

578214

ADM 4791

The TRUTH about the INQUISITION



OTO

John A. O'Brien, Ph.D., LL.D.



Digitized by the Internet Archive
in 2016

The Truth About The Inquisition

Causes, Methods and Results

Light from Recent Historic Research

By

JOHN A. O'BRIEN, Ph.D., LL.D.

The University of Notre Dame

"The first law of history, is to assert nothing false and to have no fear of telling the truth."

Leo XIII, *Brief on Historical Studies.*

THE PAULIST PRESS
401 WEST 59TH STREET
NEW YORK 19, N. Y.

TABLE OF CONTENTS

CHAPTER	PAGE
I. GETTING THE BACKGROUND.....	5
II. ATTITUDE TOWARD HERETICS.....	10
III. THE ALBIGENSIAN HERESY.....	17
IV. THE INQUISITION IN OPERATION.....	22
V. THE SPANISH INQUISITION.....	35
VI. FEATURES OF THE INQUISITION.....	45
VII. THE STRUGGLE FOR RELIGIOUS LIBERTY.....	51
QUESTIONS FOR DISCUSSION.....	61

Nihil Obstat:

THOMAS E. DILLON,
Censor Librorum.

Imprimatur:

✠ JOHN F. NOLL, D.D.,
Bishop of Fort Wayne.

November 22, 1949.

Copyright, 1950, by
THE MISSIONARY SOCIETY OF ST. PAUL THE APOSTLE
IN THE STATE OF NEW YORK

PRINTED AND PUBLISHED IN THE U. S. A. BY
THE PAULIST PRESS, NEW YORK 19, N. Y.

Declassified

FOREWORD

THE study of the Inquisition throws into clear relief problems occupying the focal point in our national consciousness today. The problems have become acute because of the ceaseless efforts of Communists, acting under orders from Moscow, to foment strikes, throttle our industrial productivity, promote strife between the various social classes and bring about by violence, if necessary, the overthrow of the established order and of our form of government. Such has been the unvarying pattern by which they have reduced the nations of the Middle East into satellites of the Soviet dictatorship.

In a country where the rights of the individual, particularly his freedom of speech, of press and of assembly, have been guaranteed by the basic law of the land, must a government sit idly by and witness determined and organized efforts to overthrow it, without lifting a finger to protect itself? If it may defend itself, how far may it go in curtailing the freedom of the individual without trespassing upon his just rights? At what point does the suppression of individual freedom pass beyond the legitimate realm of self-defense into the forbidden area of persecution and tyranny? When does tolerance cease to be a virtue and become a vice?

These are questions uppermost in the minds of the people of America and of the whole civilized world today. They were substantially the questions thrust upon Christendom in the Middle Ages by dissidents who threatened not only its unity but its very existence as well; in the efforts to solve them arose the Inquisition. A careful and unbiased study of its methods of procedure and of the results obtained yields valuable light for our guidance today: guidance as to what to do and what to avoid. The study casts a vivid light upon the enormous importance of observing a reasonable proportion between the force used in restraint and the power of the agencies threatening the established authority.

When there is no real threat to legitimate civil authority but merely a difference of viewpoint in the political, social, philosophic or religious creed of the individual, the study em-

phasizes the supreme importance of tolerance. Unless tempered by disciplined restraint and appreciation of the right of others to divergent views, firmness of conviction and earnestness of faith are likely to breed intolerance and to light the fagots at the victim's stake.

The Divine Founder of the Christian faith taught the lesson of tolerance—a lesson so frequently forgotten in all the ages by many of His well-meaning but short-sighted followers. When the people of a city in Samaria refused to receive the Master, His disciples James and John asked indignantly: "Lord, wilt thou that we command fire to come down from heaven, and consume them?"

Far from countenancing such flaming intolerance, the Master rebuked them saying: "You know not of what spirit you are. The Son of Man came not to destroy souls but to save." How desperately Christians in their zeal and earnestness need to be reminded of those words of their gentle Saviour. How often do we all need to recall His supreme injunction: "Love your enemies: do good to them that hate you: and pray for them that persecute and calumniate you: that you may be the children of your Father who is in heaven, who maketh his sun to shine upon the good and bad, and raineth upon the just and the unjust."

In America where dwell together in a common citizenship people of every race and creed, there is an especial need not only of tolerance but also of kindness, sympathy, good will, brotherhood and appreciation of the rights of others to divergent viewpoints in all matters which do not threaten the welfare and safety of our nation. That is the supreme need today and it will still be a thousand years from now. It is the purpose of this study to contribute in a humble way to the development of the social consciousness wherein love of truth will be matched with love of liberty and where earnest faith and cordial tolerance will walk happily hand in hand.

CHAPTER I

GETTING THE BACKGROUND

THERE are few words in our language which stir such emotional repercussions of an unpleasant and provocative character as the term, Inquisition. In the minds of many moderns it conjures up such notions as, "atrocious cruelty," "religious fanaticism," "savage disregard for the rights of conscience" and "clerical intolerance and domination." The term is likewise heavily coated with imagery.

SAY the word and up crops the picture of cowled monks exulting as the flames leap up around a victim tied to the stake; up springs a picture of a victim being branded with red hot irons while the inquisitors look on complacently, awaiting the moment when the prisoner will confess his heresy and recant. The trial and condemnation of Joan of Arc have been such favorite scenes for artists to depict that there is scarcely a high school child who does not know of her tragic fate at the hands of the Inquisition.

IN their efforts to discredit religion and disparage the Church, Nazi propagandists resurrected long buried incidents of the Inquisition and decked them out in lurid and gruesome colors and paraded them before the people. We recall standing before a book store window on Maria-Hilfenstrasse in Vienna in July, 1939, when the Nazi propaganda was in high gear, and seeing the bloodcurdling display of posters and pictures of imaginary scenes from the Inquisition. "See there," Goebels was saying, "that is what will happen to you if we do not rescue you from the Church."

IN Mexico where the Church was being persecuted by Cardenas, we heard government guides trot out references to the Inquisition as they showed visitors through the churches and monasteries built by the Spanish missionaries. Thus have adversaries through the centuries used the Inquisition as a club with which to beat the Church.

A subject which so quickly enkindles the smoldering prejudices of religious hostility and inflames the passions of hatred is not easy to discuss with calmness or objectivity. Too fre-

quently it is made either the springboard to a diatribe against the medieval Church and all that it stood for or the signal for the apologist to parade all its defenses and justifications and cite the persecutions and cruelties inflicted by Protestant authorities when they had the upper hand. Writers have approached the Inquisition carrying in their hand a bucket of paint—black or white—intent upon smearing it or white-washing it.

The Function of History

Neither is called for: the function of the historian is to present the facts, to render an institution intelligible, to make the past live again and to enable the reader to see it with the eyes of the people of that day. In other words, it is his purpose to enable the reader to enter *inside* the minds of the dwellers of other lands and far-off days and understand how they came to act, think, judge and evaluate as they did; to feel the same currents of thought, aspiration, fear, terror and hope; to enter into the *Zeitgeist* and feel its cultural and spiritual winds beating upon his brow and its music making a melody on his own heartstrings.

Thus only does history become a resurrection of the flesh from the tomb of the past by breathing into it its own distinctive spirit and ethos. "The whole art of history," observes Hilaire Belloc, "consists in eliminating the shock of non-comprehension and in making the reader feel as the men of the past felt."¹ Hence that historian best succeeds who so presents the facts which show how the Inquisition came into being in response to a definite and urgent need: how it seemed like the natural and reasonable step to take under the circumstances—a step which the normal man of today would take if he were suddenly dumped into the medieval world and faced the same problem.

When the historian begins to look for the black paint or the whitewash, he takes his eyes from the target which should be his one concern: the truth. "The first law of history," points out Pope Leo XIII, "is to assert nothing false and to have no fear of telling the truth."² The only treatment of the Inquisition that is in accordance with the canons of his-

¹ Hoffman Nickerson, *The Inquisition*, Preface by Belloc. New York: Houghton Mifflin Co., 1932, p. XXXIX.

² Leo XIII, *Brief on Historical Studies*, Aug. 18, 1893.

torical science is to tell the truth and the whole truth about it: that is the one rule which will guide us in our treatment of this subject which has been the center of such heated controversy through the centuries.

We shall make no effort to whitewash ecclesiastical inquisitors whose cruelty merits the execration of mankind; neither shall we blacken characters simply to conform to popular legend and unscientific history. In his *Historical Sketches*, Cardinal Newman speaks of "that endemic perennial fidget which possesses certain historians about giving scandal. Facts are omitted in great histories, or glosses are put upon memorable acts, because they are thought not edifying, whereas of all scandals, such omissions, such glosses, are the greatest."³ There have been too many treatments of the Inquisition which have aimed to edify by glossing over disagreeable facts rather than to present the unvarnished truth; we shall not consciously add to that list.

Five Basic Facts

The difficulty of many moderns in understanding the Inquisition is traceable to their failure to perceive and appreciate the five following important facts which form the key to the understanding of much of the thought and action of medieval Christendom:

1. The Church is a society, perfect and sovereign, with legislative, judicial and executive powers, charged with the supreme task of disseminating in all its purity the body of divinely revealed religious truth.

2. Faith was considered by the people of the Middle Ages (and of today as well) as a gift of God, more precious than all the treasures of the earth. The faith had come down to them in its original integrity because their ancestors had suffered persecution and death rather than modify it or deny it. It was their duty to safeguard its purity so there would be no departure from the teachings of Christ and His Apostles; since it was the key that would open to them the gates of Heaven, no earthly treasure could compensate them for its loss; hence orthodoxy was to be maintained at all costs.

3. There existed a moral, spiritual and juridical unity of

³ Cardinal Newman, *Historical Sketches*. New York: Longmans, Green & Co., Vol. II, p. 231.

medieval society wherein Church and State constituted a closely knit polity. Theocratic in structure, the State could not be indifferent about the spiritual welfare of its subjects without being guilty of treason to its supreme Lord and Sovereign—Almighty God. The spiritual authority was inseparably intertwined with the secular in much the same way as the soul is united with the body: the modern concept of these two authorities operating in separate water-tight compartments would have shocked the medieval mind much as a schizophrenic personality dismays the modern.

4. There was a severity of the penal code of those days, in which the use of torture and the stake was common. Counterfeiters were burnt alive; those who gave false weights and measures were scourged or condemned to death; burglars were led to the scaffold; thieves convicted of a relapse were put to death. The whole penal code bristled with vengeance for those who transgressed its laws; even as late as the reign of Henry VIII and of Elizabeth persons were being drawn, disemboweled and quartered; others were being boiled to death. Still more revolting was the torture of the wheel, on which the victim was left with broken bones and limbs to die a lingering death of excruciating pain. John Calvin experienced no scruples in having his theological opponent, Michael Servetus, burned to death. The penalties inflicted by the Inquisition were simply those in current use in their day.

5. The modern concept of the secular state, neutral toward all religions and guaranteeing to their adherents equal rights and freedom of conscience and of worship, would have shocked the medieval mind. Few people realize how comparatively recent is the development such as we have in the United States. To view the thought and action of the people of the Middle Ages against the background of today is to misunderstand and misjudge them entirely. It would be like viewing the covered wagon in which the early settlers in America trekked to the West against the background of the airplane travel of today.

Roots Lie Deep in History

It is because most moderns have lost sight of these five cardinal facts that they experience such difficulty in understanding the Inquisition. Yet to any Christian living before the religious revolution of the sixteenth century these con-

ceptions were commonplace; indeed, he would be shocked at the modern conception that religious orthodoxy is a matter of indifference to society and to the state—a mere item of private judgment or individual whim.

If we try to view the Inquisition or any other institution of the Middle Ages through the lenses of twentieth century habits of thought and action, it will appear strange and mystifying—giving us the shock of non-comprehension with all its disturbing emotional repercussions. Hence it is necessary to study the society of that day with its prevailing customs of thought and action to understand how our ancestors behaved as they did. This does not mean that we must agree with their viewpoint or philosophy; indeed we may be utterly opposed to both; but we must be able to see them as flesh-and-blood men and women, children of their day, doing what we in all probability would have done if we were their next-door neighbors.

With the above as a necessary premise to make the discussion intelligible, we proceed to trace the development of the struggle against heresy through the centuries, the final establishment of the medieval Inquisition, its methods of procedure, its counterpart in Spain, and the lesson that the Inquisition has for the world today. It is only by tracing the evolution of this institution through the centuries that one can understand the forces which brought it into being as a natural and almost inevitable climax. "The Inquisition," as the historian H. C. Lea points out, "was not an organization arbitrarily devised and imposed upon the judicial system of Christendom by the ambition or fanaticism of the Church. It was rather a natural—one may almost say an inevitable—evolution of the forces at work in the thirteenth century, and no one can rightly appreciate the process of its development and the results of its activity, without a somewhat minute consideration of the factors controlling the minds and souls of men during the ages which laid the foundation of modern civilization."⁴ Hence we shall treat this important genetic aspect of the subject in some detail; for without an insight into the historical factors which brought it into being, it is likely to remain largely unintelligible.

⁴ H. C. Lea, *A History of the Inquisition of the Middle Ages*. New York: Macmillan, 1908, Pref., p. III.

CHAPTER II

ATTITUDE TOWARD HERETICS

THE Inquisition was a special ecclesiastical institution for detecting and suppressing heresy. Upon its officials were bestowed by supreme ecclesiastical authority special judicial powers of a universal and permanent character. It is not accurate to say that the Inquisition made its appearance in the thirteenth century, complete in all its principles and organs: it was but a stage in the process of evolution whose beginnings go back to the origins of Christianity.

While deeply imbued with the conviction that they must transmit the deposit of revealed truth undefiled and that any teaching at variance with their own would be a culpable offense, the Apostles did not invoke the penalty of death by stoning as decreed in the book of Deuteronomy upon those who departed from the true faith.¹ In dealing with the heretics Alexander and Hymeneus, St. Paul substituted a purely spiritual punishment: exclusion from the Church.²

In the first three centuries there is no trace of any persecution, and the earlier Fathers, especially Origen and Lactantius, repudiate the idea of it. Tertulian lays down the rule that the natural law authorized man to follow only the voice of individual conscience in the practice of religion, since the acceptance of religion was a matter of free will and not of compulsion.³ St. Cyprian of Carthage surrounded by countless schismatics, refrained from any attempt to apply the material sanctions of the Old Testament; he declared that religion being now spiritual, its sanctions should be of the same character and that excommunication replaces the death of the body.⁴

Even more pronounced was Lactantius, still smarting under the scourge of bloody persecutions, in his advocacy of absolute freedom of worship. "Religion," he writes in 308, "being a matter of the will, it cannot be forced on anyone;

¹ Deut. xiii. 6-9; xvii. 1-6.

² 1 Tim. i. 20; Tit. iii. 10.

³ Tertulian, *Ad Scapulam*, C. 11: "*Humani juris et naturalis potestatis, unicuique quod putaverit colere, nec alii obest aut prodest alterius religio. Sed nec religionis est religionem colere, quae sponte suscipi debeat, non vi.*"

⁴ Ep. 1XXII, *Ad Pompon*, n. 4.

in this matter it is better to employ words than blows. Of what use is cruelty? What has the rack to do with piety? Surely there is no connection between truth and violence, between justice and cruelty. . . . It is true that nothing is so important as religion and one must defend it at any cost. It is true that it must be protected, but by dying for it, not by killing others; by long-suffering, not by violence; by faith, not by crime. If you attempt to defend religion with bloodshed and torture, what you do is not defense, but desecration and insult. For nothing is so intrinsically a matter of free will as religion.”⁵

If these wise words of Lactantius, reflecting so accurately the mind of the Church of the Catacombs, could only have been kept before the eyes of churchmen in all ages, how much pain, torture and bloodshed would have been avoided and what a brighter page would be that which records the disagreements of Christians in all the subsequent ages.

The teachings of churchmen in the first three centuries may be summarized as follows: There was an insistence upon complete religious freedom; they declared that religion could not be forced on others—a principle always adhered to by the Church in her dealings with the unbaptized; they proclaimed that merely spiritual penalties should be used in dealing with heretics in contrast to the punishments of torture and death which Judaism invoked against its dissidents.

Attitude Changes

Constantine issued his famous Edict of Toleration in 325, permitting the Church to emerge from the catacombs. A change from the policy of the first three centuries begins with the imperial successors of Constantine. Viewing themselves as divinely appointed “bishops of the exterior,” as masters of the temporal and material affairs of the Church, they came gradually to assert their authority in spiritual matters. In league with prelates of Arian tendencies, they persecuted orthodox bishops, sentencing them to imprisonment and exile.

In vain did St. Hilary of Poitiers protest against the use of force in the province of religion, even for the spread of Christianity or the preservation of the faith. Along with other bishops, he declared that the severe sanctions of the Old

⁵ Lactantius, *De Divinis Institutionibus*, V. XX.

Testament were abrogated by the mild and gentle laws of Christ.⁶ Persuaded that their first concern was the protection of religion, the successors of Constantine issued many penal edicts against heretics. In the space of 57 years not less than 68 edicts, with penalties ranging from exile to death, were promulgated. A law of 407, aimed at the traitorous Donatists, asserts for the first time that such heretics ought to be regarded as transgressors against the sacred majesty of the emperor—a concept which was destined in later centuries to play a momentous role.

At the close of the fourth century and during the fifth, Manicheism, Donatism and Priscillianism were the chief heresies threatening the integrity of the Christian faith. When expelled from Rome and Milan, the Manicheans sought a refuge in Africa. In spite of their flagrant errors and abominable deeds, the Church made no appeal to the civil power against them. Explicitly repudiating the use of force, St. Augustine, Bishop of Hippo, sought to win the heretics back by convincing them of their errors.

The Donatists sought to enlist the aid of the civil power only to end up by being its victims. When they complained of the penalties inflicted by the civil administration, St. Optatus of Mileve defended the civil authority as follows: "But say you, the State cannot punish in the name of God. Yet was it not in the name of God that Moses and Phineas consigned to death the worshippers of the golden calf and those who despised the true religion?"

The First Instance

Here is the first recorded instance of a Catholic bishop championing a decisive co-operation of the State in religious matters and upholding its right to inflict the death penalty on heretics. It is the first time, too, that a Catholic prelate appealed to the Old Testament as the authority for justifying such punitive measures: the Fathers of the Church of the catacombs had considered that part of the Judaic law outmoded by Christ's law of kindness, mercy and love that embraced even one's enemies.

When Priscillian, Bishop of Avila in Spain, was condemned for heresy and sorcery and put to death in 385 by order of the

⁶ *Liber Contra Auxentium*, C. IV.

emperor Maximus, St. Martin of Tours, St. Ambrose and St. Leo vigorously attacked the Spanish bishops who had obtained the condemnation of Priscillian. St. John Chrysostom believed that a heretic should be deprived of liberty of speech and that assemblies of heretics should be dissolved, but declared that "to put a heretic to death would be to introduce upon earth an inexpiable crime."⁷ He declares that God forbids their execution, even as He forbids us to uproot the cockle, but He does not forbid us to repel them, to deprive them of freedom of speech or to prohibit their meetings. While the majority of the Christian writers in the first five centuries held that the death penalty for heresy, when not civilly criminal, was irreconcilable with the spirit of the gentle Christ, they welcomed the help of the secular arm as often as Christian welfare, general or domestic, required it.

From the sixth to the ninth century the heterodox, with the exception of the Manichean sects in certain localities, were seldom disturbed by punitive measures. Along in 1000 when the spread of Manicheans under various names through Italy, Spain, Gaul and Germany presented a serious menace to the unity of Christendom, civil authorities not less than the populace became alarmed and deemed more vigorous measures necessary. There occurred numerous outbursts during which the enraged people attacked the heretics and even put some of them to death.

Mob Action Grows

Actions such as those of the heresiarch, Peter of Bruis, who went about destroying and burning crosses, so infuriated the masses that they took the law into their own hands and put him to death. In 1022 King Robert, "because he feared for the safety of the kingdom and the salvation of souls," had thirteen heretics, known as Cathari, some lay and some ecclesiastics, executed at Orleans. This action is commonly cited as the first recorded instance of action by the secular arm against heresy in the Middle Ages. However that may be, it is certain that after 1022, cases of mob action against them began to increase.

Noticing that this sect was spreading in his diocese, the Bishop of Chalons inquired of Wazo, Bishop of Liege, advice

⁷ *Hom.* XLVI, C. i.

on the use of force.⁸ Wazo counseled against it, stating that its use was contrary to the spirit of the Church and the words of its Founder who ordained that the tares should be allowed to grow with the wheat until the day of the harvest, lest the wheat be uprooted with the tares; those who today were tares might tomorrow be converted, and turn into wheat; let them live therefore, he urged, and let mere excommunication suffice. This, it will be recalled, was the reasoning of St. John Chrysostom seven centuries previously.

Admirable as was the principle formulated by Wazo, it was not easy for the masses to follow it when they saw their faith ridiculed and attacked by an ever increasing number of heretics. They complained against the "dilatatory methods" and the "habitual softheartedness of ecclesiastics" in regard to heretics and on many occasions stormed the prisons and put them to death. Such mob action took place at Soissons in 1114, at Liege in 1144 and at Cologne at about the same time.

Churchmen were struggling earnestly to win back the dissidents by persuasion and spiritual means, but the aroused populace demanded summary action and frequently took the law into their own hands. The lynchings which have occurred for years in the southern states in our country, and are still occurring, are illustrations of what happens when the temper of a mob gets out of control.

Church Abhors Violence

Despite the angry insistence of the masses for the summary action, so characteristic of those rude days, the Church abhorred violence and sought to deal with heretics in a pacific manner relying upon methods of persuasion. It is indeed remarkable that in the face of such inflamed public sentiment that among all the bishops of the period, so far as can be ascertained, Theodwin of Liege, successor of the aforementioned Wazo, was the only one who appealed to the secular arm for the punishment of heretics, and even he did not call for the death penalty, which was repudiated by all.

Let us take two of the most highly respected men of the

⁸ "*An terrenae potestatis gladio in eos sit animadvertendum necne,*" *Vita Wasonis*, cc. XXV, XXVI, in P. L., CXLII, 752; *Wazo ad Roger. II, episc. Catalaunens*, and "*Anselmi Gesta Episc. Leod.*" in "*Mon. Germ. S.S.*," VII, 227 Sq.

twelfth century, Peter Cantor, the most learned man of his time, and St. Bernard of Clairvaux, the zealous defender of the faith, and see where they stood on this question of the use of force to suppress heresy. "Whether they be convicted of error," he said, "or freely confess their guilt, Catharists are not to be put to death, at least not when they refrain from armed assaults upon the Church. For although the Apostle said, 'A man that is a heretic after the third admonition, avoid,' he certainly did not say, 'Kill him.' Throw them into prison, if you will, but do not put them to death."⁹

In direct opposition to the action taken by the people of Cologne, St. Bernard laid down the rule that men are to be won to the Faith not by violence but by persuasion. *Fides suadenda, non imponenda*. While he censured the carelessness of the princes in allowing little foxes to devastate the vineyard, yet he is careful to add that the latter must not be captured by force but by arguments (*capiantur non armis, sed argumentis*): the obstinate were to be excommunicated and, if necessary, kept in confinement for the safety of others. The views expressed by Peter Cantor and St. Bernard are substantially the same as those expressed by the synods of the period: the synod at Rheims in 1049 under Leo IX, that at Tolouse in 1119, at which Callistus II presided, and finally the Lateran Council of 1139.

The occasional execution of heretics during this period must be ascribed partly to the arbitrary action of secular rulers and partly to the fanatic outbreaks of mob violence, but not to ecclesiastical law or authority. Though there were already canonists who conceded to the Church the right to pronounce sentence of death on heretics, the question was discussed as a purely abstract one and the theory exercised no influence on current practice.

Church's Solitude

The solicitude of the Church was for the reformation of the heretics and the spiritual penalties which she inflicted were intended as penances and means of atonement; she refused to sanction capital punishment for heresy; always uppermost in her mind was the salvation of the dissident's soul.

⁹ *Cath. Ency.*, V, 8, p. 28; cf. Geroch von Reichersberg, *De investigatione Antichrist*, III, 42.

The rule laid down by Peter Cantor still prevailed: "Catharists, even though divinely convicted in an ordeal, must not be punished by death."¹⁰

The English historian, A. L. Maycock, testifies to the Church's freedom from responsibility for the death penalty up to this time. After discussing the outbreaks at Milan, Cambrai, Soissons and Liege, he says: "The important point to be noted is that, in all these cases, covering a period of more than a century, the Church either held aloof or plainly manifested her disapproval . . . Pope Gregory VII protested against the excesses at Cambrai in 1076 and ordered that those Catholics who had taken part should be excommunicated. At this time the ecclesiastical authority recognized no precedent for seeking the aid of the secular power in combating heresy."¹¹

Similar is the testimony of the *Encyclopedia Britannica*: "Up to about 1200," it states, "it is not quite easy to determine what part was taken by the Church and its bishops and doctors in this series of executions. At Orleans, the people supported by the crown were responsible for the death of the heretics; the historians give only the faintest indications of any direct intervention of the clergy, except perhaps for the examination of doctrine."¹²

Speaking of the outbreaks of popular wrath against heretics in the eleventh and twelfth century, the French historian, E. Vacandard, declares: "Far from encouraging the people and the princes in their attitude, the Church through her bishops, teachers, and councils continued to declare that she had a horror of bloodshed."¹³

In the second half of the twelfth century, however, the Albigensian or Catharan heresy spread through Europe in an alarming fashion; it menaced not only the Church's existence but also the very foundations of Christian society and orderly government. In answer to this grave menace there grew up in Germany, France and Spain a kind of prescriptive law which visited heresy with death at the stake, a form of capital punishment common at that time. Against that action of the Christian state to defend itself the Church did not protest;

¹⁰ *Cath. Ency.*, Vol. 8, p. 28.

¹¹ *The Inquisition*, A. L. Maycock. New York: Harper & Bros., 1927, pp. 45 and 46.

¹² *Ency. Brit.*, Vol. 14, p. 588.

¹³ E. Vacandard, Trans. by B. L. Conway, *The Inquisition*. New York: The Paulist Press, 1940, p. 37.

indeed, she felt called upon to sanction the severe penalties of the secular authority and to co-operate with the state in their enforcement, for her very existence was likewise threatened.

CHAPTER III

THE ALBIGENSIAN HERESY

To explain the profound and radical change which took place in the Church's policy in regard to heretics, it is necessary to set forth the nature of the Albigensian heresy. When the anti-social and anti-Christian character of its teachings and actions are disclosed, it becomes apparent that both the State and the Church had no alternative but to take prompt and vigorous action against this grave threat to their existence. It is because many treatises on the Inquisition fail to lay bare the sinister nature of this monstrous concoction of pagan and heretical doctrines that the reader is at a loss to understand the reason for the energetic and determined efforts to suppress this movement, even at the cost of the lives of many of its leaders and members.

Albigensianism takes its name from the fact that the town of Albi in Languedoc was one of its earliest strongholds; the members called themselves "Catharii," meaning "the pure," because they wished thereby to indicate their horror of all sexual relations, especially those entailed in marriage, hence the heresy is also known as Catharism. Belief in a dual principle of creation, one good and one evil, was the dominant note of its philosophy and almost all the contemporary writers regarded it simply as a revival of Manicheism.

Matter was evil and spirit good; and all existence was involved in the conflict between these two principles. Since they considered all matter as evil, they denied that our Lord assumed a human body during His earthly life. Regarding Him merely as the highest of the angels, they denied both His divinity and His humanity. They denied that His body could be injured; hence there could have been no Crucifixion and, therefore, no Resurrection. The entire story of the Passion and Death of Christ was dismissed as an illusion.

Denying the real presence of Christ in the Eucharist, they rejected entirely the sacrifice of the Mass. The Blessed Virgin

possessed the same form of celestial body as Christ Himself; she was only apparently a woman, being actually sinless.

Hatred for Church

They professed hatred and contempt for the Church, branding her the Scarlet Woman of the Apocalypse, "drunk with the blood of the saints and with the blood of the martyrs of Jesus"; the pope was Antichrist. The sacraments were childish impostures and transubstantiation was a mad blasphemy. Particularly vehement were those heretics in their denunciation of all forms of symbolism and of the veneration of relics and especially of the Cross.

The latter should be treated with loathing as a mere piece of wood; it should be despised, insulted and spat upon. "I would gladly," said one of their leaders, "hew the cross to pieces with an ax, and throw it into the fire to make the pot boil."¹ One can readily understand the furious wrath of the populace when they saw their crosses chopped down and stamped upon by these heretics.

They had bishops as rulers and their members were divided into the "perfected," the "consoled" and the "believers." The believers were obliged to prostrate themselves before the perfected and to venerate them in an obsequious manner. They made one sacrament out of baptism, confirmation, penance and the Eucharist, which they called the *consolamentum*. Those who died without receiving the *consolamentum* would pass either to eternal punishment or into the body of an animal; since the latter might be the dwelling-place of a human soul, they refused under all circumstances to take animal life. The putting to death of a human being, for any crime whatsoever, was considered wrong; and according to the *Summa Contra Hereticos*, "all the Catharan sects taught that the public prosecution of crime was unjust and no one had the right to administer justice."²

While such doctrine constituted a direct threat to the authority of the state, their teaching concerning marriage and the family was a still graver menace to society. The Albigensians

¹ R. Guidonis, *Practica Inquisitionis*, Paris, 1886, pp. 236 ff. See also A. S. Tuberville, *Medieval Heresy and the Inquisition*, pp. 24 ff. and E. Vacandard, *op. cit.*, p. 56.

² A. L. Maycock, *The Inquisition*. New York: Harper & Brothers, 1927, p. 41.

considered sex as inherently evil, the prolific source of further evil and strove to paralyze the whole sexual life of manhood. Maintaining that the procreation of children was the work of satan, they considered a pregnant woman to be possessed of an evil spirit; if she died in this shameful state, she was doomed to eternal damnation.

Marriage—An Abomination

Marriage was a perpetual state of sin, worse than fornication or adultery, since married people felt neither shame nor remorse; even incest and perversion were preferable to marriage since the greater malice of bringing children into the world was thereby avoided; for this reason abortion was highly to be commended. "Cohabitation with one's wife," declared one of their leaders, "is a worse crime than adultery."³ It often happened that women, after listening to preaching along these lines, renounced all conjugal relations and condemned their unconverted husbands to an enforced celibacy.

The consolamentum could be administered only to those who renounced all marital relations. For the "perfect," that is, those who had received the consolamentum, it was considered sinful and degrading even to touch a woman. A penalty of fasting three days on bread and water was imposed on one touched by a woman, while for the greater sin of touching a woman a punishment of fasting nine days on the same diet was inflicted.

The Albigensian teaching concerning oaths undermined the authority of the state. The oath of fealty constituted the foundation of feudal society; it was the bond binding members in the recognition of the same civil authority; it was thus an anchor of stability, which could not be lifted without setting adrift the whole ship of state on the dangerous currents of license and anarchy. The Albigensians repudiated the oath, declaring it sinful for any of their members to take. Many of them denied the authority of the state to tax citizens and went so far as to condone stealing, providing the thief had done no injury to the "Believers." They absolved those who stole from "non-believers," reports Döllinger, without obliging them to make restitution.⁴

³ Vacandard, *op. cit.*, p. 68.

⁴ Vacandard, *op. cit.*, p. 57; Döllinger, *Beitrage*, V. 11, pp. 248, 249; cf. pp. 245 and 246.

"Commit Suicide or Be Murdered"

The most revolting part of their bizarre creed was the *endura*. When members were critically ill, they received the consolamentum—a sort of caricature of Extreme Unction—which lifted them to membership among the "Perfect" and guaranteed them eternal beatitude regardless of how wickedly they had lived. Since they would jeopardize their salvation if they recovered, they were urged to make their salvation certain by the *endura*, a form of suicide. There were two kinds which the sick heretic might choose: suffocation and fasting.

The candidate for death was asked: "Do you wish to be a martyr or a confessor?" If he replied, "martyr," they placed a pillow over his face and held it there until the unfortunate person was suffocated to death. If he answered "confessor," they gave him neither food nor drink, thus starving him to death.

While *endura* was in theory a form of suicide, it often turned out in practice to be murder. After administering the consolamentum to a sick person, one of the "Perfect," fearful that the patient, if he recovered, would probably lapse from the rigid asceticism prescribed, often took matters into his own hand and for the alleged good of his soul starved him to death. They would forbid the patient's family to feed him; when they were doubtful as to whether the family would obey their murderous prescription, they would either remain there or remove the sick person to the home of one of the "Perfected" to be sure he was starved to death.

When the sect began to administer the consolamentum to infants about the middle of the thirteenth century, they were cruel enough to subject the little ones to the *endura*. "One would think," observes an historian of the time, "that the world had gone back to those hateful days when unnatural mothers sacrificed their children to Moloch."⁵

Endura Kills More Than Inquisition

One of the "Perfect," named Raymond Belhot, administering the consolamentum to a sick girl, ordered her mother not to give her anything to eat or drink.

"If she asks me for it," said the mother, "I will not have the heart to refuse."

⁵ Vacandard, *op. cit.*, p. 71.

"You must refuse her," replied Belhot, "or else cause great injury to her soul." ⁶

To make sure that the sick girl got no nourishment, he returned frequently to the home and saw to it that she was starved to death. Such conduct was typical of the strange cruelty which gripped the members of this fanatical sect and caused them to be loathed and despised by the populace. The magnitude of this menace may be judged from the fact that the endura, according to Maycock, was responsible for more deaths in Languedoc than the stake or the Inquisition.⁷ Similar is the testimony of Vacandard. "Every one," he reports, "who reads the acts of the tribunals of the Inquisition of Toulouse and Carcassone must admit that the endura, voluntary or forced, put to death more victims than the stake or the Inquisition."⁸

Such was the strange concoction of pagan dualism, distorted Gospel teaching and horrible anti-social ethics which masqueraded as primitive Christianity. Entering Europe through Bulgaria and Lombardy, it spread like a tidal wave over Northern Italy, Languedoc and Aragon, and then swept northward through France, Belgium and Germany to the shores of the Baltic. It was one of the most formidable menaces, which had appeared in centuries, to the integrity of the Christian religion, to the authority of the state, and to the ethical principles and social ideals which formed the heart of Christian civilization.

Dangerous as was its attack upon the state by repudiating oaths of every kind and by denying the right of the civil authority to punish and to administer justice, far more sinister was its attack upon the life of mankind by its widespread practice of endura and its efforts to abolish marriage and to prohibit all procreation. If this monstrous and terrifying ideology had gained the ascendancy, the whole human race would have been doomed to extinction in a comparatively short time.

No Alternative

Moderns are generally familiar with the menace which the Moors constituted to Christian Europe; for the Moors were of a different race, culture and religion. Few moderns are

⁶ *Ibid.*, p. 70.

⁷ Maycock, *op. cit.*, p. 42.

⁸ Vacandard, *op. cit.*, p. 72.

familiar, however, with the gravity or the magnitude of the menace of the Albigensians; for here the foe was of the European household, of the same race and culture, professing to practice primitive Christianity itself. Here the menace lay not in the military might of threatening invaders but in the realm of ideas—poisonous, lethal, revolutionary and explosive; hence an institution which would ferret out those ideas and thus enable both the Church and the State to contend against them, to refute and even to suppress them was obviously needed if those two institutions wished to survive.

The institution which was established to meet this urgent and desperate need was the Inquisition: it ministered to the need of both Church and State and both had a hand in its creation and in its direction. It served as a life-boat, coming to the rescue of Christian civilization adrift on a raft sinking under the tumultuous waves of high treason, fanaticism and a monstrous hatred of human life. If it had not come in time, not only Christian civilization but also the human race would have gone under. Every normal man and woman of today, if suddenly plunged into the medieval society threatened with such shipwreck, would have hailed with glee the coming of the rescue boat.

The non-Catholic historian, H. C. Lea, has made an extensive study of the Inquisition and, while frequently critical of the Church, accurately delineates the issues in the struggle of the contending forces for the mastery of European life and thought. "The cause of orthodoxy," he observes, "was in this case the cause of civilization and progress. Had Catharism become dominant or even had it been allowed to exist on equal terms, its influence could not have failed to prove disastrous. . . . It was not only a revolt against the Church, but a renunciation of man's dominance over Nature."⁹

CHAPTER IV

THE INQUISITION IN OPERATION

WE come now to the events leading up to the formal establishment of the Inquisition—events which hastened its establishment and further demonstrated its necessity. From the beginning of the twelfth century, popular outbreaks against

⁹ H. C. Lea, *A History of the Inquisition in the Middle Ages*, V. 1, p. 106.

the heretics continued to grow in frequency and violence; civil authorities began to use repressive measures of greater force and severity. When, in 1166, about thirty sectaries made their way to England, as yet virtually untainted with the heresy, Henry II had them branded on the forehead, beaten with rods, and then driven off; moreover, he forbade anyone to shelter them and seems to have thus warded off the plague of this heresy from his kingdom.

In 1183 Duke Philip of Flanders took stern measures against the heretics; in 1200 King Philip Augustus of France had eight Catharists put to death at the stake; in 1194 Raymond V of Toulouse promulgated a law threatening them with capital punishment. The authenticity of this enactment, however, is questioned, and it was more probably Peter II of Aragon who was the first to decree in 1197 the punishment of death by fire against the heretics who should not have left his kingdom by Palm Sunday of the following year; in this form it was not so much an outright penalty as a threat whose purpose was to have them move away.

The legislation of the Church was far from this severity. At the Lateran Council of 1179, Alexander III renewed the decisions already made as to schismatics in southern France and requested secular rulers to silence those disturbers of the public order; they were to use force, if necessary, and were at liberty to imprison the guilty and to confiscate their possessions. At Verona in 1184 Pope Lucius III in concert with Emperor Frederick Barbarossa enacted still more severe measures: obstinate heretics were to be excommunicated, and then handed over to the secular arm which would inflict a suitable punishment. The emperor, in turn, laid them under the imperial ban, making them subject to exile, confiscation of property, demolition of their houses, infamy, loss of civil rights and disqualification from public office.¹

The Inquisition Comes Into Being

The practice now was quite clear: excommunication by the Church and punishment by the secular arm. The introduction of a regular canonical procedure, prescribed by Innocent III, was a relative service to the heretics for it did

¹ J. Ficker, "Die Einführung der Todesstrafe für Ketzerei" in *Mitteilungen des Instituts für osterr. Geschichtsforsch.*, L, 1880, p. 187 sq., 194 sq.

much to abrogate the arbitrariness, passion and injustice of the secular arm in France, Spain and Germany; lynch law was superseded by statute law.

While Innocent III gave a powerful impetus to the anti-heretical movement in the secular world by his frequent exhortations to secular princes to take action against the disturbers, his reign affords many instances where his prescriptions softened the severity of the penal code. On one occasion during the first year of his pontificate, he appealed to the Roman Law and its penalties for crimes against the sovereign power, yet he did not draw the extreme conclusion that heretics should be punished by death at the stake. Indeed, as long as his prescriptions remained in force, no summary condemnations or executions *en masse* occurred; neither rack nor stake was set up.

During the first three decades of the thirteenth century the Inquisition, as an institution, was not yet in existence. Up to 1224 there was no imperial law ordering, or pre-supposing as legal, the burning of heretics. The rescript for Lombardy of 1224 is the first law in which death by fire is expressly stipulated as the unqualified punishment.²

There is no evidence that Pope Honorius III had any hand in drafting that ordinance; the burning of heretics in Germany was no longer rare and the ancient Roman Law that punished high treason with death, and Manicheism in particular with the stake, was not unknown to the emperor, Frederick II. The imperial rescripts of 1220 and 1224 were adopted into ecclesiastical criminal law in 1231 and were soon applied at Rome. It was then that the Inquisition of the Middle Ages came into being. It was probable, as Lea conjectures, that Gregory had no intention of establishing a permanent tribunal but was simply taking measures to meet an emergency.³

The Immediate Cause?

What caused Pope Gregory IX to take this definite step at that time? While the forces in the background—the increasing menace of Catharism and the mounting tide of violence of the infuriated populace and of the secular arm—are suffi-

² Ficker, *op. cit.*, p. 106.

³ Cf. W. T. Walsh, *Characters of the Inquisition*. New York: P. J. Kenedy & Sons, 1940, p. 45.

ciently clear, the immediate provocation is somewhat uncertain. As a result of an exhaustive study of the contemporary documents, Bishop Douais has attempted to explain its appearance by a supposed anxiety of Gregory IX to forestall the encroachments of Frederick II in the strictly ecclesiastical domain of doctrine.⁴ While the hypothesis cannot be entirely proved, it renders intelligible much that otherwise remains obscure. That was an age filled with the angry contentions of the *Imperium* and the *Sacerdotium*—the State and the Church—and the emperor had already shown his determination to aggrandize his authority in every possible way.

"We need only recall," points out the German historian, Joseph Blötzer, "the trickery of the emperor and his pretended eagerness for the purity of the Faith, his increasingly rigorous legislation against heretics, the numerous executions of his personal rivals on the pretext of heresy, the hereditary passion of the Hofenstaufen for supreme control over Church and State, their claim of God-given authority over both and of responsibility to God and God only. What was more natural than that the Church should strictly reserve to herself her own sphere, while at the same time endeavoring to avoid giving offense to the emperor? A purely spiritual or papal religious tribunal would secure ecclesiastical liberty and authority, for this court could be confided to men of expert knowledge and blameless reputation, and above all to independent men in whose hands the Church could safely trust the decision as to the orthodoxy or heterodoxy of a given teaching. On the other hand, to meet the emperor's wishes as far as allowable, the penal code of the empire could be taken over as it stood."⁵

The New Tribunal

Gregory IX did not set up the Inquisition as a distinct and separate tribunal; what he did was to appoint special but permanent judges whom he clothed with authority to deal with offenses against the faith in the name of the pope; they were not, however, to proceed arbitrarily but were to follow the established rules of canonical procedure and to pronounce the customary penalties; where they presided there was the Inquisition. Contrary to a widespread opinion, the characteristic feature of this tribunal was not the secret examina-

⁴ *L'Inquisition: Ses Origines, Sa Procedure*, Paris, 1906.

⁵ *Cath. Ency.*, Vol. VIII, p. 30.

tion of witnesses and consequent official indictment: this procedure was common to all courts from the time of Innocent III.

Neither was it the pursuit of heretics in all places; for this had been the practice since the Imperial Synod of Verona under Lucius III and Frederick Barbarossa. Neither was it the use of torture which was not prescribed or even allowed for decades after the beginning of the Inquisition; nor finally was it the various sanctions, imprisonment, confiscation, or the stake, for all these had long been used. It was simply, as we have pointed out, the appointment of special and permanent judges vested with papal power to ferret out heretics and to reconcile them if possible; to pronounce the customary spiritual penalties if obstinate, and then to hand them over to the secular authority.

Seeking to secure judges equipped with the proper theological training, who would be uninfluenced by worldly motives and would act solely for the good of souls, Gregory IX turned quite naturally to the two new orders, the Franciscans and the Dominicans, especially to the latter, for well qualified officials. They were to act in close co-operation with the bishops and were to submit their judgments to the latter for approval. Repeatedly did the popes warn them against intemperate zeal and severity.

Typical of many such admonitions is the counsel given by Gregory IX to Conrad of Marburg: "*ut puniatur sic temeritas perversorum quod innocentiae puritas non laedatur*"—i.e., not to punish the wicked so as to hurt the innocent. To keep their zeal within proper bounds, Innocent IV in 1254 prohibited anew perpetual imprisonment or death at the stake without episcopal consent. Later on Boniface VIII and Clement V solemnly declared null and void all judgments not approved by the bishops. Thus earnestly did the popes strive to free the inquisitional tribunal from every kind of arbitrariness and caprice.

A Heavy Responsibility

Upon the shoulders of an inquisitor rested a heavy burden—almost too much for a common mortal—the awful responsibility of deciding, at least indirectly, between death and life. How did they measure up to their high office? Contrary to a rather common impression, they were not fanatics exulting in the infliction of cruel punishments. On the whole, they were

men of spotless character and sometimes of exalted sanctity, and not a few of them have been canonized.

There are no grounds to consider the medieval ecclesiastical judge as intellectually and morally inferior to the occupants of the bench today. While an individual member may occasionally mete out an unduly severe sentence or err in appraising the weight of conflicting testimony, the overwhelming majority of our judiciary command our respect for their high sense of duty and their conscientious efforts to discharge it. Similar must be our appraisal of the character and capacity of the judges who presided over the inquisitional courts.

Though here and there individual judges exercised too great severity, the vast majority tempered justice with mercy and, like the divine Master, sought not the death of a sinner but that he turn from the error of his ways. A calm sober scrutiny of the historical evidence furnishes no grounds for the legend that the medieval heretics were prodigies of virtue and learning, in advance of their age, while their judges were cruel and ignorant fanatics; indeed the exact reverse of this would be nearer the truth.

Method of Procedure

In a letter written by Gregory IX to the Dominican priest, Conrad of Marburg, the first inquisitor in Germany, the pontiff instructs him as to the manner in which he is to proceed. "When you arrive in a city," wrote the Pope, "summon the bishops, clergy and people, and preach a solemn sermon on faith; then select certain men of good repute to help you in trying the heretics and suspects brought before your tribunal. All who, on examination, are found guilty or suspected of heresy must promise complete obedience to the commands of the Church; if they refuse, you must prosecute them according to the statutes that we have already promulgated."⁶

Here are outlined the distinctive features of the regular inquisitorial procedure: the time of grace, the denunciation of suspects, the trial, the imposing of sentence upon repentant heretics and the abandonment of the recalcitrant ones to the secular arm. During the time of grace all who freely confessed and abandoned their errors were either dispensed from all penalties or were given only a secret and very light pen-

⁶ Maycock, *op. cit.*, p. 95.

ance; those whose heresy had been openly manifested were exempted from the penalties of perpetual imprisonment and death. This time should not, however, exceed one month; after that began the Inquisition. When the heresy was considered to be stamped out, the inquisitors moved on to another locality.

When suspected persons failed to admit guilt, evidence was adduced. In their detestation of unbelief, ecclesiastical authorities permitted witnesses to testify secretly: their names were not disclosed to the accused, though he was asked to name any enemies so that they might detect any who were motivated by personal ill-will. If the charges originated with the latter, they were quashed without further ado; false witnesses were punished with double severity.

Safeguards and Defects

Innocent IV, Alexander IV, and Urban IV sought to safeguard justice and protect the accused by prescribing the institution of the *boni viri*, i.e., the consultation in difficult cases of experienced men, well trained in theology and canon law, and in every way irreproachable. The documents of the trials in their entirety were handed to them, or at least an abstract drawn up by a public notary; to them was revealed the identity of the witnesses, and their first duty was to determine their credibility. This unique institution was frequently called upon: thirty, fifty, eighty or more persons, laymen and priests, secular and regular, all highly respected would be singly sworn to give their verdict according to the best of their knowledge and belief. Substantially they were always asked to determine two points: whether the accused was guilty and to what degree, and what punishment was to be inflicted. Although the *boni viri* were entitled only to an advisory vote, the final decision was ordinarily in accordance with their views: indeed whenever their decision was revised it was in the direction of clemency.

The judges were also assisted by a standing council of other sworn judges. By these provisions the ecclesiastical authority endeavored to secure an objective, impartial and just operation of the Inquisition courts. In addition, the accused could reject a judge who had shown prejudice, and he could always appeal to Rome. Such appeals were apparently

of not infrequent occurrence: and a milder sentence was generally expected and forthcoming.

In spite of all these safeguards, it must candidly be admitted that the failure to allow for the confrontation of witnesses by the accused and for their cross-examination as well was a serious defect; so likewise was the failure to provide adequate legal representation, such as our laws today provide. Then, too, the proceedings were shrouded in too much secrecy: in vain did civil lawyers try to prove that the secular authorities had a right to see the documents bearing on the case; the Inquisition always succeeded in setting aside these claims.

The share taken in the proceedings by the bishops, the accused or their representatives, while admitted in theory, turned out in practice to be largely illusory. In short, many of the numerous safeguards for the protection of the rights of the accused, developed through centuries of court experience and obtaining in our legal procedure today, were not current at that time; and, of course, we must try to view the judicial aspect of the tribunal's proceedings in the light of the standards then prevalent instead of those obtaining today.

The Use of Torture

There is no evidence that the accused was imprisoned during the period of inquiry. It was customary to grant the accused person his freedom until the *sermo generalis*, no matter how incriminating was the evidence against him. He was compelled to promise under oath to come before the inquisitor who could demand money as bail or reliable bondsmen who would stand surety for the accused.

Here we come to the most disagreeable part of the story: the use of torture. If the accused confessed and denounced his accomplices, he was reconciled to the Church and had to suffer only the humiliating penances prescribed by canon law. If he refused, in spite of incriminating evidence, various means were used to extort a confession: sometimes by moral subterfuges, sometimes by a process of weakening the physical strength and as a last resort, by torture. This was not considered as a mode of punishment but merely as a means of eliciting the truth. It was not of ecclesiastical origin and was long forbidden in the ecclesiastical courts.

It did not enter into the procedure when the Inquisition was first established and its use was unauthorized for twenty years. It was first sanctioned by Innocent IV in his Bull *Ad extirpanda* of May 15, 1252, which was confirmed by Alexander IV on November 30, 1259, and by Clement IV on November 3, 1265. The torture was not, however, to cause the loss of a limb or imperil life—“*citra membri diminutionem et mortis periculum*”; it was to be applied *only once*, and not then unless the accused were uncertain in his statements and seemed already virtually convicted by the weight of evidence. In general, such violent means of wringing the truth out of a recalcitrant person were not to be used until all other expedients had been exhausted.

If this papal legislation had been followed in practice, many of the abuses which have justly aroused such resentment against the Inquisition would have been avoided. In the beginning, torture was considered so odious and so contrary to the spirit of the Gospels that clerics were forbidden to be present under pain of irregularity.

The General Rule

The general rule was that torture was to be resorted to only once; but this was frequently circumvented by assuming that with each new piece of evidence torture might be used anew or that the fresh torments were imposed not by way of repetition but as a continuation. Moreover, torture came to be used even with witnesses who seemed to be evasive or otherwise unsatisfactory. “It is historically true,” observes Joseph Blötzer, “that the popes not only always held that torture must not imperil life or limb, but also tried to abolish particularly grievous abuses when such became known to them.”⁷ With a view of curtailing its use, Clement V decreed that inquisitors should not apply torture without the consent of the diocesan bishop.

From the middle of the thirteenth century, the popes did not disavow the principle itself, and as the limitations as to its use were not always observed, its severity, though often exaggerated, was in many cases excessive. Severity was especially apparent in those cases where the inquisitors were under the pressure of civil authority. Thus while boasting of his zeal

⁷ *Cath. Ency.*, Vol. VIII, p. 33.

for the Faith, the emperor Frederick II abused both rack and the Inquisition to get rid of his personal enemies. St. Joan of Arc was sent to the stake as a heretic and a recalcitrant largely because her judges were tools of English policy. Moreover, the excesses of the Spanish Inquisition, as we shall see more fully later, were chiefly traceable to the influence of the secular arm.

Most of the penalties decreed by the Inquisition were of a mild nature, designed to improve the spiritual condition of the convicted person. Most frequently certain good works were ordered: the visitation of a church, a pilgrimage to a shrine more or less distant, the offering of a candle or a chalice and participation in a crusade. Other works were more of a penal character: fines, whose proceeds were used for church-building, road-making and the like; whipping with rods during religious service, the pillory and the wearing of colored crosses.

The most severe punishments were imprisonment in its various degrees, exclusion from the communion of the Church, and the usually consequent surrender to the secular arm. "*Cum Ecclesia,*" ran the regular formula, "*ultra non habeat quod faciat pro suis demeritis contra ipsum, idcirco eundem relinquimus brachio et iudicio saeculari*"—i.e., since the Church can no farther punish his misdeeds she relinquishes him to the secular arm.

Forms of Imprisonment

While the procedure of the tribunals in the various districts differed considerably, it would seem that imprisonment was the most common penance imposed upon repentant heretics. Imprisonment was known as immuration—from the Latin *murus*, meaning wall. There were two forms of imprisonment—the milder or *murus largus* and the harsher known as *murus strictus*. The former was by far the most common; thus out of 307 sentenced to imprisonment by the inquisitor, Bernard Gui, but 19 were condemned to the *murus strictus*.

In the lighter form of imprisonment, the inmates seem to have lived a communal form of life, taking their meals together and enjoying freedom of movement within the building; husbands and wives were permitted to live together, if either or both were imprisoned; food, wine and clothing might

be received from outside; Catholic friends were allowed to visit them.

The severe form of imprisonment was indeed a fearsome penalty. It implied as a rule incarceration for life, frequently in solitary confinement, occasionally aggravated by fasting or chains; in practice, however, the severity was often mitigated by visits from friends, playing games and dining with their jailers. In those days prisons generally were dirty, ill-ventilated, dark and unsanitary. In some cases solitary confinement was deemed insufficient and then the immured were put in irons or chained to the prison walls.

When members of a religious order were condemned for life, they were commonly immured in their own monastery and were forbidden to speak with any of their community. Their cell or dungeon was euphemistically called "*In Pace*"; it was virtually the tomb of a man buried alive. It was considered a remarkable favor when, in 1330, through the good offices of the Archbishop of Toulouse, the French monarch allowed a dignitary of a certain order to visit the "*In Pace*" twice a month to comfort his imprisoned brethren; against this humane concession the Dominicans lodged with Clement IV a vigorous but fruitless protest.

"In some cells," runs the report of an investigating committee, "the unfortunates were bound in stocks or chains, unable to move about, and forced to sleep on the ground. . . . There was little regard for cleanliness. In some cases there was no light or ventilation, and the food was meager and very poor."⁸ Occasionally the popes through their legates took action to remedy such atrocious conditions; in 1306 the papal legates dismissed the warders, removed the chains from the captives and rescued some from their underground dungeons in the prisons at Carcassonne and Albi.

Gradually the rigors of the severe imprisonment were softened so that visitors were generally admitted and food might be brought from outside. "Yet, when all is said and done," observes A. L. Maycock, "the record of the Inquisitorial prisons is a sufficiently discreditable one."⁹ They were of the same generally unsatisfactory character as the prisons in com-

⁸ *Cath. Ency.*, V. 8, pp. 33-34; cf. also J. B. Vidal, *Annales de St. Louis des Français*, 1905, p. 362.

⁹ Maycock, *op. cit.*, p. 191.

mon use in that age; here again, the institutions, like the men, were very much the creatures of their day.

A Spiritual Motivation

There was, of course, an essential distinction between the purposes for which Church and State meted out punishment in the Middle Ages. With the State it was chiefly a matter of punishing a violation of a law and thus helping to deter others; with the Church it was primarily a matter of correcting a delinquent; indeed his spiritual welfare is often so much in view that the element of punishment is somewhat blurred. It must be frankly acknowledged, however, that the theory of physical punishment, particularly by strict immuration, with its lofty ideals of penance and spiritual regeneration contrasted all too often with the leprous and spotted reality.

Among the penalties imposed by the inquisitors upon great numbers were such spiritual ones as these: to frequent religious services, to receive Holy Communion on the chief festivals of the year, to hear Mass on Sundays and holydays, to refrain from sooth-saying and usury. Moreover, the penalties were on numberless occasions mitigated or remitted; old age, sickness, poverty of the family or the petition of a good Catholic frequently caused the penalty to be commuted to a few spiritual exercises or to be remitted entirely.

How many victims were turned over to the secular arm? There is not sufficient documentary evidence to compute the number with accuracy. The records of some of the Inquisition tribunals have come down to us and serve as straws in the wind that enable us to form a general idea. At Pamiers, from 1318 to 1324, out of 24 persons convicted but 5 were turned over to the civil authority; at Toulouse from 1307 to 1323, only 42 out of 930 were delivered to the secular arm. Thus at Pamiers, but 1 in 12, and at Toulouse but 1 in 42 suffered the extreme penalty; and these were hotbeds of heresy and the period was when the Inquisition was most active.

Fortunately the records of the Inquisition proceedings in Toulouse have come down to us and we are thus able to get the full count of Bernard Gui's 930 sentences over a period of seventeen years, with an average of approximately 54 sentences a year. The following summary shows how the sentences ran:

SUMMARY OF BERNARD GUI'S 930 SENTENCES ¹⁰

Released from obligation to wear crosses.....	132
To pilgrimages, without wearing crosses.....	9
Released from prison.....	139
Sentenced to wearing crosses.....	143
Imprisoned	307
Dead persons, who would have been imprisoned.....	17
Abandoned to the secular arm and burnt.....	42
Dead persons, who would have been abandoned.....	3
Bones exhumed and burnt.....	69
Fugitives, declared excommunicate.....	40
To be exposed in the stocks or pillory.....	2
Priests to be degraded.....	2
Exiled	1
Houses to be demolished.....	22
Condemnation and burning of the Talmud (two cart-loads)	1
Removal of interdict.....	1
Total	
	930

Court Procedure Replaces Mob Action

These records and others of a similar nature indicate that but few persons suffered the extreme penalty. Such, too, is the conclusion of the *Encyclopedia Britannica*: "We must accept the conclusions of H. C. Lea and Vacandard that comparatively few people suffered at the stake in the medieval Inquisition."¹¹ Hence it is evident that the Inquisition marks a substantial advance in the administration of justice and therefore in the general civilization of mankind; it substituted court procedure for mob action and lynch law. Far from being a failure, the Inquisition succeeded in its gigantic task of stemming the Albigensian heresy which like a black plague was devastating Christendom. In spite of its shortcomings not only Christianity but also human civilization owe no small debt to the work of the Inquisition.

When the Inquisition concluded its work in a particular district, the final verdicts were usually pronounced with solemn ceremonial at the *sermo generalis* or *auto-da-fé* (act of faith) as it was later called. A day or two previously everyone concerned had the charges read to him again briefly and in the

¹⁰ Douais, *Documents*, Vol. I, p. 205.

¹¹ *Ency. Brit.*, Vol. 14, p. 590.

vernacular; the evening before he was told where and when to appear to hear the verdict. Early in the morning the ceremony began with the *sermo*, a short discourse or exhortation; then occurred the swearing in of the secular officials who were required to vow obedience to the inquisitor in all matters pertaining to the suppression of heresy.

Then followed the so-called "decrees of mercy": commutations, mitigations and remission of previously imposed penalties; finally due punishments were assigned to the guilty after their offenses had been again enumerated. The announcement began with the minor punishments and went on to the more severe. If any one was declared guilty of the most severe penalty, he was then turned over to the civil authority, and with this act the *sermo generalis* closed and the Inquisition was at an end.

CHAPTER V

THE SPANISH INQUISITION

THROUGHOUT the Middle Ages the heterogeneous culture of Spain with its many Saracen and Jewish elements was but slightly disturbed; merely local and spasmodic efforts were taken to rid the peninsula of heretics, chiefly immigrants from Languedoc. In 1317 the Archbishop of Compostella wrote to the inquisitor, Bernard Gui, asking what should be done with the Languedocian heretics who had recently settled in his diocese: "for, up to the present, the proper manner of dealing with them is unknown in these parts."¹

Though the famous inquisitor, Nicolas Eymeric, had set up his tribunal there, he frequently bewailed its poverty and the lack of effective support from the secular authorities. "The fact that so little came into its exchequer from confiscation," observes A. S. Tuberville, "and that so ardent and active an inquisitor should apparently have accomplished so little seems mainly to prove that heresy was not a serious menace in Aragon at that time."²

The Spanish Inquisition, however, properly begins with the reign of Ferdinand and Isabella. After a struggle of 780 years with the Moors, the Spaniards had succeeded in pre-

¹ Bernard Gui, *Practica Inquisitiones*, p. 353.

² A. S. Tuberville, *Medieval Heresy and the Inquisition*, p. 173.

-serving their Catholic faith and their nationality; and these two had become so fused as to be regarded by them as one. Originally the conquered Saracens were allowed the free exercise of their religion; but repeated revolts along with attempts to procure another Mohammedan invasion from Africa caused the Spanish sovereigns in 1501 to issue a decree ordering all Moors to leave Castile and Granada, except those who would embrace Christianity.

Though most of the Moors received baptism, many secretly apostatized, and others adulterated their Christian rites with Moslem practices. After having resisted popular demands for the banishment of the Jews, the Spanish government decided to acquiesce on the grounds that the foes of Christianity had formed a league, threatening the freedom and the sovereignty of Spain. The Spanish people had long yearned for some means of cementing the religious and the political unity of the nation; the throne saw in the Inquisition an agency calculated to achieve this unity.

Ferdinand and Isabella Act

Accordingly Ferdinand and Isabella established the Inquisition in 1480 along nationalist and royalist lines whereas Sixtus IV had wished it to be set up after the form and spirit of the Middle Ages. So displeased was the pontiff at the action of the Spanish sovereigns that he placed the Spanish ambassador under arrest; Ferdinand retaliated by arresting the papal envoy and recalling all his subjects from the Roman States. Ultimately Rome yielded and permitted the Inquisition to be introduced into Aragon and Castile.

Disturbed by complaints concerning the rigor and the rapacity of the tribunal, the pontiff ordered the inquisitors to proceed only in accord with the bishops and not to extend their injuries into other provinces; he also instituted a papal judge to hear all appeals from the Spanish tribunal and he quashed many of its indictments. So dissatisfied was the pope with the high-handed, cruel and despotic actions of the inquisitors that in a Brief of January 29, 1482, he threatened them with deposition — a step he would have taken but for the intervention of the Spanish throne.

According to the directions of Rome, the judges were to be at least forty years' old, of unblemished reputation, noted for

virtue and wisdom, masters of theology, or doctors or licentiates of canon law, and they were to follow the usual ecclesiastical rules and regulations. At the request of the Spanish monarch, Sixtus IV bestowed on the Dominican, Tomas Torquemada, the office of grand inquisitor, the institution of which rendered possible the high degree of centralized authority which characterized the Spanish Inquisition. Torquemada became the true organizer of the Inquisition in the Iberian peninsula; it speedily ramified from Seville to Cordova, Jaen, Villareal and Toledo. By 1538 there were 19 courts, to which three were later added in Spanish America: Mexico, Lima and Cartagena.

Failure marked the attempts to introduce it into Italy, while the efforts to establish it in the Netherlands entailed disastrous consequences for Spain. In the Iberian peninsula, however, it remained operative into the nineteenth century. While originally called into being against secret Judaism and secret Mohammedanism, it served to repel Protestantism in the sixteenth century but was ineffective against French Rationalism and immorality in the eighteenth. It was abrogated by King Bonaparte in 1808, restored in modified form by Ferdinand VII in 1814, only to be abolished by the Revolution in 1820. It was not, however, until May 8, 1869, that the principle of religious liberty was proclaimed in the peninsula; and even since then it has been limited by the constitution of 1876, which prohibits the *public* celebration of dissident religions.

Organization of Inquisition

A glance at its organization will show its peculiarly monarchical and centralized character. At the head of the Inquisition was the grand inquisitor, nominated by the crown and confirmed by the Pope. By virtue of his papal credentials, he enjoyed authority to delegate his powers to other suitable persons and to receive appeals from all Spanish courts. He was assisted by a High Council consisting of five members: the so-called Apostolic inquisitors, two secretaries, two *relatores*, and one *advocatus fiscalis*; in addition, several consultants and qualificators assisted in the work.

The officials of the supreme tribunal were appointed by the grand inquisitor after consultation with the king; the

former held office for life and had the authority to appoint, transfer, remove from office, visit, inspect and call to account all inquisitors and officials of the lower courts. All power was concentrated in the supreme tribunal: it decided disputed questions and heard appeals; without its permission no priest, knight or nobleman could be incarcerated and no *auto-da-fé* held; everyone was subject to it, not excepting priests and bishops.

It claimed almost complete autonomy and did not hesitate, despite protests from Rome, to initiate proceedings against bishops and archbishops. Closely allied with the crown, the Inquisition frequently asserted its independence of Rome; it declared the decisions of the Roman Congregation of the Index to be valid for Spain only if countersigned by its Holy Office in Madrid. It acted in frequent opposition to Rome and joined with the crown in resisting appeals to the pope.

It had the temerity to attack the orthodoxy of Carranza, Archbishop of Toledo, and a distinguished Dominican theologian; despite the approval of his book *Comments on the Christian Catechism* by the Council of Trent, the Spanish Inquisition placed it on the Index. Displeased with such action, Pius IV protested against it and called the case to Rome; but King Philip declared that the first prelate of Spain should be tried only in Spain. The pontiff compromised by sending a legate and two other judges to conduct the examination; but the inquisitors managed to prolong the investigation until the new pope, Pius V, ascended the chair of Peter.

This Pontiff repeatedly protested to Philip that he was not kept informed of the progress of the case; and it was only by threatening the monarch with excommunication that he succeeded in having Carranza sent to Rome. This was in May, 1567, after nearly eight years' imprisonment under the Spanish inquisitors.

Political Character

So independent of Rome did the inquisitors feel at times that they twice imprisoned St. Ignatius Loyola, the founder of the Jesuits, in the beginning of his career. Even St. Theresa did not escape their suspicious zeal: she was accused of misconduct and several times denounced; one of her works, *Conceptos del Amor Divino*, was placed on the Index and she herself was saved only by the personal influence of Philip II.

The Spanish Inquisition thus became virtually an *imperium in imperio*, a state within a state. At the peak of their power, the inquisitors paid no taxes, and gave no account of their confiscations; they claimed for themselves and their agents the right of bearing arms; and they did not scruple to prosecute their critics and adversaries under the charge of heresy.

It is distinguished from its medieval counterpart by its monarchical constitution, its greater consequent centralization of authority, and by the constant and legally provided-for influence of the crown on all official appointments and the progress of its trials. In short, it was to a considerable extent a *political* institution. The monarch appointed the grand-inquisitor; he confirmed the nomination of the assessors; he kept the tribunal dependent upon him and was capable at almost any time of thwarting, frustrating and terminating it; he used it repeatedly against his enemies and even made it serve as his ally in his differences with Rome. "If there was any place in the world," observes Vacandard, "where the State interfered unjustly in the trials of the Inquisition, it was in the kingdom of Ferdinand and Isabella, the kingdom of Philip II."³

When Cardinal Ximenes protested against Ferdinand's appointment of a layman to the council of the Inquisition the monarch asked indignantly: "Do you not know that if the tribunal possesses jurisdiction, it derives it from the king?" Thus clearly did he show that he regarded himself as the real power behind the Inquisition, which he could withdraw at will.

Ranke Testifies

The Protestant historian Ranke regarded the Spanish Inquisition as a political institution for two reasons: the inquisitors were royal officers receiving their appointment from the king who could dismiss them at will; the institution served continuously to enrich the royal treasury. Developing this last point, Ranke says: "It was even believed and asserted from the beginning that the kings had been moved to establish this tribunal more by a hankering after the wealth it confiscated than by motives of piety. . . . Segni says that the Inquisition was invented to rob the wealthy of their property

³ Vacandard, *op. cit.*, p. 137.

and the powerful of their influence. As Charles V knew no other means of bringing certain punishment on the bishops who had taken part in the insurrection of the Comunidades, he chose to have them judged by the Inquisition. . . . Under Philip it interfered in matters of trade and of the arts, of customs and marine. How much further could it go, when it pronounced it heresy to sell horses or munitions to France? . . . In spirit, and above all in tendency, it was a political institution. The Pope had an interest in thwarting it, and he did so as often as he could." ⁴

In 1812 the Spanish Cortes or parliament, having convened to draft a new constitution for the kingdom, appointed a committee to report on the Inquisition. Their report declares that the Inquisition "was an institution demanded and established by the Spanish monarchs in difficult circumstances," and "that it could decree nothing without the consent of the king." Then the committee frankly declares: "The Inquisition is a royal authority, the inquisitor is a royal agent, and all his ordinances are null and void unless they have the royal sanction. The king's power suspends and revokes at will every member of the tribunal; and the very moment royal authority would disappear, the tribunal would accompany it." ⁵

Ecclesiastical Complexion

The testimony of these various authorities indicates that the Spanish Inquisition had a political complexion and that the monarch exercised enormous control, even at times opposing and thwarting the wishes of the Holy See. From the facts already mentioned, some writers have concluded that it was essentially and predominantly a political institution; but this is going too far. Despite all the influence of the king, it was predominantly an ecclesiastical tribunal: the Holy See sanctioned the institution and accorded to the grand-inquisitor canonical installation and therewith judicial authority concerning matters of faith; from him jurisdiction passed down to the subsidiary tribunals under his control.

How else can it be explained that the popes always admitted appeals from the Inquisition to the Holy See, called to themselves entire trials, at any stage of the proceedings intervened in the legislation, exempted whole classes of believers

⁴ Parsons, *op. cit.*, p. 404.

⁵ *Ibid.*, p. 405.

from its jurisdiction and even deposed grand-inquisitors? No, the theory of it being essentially a political institution won't jell: it was predominantly ecclesiastical. This is candidly acknowledge by the Catholic Encyclopedia: "The predominant ecclesiastical nature of the institution can hardly be doubted."

The Church must, therefore, bear her share of responsibility for the proceedings of this tribunal, so many of whose actions were marked by cruelty and savagery. They have left black stains on the pages of history and their somber shadow falls upon both crown and papacy and shows that their occupants were the children of their day.

In method of procedure, the tribunal followed substantially the procedure of its medieval counterpart. It has often been charged with excessive cruelty, and indeniably there were many and grave abuses; but much of its vilification is traceable to the writings of the widely quoted Llorente. When the sober truth is told about it, it was bad enough; but Llorente exaggerates its faults and had a purpose in so doing.

Llorente: A Strange Mixture

Hence a brief word about him is in order. He was a strange mixture: a priest, who becomes secretary-general of the Inquisition at Madrid in 1789, he was also from his early manhood a Freemason. When Napoleon invaded Spain and placed his brother Joseph on the throne, Llorente played the role of a sort of Quisling and became an enthusiastic *Afrancesado*, as all patriotic Spaniards styled the partisans of the new regime. It has long been a favorite technique of usurpers to ransack the archives of dispossessed princes and to publish to the world whatever might turn, or be twisted, to their discredit. Accordingly in 1809 Joseph Bonaparte commissioned Llorente, the ex-secretary who had been dismissed for sundry irregularities to "smear" the Inquisition so that the natives might learn to love the tyranny-crushing rule of a foreign usurper.

When the venal agent's work appeared, it was found teeming with insults to Rome, to the Spanish Church and to his country; his bitterness led him to many inaccuracies and even outright falsehoods. Ranke points out that Llorente "wrote in the interests of the *Afrancesados* of the Josephine administration. In that interest . . . he looks on the Inquisition as a usurpation of the spiritual over the secular authority. Never-

theless, if I am not altogether in error, it appears even from his own facts that the Inquisition was a royal court of judicature, although armed with ecclesiastical weapons.”⁶

Upon the banner of the Inquisition were emblazoned the words “Mercy and Justice”; these words sound the keynote of the institution as envisaged by the Holy See. While the ideal was not always realized, there is no doubt that mercy was generally shown to the repentant and that in their case the *auto-da-fé* consisted in the burning of the candles which they held in their hands. In the case of the unrepentant, however, the phrase too often became a mere form; for they were turned over to the secular arm where the judges knew that not mercy but death awaited them.

Comparatively Few Victims

It is impossible to compute with accuracy the number put to death, though dispassionate study of the existing documents would indicate that the number was comparatively few. After extensive research, H. C. Lea, who has never been charged with partiality to the Church, concludes: “the stake consumed comparatively few victims.”⁷ In an *auto-da-fé* of 1486 at Toledo, where 750 were condemned, Llorente admits that but one was turned over the secular arm; he cites another where nine hundred were condemned, but not one was executed; still another where 3,300 were condemned but only 27 suffered death.

Candor compels us to acknowledge, however, that there were other *autos-da-fé* where the numbers turned over to the secular arm were larger; indeed according to the most conservative estimate, Torquemada sent to the stake about 2,000 heretics in 12 years.⁸ “During this same period,” states Pulgar, a contemporary historian, “15,000 heretics did penance and were reconciled to the Church.”⁹ This would indicate a total

⁶ Parsons, *op. cit.*, p. 403.

⁷ H. C. Lea, *op. cit.*, V, 1, p. 480.

⁸ Langlois, *L'Inquisition d'après des tableaux récents*, 1902, pp. 105, 106. This number, without being certain, is asserted by contemporaries, Pulgar and Marineo Siculo. Cf. Hefeles, *Le Cardinal Ximenes*, Paris, 1856, pp. 290, 291. Another contemporary, Bernaldes, speaks of over 700 burned from 1481-1488; cf. Gams, *Kirchengeschichte von Spanien*, Vol. III, 2, p. 69.

⁹ Pulgar, in Hefeles, *op. cit.*, p. 291.

of 17,000 trials, showing why Torquemada's name is so closely identified with this period as to have become virtually a synonym for the Inquisition itself.

It is to be remembered that the Inquisition had jurisdiction also over such crimes as bigamy, sorcery, usury, blasphemy, robbery of churches and even the furnishing of goods to the enemy. "In all these matters," says the *Encyclopedia Britannica*, "though the Inquisition may have been indiscreet in meddling with affairs which did not concern it, it must be confessed that it was not cruel, and that it was always preferable to fall into the hands of the Inquisition rather than those of the secular judges, or even of the Roman inquisitors."¹⁰

Trials for Sorcery

Here it seems appropriate to discuss briefly the charge of sorcery for which individuals were tried by the Inquisition. Sweeping like a miasmatic mist across Europe in the fifteenth and sixteenth centuries, the witchcraft fever stirred the zeal of the inquisitors. Unfortunately the Bull, *Summis Desiderantes*, issued by Innocent VIII on December 5, 1484, served only to make matters worse. In it the pontiff mirrored the belief of the age that men and women could have immoral relations with demons and that sorcerers by their magical incantations could injure harvests, vineyards, orchards and fields.¹¹

Lamenting the folly of certain ecclesiastics and laymen who opposed the Inquisition in its prosecution of heretical sorcerers, he concluded by bestowing additional powers upon the Dominican inquisitors, Institoris and Sprenger, the author of the famous *Malleus Maleficarum*. While the pontiff certainly did not intend to commit the Church to a belief in the phenomena mentioned in the Bull, his personal opinion naturally carried considerable weight with contemporary canonists and inquisitors; that is evidenced by the record of the trials for witchcraft held during this period.

It is impossible to determine the exact number of persons condemned for sorcery; but there are indications that it was staggeringly large. Later the papacy recognized the injustice of the inquisitors in this matter and in 1637 censured their

¹⁰ *Ency. Brit.*, Vol. 14, 596.

¹¹ *Bullarium*, Vol. V, p. 296 and seq. and Pegna's *Bullarium* in Eymeric, *Directorium Inquisit.*, p. 83.

arbitrary and unjust prosecution of sorcerers; they were charged with extorting from them by cruel tortures worthless confessions and then abandoning them to the secular arm.

It is difficult for us today to appreciate how widespread was the belief in witchcraft in those centuries; its appearance in the American colonies, however, where it caused great numbers to be put to painful deaths and stained the pages of our early history, at least brings this strange phenomenon closer home to us. It helps us to understand something of the power of the *Zeitgeist*, the spirit of the times, and to see how even learned and good men are largely the children of the day in which they live.

The Money Side

A word about the economic aspect of the Inquisition is in order here. According to the Roman laws, heresy was classed with treason and was punished with a twofold penalty: death and confiscation. While those who recanted were spared both punishments, all obdurate and relapsed heretics abandoned to the secular arm, all penitents condemned to perpetual imprisonment and all suspects who through flight or death had escaped the Inquisition suffered the confiscation of their property. The heretic who died peacefully in bed before the Inquisition could lay hands on him was deemed contumacious and treated as such; his remains were exhumed and his property confiscated.

This last fact seems to have been no insignificant motive for such belated proceedings and helps to explain the surprising frequency of proceedings against the dead. Of the 636 cases tried by the inquisitor, Bernard Gui, 86 were posthumous. The prospects of sharing the loot, rather than zeal for the faith, frequently stimulated ecclesiastical and lay princes to support the Inquisition. Calling it "the stimulant of pillage," Lea was one of the first to stress the importance of the money side of the Inquisition. "In addition," he writes, "to the misery inflicted by these wholesale confiscations on the thousands of innocent and helpless women and children thus stripped of everything, it would be almost impossible to exaggerate the evil which they entailed upon all classes in the business of daily life."¹²

¹² Lea, *op. cit.*, p. 522.

Such proceedings as well as their possibility destroyed security in business; for the contracts of a hidden heretic were essentially null and void, and could be rescinded as soon as his guilt was discovered, either during his lifetime or after his death. The menace of such a paralyzing penal code hanging over the life of a community helps one to appreciate the significance of Lea's conclusion: "While the horrors of the crowded dungeon can scarcely be exaggerated, yet more effective for evil and more widely exasperating was the sleepless watchfulness which was ever on the alert to plunder the rich and to wrench from the poor the hard-earned gains on which a family depended for support."¹³

Indeed it was the determined efforts of Philip the Fair to confiscate the extensive possessions of the Knights Templar that was chiefly responsible for their shameful trial and unjust condemnation—a trial in which the inquisitors reached new depths in savage cruelty and revolting torture.

CHAPTER VI

FEATURES OF THE INQUISITION

WE have spoken of the use of torture in a general way; but we think we would be evading an important and distinctive aspect of the subject and the one which is chiefly responsible for the particularly odious and repulsive stigma attached to the Inquisition, if we did not discuss even briefly the methods of torture. They were chiefly those employed by the secular courts: the water torture, the rack and the *strappado*. An especially revolting variation of the former was occasionally practiced in Spain, where the Inquisition surpassed its medieval counterpart in cruelty and savagery. A damp cloth was placed upon the tongue and drops of water were arranged to fall upon it; as a result of the natural actions of breathing and swallowing, the cloth was drawn into the throat producing the horrifying sensation of suffocating; when at last it was withdrawn, it was usually found to be saturated with blood.

The rack was a square or triangular frame on which the victim was stretched and bound by ankles and wrists; the ropes passed round windlasses which could be turned by the

¹³ *Ibid.*, p. 480.

torturer, dislocating the joints and causing excruciating pain.

The most usual instrument of torture was the *strappado*; it consisted simply of a rope passing over a pulley fixed to the ceiling. After the hands of the victim were tied behind his back, a rope was attached to his wrists and he was raised to the ceiling and then allowed to fall with a jerk to within a few inches of the floor, thus dislocating his shoulder joints. This was repeated several times; and it was not uncommon to tie heavy weights to the victim's feet to increase the shock of the fall.

The torture of burning was occasionally used. First a good fire was kindled; then the victim was stretched out on the ground, his feet manacled, and turned toward the flame. Fat, grease or some other inflammable material was rubbed on them so that they would blaze like a bonfire. From time to time a screen was placed between the victim's feet and the brazier so that the inquisitor might have an opportunity to resume his questioning; even women were thus tortured and, of course, some victims died from it.

A Hollow Mockery

The restriction stipulated by ecclesiastical authority that the torture should not "imperil life" nor "injure limb" was a hollow mockery. The regulations that it should be used but once and was not to last more than half an hour were evaded by the casuistical quibbling we have previously mentioned a quibbling that might be characterized as puerile if it were not so diabolical. "Usually," writes Lea, "the procedure appears to have been that the torture was continued until the accused signified his readiness to confess, when he was unbound and carried into another room, where his confession was made. If, however, the confession was extracted under torture, it was read over subsequently to the prisoner and he was asked whether it were true. In any case the record was carefully made that the confession was 'free and spontaneous' without the pressure of 'force or fear.'" ¹

The whole business was characterized by a brutality and a savagery which are shocking: nor is the revulsion of horror appreciably lessened by the suggestion that the tortures were employed for an altruistic purpose: forcing the truth from

¹ Lea, *op. cit.*, Vol. I, p. 427.

the victim's lips and driving the heresy from his mind. Such brutal methods are self-defeating: confessions wrung from such agonized victims were utterly worthless as the convictions of the mind were not, and can never be, dislodged by physical force. In treating their victims with such atrocious cruelty, the inquisitors were stooping to substantially the same methods used by the pagans: indeed the common method of executing their victims by burning them alive at the stake would seem to outdo the pagan executioners in sheer cruelty and savagery. It was a far cry from Christ's Gospel of kindness, mercy and love even for one's enemies.

Church's Responsibility

The Church cannot escape responsibility for the use of torture nor for the burning of victims at the stake. The Church in the person of her pontiffs was responsible for the use of torture; this cruel practice was introduced by Innocent IV in 1252. In his Bull, *Ad Extirpanda*, he decreed: "The podesta or ruler (of the city) is hereby ordered to force all captured heretics to confess and accuse their accomplices by torture which will not imperil life or injure limb, just as thieves and robbers are forced to accuse their accomplices, and to confess their crimes; for these heretics are true thieves, murderers of souls, and robbers of the sacraments of God."² The pontiff tries to defend the use of torture by classifying heretics with thieves and murderers; a mere comparison is his only argument. This law of Innocent IV was renewed and confirmed by Alexander IV on November 30, 1259, and by Clement IV on November 3, 1265.

Neither can the Church escape responsibility for sending heretics to be burnt to death at the stake. The mere subterfuge of having the victim turned over to the secular arm cannot hide the fact that the popes repeatedly insisted under pain of excommunication and interdict upon rulers enforcing the death penalty against heretics. After issuing the Bull, *Ad Extirpanda*, Innocent IV issued instructions to the Inquisitors of upper Italy, urging them to have this Bull and the edicts of Frederick II inserted in the statues of the various cities.³ To make it unmistakably clear as to which imperial

² Bull *Ad Extirpanda*, in Eymeric, *Directorium*, Appendix, p. 8.

³ Cf. the Bulls, *Cum Adversus, Tunc Potissime, Ex Commissis Nobis*, etc., in Eymeric, *Directorium*, pp. 9-12.

edicts he wished enforced, he repeated these instructions in 1254 and inserted in one of his Bulls the cruel laws of Frederick II, which decreed the death of obstinate heretics, and the Sicilian law, *Inconsutilem tunicam*, which specifically decreed that such heretics be sent to the stake. These decrees remained the law as long as the Inquisition lasted.

"It is therefore proved beyond question," says Vacandard, "that the Church, in the person of the Popes, used every means at her disposal, especially excommunication, to compel the State to enforce the infliction of the death penalty upon heretics. This excommunication, moreover, was all the more dreaded, because, according to the canons, the one excommunicated, unless absolved from the censure, was regarded as a heretic himself within a year's time, and was liable therefore to the death penalty. The princes of the day, therefore, had no other way of escaping this penalty, except by faithfully carrying out the sentence of the Church."⁴

Knowing that when they abandoned a victim to the secular arm they were sentencing him to certain death at the stake, many of the inquisitors left out the circumlocutory phrase and spoke frankly of their sending the victims to death. Thus when the Dominican inquisitor, Sprenger, spoke bluntly in his *Malleus Maleficarum* of "those whom we cause to be burnt," he was expressing the thought that must have been in the minds of virtually all the medieval inquisitors.⁵

Inquisition—Predominantly Ecclesiastical

Despite these well established facts, Count De Maistre tries to whitewash the Church and the popes even of complicity in the execution of heretics, saying: "All that is terrible and cruel about this tribunal, especially the death penalty, was due to the State. . . . All the clemency, on the contrary . . . must be ascribed to the Church, which interfered with the Inquisition's punishments only to suppress and mitigate them."⁶ In similar vein a writer in the *Civiltà Cattolica* re-

⁴ Alexander IV decreed this penalty against the contumacious. Sexto, *De Haereticis*, cap. vii. Boniface VIII extended it to those princes and magistrates who did not enforce the sentences of the Inquisition. Sexto, *De Haereticis*, cap. XVIII in Eymeric 2^a pars, p. 110.

⁵ *Malleus Maleficarum maleficas et earum haeresim framea conterens*, auct. Jacobo Sprengero, Lugduni, 1660, pars ii, quaest. i, cap. ii, p. 108, col. 2.

⁶ *Lettres a un gentilhomme russe sur L'Inquisition espagnole*, ed. 1864, pp. 17, 18, 28, 34.

fers to the Inquisition as "a sublime spectacle of social perfection" and "a model of justice."⁷

This is cutting the facts to fit the thesis with a vengeance, but neither the God of truth nor the Church of Christ is served by such mistaken apologetics. "The first law of history," declared Pope Leo XIII, as we mentioned previously, "is to assert nothing false and to have no fear of telling the truth." In conformity with that wise principle, we frankly acknowledge the responsibility of the popes in the use of torture and in the burning of thousands of heretics at the stake. Their sanctioning of such cruel and brutal measures is unquestionably one of the blackest stains on the record of the Holy Office and will remain to the end of time a cause of obloquy and shame upon the papacy. Even when it is frankly conceded, as it must be, that their intentions were good and their solicitude was for the welfare of the victim's soul, let it still be affirmed that the cruel and inhuman methods used are beyond all defense.

"From 1200 to 1500," says Döllinger, "there is a long uninterrupted series of papal decrees on the Inquisition; these decrees increase continually in severity and cruelty."⁸ This is too sweeping and too severe an indictment; their responsibility for the methods which they sanctioned is heavy enough without blaming them for abuses. The record shows that many of them protested against the abuses and at times even punished inquisitors guilty of such excesses.⁹

Shall We Ever Learn . . . ?

The violent methods used for the suppression of heresy reflect neither the spirit nor the methods of the Christ Who said: "Learn of Me, for I am meek and humble of heart": they mirror a wild nightmarish religious fanaticism which should be a lesson and a warning to us through all the ages not to employ physical force to coerce the mind of man nor

⁷ *Civiltà Cattolica*, Vol. I, p. 595 seq.

⁸ La Papauté, p. 120.

⁹ Tanon, *Histoire des Tribunaux de l'Inquisition en France*, p. 391. See also the complaints of the various pontiffs against abuses as recorded in: Hefele, *Le Cardinal Ximenes*, Paris, 1857, pp. 265-374; Langlois, *L'Inquisition d'après les travaux recents*, Paris, 1902, pp. 89-141; Bernaldez, *Historia de los Reyes: Crónicas de los reyes de Castilla, Fernandez & Isabel*, Madrid, 1878; Rodrigo, *Historia verdadera de la Inquisición*, 3 vols., Madrid, 1876-1877.

the secular arm to enforce uniformity of belief or worship. Our only instruments in the domain of conscience must be reason, God's grace, human kindness and love.

Shall we ever learn, we wonder, that men are won for Christ by kindness, mercy, sympathy, understanding, love and the free grappling of their minds with His divinely revealed truths, not by bruising, mutilating or burning their bodies at the stake? After nearly two thousand years of Christianity, we are still far from having learned that lesson; our snail-like progress in grasping that primary and elemental truth makes us seriously wonder if it will still be uncomprehended when our little planet with all the works of our hands disappears into the Stygian darkness of a polar night that knows no ending.

Children of Their Age

After acknowledging the cruelty and the brutality of the methods—judged by present day procedure—used by the inquisitors, let us point out at once that they were the children of the age in which they lived; churchmen like all their contemporaries followed the political, social, juridic and penal practices and customs then prevalent; hence we must temper the severity of our judgments by a realization of the tremendous power of custom in shaping the thought and conduct of people. It is difficult indeed to escape the formative influence of the cultural and intellectual climate of the age in which one lives.

How else can be explained the fact that a monarch as just and as virtuous as Louis IX of France conformed to the prevalent method of dealing with heretics? How else can be explained the fact that a scholar as keen and holy as St. Thomas Aquinas not only shared, but even defended, the prevalent belief that obdurate and relapsed heretics might be put to death? Against the far different background of the twentieth century, with a radically different relationship of Church and State prevailing, his reasoning seems to us not only completely unconvincing but even shocking.

Bishop Bonomelli of Cremona expresses the popular reaction of Christians today when he writes: "In the Middle Ages, they reasoned thus: If rebellion against the prince deserves death, a *fortiori* does rebellion against God. Singular logic! It is not very hard to put one's finger upon the utter

absurdity of such reasoning. For every sinner is a rebel against God's law. It follows then that we ought to condemn all men to death, beginning with the kings and the legislators." ¹⁰

It is difficult to understand, too, why the all-important distinction between good faith and bad faith was not made more frequently by the churchmen and theologians of the day. The individual who honestly believed an erroneous doctrine was in good faith and hence inculpable in the eyes of God and of the Church. Of course, if the doctrine had anti-social consequences, such as the Catharan belief concerning the evil of marriage and of procreation, the civil authority would be obliged to intervene; but there were other heretical concepts of a purely speculative character against which the inquisitors took vigorous action with the capital punishment looming up if the error were not renounced. So far has the concept of religious freedom advanced and so radically has the cultural climate changed since those days that such procedure would not be countenanced anywhere in the world today.

The Inquisition, in its establishment, methods, legislation and penalties, lies in the field of discipline and involves no matter of dogma. The dogmatic teaching of the Church is not affected by any verdict rendered concerning the wisdom of the establishment of the Inquisition or the justice of its decisions. Christ promised to be with His Church safeguarding and protecting her in the handing down of the body of divinely revealed truth; He did not promise to endow her with a penal code centuries in advance of its time or to render her pontiffs incapable of an unwise, unjust or cruel deed. The Church did preserve the purity of her doctrines against the contamination of the Catharists though the means which she used may have been far from perfect.

CHAPTER VII

THE STRUGGLE FOR RELIGIOUS LIBERTY

RELIGIOUS intolerance was not peculiar to the Middle Ages; it goes back to the earliest days. Scarcely any community or nation granted perfect toleration to those who set up a creed different from the generality. The more profound-

¹⁰ *Revue du Clerge Français*, August 1, 1905, p. 457.

ly people believe in a certain faith, the more likely are they as a rule to be intolerant. Such a profound thinker as Plato had affirmed the supreme duty of the government in his ideal state to show no toleration toward the "godless"—those who denied the state religion—even though they were content to live quietly and without proselyting; for their very example would be dangerous.

The Roman State regarded difference with the official religion as a form of treason and launched repeated persecutions against the Christians in the effort to exterminate them. With the revival of Roman law in the Middle Ages, difference from the dominant Catholic religion which had become the state religion was naturally branded as treason and punished as such. So firmly fixed in the public mind at the close of the Middle Ages were these ideas of intolerance that even those who criticized the procedure of the Inquisition did not call into question the justice of the principle underlying it.

Thus Farel reflected the views of the religious reformers of the sixteenth century when on September 8, 1533, he wrote to Calvin: "Some people do not wish us to prosecute heretics. But because the Pope condemns the faithful (i.e. the Huguenots) for the crime of heresy, and because unjust judges punish the innocent, it is absurd to conclude that we must not put heretics to death, in order to strengthen the faithful."¹

Calvin held the same views and manifested them in his bitter prosecution and condemnation of the Spaniard, Michael Servetus, who was burnt alive on October 27, 1553. As early as 1545 Calvin had written: "If he [Servetus] comes to Geneva, I will never allow him to depart alive."² To any who found fault with his action, he wrote: "The executioners of the Pope taught that their foolish inventions were doctrines of Christ, and were excessively cruel, while I . . . merely put to death a confessed heretic."³

Even Melancthon, milder than most of the other reformers, approved Calvin's action, writing in a letter to Bullinger: "I am astonished that some persons denounce the severity that

¹ *Oeuvres completes de Calvin*, Brunswick, 1863-1900, Vol. XIV, p. 612.

² *Oeuvres Completes*, V. VII, p. 283.

³ *Defensio orthodoxae fidei de sacra Trinitate, contra prodigiosos errores Michaelis Serveti Hispani, ubi ostenditur haereticos jure gladii coercendos esse*. Geneva, 1554.

was so justly used in that case.”⁴ More typical of the fierce intolerance of the reformers are the words of Theodore of Beza written in Calvinistic Geneva in 1554: “What crime can be greater or more heinous than heresy, which sets at nought the word of God and all ecclesiastic discipline? Christian magistrates, do your duty to God, who has put the sword into your hands for the honor of His majesty; strike valiantly these monsters in the guise of men.” He characterized the error of those who demanded freedom of conscience “worse than the tyranny of the pope. It is better to have a tyrant, no matter how cruel he may be, than to let everyone do as he pleases.”⁵

Intolerance of Luther

The flaming intolerance of Luther is notorious. “Whoever teaches otherwise than I teach,” he declared, “condemns God, and must remain a child of hell.”⁶ Under Henry VIII of England as the grand royal inquisitor there was unleashed a furious persecution which, according to the Protestant historian, Holinshed, took the lives of 72,000 Catholics, many of whom were treated with atrocious cruelty. His daughter, Elizabeth, equalled him in brutality and savagery; Cobbett informs us that “*this sanguinary queen put to death more persons in one year than the Inquisition did during the whole of its duration of 331 years.*”⁷

During the reign of Henry VIII one of the forms of capital punishment was to boil the victim alive in a cauldron; other forms rivaled it in barbarity. Throughout the seventeenth century and eighteenth century the regular punishment for witchcraft was burning at the stake; indeed a beggar was both tortured and burnt alive for witchcraft at Mayenne as late as 1807.

“To the great humiliation of the Protestant churches,” points out the Protestant historian Dr. Schaff, “religious intolerance and even persecution unto death were continued long after the Reformation. In Geneva the pernicious theory was

⁴ Vacandard, *op. cit.*, p. 164.

⁵ *De haereticis a civili magistratu puniendis*, Geneva, 1554, trans. into French by Colladon in 1559.

⁶ Luther, *Saemtliche Werke*, XXVIII, p. 346.

⁷ Devivier-Sasia, *The Inquisition*, Catholic Truth Society, San Francisco, 1904, p. 37.

put into practice by State and Church, even to the use of torture and the admission of the testimony of children against their parents, and with the sanction of Calvin. Bullinger, in the second Helvetic Confession, announced the principle that heresy could be punished like murder or treason.”⁸

The intolerance of the Protestant leaders is all the more ironical since they adopted private judgment in the interpretation of Scripture as their basic principle and their point of departure from the ancient faith. It all goes to show how large is the role played by the feelings and the emotions and how small the role of reason in manifestations of intolerance toward heretics. Christ hated sin but loved the sinner; Christians might well follow His example by hating heresy but loving the heretic, and winning him from error by reason and love.

In citing these instances of savage cruelty and ferocious intolerance of Protestant leaders, we do not seek to disparage Protestants in general or to exculpate or attenuate the intolerance of Catholic authorities; we seek to show simply that *intolerance was the spirit of the age*. The tolerant ones among either Catholics or Protestant authorities in power were few and far between; the difference between them in this regard seems to us to be the difference between tweedle-de and tweedle-dum; in the vernacular of our day it was six of one and half-a-dozen of the other.

Intolerance Today

Nor can we strike a superior pose: our nation, perhaps as tolerant as any on earth, bristles with religious and racial intolerance. In a letter to a U. S. Senator, a Texas lawyer in 1923 reported that “Texas has had, within the last eighteen months, five hundred tar-and-feather parties, and whipping bees, not to mention a number of homicides, assaults and other offenses.”⁹ Scarcely a year goes by without one or more Negroes being burnt at the stake or murdered in some other brutal form by a mob in one of our southern states: there Jim-Crow laws stand as symbols of discrimination and of intolerance.

During the presidential campaign of Al Smith the fierce

⁸ *History of the Christian Church*, New York, 1907, Vol. V, p. 524.

⁹ Maycock, *op. cit.*, p. 22.

outcropping of bigotry and the attacks made upon him because of his religious faith are still vividly etched upon the conscience of the nation. The subtle discrimination exercised against our Jewish brethren, excluding them from apartments, clubs and resorts, is a standing disgrace to all who call themselves Christians, disciples of the Christ of Gallilee. If we turn the spotlight upon our own national conscience, we shall find plenty of work to keep us busy for decades and probably for centuries instead of dissipating our energies in futile laments concerning the intolerance of ages long past. "Cast out first the beam out of thy own eye," said the divine Master, "and then shalt thou see to cast out the mote out of thy brother's eye."¹⁰

In our vaunted twentieth century the world has witnessed mass killings and cruelty on a scale never dreamed of before. The killing of some twelve million men, women and children in World War I made all previous conflicts seem like tea parties. During the Spanish Civil War the savage cruelty of the Red forces in torturing victims, murdering innocent, men, women and children for the crime of believing in God, butchering thousands of priests, brothers and nuns—burning some of the religious alive—shocked the whole civilized world. The action of the Red tyrant, Stalin, in starving the peasants of Russia—estimates range from three million to five million—to impose his Communist ideology upon the nation marked a new high in cruelty and savagery.

This would seem to be eclipsed by the concentration camps and incinerators of the Nazi regime in Germany where more than five million Jews and other people were cruelly and brutally murdered. *In one month more persons were slaughtered by the brown-shirted minions of Hitler than in all the centuries of the medieval Inquisition and of its counterpart in Spain.*

Progress Discernible

Despite these frightful explosions of hatred and intolerance which since the turn of the century have repeatedly drenched our globe with the blood of millions of victims, we think some progress has been made in recognizing at least in

¹⁰ Matthew vii. 5.

principle the right of all human beings to worship God in accordance with the dictates of their own conscience, provided only that they do not thereby injure or undermine the society which shelters and protects them. The United Nations organization reflecting the conscience of the whole civilized world is in unanimous agreement upon that principle: it is to be hoped that it will never again be called into question by any nation or organization of civilized people.

In a nation in which virtually all the citizens profess the same religious faith, a union of Church and State in which both would co-operate harmoniously to promote the material and spiritual welfare of its citizens would seem in theory to be the ideal. There was a period when Catholicism was the faith of virtually the whole of Christendom, when the spiritual and secular authorities worked in close harmony and union for the common welfare and civilization produced some of its greatest masterpieces in architecture, painting, sculpture and the other arts.

The deep and radical differences which have broken up a once united Christendom into different political units and into a crazyquilt of conflicting ideologies, in which different philosophies of life are contending for the mastery, have shown how impracticable and impossible is any union of Church and State where such a variety of religious faiths exist. Hence in all such countries freedom of belief and worship is best safeguarded through the separation of Church and State with equal legal rights guaranteed to all.

Indeed one might well wonder whether the medieval ideal of an organic union of the secular and ecclesiastical authorities has not permanently been replaced in the modern world with the ideal of the separation of these two powers, with both working in friendly co-operation for the general welfare and for the protection of the rights of all the citizens, regardless of racial origin, color or creed. That at least is the ideal to which the American people are irrevocably committed and it is the arrangement which has best protected the right of its citizens to worship God according to the dictates of their own conscience. This does not imply that the citizens must regard all religions of equal value, truth and fruitfulness; but it does imply that they recognize the legal right of all citizens to practice the faith which their conscience dictates.

Divine Basis of Freedom

Almighty God endowed man with intellect and free will; He does not coerce the actions of man nor curtail his freedom even when he thinks and acts wrongly. The Creator respects that freedom even when its exercise involves the divine concursus—the divine co-operating power by virtue of which we think and act—in thinking erroneously and acting wrongly. If God Himself respects man's freedom of religious belief and worship, why shouldn't man? In the original divine endowment of the freedom of the will, with all its tremendous responsibility for good and for evil, God Himself has laid the foundation for man's freedom of conscience and of worship. Therein is mirrored the divine plan which man should respect and follow; indeed he can violate it only by offending its divine author. Religious freedom is not therefore a concession of Church or State; it is an integral part of the original endowment which God has given to man; it is a right sacred and inalienable by any human power.

Of late, suspicion, misunderstanding and tension between the major religious faiths in our country have been created by quoting canons and prescriptions enacted largely in medieval times concerning the relation of Church and State and the religious rights of minorities. They reflect an age when the union of Church and State in a society of homogeneous religious faith was the ideal; but the world for which such canons were framed has changed so radically and so permanently as to rob them of all relevance and significance. They are meaningless anachronisms in twentieth century America and should be recognized as such; they are as devoid of life as the long extinct dodo bird or the dinosaur of the Mesozoic period.

Thus the charge is made that Catholics, being a minority group in this country, are in favor of religious freedom for all groups; but if they once obtained the ascendancy they would deprive other citizens of their legal right to freedom of conscience and worship. We can't imagine anything farther from the mind of the Church or more repugnant to the Catholics of America. In two World Wars we have poured out our blood and our treasure, fighting for the political and religious freedom of nations scattered all over the globe. We have given our lives for the freedom of alien peoples; we would give

our lives a dozen times for the religious freedom of our fellow countrymen.

Any force or agency that would attack or threaten the liberty of conscience of the humblest citizen of our land, be he Protestant, Jew or non-believer, would find every Catholic rallied in his defense. We want no favored position for the Catholic Church in America, as is often alleged; we have no secret dreams of union of Church and State; we want no public funds allocated for the support of any creed. Nearly two centuries of experience have proven that religion is most vital and fruitful when its adherents believe in it and love it enough to support it out of their own free will offerings. A free Church in a free land is part of the American dream and we can share no other.

Back in 1909 Cardinal Gibbons, the ranking prelate of the Catholic Church in the United States, admirably reflected the sentiments and the conviction of his co-religionists when he declared: "The separation of Church and State in this country seems to Catholics the natural, the inevitable, the best conceivable plan, the one that would work best among us, both for the good of religion and of the state. . . . American Catholics rejoice in our separation of Church and State; and I can conceive of no combination of circumstances likely to arise which should make a union desirable either to Church or to State. . . . For my part, I would be sorry to see the relations of Church and State any closer than they are at present. . . . I thank God we have religious liberty."¹¹

Nor are these views peculiar to American Catholics. In a scholarly article on "Toleration" in the *Catholic Encyclopedia*, Dr. J. Pohle, a German theologian, mirrored the common teaching of the Church when he wrote: "Whenever separate religious parties live in the same land, they must work together in harmony for the public weal. But this would be impossible if the State, instead of remaining above party, were to prefer or oppress one denomination as compared with the others. Consequently, freedom of religion and conscience is an indispensable necessity for the State."¹²

Addressing 100,000 Holy Name men in the Cleveland stadium, Archbishop McNicholas declared: "You pledge your

¹¹ *Life of Cardinal Gibbons*, A. S. Will, Vol. II, pp. 308-311.

¹² *Catholic Encyclopedia*, Vol. XIV, p. 770.

loyalty to your country, which you regard as a parent; to whom you are united by the bonds of the virtue of patriotic piety. You love America as you love your life. You are grateful for all that America gives you, and you are willing in return to lay down your life if necessary to defend America and its sacred democratic institutions. There must be no hesitation in saying that Catholic men of our country are called upon by their civic natural virtues, and by their supernatural religion, to be the best and most exemplary citizens of our country. Catholic men are both misunderstood and misrepresented. Whatever may be said to the contrary, we declare without qualification that Catholic men pledge their first civic loyalty to their own country; they owe no civic allegiance to any other civil power or government on earth. If Catholics constituted 90 per cent of the men of America tomorrow, they would change no provision of their Federal Constitution. They would live by it, reverencing it as their glorious heritage. They would defend it at the sacrifice of their lives.”¹³

Understanding and Good Will

What we need desperately is to know one another better to enlarge our areas of understanding, respect, sympathy and trust. There should be an end to name calling and a willingness to sit around a conference table and in a spirit of friendship and good will to discuss divergences which erupt into the field of civic relationships and community interest, creating misunderstandings and tensions; for there is no difficulty which can't be settled if we all bring to it a spirit of reasonableness and fair play and no tension which can't be removed through sympathetic understanding and good will. On the other hand, no problem, no matter how trivial or simple, can be solved if these elements are lacking.

The intellectual and cultural climate of the world as well as its religious and political complexion has changed so radically since the time of the Inquisition that any such institution would be hopelessly out of place in the world today. It served a measure of usefulness in its day but that day has passed forever. The whole civilized world stands arrayed against all efforts to coerce by force the conscience and the will of man.

All such efforts are bound to fail, for the mind can be con-

¹³ *The Register, Denver, May 29, 1949.*

vinced only by reason and the will remains forever free. Insofar as heresies attack and undermine a society, as the Catharist heresy certainly did, they must be suppressed or, at least, stripped of their anti-social fangs: this is a duty which, disagreeable and repulsive though it be, society must fulfill or perish.

The history of the Inquisition teaches an important lesson: the wisdom of confining the ecclesiastical arm to things of the spirit and the secular arm to the business of the state. Rarely have these intermingled without producing confusion and causing either one or both to encroach upon the legitimate domain of the other. This review of the purpose, methods, and consequences of the Inquisition with its many somber and darkened pages will serve a useful purpose if it deepens in the reader an appreciation of the sacred rights of freedom of conscience and of worship and of the indispensable need for religious tolerance among the members of all faiths if this planet is to be the dwelling place of the human race instead of its cemetery.

SELECTED BIBLIOGRAPHY

- Döllinger, *Beitrage zur Seklengeschichte des Mittelalters*, 2 vols. Munich, 1890. The second volume is composed of documents.
- Douais, *L'Inquisition, Les Origines, La Procedure*, Paris, 1906.
- Eymericus, N., *Directorium*, Venice, 1607.
- Fredericq, P., *Corpus documentorum inquisitionis haereticae pravitatis neerlandicae, 1205-1525*, 4 vols. Ghent, 1889-1900.
- Guidonis, B., *Practica Inquisitionis*, Paris, 1886.
- Hansen, *Inquisition, Hexenwahn und Hexenverfolgung*, Munich, 1900.
- Langlois, C. V., *L'Inquisition d'après les travaux recents*, Paris, 1902.
- Lea, H. C., *History of the Inquisition of the Middle Ages*, The Macmillan Company, New York and London, 1908.
- The Inquisition in the Spanish Dependencies*, The Macmillan Company, New York and London, 1908.
- A History of the Inquisition in Spain*, 5 vols., London, 1905-1908.
- Limbroch, P. A., *Liber Sententiarum Inquisitionis Tolosanae*, Amsterdam, 1692.
- Maycock, A. L., *The Inquisition*, Harper & Brothers, New York and London, 1927.
- Molinier, M., *L'Inquisition dans le midi de la France au XIIIe et XIVe siecles*. Etude sur les sources de son histoire, Paris, 1880.

- Nickerson, H., *The Inquisition*, Houghton Mifflin Company, Boston and New York, 1932.
- Tanon, *Histoire des tribunaux de l'inquisition en France*, Paris, 1880.
- Turberville, A. S., *The Spanish Inquisition*, Holt & Company, New York, 1932.
- Vacandard, E., *The Inquisition*, The Paulist Press, New York, 1940.
Translated from the second edition by Bertrand L. Conway.

QUESTIONS

Chapter I

1. Why is it difficult to discuss the Inquisition calmly and objectively?
2. Writers commonly approach the Inquisition in what manner?
3. What is the function of the historian?
4. Belloc says the art of history consists in what?
5. What does Leo III say is the first law of history?
6. What does Newman say is the greatest scandal?
7. State the five basic facts which must be kept in mind to understand the Inquisition.
8. Discuss each fact briefly.
9. To understand the past is it necessary to agree with its philosophy?
10. What does Lea say of the Inquisition?

Chapter II

1. What was the Inquisition?
2. What rule did Tertulian lay down?
3. What view did Lactantius express?
4. What did the attitude of Churchmen toward heresy begin to change? Why?
5. What is the first recorded instance of a Catholic bishop upholding the State's right to punish heresy with death?

6. When did mob action against heretics begin? Why?
7. What principle did Wazo lay down?
8. Show that the Church abhorred violence toward heretics.
9. What is the testimony of Maycock? Of the Encyclopedia Brittanica? Of Vacandard?
10. The spread of what heresy caused Church and State to act? Why?

Chapter III

1. Explain the Albigensian heresy.
2. How did it characterize the sacraments?
3. What was the consolamentum?
4. What did Albigensians teach about marriage?
5. How did Albigensianism undermine the authority of the State?
6. What was the endura?
7. Did it cause as many deaths as the Inquisition?
8. Albigensianism was a menace to what?
9. Why was the Inquisition established?
10. What observation did Lea make?

Chapter IV

1. Explain the decree of Peter II of Aragon.
2. What measures did Lucius III and Frederick Barbarossa enact?
3. What impetus did Innocent III give to the anti-heretical movement?
4. What was the first law decreeing death by fire for heretics?
5. What step did Gregory IX take? Why?
6. Explain the new tribunal.
7. What was its method of procedure?
8. What were the safeguards? The defects?

9. Explain the use of torture.
10. What was the general rule in regard to torture?
11. Describe the various forms of imprisonment.
12. Enumerate the types of penalties.
13. How did court procedure replace mob action?

Chapter V

1. The Spanish Inquisition properly begins when?
2. What brought it into being?
3. Explain the organization of the Inquisition.
4. Discuss its political character.
5. Cite the testimony of Ranke.
6. Why was the Inquisition dominantly ecclesiastical?
7. Describe the character of Llorente.
8. Discuss the number of the victims.
9. Explain the trials for sorcery.
10. Discuss the money side of the Inquisition.

Chapter VI

1. Describe the methods of torture.
2. What was a hollow mockery? Why?
3. What is the Church's responsibility? Why?
4. Cite the testimony of Vacandard.
5. Discuss the statement of Count De Maistre.
6. Does it conform to the principle laid down by Leo XIII? Why?
7. What warning is sounded by the history of the Inquisition?
8. Explain: "Churchmen were children of their age."
9. What does Bishop Bonomelli say?
10. What distinction was often overlooked?
11. Does the operation of the Inquisition lie in the field of discipline or dogma? Why?

Chapter VII

1. Were the Reformers tolerant? Cite examples.
2. How many Catholics were put to death by Henry VIII? By Elizabeth?
3. Why was the intolerance of the Reformers especially ironical?
4. Discuss intolerance today. Cite examples.
5. Compare the number killed in one month by the Nazis with the total number executed by the Inquisition.
6. What progress is discernible? Why?
7. What is the American ideal?
8. What is the divine basis of freedom?
9. What charge is made against Catholics?
10. How would you refute that charge?
11. Discuss the need of mutual understanding and good will.
12. The history of the Inquisition teaches what lesson?

