic bishop of Carthage, innocent of the charge of *traditio* during the Diocletian persecution. According to Donatist principles the schism in Carthage should have ended immediately, since it was now clear that the consecration was valid even if it would have been invalid had the validity of the consecration depended upon the worthiness of the conse-

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1865), XLIII, col. 471. (Subsequent references to *Migne* will be indicated by the abbreviation *P.L.* with a Roman and Arabic numeral to indicate volume and column.); F. Tempsky, ed., *Corpus Scriptorum Ecclesiasticorum Latinorum* (Vienna: Apud C. Geroldi filium, 1866), LII, 367. (Subsequent references to this *Corpus* will be indicated by the abbreviation *C.S.E.L.* with a Roman and Arabic numeral to indicate volume and page.)

<sup>2</sup>*Codex Theodosianus*, XVI, 6, 4: ". . . Quare hac lege sancimus, ut quisquis post haec fuerit rebaptizasse detectus, iudici, qui provinciae praesidet, offeratur, ut facultatem omnium publicatione multatus, inopiae poenam, qua in perpetuum adficiatur, expendat." This provision (405) reaffirms a prohibition against rebaptism decreed by Valentinian in 373.

crating bishop. The fact that the schismatics were not prompted to return to the Catholic Church after this decision suggests that Donatism had causes other than the niceties of sacramental theology.

A recent monograph by W. H. C. Frend<sup>3</sup> presents a convincing case in determining these other causes. Frend marshals impressive evidence to indicate that Donatism was an expression of resentment against Roman rule and Latin culture on the part of the Berber-speaking "nationalists" of Numidia. Frend shows that the schism flourished in the rural areas that so fiercely opposed the Roman taxgatherers, whereas Catholicism had its strength in the large cities that were more favorable to Rome. He maintains that the Donatist areas of Africa had been converted to Christianity only sixty years prior to the schism and that during this time the new religion was little more than a thin veneer over a still active paganism. Frend's thesis goes a long way toward explaining the phenomenal power of Donatism to survive despite its theological contradictions and the strong imperial displeasure it incurred.

In the eighty years between the start of the schism in 311 and the beginning of Augustine's polemic in 391, the fortunes of Catholics and Donatists waxed and waned with the changes of imperial administration. Constantine made things a bit unpleasant for the Donatists, but later Julian the Apostate evened the score. Throughout these years of hard-feeling three events call for special comment.

First, Constantine's Rescript of Toleration in 313 prompted the Donatists to appeal to the Emperor for recognition as the authentic Church in Africa; the Emperor refused the request. Had the appeal been successful it would have meant the new considerations shown to Christianity would accrue to the Donatists and not to the Catholics. This unsuccessful appeal had tremendous significance for later years when the Catholics would parry the Donatists' complaints about civil intervention in religious affairs by reminding them that they were simply applying what they had learned from the Donatists.

Secondly, in 347 Donatus once again appealed to the Emperor to be recognized as the sole bishop of Carthage. The Emperor appointed Macarius, a zealous Catholic, to investigate the claim. When Macarius attended Catholic services and urged the Donatists to do the same, Donatus asked his famous, if some-

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<sup>3</sup>*The Donatist Church* (Oxford: Clarendon Press, 1952).

what inconsistent, question, "What has the Emperor to do with the Church?" The upshot of the investigation was a brief but extremely effective persecution of the Donatists. Donatus was exiled, his Church was proscribed, and an Edict of Unity was proclaimed in 347 uniting all African Christians under the aegis of the Catholic Church. The Donatists remembered these days—the *tempora Macariana*—with such bitterness that they referred to Catholics half a century later as the *pars Macarii*.

Finally, anti-Roman feeling reached its high point with the growth of a marauding band of fanatic rebels called the "Circumcellions." The name comes from their tendency to gather around (*circum*) shrines or possibly private homes (*cellas*) whence they derived their sustenance. Their religious fanaticism knew no bounds—particularly their passion for martyrdom. Group suicide was a favorite pastime—especially jumping from steep precipices as they shouted "*Deo Laudes*." Since scripture frowns on the use of the sword, the Circumcellions, at least in their early days, were very scrupulous about using only clubs to bludgeon their pagan and Catholic victims. Another favorite ploy was to stop the carriages of the wealthy and to place the slave in the master's seat and make the master trot along behind that the scripture might be fulfilled: *deposuit potentes de sede et exultavit humiles*. The significance of their violence and fanaticism was that it provided the Catholics with an opportunity to appeal to the government for help on the grounds of public order and police protection prescindng from any religious consideration. That Augustine and his contemporaries did not take advantage of this distinction in appealing for civil assistance suggests a strain of Augustine's thought that will be developed later.

Before considering the writings of Augustine, attention must be called to a remarkable coincidence of events in the year 398. As we shall see this was the final year of Augustine's policy of toleration towards the Donatists. It was also the year that marked the end of a serious insurrection against Rome led by the Donatist rebel, Gildo. The whole-hearted support given the rebellion by the Donatists made Gildo "the virtual ruler of Africa"<sup>4</sup> until 398 when Rome finally succeeded in suppressing the uprising. It would seem a bit hazardous to see nothing but mere coincidence between Augustine's inclination to tolerance and the threat of Donatist hegemony in Africa prior to 398.

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<sup>4</sup>*Ibid.*, p. 220.

From the time of his ordination until 398, Augustine was interested only in dialogues with the Donatists as means of winning them to the Catholic faith. On several occasions he explicitly rejected the use of political means in his religious disputes. Thus when he wrote to Maximinus suggesting an amicable policy they might pursue in the question of rebaptism, he assured his correspondent that he would not take any steps while the army is present lest any of Maximinus' followers should think that Augustine "wanted to use force rather than a peaceful method." Augustine wanted it made quite clear that no one "should be forced into any communion against [his] will, but that truth should be manifest to those seeking it in quietness."<sup>5</sup>

When a Catholic came to Augustine complaining that his daughter had been converted to Donatism and had taken up the life of a nun in her new Church, he dissuaded the irate father from taking severe measures and told him that the girl should return to the Church only if she "willingly and freely chose the better course of her own accord."<sup>6</sup>

As a final example of Augustine's tolerance, a passage from *Psalmmum contra Partem Donati*, a lengthy poem in which Augustine equally disapproved of violent excesses of the Donatist Circumcellions and the Catholic Macarius, may be cited:

Let us then be at peace. Why concern ourselves over by-gones?  
 You bring up the past, but we can always recall what you have done.  
 When you complain about Macarius, we can point to the Circumcellions.  
 Further, our excesses have come to an end, but yours continue even up  
 to the present.

If Macarius broke the law of Christ, or even  
 If he appealed to the law of the Emperor to support his battles for unity,  
 I will not excuse him; but I will say your side was even worse.

But now, brethren, do not hold us responsible for what Macarius has done.  
 If his men were cruel, we are very sorry about this.  
 But if the charges against them were false—well, let God be the judge of this.  
 Let us love the peace of Christ and rejoice in unity.<sup>7</sup>

The first indication of a change in Augustine's thinking appeared in a letter to the Donatist Crispinus written in 399. Al-

<sup>5</sup>*P.L.* XXXIII, 98; *C.S.E.L.* XXXIV, 71.

<sup>6</sup>*P.L.* XXXIII, 135; *C.S.E.L.* XXXIV, 30.

<sup>7</sup>Translation mine. For Latin text, see *P.L.* XLIII, 28; *C.S.E.L.* LI, 8-9.

though he continued to seek opportunities for friendly discussions—as he did throughout his whole polemic with the Donatists—he inserted this ominous note: “You continually object to us that we persecute you through the secular powers. In this matter I do not assert either what you deserve for such monstrous sacrilege or how much Christian mildness restrains us.”<sup>8</sup> In the following year his lengthy treatise, *Contra Litteras Parmeniani*, considered the Donatist objection about Catholic recourse to the temporal powers. Augustine’s rejoinder is a rather significant *reductio ad absurdum*. He asked if they were really serious when they said a government should ignore a false religion. If they were, the argument runs, then they must logically hold that the government should not harass the pagans.<sup>9</sup> Apparently government intervention in religious affairs was so natural an occurrence for Augustine that he felt he had demonstrated the absurdity of the Donatist position simply by showing its corollary was official toleration for the pagans.

At the Council of Carthage in 404 the Catholic bishops petitioned the Emperor for further support in their struggle with the Donatists. They felt added protection was needed for the safety of officials of the Church and Catholic landowners.<sup>10</sup> The Emperor went far beyond the bishop’s request in his Edict of Unity of 405. The document provided that anyone guilty of rebaptizing was to pay the terrible fine of having all his property sold. The owners of the estates on which the sacrilege was proved to have taken place were to have their property confiscated if they were a knowing party to the criminal act. If they were not aware of the crimes committed on their property, they should suffer no penalty, but those who had rented the property for such evil practices were to be scourged and sent into perpetual exile.<sup>11</sup> The fact that these strong condemnations of Donatism continued to issue after 405 would seem to indicate that their success was something less than complete. Nevertheless, after 405 Augustine seemed to take a firmer stand in favor of government assistance against the Donatists.

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<sup>8</sup>*P.L.* XXXIII, 192; *C.S.E.L.* LI, 146.

<sup>9</sup>*P.L.* XLIII, 45; *C.S.E.L.* LI, 36.

<sup>10</sup>Originally edited by J. D. Mansi, J. B. Martin, and R. P. Petit from 1758-1798; now re-edited by Hubert Welter, *Sacrorum Conciliorum Nova et Amplissima Collectio* (Paris: G. Uschmann, 1911), III, 795. (Subsequent references will be indicated by *Mansi* with Roman and Arabic numerals to indicate volume and column.) *P.L.*, XLIII, 812. “Sed nos illud poscimus, ut catholicis Ecclesiarum ordinibus, per civitates singulas et vicinorum quorumque possessorum per diversa loca sine ulla dissimulatione tuitio praebeatur.”

<sup>11</sup>*Codex Theodosianus*, XVI, 6, 5.

Among the many examples of his new firmness, several passages may be selected in which Augustine turns to scripture to justify the government's policy of repression. In one lengthy letter to the Donatist Vincent, the following scriptural arguments appeared: The text, "Thou canst not follow me now, but thou shalt follow hereafter," describes the condition of those Donatists who feared to leave their sect because of the threat of reprisals, but feel free to act now that the government will support them.<sup>12</sup> To prove to the Donatists that their Catholic persecutors are really their friends, he cited the text: "Better are the wounds of a friend than the proffered kisses of an enemy."<sup>13</sup> He also cited the trials God sent the Patriarchs and the sting of the flesh sent to St. Paul despite the latter's pleading for deliverance. Augustine found further encouragement in the forceful manner in which Christ brought about the conversion of St. Paul, in Sarah's harshness towards Hagar, and in the complaint of Jeremiah, "In vain have I struck your children; they have not received correction." Further parallels were noted in Moses' severity towards the idolators, Paul's decision to deliver up certain men to Satan "that they may learn not to blaspheme, and finally in the fact that God Himself "spared not His own Son, but delivered him up for us all."<sup>14</sup>

If the Donatists should complain that there was no record from apostolic times of the Church appealing to Caesar for help, Augustine had a ready answer for them, Psalm 2: "Why have the gentiles raged and the people devised vain things? The kings of the earth stood up and the princes met together against the Lord and against his Christ." These words described the political situation until the coming of the Christian rulers when another verse of the same psalm went into effect—"Receive instruction you that judge the earth. Serve ye the Lord in fear." This turnabout was foreshadowed in the book of Daniel. King Nebuchadnezzar symbolized the apostolic period by forcing the righteous men Shadrach, Meshach, and Abednego to adore an idol, and when they refused by throwing them into the fire. But after they were delivered from the flames the king believed in their God and decreed severe penalties against those in his kingdom who dared to blaspheme this God. In this second stage Nabuchodonosor resembled the rulers of the Christian era who no longer meet against the Lord and His Christ, but now

<sup>12</sup>*P.L.* XXXIII, 322; *C.S.E.L.* XXXIV, 448.

<sup>13</sup>*P.L.* XXXIII, 323; *C.S.E.L.* XXXIV, 448.

<sup>14</sup>*P.L.* XXXIII, 322-325; *C.S.E.L.* XXXIV, 447-455.



serve the Lord in fear chastising those who are His enemies.<sup>15</sup>

The most famous of Augustine's comments on the repression of error was his interpretation of St. Luke's parable of the wedding feast. The king bid his servants bring in guests for the great feast, but when there was still more room he told them to force the guests to enter (*cogite intrare*). Augustine applied this text to Donatist intransigence, seeing in the words *cogite intrare* a justification of the government's pressure upon the schismatics to abandon their errors. Through the centuries this text has served the interests of religious intolerance only too well; the Inquisitors, Calvin, Louis XIV, and many others found it a handy phrase to keep in mind.<sup>16</sup>

Although there is no doubt that Augustine favored government support in repressing religious error,<sup>17</sup> some qualifications must be made on the nature and extent of this unpleasant policy. It is certain that Augustine never approved putting heretics and schismatics to death. On one occasion his opposition to the death penalty went so far as to prompt him to admonish a civil official that if there are any more reports of capital punishment inflicted upon dissenters, the Catholic bishops will refuse to bring heretics to trial even if the bishops themselves should be put to death for their clemency.<sup>18</sup> During the years of persecution Augustine never lost his preference for discussion and debate with the adversary. Coercion was always a last resort with him. Despite the harsh tone of his writings, the application of his ideas on repression was always as mild as the circumstances would permit. It was Augustine's misfortune to be confronted with a schism that was as inimical to the state as it was to the Church. This double animosity of the Donatists, rooted in the political origins of the heresy, made the Church and state partners in the ugly enterprise of repression. Had the salvation of Augustine's flock been endangered by a heresy innocent of political overtones—if, indeed there has ever been such a heresy—he might have presented posterity with a more acceptable theory of religious combat. Being a man of his times he did not share with us the wisdom of centuries showing the

<sup>15</sup>*P.L.* XXXIII, 325; *C.S.E.L.* XXXIV, 453.

<sup>16</sup>*P.L.* XXXIII, 804; *C.S.E.L.* LVII, 23.

<sup>17</sup>"Repressing religious error" is a rather broad term. The repression that Augustine favored usually consisted in fines levied against Donatists for certain religious activities. At other times the penalties would include confiscation of property, the inability to have one's testament or inheritance recognized by courts, and exile. Cf. *Codex Theodosianus*, XVI, 5, 21; XVI, 2, 34, XVI, 2, 35.

<sup>18</sup>*P.L.* XXXIII, 367; *C.S.E.L.* XXXIV, 538.

path of church-state relations as a *via dolorosa*. Augustine's failure to take a more liberal view of the whole problem does not condemn him; it merely dates him.

## II

The following pages fall into convenient sections of a *pars destruens* and a *pars construens*. The first part takes exception to three tendencies in some Catholic scholars' explanations of Augustine's thoughts on religious dissent. The second part presents this author's own interpretation of Augustine's thought on religious toleration.

One objectionable tendency of some Catholic writers is to stress the patience and clemency of Augustine almost to the point of ignoring the harsh fact that he advocated the forceful repression of the Donatist schism. One author goes so far as to call Augustine a "Model of Toleration."<sup>19</sup> To oppose the death penalty for heretics and to delay the application of laws confiscating their property until all other remedies had been exhausted were acts of great charity on the part of Augustine; but they were not acts of tolerance.

Secondly, there is the tendency to ignore the political situation in North Africa at the end of the fourth century.<sup>20</sup> While those writing before the publication of Frend's book (1952) can be forgiven for failing to note the coincidence between the defeat of Gildo and the beginning of Augustine's hard line, it seems they should have been aware of the general historical situation prior to 398—that Donatism was by no means a harassed store front church at the mercy of the Catholic bishops and the imperial administration of Rome.

Finally, there is a tendency to over-emphasize the distinction between civil intervention on political and religious grounds.<sup>21</sup> While this distinction is absolutely essential for the current church-state thinking of modern Christians, the distinction was ignored by Augustine. There is no doubt that Augustine could have based his whole anti-Donatist policy on this distinction,

<sup>19</sup>Hugh Pope, O.P., *Saint Augustine of Hippo* (London: Sands & Co., 1937), pp. 299 ff. Another offender along the same line is Joseph E. Canavan, "St. Augustine and the State," *Studies*, XIX (Third Quarter, 1930), 408-424.

<sup>20</sup>Gustave Combes, *La Doctrine Politique de Saint Augustin* (Paris: Libraire Plon, 1927), p. 354. Cf. also Pierre Batiffol, *Le Catholicisme de Saint Augustin* (Paris: J. Gibalda, 1920), Vol. III.

<sup>21</sup>Gustave Bardy, *Saint Augustin, L'Homme et L'Oeuvre* (Paris: Desclée de Brouwer, 1948), p. 338. Cf. also Francois Martroye, "La Repression du Donatisme," *Memoires de la Societe des Antiquaires de France*, LXXIII (1913), 96.

since many of their antics merited swift justice at the hands of the state. The fact that he ignored the distinction is part of our problem in determining why Augustine thought the way he did. It is no solution to read into Augustine's writings a valuable distinction which only the wisdom of hindsight has taught us. Walter Hamel has provided a genuine service in pointing out that Augustine's concept of the civil offense of disturbance of the peace was so broad as to include such specifically religious shortcomings as failure to attend to one's neighbor, failures in fraternal charity, and threats to the spirit of unity that should characterize the Christian community. As Hamel correctly observes, Augustine's notion of *Friedensstorungen* was so inclusive as to make the government responsible for the suppression of the strictly religious practice of re-baptism and for the suppression of schism itself.<sup>22</sup>

It seems to me that the most reasonable explanation of Augustine's behavior turns on two propositions: the first is that for Augustine religious tolerance was never a question of principle, but was always a matter of expediency, of policy; the second proposition is that the reason why religious tolerance was a question of policy and not of principle is due to Augustine's failure to think in terms of individual rights and to his overall attitude on the nature of the state.

The first proposition is flatly denied by those who consider Augustine's change of mind a matter of sheer opportunism.<sup>23</sup> For these authors Augustine shifted from one principle (tolerance) to another (intolerance) because of the change in the political fortunes of North Africa. I think one can remain on the safe side of hyper-scholasticism and still insist upon the distinction between toleration as a "principle" and as a "policy." For example, when Americans discuss politics anyone who challenges the idea that all men are equal before the law is politely, but firmly, relegated to the lunatic fringe. Even the most ardent racist would be happy if public facilities were "separate but

<sup>22</sup>Walter Hamel, "Die Bekenntnisfreiheit," *Zeitschrift für die Gesamte Staatswissenschaft* (Tübingen: Verlag der H. Laupp'schen Buchhandlung, 1953), p. 56. "Und so war die weltliche selbst (z. B. zum Verbot der Wiedertaufe) verpflichtet, wenn sich aus ihm Störungen jenes Friedens ergaben; der Abbruch der Beziehungen, die Missachtung des Nächsten, der Mangel an *fraterna caritas*, an *collatio*, an *communio*, waren für Augustinus die Quelle der *Friedenstorungen*."

<sup>23</sup>Robert Joly, "Saint Augustin et L'Intolerance Religieuse," *Revue Belge de Philosophie Religieuse*, XXXIII (1955), 263-295; Wm. J. Sparrow-Simpson, *St. Augustine and African Church Divisions* (London: Herder & Herder, 1945), p. 142; Albert Fawkes, *Encyclopedia of Religion and Ethics*, IX, 751; Louis Bouyer, "Tolerance and the Teaching of the Early Fathers," in *Tolerance and the Catholic*, trans. George Lamb (New York: Sheed and Ward, 1955), p. 46; Frend, pp. 239-241.

equal." In the desegregation cases of 1954 Chief Justice Warren argued that education based on the separation of facilities was "inherently unequal." The implicit major thrust of his syllogism was the provision of the Fourteenth Amendment guaranteeing equal protection of the laws for all citizens of every state. No one within the broad consensus of American pluralism can challenge this idea. Equality before the law is a principle. An example of a policy would be the public accommodations provision of the Civil Rights bill considered by the Eighty-Eighth Congress. The Congressmen and Senators who opposed this bill cannot be accused of betraying our way of life. They may be accused of being selfish, prejudiced, and shortsighted, but no one thinks of them as subversives. The whole thrust of their argument is that public accommodations have nothing to do with equality before the law. One could comb the *Congressional Record* without finding an opponent of the bill challenging the principle of universal equality. The eagerness of the Negro leadership to see the public accommodations section passed was due to its conviction that this bill is the only way to achieve true equality. If (*per impossibile*) some extraordinary circumstances should develop in which it became quite clear that the public accommodations provision was actually an impediment to the full equality the Negroes seek, it seems reasonable to presume that their leadership would insist upon its repeal. In a word, public accommodations is only a means and, although it is valued deeply by Negro leaders, it is valued only as a means. If the impossible situation I described above should ever transpire, no one would accuse the Negro leaders of opportunism. The same principle-policy distinction could also be applied to promoting the general welfare (principle) and a balanced budget (policy.) If the former Senator Douglas had ever convinced the late Senator Byrd that deficit spending was the best way to promote the general welfare, no one could have called the Senator from Virginia an opportunist; he would simply be acting in a reasonable manner. No one is expected to die for a balanced budget. An analysis of Augustine's statements favoring tolerance will, I believe, indicate that for him tolerance was simply a means, a policy, and that the pastoral care of souls was the principle with which he was concerned.

Thus when Augustine assured Maximinus, as noted earlier, that he would take no steps towards resolving their differences while the army was present lest any of the Donatists think he

would use force in seeking reconciliation, Augustine's tolerance, though couched in strong terms, falls short of a universal principle. He stated that "it was no part of my plan that men should be forced into any communion against their will." While Augustine's restraint is admirable, it can hardly be called tolerance, for he could have made the same statement at the height of the anti-Donatist persecution. Throughout the polemic, Augustine always insisted that Catholicism was not being forced upon anyone. The role of the state was to create circumstances so distasteful to the Donatists that they would be led to reconsider their errors and hopefully to return to the Church. This notion of the state as an educator encouraging the subject to reflect is clear from the images Augustine used to describe the role of the state—the father-son, physician-patient, shepherd-sheep analogies recur frequently. Paul Monceaux was unimpressed by Augustine's argument that God makes use of the law's severity not to force the delinquent to do what is right, but to keep him from doing what is evil. Monceaux dismissed the distinction by charging that Augustine "*cherchait à sauver le principe ou les apparences de la liberté, tout en commençant à se tourner vers l'empereur.*"<sup>24</sup> It seems that Monceaux has erred in calling liberty the principle Augustine was anxious to preserve. It is more plausible to argue that the reason Augustine insisted upon the remedial nature of coercion was because of his dogmatic position upon the act of faith, original sin, and the operation of grace in the soul. The maxim "*credere non potest homo nisi volens*" is a landmark in Augustine's theology. His dim view of the effects of original sin would seem to favor a position that some external pressure might be necessary to induce fallen man to overcome his spiritual inertia and to give serious thought to the state of his soul; obviously such pressure could never be a substitute for the act of faith itself. Augustine's comments on

<sup>24</sup>Paul Monceaux, *Histoire Littéraire de l'Afrique Chrétienne* (Paris: Leroux 1923), VII, 224. Monceaux takes an ambiguous position in his attempt to explain Augustine's thinking on religious tolerance. The passage cited in the text would seem to indicate that liberty of conscience was the principle that Augustine was eager to save despite appearances to the contrary. Elsewhere he seems to favor the explanation I have suggested in these pages (p. 217), whereas a few pages later (p. 223), he explicitly denies that liberty and co-ercion were merely questions of policy with Augustine. Here he holds that after 400 Augustine changed "*d'un principe à l'autre,*" viz. from the principle that there is nothing wrong with government intervention to the principle that the government has the duty to intervene in religious affairs. While Monceaux's profound study of Donatism is a monumental work, his failure to emphasize Augustine's theological and pastoral preoccupations accounts for his ambiguous and somewhat unsatisfying explanation of Augustine's views on tolerance.

the passage "no man can come to me unless the Father draw him" confirms this interpretation. The passage is one of the classic texts for illustrating man's need of grace for salvation. He argued that just as the Father's action in drawing man to the Son does not destroy man's free will,

so is it also possible that those warnings which are given by the correction of the laws do not take away free will. And so you, when kings make any enactments against you, should consider that you are receiving a warning to consider why that is being done to you. . . . No one, therefore takes away from you your free will.<sup>25</sup>

Rather than interpret these words as a dubious apologia for liberty of conscience, it seems more reasonable to consider them an attempt to show that government coercion does not compromise the freedom of choice necessary for the act of faith.

In *Psalmum Contra Partem Donati* (see p. 55,) Augustine once again affirmed his opposition to coercion in matters religious, but a close reading reveals that this opposition is limited to specific concrete instances—the unpleasant behavior of the Catholic terrorist Macarius and the fanatical Donatist Circumcellions. The phrase "*modum si excessit Macarius conscriptum in christiana lege*" is particularly telling. It seems to imply that the Christian economy, like the kingdom of heaven, suffers violence, but that Macarius had done wrong in going beyond the right measure of violence. Again, when he says of the days of Macarius "*nos displicent valde,*" it seems fair to argue that he meant the cruelty of the coercion, not the coercion itself. The expression "*si crudeles erant illi*" seem to support this contention.

Finally, the restraint he counsels to the angry father whose daughter had become a Donatist nun (see p. 55) as well as his incessant requests for public discussion with the adversary may well have been based upon the pastoral grounds that this was the best way to make good Catholics out of sincere Donatists. Indeed, Augustine said as much later when he explained that his original opposition to coercion was based on his belief that this would only lead to false conversions, but when it was clear that many who had returned to the Church under legal pressure were exemplary Catholics and happy in their new religion, he changed his mind.<sup>26</sup>

<sup>25</sup>P.L. XLIII, 317; C.S.E.L. LII, 115.

<sup>26</sup>P.L. XXXIII, 329-330; C.S.E.L. XXXIV, 461-463.

The second proposition in explaining Augustine's thinking on religious tolerance is this: the reason tolerance was a question of policy and not of principle is due to Augustine's failure to think in terms of individual rights and to his overall attitude on the nature of the state.

It is a commonplace of modern political criticism that the two centuries preceding our own witnessed an unprecedented emphasis upon the rights of the individual, particularly the rights to private property. The *laissez-faire* state reflected the contractual theories of government suggested by Hobbes, Rousseau, and especially John Locke. Although the conclusions of these thinkers, especially Hobbes and Rousseau, were the antithesis of their individualistic beginnings, their theoretical starting point of the individual as an independent unit freely contracting to enter a political society laid the groundwork for the superstructure of individual rights that characterizes modern liberal democracies. Augustine's historical circumstances did not allow him to think like a modern man in this area; this is nowhere clearer than in those cases where he shows clemency to religious dissenters. In every case, it seems, a modern man would say that Augustine had arrived at the right decision for the wrong reason. The following paragraphs suggest that Augustine's failure to develop a theory of human rights is one reason why religious tolerance was merely a question of expediency with him whereas for us it is "the first freedom."

Augustine's attitude towards the Jews is a remarkable example of his tendency to support his tolerance with the most intolerant of principles. Throughout his long years of pastoral care he never swerved from his opposition to any sort of compulsion being used against the Jews to have them enter the Church. His reason was based on Psalm 58 in which he noted the words: "*Ne occideris eos ne quando obliviscantur legem tuam.*" This indicates the attitude that should characterize the Christians' attitude towards the Jews, for the psalmist observed that the Lord has made use of his enemies to instruct him; the enemy should not be killed but merely dispersed. In their dispersion the Jews give witness to their rejection of Christ. By preserving their sacred books, their law, and their traditions they provide a living refutation of the argument advanced by the pagans against the Church that the Old Testament prophecies fulfilled by Christ were merely creations of the Christian imagination. Thus the Jews are like those carpenters who helped Noah build

his ark but themselves perished in the deluge.<sup>27</sup>

A second example of Augustine's tendency to reach the right conclusion for the wrong reason is his description of the policy he wanted enforced against the Donatists just before the Edict of Unity of 405. Rather than have the government fine those who persisted in the schism, Augustine thought it would be more advisable to restrict the penalty only to those who by their "mad violence" prevent the spread of Catholic doctrine. Secondly, the fine of ten pounds of gold levelled at all Donatist clerics should be enforced only in those areas where Catholics had suffered some violence from the Donatists. He gave as his reasons for this enlightened outlook his eagerness to prevent violence against Catholics without forcing Donatists *en masse* into the Church," "and thus we should not have any false or feigned Catholics."<sup>28</sup> Thus Augustine's concern to restrict coercive measures as much as possible is not based on a theory of human rights, but on his pastoral concern that conversions should come from worthy motives.

Finally, there is Augustine's relative mildness towards pagans compared with his attitude towards the Donatists. To be sure, he never questioned the *right* of the government to discourage paganism; indeed he affirmed this principle repeatedly. In practice, however, he was always reluctant to see the full severity of the law brought against the pagans. Had Augustine grounded his thinking on a theory of human rights, one would have to draw the absurd conclusion that the rights of the pagans were more sacred than those of the schismatic Christian Donatists. His leniency towards pagans would seem to have been rooted once again in his dogmatic commitments on the act of faith and the effects of original sin. Since the Donatists were already Christians, they would be more likely to consider the error of their ways and return to the Church under relatively gentle pressure from the government, but for pagans, sitting in the shadows of darkness, the government would have to embark upon a reign of terror to enable them to dispel the effects of original sin. If such a policy would mean death for the recalcitrant, then it would be a pastoral disaster, for to slay the pagan in his error would destroy any hope of his eventual conversion and would only insure his damnation. This explanation is mere conjecture, but it seems the most reasonable interpretation of the indisputable fact that Augustine was harsher towards

<sup>27</sup>*P.L.* XLII, 57, XXXIX, 1665.

<sup>28</sup>*P.L.* XXXIII, 804; *C.S.E.L.* LVII, 24.



heretics and schismatics than he was towards pagans. The conjecture would seem to be confirmed by the equally indisputable fact of the theological basis of his relative mildness towards Jews.

The second reason why Augustine failed to consider religious tolerance as a question of principle comes from his over-all attitude towards the state. The word "attitude" is used designedly. This article seeks to avoid the almost insoluble problem of stating with precision Augustine's philosophy of political society and the state. Such a task would inevitably involve participation in the great game of text balancing,<sup>29</sup> a wearying indoor sport with ploys of "on the one hand" and gambits of "on the other" culminating in an educated guess which is at best hazardous and at worst misleading. Thus in attempting to describe Augustine's attitude to the state, the following discussion will be content with several minimal statements, which, though short of a satisfactory statement of Augustinian political philosophy, will suffice for the limited purposes here. The method will prescind from the seemingly contradictory evidence of Augustine's writings on this subject and will concentrate on the historical factors that were operative in Augustine's time. The two crucial questions are: (1) What should be the relation between church and state; and (2) is the state the result of original sin?

With Constantine's Rescript of Toleration in 313, the question of church-state relations assumed practical importance. The Church of the catacombs was too busy staying out of the way of the government to indulge in the luxury of speculating on the niceties of sacred and secular jurisdiction. Occasional references to Matthew 22 and Romans 13 had to suffice for the time. Constantine's pagan background quite naturally led him to subject religion to the interests of the state. When he summoned the Council of Nicea and championed the doctrine of *homoousion* he hoped to provide religious (and thereby political) union throughout his empire. His sons were cast in the same mold; under Constantine II, the East had already taken its first steps along the path that led to Caesaropapism, relying in no small part upon the writings of Eusebius which provided something of a theological foundation for this trend. In the West, Constantine I continued in the ways of his council-calling father, notably the Councils of Sardica (342) and Milan (347).

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<sup>29</sup>E.g., Geoffrey G. Willis, *Saint Augustine and the Donatist Controversy* (London: Cambridge Press, 1950), pp. 135-143.

Despite the heavy hand of government there was a struggle for the *libertas Ecclesiae*, a struggle which suggested and eventually proclaimed the dualism consecrated in the Gelasian formula. Hilary of Poitiers sharply criticized the Arians for their recourse to the temporal powers and requested that clerics be exempt from the jurisdiction of civil courts. Donatus asked his famous question: What has the Emperor to do with the Church? Pope Liberius and Hosius of Cordova, despite their failure of nerve or insight, challenged Constantine II's harassment of Athanasius, and Athanasius himself became a symbol of religious conviction withstanding imperial displeasure.

Most explicit in his defense of Church liberty is St. Ambrose in his controversy in 385 with Justina, the Arian mother of the young Emperor Valentinian. Ambrose denied that the Emperor's primacy in the rights of property permitted him to transfer Catholic basilicas to the Arians. Not only did he affirm the liberty of the Church, but at times he seemed to hint at its supremacy in political affairs. The strong pressure he brought upon Valentinian not to restore the pagans' Altar of Victory was a step in this direction. The same was true of his demand upon Theodosius that he rescind his order requiring Catholics at Callinicum on the Euphrates to rebuild a synagogue they had destroyed. The point at issue is not that the Catholics and their bishops were innocent of the crime, but that it would be apostasy for a bishop to build a synagogue even though he and his flock were responsible for its destruction. Theodosius then tried to meet Ambrose half way by having the synagogue restored at public expense, hoping in this way to avoid compromising the Catholic conscience. But Ambrose would have none of it; he felt it was wrong for a Christian Emperor to spend public money on non-Christian worship. A final example of Ambrose's attitude is the story made famous in art and legend of the Bishop turning away the Emperor from the door of the basilica until he had done penance for a massacre he had authorized in Thessalonica. When allowance is made for artistic exaggeration (there probably was no dramatic confrontation at the Church door), the hard core of fact that remains is extremely significant—a bishop has successfully imposed a spiritual penalty upon a ruler because the latter's actions, the slaughter of 7,000 rebels, were judged sinful. Throughout these controversies Ambrose insisted upon the separation of political and ecclesiastical jurisdiction, but his actions would seem to indicate that his interpre-

tation of where this separation began leaned toward ecclesiastical ascendancy. With a bold reliance on poetic license one might suggest that with Ambrose the voice was the voice of Gelasius, but the hands were the hands of Hildebrand.

The lesson of Ambrose's encounter with Theodosius and Valentinian certainly was not lost upon Augustine. The bishop's demand that the Emperor do penance for the massacre in Thessalonica took place in 390, the year before Augustine's ordination. By the time of the Great Council of Carthage of 411, when Augustine had said nearly all he would ever say on Donatism, the Ambrose-Theodosius affair was as fresh and as real to him as the Second World War is to us. His fellow bishops at the annual councils of Carthage were accustomed to call upon the Emperor to settle ecclesiastical questions, both great and small, in a manner that provoked no discussion on the propriety of the request.<sup>30</sup> In the Council of 404 they went so far as to provide that converts to Catholicism were to benefit from inheritances that were denied them when they were Donatists, but an exception was made for those who became Catholics out of fear of the law, for such converts would restore Catholic unity from worldly motives.<sup>31</sup> Such a policy involves a hopeless confusion of church and state jurisdiction, since the bishops want the law turned against the Donatists, but they do not want the Church contaminated with those who would join only to avoid the severity of the law.

With this background in mind it seems safe to presume that the following minimal ideas were operative in Augustine's thinking on the relations of Church and state: (1) The Church must watch the tendency of the state to control religion. (2) His fourth-century predecessors, while not unwilling to benefit from the state when the policies of the latter favored the true interest of the Church had formulated a doctrine on the liberty of the Church, a doctrine which became most articulate when the Emperor's interference in religion was contrary to ecclesiastical interests. (3) Ambrose had enjoyed remarkable success in his attempt to bring public policy into conformity with Christian principle. (4) His fellow bishops were in the habit of turning to the government for assistance in carrying out the details of ecclesiastical administration.

While these statements fall short of a church-state theory

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<sup>30</sup>*Mansi*, III, 891.

<sup>31</sup>*Mansi*, III, 795; *P.L.* XLIII, 812.

they do create a climate of opinion favorable to considering the use or non-use of temporal power for religious purposes as a question to be decided in terms of the interests of the Church in a given concrete situation.

The question of whether the state is for Augustine the result of original sin is answered in the negative by most scholars today. While this is surely correct, one cannot overlook the fact that when Augustine amended Scipio's definition of "the people" he inserted a strong dose of Pauline theology into the definition, for the "justice," whose presence Augustine demands if the political society is to be more than a *magnum latrocinium*, is certainly not the conventional brand, *suum cuique reddere*, but is rather that justice which comes from Christ alone. Hence, although the origin of the state cannot be traced to original sin, its full realization requires the presence of Christ in His Church. In raising the question of the state's resulting from original sin, a modern thinker is less than fair to Augustine if he forgets that he is asking the question from the viewpoint of one who is at least aware of, if not convinced by, the clear-cut Thomistic distinction of the natural and supernatural in political thought. Thus a modern who would claim that the state arises from original sin must necessarily deny the Thomistic thesis that holds the contrary. In Augustine's day this was not the case. Since the Thomistic position was unknown, Augustine could make references that vaguely associate the state with original sin without at the same time denying its status as a natural institution. Such vagueness could be due to Augustine's inability to ask the kind of questions history has taught us to ask.

Without digressing further on the nature of the Augustinian state, we can say with some assurance that whatever his precise thoughts may have been, the justice that comes from Christ and the effects of original sin are somehow related to the nature of the state. Since he therefore relies upon revealed truths to construct his theory, it comes as no surprise that the final product is more a political theology than a philosophy. Such a tendency is perfectly consistent with Augustine's penchant for absorbing the natural into the supernatural. It appears in the way he related history to providence, nature to grace, reason to faith, as well as politics to religion. In this last sphere it is not a question of the Church absorbing the state, but rather of the spiritual absorbing the temporal; it is not a question of institutions but of values.

This tendency to absorb the natural into the supernatural is evident when Augustine speaks of Christian Emperors as being "happy when they think of sovereignty as a ministry of God and use it for the spread of the true religion." It is the same tendency that would prompt Leo the Great to insist that secular interests are subject to the Christian faith and Gregory the Great to speak of the service that the earthly kingdom owes to the kingdom of heaven. This ministerial function of the state—the stress on the primacy of the spiritual over the temporal, the City of God over the City of Men—does not affirm a rigid control of the state by the Church, for it is a commonplace of Augustinian criticism today that whatever the City of God may be, it is certainly not the Church, nor is the state the City of Men. However, it does not require much imagination to see how medieval commentators might easily deduce a church over state theory from the spiritual over temporal theory of Augustine. It is a small step indeed and much smaller once the *imperium-sacerdotium* lines were drawn. Once the step was taken history was on the long and tragic trail of political Augustinianism.

While prescindng from what later interpreters and misinterpreters of Augustine would do with his theory of the state, it seems reasonable to conclude that Augustine's own thinking was rooted in a political theology that considered the ruler as the minister of God and therefore of the Church because of its divine commission. He is the Church's minister in a way that the schoolmen of a later age would call *sensu aiente, i.e.*, he is the minister of the Church, but he is not only the minister of the Church, he has other functions that are independent of the Church's influence. Such a position will satisfy the conscience of neither a Maritain nor an Innocent III. The essential difference between this position and that of modern Christian thinkers is its absence of the clear-cut distinction of the sacral and the secular and its consequent limitation of the state's activities by the exigencies of the temporal common good.

If such indeed was the thinking of Augustine on the state, his seeming ambivalence on the question of repression presents no great mystery. The supreme principle is the interests of God. If persecution would restore unity but make the Donatists unprofitable servants in the eyes of the Lord, then the state should refrain from using its power. If, conversely, it could bring both unity to the Church and salvation to the Donatists, it should be used.