

George G Coulton

The Death Penalty for Heresy *From 1184 to 1921 A.D.*



"The history of the Church confirms and illustrates the teachings of the Bible, that yielding little by little leads to yielding more and more, until all is in danger; and the tempter is never satisfied until all is lost. – Matthias Loy, *[The Story of My Life](#)*

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The Death-Penalty for Heresy

FROM 1184 TO 1921 A.D.

BY

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The Death Penalty for Heresy

from 1184 to 1917.

PREFACE.

I WOULD gladly discontinue these *Studies* ; but that depends to a great extent upon others. Huxley was right ; when once we have taken the wolf by the ears, we cannot let go. There are certain results which depend upon steady persistence ; and the course which I chose deliberately seventeen years ago makes it difficult to remain silent when serious occasion calls for fresh protest. When critics have suggested that this is a case of King Charles's Head, I have often asked myself, and may therefore be permitted to ask more publicly at last : Have other medievalists known, all along, the things asserted in these *Studies* ? and, if so, on what principle of private morals or public utility have they suffered the contrary to be steadily proclaimed, without serious contradiction, in books which are sold by the thousand, until there has grown up a jungle of error which threatens to become almost impenetrable ? If these *Studies* of mine, with the few recent books written on this same side, be measured against those writings which they are designed to correct, then it is not we who will be found most prolix and most persistent. Moreover, if only someone else would take pains to expose these misrepresentations as I have tried to expose them, and would give the public those guarantees of general accuracy which I have tried to give, I would very gladly turn away from this to other work which, at my age, I am naturally far more anxious to get finished. Meanwhile, however, this present pamphlet has grown, almost necessarily, from that pledge with which I have constantly striven to safeguard the public and myself from serious and uncorrected error.

In a recent article I had occasion thus to summarize the third canon of the 4th Lateran, a world-council held by Innocent III in 1215 : " In the 3rd Canon of that Council it is enacted that bishops should inquire at least once a year in every parish, with power, if need be, to compel the whole community on oath to name any heretics whom they know. An aider or abettor of a heretic is himself *ipso facto* excommunicate ; if discovered and publicly excommunicated, he incurs civil death, and those who communicate with such abettors shall themselves be excommunicated. For the heretics themselves, they are to be ' exterminated,'

and any prince neglecting to exterminate them is to be deposed by the Pope, who will release his subjects from their allegiance. Even if we could otherwise have doubted what 'extermination' means in its final implications, the word is clearly glossed by St. Thomas Aquinas: 'remove from the world by death.' This presentment, with several other statements, was severely criticized by Father Leslie J. Walker in *The Month* for May, 1923. Hence a public debate between us, which I have published under the title of *Roman Catholic Truth—an Open Discussion* (Simpkin, Marshall and Co. 3s. 6d.). But, the space for that discussion being limited by previous agreement to a certain number of words, Father Walker, who had already granted a considerable extension, was unwilling to allow more for the full discussion of this important point, and referred me to the Dominican Fathers as the natural champions of St. Thomas. Therefore, since I was willing slightly to modify my words and yet felt still more certain of my main point, I turned to that Dominican whose name I knew best in this connexion, told him of my intention to publish a reasoned defence of my judgement upon Innocent and Aquinas, and offered to print corrections at my own expense.

I deal, therefore, with this subject mainly in the light of my own reading, but with reference also to the writings of A. Luchaire, J. Havet, and J. Ficker, all three men of exceptional learning, born in Roman Catholic countries, and certainly not Protestants.¹ On one important point, it will be seen, I venture to differ from all three. But they have put most of the points so clearly and fully, and with so general acceptance among scholars, that I have felt myself secure in agreement with their views on one side, and Dr. Lea's on the other.²

My thesis is, that heresy steadily increased in the Western church from about 1,000 onwards, when Manichaeism was introduced from the East; that the first executions for heresy were more or less informal, inflicted either by lynch-law or by some zealous king or noble who took the matter into his own hand; that the Church had not as yet decreed the death-penalty, and in fact we sometimes find clerics moderating the zeal of others; and that, though civil and ecclesiastical rulers steadily hardened in their attitude towards the heretics, yet the first sovereign who *definitely* decreed death for them was Peter of Aragon in 1197, followed by the Emperor Frederick II in 1224 and Pope Gregory IX in 1231. Thus far all are in accord; but it is possible to ask: Did not Innocent III *virtually* decree the death-penalty in 1215, or earlier? It is on this point that I venture to part company with the three Continental scholars, and to suggest that they have not really faced the evidence. My contention is, that Innocent's decree of 1215 differs from Gregory's of 1231 verbally rather than substantially; that, though the former Pope was still anxious to avoid the more cruel conclusions which his successors frankly adopted, yet he was driven to take substantially the

1. Luchaire, *Innocent III et les Albigeois* (1905); *Inn. III et le Concile du Latran* (1908); J. Havet, *Oeuvres*, tom II, 1896; J. Ficker in *Mittheilungen des Instituts für Oesterreichische Geschichtsforschung* (1880).

2. *History of the Inquisition of the Middle Ages*, vol. I (1887). Dr. Lea was a member of the Society of Friends.

same ground ; and that, if it be a crime to put men to death for differing in religion from ourselves, then Innocent is almost as guilty as Gregory, on the principle universally admitted, at least from the medieval philosophers onwards, that he who chooses a certain result is responsible for all that is necessarily involved in the compassing of that result—" he who wills the end, wills the means also." We must never forget the circumstances of a Pope's age in judging his actions ; but on the other hand, we must not invent a theory of historical perspective which would practically obliterate all distinction between right and wrong. While admitting that we ourselves, in the thirteenth century, might very well have agreed with Innocent III, we may yet decide that he committed himself to words and deeds which a more enlightened age must condemn as cruelly erroneous and anti-social.

To understand the position in 1215, when Innocent held this Ecumenical Council, we must realize what had already been done in his generation for heresy. Shortly before 1198, when he came to the throne, " the period of legal tolerance had ceased in the South ; and Southern France, like Italy, was furnished with laws against heretics ; only these laws were ill-enforced."¹ Pope Lucius III, in collaboration with the emperor Frederick I, had published the decree *Ad abolendam*, to the effect that impenitent heretics should be handed over to the secular arm " to be punished with the chastisement which is their due . . . to receive due vengeance in proportion to the quality of the offence " (" animadversione debita puniendus . . . debitam recepturus quo qualitate facinoris ultionem." *Decret. Greg.* l. V, tit. v, c. 9). Ficker and Havet are probably right in urging that at this time, and in most places, "due punishment " would be taken to mean only spoliation of goods and banishment. But in other places, as Pope and Emperor must have known, the civil powers had often burned or otherwise executed those whom the Church had handed over to them as heretics.² We can scarcely believe that so important a decree was drafted in entire forgetfulness of these possibilities ; it must be taken, therefore, as marking a transition stage from the original reluctance of the higher clergy to accept definitely the responsibility of capital punishment, towards that stage of 1231 when Gregory IX burned his ships and passed a decree which, as we shall see, remained in legal force until 1917. If indeed the Pope intended to give no encouragement to the death-penalty for heresy, then it was extraor-

1. Havet, p. 155.

2. See Ficker, pp. 187 ff ; Havet, pp. 132 ff ; and Lea, 1, 126, 224. St. Thomas Aquinas had no doubt that this decree *Ad abolendam* imposed the death penalty ; see *Sum. Theol.* 2a 2ae, Quaest. xi, art. 4. Moreover, this is not the only similar Papal pronouncement on this subject before Innocent III. As de Cauzons says, " about this same time, certain words of Pope [Alexander III] leave us to suppose that heretics were punished with death." And he points out that Gratian's *Decretum*, the book which lies at the foundation of medieval Canon Law, wavers between approval and disapproval of the death-sentence for heresy. Lastly, dealing with the anti-heretical decree of the third Lateran Council (A.D. 1179), de Cauzons writes " C'est une loi d'extermination," and adds that the Pope found himself confronted by religious " parties whom he must destroy at any cost." Th. de Cauzons, " Hist. de l'Inquisition en France," vol. 1 (1909), pp. 268-274. The book, which is very fully documented, is printed by a well-known publisher of Roman Catholic works, and represents the moderate orthodox point of view.

dinarily thoughtless in him to choose a phrase not only ambiguous but actually lending itself more easily to the crueller than to the more merciful interpretation. Hostiensis—*i.e.* Cardinal Henry of Susa, who wrote about 1250 and whom medieval writers quote as the classical commentator on these decrees—insists that *ultio debita* means burning alive; and his commentary is quoted with approval by Eymerich, whose *Directorium Inquisitorum* was also classical through the Middle Ages and beyond.¹

Innocent came to the throne fourteen years after this ambiguous decree. He was perhaps the greatest ruler in all the long line of Popes, and heresy was one of his first cares. "Without edicting new penalties, he took special pains to ensure the execution of the laws already passed, to stimulate the zeal of princes and magistrates and to secure their help in the prosecution of heretics. He also succeeded in procuring the insertion among the statutes of many towns of the laws which punished heresy with banishment, confiscation, exclusion from public offices, etc."² But in southern France all these efforts proved insufficient, and in May, 1204, he proclaimed a crusade against the thousands of heretics whose head-quarters were at Albi, but who had also swarmed for generations in other parts of Languedoc. To Arnold-Amaury, abbot of Cîteaux, one of his appointed legates, he wrote a letter of instructions which marks another move forward upon the downward slope to religious murder.³ Innocent deplors the fact that, at this critical moment for the Church, Peter's sword has hitherto slumbered in its sheath; that the Rulers of Israel "keep their hands from blood, even though the man of Judah lie with the Midianitish woman before their eyes" (Numbers xxv, 8). "There is scarce one who, like Moses, pleads God's cause with the sword among the people, and pleads the people's cause in prayer to God; or who, like Phineas, appeases God's wrath by shedding his neighbour's blood and wreaking vengeance among the people." The Legate, therefore, is "to extirpate heretical wickedness in the name of the Lord . . . and if by chance any persist in their contumacy, and refuse to return to the unity of the Church, then proclaim that they are delivered to Satan for the destruction of the flesh; that their persons are exposed to exile and to secular judgement, and their goods subjected to confiscation. . . . To those who shall have laboured faithfully against the heretics, we grant the same indulgences as we grant to those who cross the seas [as crusaders] to the succour of the Holy Land." To the Legate himself,

1. Ed. Rome, 1585: this comment of Hostiensis is on p. 159b. De Cauzons (pp. 276-7) judges that the decree *Ad abolendam* may be interpreted either for or against the death-penalty: it is probable that Lucius, like Innocent, intentionally left it open.

2. Havet, p. 155: the first four words must be read in the light of later evidence. The testimony of Innocent's own registers goes farther than this; in Ap. 1198, within three months of his election, he writes to the Archbishop of Auch commanding him to expel heretics from his province, "and even, if need be, compel princes and peoples to coerce them with the power of the actual sword—*virtute materialis gladii*" (*Epp. lib.* 1, c. 81). For fuller details, see Luchoire, *Albigeois*, pp. 70 ff, and Lea, vol. 1, pp. 136 ff.

3. *Epp. lib.* vii, c. 76. The passages which I quote may be verified in Migne's *Patrologia*, vol. 215, col. 358c to 360b.

Innocent grants "powers to destroy, ruin, and tear out whatsoever you may see in need of destruction, ruin and eradication"—*facultatem destruendi, disperdendi et evellendi, quae destruenda, disperdenda et evellenda noveritis*. And—a curious provision—the Pope takes it for granted that some men may have incurred excommunication "pro violenta manuum injectione"—*i.e.* for striking a monk or cleric.¹ Innocent grants his Legate power to absolve such offenders, on condition that they join the crusading army.

A ruler in whose official instructions to his vicegerent the sword plays so conspicuous a part will scarcely be able to stop short of bringing the sword into his own legislation also. Stress as we will his personal reluctance to shed blood, a heavy burden of proof lies on those who contend that Innocent's bloody phrases are only superficial, and that they cloak a deliberate intention of avoiding bloodshed. De Cauzons, speaking of Innocent's policy at another moment, admits that the Pope, in case of resistance, "seems to suppose a graver penalty—perhaps death. Certainly, his orders are pressing and full of threats" (p. 286). True, the words even of Popes in the Middle Ages were often wild and irresponsible; but so also were their deeds; and it is partly by Innocent's deeds that we must interpret his words.

This crusade against the Albigensians—the first crusade in history against a Christian land—was preached, we have seen, in 1204; but full hostilities were long delayed.² The papal Legates tried in vain to persuade the Court or the great barons to extirpate this heresy; the King of France, to whom Innocent appealed at last in 1207, refused to fight them except on terms which would practically have thrown all the cost upon the Church and secured Normandy to the king. The missionary efforts of St. Dominic and his companions were doing more than force or threats had yet done. Then the Pope's Legate, Pierre de Castelnau, who had excommunicated the Count of Toulouse, was murdered; and Innocent convinced himself of the Count's complicity.³ It was now easy to raise a crusading army; this was commanded on the lay side by Simon de Montfort, and on the spiritual by Arnold-Amaury, the recipient of those instructions of 1204. The exceptional bitterness of this war now ensuing has been almost as strongly emphasized by Roman Catholic historians as by others. The apologist Tamizey de Larroque insists upon "the implacable animosity which inflamed races of different origins separated by the Loire," and the "burning covetousness excited by the riches of the South in the coarse minds of Simon de Montfort's soldiers," as main

1. The allusion is to the canon *Siquis suadente diabolo* (Gratian *Decret.* Pars. II caus. XVII, q. 4, c. 29). Assault on a cleric, by this canon, entailed *ipso facto* excommunication, to be removed only by the Pope himself, except on the offender's death-bed.

2. I say advisedly, "against a Christian land"; for it is only by accepting unreservedly the testimony of determined adversaries that we can deny all Christian character to the Albigensians as a whole. Moreover, it must be remembered that all Innocent's decrees struck equally at all heresies; *e.g.* after the 4th Lateran Council, the man who denied transubstantiation had earned the same death as an Albigensian.

3. See Luchaire, pp. 119 ff, for the lack of more definite evidence.

causes of "the character of ferocity which the Albigensian war kept from beginning to end."¹ In comparison with these, he minimizes the part played by religious prejudices; but here we must look a little closer at the facts as revealed by papal records and by the orthodox monk who celebrated the Catholic victory.

In the paucity of direct evidence from the conquered side, we cannot attempt to decide which party began these atrocities, or which committed the worst. But of one thing there can be no doubt; that the events must have opened all men's eyes to the natural results of inciting men to attack their neighbours in the name of religion. If, in 1204, Popes and Saints had not yet clearly thought out the inevitable implications of their own words and actions, yet in 1215 not even Popes and Saints could have cherished illusions on this subject. As early as 1199, Innocent had committed himself to the argument that heresy is high treason against God, and therefore deserves a worse punishment than treason against the king—of which, as all his readers knew, the penalty was death (*Ep.* II, 1; a letter embodied in Canon Law). Whatever meaning Innocent and his Legate might originally have attached to these comparisons, or to the biblical precedents of religious murder which they so freely quoted, or to such terms as *destroy, ruin, tear out, extirpate, destruction of the flesh*, or again to their promise of a crusader's pardon from all past sins, and finally of double an ordinary soldier's pay, to all who drew the sword against these Albigensians—whatever these things may have meant originally, Montfort and his crusaders left no doubt as to their practical implications; and Innocent himself, however reluctant he may have been at first, finally faced those implications. After all, this was only what he had been obliged to do in the Eastern crusade of 1204. He had there begun with the most moral purposes; had excommunicated the crusaders for their buccaneering attack upon fellow-Christians at Zara, had reprobated the scarcely less immoral attack upon Constantinople, but had finally accepted these things as *faits accomplis*, had been willing to take a share of the plunder, and had finally launched his thunders against the pirates who intercepted that plunder on its voyage to the papal treasury.² He was a great and good man doomed to make the best of a rough and, at bottom, not a very religious world; therefore this best was not always such as posterity can approve.

The first operation of primary importance was the storm of Béziers, one of the Albigensian head-quarters (July, 1209). This hill-city had been thought almost impregnable; yet the Legates reported to Innocent how, "while we were treating with the barons concerning the liberation of those who were reputed Catholics in the city, the rabble³ and other vile and ill-armed folk, without awaiting their leaders' commands, made an attack upon the city, and, to our amazement, while the cry was raised

1. *Rev. des Questions Historiques*, vol. I (1866), p. 169.

2. See his own letter to the city of Genoa, P.L., vol. 215, col. 433.

3. "Ribaldi et alii viles et inermes personae." The *ribaldi* were the lowest class of footsoldiers; the others were *inermes* only in the sense that they were not regularly armed.

To arms, to arms! within the space of some two or three hours the moats and the wall were crossed and the city of Béziers was taken; and our men, sparing neither rank nor sex nor age, slew about 20,000 souls with the edge of the sword; and, making a huge slaughter, pillaged and burned the whole city, by reason of God's wrath wondrously kindled against it."¹ Tamizey de Larroque, who pushes his apology to the utmost limits compatible with recorded facts, dares not to put the hypothetical number of those who escaped this carnage, by fleeing from the city or otherwise, at more than 4,000 (pp. 187-9). Pierre des Vaux-de-Cernai says that "almost all were slaughtered"—*omnes fere necati*.²

The impression of these events was almost decisive; more than one hundred strong and well-victualled castles were at once abandoned by the heretics. Carcassonne, perhaps the strongest city in France, was next attacked; the outworks were taken, and the Legate writes to Innocent in a tone of apology for having allowed the citizens to surrender on guarantee of their lives for a single day's march from the city. "Our leaders" (he writes) "were almost driven by necessity to this act of mercy," partly because the citadel might have held out so long, partly for fear lest farther ravage like that of Béziers should render the district uninhabitable even for the conquerors,³ "so they all went forth naked from the city, bearing with them naught but their own sins" (P.L., vol. 213, col. 569). At Castres, Montfort acquiesced in the burning even of a heretic who had recanted and not relapsed (*ib.* 574). When the castle of Brom was taken, "[the crusaders] tore out the eyes of more than 100 of the defenders, and cut off their noses, leaving only one eye to a single one of the crew, that he might lead all the rest to Cabaret in mockery of our enemies. This he did, not because such mutilation of men pleased him, but because his adversaries had done the same first, and these cruel butchers mutilated and slew whomsoever of our men they might find" (*ib.* 583). In June, 1210, Montfort laid siege to Minerve; the walls were battered, and the lord treated for surrender with Montfort, who referred him to the Legate Arnold. The Legate "ordained that the lord of the castle and all who were with him, even those who were adherents of the heretics, should come out alive if they would be reconciled and obey the Church's commands; and that even

1. P.L., vol. 216, col. 139.

2. P.L., vol. 213, col. 566. Pierre was a monk who took part in the crusade, and claims to write "nothing but what I have seen with mine own eyes, or heard from men of great authority and worthy of the fullest faith." Again, "my whole intention in writing this work was that men should learn God's wonderful dealings" in this Albigensian war. He dedicated the work to Innocent III; and, next to the Pope's own letters, it is our most valuable contemporary authority. There is no need to insist on the story told by Caesarius of Heisterbach, that one of the Legates encouraged this indiscriminate slaughter with the words "kill, kill, God will know His own!" The words may well have been only *ben trovati*; but *ben trovati* they certainly were, in the face of the Legates' own letter and Pierre's chronicle. The arguments by which Tamizey de Larroque claims to have disproved the words are often childish illogical.

3. P.L., vol. 216, col. 140; cf. Luchaire, p. 141. Vaux-de-Cernay gives the same excuse for a similar act of comparative mercy later on; "if [Montfort] had killed [the inhabitants of St-Antonin], rough countryfolk as they were, that town would have been reduced to a wilderness by the destruction of its inhabitants" (col. 634).

the 'perfect' heretics, of whom there were a very great number, should yet escape if they would be converted to the Catholic faith.¹ That noble and wholly faithful Catholic Robert Mauvoisin, [Montfort's trusted lieutenant], who stood thereby, seeing that these heretics were to be freed, to destroy [*perdendos*] whom the crusaders had come thither, and fearing lest, now that they were caught, they might perhaps be led by fear to promise fulfilment of all our demands,—this Robert, I say, withstood the Legate to his face, saying that our crusaders would by no means suffer this. To whom the Legate made answer 'Fear not; for I believe that very few will be converted.'" After the surrender, "hearing that a multitude of the heretics were gathered together in a certain building, the Legate went to them bearing words of peace and warnings of salvation, desiring to convert them to better things; but they broke in upon his words, saying all with one voice: 'Wherefore do ye preach? we will have none of your faith; we abjure the Roman Church; ye labour in vain; neither life nor death shall separate us from the sect whereunto we hold.' Hearing this, he quitted that building, and went to preach to the women, who were assembled in another house; but if he had found the heretics hard and obstinate, still more obstinate did he find these heretickesses, and hardened through and through." The count tried in turn: "but, finding that he produced no effect whatever, he caused them to be taken out of the town; for there were 140 or more of these perfect heretics. So he prepared a plentiful fire, where-into all were cast; yet there was no need for our men to cast them in; nay, all were so obstinate in their wickedness as to cast themselves in of their own accord. Yet three women escaped, whom a noble lady, mother to Burchard de Marly, snatched from the flames and reconciled to Holy Church. So, when these heretics had been burned, all the rest who were there abjured and were reconciled to Holy Church" (*ib.* 586). At Lavaur there was a similar massacre. The prisoners included "Aimeri, late lord of Montréal, and eighty other knights; the noble Count [Montfort] purposed to hang them all. But when Aimeri, their leader, had been hanged, the hastily-made gallows collapsed, and the Count, seeing that this would cause great delay, ordered the rest to be slain; wherefore our crusaders seized most greedily upon them and slew them forthwith on the spot. The lady of the castle, Aimeri's sister and an abominable heretic, was cast into a well where the Count caused her to be buried in stones; moreover, our crusaders burned innumerable heretics with prodigious joy"—*cum ingenti gaudio combusserunt*. So also, later, at Casses: "our crusaders seized about 60 heretics, and burned them *cum ingenti gaudio*."² The author of the *Chanson de la Croisade* probably

1. *Ibid.*, vol. 536. The Albigensian heretics were divided into two classes; the ordinary rank-and-file were called *credentes*, but there was a higher class of *perfecti*, corresponding roughly to monks among the orthodox. These *perfecti* were vowed to sexual continence, vegetarianism, and abstinence from lying or oaths of any description; and one way of sealing their formal abjuration was to make them eat meat in public. Therefore an inquisitor records how a suspect defended himself before the inquisition of Toulouse "by exclaiming 'I am not a heretic, for I have a wife . . . and children, and I eat flesh, and lie, and swear, and am a faithful Christian'" (Lea, *Inquisition*, vol. 1, pp. 97-8).

2. P.L., vol. 213, coll. 609, 611.

exaggerates no more than the orthodox have done on their side, when he makes the Count of Foix thus sum up the work of the Bishop of Toulouse in this war: "He hath destroyed more than 500,000 folk, great and small, in life and soul and body . . . he is more like Antichrist than a papal Legate."¹ De Cauzons confesses (p. 289) "to tell the truth, the crusaders who were armed to crush the Albigensians killed and massacred whole crowds; the fire of the stake was, so to speak, never extinguished in the towns that fell into their power."

What, then, was Innocent's attitude towards these and other horrors which might be quoted? He was, it must be repeated, a really good man with high ideals for which he was willing to make great personal sacrifices. At a later stage of the war he took the more merciful attitude towards the Count of Toulouse, and even risked considerable unpopularity by advocating comparative leniency at the Lateran Council in 1215.² This makes it the more important to enquire how far he was aware of the atrocities of this war, and how far he approved the principle of religious massacre in the last, if not in the first resort.

There can be no doubt that Innocent heard these grisly details in due course, and knew them all before the Lateran Council met. It is not only that, at that very Council, the Archdeacon of Lyons raised his voice boldly in favour of those multitudes whom the Bishop of Toulouse "was condemning to a life of misery, with weeping souls and bleeding bodies."³ From the first, Innocent had received authentic tidings straight from the wars. We have seen how exultantly Arnold sent him official details of the massacre at Béziers, and of the sending forth of those multitudes from Carcassonne, naked but for the clothes they stood up in, and with only one day's safe-conduct. Simon de Montfort wrote about the same time; and Innocent's 123rd epistle, in direct response to this, began with "praise and thanks to God for that which He hath mercifully and marvellously wrought through thee, and through others whom zeal for the orthodox faith hath kindled to this work, against His most pestilent enemies." He is glad to hear the land is being purged of heresy; he will do all he can to help Simon in "extirpating the remnants of heretical iniquity" and only regrets that the simultaneous crusade against the East prevents him from doing more. There is not a word to hint that the crusaders have exceeded their strict duty. This was on Nov. 11th, as prompt a reply as could be expected from the papal chancery: "presque immédiatement Innocent sanctionne les faits accomplis," writes Luchaire (p. 145). At the same time he wrote urgent letters to the Emperor Otto, to the Kings of Aragon and of Castile, and to many abbots and other prelates, pressing them to help Montfort in this holy war (Epp. 124-128). These are noticeable for the appearance of that word *exterminare* which, as we shall see, plays so important a part in papal policy.⁴ The word itself does not appear in the letter to the

1. *Chanson de la Croisade*, l. 3,323; Luchaire, p. 252.

2. Luchaire, *l.c.*, p. 248.

3. *Chanson de la Croisade*, l. 3,454.

4. His first use of the word, I think, was in 1204 (P.L., vol. 215, coll. 915-6). But it is now, in 1209, that it becomes frequent and, it may almost be said, official.

Emperor. In this Innocent urges him to help in "extirpating the remnants of this pest"; and, since "it is of little use that the tares be rooted up from one part of the cornfield if they be transplanted to take root in some other part," therefore, "if it befall that any of the heretics expelled from [Languedoc] take refuge on imperial territory, we enjoin upon thee, for remission of thy sins . . . that thou do not only forbid their reception there, but also cause the most pious sentence of the early Emperors [Augustorum] to be carried out against them." Here is a plain reference to the enactments against heretics in the Civil Law of the fourth, fifth and sixth centuries; in which enactments the word *exterminare* is sometimes used. But this is not, (I am assured by Professor Buckland), one of the regular Roman legal terms which have a clearly-defined signification; it is a term which partakes of ecclesiastical rhetoric.¹ And though, in these early centuries, the word still retained in the main its original signification of "drive beyond the frontier," yet the context seems to give it a harsher sense than the ordinary words for banishment—*exsilium*, *deportatio*, *expulsio*—and Neumann, in his standard *Handlexicon* to Roman Law, renders *exterminare* by "drive out or smother"—*austreiben*, *ersticken*. Moreover, Innocent's reference in this letter is to the earlier Imperial decrees in general; but two of these, which date from between 510 and 527, prescribe capital punishment for Manichaeans; and the Albigensians were considered Manichaeans. If, therefore, at the bottom of his mind, Innocent was really opposed to the death-penalty, then this solemn appeal to the Emperor Otto was drafted with a carelessness which cannot be alleged against the papal chancery in general. His letter to the Kings of Aragon and Castile runs almost in the same form, except that the word *exterminare* now at last comes in; the kings are not to be diverted by their wars against the Moors from "'exterminating' these aforesaid pestilent [heretics]". To the prelates, again, he writes that the crusaders "have proceeded to their [the heretics'] 'extermination,' and the confiscation of their goods." He praises Robert Mauvoisin as one "who, kindled with zeal for the orthodox faith, hath not only already fought with honour against these pestilent heretics, but is also firmly resolved to set himself to their 'extermination,' inhabiting with other Catholics the land whence the hand of the Lord hath driven them." So again in the next letter, commending another crusading leader for his efforts towards this "extermination" (Ep. 128). In all these five places, though *expulsion* seems to be the primary meaning attached to the word, yet there is no attempt to dissociate it from the massacre which, as Innocent knew very well, had not only attended but overshadowed that expulsion. And this comes out even more clearly in the last letters of this series (136, 137), directed severally to all the archbishops and bishops of southern France, and again, with small variations,

1. A reference to the new concordance to Justinian's *Codex* enables me to put this far more emphatically. It shows that *extermino* is used *only once* in the whole of this great collection of laws, whereas the three definite and unambiguous words for banishment (*expello*, *exsul*, *deporto*) occur with their derivatives 75 times. (R. Mayr. *Vocabularium Codicis Justiniani*. Prague, 1923.) This makes Innocent's constant use of the word even more remarkable than I thought when writing this text.

to seven different municipalities and six counts. These are dated Nov. 11th, the day of his approving letter to Montfort. He there reviews the summer's campaign, and enumerates the Church's religious and material gains (Ep. 136). He begins: "The hand of God, beginning at last to destroy [*destruere*] the mighty who gloried in their malice and iniquity, hath now made them migrate from their tabernacles in wondrous wise. For God hath mercifully purged His people's land; and the pest of heretical wickedness, which had grown like a cancer and infected almost the whole of Provence, is being deadened and driven away—*mortificata depellitur*. His mighty hand hath taken many towns and cities wherein the devil dwelt in the person of those whom he possessed, and a holy habitation is being prepared for the Holy Ghost, in the persons of those whom He hath filled, in place of the expelled heretics. Wherefore we give praise and thanks to God Almighty, because, in one and the same cause of His mercy, He hath deigned to work two works of justice, by bringing upon these faithless folk their merited destruction [*perniciem*] in such a fashion that as many as possible of the faithful should gain their well-earned reward by the "extermination" of these folk. For, although He might at any moment have shattered them [*conterere*] by the mere breath of His mouth, yet He hath deigned, in their destruction [*contritione*], to grant a means of wealth—nay, more, of salvation—to the army of His crusaders; which army hath lately triumphed marvelously over them under the command of our legates; and our beloved son the noble Simon de Montfort, a strenuous and Catholic man, hath been set by prudent deliberation over the lands wherefrom they have been driven, in order that, by his prudence in past or future deeds, the work of peace and faith may there be more efficaciously promoted. Seeing, then, that these beginnings of so great piety have hitherto proceeded prosperously, but that they are not yet fortified by their necessary completion, we have thought good to beseech and warn you very earnestly, my brother, prescribing and commanding to you by apostolic rescripts, that you should urge your flocks by zealous and sedulous preaching and exhortation, to give devout obedience to God and timely help to the Church both personally and through what is theirs, in order to extirpate the remnants of this pest; since, like that hydra which is said to have multiplied its heads by their very loss, these also, if neglected, might revive the more grievously. For [our crusaders] know that God and His Vicar have granted remission of sins to those who, kindled with zeal for the orthodox faith, shall gird up their loins to this work of piety; so that this holy labour will suffice to them as a work of satisfaction for those offences for which they have offered contrition of heart and true confession of the lips to the one true God." He goes on to promise more material rewards. So long as a crusader is fighting against these pestilent folk, the bishops are to absolve him from any oaths he may have taken to pay interest on his debts; too insistent creditors are to be excommunicated; on the other hand, those who allow the debtor to defer payment until his return are assured that they are participating in the spiritual benefits in proportion as they thus contribute to the success of the conflict [*certamen*]. And, since excommunication would fall harmlessly upon the Jews, the

prelates are commanded to bring the lay lords to exercise more material compulsion on these more formidable creditors.¹ This letter brings us one step farther forward with the word *exterminare*. Innocent knows the story of Béziers and Carcassonne, and believes that the enemy has been driven out of "nearly 500 cities and castles," in which, as Luchaire points out, he exaggerates. The net result of all this, in his mind, is an *extermination*, which seems now to have become his favourite word, associated, it is true, with mere expulsions on the one hand, but with fire and sword and wholesale destruction on the other. And this (quite apart from Innocent's own special experience), is the natural connotation of the word in his age.

For, by this time, a whole ecclesiastical tradition had grown up. Even in classical Latin, *exterminare* seems to have meant something worse than orderly expulsion; Cicero, according to one reading, uses *extinctor* as convertible with *exterminator*.² *Deportare*, *expellere*, *exsilium* are far more frequent in his writings than *exterminare*; and Caesar does not use the word at all, frequently as he uses *expellere*.³ We have seen that Neumann attaches a connotation of tumultuous violence to the word; and the latest edition of Forcellini (vol. II, 1871) glosses it as "to extrude violently and forcibly"—*cum vi, impetu extrudo*. With the spread of Christian literature, still more unfavourable connotations rapidly crept in; for *exterminare* was now used to describe the taboos of the Mosaic code, with all their fatal implications. Tertullian, writing about 220 A.D., uses the word at least once in the simple sense of "banish"; but in another remarkable passage he uses it repeatedly in its modern sense. He writes of "the times of the extermination of Jerusalem, that is of its devastation; for Daniel saith (IX, 26) that both the holy city and the sanctuary shall be exterminated . . . that city [of Jerusalem] had to be exterminated after Christ's passion . . . after these 72 weeks [of Daniel] the anointing shall be exterminated, and shall be no more, and [the devil] shall exterminate the city and the sanctuary." Four times again, in this short chapter, he applies this same word to the destruction of Jerusalem by the Romans; and, finally he gives *exterminate* as his own translation of that verse of the Psalmist where the A.V. has "they pierced my hands and my feet (XXII, 16). The African bishop Optatus, about 360 A.D., used *exterminium* as a definitely more destructive word than *separatio*; Christ, he explains, would not suffer His Apostles to separate the tares from the wheat, "because the separation cannot be effected without extermination." And this more painful sense was not

1. *l.c.*, p. 146.

2. *Pro Domu Sua*, c. 55. Compare *De Off.*, l. III, c. 3, § 32. The other references in this paragraph are to Tertullian, *Adv. Jud.*, c. 8.

3. Another good test is the very elaborate index to Baronius's *Annales Ecclesiastici*, with its continuations. *Exterminare* does not appear as a heading at all; on the other hand, *exilium* is indexed 44 times, *exules* 10, *expulsio* 3. Under *haeretici*, we find a reference "heretics to be exterminated altogether." A reference to the text shows that this is meant to summarize Valentinian's edict "Manichaeans are to be expelled from the whole world"—*Toto orbe pellendos*—a phrase which it would be difficult to distinguish practically from death.

4. Tertullian here uses the present tense for the future.

only natural, it was almost inevitable in the minds of all assiduous Bible-readers.

For nobody can study the Old Testament without realizing the terrible implications of banishment among the early Israelites. Abraham did the thing mercifully according to the ideas of his time, but, had it not been for the angel and the miracle, it might have proved more merciful that he should have quietly strangled his wife and child than that he should have sent them forth as he did. The exile was an outlaw, whose life was even less secure among strangers than among his own people; so we need not wonder that the early Latin translators generally preferred a downright "destroy" to the more circumlocutory "cut off from his people." The word *exterminare* occurs thirty-six times in the Vulgate Bible; *exterminator* twice and *exterminatio* once. In not one of these thirty-nine cases can it be asserted that it is used in the simple sense of "banish." To be quite safe, let us take the Douay translation, the nearest approach to an authorized version which English Roman Catholics possess. In twenty-nine cases, this version has *destroy*; in five it has *cut off*. Once it has *lay waste*, once *make havoc*, once *root out*; once *shoot out*, and once *disfigure*. *Exterminare*, in short, is a word chosen by the earliest translators, and again by St. Jerome, to represent Hebrew or Greek words of which the predominant sense is "destruction." For, apart from the Vulgate, the older Latin version used this word in other cases where the Douay now has some equivalent to "destroy"; we may see this from Tertullian and from 1 Kings xx, 42, where *virum exterminationis* answers to "a man worthy of death."

In twenty-nine of these Vulgate texts the very idea of banishment is absent altogether; and some of these are among the best known in the Bible.¹ Every priest was supposed to know his Psalter thoroughly; again, 1 Cor. x, 10, is one of the stock dogmatic passages; and the 9th and 11th chapters of the Apocalypse supplied a constant theme for preachers and moralists. In the Bible, therefore, there can be no doubt as to the predominant sense of *exterminare*. The most favourable verdict consistent with the actual facts is that of de Cauzons (p. 295) "The meaning of this word lends itself to many interpretations. If *exterminare* might at first have meant [*avait pu d'abord vouloir dire*] 'exile' or 'expel from the country,' it might just as well indicate the putting of the guilty to death." Innocent was not the sort of man to go on blindly, refusing to face in his own soul a very obvious and insistent moral issue. If he gravitated more and more to this ambiguous term, it was because he welcomed the ambiguity.

For here the vacillating use betrays a natural vacillation of mind. Abraham did not wish to kill Hagar and Ishmael; but he did find it necessary to get them somehow out of the way; and the medieval churchman was much of the same mind where heretics were concerned. Thus there grew up the habit of using this vague word "*exterminate*," very

1. Judith III. 13, v. 22, vi. 4, viii. 25 (twice); Ps. lxxx. 13 (Vulg. lxxix. 14); Wisdom III. 16, xi. 20, xii. 8, 9, 27, xvi. 1, 4, 5, 9, 19, 20, xviii. 25; Ecclus. xxi. 21, xxxi. 30; Baruch III. 19; Amos II. 9; i Macc. viii. 11, xv. 31; ii Macc. ix. 15; Matt. vi. 16; i Cor. x. 10; Apoc. ix. 11, xi. 18.

much as churchmen began soon afterwards to speak of "handing over to the secular arm"—a euphemistic expression for consequences which were quite well understood. One of the greatest of all the bishops of Paris, William of Auvergne (1228–1249), faces those consequences quite frankly, and is ready to "exterminate" in the fullest biblical sense of the word. He writes at great length in defence of capital punishment for heresy, and urges, among others, the argument which we have already seen Innocent using. These men are traitors to God, and therefore more punishable than other traitors; soul-slayers, and therefore more punishable than manslayers; moreover, the Church has long been accustomed to inflict punishments worse than death, then why not this mere bodily death? "If *eternal* death may be inflicted for any guilt, how much more then may *bodily* death?"¹ Indeed, as a matter of abstract justice, bodily death is not enough: "by right, we might take from them not only their bodily life but even their soul's life, if souls were mortal." "It is plain, then, that they may be slain in just war. But if it be maintained that we must not fight against them, and therefore that we must either flee or yield to them, [then, I ask], wherefore should we suffer the extermination of God's honour and worship, in order to spare the bodies of God's enemies? Again, if literal or actual beasts, as wolves and lions, serpents and dragons, ought to be exterminated by fire and sword and all kinds of warfare, for the safety of human bodies which they slay and devour, how much more, then, should spiritual beasts be exterminated by every power of sword and war, for the salvation of those souls whom they spiritually slay and devour by seducing and subverting them, separating them from God Who is the life of souls?" And he pleads a very illuminating reason for this; (the same reason which Berthold of Regensburg gave about 1240 A.D.): "They must needs be killed. If it be urged that these, who are now tares, might become wheat, since they might be converted to the way of truth, this indeed is true; but there is no certainty that such contumacious folk, pertinacious in their error, would be converted and turn into wheat. On the other side we have the certainty that these tares turn the wheat into tares; for it is incredible with what ease they subvert, by their cunning, the simple and unlearned. Moreover, a few tares easily pervert and choke a great crop of wheat. For we see how difficult and how very rare is the conversion of heretics; on the other hand, how very easy and frequent is the subversion of the faithful. . . . It might just as well be pleaded that, if there were a few wolves among the sheep, continually tearing and devouring the flock, these should be spared because God might perchance turn them into sheep and lambs."²

These words were written at latest in 1249, and very likely before 1228, when William became Bishop of Paris.³ If so, they are specially signi-

1. The reference, of course, is to excommunication, which condemned the unrepentant and unabsolved sinner to hell.

2. Guillelmi Parisiensis, *De Legibus*, in *Operum Summa* (Paris, Regnault, 1516), ff. 13b, 14a, and *Opera* (Rouen, 1574), Vol. I, p. 28. See *ibid.*, p. 392, for *exterminare* in the same sense of "destroy."

3. For William's extreme pressure of business after his elevation to the bishopric see N. Valois, "Guillaume d'Auvergne" (1880), chapters 2–7.

ficant as anticipating that decree of 1231 by which a Pope, for the first time, pronounced the death-penalty on heretics in quite unambiguous legal form. But, in any case, the words were written by a man who must clearly have remembered Innocent's recent choice of *exterminare* for that most solemn pronouncement of all, the third canon of the Ecumenical Council of the Lateran (1215). The pertinent passages of this canon run as follows: "We excommunicate and anathematize every heresy which extolleth itself against this holy Catholic Faith which we have expounded here above. . . . Let those who are condemned be left to the present secular powers, or to their bailiffs, to be punished with the chastisement which is their due.¹ If clerics, they shall be first degraded from their orders. Let the goods of all who are thus condemned be confiscated in the case of layfolk; in the case of clerics, let them be applied to the churches from which they received their salaries. Let those who are found noted by suspicion alone (unless they prove their own innocence by proper purgation, according to the considerations of the suspicion and the quality of their person) be smitten with the sword of our anathema, and let them be avoided by all men until they have given due satisfaction; moreover, if they persist for a year in [this] excommunication, let them thenceforth be condemned as heretics. Let the secular powers, whatever offices they wield, be warned and persuaded (and, if need be, compelled by ecclesiastical censure) to take a public oath in defence of the Faith, even as they would be held and reputed as faithful [Catholics], to the effect that they will strive in good faith, to the utmost of their power, to exterminate from the lands subject to their obedience all heretics who have been marked by the Church; so that, from henceforth, whensoever any man be promoted to any power, whether spiritual or temporal, he may be bound to confirm this canon [*capitulum*] with his oath." Any prince or lord who refuses, when called upon, "to purge his lands from this heretical filth," is to be excommunicated by his archbishop; after a year, "let this be reported to the Pope, that he may declare the vassals absolved from fealty to heresy and give his lands to be occupied by Catholics who, having exterminated the heretics, may possess them without dispute. . . . Let those Catholics who take the cross and gird themselves to exterminate the heretics enjoy the same indulgence, and be armed with the same sacred privilege, as is granted to those who go to succour the Holy Land." Favourers of heretics are to be excommunicated; Archbishops and Bishops are to visit their whole dioceses once or twice a year, compelling witnesses in each district to point out suspects, who must appear before the prelate and prove their innocence; those who refuse to swear are to be looked upon *ipso facto* as heretics. Prelates who neglect this are to be deposed.

The decrees of this Council, it is well known, were drawn up by Innocent himself, one of the greatest Canon Lawyers of his day.² It

1. It will be noted that Innocent here repeats the words of Lucius III and Frederick II.

2. The astounding ignorance of history and Canon Law betrayed by the Irish Bishops of last century in their attempts to deny the authenticity of the Lateran canons is exposed by R. J. McGhee). *The Nullity of the Government, etc.*, 2nd ed., 1841, pp. 123 ff.

was the first Ecumenical Council ever held in the West, and in some ways the greatest ; all men had realized its importance, and it had been carefully prepared beforehand. The man who chose these solemn phrases had all the horrors of the Albigensian crusade before his eyes ; if, when he wrote those earlier words which I have quoted, he knew only the events of Béziers and Carcassonne, yet he now knew those of Castres, Casses, Minerve, Lavaur, and probably a good deal more that we shall never know. If he had been seriously concerned to stop short of the death penalty, it is inconceivable that he should have written as he writes here. True, *exterminare* is sometimes used, even later than this time, for a penalty which did not necessarily imply more than banishment with confiscation of goods ; though, even then, there could be no question of the fate which awaited any man who should refuse to wander forth, or who should defend his possessions.¹ But already, quite apart from the Bible and the Fathers, the word had been used as a technical description of the death penalty inflicted on heretics. Hugh, a monk of Vézelay, writing as early as 1167, describes two heretics who, "hearing that they were presently to be exterminated by the punishment of fire"—*audito quod proxime ignis exterminandi essent judicio*—feigned conversion. And earlier still, about 1040, the Cluniac monk Glaber used the same word in a similar context : certain Sardinians came and preached heresy in Spain, "and were exterminated by the Catholics." Upon which Havet comments : "The word *exterminati* may mean only 'banished,' 'driven out,' but it may also mean 'killed.' . . . Here, as the sentence follows directly upon that which I print in my last note, which deals with the killing of heretics, the most probable interpretation is that the Sardinian heretics caught in Spain were killed also."

Why, then, does Havet agree with Ficker, and why does Luchaire echo them, in deciding without farther detailed examination that "in Innocent's legislation, as in his letters, there is no question whatever of death for heretics ; he never demanded more than their banishment and the confiscation of their goods."² I think we must answer that these three distinguished scholars had not had their attention called sufficiently clearly to the problem ; that they had not gone fully enough into the significance of *exterminare* ; and, especially, that all three were quite ignorant of its Vulgate use. I have given elsewhere startling instances of Bible ignorance on the part of even distinguished clerical scholars in the Roman Church ;³ and the Bible ignorance of the laity, even of the learned laity, is proportionately greater. Only last summer, searching in France among second-hand bookshops for cheap copies of the Vulgate, or concordances to the Vulgate, on behalf of students who need the book

1. *Exterminare* occurs seven times in the quotations given by Havet, ranging from 1040 to 1243. In one case (p. 159) it is absolutely vague ; in one the balance is strongly in favour of banishment (141) ; in three others the balance is less definitely on the same side (159-60). The other two passages, which I quote in my text, are on pp. 140, 146.

2. Luchaire, *Albigensien*, p. 57.

3. *Medieval Studies*, No. 14, pp. 23, 38 ; *From St. Francis to Dante*, 2nd ed., p. 356.

for their medieval studies, I received the same answer everywhere—that the Vulgate seldom comes into the market because so few people read or possess it. It is scarcely possible that these three historians, if they had known the Vulgate use of this word, would have absolutely ignored it, considering that the Vulgate was, of all works in the world, that which must have been most familiar to Innocent and the best of his prelates at the Council; while even the most ignorant of these bishops or abbots must at least have repeated a thousand times the two psalms in which the word occurs.

Must we not conclude, then, that Innocent more or less deliberately left the door open for death? He had expressed no disapproval of the thousands of deaths involved in this Albigensian *exterminatio*; on the contrary, he was convinced that many Catholics had gone to heaven for their share in the work. In the face of all these ghastly facts, he committed himself to no decision expressly limiting the punishment of heresy to banishment and spoliation; the most that can be said is, that he restricted himself to a word which does not necessarily connote bloodshed, but which, in the circumstances of the time, very strongly implied it. Though he was one of the greatest lawyers of his age, we cannot credit him with any effort to choose those unequivocal terms which had long been familiar to lawyers—"deportation," "exile," "expulsion." He chooses a word far less common than these in civil law or in general use; a word familiar to himself and all his hearers in a far more cruel sense than that of mere banishment; a word of which the best that can be said is, that it had originally meant banishment alone. To argue that Innocent was actively opposed in thought to that death-penalty which was being inflicted all round him in practice, or that his hearers thus understood his decree, is in effect to deny ordinary common-sense to the Pope and the Fathers of the Council. It would be cruelly false to characterize Innocent as a man of blood; yet it seems a generous falsehood to assert that he was not ready, wherever the cause of the Church seemed to require it, for the shedding of his own blood or that of any number of heretics. He saw no hope for an orthodox victory without violence; and he was prepared for any degree of violence that might be necessary to rid Christendom of these people. In those circumstances, it matters little to the social historian whether death came first or second in his thoughts: death must come sooner or later. This, in fact, is clearly admitted by the Romanist, Bishop Doyle, in his *Essay on the Catholic Claims* (1826, pp. 110-111). He says of the third Lateran canon: "Such a law in the present age . . . would overturn the very foundations of society, and, instead of benefiting the entire community, it would drench our streets and fields in blood." Innocent knew that result of his *exterminationes* even better than Bishop Doyle did; and, whatever the word may primarily have meant in his mind, it must ultimately have included, in the last resort, such slaughters as that of Béziers; and this is evidently how Aquinas understood him.

For St. Thomas's evidence, however pertinent, is no less ignored by Ficker, Havet and Luchaire than the evidence of the Vulgate and of William of Auvergne. St. Thomas, in dealing with the question of

death-penalty for heretics, evidently models his argument on the decree *Excommunicamus*. This—known by its first word, like others in Canon Law—is an extract from Innocent's third Lateran canon, and pronounces upon heretics first, excommunication, then, delivery to the secular arm for due temporal punishment. Aquinas writes: "With regard to heretics two points must be observed: one, on their own side, the other, on the side of the Church. On their own side there is the sin, whereby they deserve not only to be separated from the Church by excommunication, but also to be severed from the world by death. For it is a much graver matter to corrupt the faith which quickens the soul, than to forge money, which supports temporal life. Wherefore if forgers of money and other evil-doers are forthwith condemned to death by the secular authority, much more reason is there for heretics, as soon as they are convicted of heresy, to be not only excommunicated but even put to death. On the part of the Church, however, there is mercy which looks to the conversion of the wanderer, wherefore she condemns not at once, but *after the first and second admonition*, as the Apostle directs: after that, if he is yet stubborn, the Church, no longer hoping for his conversion, looks to the salvation of others, by excommunicating him and separating him from the Church, and furthermore delivers him to the secular tribunal to be exterminated thereby from the world by death. For Jerome commenting on Gal. v, 9, *A little leaven*, says: *Cut off the decayed flesh, expel the mangy sheep from the fold, lest the whole house, the whole paste, the whole body, the whole flock, burn, perish, rot, die. Arius was but one spark in Alexandria, but as that spark was not at once put out, the whole earth was laid waste by its flame.*"

There can be no doubt, from this passage, that Aquinas understood Innocent's *exterminare* to involve death in practice and in the last resort, whatever theoretical distinctions might be made on purely philological grounds. And in that sense the Pope has been understood by at least the most authoritative of his readers until modern times. The so-called *conclusiones*, in which the main argument of each article of the *Summa* is briefly stated, enjoyed semi-official authority for many generations from 1575 onwards;¹ and the *conclusio* to this eleventh article thus sums up the duty of the Church: "[Heretics] are to be delivered up not only to the sentence of excommunication, but also to secular princes to be exterminated."²

Finally, Innocent's words were understood in the same cruel sense by the Inquisition. The authoritative medieval inquisitors' handbook is the *Directorium* of Nicholas Eymeric, a Dominican inquisitor who worked in Spain and wrote his book about 1360 A.D. It was printed as early as

1. See Appendix IV.

2. The crucial passages are thus rendered in the French translation by Abbé Drioux (Paris, 1852, vol. iv, p. 112). "[Les hérétiques] doivent non seulement être excommuniés, mais on doit encore les livrer aux princes séculiers pour être exterminés." "[L'hérésie] est un péché par lequel ils ont mérité non seulement d'être séparés de l'Eglise par l'excommunication, mais encore d'être mis hors du monde par la mort"—it will be seen here how the "separation by death" answers exactly to the "extermination" of the preceding summary. Finally: "Elle l'abandonne enfin au bras séculier pour être exterminé de ce monde et mis à mort."

1503, and reprinted twice (1578–1585) by a Roman juriconsult named Pegna, with the special approval of Gregory XIII and the Roman Inquisition. Pegna begins the second part of this work by commenting, in order, upon each of the papal decrees which deal with heretics. On page 107 (ed. 1585), coming to this decree, *Excommunicamus*, he writes: “Innocent, at the Ecumenical Council of the Lateran in 1215, published this copious edict against heretics and their abettors, wherein he mainly inflicts three penalties upon them. One spiritual, *viz.* excommunication; the second corporal, since, unless they repent, they may be delivered to the secular arm to be punished by the extreme penalty of the law [*ultimo supplicio afficiendi*]; the third afflictive of their livelihood, *viz.* confiscation of their goods.” And on page 159 he farther explains that the phrase *ultimum supplicium*, in law, means death, and that in case of heresy it means burning alive.

The reader is now in a position to judge how far Innocent may truly be said to have encouraged or discouraged that movement which, confessedly, very soon culminated in the most formal and explicit proclamation of burning as the punishment for obstinate heretics by Gregory IX (February, 1231). Let me here confess again that, having been compelled to look more closely into all the details, I now find the third Lateran canon less absolutely explicit than I had judged when I had read it only in the light of Innocent’s triumphant letter after Béziers, of Aquinas’s commentary with the *conclusio*, and of Pegna. But I must equally emphatically repeat that Innocent seems to have known quite as well as Aquinas and Pegna “what ‘extermination’ meant in its final implications,” and that, behind his equivocal language, there was a resolution to inflict death wherever and whenever the interests of the Church seemed to demand it.

PART II.

AQUINAS AND HERETICS-BORN.

ANOTHER of Father Walker’s criticism bore upon my assertion that his fellow-Jesuit, Father Rickaby, had garbled St. Thomas’s argument on this important subject. Father Rickaby, on p. 7 of his *Oxford Conferences* for 1897, quotes, as a proof of the real moderation of the Roman Church, the following passage from Aquinas (2a 2ae q. 10, art 8) “Of unbelievers, (1) some there are who have never received the faith, as Gentiles and Jews. Such persons are on no account to be brought to the faith by compulsion, that they themselves should become believers, because believing is of the will; they are however, if possible, to be compelled by the faithful not to stand in the way of the faith by blasphemies, or evil persuasions, or open persecutions. And for this reason the faithful of Christ often make war on unbelievers, not to force them to believe, because, even though they had beaten them and got them prisoners, they would still leave them their choice whether they would believe or no, but for the purpose of compelling them not to put hindrances in the way

of the faith of Christ. (2) Other unbelievers there are who have at one time received the faith and professed it, as heretics, (a) and all manner of apostates. Such persons are to be compelled, even by corporal means, to fulfil what they have promised, and hold what they have once received. As to take a vow is voluntary, but to pay the vow is of necessity; so to receive the faith is a voluntary act, but it is of necessity to hold it, once received. And therefore heretics are to be compelled to hold the faith." To this he adds a note, not from any words of the actual Aquinas but only from his own abbreviation of the *Summa (Aquinas Ethicus, i, 328*; this note is appended to the word *heretics* where I have put [a]), and runs as follows: "The heretics whom medieval writers had in view were the heretics of their own time, *i.e.* apostate Catholics. The Protestant of our day falls under St. Thomas's first class of unbelievers." In other words, Father Rickaby makes St. Thomas say that the duty of the Roman Church to a modern Protestant is the same as its duty towards Gentiles and Jews. Or, in other words again, this Saint whose philosophical genius and clarity of thought and dialectical skill we are taught to regard as almost miraculous, takes great care to put Gentiles and Jews, into a different category from heretics, only in order to afford this Jesuit Father the opportunity of explaining, six centuries later, that, when Aquinas says *heretic* without further qualification, he really intends to exclude the most numerous and formidable heretics of his own day, destined to become even more numerous and important in future days—*viz.* the heretics-born! And this, not merely in a casual *obiter dictum*, but in that section of forty octavo pages in which the Saint specially devotes himself to an exhaustive discussion of heresy with other forms of unbelief; a discussion which became classical for all future generations of Roman Catholics. Further to expose the absurdity of this contention—if indeed it needs further exposure—I need only quote from a letter received, since these words were first written, from one of the modern champions of the Roman Church in England. He writes: "I do not claim that heretics-born should be reckoned with infidels, as it would be clearly contrary to the teaching of the Church to do so."

To begin with, it needs extraordinary historical ignorance to argue, with some modern apologists, that the heretic-born did not come within St. Thomas's horizon.¹ Innocent's own letters, and the monk Pierre des Vaux-de-Cernay who wrote to Innocent of the things which he had himself seen and heard on the crusade, are the first documents to which we turn when we wish to get at the real facts from the orthodox point of view. When we have made allowance for their natural bias, they are as trustworthy authorities as can be imagined. Pierre, in his first chapter, describes the state of things in 1203: "This city of Toulouse, steeped in guile—*Haec Tolosa, tota dolosa*—is asserted to have been seldom or never free, since its first foundation, from this detestable pest or pestilence of heretical pravity, since the poison of superstitious infidelity has spread in succession from fathers to sons." It is a city "infected from of old," where heresy is "indigenous"—*vernalis*, an obvious slip of

1. *e.g.* Father Leslie J. Walker in *Medieval Studies*, No. 17, § 154; *cf.* § 160.

Pierre or his transcribers for *vernacula*. The surrounding country followed the example of Toulouse its capital; it was "marvellously and miserably infected with this plague," and "almost all the barons of Provence had become harbourers and defenders of heretics." In Chapter III, again, Pierre tells us that the great city of Béziers contained "few Catholics" (*cf.* XVI).

Innocent, again, recognized no less distinctly the chronic nature of the movement against which he fought. The heretics of Southern France, (he writes in 1198), are "innumerable"; in 1200, the ecclesiastical province of Narbonne contains "more disciples of Manichæus [*sic*] than of Christ," while "the prelates are the laughing-stock of the layfolk"; in 1204 "the heretics are preaching their doctrines publicly everywhere."¹ In other districts also, a Waldensian memorial represented the heretics as so strong that there was a fear "lest the simple, faithful folk that dwell among these heretics, and who do not receive the Eucharist, should grow hardened."² And, though it is evident that modern apologists have seldom troubled to read the original records, yet they might have learned this truth even from the modern writers to whom, on other points, they appeal as their allies. Luchaire points out how, from 1119 onwards, we have a series of papal and provincial councils testifying to the multitude of heretics in Southern France and to their steady progress (p. 40). Again, describing the state of things between 1167 and 1177, he writes: "It would seem that, at that time, the towns and country districts were peopled with sectaries"; and again: "The Albigensians were perhaps in a majority in certain small towns of maritime Languedoc, which was the head-quarters of the sect" (pp. 7, 8). In 1178, the heretics were so numerous and influential at Toulouse that they "almost compelled the Catholics to conceal their own faith" (p. 42). And Havet, on pp. 148 ff, describes in considerable detail their steady and peaceable growth in Italy and Southern France about the same time. There were thousands, therefore, in 1204, who were born of heretical parents, and had sucked in heresy with their mothers' milk; in many families, heresy was probably a tradition of several generations, since there is no question that the sect had grown rapidly from at least about 1030, when the chroniclers begin to take notice of it as one of the most striking phenomena of their day.

And, well as Innocent knew these things, Aquinas had the farther experience of nearly two generations more. Bishop Grosseteste of Lincoln, in 1250, solemnly handed to the Pope and three of his greatest cardinals four copies of a memorial which he had drawn up setting forth the state of the Church. A large part of Christendom, (he pointed out), was separated from the Roman Church—*viz.* the Greeks. And, "of that which remaineth [under the Roman obedience] . . . no small faction is separated from Christ by heretical pravity."³ In other words, heresy still flourished in many parts of Europe as it had flourished for at

1. P.L., vol. 214, coll. 82, 904-5; II, 355; *cf.* II, 272, 358-9.
2. *Ibid.* III, 291.
3. E. Brown, *Fasciculus*, vol. II, p. 251.

least two centuries past. Again, there was the case of the Stedingers.¹ These were a peasant folk occupying a peninsula near the mouth of the Weser, which they themselves had reclaimed from the sea. Their original heresy seems to have consisted mainly in a refusal to pay tithes; before the end of the twelfth century the quarrel became bitter. The Synod of Bremen, in 1230, condemned them as the vilest of heretics, contemners of the Eucharist and devoted to witchcraft. In 1232 Gregory IX ordered an investigation into their heresy, came to the conclusion that it was even worse than the Synod had described, and preached a crusade against these miscreants in a bull addressed to the four bishops of the neighbourhood. Two crusades went ill; the third, in 1234, collected overwhelming forces; the Stedingers were crushed in a decisive battle; and the victors devastated the land, sparing neither age nor sex. "When the slaughter and devastation were over, came the solemn farce of reconciling the heretics. As the land had been so long under their control, their dead were buried indistinguishably with the remains of the orthodox, so, November 28, 1234, Gregory graciously announced that the necessity of exhumation would be waived in view of the impossibility of separating the one from the other, but that all cemeteries must be consecrated anew to overcome the pollution of the heretic bodies within them."²

Finally, we may cite the case of the Greeks. These, in Innocent's and Aquinas's day, had broken off communion with the Roman Church, which condemned them as schismatics. Between schism and heresy, as Aquinas himself argues, the difference is often merely a difference of words; and he maintains that the schismatic, like the heretic, may be punished not only with excommunication but also by the secular arm.³ One of the most interesting of all Innocent's letters is that which he wrote on this question to the Patriarch of Constantinople in 1199. The Eastern Empire was at this time seriously threatened by Turks and Slavs, who were nibbling away its territory by degrees and threatening its very existence; the Pope, in the last resort, had perhaps more physical force at his command than the Greek Emperor, who therefore negotiated for reunion. The Patriarch wrote to Innocent a letter almost servile in its studied courtesy, enquiring his reasons for insisting on the universal supremacy of the Roman church (lib. II, Ep. 208). The next letter is from Innocent himself, quoting of course "Thou art Peter, and upon this Rock," etc., and again Christ's words to Peter recorded in John xxi, 17. "The Lord here gave Peter, thrice repeated, the commission to

1. H. C. Lea, *Inq. in M. Ages*, vol. III, pp. 182 ff.

2. *Ibid.*, p. 188.

3. Aquinas quotes approvingly from Jerome: "There is no schism which does not trump up some ancient heresy in order to justify its secession from the Church," and decides "it is just that they [schismatics] be coerced by temporal powers" (2a 2ae, q. 39, art. 1, 4). The great Canonist Van Espen writes: "The canons of the Church, as well as the sanctions of Popes, speak of schism and heresy almost in the same words. For, although schism might, as a matter of absolute possibility, exist without heresy, yet ordinarily it has heresy joined with it; nay, if at first it be without heresy, and consist perchance in a mere question of fact, yet in most cases it degenerates at length into heresy" (*Juris ecclesiastici universi pars*, III, tit. iv, c. 2, § 52).

feed His sheep, in order that all might be branded as alien from Christ's fold who refused to accept him, even in his successors, as pastor. For Christ made no distinction between this sheep and that, but said simply *Feed my sheep*, in order that all sheep might be understood to be altogether committed to his hand." The Pope continues with even more ludicrous explanations of biblical texts, which I have briefly exposed on pp. 9-10 of my *Roman Catholic Church and the Bible*, and which no modern Roman Catholic would dare to defend. And he concludes by summoning the Patriarch to come and do homage to him at a Council in the West, "lest, if thou do otherwise (which we do not believe) we be compelled to proceed not only against the Emperor himself, (who, if he will, can carry our command into effect), but also against thee and the Greek Church." These words are plain enough in themselves; but events made them still plainer. In 1204, the Latin crusaders stormed Constantinople and committed abominations of which Innocent speaks with severe condemnation.¹ "In the name of principle he disapproved of things which seemed to him as contrary to justice and morality, as they were to ecclesiastical interests and rules. But in practice he submitted, having no other alternative, to the situation which had been made for him; and he profited by its results."² Moreover, when the Greek Emperor Lascaris reproached the Latin crusaders with these atrocities, Innocent blandly answered that they were certainly regrettable, but to a great extent excusable under the circumstances, and altogether providential in their results.³ Moreover, one of Innocent's legates "inaugurated a reign of terror over the Greek Church, (especially the monks, who were more intractable than the clergy) which revolted the population and the priests." "He wished" (writes a Greek Chronicler) "to compel us to recognize the Pope's primacy among all prelates, and to commemorate his name in public prayers, under pain of death against those who refuse."⁴ It was not Innocent but the civil power which put an end to this injustice. Many of the Greek clergy, though quite willing to accept the conqueror and to submit to his general authority, joined in a very remarkable plea for unfettered religious thought; they besought Innocent not to coerce them in matters of faith. No man, they argued, can believe to order; if it were otherwise, our proper policy would be to baptize the Jews by force; true conversion must be a matter of persuasion. Innocent would, no doubt, have granted all these pleas in theory; but it is very doubtful whether he ever troubled to answer their letter, in which they appealed for judgement between Greek and Latins to a General Council of all Christendom.⁵

1. See Appendix, II. "Innocent III and the Greeks."

2. Luchaire, *Question d'Orient*, p. 148. As a statesman, of course, Innocent had no other alternative; but had he none as a moral and religious man?

3. See Appendix, II; and Luchaire, pp. 270-2.

4. Luchaire, *l.c.*, p. 249. See W. Norden, *Papsttum und Byzanz*, (1903) pp. 194, 196, 202, 213, 227 ff, where he brings out the Pope's theory of comparative tolerance and his necessity of winking at persecution in practice. He points out that Innocent's theory of tolerance was dictated to him by opportunist policy, pp. 196-7.

5. *Ibid.*, pp. 251 ff; for the Greeks' protest, see Appendix III.

Here, then, the problem of the heretic-born presented itself in a practical and very acute form. Schism, as Aquinas insists, is sometimes worse than unfaith—worse both morally and in its practical consequences—and persistent schism is practically sure to become bound up with heresy. Therefore the question of the schismatic-born cannot be seriously considered without raising that of the heretic-born. If ancestral custom is a real excuse for heresy, and if it gives the offender any *permanent* privilege distinguishing him altogether from other heretics, so also must it be with the schismatic-born. The Greeks, therefore, had every excuse; it was notorious that they had never really acknowledged the Roman primacy; their sin, if sin it was, had a prescription of forty generations; they had an excuse three times stronger than that of the modern Protestant. Yet neither Innocent nor Aquinas give the least hint, in their words or their actions, of making any *permanent* allowance for these men who, (from the orthodox point of view), had sucked in schism with their mothers' milk.

I have twice underlined that word *permanent*; for on that hangs the whole question. Innocent and Aquinas were, by nature, men as kindly as St. Augustine, who was willing to grant a respite to the heretic so long as he did not "defend his opinion, however false and perverse, with any pertinacious fervour." But that case, so grievous for Augustine to contemplate, was the normal case with the thirteenth century Greek, as it would be with a modern Protestant. Not only have we been brought up in doctrines which, to a Roman Catholic, are among the most false and perverse conceivable, but the majority of us have become even more confirmed in those doctrines by the Roman Catholic arguments which we read and hear; so that we should defend our position with a no less pertinacious fervour than that which our would-be converters display. Very few modern Protestants, therefore, could cling to this one hope which Augustine and Aquinas hold out to us, that we should finally yield to argument and escape punishment.

For this, it must be repeated, is the only final escape allowed by Innocent, by Aquinas, or by any other orthodox writer that I know of, down to the memory of living man. To Innocent and Aquinas, the practical problem, the moral problem, had stated itself quite clearly. They were perfectly well aware that most of the thousands slaughtered at Béziers, and all those Greeks whom the crusaders killed "without distinction of age or sex," had not invented but had inherited the opinions which led to their death. To argue on the assumption that Pope and Saint were ignorant of these things, is to credit them with a crass stupidity which would damage the claims of an Infallible Church far more directly than merely to convict any particular Pontiff or Saint of immorality; for there was no voice raised in the Roman Church to protect the heretic-born. These men were directly confronted with the same *moral* problem which confronts Fathers Rickaby and Walker; and, if they gave a very different answer, this was on moral and political grounds which the intervening 650 years have rendered untenable. If modern Jesuits hold out hopes which Aquinas denied, this is not because Popes or Councils have had the courage to contradict their predecessors, but because the edu-

cated public, everywhere in the world, would now repudiate them—the mass of orthodox themselves, in their hearts if not with their lips, would repudiate Innocent's ideas as immoral and impolitic. What compelled all Roman Catholics, until comparatively recently, to refuse a *permanent* distinction between heretics-made and heretics-born¹ was a false moral belief and a false political belief. Morally, they believed themselves to be saving thousands of souls by the burning of a single heretic.² Politically, they believed it possible, by sufficiently persistent and ruthless persecution, to extinguish heresy altogether. To the first ground professional apologists still cling, (with modifications designed to conciliate the civilized mind), even though the ordinary friendly Roman Catholic whom we meet in society would refuse to accept the theologian's doctrine in its naked brutality, while the theologians, for their part, are struggling to reconcile themselves with modern civilization by illogical glosses which the great representative theologians of past orthodoxy would have brushed unceremoniously aside.³ The only men who have the real courage of orthodoxy in our generation are these Roman professors who continue the medieval tradition undisturbed by the march of intellect, and a few downright people who confess, with that Roman Catholic writer to *The Spectator* (Aug. 30th, 1902, p. 291), "The real reason why religious persecution is unpopular to-day is that nobody is strong enough to persecute." If the utter annihilation of any creed were envisaged by the whole of the modern world as a political possibility, and if both sides were determined to carry the fight to its logical conclusion, modern Roman Catholics know as well as we do that, in a short time, there would not be one living mouth left to confess their faith in public. And this it is which enables the most ordinary Roman Catholic of to-day to shake off the cruel illusions which obsessed even Innocent and Aquinas.

For, having disposed of the plea that these men were not even faced with the problem of the heretic-born, let us see how they actually confronted it.

1. Apart that is from the negligible exceptions of "invincible ignorance," which could not permanently protect any but the mentally deficient.

2. And could even plead that they were merciful to the victim himself. The Jesuit professor Father Marianus de Luca, (whom we shall see at close quarters presently), wrote in 1901 that burning "is sometimes better for the delinquents themselves; for these, being utterly obstinate, would only become worse the longer they lived, and would suffer still more excruciating pains in the flames of hell" (*Institutiones Juris*, etc., vol. I, § 261).

3. e.g. *The Catholic Encyclopedia*, vol. VII, p. 260. b. "The present-day legislation against heresy has lost nothing of its ancient severity; but the penalties on heretics are now only of the spiritual order; all the punishments which require the intervention of the secular arm have fallen into abeyance. Even in countries where the cleavage between the spiritual and secular powers does not amount to hostility or complete severance, the death-penalty, confiscation of goods, imprisonment, etc., are no longer inflicted on heretics." Or Father Walker, in *Medieval Studies*, No. 17, § 166. "In theory, the death-penalty is as justifiable for the murder of a soul, as for the murder of a body; but in practice it has, in my opinion ever been a mistake. And in any case we are not living in the Middle Ages." To whom, then, do we owe it that Englishmen are no longer living in the Middle Ages, while Professors of Canon Law at the Papal University are? To whom do we owe it that Father Walker is shocked by the thing which Tarquini and de Luca and Lépiciér proclaim from the house-tops?

In practice, neither of them (so far as I am aware) has one word of reprobation for the slaughter of Béziers ; nor does Innocent, while condemning the slaughter at Constantinople, say one word explicitly in favour of the schismatic-born as distinguished from deliberate schismatics. We know no word of his in rebuke to the Legate who would have punished these Greeks with death for conscience sake. And though, in fact, he did leave a certain amount of freedom to the conquered Greek Church, I believe he never committed himself to any principle which would have prevented him from finally inflicting the death-penalty upon Greeks for obstinate nonconformity. We have seen how Norden, who writes in strong sympathy with Innocent, emphasizes the fact that the Pope's comparative tolerance was dictated by obvious policy.

Aquinas, again, with all his meticulous pains to define and to syllogize, excepts the heretic-born only in so far as he does not remain obstinate.¹ And when apologists imagine Aquinas to be excepting the heretic-born in that sentence where he excepts " other faithless folk who have never received the faith,"² then they write in great ignorance, not only of thirteenth century thought, but also of orthodox pronouncements down to the present century. The question is slightly obscured by the necessities of translation into English, since *believers* and *unbelievers*, though perhaps the best single words, have sometimes slightly different implications from St. Thomas's own words, *fideles* and *infideles*. Jews and Pagans, in St. Thomas's vocabulary, have always been *infideles* ; the heretic is one who has once been *fidelis*, but has become *infidelis*. The heretic-born, therefore, of whom the modern Protestant is the typical specimen, is in a category quite distinct from Jews or Pagans ; he has been *fidelis*, but is now *infidelis*. It is strange that we should have to enlighten Roman Catholic scholars on this point ; but I am convinced that nobody with a reputation to lose would venture to deny publicly, under cross-examination, the following assertions :—

(1) A heretic can confer valid baptism ; therefore, any Protestant who has been sprinkled with water and intentionally baptized in the name of Father, Son and Holy Ghost is truly baptized.

(2) Such baptism confers a character no less indelible than if the ceremony had been performed by an orthodox Roman Catholic priest.

(3) The infant thus baptized becomes at once, in virtue of this sacrament, *fidelis*, since the faith which at that tender age he personally lacks is supplied by the faith of the Catholic Church, of which baptism makes him a member.

(4) Whatever he may say or do afterwards, he can never lose this character. For a certain time, however short, he has been a *fidelis*.

(5) Therefore he became at baptism subject to the Church, and, whether in obedience or in revolt, remains legally subject to her until his death.³

If these assertions were commonplaces of orthodox theology in St.

1. See Appendix IV. " Aquinas and Heresy."

2. e.g. Father Walker in *Medieval Studies*, No. 17, § 44.

3. These may be found, for instance, explicitly or implicitly, in St. Thomas's own *Summa Theologiae*, pars. III, qq. 66–69.

Thomas's time—and I am convinced that neither Father Rickaby nor Father Walker will dare to challenge them after reference to the authorities here given—what becomes of the contention that St. Thomas would have allowed to any baptized person whatsoever to be counted as a Jew or a Pagan, alien from subjection to the Church ?

Absurd as it may seem, from our point of view, to pursue this argument farther yet the pertinacity with which this point is habitually obscured by apologists compels me to bring it out even more distinctly here. I will quote only a few out of the many testimonies I have come across at different times ; many others I have neglected to note, since the facts are so commonplace and notorious to students of Canon Law.

In 1433, at the Ecumenical Council of Bâle, the Dominicans commissioned one of the most learned of their Order to draw up a formal reply to the Hussite heretics. Having to meet one Hussite contention, (that the restriction of lay communion to the wafer only is illegal, because there is no limit of such restriction in the Bible), this Dominican undertakes to show them that there are many incontestable Church truths not to be found in that book. " It is nowhere to be found in the canon of Holy Scripture that a newly-baptized child, who neither believes in the heart unto righteousness, nor confesses it with his mouth to salvation, is counted among faithful and believers—*inter fideles et credentes*—and yet the Church hath so determined, and hath decreed that whosoever shall dare to deny this shall be judged as an open heretic. Wherefore St. Augustine writeth in his 14th sermon : ' Where dost thou put infants that have been baptized ? surely among the number of the believers—*credentium*. For that is why, by an ancient and canonical and excellently-founded custom, baptized children are called *fideles*.' " He continues with other patristic quotations to the same effect, and interweaves them with Aquinas's own words, as is natural in a fellow-Dominican.

Here, then, is the authority of Augustine, eight hundred years before Aquinas ; and Augustine's words, a century before Aquinas wrote, had already been embodied in the first part of the *Corpus Juris Canonici*—Gratian's *Decretum*, pars. III, q. iv, c. 76. The same principle was enunciated at the Council of Lombers near Narbonne in 1176, which set itself to assert the orthodox faith against local heresies.¹ The great Council of Trent, in its seventh session (A.D. 1547) set itself to anathematize certain heretical propositions, of which the eighth runs : " If any one saith, that the baptized are freed from all the precepts, whether written or transmitted, of holy Church, in such wise that they are not bound to observe them, unless they have chosen of their own accord to submit themselves thereunto, let him be anathema." The 13th and 14th run :—" If any one saith, that little children, for that they have not actual faith, [*actum credendi*], are not, after having received baptism, to be reckoned amongst the faithful ; and that, for this cause, they are to be rebaptized when they have attained to years of discretion ; or, that it is better that the baptism of such be omitted, than that, while not

1. Hardouin, *Acta Conciliorum*, tom. VIII (Paris, 1714), col. 1,752. Compare decree of Council of Valence in 855 (*ibid.*, vol. v, col. 90. e).

believing by their own act, they should be baptized in the faith alone of the church ; let him be anathema."

"If any one saith, that those who have been thus baptized when children, are, when they have grown up, to be asked whether they will ratify what their sponsors promised in their names when they were baptized ; and that, in case they answer that they will not, they are to be left to their own will ; and are not to be compelled meanwhile to a Christian life by any other penalty, save that they be excluded from the participation of the Eucharist, and of the other sacraments, until they repent ; let him be anathema."¹

The greatest of all Roman Catholic controversialists was the Jesuit Cardinal Bellarmine, who has recently been beatified and will doubtless be canonized in due course when the necessary interval has elapsed. He writes "Heretics, by baptism, have obliged themselves to remain in the Church."² Other seventeenth and eighteenth century Canonists took the same line, as indeed they were bound ; for how could they not only brave the anathema of Pope and Council, but abandon the only moral justification for what was notoriously being done in many parts of the Catholic world—the punishment of traders and travellers, Protestants born, who had not sufficiently concealed their faith ?³ This baptismal doctrine was again laid down, even more explicitly than at Trent, by Benedict XIV, by far the greatest Canon Lawyer among modern Popes. I print his decision here from the marginal summary ; his actual words will be found translated in Appendix 5. "One baptized by a heretic becomes a member of the Church, and, even in infancy, receives the habit of faith. If, after baptism, he then adheres to the error, he loses the benefits of communion with the Church but is not withdrawn from the authority of the Church."

During the early nineteenth century, there was perhaps no such recognized authority for Moral Theology in seminaries as the book which was published by the Louvain theological faculty under the name of Peter Dens. His seven volumes of *Moral and Dogmatic Theology* were reprinted at Dublin in 1832, and used in all the Roman Catholic colleges of Ireland except Maynooth ;⁴ the Maynooth students, as we shall see,

1. I here use the translation of J. Waterworth, dedicated to Cardinal Wiseman, (1848), pp. 56 ff.

2. *Opera* (Cologne, 1633 ff), vol. II, col. 562 ; cf. vol. III, coli. 251 b, 272 c, 279 b, 286 d.

3. See Appendix IX.

4. C. Elliott, *Delineation of Roman Catholicism*, 5th edition, p. 566. This teaching was brought to the notice of Daniel O'Connell in 1836 by the Protestant Association, and he was challenged to defend or repudiate it ; the rambling and pitiful letter with which he tried to shuffle out of this challenge may be read in full in the *Life* by his relative W. Fagan, vol. II (Cork, 1848), pp. 543 ff. Equally significant was the attitude of Bishop Doyle. His biographer assures us that, on his copy of Dens's *Theology*, he made marginal notes "of the same enlightened and progressive character. To the question "An haeretici recte puniantur morte" [are heretics rightly punished with death], Dens answers in the affirmative ; but Dr. Doyle writes, "shockingly false." ["Life Times, and Correspondence of Dr. D." by W. J. Fitzpatrick. Dublin, Duffy, 1861, vol. II, p. 204]. But Doyle never said this publicly, so far as I am aware ; and what can be more dangerous to the public than that the majority of an episcopate should prescribe, while no more enlightened bishop

had another source from which to imbibe similar doctrines. We find in Dens (vol. II, p. 289) : " Heretics, Schismatics, Apostates and all similar baptized folk are bound by those laws of the Church which concern them ; for by Baptism they became subjects of the Church . . . and they remain personally subject to the Church, wheresoever they may be." And on p. 89 he agrees with Aquinas that heretics are rightly punished by death. On p. 84 he has defined formal heresy as " pertinacious error in faith of a man who professes Christianity . . . We say *who professes Christianity*, to distinguish from Judaism and Paganism." *Pertinacity* he defines as " when a man knowingly and voluntarily resists the truth of the Faith sufficiently put before him." For instance, he stigmatizes as formal heresy the unwillingness of the majority of the Dutch people to believe in the Roman Church.¹ He thus clearly recognizes the case of the heretic-born : yet he equally clearly declines to class him among those with whom the Church is not concerned, as Jews and Pagans.

In 1873, Pope Pius IX appealed to this same principle in his dispute with the German Emperor, and claimed all baptized folk in Germany as his subjects.² Therefore, in the face of all the preceding pronouncements, de Luca could scarcely have escaped his ghastly conclusions by any feat of mental gymnastics, even if he had been so inclined. This distinguished Jesuit published, in 1901, two closely-printed volumes called *Institutiones Juris Ecclesiastici Publici*. He was Professor of Canon Law at the Gregorian University of Rome ; where his book was published by a semi-official firm, with a long letter of personal praise from Leo XIII.³ His plan compelled him to deal exhaustively with this subject ; he was therefore unable to slur over difficulties in a brief foot-note like Father Rickaby's ; he had to face the full facts ; and, as a learned specialist, he did know the facts which Frs. Rickaby and Walker ignore. Coming to the subject of heresy, de Luca begins with a clear and scientific definition : " We understand under the name of heretics those who, whereas they have been duly baptized, adhere with pertinacity to any error concerning the Faith ; wherefore, by reason of such defection, they have become alien to the Church. When once we have laid down this notion, the power of the Church over them is easily determined." And again " Heretics are bound *per se* by the laws of the Church. For there remains in them the foundation of subjection, that is, the baptismal character, since through baptism everyone, whosoever he may be, is committed to the ecclesiastical power as a sheep to his shepherd."⁴

From this, which is strictly in accord with Aquinas and all subsequent

dares publicly to repudiate, a moral teaching which can be thus stigmatized in the privacy of the closet ?

1. False belief on any point defined by the Roman Church makes a man a *material* heretic ; pertinacity makes him a *formal* heretic, without farther excuse, and therefore subject to all her penal laws.

2. L. Hahn, *Gesch. d. Kulturkampfes*, 1881, p. 131.

3. J. Pustet, *Libreria Pontificia*, Rome Ratisbon and New York. For the attempts to minimise official responsibility for this book see Appendix VI.

4. *Diss. Jur. Eccl.*, vol. 1, pp.258 ff. These sentences are taken verbatim from de Luca's predecessor in the Roman chair of Canon Law, Cardinal Tarquini, S.J.

orthodox theory, de Luca draws the inevitable conclusions. I have given them more fully elsewhere, and may summarize very briefly here.¹ "The Church is a perfect Society" in the Aristotelian sense. Therefore "the right of the sword is a necessary and effective means to the attainment of its ends." "The Church of Christ possesses the right of inflicting bodily penalties, even death." And "to this penalty [of death] not only those are subject who, after the age of reason, have fallen away from the Faith, but also those who, once baptized and growing up in heresy, defend pertinaciously that which they have sucked in with their mothers' milk." In support of these propositions he brings overwhelming arguments from Papal decretals, Aquinas, and the great Jesuit theologians of the counter-Reformation. And it is notable that he, like them, interprets the decree of Lucius III (*Ad Abolendam*) and Innocent's 3rd Lateran canon (*Excommunicamus*), and Aquinas, in their cruellest sense. Undertaking to demonstrate the justice of the death-penalty by "proof from the authority of doctors," he assumes that death is intended by Lucius's phrase "let him be handed over to the secular arm, to be punished with the chastisement which is his due." And, again, proceeding to clinch this still farther, he adduces in its support *the very passage from Aquinas which Frs. Rickaby and Walker attempt to interpret in defence of this theory of immunity for the heretic-born!* Hence de Luca passes on to confirm Church theory by illustrations from the Church's practice: "The acts of the Church and its teaching prove the Right of the Sword." Here he quotes Innocent's 3rd Lateran canon, actually italicizing the phrase *exterminate the heretics* in proof of his cruel proposition.²

He is able, therefore, to quote with hearty approval the contention of the Blessed Robert Bellarmine, published at a time when half Europe was in revolt against Rome, and therefore when most of these heretics had been born in heresy. I here reproduce de Luca's italics and capitals. "Experience teaches that there is no other remedy; for *the Church has gradually gone forward*, and has tried every remedy; *first she did but excommunicate; then she added a pecuniary fine; then exile; AT LAST SHE WAS COMPELLED TO COME TO DEATH*; for heretics scorn excommunication, and call it a cold thunderbolt; if you threaten a fine, they neither fear God nor regard man, knowing that there will be no lack of fools to believe in them and to support them; if you shut them in prison or send them into exile they corrupt their neighbours by speech, or distant folk by books; **THEREFORE THE ONLY REMEDY IS TO SEND THEM WITHOUT DELAY TO THEIR OWN PLACE.**"³ These orthodox and authori-

1. *Christ, St. Francis and To-Day* (Camb. Univ. Press, 1919), pp. 192 ff, and *Medieval Studies*, No. 17. Far fuller extracts are given by Dr. C. H. H. Wright in appendix III to *Daniel and its Critics* (Williams and Norgate, 1906); this appendix was reprinted in the same year by C. J. Thynne as a pamphlet, under the title of *The Persecution of Heretics*. The quotations in my text may be verified from pp. 140 ff and 258 ff of de Luca's first volume.

2. Bellarmine also understood both Lucius III and Innocent III to have proclaimed the death penalty; see his *De Laicis* lib. III, c. 21. (*Opera*, Cologne, 1620, vol. IV, col. 556 d.)

3. De Luca, I, 143, from Bellarmine, *De Laicis* lib. III, c. 21. (*Opera*, Cologne, 1620, vol. IV, col. 558.)

tative writings cannot be explained away. We may laugh at the practical impotence of such men as de Luca ; but it is they who uphold the only orthodox and consistent principle ; and their opponents are " modernists," attempting to reconcile themselves with the spirit of the age by subterfuges which, in Innocent's day, would have sent them to the stake. When they argue that the ordinary Protestant counts as a Jew or a Pagan for disciplinary purposes, they not only bring themselves directly under that anathema of the Council of Trent, but stultify the whole position of their Church. If religious truth be, as Roman orthodoxy asserts, a thing that can be stated in formulas ; again, if an eternity of bliss or of horror depends on an acceptance of these formulas ; if, in short, there is any real meaning in " *extra ecclesiam nulla salus*," then it is the duty and the privilege of the orthodox to get rid of all who, by contradicting these orthodox formulas, are leading souls to hell. Among really orthodox statements of the Roman Catholic position—as apart from these superficial modernist apologetics for which St. Thomas would have felt greater indignation and contempt than for the open unbelief of a Protestant—it would be difficult to find one more logical and moderate than that of the distinguished Jesuit professor Granderath, in the most learned of modern Roman Catholic encyclopedias, Herder's *Kirchenlexicon*.¹ All men (he argues) are bound to believe (Mark xvi, 16) ; therefore unbelief is a crime. The infallible Roman Church possesses *the* true belief, and divine coercive authority ; therefore she " has not only the right and duty of punishing heretics, but even, by so doing, she earns the highest merit in the sphere of supernatural blessings. . . . Without the power of punishment, the Church would stand helpless face to face with heresy, as the Protestant communities do ; and she, like them, would dissolve into a thousand sects." Later, it is true, Granderath denounces as an ignoble slander the suggestion that if Roman Catholics gained power again, they would " compel men who have been brought up in Protestantism to exchange for Catholicism the religion which they have inherited." But, whereas the *principle* of persecution is defended by Granderath with every reinforcement of logic, and is deduced by a chain of reasoning which it is impossible to break except by repudiating the doctrine of Infallibility, yet this charitable preaching as to *practice* is commended to us as an act of faith ; our logical Jesuit has here no logic to bring in its support. Indeed, his one attempt to reinforce it leads him into a misstatement of fact so gross that it is difficult to ascribe it to the same pen which has reproduced the theoretical teaching of the great Romanist theologians so accurately and so completely. " Even against those who are regarded as grievously sinful on account of their personal apostasy from the Church, she has for centuries past not employed *or approved* any temporal punishments but those which (as for instance banishment) seemed necessary for defence against contamination ; those very causes and circumstances have disappeared which, in earlier times, made even such punishments necessary and

1. Vol. v, coll. 1446 ff, article *Häresie*. The Anglo-American Catholic Encyclopedia, in its article on Granderath, says " his name will live for ever among scholars."

efficacious. (Compare Döllinger, *Kirche und Kirchen*, 86 ff ; Scheeben. *Period. Bl.* III, 1871, 59 ff)."¹

Quite apart from the falsity of the words which I have italicized, it will be noted that we are here asked, upon Granderath's bare word, to accept a startling paradox. What circumstances have really changed since the days when popes and saints insisted on the stake, except that the Roman Church now lacks power? When Leo X, in 1520, proclaimed solemnly to the whole world (and therefore *ex cathedra*) how utterly he rejected, as a damnable error, Luther's proposition that "it was against the will of the Holy Ghost that heretics should be burned," what argument did he ignore among all those by which Granderath proves the Church's right to defend herself against heresy by temporal punishment?² When, a century later, the great Jesuit Suarez swept away all the arguments by which the heretic-born James VI of Scotland and I of England tried to argue that Rome had no coercive power over him, he relied then upon exactly the same arguments which Granderath repeats in our day.³ If Rome came again into power, what Romanist would be able to find any colourable excuse for refusing to his Church those "highest rewards of supernatural blessings" which are to be earned by punishing heretics? Which of her ancient rights has his Church lost? is she less infallible? less divinely authoritative? less definitely commissioned to command assent to her own creeds? The only essential difference between the modern and the medieval Roman Church is that the latter had a temporal power which the former no longer possesses; and that the man who advised burning of Protestants as a practical policy nowadays would be treated as a lunatic. So long as every sane Romanist sees persecution to be physically impossible, of course Rome will not persecute. But, if once it became practically possible again, on what plea could an orthodox subject refuse obedience to a pope who would speak not only as a commanding prince, but as a theologian who had all the logic on his side? So long as our Granderaths do not frankly abjure their original principles, their tolerance can claim no higher respect than the sexual continence of a centenarian.

If this seems uncharitable, it is in effect what some orthodox Romanists feel. We shall see how a professor holding an official position as distinguished as Granderath's, Father Lépicier, drives the defenders of all but mere opportunist toleration into a hopeless dilemma. History puts it beyond doubt (argues Lépicier) that the Church *has* killed men, and on principle; therefore we must either condemn her as having formerly erred in the domain of morals, or allow her in the future to kill again whenever her Infallibility may judge fit to do so.⁴ Moreover, Lépicier is here in agreement with the general voice of orthodoxy; he differs from many other apologists only in having the courage of his fundamental

1. I have translated this argument much more fully in the appendix to *Medieval Studies*, No. 17.

2. See appendix XVII.

3. See appendix IV.

4. See appendix VII. "Modern Approval of the Death Penalty."

convictions; nothing short of his severe conclusion can be reconciled with orthodox Roman Catholic teaching in the great ages of Roman Catholicism—or, indeed, with propositions still maintained, in other corners of their mind, even by these half-hearted apologists. If indeed the Church alone is in possession of the truth, which can be formulated in a book like the Westminster Penny Catechism; if, again, heresy damns thousands of souls; if the general effect of punishment in body or in goods is so salutary even to the soul of the punished heretic, then it cannot be mercy which restrains modern Rome from force; it must be either mere policy, or sloth, or cowardice. Whatever may have been the changes of worldly circumstance to which Granderath attributes the change of Roman policy, these cannot have affected fundamental Christian principles. *Salus populi suprema lex*; in the mind of a sincere Christian of Augustine's or Innocent III's faith, no imaginable consideration can override the duty of bringing the greatest number of souls to salvation and of leaving the smallest possible number to perdition. Granderath's reference to Döllinger is either astoundingly ignorant or flatly dishonest; for in 1888, when his words were printed, it was notorious that the civil authorities had offered to Döllinger himself police protection against the violence of orthodox fanatics who would have put him beyond the pale of humanity for maintaining after 1870 (what he and the most learned of orthodox historians had steadily taught before 1870), the Fallibility of the Pope.¹ And the words which I have italicized, on p. 31 again, assert a flat falsehood, of the kind which is so persistently repeated that it can only be met by something like equal persistence of exposure, since the writers who broadcast these misstatements show absolutely no sense of their responsibility for correction, and a public retractation of error by a Roman Catholic writer is a thing almost unheard of. At Maynooth, the chief seminary for the Irish priesthood, the stock biblical commentary in use in the earlier part of last century was that of Menochius, where we read on Matt. xiii, 29 "Christ does not [by this parable of the wheat and the tares] forbid us to get rid of heretics and put them to death; see Maldonatus on this passage."² Maldonatus puts it even more cruelly and explicitly. Similar notes to a Roman Catholic New Testament in English were printed about the same time by an Irish bookseller; they were suppressed as scandalous by the bishops; but, in 1817, when O'Connell proposed at the Catholic Board a committee "to prepare a disavowal of the Rhemish notes," the Board broke up without deciding on any such disavowal.³

1. See Döllinger's own Open Letter to the Papal Nuncio in 1887, when he was 88 years old. "The Archbishop sent me word that I was subject to all the pains decreed in Canon Law against the excommunicate . . . At the same time the Archbishop caused sermons to be preached against me in all the pulpits of Munich; and the effect of these declamations was such that the Chief Constable warned me that attempts on my person were being plotted, and that I should do well never to go out unaccompanied." I have given the story much more fully in *Anglican Essays*, pp. 136-7.

2. The Cambridge University Library has a copy of the edition of Menochius printed at Dublin in 1814 for the use of this seminary, and with the owner's signature: "J. Dowley, St. Patrick's College, Maynooth." (Hib. 4, 814, 9.)

3. R. J. McGhee, *The Nullity of the Government*, etc., London, 1841, pp. 337 ff; W. Fagan, *Life and Times of Daniel O'Connell*, vol. II (1848), p. 546.

Again, *The Rambler*, in the middle of last century, was the ablest of all Roman Catholic periodicals in the English language ; Cardinal Newman thought very highly of it and supported its general policy all through, though he was personally responsible, as editor, for only two numbers. In 1850 Newman wrote to the Editor, J. M. Capes, " I think *The Rambler* is cleverer each number " ; and W. G. Ward, a convert only less distinguished than Newman, wrote in 1861 : " I think *The Rambler* has been *the only publication* which has shown the most distant perception as to the immense intellectual work incumbent upon us [Catholics], in both theology and philosophy." In the eyes of the higher ecclesiastical authorities, its main fault was a tendency to liberalism : it lay constantly under " the necessity of observing silence, and of being warned off the discussion of serious topics " by Cardinal Wiseman and the hierarchy. Against this it protested : " We [Catholics] have to encounter the belief that we are not only crafty and false, but actually afraid of the truth's being known. This belief has to be vanquished, not by an angry denial of its justice, not by taunts, not by *braggadocio*, but by proving our courage by our acts. It is useless to proclaim that history and science are in harmony with our religion, unless we show that we think so by being ourselves foremost in telling the whole truth about the Church and about her enemies."¹ Therefore this journal, in accordance with its policy of stating the plain truth as the only means of converting honest and thoughtful outsiders, confessed frankly (what Bossuet had said in effect long before) : " Catholicism is the most intolerant of creeds. It is intolerance itself, for it is Truth itself." Again, " We are prepared to maintain that it is no more morally *wrong* to put a man to death for heresy than for murder " ; " If the Roman Catholic were lord in the land [of Britain] . . . if it would benefit the cause of Catholicism he would tolerate you ; if expedient he would imprison you, banish you, fine you, possibly he might even hang you." Again the official Jesuit organ in Rome, the *Civiltà Cattolica*, in 1853, extolled the Inquisition as " a sublime spectacle of social perfection." I give full quotations and references in appendix VIII, where the reader will find a series of similar utterances, from orthodox Roman Catholics, down to the year 1910. In the face of these things, which Granderath either knew or ought to have known, why do Roman apologists expect us to swallow their own private disclaimers, unsupported by real evidence, and ruthlessly contradicted by other orthodox writers, often more learned and more logical than themselves ? Why does not some orthodox Roman Catholic of to-day give us, not merely some vague and evasive reassurance which has merely his own private judgement at the back of it,² but a reasoned exposition, meeting and refuting in detail those apparently irrefutable arguments in favour of the death-penalty which saints excogitated, and which Popes accepted for so many centuries ? It would be difficult, if not impossible, to quote a single catholic of mark, between Aquinas and Bellarmine, who even hinted at the immorality of religious executions. So long as heretics

1. F. A. Gasquet, *Lord Acton and his Circle* (1906), pp. xv-xxxiii.

2. Cf. the case of Bishop Doyle in appendix VII.

could safely be killed, it was an uncontested tenet of orthodox Roman Catholicism that they might justly be killed—nay, *must* be killed, if obstinate—and this remained a commonplace until experience began to prove that any policy of reciprocal slaughter would result not in a Catholic but in a non-Catholic victory. It was political experience which first showed the practical folly of Aquinas's doctrine ; and then, as the world grew more civilized in every way, individuals began to grow ashamed of it even on moral grounds ; so that all decent Roman Catholics of to-day, in their inner conscience, repudiate this characteristically Roman doctrine, hallowed though it be by so many centuries of implicit belief, and unretracted by the high authorities who once proclaimed it so loudly. One of the greatest of orthodox apologists, Count de Montalembert, confessed this very plainly before an English public ; “ I grant indeed that the Inquisition in Spain destroyed Protestantism in its germ ; but I defy anyone to prove that it has not given it throughout Europe the support of public opinion and the sympathies of outraged humanity. It has created in both worlds inexhaustible nourishment for impiety, and for the hatred and discredit of Catholicism.”¹ We may compare this with the words of an equally conspicuous Roman Catholic statesman in these islands. Daniel O'Connell said, in a speech of September, 1843 : “ That man who, for the enforcement of his own doctrines, has recourse to the soldier's bayonet or the policeman's staff, affords by his conduct the strongest possible presumptive evidence to show that he has no conscientious conviction of the genuine and intrinsic superiority of the opinions he professes. When he thinks it necessary to have recourse to the soldier, the constable, the executioner, or the gaoler he shows that he has no very strong confidence in the intrinsic superiority of the opinions he professes, and that he suspects they have not truth or reason to support them. I care not who is the man who pursues such a course—I care not who may be the prosecutor, whether Protestant, Catholic, or Presbyterian—in my mind he is no Christian at all.”²

Many individual Romanists, therefore, have tacitly abandoned this inveterate moral error of their Church. Even the official expositors of the faith make a sideways obeisance to the modern conscience. The medieval doctrine has in practice grown impossible ; morally it has grown repulsive ; yet in logic no orthodox Roman Catholic dares formally to face the issue, for the authorities still cling to the principle ; they run with the hare and hunt with the hounds. The really orthodox and consistent mind is the mind of that Roman Catholic writer in *The Spectator* : “ The real reason why religious persecution is unpopular to-day is that nobody is strong enough to persecute.”³ Even though a million years

1. *Contemporary Review*, January, 1875, p. 200.

2. I quote this from a pamphlet where no further reference is given—*The Romanism of Italy*, by Sir Culling Eardley Smith (London, John Snow, 1845), p. 44. *The Times* reports frequent speeches of his during that month in which the words might naturally have occurred, but none is reported in sufficient detail ; the words, however, are in accordance with several of his other utterances ; e.g. W. Fagan's *Life*, vol. 1, pp. 419–20, and R. Dunlop's *D. O'C.*, 1900, pp. 81–3.

3. I do not mean to deny that it would be difficult (as Spurgeon once frankly confessed) to name any religious body which, having the power to persecute, had

had passed without any Roman Catholic persecution in practice, yet this tolerance would still be a mere accident of circumstances ; the moment persecution became opportune, it would become not only permissible but a binding duty upon the orthodox. In so far as that inexorable chain of Aquinas's argument was true for 1250, it would be equally true in God's sight in the year 1,001,250 ; the right to kill heretics would be in abeyance, but it would always be there. If indeed there be no safety for the human soul outside this Roman pale—and I picked up the other day an officially-licensed school-book which asserted this with almost medieval brutality¹—then the Protestant-born writer or teacher may easily be sending more souls to hell than any renegade Catholic, and nothing but expediency can excuse the orthodox for suffering his continued existence. On those moral and religious grounds (let us mentally underline *moral, religious*) which to Innocent and Aquinas seemed fundamental, the impenitent non-Romanist's claim on life rests on the fact that modern civil society protects him, and that his violent death would therefore contribute even more than his continued existence to turn people away from the Roman Church. If we look away from this opportunism, and, if we consider abstract Catholic justice alone, then, so soon as such a person has had the Roman arguments fairly put before him, and has definitely repudiated them, it is not only no sin to take his life, but it is cruelly unfair to society that his poisonous existence should be continued. There can be no more severe condemnation of this materialistic Roman conception of religious truth than the fact that Rome's greatest religious philosopher, Aquinas, builds upon it this argument which leads so inexorably to religious murder. Every link in his reasoning is proof against attack ; our only possible escape from his anti-social conclusions is to repudiate his premises. If the Church is in fact infallible in faith and morals, and if God intends to assign each of us to an eternity of inconceivable bliss or horror mainly on grounds of our belief or disbelief in the things asserted in the Westminster Penny Catechism,² then the cruellest methods of forcing this penny catechism upon us must be also the kindest, provided only that they be effectual. It is purely a question of policy. Fr. Granderath, orthodox as all the first part of his article is, would have been burned three centuries ago for writing, and refusing to retract, those later words in which he appeals to modern sentiment and assures safety to the Protestant-born ; and, if ever the world is to relapse into the comparative ignorance of barbarism of Aquinas's day, men will be burned in the future, in the Church's name, as they were burned in the past.

I have now traced the story briefly from 1198 to 1903, but justice

steadfastly resisted this temptation. But Roman Catholicism is the only religion, as perhaps Bolchevism is the only political creed, which is driven to persecute by the inexorable logic of its own fundamental assumptions. Roman apologists regularly argue " we have the right to apply force, for this is inherent in our principles ; you have no such right, since it is inconsistent with your principles."

1. See appendix VIII. " No salvation outside the Church."

2. See Monsignor R. H. Benson's *The Conventionalists*, pp. 124-5 and 187

demands an epilogue here. In a recent essay I pointed out that this death-punishment still held its ground as an official doctrine in 1901; and I was then under the impression that there had been no change since.¹ Fr. Leslie Walker has corrected me on this point. The new *Codex* of Roman Church law, which was published in 1917 to supersede the old *Corpus Juris Canonici*, contains a sentence to the following effect: "With respect to penalties of which this Codex makes no mention, whether they be spiritual or temporal, medicinal or what are called vindictive, and whether incurred by general law or by judgement of a court, let them be held as abrogated." (Canon No. 6, § 5). Here, then, for the first time in history, we have an official abandonment of temporal penalties against heretics; but *not on principle*; only as a matter of present-day practice. It is true that, since 1917, any Roman Catholic who inflicted upon a Protestant, for religion's sake, anything beyond excommunication or similar spiritual penalties, would be acting in violation of Papal law. Thus, by one stroke of the pen, Benedict XV here silently abolished half the penal legislation of Lucius III, Innocent III, and Gregory IX; but we must face the fact that the present Pope, or any of his successors, could at any moment revive the old penal laws by another stroke of the pen. He would have the modern conscience definitely against him, but he would have equally definite support from centuries of Catholic principle.² For we have seen how clearly this punitive *right* of the Church is still asserted; this relaxation of 1917 has done nothing whatever to abrogate that principle; it simply concedes that the Church will not now do what, as a matter of fact, she is at present quite powerless to do; it is, for practical purposes, like the promise of an octogenarian that he will not attempt to birch his son of forty. There is nothing in this whole new Codex of 1917, so far as I am aware, to suggest anything more than a tardy and not very straightforward change of policy, resting on purely opportunist and temporary grounds. Moreover, the practical insignificance of this new sentence, (except from this opportunist point of view,) is tacitly admitted by *The Catholic Encyclopedia*, on which the orthodox of all English-speaking countries are mainly dependent for their ideas on such subjects. For the article on Heresy in the original edition (as we have seen on pp. 18-20 and in appendix V) asserts the subjection of all baptized to the Pope, abandons no *principle* of persecution, and only grants that, *in practice*, "all the punishments which require the intervention of the secular arm have fallen into abeyance." On the other hand, the two supplements which have been

1. *Anglican Essays* (Macmillan, 1922), p. 115; cf. *Medieval Studies*, no. 17, §§23, 25, 49-51.

2. Even from Fr. Walker; see *Medieval Studies*, no. 17, §§ 156, 166; moreover, Fr. Walker makes no attempt to deny that any Pope could at any moment restore the old rule of persecution (§ 111). This reduces his own private repudiation of the death-penalty (e.g. § 166) to a mere personal opinion, illogical in itself and valueless as an expression of the mind of the Church. The official organ of the Jesuits, the *Civiltà Cattolica*, as recently as 1902, maintained that the doctrine of the coercive power of the Church is *de fide*—i.e. an essential doctrine of Catholic orthodoxy (L. K. Goetz, "Der Ultramontanismus als Weltanschauung," p. 14). It adds, however, that it is unwise to discuss such thorny subjects publicly.

published since 1917 to bring that work up to date contain no hint, so far as I can find, of any important modification introduced into the law by this 6th canon of the new Codex.¹ The Church has done her best to conceal this her tardy concession to the modern conscience.

If it be pleaded that, in fairness, we ought to judge Papal policy less on these strictly legal grounds, and more by the words and deeds of our decent Roman Catholic fellow-citizens, then it must be answered that we press this criticism in justice to decent citizens of all creeds, including Roman Catholics themselves. The inner life of the sincere Roman Catholic, his inward sense of nearness to God and of support from the Sacraments of his Church, would be not hindered but helped by any pronouncement which proclaimed the toleration of non-Romanists not only as a temporary policy but as a religious and moral principle, and which thus knocked the bottom for ever out of the Grandethian argument that Catholics, in punishing others for differences of faith, are the ministers of divine justice; whereas others who should punish Catholics would be guilty of "an intolerable presumption and spiritual tyranny." Nothing short of a relapse into barbarism will ever bring the world back to the idea that religious divergences justify conduct which would not be justified by any other divergences of thought—that a man may punish, in the name of a Christ whose secrets he claims to know infallibly, differences of creed which cannot be shown to have an anti-social tendency, and which are, in most cases, far less anti-social than is this very claim to persecute in the name of exclusive religious truth. Therefore the Papacy can only gain, in the long run, by delaying no longer to confess what it ought to have confessed long ago, and what some day it must confess, or perish. The world tolerates its present claim only with the toleration of contempt; if it were realized in the domain of practical politics, Roman Catholicism would then be classed with Mormonism. Therefore, until some Pope has the courage to proclaim that his Church no longer claims to inflict bodily punishments for religious differences—and until he proclaims this with at least something of that same clearness and emphasis with which the unanimous voice of Rome asserted the contrary for centuries and centuries—until then, the individual Roman Catholic cannot escape the stigma, nor is he really free from something of the guilt, which must attach to all men who render willing obedience to a society constituted upon a principle so profoundly immoral.

For it is idle to plead, as some plead to-day, that Innocent III's canon is purely disciplinary, lying altogether outside the region of faith or morals.² If some traveller discovered, in India, a tribe of men who obediently accepted from their priests the doctrine that it was right to kill others for religious differences, then we should have no hesitation in describing this as an article of their creed. Again, few questions in morals can be more important than the question of tolerance or perse-

1. See appendix X. "The New Codex."

2. See appendix I.

cution.¹ This modern attempt to remove the burning of heretics from the domain of faith and morals is, in itself, a strong implication that the past attitude of the Church cannot in any other way be defended. Here, again, all good Roman Catholics have a direct interest in the abandonment of indefensible positions. Fr. Walker himself would have strong personal reasons to welcome such a pronouncement, which would rescue him at once from his present false position. He is at present where the whole episcopate of Ireland stood in 1826, when, pleading for reconciliation with the British conscience, they repudiated the doctrine of Papal Infallibility.² He is where Dr. Keenan stood, who in a *Controversial Catechism* published by Roman episcopal authority, denounced the doctrine of Papal Infallibility as "a Protestant invention,"³ designed to discredit the Church. He is in the same false position as dozens of even better-known theologians who live under a régime where, (as the General of the Jesuits wrote to Fr. Tyrrell), a man or a society must change its whole *ratio agendi* to-morrow if so required by the higher authorities.⁴ If the next Pope were to delete that single sentence of canon 6 from the 1917 Codex (a thing which could be done with the minimum of fuss, delay, or formality), then Fr. Walker would have only himself to thank for a very difficult moral and intellectual position. If he protested that this one stroke of the pen had reduced all his confident assertions to absurdity, then his superiors would ask him very pertinently why he had undertaken to re-assure the public on a most important question of Canon Law and morals in the teeth of all of the greatest specialists of his Church for many centuries, and of some among the greatest even in modern times? A clear *ex cathedra* repudiation of the principle of persecution would save him from a very terrible contingency.

PART III.

EPILOGUE.

BEFORE it was possible to complete this essay for the press, an event has occurred which gives special significance to the whole question; I refer to the Archbishop of Canterbury's Letter on Reunion, addressed to all the Archbishops and Metropolitans of the Anglican Communion. The long paragraph on the Roman Church is of peculiar interest. There have (it appears) been two carefully-prepared and semi-official meetings for

1. A glance at the table of contents of any authoritative Roman Catholic "manual of moral theology" will show the enormous extension given to this term *moral*; there is scarcely any important function of daily life which is excluded. It is notorious that even voting at a political election has often been treated as a question of morals by the Church. Compare J. F. v. Schulte, "Ueber Kirchenstrafen," Berlin, 1872, p. 26.

2. See appendix XI. "The Irish Episcopate on Infallibility."

3. R. F. Littledale, *Plain Reasons*. Last Edition (1919), p. 199.

4. "Autobiography and Life of George Tyrrell," by M. D. Petre, London, 1912, vol. II, p. 460; cf. 478.

discussion under the roof of Cardinal Mercier at Malines, between three Anglican and three Roman representatives; these were followed by a third in which the numbers on both sides were increased to five. We may well believe that good will come, in the long run, from friendly discussions under these conditions. Of the Anglicans, two are men who combine real learning and penetration with unquestioned moral and religious earnestness—Dr. Gore, lately Bishop of Oxford, and Dr. Frere, now Bishop of Truro. To those two therefore, and to the Archbishop, it would seem worth while to make a direct appeal.

The Roman Church claims—it is her boast that she claims—what no other body has ever claimed in this world. Therefore, is it either prudent from the business point of view, or commendable in Christian charity, to conduct even the most informal discussions without primary, direct and continual reference to this fact? Is it even polite, in the worldliest sense, to ignore what the Roman Catholics claim as fundamental? Would Christ and His Apostles have detected charity, or only pusillanimity, in the temporary avoidance of an issue which, in the long run, cannot be avoided, since it is upon this that everything rests? Is it true Christianity, or is it only some measure of that “apathy or sheer timidity” in which the Archbishop rightly sees an enemy to final understanding among Christians, which induces a body of negotiators to take even one single step until this fundamental difference between Roman Catholicism and all other institutions has been removed, either by a clear disclaimer on the Roman or by obedient acceptance on the Anglican side? Just two centuries ago, a contrast was drawn between the open resistance of Anglicanism to Roman claims for supremacy, and the attitude of these Gallicans who, while professing obedience in faith to the Pope, repudiated many of his disciplinary decrees. Archbishop Wake then wrote, in words which may well be pondered to-day: “In earnest, I think we [Anglicans] treat his Holiness not only with more sincerity but more respect than they [the Gallicans].”¹ And, a century later, when the Roman Catholic Bishop Doyle made advances to Anglicanism, he was very justly answered by an Irish vicar: “The Pope of Rome cannot, without the annihilation of the Popedom, abandon the claim of spiritual supremacy; and the Church of England owes it to the Catholic Church and to herself, to maintain ‘the liberty with which Christ has made her free.’”²

During at least seven centuries, Rome has consistently asserted, *on principle*, a disciplinary and punitive power over all baptized Christians. She only ceased to assert this *in practice* when she found herself deprived of the necessary physical force. In so far as the claim was legally abandoned in 1917, this was only by a sort of Declaration of Indulgence which might be revoked to-morrow. Moreover, this declaration is quite illogical, since even those Roman Catholics who, like Fr. Walker, have set themselves to work for Reunion, still maintain the fundamental propositions which, developed logically by a genius like Aquinas, end inevitably in a

1. For fuller quotation, *see* appendix XII; and for Bp. Doyle's advances, *see* appendix XIII.

2. J. E. Jackson, “The two main questions,” etc., Dublin, 1825, p. 37.

justification of religious persecution. Granderath has all the Popes and Saints of the past behind him when he argues "Our creed grants us the right of doing to you that which, if you did it to us, would be an intolerable usurpation and spiritual tyranny." It is only when he tries to bridge the gulf thus created between Roman Catholicism and modern civilization that he breaks loose from orthodox tradition and from logic, and substitutes his own private judgement for the consensus of great theologians. The official Roman Church, except for this Declaration of Indulgence revocable at any moment, has shown no sign of repenting that which Gregory IX proclaimed in 1231, which was formally enregistered in the *Corpus Juris Canonici*, which was steadily and vigorously defended against Protestant objectors by the Blessed Robert Bellarmine, and which was publicly repeated and printed (twice with commendatory papal letters) by professors at the Gregorian University of Rome in 1875, 1901, and 1910. If these irreligious and immoral doctrines have been really and finally abandoned at headquarters, then let them be formally and finally renounced, in language which can leave no room for suspicion. Until this is done, the Anglican emissaries are doing a work to which St. Paul would never have stooped. It was in his fight against a less unchristian doctrine than this, and face to face with a more authoritative champion of that false doctrine, that St. Paul wrote "I withstood him to his face, because he was to be blamed." And, if the present Pope is worthy to sit upon the throne which has been occupied in the past by real leaders of European civilization, he will be less placated than disgusted by Anglican overtures which ignore what every Anglican prelate ought to know and what those who know can have no moral right to wink at for the sake of smoothing over other less fundamental differences. If the Anglican Church is determined seriously to negotiate with a Church which salaried teachers like de Luca and Lépicier, which sends forth their books with official testimonials, and which has not the moral courage to renounce her own immoral claims of the Middle Ages, then Anglicanism must lose the support and sympathy not only of all educated and thoughtful Nonconformists, but of thousands within its own fold.

I have written, *what every Anglican prelate ought to know*; yet such has been the conspiracy of silence on these points that even Drs. Gore and Frere, for all their wide reading, may well have failed to realize how definitely Rome is still pledged to principles against which that single clause in the reformed Codex of 1917 offers only a flimsy and temporary protection. Church history has suffered for many generations from the unreality natural to teachers who, however laborious and sincere, are professionally obliged to work under definite doctrinal limitations. We need only ask ourselves what would have happened in science if nearly all the official teachers—and perhaps all, more or less—had been professionally bound, for many generations, to keep within definite limits prescribed by earlier centuries. We may almost repeat in 1924 what Newman wrote in 1845: "It is melancholy to say it, but the chief, perhaps the only English writer who has any claim to be considered an ecclesiastical historian, is the infidel Gibbon."¹ Meanwhile, all that can

1. *Essay on Development*. Introd., p. 5.

be done is to combat error in detail, and to work out single points with full references to original authorities, and with full opportunity for hostile contradiction. Mistakes will still be made ; but all serious and permanent mistakes may thus be avoided.

If, therefore, all that I have here asserted is substantially correct, then the general public will realize its significance. Every Christian Church stands definitely on its trial to-day : to each, without exception, thoughtful laymen are saying more and more insistently : " Because thou knewest not the time of thy visitation ! " In proportion as the clergy of any denomination occupy themselves with unrealities in a real world, in that same proportion are they working for a doomed cause. And, in proportion as untenable medieval beliefs are only huddled into cupboards and not frankly cast away, in that same proportion the creed must gradually lose its hold upon thinking people, and reduce itself finally to two social elements—a priesthood living a double mental life, and an ignorant subservient multitude. Cardinal Mercier knows, better than most men, how difficult it is in Belgium to be even a political Liberal—let alone a Socialist—and yet to remain a Catholic. What saves this country of ours from such violent anti-clericalism is the comparative insignificance of clericalism. " Catholicism is intolerance itself, because it is Truth itself " : " Heresy is really a crime." So long as these sentiments are not disavowed at the very fountain head, and so long as that logical chain is not officially broken which binds the obedient Roman Catholic to such conclusions as these, it is difficult to justify any overtures towards corporate reunion with Rome except by pleading that its promoters have never realized exactly where they stand. The English episcopate were very badly handicapped by ignorance of history during the debates on Catholic Emancipation a century ago ; there, it led them to a rather blind resistance ; here, perhaps, to an almost equally blind advance.

The orthodox doctrine, as formulated by St. Thomas Aquinas and confirmed and elaborated by later Dominicans and by Jesuits like the Blessed Robert Bellarmine and Suarez, runs as follows :—

1. All baptized Christians are, *ipso facto*, subjects of the Roman Catholic Church.
2. That Church is " a Perfect Society " in the medieval philosophical sense.
3. Therefore she has full rights of coercion and punishment over all her subjects.
4. Not only of spiritual punishment, such as excommunication, but also corporal punishment.
5. Not excluding the extreme penalty of death.
6. Heresy—*formal* as apart from mere *material* heresy—is a crime.
7. And therefore punishable in proportion to its sinfulness and to the damage it causes.
8. *Formal* heretics are all who, not being invincibly ignorant (or practically, in other words, intellectual deficients) refuse pertinaciously to accept the Roman Catholic faith when put before them.
9. It is not for the individual to judge the point at which this refusal becomes pertinacious, nor for the state, nor for society in general : the sole judge here is the Roman Catholic Church.

In reliance on this chain of argument, and on the great men who made it, those three modern Roman professors have officially preached the Church's right to inflict death for heresy, and received public letters of warm commendation from Leo XIII and Pius X. Which of those nine links would Cardinal Mercier himself dare to break, by proclaiming publicly to his flock: "It is false that . . ." The most that has yet been done is that, since 1910, Fr. Vermersch tried to contradict the defunct de Luca and the possibly defunct Lépicié, not by meeting their arguments openly and directly, but in a book which reflects great discredit upon his own literary honesty, and on the judgement of those who treat it as an authoritative work.¹

This is the real situation which our Malines negotiators have to face; and it is impossible to warn them in stronger or more impressive language than that which has already been employed by the greatest of all English-speaking Roman Catholic writers since Newman—Lord Acton, who claimed that his religion was dearer to him than his life, and who, on testimony which in this matter is unimpeachable, retained even after the Vatican Council as much orthodoxy as was compatible with his vast historical learning. After pointing out that, in seventeenth-century Rome, "the murder of a heretic was not only permitted but rewarded, that it was a virtuous deed to slaughter Protestant men and women until they were all exterminated," he adds: "To keep these abominations out of sight is the same offence as to describe the Revolution without the guillotine. The reader knows no more than old Caspar what it was all about." And again: "The principle of the Inquisition is murderous, and a man's opinion of the papacy is regulated and determined by his opinion about religious assassination. If he honestly looks on it as an abomination, he can only accept the Primacy with a drawback, with precaution, suspicion, and aversion for its acts. If he accepts the Primacy with confidence, admiration, unconditional obedience, he must have made terms with murder."

Why, then, among all the distinguished British historians of modern times,² was it left to this earnest Roman Catholic to write so plainly about the easily-ascertainable claims of the Papacy? Mainly, perhaps, because three centuries of British freedom have bred a certain contemptuous generosity; certainly the silence of British historians has had its generous side, of which the country may well be proud. But there has been a meaner side also. It is partly because, as Acton said in his own inaugural lecture at Cambridge, "*the weight of opinion is against me* when I exhort you never to debase the moral currency or to lower the standard of rectitude, but to try others by the final maxim that governs your own lives, and to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong." The words which I have italicized are perhaps as true to-day as they were when Acton uttered them. It can scarcely be said that present historians are less nervously anxious than their predecessors to avoid that attitude which,

1. See appendix XV.

2. See full extracts in appendix XII.

partly through its own fault, bears now a stigma of ecclesiastical and social vulgarity ; most of them would rather be convicted of describing the Revolution without the guillotine than be suspected of trying to write up Protestantism. Therefore, to the plain question with which this pamphlet began, two more may be added here which follow naturally from it.

1. Does the Pope know what has been the usual teaching and practice of his predecessors with regard to the temporal punishment of heresy ? and, if so, why can he not, once for all, abjure it as clearly as O'Connell and the Irish Episcopate did when they were beseeching toleration for themselves ?¹

2. Do the Archbishop of Canterbury and his informal negotiators know what doctrines were officially taught on his subject by Roman professors as lately as 1910 ? and, if so, are they still willing to make a pact with any institution which has not had the courage to abjure such abominations ? For, (let us bear in mind,) it is not *individuals* who are here concerned, but *institutions*. Towards the individual Roman Catholic our duty is clear. Not only, when chance brings us together, must we try to be friends, but charity demands something more positive than this. We must recognize him as inheriting a great tradition ; he displays certain qualities which we may well study and imitate, (even while we hold our own to be in general the better way,) and therefore he is necessary, in a sense, to our own salvation ; since no ideal can be even remotely realized so long as idealists pull apart instead of pulling together. Therefore, from the point of view of individual charity, the Archbishop and his Louvain negotiators have done well to remind us that something more is needed than mere negative tolerance between Anglicanism and Roman Catholicism. But the problem of the *institution* is quite different. An institution must be founded on certain principles and expressed in certain laws ; hitherto, it is rather Protestants who have erred in ignoring or minimizing this fact. It is the more disquieting, therefore, that leaders of the High Church should now ignore it, that these five, without really representing the Anglican Church, should to some extent compromise their Church by negotiations which are meaningless unless the envoys possess at least semi-official letters of credence ; and that they should thus come perilously near to putting their own private judgement in the place of corporate loyalty to the body from which they hold their priestly or episcopal commissions ; a loyalty which even their adversaries have hitherto respected. It is Christian charity not only not to avoid the individual German and the individual Bolchevik, but even to seek him out, to take the first step towards friendship—or the seventh step, or unto seventy times seven, as though the Great War had never been fought and the Red Terror never existed. Again, it is good common-sense to seek a *modus vivendi* in trade and other practical matters with Bolchevik Russia. But there would be neither charity nor common-sense in a negotiation having for its aim a corporate union of present-day Britain and Russia under one single constitution, one single code of laws, and one

1. See appendix XIII. "Irish Pleas for Emancipation."

common bond of citizenship, until Russia has either finally and unequivocally repudiated her principle of class-dictatorship, or until Britain has come definitely round to an acceptance of that principle. Everybody would recognize the absurdity of talking about a constitutional union between Russia and Britain so long as Krylenko can be even theoretically right in crying out to the Archbishop: "There is no law but the Soviet law; and by that law you must die." If the community does not recognize a similar absurdity in these present negotiations, (except so far as they connote friendly intercourse between two groups, and a friendly tendency on the Roman side to repudiate past claims that have now become impossible of fulfilment), it is simply because it is ignorant of Roman theology as it really stands, or contemptuously indifferent to the whole affair. If our five negotiators, who would see no Christian charity in reunion with Moscow, are content to go forward at Malines, is not this due to an ignorance none the less fatal because it is so unconscious? Are they not still blind to the impossibilities that would rise up before them as soon as it came to any serious question of outward reunion? And, in days when it is possible for scholars and devoted idealists like Drs. Gore and Frere to live in ignorance of these things, is it not well that the general public should now and then have an opportunity of facing the real facts, and that our representatives should realize their own moral responsibility, if the facts be as I have stated them?

APPENDICES.

APPENDIX I.

CANONS OF FAITH AND CANONS OF DISCIPLINE.

It will be seen that the best Roman Catholic authorities have understood this third canon of the Lateran Council as implying the death-penalty; but it is necessary to deal here with another line of defence. Modern apologists generally attempt to avoid the present-day implications of this decree by drawing a distinction between *canons of faith* and *canons of discipline*, the first of which are eternal, while the latter are only temporary; thus, the canon *Excommunicamus* is now obsolete.

The Middle Ages knew no such clear distinction. In practice, men were burned as heretics for repudiating a papal decree which commanded them to obey their superiors' commands as to the clothes they wore—as pure matter of discipline, it might be thought, as could well be imagined; (*see* postscript to this Appendix). Again, Lyndwood, the greatest of English medieval Canon Lawyers, devotes a paragraph to the definition of *canon*, *decretal*, and similar terms, yet hints at no difference between canons of faith and discipline (ed. Oxon. 1679, p. 272, a). Moreover, he quotes with approval Archbishop Arundel's decree of 1408 that all are heretics who misinterpret or question "things determined by the Church, namely in Decrees, Decretals, or our own Provincial Constitutions"; and, in his note, he speaks of "canons of the Councils" without any attempt to distinguish between canons which it is heretical to deny, and canons which can be denied without heresy (*ibid.* 297. a). Nor did other medieval lawyers make any clear distinction between these two classes of canons; the modern public seldom realizes how haphazard a great deal of medieval church legislation was. Moreover, even when the Council of Trent tried to distinguish, these fathers made no attempt to remedy past confusion, and were not very successful even in questions of their own day. *The Catholic Encyclopedia*, following the great historical collections of Maassen and Schulte, says: "Decisions referring to dogmas were called in the East *διαρτυώσεις* (constitutions, statutes); those concerned with discipline were called *κανόνες* (canons, rules), often with the addition of *τῆς ἐνταξίας* (of discipline, or good order). . . . In the West no careful distinction of terms was observed; *canones* and *decreta* signify both dogmatic and disciplinary decisions. The Council of Trent styled its disciplinary edicts *decreta de reformatione*; its dogmatic definitions *decreta*, without qualification, where they positively assert the points of faith then in dispute, and *canones* when, in imitation of the ancient anathematisms, they imposed an *anathema sit* on those that refused assent to the defined propositions. An opinion, too absurd to require refutation, pretends that only these latter canons (with the attached anathemas) contain the peremptory judgment of the council

demanding unquestioned submission. Equally absurd is the opinion, sometimes recklessly advanced, that the Tridentine *capita* are no more than explanations of the *canones*, not proper definitions; the Council itself, at the beginning and end of each chapter, declares them to contain the rule of faith." (Vol. IV, p. 434).

But in about 1550, a clear definition was at last attempted by Bishop Melchior Cano, one of the greatest scholars his Church has ever had.¹ In his *De Locis Theologicis*, Bk. 5, chap. 5, he undertakes to distinguish between canons of faith and canons of discipline. He gives four different notes by which the one can be separated from the other: *viz.* (1) If those who assert the contrary are adjudged to be heretics, (2) if an anathema is pronounced on all who hold otherwise, (3) if dissentients are pronounced *ipso facto* excommunicate, and (4) "if anything is expressly and specifically pronounced as a thing to be firmly believed by the faithful, or to be accepted as a dogma of Catholic faith." Any one of these four conditions, he argues, marks the decree of a Council as a decree not merely of discipline, but of faith. Yet he is obliged at once to whittle down the first two of these criteria. Though he chooses as his example of the first criterion the first canon of the 4th Lateran Council, yet he is compelled to decide that this canon contains some important things which are *not* of faith. Here then, at the very start, we are confronted with a document which is partly a canon of faith, yet is not wholly a canon of faith. Later, as examples of his third criterion, Cano quotes three cases. One, from the Council of Trent, he is compelled to qualify as he did with number one: though it bears what Cano specifies as the true hall-mark, yet only in parts is it really a canon of faith. Another of these three cases is still more instructive, for here Cano definitely singles out the canon *Ad abolendam* as a hall-marked example of a canon of faith. Yet *Ad abolendam* is no less exclusively concerned with mere matters of discipline over heretics than is that 3rd Lateran decree which, according to Fr. Walker, no educated theologian would dream of classing among canons of faith. In order to show the confusion of thought in the Roman Church on this fundamental subject, I print *Ad abolendam* here. The reader may thus see how there was no attempt at a clear-cut distinction until after the Reformation, and how even authoritative post-Reformation theologians fail when they grapple seriously with the task. I believe it may safely be affirmed that there was no attempt to rule out this 3rd Lateran canon on the ground of its being a mere canon of discipline, until the days when the Church found that she had no longer power to enforce it, and that she was losing influence by her apparent claim to enforce it. Then, her practical policy changing under pressure of necessity, she tried to put herself right with the modern conscience by quietly thrusting this skeleton into a cupboard. This comes out very clearly in the examination of Abp. Murray and Bp. Doyle before the committee on Catholic Claims in 1825.² Abp. Murray fell back on the question of practice. In reply to

1. "Cano made an imperishable name for himself in his work 'De Locis Theologicis.' . . . It certainly ranks with the most lauded productions of the Renaissance, not only on account of its fluency and freedom, but also for its lucid judgment and profound erudition. In the estimation of some critics this work, making a new epoch in the history of theology, has made its author worthy of a place next St. Thomas Aquinas" (Cath. Encyc., vol. III, p. 252). Herder's *Kirchenlexikon* calls the *De Locis* "his epoch-making work" (vol. II, col. 1810).

2. Long extracts are given in R. J. McGhee's *Nullity of the Government, etc.*, 2nd ed., London, 1841, pp. 108 ff.

the question "Have they [the Lateran Canons] ever been repealed, rescinded, denied, or in any manner condemned?" he said: "They were repealed by the fact that they are no longer in existence; they regarded a particular case and passed away when that case ceased."¹ Yet this is false to his own theologians; the fact is (as we shall see) that there had then probably been no generation since 1215, and there has been none since Dr. Murray spoke, in which some churchman as distinguished as himself has not assumed the continual validity of these Lateran canons in principle, while admitting their practical impossibility of enforcement in society as at present constituted.

But, while failing to supply a clear distinction which would decide between the Lateran canons,² the two prelates tried to cut the knot as Fr. Walker cuts it, by assuming a self-evident difference which no orthodox Roman Catholic could fail to recognize in a moment. This kind of statement, after all, can be tested by experience; I have therefore appealed to the rector of a large and educated Roman Catholic congregation, confronted him with Fr. Walker's assertion and my own doubts, and asked him to commit himself to some clear criterion by which a reader may say confidently "*this* is a canon of faith, and *that* a canon of discipline." He answered as I expected: "I know of no other criterion than the substance of the decree or canon itself, from which, like Fr. Walker I should have thought it would always be obvious as to whether the canon were dealing with faith or discipline—whether it was laying down that I am to make a certain profession subject to an anathema, or that I am to follow or avoid a course of action."

So far is this vague answer from satisfying the conditions, that it leaves Fr. Walker in direct conflict, and me in happy agreement, with Melchior Cano, probably the greatest theologian who has attempted to formulate a scientific distinction. Fr. Walker would repudiate *Ad abolendam* as purely disciplinary; I should contend that, the Roman Catholic faith being what it is, these disciplinary matters are matters of faith also, as Pope John XXII's judges and as Abp. Arundel understood them to be; and Cano decides definitely for me.

To sum up, therefore, the bull of Pius IV pledges all converts to swear on the Gospels "I receive unhesitatingly all things handed down, defined and declared by the sacred canons and ecumenical councils."³ No exception whatever is here hinted at; yet we are now told that sweeping exceptions must be made; and the people who insist on thus cutting out more than half of the canons of the general councils are powerless to formulate a sure criterion by which one is taken and another is left. Pleas of this kind reduce papal legislation to absurdity; the meanest village club in modern England would scarcely draw up its rules in this

1. Quoted in McGhee *l.c.*, pp. 113-5.

2. *The Catholic Encyclopedia*, giving a summary of these seventy canons, makes no attempt to distinguish; vol. ix, p. 18.

3. We must reject Fr. Walker's excuse that English converts have in fact a somewhat different form of words put before them (*Medieval Studies*, no. 17, § 150). *The Catholic Encyclopedia* says "The abjuration or profession of faith here prescribed [for the reception of converts] is the Creed of Pius IV, translated into the vernacular." Therefore, if the English "translation" actually used conveys a sense differing sensibly from the actual Latin creed of Pius IV, then a deliberate deception is being practised. If, on the other hand, it be maintained that the English version is meant to be correct, then we must necessarily interpret it by the plain sense of the Latin which it professes correctly to represent.

blundering fashion. The farther we follow any Roman apologist, the more serious variations do we find in this Church which has won most of its converts by exposing the variations of others.

THE DECREE AD ABOLENDAM.

(Lucius III, A.D. 1184) which, according to Melchior Cano, is hall-marked as a decree of faith, and not merely of discipline (*Loc. Com.*, l. v, c. v; ed. 1605, p. 272; ed. 1785, vol. 1, p. 358). The decree is embodied in Canon Law, *Decret. Greg.* l. v, tit. vii, c. 9, from which I here translate:—

“ All those who, concerning the Sacrament of our Lord Jesus Christ’s Body and Blood, or baptism, or the confession of sins, or matrimony or the other Sacraments of the Church, fear not to think or teach otherwise than the holy Roman Church preacheth and observeth—and generally whomsoever the said Roman Church, or the separate Bishops in their dioceses with the counsel of their clergy, or the clergy themselves, when the see is vacant, with the counsel (if this be proper) of the neighbouring Bishops—we bind with the chain of perpetual anathema. None the less do we decree by this present ordinance, that whosoever be manifestly caught in heresy, if he be a cleric, or darkened over with any shadow of religion, he shall be stripped of the prerogative of the whole ecclesiastical order, and thus, despoiled of all church office and benefice, be left to the judgement of the secular power, to be punished with the penalty that is his due; unless, immediately after he be taken in error, he consent to return of his own accord to the unity of the Catholic faith, and to abjure his error publicly at the decision of the Bishop of his diocese, and to make due satisfaction. Let a layman, on the other hand, (unless, as aforesaid, he abjure his heresy and make satisfaction and flee hastily to the orthodox faith) be left to the arbitrament of the secular judge, to receive due vengeance in proportion to the quality of his crime. Those, again, who are found branded by suspicion only, shall be subjected to a like sentence unless at the Bishop’s decision they have proved their own innocence by due process of purgation, according to the consideration of the suspicion and the quality of the person. We decree that those also who, after abjuration of their error, or after (as aforesaid) they have purged themselves by the examination of their own bishop, have been caught relapsing into the heresy they have abjured, shall be left to secular judgement without any hearing whatsoever.

We decree also that counts, barons, rectors and consuls of cities and other places, according to the admonition of their Bishops, shall promise by the taking of a formal oath that, when required by them [the Bishops], they will *bona-fide*, according to their office and power, help the Church faithfully and efficaciously against the heretics and their accomplices. If they are unwilling to observe this, let them be despoiled of the honour which they hold, and not be promoted on any account to others, while they themselves are none the less to be bound by excommunication, and their lands are to be laid under ecclesiastical interdict. Again, the city which thinks fit to resist these statutes, or which, contrary to the Bishop’s warning, neglects to punish resisters, let this city be cut off from intercourse with other cities, and know that it must be deprived of episcopal dignity. Again, if there are any who, exempt from the authority of diocesan jurisdiction, are subject only to the power of the Apostolic see, let them none the less, in these statutes against heretics, be subject to the

judgement of the Bishops ; and let them, notwithstanding the privileges of their liberty, render obedience unto the Bishops in that district [or matter] as unto delegates from the Apostolic See."

Compare with this the decree *Excommunicamus*, which apologists insist upon eliminating from the category of canons of faith *merely on account of its contents*. I print it in *Medieval Studies*, no. 17, appendix IV.

POSTSCRIPT.

If a reader accustomed only to modern apologetics is startled to find this "Second Aquinas" reckoning this decree *Ad abolendam* as one of faith, it is only because he does not realize what the Middle Ages really conceived on these subjects. Here, for instance, is a definition of heresy by a well-known French theologian writing about 1500 A.D. A heretic is "one who judges or thinks that the Catholic Church can err in matters of faith or morals¹ ; for, if anyone asserted this, unless perchance he said it from his simplicity, he must straightway be judged a pertinacious [heretic]." He, again, is a heretic who, "being a Christian arrived at the age of reason, (and especially if he is intelligent), denies any Catholic assertion whatsoever which is published as Catholic among all Catholics and faithful folk with whom he associates, and is publicly preached by preachers ; and, the more he associates with Christians, and the greater knowledge he has of Holy Scripture, the more strictly ought he to be judged as pertinacious." Definitions of this kind, with those which we have seen from Arundel and Lyndwood, explain the Auto da Fè of Marseilles in 1318. A large minority of "Spiritual" Franciscans resisted the relaxations of the Rule practised by their superiors and the powerful majority, and insisted (among other things) on wearing frocks which they believed to represent the original Franciscan habit. They sent a deputation of seventy-four to wait upon Pope John XXII at Avignon ; he decided that they must obey absolutely the ruling of their superiors ; by prison and threats the seventy-four were reduced to four, who were publicly burned within a few hundred yards of the Pope's palace.² The formal sentence upon these four still survives.³ The question was put to each judge in turn ; it began :—

"The question is, whether these articles here following, all and each of them, are to be judged as heretical ?

The first is, to say and pertinaciously assert that one ought not to obey any superior who commands any Franciscan friars to cast off certain short and tight frocks, differently shaped from the habit of the community of other Franciscan friars ; which [frocks] they had assumed of their own authority [*per se ipsos*] ; and [to say] that no mortal man can compel them to cast off the frocks aforesaid, seeing that whatsoever is contrary to the observance of the said Franciscan Rule and to the understanding thereof is consequently contrary to the Gospel and the Faith ; and conversely ; otherwise it [the Rule] would not stand altogether for an evangelical Rule . . .

1. "Quando aliquis judicat vel putat ecclesiam universalem errare posse in his quae sunt fidei vel bonorum morum." The quotation is from Raulin's "Prima Pars Sermonum de Sanctis" (Paris, Hicquemant, about 1520), fol. 287, 3. d.

2. Lea, *Inquisition in the M. A.*, vol. III, pp. 69-74.

3. Baluze-Mansi, *Miscellanea*, vol. II (1761), pp. 270 ff.

The second [article which they assert], aggravating and consonant with the first, is that the Lord Pope had not and hath not any power or authority to make that constitution which he made by advice of his Cardinals and which beginneth *Quorundam*, wherein he committed it to the judgement of the prelates of the said [Franciscan] Order to determine and decide the length and breadth, form or figure, and similar details of the garments of those who profess the said [Franciscan] Rule; and also to prescribe in what cases, how, where, and when, and how often the Brethren themselves ought to beg, keep, or store up corn, bread and wine for the life-needs of their Brethren; and he [the Pope] strictly prescribed and commanded that they should be bound to follow, and in all things to obey, the decision, determination or judgement of the aforesaid prelates in the aforesaid matters and in others of the kind; and he commanded in virtue of obedience and under pain of excommunication that the said Brethren, who had taken the said short and close-fitting garments, should lay them aside at the bidding of the Minister General of their Order, and should put on other garments according to the decision or judgement of the said General Minister, and should obey the said General in all these matters and all others whatsoever, according to the Rule of St. Francis and the Declarations published concerning the same, and that they should humbly obey the ordination aforesaid."

These were two of the three articles upon which the four friars were condemned and burnt. The sentence was signed by all the judges, *viz.* a Cardinal, six Bishops and six Doctors of Theology, each of whom gave his reasons separately. All but one stated formally that they find heresy in all the articles *and in each separately*; and the Cardinal's judgement ran as follows: "I, Brother Vitale, Cardinal Priest of St. Martin *in montibus*, and Doctor of Sacred Theology, judge and assert all the aforesaid articles and each of them to be heretical and to contain condemned heresies. In witness whereof I have written my testimony with mine own hand, and have appended my seal."

APPENDIX II.

INNOCENT III AND THE GREEKS.

We need not rely upon the more detailed descriptions of these horrors from the Greek side; it will suffice to quote from Innocent himself. He writes to his Legate at Constantinople that the crusaders "imbru[ing] in Christian blood those swords which they ought to have wielded against the pagans, spared neither age nor sex, practising incest, adultery and fornication before men's eyes,¹ and exposing to the filthy embraces of their grooms not only matrons but even virgins dedicated to God." To a leader of the crusaders, the Marquis of Montferrat, Innocent repeats the same accusation in slightly greater detail, and indicates the natural result, "that the Greek Church, by however great persecutions it may be afflicted, contemns to return to the obedience of the See of Rome, since it has seen in the Latins nothing but examples of perdition and works of darkness, so that it now justly abhors them worse than dogs."

1. The seduction or violation of nuns was counted by medieval theologians as incest. The three letters here quoted are in P.L., vol. 215, cols. 701, 712, 1372.

Yet to the Greek Emperor Lascaris Innocent writes: "You reprehend the Latins dwelling at Constantinople . . . in that, when they had taken the royal city by force, they spared not the holy churches, but slew Christians, deflowered virgins, and polluted even married women . . . Although these men are not altogether guiltless, yet we believe that the Greeks have been punished through their hands by the just judgement of God—the Greeks, who have striven to rend the seamless robe of Jesus Christ. . . . Those who would not join Noah in his ark perished justly in the deluge, and those have justly suffered famine and hunger who would not receive as their shepherd the blessed Peter, Prince of the Apostles, to whom the Lord committed His sheep to be fed . . . Evil men have been evilly destroyed, in order that the land itself might be let to such husbandmen as will render fruit in due season." The Pope's letter to the Podestà and citizens of Genoa, laying the whole city under an interdict until his share in the booty of Constantinople has been sent on to him, is no. 147 of the 7th book in his register (P.L., 215, col. 433).

APPENDIX III.

THE GREEK PROTEST.

(Summarized in detail by Luchaire, *Orient*, pp. 251 ff; I translate here from the original in J. B. Cotelerius, *Ecclesiae Graecae Monumenta*, vol. III, 1686, pp. 515-6).

"Thou knowest, honourable Lord, what a mind God hath given to man, and how the mystery of piety pertaineth to willing folk, unoppressed by violence. If this were otherwise, we should even baptize the Jews against their will. Seeing, then, that the proclamation of penalties and the employment of violence in matters of dogma is absurd—for it is the easiest course, and that which lies ready to every powerful man's hand—while the part of the good man who reverences truth is to persuade by the employment of those reasons which lie at the root of dogma—wilt thou, then, O Lord [Pope], choose to use force against us without discussion, as against brute beasts, for our conversion? or wilt thou rather receive our reasons and exchange reasons with us, in order that the truth of divine things may be discovered and known? For know that we ourselves commend and seek after the second of these courses, in obedience to that divine precept which saith: 'Search ye the scriptures.' For none of us can be caught by force; nay, rather we will all suffer peril as for Christ's sake."

APPENDIX IV.

HERETICS-BORN AND THE INQUISITION.

1. W. de Gray Birch, "Catalogue of original MSS. of the Inquisition in the Canary Islands," vol. 1, 1903, *introd.*, p. xx.

"Another *auto de la fe* was held on the 22nd of July, 1587, at which George Gaspar, a tailor, twenty-four years old, a native of London, was burnt in person, for refusing to abjure the Lutheran religion in which he had been born and bred. He stabbed himself in prison the night before, but was still alive when his sentence was executed. There were thirty-six

penitenciados and *reconciliados*. Among these were fourteen English sailors, who were tortured until they abjured their errors, and then flogged and sent to the galley for different terms of years, except one who died in prison.

Again (p. xxi).

“The same author also gives a verbatim copy of an old manuscript describing the formalities observed in delivering a condemned person to the civil authorities to be burnt alive, and in the execution of the sentence, the case in point being that of Gaspar Nicolas Claysen, a Dutchman, captain of a merchant ship. He was condemned on the 27th of January, 1612, by the Inquisitors D. Juan Franco de Monroy and Pedro Espino de Brito, for refusing to abjure his heresies. The sentence was not executed until 22nd of February, 1614.

2. “English Merchants and the Spanish Inquisition in the Canaries.” Royal Hist. Soc., 1912, pp. 41 ff. (Extracts from the interrogatory of Hugh Wingfield, an English soldier, son of Robert Wingfield, labourer, of Rotherham).

“Replied, that he is a baptized Christian, being baptized in the said town of Rotherham . . . *And that in his land he has never heard Mass, as it is not said, but only the service used by the Protestants of England . . .* And that he has never been to confession; because confession is not used in his land, as here; and that he has communicated once a year according to the form of communion in use over there . . . Replied that he has believed and held to be good all the said things of the new religion, and for such he believes and holds them to be, *because in this creed he was brought up and has known and knows no other . . .* Replied that he has heard in a general way that there is a Roman Catholic Church and has heard that it is contrary to the said new religion observed over there and to all things pertaining to it, but he has not been instructed in the matters of the Roman Church, and ignores the principles and all details of that Church, because he has never had knowledge of it. He was informed . . . that he has been in error in believing and holding that the said new religion, and things pertaining to it, are profitable for his salvation, because they are all false, and in holding and believing in them he will be condemned, *for in the Roman Catholic Church, and in keeping and observing the faith she teaches and preaches, only can the soul be saved; and that this Roman Church is the true one, and is the church which this confessant promised to follow when he received the holy sacrament of baptism; and she condemns the new religion as bad and false.* He is therefore admonished to consider in which of the two religions he wishes to live and die, whether in the Roman Catholic Church, through whose medium he will be saved, or in the new which he has followed until now, in which his soul will be condemned. Replied, that he has been brought up and instructed in the new religion of which he has spoken, and has not known, nor does he know, any other, and *that he does not pertinaciously defend this religion nor does he condemn the Roman Catholic; but, not knowing anything of the latter, nor having been instructed in it, how can he abandon that which he knows, and promise to follow that which he does not know? he therefore begs that some learned man may instruct him . . .* He was told to recommend himself to God in all truth and beg Him to enlighten his under-

standing and give him help that he may learn the truth . . . Replied ; that he will do so, and that all he desires is to know the truth."

This was on October 7th, 1592. On the 30th of December the turnkey of the prison (*portero*) brought a long and formal accusation of heresy against Wingfield, asserting *inter alia* :—

"Item, I accuse him because, having been admonished by your worship to abandon his sect and to follow the Catholic Religion of the Church of Rome as the true one, the accused, being under obligation to give credence to your worship as his judge, and to sever himself from his false belief, he not only refused to do so, but *defended and pertinaciously upheld* the principles of the said sect of the protestants with all his powers. And, great efforts being made to convince him of the truth, he was brought to say that he was converted to our holy catholic faith, and abandoned his new religion, *which he did out of complaisance and to escape the penalty which he feared*, remaining a heretic as he was before, which may be inferred from the aforesaid reasons."

The words which I have italicized in these extracts speak for themselves. A similar case is recorded by H. C. Lea, "Hist. Inq. of Spain," vol. II, 1906, p. 348. In 1615 a German Protestant, Cote, was brought before the Inquisition at Toledo. The question was, at what point could his heresy be said to have begun? It was decided that, as he had been brought up as a Protestant, he could not be considered to have become a formal heretic until he had attained the age of fourteen. Cf. also vol. III, p. 477.

3. How entirely this practice was in accordance with orthodox theory, and how impossible it would have been to make the allowances which modern apologists now suggest, may be seen by the following arguments by which the great Jesuit Suarez met the pleas of our James I ("Adv. Angl. Sectae Errores," lib. I, c. 24, ed. 1613, p. 123).

"The King, in his first argument, brings forward two excuses : first, that his father and grandfather were of the same sect which he now professes ; and secondly, that he himself was never in the Catholic Church. On his first point I omit what is an historical question ; for many men either deny or question this assertion. For, since the King never knew either his father or grandfather, both of whom died before he came to the age of reason, and, since he was brought up among heretics and has always associated with them, he might easily have been deceived by them on this point in order that they might the more easily seduce him into their own error. However, whatever may have been his grandfather's or father's faith, their fall [from orthodoxy] will not excuse his own heresy, if, after sufficient warning and instruction, he does not correct it. Let him, I pray, read again that sentence of St. Augustine which I cited a little above (from *Ep.* 162) where the saint speaks specially of those who believe a false and perverse doctrine which they have not brought forth by their own boldness, but have received from parents seduced and fallen into error. Only in one case does Augustine not count these among heretics : *viz.* when they do not defend such a doctrine pertinaciously—*pertinaci animo*, but are anxious for truth and are ready to correct their error. Moreover, on the other side, in other places St. Augustine condemns the man who is pertinacious in his error, without any distinction, whether he have himself invented the error or whether he have learned it from his parent. This is plainly proved even by

reason itself ; for the parent's error, when it can now be discerned by his child, does not excuse that child's guilt but rather accuses it.

“ As to the King's next plea, that he has never been in the same Church as the Catholics, this may be rightly denied in the first place from his own confession, when we apply the principles of theology to it. For he himself confesses that he was baptized by the Catholic rite, while he was yet under the power of the Queen's majesty, his Catholic mother . . . Moreover, even though neither of his parents had been Catholic, yet through the mere baptism, duly administered and not unworthily received, he would have become a member of the Church ; for there by baptism he received true righteousness and the faith of Christ, together with the mark of Christ ; therefore he was conjoined unto the Church through the sacrament of faith, and by the faith of the sacrament, which is fully sufficient to make him a member of the Church . . . For, even though the ministers or parents be individually in error, yet he is baptized in the faith of the true Church ; and, through that same faith which he received by infusion in baptism, he is made a member of that Church, even though he be detained under the power of aliens and enemies to the Church. Therefore the King of England was in the Catholic Church so long as he did not lose his baptismal righteousness and faith ; for by that Church he was regenerated, as Augustine teacheth (*De Baptismo*, book I, ch. 10) ; and from her he received that mark and that faith which conjoined him unto her. For in that age [of infancy] which is incapable of an act of faith, the habit is sufficient to create such a union ; therefore he cannot be excused under that head ; nay, in that he hath since lost his faith by his own act of heresy, he hath fallen away from the Catholic Church.

“ And, though these things are very true, yet we may go beyond this and say that a man can be truly and properly a heretic even though he have never been within the Catholic Church. For whosoever hath been instructed from the first by heretics who do not duly baptize, if that man, after sufficient warning, cleave pertinaciously to an error once conceived, he becometh truly heretic, because he began to be faithless while claiming the name of Christian ; and yet that man was never in the Church, for he never received true baptism or true faith, whether in habit or in act. This is how the Councils and Fathers sometimes teach us, that heretics not duly baptized, when they come to the Church, should be received through baptism, as the 19th canon of the Nicene Council decrees with regard to the Paulicians. These men were heretics, although they had never before been within the Catholic Church. The reason is that it is not essential to a heretic that he should be truly baptized ; but it is enough that, while confessing Christ, he should hold the Christian faith pertinaciously in a sense contrary to that of the Catholic Church—[*sed sufficit quod, cum Christum confiteatur, in ipsius fide pertinaciter contra Catholicum Ecclesiam sentiat*]. Nay, even though a man be not only not truly baptized, but have never been a Catholic, yet he may be a heretic, if, knowing and confessing Christ, he profess not the Christian faith in its integrity. This is enough to constitute heretical faithlessness, even though the person thus erring have never before professed the Catholic faith and have afterwards departed therefrom ; for this is essential to constitute apostasy, but it is not essential to the stain of heresy, for that can be found without this circumstance [of first professing Catholicism], according to St. Thomas's doctrine (2a 2ae, qq. XI and XII). But we are speaking of the heretic in relation to his guilt, not in relation to the

penalties of the Church ; for, to incur those penalties, he must, absolutely speaking, [*per se loquendo*,] have the mark of baptism, as is treated at greater length in the above-cited place [*i.e.* Aquinas] concerning unbelief. Therefore this will suffice at present to show that the King's excuse has no foundation, either in the fact which he assumes or in the inference which he draws from it."

4. From P. de la Gorce, " Histoire religieuse de la révolution française," 13me édition, Paris, 1917, vol. I, p. 51. The author is a member of the French Academy, and a loyal and enthusiastic champion of the Roman Church.

The author points out how the French Church, up to 1789, " claimed not only primacy for herself but also the exclusion of every other religious denomination. The King, in his traditional coronation-oath, swears not only to protect her, but to exterminate [*exterminer*] her enemies. That formula, however superannuated it may be, is not altogether vain ; the secular arm is numbed but not paralysed ; and, in 1762, (under the edict of May 17th, 1724) a Reformed pastor was condemned to death by the high court of Toulouse . . . On the 16th of April, 1757, one edict went so far as to punish with death anyone who is convicted of having composed, caused to be composed, and printed any writings tending to attack religion ; an atrocious edict, unless we call it only absurd, so idle is it destined to be ! " And he looks upon it as a sign of special virtue that, in 1789, a small proportion of the French clergy—less than five per cent., I should guess from this evidence—were in favour of some measure of toleration.

APPENDIX V.

AQUINAS AND HERESY.

We have seen how definitely Aquinas was confronted by the problem of the heretic (or schismatic, who for this argument is almost equally to the point) by birth. To argue that such cases never presented themselves to his mind during the course of his long and elaborate argument is to accuse him of the most culpable and incredible thoughtlessness. It is natural that he should have done what he could to shirk this painful question ; but he cannot possibly have ignored it in his inner conscience. And his treatment of the subject is just what we might expect from a man embarrassed between natural humanity and the logic of an absolute creed. I have given it very fully in *Medieval Studies*, no. 17, appendix V ; but the extracts in my text here (pp. 18-20) give a sufficient idea of an argument which, while it has encouraged the vast majority of the orthodox to persecute without remorse, so long as they had the power, is yet just sufficiently involved and timid to betray these modern apologists, (to whom the medieval creed of their Church is a most painful stumbling-block), into such a misleading interpretation as is given by Fathers Rickaby and Walker. To test this interpretation, let us imagine an educated thirteenth-century citizen of Toulouse reading these pages of the *Summa* in the presence of St. Thomas's self, and saying to him at the end : " Where, in all this, is any final hope to be found for me ? My father and grandfather were Albigensians ; that was the creed I sucked in with

my mother's milk. I was baptized ; therefore I cannot ask you to class me with the Jew or the Pagan ; you claim me as a subject of the Pope. You distinctly allow me a certain tolerance, just as St. Augustine does, so long as I do not show "pertinacity" or "pertinacious vehemence." That means that I am to be spared until your creed has been put so fully before me, and so ably, that my farther resistance must be condemned as pertinacity. It is evident that I am not to be the judge as to the point where pertinacity comes in ; I cannot even hope that you yourself (whom I very greatly respect) will be my judge ; it will be for the first inquisitor to judge who may chance to take up my case. What is there, in all these pages of yours, to give me any *permanent* defence against him ? Where shall I find the least ray of hope, when once it shall please the judge to decide that I have had every reasonable indulgence and respite, and that henceforward I must be converted or be condemned as pertinacious ? For your argument leaves me no doubt that, since I am not an absolute mental deficient, some point must finally come at which every Catholic of my acquaintance will have exhausted all his arguments ; and, unless I shall have yielded before that point, I shall then pass from material into formal heresy, and you have not a word (so far as I can see) to plead in my defence." Imagine, as you read those pages of Aquinas, an Albigensian-born with that question on his lips, and try to find a single sentence of the Saint's which would grant him immunity from the stake. (*See also* the quotation from Menghini at end of appendix VI).

APPENDIX VI.

BENEDICT XIV'S DECISION.

From *Benedicti Papal XIV Bullarium*, vol. VII (Mechlin, 1827), p. 24.

"But some one might object that the baptism in question was conferred not by a Catholic but by a Protestant minister ; and that the woman, as enslaved to heresy, after receiving her baptism, had been outside the bosom of the Catholic Church and therefore not bound by her laws. But this may easily be refuted if we consider first (what all men admit) that when a heretic baptizes anyone (if he apply the legitimate form and matter, as we suppose to have been the case with this woman), that person is stamped with the character of the Sacrament. For this is the reason on which St. Augustine and the ancient Fathers built in their refutation of the Donatists, who contended that men baptized by heretics should be again initiated by baptism. Secondly, this again is a known truth [*compertum est*], that he who hath received baptism in due form from a heretic is made, in virtue thereof, a member of the Catholic Church ; for the private error of the person who baptized him cannot deprive him of this felicity, if he confer the Sacrament in the Faith of the true Church, and follow her rites in those matters which pertain to the validity of Baptism. This is excellently proved by Suarez in his "Defence of the Catholic Faith against the Errors of the Anglican Church" (Bk. I, chap. 24), where he proves that the person baptized becomes a member of the Church,¹ and adds that if the heretic, as often happens, baptizes the child while yet unable [through youth] to make an act of faith, this does not prevent him from receiving the habit of faith with his baptism. Lastly,

1. I have translated this passage in appendix IV, § 3.

we have the certainty that those who have been baptized by heretics, if they come to an age of discretion between good and evil, and cling to the errors of their baptizer, are indeed cast forth from the unity of the Church, and deprived of all benefits enjoyed by loyal subjects of the Church, yet are not freed from her authority and her laws, as Gonzalez wisely discourseth in *Cap. Sicut, n. 12. de haereticis*. This we clearly see in rebels and deserters, whom the civil laws exclude altogether from the privileges of faithful subjects; again, Church laws grant no ecclesiastical privileges to those clerics who neglect the commands of the Holy Canons; yet no man doubts that rebels or deserters or uncanonical clerics are subject to the authority of their princes or prelates. These examples, unless we are mistaken, are pertinent to the case in question [of the Jew and the Protestant woman]; for, as these are, so also are heretics subject to the Church and bound by Church laws." Shortly before this, (in 1693), the Dominican T. Menghini's *Sacro Arsenale* had been published by an inquisitor at the "printing office of the reverend apostolic camera," and dedicated to Innocent XII. Here, on p. 360, we read: "When a man has been baptized, but brought up among unbelievers or heretics, the points of Christian and Catholic faith must be put before him sufficiently to induce him to believe. When this has been done, if he refuses to believe in Christian and Catholic fashion, he will be held and reputed for a heretic or apostate." And this is frankly recognized even in the modern *Catholic Encyclopedia* (vol. VII, p. 261): "No one is forced to enter the Church; but, having once entered it through baptism, he is bound to keep the promises he freely made. To restrain and bring back her rebellious sons, the Church uses both her own spiritual power and the secular power at her command . . . The fact of having received valid baptism places material heretics under the jurisdiction of the Church." *Material* heretics, it must be remembered, include all who believe wrongly, however natural and inevitable their errors may be; all baptized Protestants are *material* heretics to begin with, *formal* heretics when the Church judges them "pertinacious."

APPENDIX VII.

DE LUCA'S BOOK.

Roman Catholic apologists have shown themselves so eager to catch at any straw which may save them here, and, (safe in their distance from headquarters), they have thrown out so many vague disclaimers of responsibility for the theories taught officially in Rome, that it is necessary to deal with this matter even at tedious length. I was wrong in describing the publishers as "the official Papal press" (*Med. Studies*, no. 17, § 21); I ought to have said "a semi-official Papal press." Pustet of Rome is only official in the sense in which (for instance) Eyre and Spottiswoode, "Printers to the King's most excellent majesty," are official in England. As to the farther official character of the book, it is necessary to bring detailed proof in face of the attempt of English apologists to represent it as a negligible freak, unworthy of serious attention on the part of an educated Roman Catholic in this year of grace 1924.

1. These lectures are, as the author or himself tells us, modelled on, and in most cases simply a logical amplification of, those given by his predecessor Cardinal Camillo Tarquini, who was Professor of Canon Law

for many years at this same Roman University, and to whose "international celebrity" as a Canonist *The Catholic Encyclopedia* bears testimony.

2. On this particular subject of heresy, de Luca starts professedly and confessedly from Tarquini's doctrine. His definition of heresy which I quote on p. 29 is taken *verbatim* from Tarquini; it will be noted that this definition leaves no room for any *permanent* exception in favour of the heretic-born; nor does Tarquini attempt any such exception; he draws the simple conclusion "therefore heretics can be punished," for even though "they are not of the Church, yet they belong to the Church." He confesses that punishment may be *impolitic*, but his argument is all in favour of its *justice*.¹

3. De Luca himself published five volumes of his lectures in 1897 and 1898 under the title of *Praelectiones Juris Canonici*. Here, in volume IV, no. 47, he claims for Roman Catholicism the Right of the Sword, "although the Church exercises this its most certain right through civil princes, whose magistrates are bound to slay, without distinction or examination into the case—*sine distinctione et cognitione causae*—heretics, that is, men handed over to them by the inquisitors."

4. By August, 1898, at latest, he must have completed—and possibly pronounced more than once—a fresh course of lectures at the Roman University, which a friendly reviewer refers to, in September, as having been already lithographed informally for the use of students, and as being now destined to appear in formal print. These are the lectures which presently appeared as *Institutiones Juris Ecclesiastici Publici*. When, therefore, Leo XIII went out of his way to address to him the commendatory letter which will presently be read, this Pope already possessed the earlier volumes from which I have just quoted, and had every opportunity of knowing what sort of doctrines de Luca had been teaching for years at the Roman University and was now on the point of printing again. It was natural therefore for the author to publish this letter; and it was inevitable that orthodox Romanist readers should accept it, as a strong commendation of the volume on the cover of which it was conspicuously printed. This volume, it is true, came from the press only in January, 1901; again, the letter contains no direct reference to it, nor does it, even in the case of the earlier lectures, speak with a detail which would imply definite and official approval of all their contents. But if the apologists of to-day are right, and if this letter written in 1898 has practically no significance in connexion either with the presentation volumes of 1897–8 which it explicitly acknowledges, or with the book on whose covers it appeared in 1901, then I think all straightforward people will judge that a gross imposition has been practised upon a credulous public.²

5. For here is a summary of the matter printed by way of advertisement on these covers. The reverse side of the front cover of the second volume (the British Museum copy has lost its covers to the first volume) contains the following: (a) A long extract from a review of the first volume in the *Monitore Ecclesiastico*, praising this man of "profound

1. T. Tarquinius, *Juris ecclesiastici publici institutiones*, 4th edition (Rome, printed at the printing office of the Sacred Congregation for the Propagation of the Faith, 1875), pp. 69–70.

2. Fr. Walker, in his attempt of repudiation of de Luca, writes in extraordinarily misleading terms (*Medieval Studies*, no. 17, § 162). I have here taken up his challenge, and given "all the facts."

experience" in Canon Law, who now "treats these questions in greater detail [than Cardinal Tarquini], especially such questions as touch the needs of our time." (b) A still longer review from a French paper, quoting from the *Osservatore Romano* of September 23rd, 1898, where the writer alludes to "the lithographed pages which have already excited the admiration of all who have followed Fr. de Luca's course on the Institutions at the Gregorian University," and expressing a hope that these lectures would now be published in ordinary form. This hope of 1898, writes the reviewer, is now fulfilled by the publication of the present book [in January, 1901]. To enumerate all its high qualities would be superfluous; "the mere name of its illustrious author is a sure and complete guarantee of Catholic learning as extensive as it is deep and solid, drawn from the writings of the Church Fathers and the most famous doctors, and developed with a sure and masterly hand." Here will be found "the clear and decisive answer to the specious doctrines and the manifold errors of the heterodox and liberal schools of modern times, which have shaken the foundations of civil legislation, and overturned the relations between Church and State under almost all civil governments." The back cover begins with (a and b) two briefer commendations from the *Litterarische Tageszeitung* and the *Civiltà Cattolica*; then (c) the advertisement of the earlier five volumes by the same author (*Praelectiones Juris Canonici*), and then (d)

Papal Letter to the Author.

TO MY BELOVED SON

MARIANUS DE LUCA. S.J.

POPE LEO XIII.

BELOVED SON, HEALTH AND APOSTOLIC BENEEDICTION

followed by a series of almost fulsome compliments upon his learning, his diligence and his accuracy. (This is printed in full in *Med. Studies*, no. 17, appendix VI).

We are constantly told that the faithful of the Roman Church are taught with a clearness which is lacking in other churches. We must therefore first ask its champions to produce, in favour of some teacher who repudiates de Luca's doctrines, a Papal letter of approval no less emphatic than these to de Luca and Lépicier (*see* next appendix, no. VIII). And, even then, their case would not be half proved; for, in judging between these flatly contradictory champions, each furnished with equal Papal approval, we should find two whose severity, and only one whose mercy was approved. If, on this moral question of capital importance, Infallibility really leans to the merciful side, (as the private judgement of Frs. Rickaby and Walker does,) then nothing can finally reassure the faithful but a letter from some Pope quite clearly repudiating the approval which has apparently been given to de Luca and Lépicier, condemning the doctrine taught successively by three Professors of Canon Law at Rome between 1875 and 1910, and deciding the whole question with something approaching the clarity which, in these days of general education, we expect in the official utterances even of a village council or of a workmen's club.

APPENDIX VIII.

MODERN APPROVAL OF THE DEATH-PENALTY.

1. *The Rambler*, June, 1849, (p. 119) : " The Catholic has some reason on his side when he calls for the temporal punishment of heretics, for he claims the true title of Christian for himself exclusively, and professes to be taught by the never failing presence of the Spirit of God." On p. 126 the writer continues : " We are prepared to maintain that it is no more morally *wrong* to put a man to death for heresy than for murder : that in many cases persecution for religious opinions is not only permissible but highly advisable and necessary ; and further that no nation upon earth, Catholic or Protestant, ever did or ever does or ever will consistently act upon the idea that such persecution is forbidden by the law of God in the Gospel." Though he goes on to admit that this policy would not be *expedient* in modern England, yet he reasserts the *principle* (p. 128). " The difference between silencing and burning a person is only one of degree."¹

Again, in December, 1851, (p. 174) : " You ask, if the Roman Catholic were lord in the land, and you were in a minority, if not in numbers yet in power, what would he do to you ? That, we say, would entirely depend on circumstances. If it would benefit the cause of Catholicism he would tolerate you : if expedient he would imprison you, banish you, fine you, possibly he might even hang you. But be assured of one thing, he would never tolerate you for the sake of ' the glorious principles of civil and religious liberty.' Shall I lend my countenance to the unhappy persuasion of my brother, that he is not flying in the face of Almighty God every day that he remains a Protestant ? Shall I hold out hopes to him that I will not meddle with his creed if he will not meddle with mine ? Shall I lead him to think that religion is a matter for private opinion, and tempt him to forget that he has no more right to his religious views than he has to my purse or my house or my life-blood ? No ! Catholicism is the most intolerant of creeds. It is intolerance itself, for it is Truth itself. We might as rationally maintain that a sane man has a right to believe that two and two do not make four, as this theory of religious liberty. Its impiety is only equalled by its absurdity . . . A Catholic temporal government would be guided in its treatment of Protestants and other recusants solely by the rules of expediency, adopting precisely that line of conduct which would tend best to conversion and to prevent the dissemination of their errors."

And the author claims that it is not only bad morality but bad policy for Roman Catholics to attempt to disguise this the natural consequence of their principles : " We are but clumsy deceivers at the best." This is admirably illustrated by a later article in the same periodical (Feb., 1854, p. 119). There, the writer complains : " Our adversaries are always saying that if Catholics ever got the upper hand again in the country, they would punish Protestants as heretics. But they cannot produce a single precedent in proof of the assertion." Of course we can produce no precedent for the treatment of Protestants as pertinacious heretics *in England* since the reign of Mary, for the simple reason that the Roman

1. Compare Professor Lépiciér's argument on p. 63 ; all Catholics grant that the Church may inflict bodily punishment ; then why (he asks) stop short of death ?

Church has never there had power to kill. But the writer must have known that there are many unquestionable cases of Protestants punished as heretics in nearly all the lands where Roman Catholics have had power, right down to the French Revolution.¹ He must also have known that it would only be by a definite breach with the orthodox logic and the orthodox practice of many centuries that a Romanist government, if ever it came into real power, could refuse to punish Protestants. The men who are afraid definitely to repudiate the old bad principles, and who yet attempt to reassure us as to their practice, are "but clumsy deceivers at the best"—and not the less clumsy when, as is evident in most cases, they manage somehow to deceive themselves.

Let us look again at some of their more consistent and outspoken fellows.

The reader has already seen something of de Luca ; but he is not the latest Papal advocate of religious murder. His book was, naturally, attacked for its outspoken intolerance by some of his own Church, among whom were fellow-Jesuits whose mental outlook was not limited to Roman or Italian life, and who knew the disgust with which Roman Catholics in more enlightened countries would receive such pronouncements. Against these critics, too deeply imbued with the modern spirit, there came forward a defender of Professor de Luca in the person of Father Alexius Lépiciér, Professor of Theology in the Papal College of the Propaganda at Rome.² Though Lépiciér does not go into the subject at the same length as de Luca, he fully supports his conclusions ; and even those who read what the first had written in 1901, might well be startled to read Lépiciér's words in 1910, when the question had been so hotly discussed among the faithful, and the Holy See had had every opportunity of discovering and amending any faults of doctrine. Considering all these circumstances, it is a document so important for the history of twentieth-century civilization that I translate it as fully here as my space will permit. The volume is called *De Stabilitate et Progressu Dogmatis*, and its main object is to prove how essentially unchanged Roman doctrine remains, and to sketch the limitations under which alone progress is to be permitted. I quote from the second and amplified edition, Rome, 1910, printed by Desclée, "printer to the Congregation of Rites of the Holy Roman See."

Lépiciér asks (p. 194) "How must we deal with heretics ? Are they to be tolerated, or altogether exterminated [*penitus exterminandi*] ? and has the Church the right of punishing them with death ? This is a grave question, which we find to have been unsatisfactorily discussed [*non uti decet*] by many even Catholic writers who have treated of Canon Law . . . First, if we consider the heretics in themselves, namely those who, becoming heretics of their own free will,³ publicly profess heresy and

1. And even of the death-penalty : a Protestant pastor was condemned to death at Toulouse in 1762 : see appendix IV, § 3.

2. The *Congregatio Propagandae Fidei*, like the other Papal Congregations, is a committee of Cardinals. "The decisions of these Congregations, when duly authenticated, are final in any case for the individual, and must be taken as the decisions of the Pope himself" (*Catholic Dictionary*, article *Congregations, Roman*).

3. As his argument progresses, Lépiciér does not really confine himself to this category of men who become heretics of their own free-will ; see below, p. 67, and p. 66, note 3. (G. G. C.)

draw others by their example and their pernicious persuasion to embrace the same errors, no man can doubt that they not only earn separation from the Church by excommunication, but are also deserving of being removed from this world by death. For, as St. Thomas points out, if forgers and other public malefactors are justly given over to immediate death by secular princes, much less should we spare heretics, who lie in ambush against the true faith, without which there is no eternal salvation [*verae fidei, sine qua salus aeterna non habetur*]. Therefore, the moment any man publicly professes heresy, and attempts to pervert others by word or example, he can not only, absolutely speaking, be excommunicated, but even justly slain, lest by his pestilent contagion he ruin very many others; for (as Aristotle saith) a bad man is worse than a beast, and does more harm; wherefore, since it is no evil to slay a wild beast, especially a harmful beast, so it may be good to deprive a heretic, who detracts from God's truth and lies in wait for other men's salvation, of the use of this noxious life . . .

The Church, by herself, [without consulting the State], may decree the actual sentence of death, but not execute it; she commits its execution to the secular arm. Hence we see that the death-penalty is decreed for the sins of infidelity or blasphemy in many ancient law-codes¹; on the other hand, the Church has often handed over such criminals to the civil magistrates, to be punished with the extreme penalty, and has even added her censures, lest these magistrates should fail in their duty of inflicting this penalty. This point is supported by what we read in Canon Law."

Lépicier then proceeds to quote from Innocent III's 3rd Lateran canon, with its twofold repetition of *exterminare*, which I have already given on p. 15 above; and *this is the only quotation with which he here supports his contention that the Church has the right of killing heretics*. This compels us to ask again: If, in 1215, an infallible Pope and Council really intended this word *exterminare* to express a penalty limited to mere banishment, how has it been possible for the most experienced Canonists to misinterpret it so grievously during so many centuries? Father Lépicier then proceeds:—

"I am aware that there are many who think that the Church has no right to sanction the death-penalty, whether for heresy or for any other crime. But their decision cannot be called probable, since it does not appear plainly how this negation is compatible with the constitution of the Church or with historical facts.

For, first, is not the Church a perfect society, and indeed more perfect than any civil society whatsoever? If, then, civil society has this right, why deny it to the Church [quotation from Aquinas, 2a 2ae, q. LXV, art 2, ad 2m]. Secondly, all grant to the Church a coercive power for the infliction of many kinds of temporal punishments—fines, bodily afflictions, fasts, imprisonment, pilgrimages, flagellations, and banishment—why, then, should that power stop short of death, since differences of degree do not make differences of species?

Finally, to the objection that the Church does not execute the sentence of death by herself, but only through the civil power, we answer that this is because, as we shall presently explain, she justly abhors bloodshed; but, by the fact that she delivers over the convicted criminal to the secular arm, to be punished with the penalty of death, doth she not profess plainly enough that she hath the power of life and death? Surely,

1. *Author's note* "E.g. in Justinian's *Codex* and in the *Capitularies of the Frankish kings*."

as the old axiom hath it, that which is cause of the cause is cause of the thing caused ; and what we do through others we are seen to do by ourselves. Nor is there any force in the frequent objection—nay, it is an utterly empty evasion—that civil society primarily and directly promotes the common good, while the Church promotes the good of individuals ; for to this we first note that the Church also, primarily and directly, is solicitous for the common good, since the good of the [whole human] race is diviner and better than the good of a single man, as Aristotle saith [*Ethics*, bk. I, c. 2]. Next, we note that the Church is far from neglecting the good of the individuals whom she is compelled to punish with death, since she attempts, with all possible diligence, to recall them to penitence before the execution of the penalty.

Let us conclude then that the Church really does possess the right of the sword, not indeed the executive right, (as has been said and will be said more fully in its own place) but the decretive and preceptive right ; and this, not only indirectly, (*viz.* in so far as the civil power may punish heretics, the judgement on whose errors pertains to the Church, by death in accordance with her laws), but also directly, inasmuch as she herself decrees this penalty, to be inflicted by the secular ruler. Nor do those men really touch the point who appeal to history and contend that Popes, whenever they wished heretics to be condemned to death, either exceeded their powers herein, or always did this not as Pontiffs but as temporal rulers.¹ Let this be said with respect to, and without any denial of, the right of the Church.

p. 197. But if we now turn to consider the manner in which the Church has been accustomed to deal with heretics, then this kindly mother will be found not always to have dealt with them according to the letter of the law, but to have shown many tokens of mercy, ordained to the conversion of the wanderers.

For the Spouse of Christ, rightly mindful of the words of the Apostle Paul (2 Tim. ii, 24)—‘ The servant of our Lord must be mild toward all men, with modesty admonishing them that resist the truth, lest sometime God give them repentance to know the truth, and they recover themselves from the snares of the devil ’—does not at once condemn even convicted heretics, but first warns once or twice, according to the Apostle’s words (Tit. III, 10), ‘ A man that is an heretic, after the first and second admonition avoid, knowing that he that is such an one is subverted.’ Now, if this man comes to a better mind, he is spared ; if however he is still found pertinacious after this, then the Church, having little hope of his conversion, and having the duty of providing for the salvation of others, separates him from the society of the faithful by excommunication, which penalty she decrees with no other intention than ‘ that his spirit may be saved in the day of our Lord Jesus Christ ’ (1 Cor. v, 5). And if, finally, this treatment is of no avail, the Church hands the heretic over to the secular judge, to be exterminated from the world by death [*a mundo per mortem exterminandum*] ; for, seeing that he is found dangerous to the community, and a corrupter of its good, it is laudable and wholesome that he should be killed for the preservation of the common good, for, as St. Paul saith also (1 Cor. v, 6) ‘ A little leaven corrupteth the whole paste.’ ”

1. The author here shows in a footnote how he is supported by Aquinas, Tarquini, de Luca, etc. ; and he criticizes severely the contrary contention of Vacandard (*l’Inquisition*, 2me éd., pp. 205, 211).

p. 199. But, farther, we must carefully note that clerics are by no means permitted to slay heretics or any other animals with their own hands ; for St. Paul expressly warns us that ' a bishop must be blameless ; is no striker ' . . . Wherein appeareth the difference between the priests of the New Testament and the Levites of the Old ; for these last could fittingly slay with their own hands, since corporal punishments were inflicted according to the prescriptions of the Law itself ; wherefore we read how Moses commanded the Levites to slay some 23,000 people for their adoration of the golden calf . . . A neglect of due distinction between the power of *pronouncing* the death-sentence and that of actually *executing* the sentence,—and, again, between the power of the synagogue, or even of the civil state, and that of the Church—is responsible for the confusion which many have brought into this matter. Some, since the Church may not shed blood, have denied her altogether the right of decreeing the death-penalty ; while others have freely granted her the power of killing heretics with her own hand, knowing that she is in no wise inferior to the synagogue or to the civil state. By opportune distinctions we shall settle the whole matter.¹

Perhaps this doctrine will seem too severe to our age, which neglects the spiritual order and is prone to tangible goods [*ad bonum sensibile proclivi*] ; but if it be considered how grave a thing it is to corrupt the Catholic Faith, which rests on the authority of God Himself speaking [to man], and what ruin this brings upon society, then we shall easily realize that, if traitors to their sovereign or manslaughterers are justly condemned to death, much more do those deserve the capital sentence who publicly bring contumely upon the Catholic Faith which they have professed. On the other hand, do we not read in Leviticus (xxiv, 16) ' He that blasphemeth the name of the Lord, dying let him die ? ' But blasphemy pertaineth to infidelity, inasmuch as thereby a man, whether in heart or by word, according to intellect or affection, attributes to God that which is improper, or denies to Him that which is proper. [Aquinas, 2a 2ae, q. XIII, art. 1]. Nor let it be said that the heretics of whom we speak are acting with a good conscience when they lose their faith ; for faith is never lost without the gravest sin.

But why do we require farther proof for this point ? Ought not unquestioned historical fact to stand for all proof, the fact (I mean) that many heretics have been condemned to death by the just judgement of the Church ? It is true that mistakes might sometimes have been made concerning the faith of some individual ; but the mere fact that the Church, of her own authority, has tried heretics and condemned them to be delivered to death, shows that she truly has the right of putting such men to death, as guilty of high treason to God and as enemies of society.²

1. Cardinal C. Tarquini, S.J., (*Jur. Ecc. Pub. Inst.*, Rome, 1862, p. 48), holds that there is no proof why the supreme magistrate of the Church, if need require, should not be able to exercise by himself the right of the sword ; for (he argues) " the Church is a perfect society, and *no text can be quoted from positive divine law in which this is truly forbidden.* (Italics, author's.) But it has been plainly enough shown, by what I have said above, what the positive divine law is."

2. In a footnote, Lépiciér here reprobates the article *Todesstrafe* in Herder's *Kirchenlexikon*, which denies the Church's *immediate* right of inflicting death, and pleads apologetically " the Church has contented herself with delivering the criminal to the secular arm with the prayer that his life might be spared." " This," (Lépiciér points out truly), " is incorrect ; for, though this was often done, yet sometimes the Church has even compelled the secular judge, by excommunication, to perform his duty."

To this same argument we may apply proposition 24 of Pius IX's *Syllabus*, which runs: 'The Church has not the power of employing force.'¹ But the phrase *employ force* pertains to bodily punishments without distinction, not excluding death. Nor must we omit the eulogy which the Church repeats upon St. Ferdinand III, King of Castile and Leon, when she speaks of his zeal in defence and propagation of religion and says: 'This he did first by attacking the heretics, whom he suffered to exist nowhere in his kingdom, but with his own hands he brought wood to the pile for burning the condemned.'² In which eulogy more is contained than expressed; for thereby is signified the Church's right of giving sentence on the justice of the sentence of death pronounced upon heretics; but it is a greater thing to give judgement as to the justice of any thing, than to decree the thing itself.

Therefore we conclude that the Church can slay no man with her own hands, but that she has not only the right of punishing *pertinacious*² or relapsed heretics with any corporal punishments, but also of condemning them to death, *if she judge this advisable*.³ Therefore two classes of men are equally mistaken; (1) those enemies of the Faith who calumniate the Church by asserting that she, with her own hands, has given some heretics to the stake, and (2) many Catholic apologists who maintain that all sentences of death should be ascribed to the secular powers, or who timidly grant that the Church, yielding to the spirit of the times, went slightly astray in this matter—*tantulum hac in re exorbitasse*. Certainly history bears witness that the Roman Inquisition, if not expressly, at least equivalently, punished heretics with death, by demanding this penalty from the secular arm and even bringing excommunication to bear upon it lest it should fail in its duty⁴; on the other hand, who dares to say that the Church has erred in a matter so grave as this?''⁵

It will be noted that not only relapsed, but pertinacious heretics are now included in his arguments; and on p. 214 he marks his adherence to the orthodox creed that Protestant children, if duly baptized, are thereby made members of the Catholic fold.

p. 208. Finally we must not omit to note, with regard to our argument that incorrigible or relapsed heretics may be punished with death by

1. The *Syllabus* of Pius IX condemned eighty propositions as heretical; to each of these, therefore, must be prefixed the words "It is heretical to say that."

2. From the morning lesson for this Saint's service in the Roman Breviary (May 30th), Lépicier here appends a footnote which runs: "How much modernists dislike the coercive power of the Church is shown by Fr. George Bartoli, who, *inter alia*, lately wrote as follows in his attempt to explain his apostasy from the Jesuit Order, impiously misusing the most Holy Name of Christ: "Against these methods, against this tyranny, I protest in the name of Jesus Christ, and shall protest so long as I live. These systems, it is true, were thought lawful in other days, and people were devoutly and piously murdered in the name of Christ. But what? Are we still in the Middle Ages, when the Roman Breviary recounts [etc., *i.e.* these above-cited words]' (*Corriere della Sera*. August 8th, 1908). It is no wonder that the man who was not ashamed to write such things as this should soon have gone over to the Protestant camp, where he will give incautious souls to drink from the poisoned cup of his own unbelief."

3. Italics mine; these words take us a great deal farther than the vague limitation which I have noted on p. 62 above. (G. G. C.)

4. Author's note: "The historical proof may be found in Vacandard, *op. cit.*, pp. 233-295."

5. He here disclaims responsibility for the *Spanish* Inquisition, which he treats as an institution "subservient to the civil authorities."

decree of the Church, that, so far as this concerns actual practice, all depends upon circumstances. That is, so long as the Church is tossed with persecutions and oppressions, as is the case at present, she doubtless tolerates very many evils lest greater ills be incurred ; it was in this sense that St. Augustine wrote ' If you take away prostitutes from human life, you will trouble all society with lust ' (l. II, *de Ordine*, c. 4, n. 12). So then heretics, even as infidels, although they are alien to the truth and sin in their rites, yet may sometimes be tolerated lest worse evils come upon us or lest certain good things be impeded ; namely, in order that we may avoid the scandal or the discussions which might come from excessive severity, and in order that, if possible, we may consider the eternal welfare of those who, thus tolerated, are gradually converted to the faith."

On p. 210, Lépicier considers " whether heretics or infidels are to be compelled to revert to the faith." This he professes to answer " with St. Thomas," " that those who have ever had and professed the true faith ought to be compelled, even by bodily means, to fulfil what they have promised and to hold what they have once taken up." But presently he continues " Yet, we must decide otherwise as to those who were born in heresy or infidelity ; these are by no means to be compelled to the faith, for belief is a matter of will ; yet it may be required of them, if we have the power, that they should not hinder the faith either by blasphemies or by evil persuasions or by open persecutions. Wherefore we see that Christ's faithful folk have often waged war against the infidels, with the formal object of withdrawing them from the persecution of those who profess the Christian faith, but not of compelling them to believe, as the enemies of the Catholic religion falsely and calumniously assert.

Children, even though they received baptism without their own will, are yet bound, when they have come to the use of reason to live according to the Catholic Faith, since there is no other way available for reaching their eternal goal—*cum alia non suppetat via finem aeternum consequendi*—nay, absolutely speaking, they may be compelled to live according to the Catholic faith by the means [already] indicated ; for, before they have the use of reason, the duty of providing them with the Sacrament of Salvation lies upon their parents, since it is to them at this time that the children belong by nature ; when however they gain the use of free-will it is their duty to conform their life and manners to the Catholic faith which they received at baptism ; and to this they may indeed be compelled, as has been said above of heretics ; moreover, their parents are bound in strict duty to provide for giving them Catholic instruction. Yet the contrary is not valid—that children baptized in the Protestant religion ought, when they grow up, to live according to that creed ; for, if they have indeed validly received the Sacrament of Baptism, it infuses into them no other virtue of faith than that of the Catholic faith, which is the only true one. Here we may remember those most severe ecclesiastical laws concerning mixed marriages, which are permitted only on this one condition, that the Catholic party shall have free power of practising its religion, and that the other party make no attempt to turn it away therefrom, and that all children born of such marriage be educated in the Catholic religion ; on the other hand, that the Catholic party should devote itself to converting the non-Catholic spouse, if possible, to the true faith.

So, from all these considerations it is plainly manifest how the Catholic Church is intimately convinced that she alone is the true spouse of Christ,

and must therefore labour with all her might to bring all men as her children to Christ her Spouse—a thing which the other churches, since they lack the virtue of sanctification, do not even dare to presume.”

This book again provoked differences of opinion, which Lépiciér answered at once with an “Appendix to the Second Edition of *De Stabilitate etc.*” (same printers and year). Here, among others, he answers the criticism of an unnamed Protestant who had written to thank him for the publication of his book, since this proved, by its plain speech, that the Protestant conception of Roman Catholic doctrine was no mere figment of the imagination. To this Lépiciér replies (p. 17) “Certainly, if the things which I wrote in my *De Stabilitate* were really new to him, he has very plainly betrayed his own ignorance of Catholicism, since, in all those things which I have put into my book—whether concerning faith or tradition, or the nature of dogma or the infallibility of the Church or of the unchangeableness of doctrine or of heresy and the penalties thereunto annexed, or of prophecy, etc.—I have said nothing new, but have only expounded things commonly handed down by all theologians, and especially by that prince of theologians, St. Thomas, only in a new arrangement and perhaps by a new method. Wherefore I also can say “My doctrine is not mine” (John vii, 16). But do you confess, Mr. Protestant, that you did not know all these things? Truly in your studies, wherein you presume to teach others concerning the things which relate to the Catholic Church “You have sowed much, and brought in little” (Haggai i, 6). Truly you betray yourself to judgement by your own words, since you cease not to attack with such bitter calumnies the Church of whose doctrine you are shamefully ignorant?—*cuius doctrinam turpiter ignoras.*

Here, then, is a man who, after asserting the death-penalty in all its nakedness in 1910, can farther clinch his assertion with “my doctrine is not mine,” and can scoff at that man’s ignorance who fails to recognize in it the time-honoured doctrine of Aquinas, modernized in language but unchanged in argument. To Fr. Vermeersch also, who has since attempted to evade that doctrine, though without daring to come to close quarters with it, and to Fr. Walker also, who repudiates de Luca and has such a pathetic belief in Fr. Vermeersch, the more learned and downright Fr. Lépiciér might have said with equal justice: *Turpiter ignoras.*¹

For there can be no doubt here either as to Lépiciér’s fidelity to Aquinas, or to the Pope’s trust in Lépiciér. The book is prefaced by a special letter of thanks from Pius X, referring not only to Lépiciér’s general reputation as a Canon Lawyer, but *directly to the actual volume from which I have given these grisly extracts.* It is true that no Pope, by a letter of this kind, pledges himself to agreement with every word in the book; but Pius X does here bear witness to the approval of the official canons; and, if Fr. Walker’s private judgement is in this matter, to weigh even as a feather in the scale against the Pope’s approval then the faithful have far more reason to distrust a Pope’s public utterances than even the most suspicious Protestant would be likely to insinuate.

The letter runs, in very large italic type:—

1. Pages 13, 17, 19, 29, and 31 would be painful reading for Fr. Vermeersch, since the critic is always safely entrenched behind St. Thomas’s authority.

" MOST RESPECTED SIR,

How high an opinion have been entertained of you hitherto by our most holy Lord Pius [X], you have learned especially from that praise which he has bestowed once and again upon the books composed by you for sacred teaching. Now that you have published your volume *De stabilitate et progressu Dogmatis*, and it has been approved by the distinguished judgements of intelligent men, you cannot doubt that the [Pope's] own opinion [of you] has grown greater. But I would have you know that, in this work, you have given vehement pleasure to the Supreme Pontiff, who thinks that you deserve special praise for your brilliant services in defence of truth and your search for the proper increase of Scholastic Theology. For, in respect of those pernicious errors condemned in the Encyclical *Pascendi*,¹ you do not refute them in detail, as many others do ; but, by employing reason and the traditional [*solemnis*] way of the Scholastics, you diligently explain and illustrate those points of Catholic doctrine by the production of which all the figments of the modernists are torn up by the roots. Wherefore the most blessed Father heartily congratulates you, and, praying that many men may receive much profit from this labour of yours, he most lovingly bestows on you his Apostolic Benediction.

So much I am commissioned to signify to you in His name ; and now, having executed this most honourable command, I remain, most respected Sir, most sincerely yours,

AURELIO GALLI, *Latin Secretary.*

to his Holiness Pope Pius X.

Rome, from the Vatican Palace, Nov. 13, 1909.

To the most reverend Sir

Fr. Alexis. M. Lépicier,

Priest of the Servite Order,

Faculty Professor of traditional theology

in the School of Pope Urban's College."

There follows a brief letter of commendation from the head of Lépicier's Order (the Servites) for his having " vindicated, against modern heretics, the sanctity and purity of the Catholic Faith " ; after which comes the formal imprimatur of two official censors.

The preface to his second edition of 1910 boasts (italics mine) : " I decided to make no alteration whatever in those things which, *relying on the most approved theologians and canonists*, I wrote [in my first edition] concerning the relations of the Church to society, and concerning her power over heretics ; since, *from the very constitution of a Church founded by Christ*, there follows necessarily both her essential preeminence over all states whatsoever, and her right of defending the Catholic Faith, than which nothing is more precious, *by the application of proper methods*. For I have not been much moved by the things which enemies of the Church have lately quoted, in a distorted fashion, from my work, in order that they might calumniously traduce it as a book that was basely thirsting for blood. It is true that the Church, being the most perfect society [of all], and superior to all civil society, possesses the right of punishing the enemies of the Faith with suitable penalties, although, as a most benign mother, she not only shrinks from shedding blood but is

1. This was Pius X's encyclical directed against the Modernists. See G. Tyrrell's *Autobiography and Life*, vol. II, p. 333.

even accustomed to deal with delinquents more mildly than the letter of the law would warrant. It is true that, imitating Christ, (who, though impatient of error, yet showed Himself gentle and merciful to the erring), the Church suffers violence and inflicts none, but most lovingly invites all men to her bosom, tempering the rigour of discipline in accordance with the needs of [different] places, times and persons." All this, it will be noted, leaves the choice, just as Aquinas leaves it, to the Church. So long as this merciful Mother feels that our life does less harm than our execution, so long we are safe; but if once she convinces herself that more souls will profit by our destruction than by our survival, then we must burn, and we shall only have ourselves to thank for it. Father Lépiciér's preface ends with the hope that his book may lead outsiders "under the guidance of [God's] grace, to embrace the dogmas of the most holy and most pure Catholic faith, outside which there can be no salvation"—*extra quam salus esse non potest*. He defends himself, of course, against any wish to burn modern Protestants; but he takes care that there should be no doubt of his Church's *right* to do so if she pleases.

The official Jesuit organ is the *Civiltà Cattolica*, published at Rome (italics mine here again). In March, 1853, it published a long article (pp. 595 ff) deprecating the lapse of punitive laws against heretics. "The Church, as is notorious, once founded tribunals through the mouths of her Popes and Councils, appointed judgements, compelled [men] to denounce [others], instituted prosecutions, sanctioned penalties, even temporal, against heretics, misbelievers and old sectaries [*i.e.* Jews]. Clement V and VI, Alexander IV, Urban IV, John XXII,¹ St. Pius V, Sixtus V and others down to Benedict XIV [*d.* 1758], *maintained and authenticated the right of the Church to cite, prosecute, and punish these misguided folk who threaten the unity of the Faith* and, with that unity, Christian society in its entirety. Nowadays, let us candidly confess, it is not heretics and misbelievers only (who, in their own cause, would deserve compassion) but we find Catholics also, and learned, sincere Catholics, who, *in spite of so many incontestable authorities*, whenever the Inquisition is spoken of, join their voices to this impious choir, and malign the Church, in more or less irreverent phraseology. *The Church*, we say, since they do not content themselves with blaming some human frailty, some error of a tribunal, some excess of Spanish politics, sometimes blamed even by the Church herself; nay, they blame the very institution [of the Inquisition], such as it was created by the spirit of Catholicism and by the decrees of its most authentic organs, councils and Popes. They deplore that the Church chose to have tribunals [of her own], to employ secret procedure, and to exercise despotic power over thought; and, applauding those princes who, scorning the anathemas of the Church, abolished this tribunal and usurped its functions, they extol them as men who have turned the Church herself to evangelical mildness and to her primitive purity. Now, does not this grievous injustice seem to you, [our readers], most deserving of the vengeance of the Eternal Word, who would have all nations subjected to His truth?² Think you that He can suffer Catholics to accuse the Church, His Spouse, of having lost His spirit during the darkness of the middle ages, of having debased the Gospel, and vitiated the institu-

1. For whom *see* appendix I, postscript.

2. The writer had taken as his text several attempts of political assassination directed against Roman Catholic princes at this time; these, he argues, are judgements of heaven.

tions [of early Christianity]? If He has lost patience with this, the remedy could not have been more terribly opportune [than it has been]. The Church was accused of thrusting herself into the tribunals, of tyrannizing over thought, of secrecy in her proceedings; and now Providence reduces the adversaries of the Church to a dilemma; either they must accept those gifts from the Church herself, or they must be crushed under the collapse of society crumbling to ruins. If, therefore, you look closely, *you would recognize in the spirit of those much-abused institutions a sublime spectacle of social perfection.*"

The *Analecta Ecclesiastica* is a journal published in Rome, mostly in Latin, by the clergy for the clergy. In January, 1895 (p. 31), it published an article by a Capucin friar upon a recently-printed sentence for the burning of a Spanish heretic in 1404—*i.e.* by the Roman Inquisition at its ordinary work in Spain, which apologists are so anxious to distinguish from the Spanish Inquisition set up by Ferdinand and Isabella and Pope Sixtus IV in 1480. The Capucins, printing the document of condemnation at length, ending with the sentence "let him ride upon an ass, with a rope round his neck; and let [the Mayor] take him to the Lower Gate of the city to be burned alive." Upon this he comments (*italics again mine*): "Doubtless there would be very many sons of darkness who, if they read this sentence above rehearsed, would twist their eyes and puff out their cheeks and open wide their nostrils, and would rage against the so-called 'intolerance' of the middle ages! But it would be utterly futile to point out to our readers the true value of this sort of silly talk."¹ Every legitimately constituted society (he continues) has a right of self-defence against outward enemies, and *a fortiori* against traitors at home. "And, in very truth, not long ago, all France shuddered, from Arras to Bayonne and from Nancy to Quimper, when she learned that a captain in her army, under military uniform and rank, had attempted a horrible crime of treason"—in other words, the original condemnation of Dreyfus . . . "God forbid, then, that we should ever let our eyes be clouded with that darkness of liberalism which masks itself under the outward show of prudence, and should seek for puny unwarlike reasons to defend the Holy Inquisition against heretical pravity. *Let us not plead the condition of those times, nor the hardness of men's natures, nor intemperate zeal, nor any other quibble whatsoever; as though Holy Mother Church, in Spain or anywhere else, needed to be excused, if not altogether at least in part, from the acts of the Holy Inquisition!* We may certainly ascribe to the auspicious vigilance of the Holy Inquisition that religious peace, and that steadfastness in the faith, which renders the Spanish race illustrious. *O blessed flames of the autodafè, which, by removing a handful of contemptible creatures of the most treacherous sort, snatched hundreds and hundreds of legions of souls from the jaws of error, and perchance of eternal damnation!* flames whereby civil society itself, admirably fortified for century after century against the ruin and slaughter of discord and civil wars, remained happy and unhurt! *O illustrious and venerable memory of Thomas Torquemada, who, conspicuous by the most prudent zeal and unconquered valour, decreed on the one hand that*

1. The original might interest some readers as a specimen of style. "Non deessent certe, e filiis tenebrarum quamplures qui, si suprascriptam perlegerent sententiam, torvis oculis, crepantibus buccis, dilatatisque naribus, contra sic dictam medii aevi *intolerantiam* debaccharentur. Quanti vero facienda sint istiusmodi stolidi dicteria lectoribus nostris indigitare prorsus supervacaneum foret."

Jews and Pagans must not be compelled to baptism, but, on the other, provided admirably by the harmonious working of ecclesiastical and civil power, that all baptized folk should be kept by salutary fear from the apostasy of the Judaizers, and thus won prosperity for the country of his ancestors, which had grown greater and more illustrious through the annexation of the Indian kingdoms ! ”

Farther details, which I have not had an opportunity of verifying, I take from Prof. L. K. Goetz, (“*Der Ultramontanismus als Weltanschauung*,” 3rd thousand, Bonn, 1905, pp. 142 ff). In July, 1902, the *Civiltà Cattolica* came again to this subject, maintained that the coercive power of the Church was *de fide*—that is, an integral and necessary part of Catholic faith¹—admitted that some Canonists deny “the right of the sword” [*jus gladii*], but contended that there are writers no less authoritative who give her that right. As Goetz points out, we have no reason to take much comfort from the *Civiltà’s* concluding remark that, nowadays, this is only a matter of theory and not of practice, and that it advises people to turn away from “awkward [*scabrose*] and inopportune questions of law.” A little handbook of apologetics was published in 1902 by Fr. X. Brors, S. J. ; it was very ably drawn up in alphabetical form ; the faithful could carry the volume easily in his pocket, and turn up in a moment the conclusive answer to all heretical objections against the Faith. Under *Inquisition* (art. 122) the reader found that the obstinate heretic “has, according to Scripture, deserved [or earned—*verdiert*] eternal punishment in hell. Therefore a heretic has also deserved earthly death.” Liberals got hold of this ; the Catholic press disowned it ; and Brors tried to explain it away.² Lastly, in the “Regulation for Studies,” published by the Jesuits in 1869 (*Institutum Societatis Jesu*, vol. II, p. 541) the students in their schools are forbidden to go “to public spectacles, comedies, plays, or the public punishment of criminals [*supplicia reorum*, of which the natural sense is “public executions”], except perchance of heretics.” As Goetz points out, these words gain farther significance from the fact that a revision committee, in 1832, had advised the omission of these words “because in some regions they would cause offence” ; yet they stood still, when he wrote, in these official Jesuit instructions. They show that, while English Jesuits are busy to reassure us on their own private word, their official superiors refuse to give up their time-honoured claims against the heretic.

APPENDIX IX.

NO SALVATION OUTSIDE THE CHURCH.

My first reference is to a little French book, “Christian Doctrine . . . for the use of Christian schools and families, by Lhomond, formerly professor at the University of Paris. New Edition, approved by the Council of Public Instruction,” without date, but written during the pontificate of Pius IX (1846–78 : see p. 94). It is in the form of 108 “readings,” each followed by a long and appropriate prayer. The

1. Compare this with Fr. Walker’s excuse that these decrees against heresy must be treated as merely disciplinary, and that they lie altogether outside the region of faith (*Medieval Studies*, no. 17, §§ 148–9, 167–8).

2. My edition, (“111th—120th Thousand”), which I bought in Cologne about fifteen years ago, no longer contains these tell-tale words.

thirtieth reading proves in detail that "they [the non-Roman churches] are not the true Church of Jesus Christ." The prayer begins: "How fortunate am I, O God, to be a member of this Church of which Thou art the Head, and within which alone holiness and salvation are to be found! Thou hast brought me into this ark, outside of which no man can be saved from the waters of the deluge." This is implicit in the 16th article of Pius IX's *Syllabus*.

When these words were written, perhaps the most influential teacher of theology at Rome was Cardinal Perrone (*d.* 1876) whose *Theological Lectures*, in nine volumes, ran through forty-seven editions. Herder's *Kirchenlexikon* extols him as one who "was highly valued by three Popes," and who "specially distinguished himself by his sure touch in the recognition of Catholic doctrines and of the error opposed to such doctrines." His *Popular Catechism* received official approval in 1854; here is a specimen from chap. xv: "D. Can those who pass from the catholic church to protestantism have this [excuse of] invincible ignorance? R. The mere thought is absurd . . . It is a contradiction and an impossibility that any catholic should turn protestant through honest motives; we might as well talk of committing a grievous and heinous sin from honest motives. D. Would you therefore say that no catholic who turns protestant can ever be saved? R. I say that it is certain, with the certainty of faith, that all catholics who turn to protestantism are damned, except those cases where a man repents sincerely before his death and abjures the errors he has professed. Except for such a case as this, it is an article of faith that all catholics who become protestants are damned irremediably for all eternity. D. Why do you say that this damnation is one of the *certainties of faith*? R. Because it is a plain revelation of God."

To the present day, Roman Catholics make it a ground of accusation against Protestants that they are abandoning the doctrine of exclusive salvation. Here, for instance, are two sentences from *The Catholic Encyclopedia* (Supplement I, vol. xvii, p. 613. a, article *Protestantism*) "An altitude of indifferentism pervades the sects to-day, and the doctrine of exclusive salvation ("Outside the church there is no salvation") though formerly held by most of them is now practically rejected by the majority . . . such indifferentists do not perceive how utterly unworthy of God it is to think that He should purposely have failed to make any one church the custodian of His revelation." From this point of view, the most "worthy" conception of God is, to imagine Him as having created the majority of mankind under circumstances which preclude their ever hearing the voice of the One Custodian; and as having endowed them with minds which, more often than not, repudiate that voice the more emphatically, the more persistently it cries to them. The necessary consequence of this conception is that drawn by the distinguished Jesuit Tournemin, who wrote in 1730 "Did not God, in the Law of Moses, ordain punishment and even death against those who forsook religion or who violated its precepts? *It is only false religions that can authorize tolerance*" (quoted by J. L. Mosheim, *De Poenis Haereticorum*, Helmstadt, 1731, p. 5).

At the present day no Roman Catholic in English-speaking countries or in Germany, (as apart, that is, from countries where medieval ideas still prevail), can explain in any reasonable and intelligible fashion the time-honoured battle-cry "extra ecclesiam nulla salus." Either they must reduce the institutional Church to unreality, or they must confess, (as Italians and Spaniards have little objection to confessing), that the words reduce Protestant chances of salvation to a minimum.

APPENDIX X.

THE NEW CODEX.

The Catholic Encyclopedia has published a special supplement setting forth the changes in Canon Law made by this Codex of 1917; this supplement is comparable in size to the Codex itself. I have looked through, or looked for, the following headings without finding any allusion whatever to this canon 6: *Capital, Death, Heresy, Inquisition, Pains, Penalty, Protestant, Punishment, Secular Arm*. Under *Crime* there is a sub-heading *Punishments*, but, so far as I could see, no reference to this canon. I have sought with as little success, though less exhaustively, in Supplement no. 1 (vol. xvii). So far as I can see, a reader anxious to discover whether the new Codex had brought any change into the traditional teaching about heresy would find no indication whatever.

APPENDIX XI.

THE IRISH EPISCOPATE AND INFALLIBILITY.

In 1826, the Irish Episcopate issued a "Pastoral Address and Declaration of the R.C. Archbishops and Bishops of Ireland to the Clergy and Laity of their Communion." For the deliberate and representative character of this document see Fitzpatrick's "Life of Bishop Doyle," vol. 1, p. 466. It consisted of fourteen solemn resolutions, designed to reconcile Irish Catholicism with British public opinion.

"8th Resolution. Having learned with sorrow, that notwithstanding the repeated expositions already given of our faith, some grievous misconceptions regarding certain of Catholic doctrine are still unhappily found to exist in the minds of many of our fellow-subjects—resolved, that we deem it expedient to remove the possibility of future misconception on those heads, by the following full and authentic declaration.

Declaration of the Archbishops and Bishops of the Roman Catholic Church in Ireland.

At a time when the spirit of calm inquiry is abroad, and men seem anxious to resign those prejudices through which they viewed the doctrines of others, the Archbishops and Bishops of the Roman Catholic Church in Ireland avail themselves with pleasure of this dispassionate tone of the public mind, to exhibit a simple and correct view of those tenets that are most frequently misrepresented. If it please the Almighty that the Catholics of Ireland should be doomed to continue in the humbled and degraded condition in which they are now placed, they will submit with resignation to the divine will. The Prelates, however, conceive it a duty which they owe to themselves, as well as to their Protestant fellow-subjects, whose good opinion they value, to endeavour once more to remove the false imputations that have been frequently cast upon the faith and discipline of that church which is entrusted to their care, that all may be enabled to know with accuracy the general principles of those men who are prescribed by law from any participation in the honours, dignities and emoluments of the State."

[These "genuine principles" are cast into twelve numbered paragraphs, of which the 11th runs:—]

“ II. The Catholics of Ireland not only do not believe, but they declare upon oath, that they detest as unchristian and impious, the belief ‘ that it is lawful to murder or destroy any person or persons whatsoever, for or under the pretence of their being heretics ’ ; and also the principle ‘ that no faith is to be kept with heretics. ’ They further declare, on oath, their belief, that ‘ no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the Church, or in obedience to any ecclesiastical power whatsoever ’ ; ‘ that it is not an article of the Catholic faith, neither are they thereby required to believe, that the Pope is infallible ’ ; and that they do not hold themselves ‘ bound to obey any order, in its own nature immoral, though the pope or any ecclesiastical power should issue or direct such an order ; but, on the contrary, that it would be sinful in them to pay any respect or obedience thereto. ’ . . . After this full, explicit, and sworn declaration, we are utterly at a loss to conceive on what possible ground we could be justly charged with bearing towards our Most Gracious Sovereign only a divided allegiance. The Catholics of Ireland, far from claiming any right or title to forfeited lands, resulting from any right title or interest, which their ancestors may have had therein, declare upon oath, ‘ that they will defend to the utmost of their power, the settlement and arrangement of property in this country, as established by the laws now in being. ’ They also ‘ disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, for the purpose of substituting a Catholic Establishment in its stead. And further they swear that they will not exercise any privilege to which they are or may be entitled, to disturb and weaken the Protestant religion and Protestant government in Ireland. ’ ”

The document is formally signed by thirty Archbishops and Bishops.¹

Compare this with the pronouncement of Fr. F. Woodlock, S.J., in *The Morning Post*, which he repeated in *The Church Times* (July 27th, 1923, p. 106). He writes from the Jesuit headquarters (Farm Street), and without denial or protest from his superiors, “ I have lately read a number of Anglo-Catholic books and pamphlets, and the resulting impression made on me is that the Protestant and Modernists parties in the Church of England understand the intransigence of Rome much better than the Anglo-Catholic party does . . . The Protestant and Modernist parties recognize—*with us*—that Rome can never be ‘ other than it is ’ in this matter. With us the infallibility and supremacy of the Pope is a dogma which rests on exactly the same authority as does the Godhead of Christ. Both doctrines come to us through what we believe to be the infallible authority of our Church, and to deny *either* doctrine is to deny that infallible authority which teaches *both*. ” (Italics his).

Many similar examples might be given of the valuelessness of Roman Catholic declarations on questions of the greatest moral and religious importance. Nothing but an *ex cathedra* repudiation, by the Pope, as explicit as this repudiation by the Irish episcopate, can put Roman Catholicism right here with the modern conscience.

1. It may be found in full in Bp. Doyle’s “ Essay on Catholic Claims,” 1826, pp. 290 ff ; it is also printed by McGhee, *l.c.*, pp. 307 ff.

APPENDIX XII.

LORD ACTON ON THE DEATH PENALTY.

Lord Acton, on the testimony of Cardinal Gasquet, "after the decision [of Papal Infallibility] accepted the Council and its decrees as he did those of every other Council."¹ Moreover: "One feature in these letters, which will probably seem strange to those who have been accustomed to see illustrated in Acton a spirit of aggression against ecclesiastical authority, is the manifestation of his desire to avoid quarrels and to soften any expressions likely to give offence. He even wished to abstain altogether from the publication of letters and articles likely to be misunderstood by the ecclesiastical authorities." In the light of these testimonials, let us see what Acton said about the Roman Cardinal Rinuccini portrayed in *John Inglesant*.² "I suspect the author [Short-house] of having no authority for his description, both because his account of the Conclave is so superficial, and for the following reason. Rinuccini, alluding to persecution, goes back a century for an example to a foreign country and a hostile church. One later instance occurs to his company but he rejects it. Evidently, he thinks that there is nothing of the sort nearer at hand. If, he says, they once commenced to burn at Rome, they would not know where to stop. An account of Catholicism which assumes that, in the middle of the seventeenth century, Rome had not commenced to burn, is an account which studiously avoids the real and tragic issues of the time. The part of Hamlet is omitted, by desire. For when Rinuccini spoke, the fires of the Roman Inquisition were, indeed, extinct, but had been extinguished in his lifetime, under the preceding pontificate, having burnt for nearly a century. Familiar instances must have been remembered by his hearers; and they had read in the most famous theological treatise of the last generation, by what gradation of torments a Protestant ought to die. They knew that whoever obstructed the execution of that law forfeited his life, that the murder of a heretic was not only permitted but rewarded, that it was a virtuous deed to slaughter Protestant men and women, until they were all exterminated. To keep these abominations out of sight is the same offence as to describe the Revolution without the guillotine. The reader knows no more than old Caspar what it was all about. There was no mystery about these practices, no scruple, and no concealment. Although never repudiated, and although retrospectively sanctioned by the Syllabus, they fell into desuetude, under pressure from France and from Protestant Europe. But they were defended, more or less boldly, down to the peace of Westphalia. The most famous Jesuits countenanced them, and were bound to countenance them, for the papacy had, by a series of books approved and of acts done, identified itself with the system, and the Jesuits were identified with the cause of the papacy. A Gallican was not quite so deeply compromised. He might say that these are the crimes and teaching of the Court, not of the Church of Rome; and he was on his guard to restrict the influence and to disparage the example of the popes. Nevertheless, to say: If you believe the books which Rome commends;

1. *Lord Acton and his Circle*. Burns and Oates, 1906, pp. LXXXV, LXXXVIII.
2. *Letters to Mary Gladstone*, London, George Allen, 1904, p. 140.

if you accept the doctrines which Rome imposes under pain of death and damnation: if you do the deeds she requires, and imitate the lives she proposes as your pattern, you will be probably hanged in this world, and assuredly damned in the next—this would have sounded like derision even in the mouth of Pascal or Bossuet. To a Jesuit it was impossible. He existed in order to sustain the credit of the Popes. He wished the world to think well of them. They were a tower of strength, an object of pride to every member of the Society. He was obliged to swallow them whole. Therefore, though he might wear the mask of Lancelot Andrewes or William Wilberforce, within it was a lining of St—Just. It is this combination of an eager sense of duty, zeal for sacrifice, and love of virtue, with the deadly taint of a conscience perverted by authority, that makes them so odious to touch and so curious to study.”

And again, on p. 185: “[Rosmini] was what we vulgarly call an ultramontane—a reluctant ultramontane, like Lacordaire. An Anglican who views with satisfaction, with admiration, the moral character and spiritual condition of an Ultramontane priest, appears to me to have got over the principal obstacle on the way to Rome—the moral obstacle. The moral obstacle, to put it compendiously, is the Inquisition. The Inquisition is peculiarly the weapon, and peculiarly the work of the Popes. It stands out from all those things in which they co-operated, followed or assented as the distinctive feature of papal Rome. It was set up, renewed, and perfected by a long series of acts emanating from the supreme authority in the Church. No other institution, no doctrine, no ceremony is so distinctly the individual creation of the papacy, except the Dispensing power. It is the principal thing with which the papacy is identified, and by which it must be judged. The principle of the Inquisition is the Pope’s sovereign power over life and death. Whosoever disobeys him should be tried and tortured and burnt. If that cannot be done, formalities may be dispensed with, and the culprit may be killed like an outlaw. That is to say, the principle of the Inquisition is murderous, and a man’s opinion of the papacy is regulated and determined by his opinion about religious assassination. If he honestly looks on it as an abomination, he can only accept the Primacy with a drawback, with precaution, suspicion, and aversion for its acts. If he accepts the Primacy with confidence, admiration, unconditional obedience, he must have made terms with murder. Therefore, the most awful imputation in the catalogue of crimes rests, according to the measure of their knowledge and their zeal, upon those whom we call Ultramontanes. The controversy, primarily, is not about problems of theology; it is about the spiritual state of a man’s soul, who is the defender, the promoter, the accomplice of murder. Every limitation of papal credit and authority which effectually dissociates it from that reproach, which breaks off its solidarity with assassins and washes away the guilt of blood, will solve most other problems. At least, it is enough for my present purpose to say, that blot is so large and foul that it precedes and eclipses the rest and claims the first attention. . . . When he [Liddon] speaks of an eminent and conspicuous Ultramontane divine with the respect he might shew to Andrewes or Leighton, or to Grotius or Baxter, he ignores or is ignorant of the moral objection, and he surrenders so much that he has hardly a citadel to shelter him. I dare say he would give me a very good answer, and I do not hesitate to utter his praises. But I have no idea what the answer would be, and so must leave room for a doubt.”

APPENDIX XIII.

ROMAN CATHOLIC PLEAS FOR EMANCIPATION.

We have seen above how they repudiated Papal Infallibility ; I here subjoin a few typical statements made by representative Roman Catholics when pleading for equality of citizenship in Great Britain. Bishop Doyle was the most distinguished for character and ability among the Irish episcopate.

1. Petition of the Roman Catholics of England presented to the House of Lords, February 22nd, 1810.

They plead that " none of the principles [wh. forbid their taking certain Govt. oaths and tests] which occasion their refusal, affects their moral, civil or political integrity ; and your petitioners humbly submit to this right honble. house that no principle, which leaves moral and political integrity unimpaired, is a proper object of religious persecution." Signed by six Roman Catholic bishops, eight peers, thirteen baronets and more than eight thousand others.¹

2. (a) Letter of J. Doyle, Bishop of Kildare, to A. Robertson, Esq., M.P. (from pp. 1, 6 and 8 of " Letters on a Reunion of the Churches of England and Rome." Dublin, Timms, 1824).

" Sir—The sentiments which you are reported to have delivered in the House of Commons, on the motion of Mr. Hume, relative to the Church Establishment in this country, induce me, though a stranger, to take the liberty of addressing you : and as I agree in opinion with you that the best, if not the only effectual mode of pacifying Ireland, improving the condition of her people, and consolidating the interests of the Empire, would be found in a union of the Churches, which distract and divide us, an expression of my views, who am a Catholic Bishop, may not be unacceptable to you . . . [p. 6]. This union, on which so much depends, is not, as you have justly observed, so difficult as it appears to many ; and the present time is peculiarly well calculated for attempting, at least, to carry it into effect. It is not difficult, for in the discussions which were held, and the correspondence which occurred on this subject early in the last century, as well that in which Abp. Tillotson was engaged, as the others which were carried on between Bossuet and Leibnitz, it appeared that the points of agreement between the Churches were numerous, those on which the parties hesitated were few, and apparently not the most important. The effort which was then made was not attended with success ; but its failure was owing more to Princes than to Priests ; more to state policy than to a difference of belief . . . [p. 8]. It may not become so humble an individual as I am to hint even at a plan for effecting so great a purpose as the union of Catholics and Protestants in one great family of Christians ; but as the difficulty does not appear to me to be at all proportioned to the magnitude of the object to be attained, I would presume to state that if Protestant and Catholic Divines of learning and a conciliatory character, were summoned by the Crown to ascertain the points of agreement and difference between the Churches, and that the result of their conferences were made the basis of a project to be treated

1. " Historical Account of the Laws against the Roman Catholics of England," p. 35 (London, Luke Hansard, 1811). This was edited, according to the British Museum catalogue, by O'Connell.

on between the heads of the Churches of Rome and of England, the result might be more favourable than at present would be anticipated. The chief points to be discussed are, the Canon of the Sacred Scriptures, Faith, Justification, the Mass, the Sacraments, the Authority of Tradition, of Councils, of the Pope, the Celibacy of the Clergy, Language of the Liturgy, Invocation of Saints, Respect for Images, Prayers for the Dead. On most of these, it appears to me that there is no essential difference between the Catholics and the Protestants; the existing diversity of opinion arises, in most cases, from certain forms of words which admit of satisfactory explanation, or from the ignorance or misconceptions which ancient prejudice and ill-will produce and strengthen, but which could be removed: they are pride and points of honour which keep us divided on many subjects, not a love of Christian humility, charity and truth."

(b) "Cordially as I abhor the temporal power claimed by the Pope."¹

(c) (*Ibid.*, p. 202) "The exclusiveness of our doctrine! Where has this produced disturbance and confusion under just and equal laws? Is it in Hungary, is it throughout Germany, is it in Switzerland, is it in France, is it in Canada, is it in Maryland, is it in the dominions of the Kings of Prussia or of Hanover, or in any of those states where civil and religious liberty are happily established? No, my Lord, it is a dominant creed, no matter of what sect or Church, when conflicting with a people, which produces disorder, penalties, and crime; only take away restrictions from religious belief—let no man suffer on account of his faith, and you extinguish in those who are exalted, pride with a spirit of domination, and you take from the humble the zeal of suffering for justice sake; you also remove from prejudice and passion the very food on which they live, and convert numberless hypocrites into sincere Christians. Exclusiveness of our doctrine! My Lord, this charge, as against us, is really absurd; our doctrine is not a whit more exclusive than that of the Established Church, and not half so much as that of numberless sects of dissenters."

3. Daniel O'Connell (*italics his own*). From "Select Speeches of D. O'C.," edited by his son. 1854.

(a) (vol. I, p. 447) Speech at Lord Fingal's meeting, 1814.

"Let our determination never to assent [to the Crown veto on nomination of Bps.] reach Rome. It can easily be transmitted there; but even should it fail, I am still determined to resist. I am sincerely a Catholic, but I am not a *Papist*. I deny the doctrine that the Pope has any temporal authority, directly or indirectly, in Ireland; we have all denied that authority on oath, and we would die to resist it. He cannot, therefore, be any party to the act of parliament we solicit, *nor shall any act of parliament regulate our faith or conscience*. In spiritual matters, too, the authority of the Pope is limited; he cannot, although his conclave of Cardinals were to join him, vary our religion, either in doctrine or in essential discipline, in any respect. Even in non-essential discipline the Pope cannot vary it without the assent of the Irish Catholic Bishops. Why, to this hour, the discipline of the Council of Trent is not received in this diocese."

(b) (vol. II, p. 342) Catholic Association. June 11th, 1824.

"Mr. O'Connell, pursuant to his notice, moved a resolution thanking Dr. Doyle for his letter upon the union of the churches."

(c) (vol. II, p. 470) O'Connell, in a speech of January 8th, 1825, warmly

1. J. Doyle, "Essay on Catholic Claims" addressed to the Prime Minister (Dublin, Coyne, 1826), p. 113.

praised George IV because "he has declared it as a principle that the man is a tyrant who interferes between the consciences of his brother-man and his God."

(*d*) (vol. II, pp. 24, 26) Catholic Aggregate Meeting, August 29th, 1815.

"We have refuted every calumny; we have practically disproved every objection; we have shown how powerless the Pope is to alter, without the assent of our bishops, the discipline of the Church. All we ask is liberty and conscience. We do not ask—we would not take—particular privileges or individual advantages; we ask that religion should be left between man and his Creator, and that conscience should be free."

APPENDIX XIV.

ARCHBISHOP WAKE AND REUNION.

(2) Appendix ix to vol. vi of Maclaine's translation of Mosheim's Ecclesiastical History (ed. 1823, p. 130).

Extract of a letter from Archbishop Wake to Mr. Beauvoir.

Dec. 2, o.s., 1718.

I am glad the two doctors seem to receive my last letters so well. The truth is, that while they manage as they do with the court of Rome, nothing will be done to any purpose. And all ends in trifling at the last. We honestly deny the pope all authority over us: they pretend, in words, to allow him so much as is consistent with what they call their Gallican privileges; but let him never so little use it contrary to their good liking, they protest against it, appeal to a general council, and then mind him as little as we can do. In earnest, I think we treat his holiness not only with more sincerity, but more respect than they: for to own a power, and yet keep a reserve to obey that power only so far and in such cases as we make ourselves judges of, is a greater affront, than honestly to confess that we deny the power, and, for that reason, refuse to obey it. But my design was partly to bring them to this, and partly to see how they would bear, at least the proposal, of totally breaking off from the court and bishop of Rome.

APPENDIX XV.

VERMEERSCH.

The scandal caused by de Luca's books has apparently led to their furtive suppression; it is almost impossible now to procure the seven volumes of this author, who set forth so hopefully and so recently, with the blessing of the Society of Jesus, and with the breath of papal approbation to swell his sails. Of Tarquini's book, which ran to four editions at least, my bookseller in Rome has not yet succeeded in finding a copy. Lépiciér, again, is "out of print"; a great Roman bookseller pleaded excuse for his inability to procure me a copy of either de Luca or Lépiciér, that "these books are out of print, although they are of recent publication. They are much studied, and are sold only after the owner's death, so that we do not come across second-hand copies." Meanwhile the Society of Jesus has commissioned a Belgian Jesuit, Fr. A. Vermeersch, to deliver

lectures discreetly by way of counterblast to his three distinguished predecessors in Roman chairs. These have been translated into English, under the title of "Tolerance" (Washbourne, 1913), with the view of quieting Anglo-Saxon consciences which had been seriously scandalized by the painful orthodoxy of Roman theologians.¹ To those who are scandalized by the bluntness of Cardinal Tarquini and Professors de Luca or Lépiciér, there is now a convenient offhand answer: *Nous avons changé tout cela*; don't trouble about those "back numbers"; read the latest novelty; read Vermeersch's "Tolerance!" It is thus, in effect, that Fr. Walker answers me (*Med. Stud.* 17, §§159, 166). Therefore I have now read enough of Vermeersch to make the following criticisms without fear of serious contradiction.

In the first place, he persistently shirks the main point. Aquinas, starting from the orthodox doctrine that the Church is a Perfect Society, forged an iron chain of logic from that premiss to the conclusion of Death Penalty for Heretics. Vermeersch never ventures to grapple directly and in detail with St. Thomas's argument. He presents the reader with an opposite conclusion; but he wriggles to this conclusion in so confused and crooked a fashion that one can never tell which link of St. Thomas's chain he claims to have broken. He is fortunate to live in a country and in an age in which he runs no risk of being called upon to explain his doctrines before an Inquisition. He seems clearly to admit Aquinas's premiss of a Perfect Society; and Perfect Societies have full rights of coercion and punishment; yet on p. 57 he pleads that, for the purpose of the present argument, "these heretics [*viz.* Protestants-born] appear to us to be in the same position as infidels," in support of which he does not (like Fr. Rickaby) quote Aquinas, but merely "Father Hugué, O.P." Yet he is obliged to admit (p. 55) that Protestants-born, if baptized, are legally subjects of the Roman Church. But a man cannot both be and not be the subject of a Perfect Society. Though all the greatest theologians assert considerable rights of religious coercion over infidels—the rights of a conqueror over the conquered—yet none ventures to claim infidels as subjects of the Church. If baptized Protestants-born are real subjects to Rome (and Benedict XIV put that beyond all doubt), how then can they possibly be no more truly subjects than infidels are? We need not emphasize the fact that, even in the case of infidels, all orthodox theologians grant that these may justly be forbidden to celebrate their unorthodox rites in any town where Rome has power to suppress them; let us waive this, and suppose for the moment that the infidel is happily immune from Roman interference; how can that possibly help the Protestant? It is to lack of baptism that the infidel owes such immunity as he possesses; and Benedict XIV has solemnly declared that baptism changes the child from a non-subject infidel to a subject Christian. A Perfect State, again, has full power of coercion over all its subjects, even unto death. How does Fr. Vermeersch get over this? He simply ignores past theology, and Canon Law, and common sense, whenever he finds them inconvenient; he produces his flattering conclusion just as the friend of the evening produces a white rabbit from his sleeve to amuse the children. The faithful are now reassured; a Professor has been

1. For the care which Rome takes to feed Italians and Spaniards with strong orthodox doctrine, and more educated populations with diluted or emasculated versions, less shocking to modern ideas, see my *Medieval Studies*, no. 14, 2nd ed., pp. 51 ff, and *The Contemporary Review* for September, 1894, "Theological Book-keeping by Double Entry."

found to preach tolerance publicly ; he has been promoted to a post in Rome ; and a very painful skeleton has been put into the cupboard.

But, in the second place, this professor has not ordinary literary honesty. On pp. 64-5 he slurs over the cases of Tarquini, de Luca, and Lépiciér, adding a footnote which cannot be acquitted of intention to mislead. Anyone reading this note would imagine (1) that de Luca had only "devoted four lines to the law and opinions of former times" on this subject, whereas he has devoted many pages to it ; even the long extracts in Appendix VII to my *Med. Stud.* 17, give only a faint idea of the detail into which he goes. (2) That he only quotes ancient authors incidentally, without approving their conclusions ; this, as the reader may see for himself, is equally false. (3) That de Luca quotes with approval authors who deny the Church's *right* of inflicting the death penalty ; (for of course the real question at issue is that of *right* ; nobody on either side pretends that the Church has now the *power* of exercising this pretended right). Those authors only point out that the Church no longer officially *claims* that right, in modern countries where political equality has rendered her incapable of *enforcing* it. It is true that Fr. Vermeersch has not plainly affirmed any one of these three falsehoods ; yet, by adroitly discussing not de Luca's actual book but the exaggerated criticisms of a scandalized journalist, he has managed to leave the unsuspecting reader under all these false impressions as to the actual book with which (and not with some obscure journalist) his real argument has to deal.

Again, on p. 66 his reference to "the celebrated Bianchi de Lucca" (who is really far less celebrated than those great Jesuits whom Vermeersch dares not to face) is even more crooked. It runs thus : " ' When then ' asks Bianchi, ' did the Church possess this power of punishing by death or mutilation ? Who ever pretended that the Church had the power of condemning to a bloody punishment ? Does she not expressly forbid it by her Canons, both of modern and of ancient law ? Who does not know that the desire of the Church, in punishing delinquents by corporal inflictions, has always been to bring about their repentance and conversion, and never their extermination ? ' It would be difficult to answer more categorically than this." Before testing the value of this claim to a categorical answer, let us point out how commonly the deception underlying these words is imposed upon readers so ignorant of history as the enormous majority of Roman Catholics are. Bianchi's plea is the same as that of the celebrated controversialist, Dr. Milner, who wrote in 1905 ("A Short View of the Chief Arguments against the Catholic Petition," p. 30) : "I do not know any other Church except the Catholic which has *formally declared* that she has no power of inflicting sanguinary punishment in any case whatever" ; (italics his ; footnote referring to 3rd Lateran council, canon 27). Bianchi's reference is to a more emphatic repetition of this same prohibition, decreed by Innocent III and embodied in Canon Law (*Dec. Greg.*, lib. III, tit. 1. c. 9), which runs : "Let no cleric compose or promulgate any sentence of blood ; nay, let him not either exercise vengeance of blood, or be present where such is exercised . . . nor let any cleric compose or write letters for the execution of vengeance of blood ; wherefore, in princes' courts, let this care be committed not to clerics but to layfolk . . . nor let any subdean, deacon or priest practise any art of surgery which involves cautery or incision, etc., etc."

Now, this is simply the 18th canon of that Fourth Lateran Council which, in its 3rd canon, had decreed that the civil powers must "exter-

minate " all persons condemned as heretics by the Church, and that any prince or magistrate neglecting to " exterminate " those who were thus condemned should themselves, for their negligence, be punished as abettors of heresy ! Moreover, the canon appealed to by Milner begins : " As St. Leo saith, although ecclesiastical discipline, contented with the priestly judgement, carries out no bloody revenges, yet is she assisted by the constitutions of Catholic princes, in order that men, fearing the imminence of bodily punishment, may often seek a salutary remedy." Therefore, (the canon proceeds), all princes neglecting to expel heretics must be excommunicated ; any man who will take up arms against the princes' mercenaries (who are accused of great cruelties) shall be assured of salvation if they die in true penitence of their sins ; meanwhile the Church will protect their property as she protects that of Crusaders to the Holy Land.

What sort of arguments are these, in relation to the real point at issue ? Vermeersch, Bianchi, Milner are here deluding their readers with the falsehood, abandoned by all respectable Roman Catholic writers, that the Church was not herself responsible for the death of condemned heretics.

For their actual *condemnation*, not even these writers would deny the Church's responsibility ; no civil authority might interfere in heresy trials ; not even to the extent of asking to see the evidence. When she handed them over as condemned criminals to the secular arm, she not only knew what this formality meant, but was actually ready to punish the magistrate who should refuse to execute the condemned person. Vermeersch himself, in face of the overwhelming evidence, admits that, from the fifteenth century onwards, the magistrates had no real choice (p. 150) ; he can only plead " we do not feel the same repugnance for the judges as for the executioner who carries their sentences into effect " ; an argument which would go just as far to exculpate Henry VIII from the guilt of Sir Thomas More's death as it does to exculpate the Church from that of Tyndale. But all quibbles on this subject have been swept away by the two ablest orthodox historians of the Inquisition, Th. de Cauzons and Canon Vacandard of Rouen. The former writes (vol. I, p. 492) " The civil magistrates found themselves compelled, under the double pressure of royal and religious authority, to pronounce an irremissible capital sentence upon dissenters whom the ecclesiastical courts declared to have fallen into the crime of heresy and thus excluded from the Church." And Vacandard puts it even more plainly (tr. Conway, 1908, pp. 177 ff) " St. Thomas held, with many other theologians, that heretics condemned by the Inquisition should be abandoned to the secular arm, *judicio saeculari*. But he went further and declared it the duty of the State to put such criminals to death. The State, therefore, was to carry out this sentence at least indirectly in the name of the Church. A contemporary of St. Thomas thus meets this difficulty : ' The Pope does not execute any one,' he says ' or order him to be put to death ; heretics are executed by the law which the Pope tolerates ; they practically cause their own death by committing crimes which merit death.' The heretic who received this answer to his objections must surely have found it very far-fetched. He could easily have replied that the Pope not only allowed heretics to be put to death, but ordered this done under penalty of excommunication. And by this very fact he incurred all the odium of the death penalty. The casuists of the Inquisition, however, came to the rescue, and tried to defend the Church by another subterfuge. They denounced in so many words the death penalty and other similar punish-

ments, while at the same time they insisted upon the State's enforcing them. The formula by which they dismissed an impenitent or a relapsed heretic was thus worded: 'We dismiss you from our ecclesiastical forum, and abandon you to the secular arm. But we strongly beseech the secular court to mitigate its sentence in such a way as to avoid bloodshed or danger of death.' We regret to state, however, that the civil judges were not supposed to take these words literally. If they were at all inclined to do so, they would have been quickly called to a sense of their duty by being excommunicated. The clause inserted by the canonists was a mere legal fiction, which did not change matters a particle. It is hard to understand why such a formula was used at all. Probably it was first used in other criminal cases in which abandonment to the secular arm did not imply the death penalty, and the Inquisition kept using it merely out of respect to tradition. It seemed to palliate the too flagrant contradiction which existed between ecclesiastical justice and the teaching of Christ, and it gave at least an external homage to the teaching of St. Augustine, and the first fathers of the Church. Moreover, as it furnished a specious means of evading by the merest form the prohibition against clerics taking part in sentences involving the effusion of blood and death, and the irregularity resulting therefrom, the Inquisitors used it to reassure their conscience. Finally, however, some Inquisitors, realising the emptiness of this formula, dispensed with it altogether and boldly assumed the full responsibility for their sentences. They deemed the role of the State so unimportant in the execution of heretics, that they did not even mention it. The Inquisition is the real judge; it lights the fires. 'All whom we cause to be burned,' says the famous Dominican Sprenger in his *Malleus Maleficarum*. Although not intended as an accurate statement of fact, it indicates pretty well the current idea regarding the share of the ecclesiastical tribunals in the punishment of heretics."

This, then, is what lies under the surface of those apologetic phrases of Bianchi which Vermeersch quotes as "conclusively" meeting the question: *Has the Church the right to inflict Capital punishment?* and concerning which he assures us: "It would be difficult to answer more categorically than this."

Another grave distortion of evidence may just be mentioned. On p. 79 he writes: "In the 12th century, a celebrated Canonist, Ivo of Chartres, wrote: 'How can that Church which since her birth has never shed any blood but her own come to shed the blood of another?'" For this he gives a wrong reference (Migne, P.L., t. 162, col. 364). The only sentence to which his reference can apply comes on col. 254, and runs very differently: "For how *ought* the Church, which since her birth *has been commanded* to shed her own blood, to *judge* that another's blood should be shed?—*Quomodo enim Ecclesia judicare debet fundendum sanguinem alienum, quae a primo ortu suo jussa est fundere sanguinem proprium?*" Such colourable excuses as might be pleaded for Vermeersch's distorted version, as an argument applicable to later conditions, are swept away by the actual words, and even more by their context, which refers to a bishop who had arranged a judicial duel between two knights. To plead that the Church never *sheds* blood is less patently false than to represent her as never *adjudging* bloodshed. Ivo, writing long before the Inquisition, and comparatively ignorant of history, might fairly say what he did; Vermeersch cannot fairly mistranslate him thus, and then quote him as a witness to the innocence of the medieval Church in general.

It is astounding that a body with the reputation which the Society of Jesus enjoys within its own communion can put up a writer of this sort as Professor of Moral Theology at the Gregorian University in Rome, and as the champion of modern ideas as against great Jesuits like Bellarmine and Suarez, who, whatever else might be said of them, were deeply versed in Roman Catholic theology and generally reasoned with rigid logical accuracy. The book is approved by the Praepositus of the Belgian Province, by a Vicar General, an Archbishop, and an official Censor. Can all these four men be themselves so ignorant of traditional Catholic theology as their official approval implies? Or, if, knowing the standard theology of the great days of Roman Catholicism, they still approve these modernist subterfuges, what shall we think of the censorship system?

APPENDIX XVI.

Just as I was going to press, I read the following letter in *The Church Times* (March 14th):—

Sir,—In the course of the article on “Reunion” in your issue of the 7th inst., the writer asserts that “the Church of Rome herself has pronounced that she does not consider the Eastern Church as heretical, but only as schismatic.”

Will the writer kindly give us the reference to this declaration?

If the Church of Rome has so pronounced, how is it that in the current number of the *Catholic Gazette*, edited by Dr. Herbert Vaughan and Dr. Downey, the statement appears that the Orthodox Church is “in schism and in heresy; it is not a branch of the Catholic Church.”

Seeing that the Orthodox Church rejects doctrines (*viz.* the Infallibility of the Pope and the Immaculate Conception of our Lady) defined by the Church of Rome, it surely cannot be true that the Church of Rome “does not consider the Eastern Church as heretical.”

H. A. B.

Birmingham.

APPENDIX XVII.

THE CREED OF POPE PIUS IV.

(*Italics throughout this Appendix are mine.*)

This is another instance of the furtive “Variations of Roman Doctrine.” The Ecumenical Council of Trent put Roman Catholicism upon what may be called its modern foundation. Pius IV, under whom the Council finished its work, published a supplementary bull, *In Sacrosancta*, which is commonly printed with the Decrees or with the Catechism of the Council of Trent. I translate here from the explanatory headlines of the edition nearest at hand (“*Catechismus Concilii Tridentini*,” Lyons, Laurens, 1676, p. 518). “The Council of Trent decided that those who were promoted to cathedral or other superior churches, or who were provided with the dignities of such churches or canonries and all other benefices soever with cure of souls, must make a public confession of orthodox faith *and promise and swear that they would remain in obedience to the Roman Church.* Pius IV decreed that the same should be observed [by those promoted

to headships of religious houses, etc.; and six councils of the French Church have confirmed his decree]. Also, all who come back from heresy and return to the faith of the Catholic church are bound to use the same form of profession—*eadem professione uti tenentur*." *The Catholic Encyclopedia* tells us the same: "The practical methods of reconciling heretics with the Church are as follows. . . . The abjuration or profession of faith here prescribed [for converts] is *the Creed of Pius IV, translated into the vernacular*" (vol. II, p. 264b). In that creed occurs the following words: "I acknowledge the Holy Catholic and Apostolic Roman Church as mother and mistress of all Churches, and *I promise and swear true obedience to the Roman Pontiff, [as] successor of St. Peter, prince of the Apostles, and [as] Vicar of Jesus Christ; moreover, I receive and profess unhesitatingly all other things handed down, defined and declared by the sacred canons and ecumenical councils, and especially by the sacred Synod of Trent; and at the same time I equally condemn, reject and anathematize all things contrary [to the same], and all heresies soever condemned, rejected and anathematized by the Church.*" (Italics mine).

Let us see what this pledge means, not by strained severity of interpretation, but according to the natural sense of phrases which, presumably, were carefully drafted and fully weighed before the bull was promulgated.

1. The convert swears not only faith but obedience. His oath is mainly, but certainly not exclusively, one of assent to a creed. The editor of 1676 rightly emphasizes both these constituents of the document—profession of faith and oath of obedience.

2. In direct connexion with the word *obedience* in the actual document, there follows: "I receive and profess unhesitatingly all other things handed down, defined and declared by the sacred canons and ecumenical councils." Nothing would have been easier than to add half-a-dozen words of exception for *disciplinary canons* here, if there had been an intention of excluding these from the oath; the Council of Trent had, as a matter of fact, attempted for the first time to draw a definite line of demarcation between canons of faith and of discipline. Yet no exception whatever is made; and the pope with his advisers was strangely frivolous or obtuse if he did not realize that his bull included all canons without exception.

3. Nor, if Pius had expressed any such exception, would he have really justified the pleas of modern apologists, unless he had added farther and much clearer definition. For we have seen that the classical theologian Melchior Cano attributes the character of faith to *Ad abolendam*; if this be granted, it is very difficult to exclude *Excommunicamus*; and *Excommunicamus* is a canon of an ecumenical Council; therefore the convert swears belief in *Excommunicamus*. Moreover, from the common-sense point of view, it is clearly a question of faith whether I am to believe that my duty towards my neighbour is to "exterminate" him so long as he is sufficiently unorthodox and sufficiently impenitent, and so long as I myself have sufficient power. Lastly, Leo X practically decides this question in the bull *Exurge Domine*, which was certainly *ex cathedra*. (J. F. von Schulte, "Die Macht der Römischen Päpste," Prag. 1871, p. 27). In this bull the pope recites a list of errors current at that time, which, after due counsel and deliberation "We condemn, reprobate and altogether reject"; and anyone contradicting this bull shall incur the indignation of God Almighty, St. Peter, and St. Paul. The 33rd of the errors of faith thus solemnly condemned runs "The burning of heretics

is against the will of the Holy Ghost." Therefore, that 3rd canon of the Lateran Council, which commands the "extermination" of heretics, is not merely a matter of discipline but also (as common-sense has already suggested) a clear matter of faith.

4. By no legitimate excuse therefore, could the convert who took this oath before 1917 escape from the liability to "exterminate" those whom his lawful ecclesiastical superiors might have denounced to him as sufficiently pertinacious heretics. The present *impotence* of Rome is not here in question; it is a question of *Roman faith*, of Roman claims, and of obedience to Rome. The pre-1917 convert was as inexorably pledged to fulfil this oath if called upon, as an obliging friend who backs a bill is pledged to meet that bill if necessary. He may be convinced that the unpleasant contingency can never arise—in this particular case, we are probably all convinced that Rome will never again have power to "exterminate" whole populations—but, if ever she had the power and the will, in that "extermination" the convert pledges himself to assist, just as definitely as the backer is bound to meet the bill if his friend fails to settle it. And even a post-1917 convert is saved from these consequences only in so far as it may please all popes to let the present brief and unemphatic declaration of indulgence stand. Literally, any pope might at any moment, with a stroke of the pen, reduce a post-1917 convert to the appalling theoretical liabilities of the pre-1917 converts. Only two things stand between all converts and this duty of extermination; (i) the good pleasure of the pope for the time being, and (ii) the practical impotence of the Church to inflict the penalties which in theory she claims. Nothing can finally secure the convert but an unequivocal *ex-cathedra* papal renunciation of the right of persecution for his Church.

5. As to the meaning of "extermination," Fr. Walker and I am now happily in essential agreement. From the first, it meant expulsion from one's own land, penniless (for the heretic's goods were confiscated), and with no hope of finding an existence in any other land where the pope's decrees were obeyed. In very many cases, as Fr. Walker acknowledges, this meant death; on the other hand, I was overhasty in assuming that the word was used primarily and necessarily of death.

6. Lastly, I must deal with his plea that all this is beside the mark (*Med. Stud.* 17, §§ 1, 79, 150). He had found some deep design in my inadvertent inaccuracy of translation, and he sent me the actual vernacular version used for converts in England. I pointed out that this version omitted not only the word which he attacked me for omitting, but a great deal more of the actual creed of Pius IV. He replied "I note that you describe the official English version of this Creed as 'a mere travesty of the words which Pius IV actually prescribes' (79), by which, I presume, you mean that it lends less support to your argument. I would, however, point out that since this is the version actually used by converts in this country, any argument as to obligations they incur, must be based on this text, not on the Latin document."

Now, this reasoning can only mean one of two things. If the English "version" actually used does not differ seriously and intentionally from the pope's actual words, I am obviously right in arguing from the Latin document, which, *ex hypothesi*, is what the convert is swearing to, though he uses another language. If, on the other hand, the English "translators" have introduced serious and intentional differences, then we have here another gross instance of Roman duplicity.

The Catholic Encyclopedia assures the convert that he is swearing to

“the creed of Pius IV, translated into the vernacular.” A convert of any education, who takes the trouble to look at the original Latin, will see that this so-called translation is really a shockingly loose paraphrase—the relevant portions are printed in parallel columns in appendix II to *Med. Stud.* 17. But the convert has every reason to believe that this loose paraphrase is intended to represent the original in every essential particular; so that, while his lips pronounce this English, his heart is supposed to be in unison with the pope’s actual words. If this be not so, and if, under cover of paraphrase, the Roman Church in England has deliberately garbled the creed of Pius IV, then we have here a crucial case of “book-keeping by double entry.” That Church—I speak here only of the hierarchy, of the ecclesiastical politicians, of the people really responsible for these things, who obtain promotion by their success in these things—that Church makes herself all things to all men. In South Italy and Spain, where medievalism is still rampant, she is as frankly and unchangingly medieval as she can manage to be. In countries of better education, and especially of greater freedom, she pays the homage of hypocrisy to modern civilization, and furtively conceals these things which are impossible of practical realization, and from which there is nothing now to reap but abhorrence or ridicule.

The actual Latin of the passage quoted above from the creed runs as follows:—*Cetera item omnia a sacris Canonibus et oecumenicis Conciliis, ac praecipue a sacrosancta TRIDENTINA Synodo, indubitanter recipio atque profiteor; simulque contraria omnia, atque haereses quas-cunque ab Ecclesia damnatas et rejectas et anathematizatas, ego pariter damno, rejicio et anathematizo.*

POSTSCRIPT.

Since going to press, I have fallen in with a still more recent preacher of intolerance at Rome—Cardinal L. Billot, S.J., formerly professor at the Gregorian University. The fourth edition of his “*Tractatus de Ecclesia Christi*” was published in 1921-2 by the official press of the Gregorian University, and with the usual official imprimatur. In *Quaest. XIX*, §4 (vol. II, pp. 107 ff) he deals with this question. The Church is not only permitted by God to use force, but He definitely prescribes this to her. Augustine was at first against coercion; but experience taught him better; he was right in applying to nonconformists that text of the gospel parable, “Compel them to come in.” There are no thoroughly efficacious remedies but “the laws which reigned in the Middle Ages against heretics and their abettors.” Billot is at a loss to see what can reasonably be pleaded on the contrary side. “Therefore we must say that material force is rightly employed to protect religion, to coerce those who disturb it, and, generally speaking, to remove those things which impede our spiritual aim: nay, that force can have no more noble use than this.”