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THE MONASTIC INQUISITION

BY
G·A·MAC EÓIN



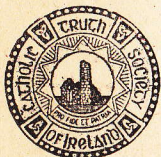
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FOREWORD

The Ecclesiastical Tribunal known in history as the Monastic Inquisition flourished mainly in the thirteenth and fourteenth centuries. It owed its origin to Papal legislation directed against the heresies which were then prevalent. The judges were chosen from the ranks of the newly founded Orders of St. Dominic and St. Francis. Hence its name of Manostic. It must be distinguished from the Episcopal Inquisition, which is as old as the Church, since the Bishops have the natural duty of searching out and condemning heresy whenever it makes its appearance in their flock. It must be distinguished, too, from the Spanish Inquisition. This tribunal came into being in Spain under Ferdinand and Isabella towards the end of the fifteenth century. Differing in origin, aim, and methods, the Spanish Inquisition calls for entirely different treatment and is only referred to in passing in this booklet.



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THE MONASTIC INQUISITION

By GEARÓID MacEOIN

CHAPTER I.—INTRODUCTORY.

[I]t has been the custom of the enemies of the Church for several centuries to blacken Church institutions and bring them into disrepute, believing that by discrediting the Church they were strengthening their own position. They proceeded to call the Middle Ages, in which the light of Christianity and civilisation shone with the greatest lustre, the Dark Ages. Now the Age of the greatest light is a Dark Age in the sense that the greatest light casts the darkest shadow; and in the deep, well-defined, shadows of the Middle Ages, in the dust-bins of History, they poked and searched, like beetles on a carcase. Among the skeletons unearthed they hailed as their greatest find the Inquisition which in their eyes proved beyond the shadow of doubt that the Church was not only not the Church of Christ, meek and charitable, but was a tyrannical and inhuman monster, gloating over the sufferings of its victims and imposing its teachings on the minds of men by brute force.

For a time the enemies of the Church seemed to have scored a serious hit. The array of facts was so plausible, the documents were so trustworthy, the impartiality of the historians so far above suspicion, that many Catholic writers took to admitting the theory proposed by the Church's enemies and condemning the Inquisition wholeheartedly, while using far-fetched theories and evasions to defend the Church which could have sanctioned and used such an institution. Other Catholic writers felt they had an obligation to defend every phase and action of the Inquisition, and despising undoubted facts of history, set out to whitewash the results and disguise the truth.

Neither of these is the correct way to write history; and gradually when the smoke of the first offensive cleared away Catholic historians began to examine the matter from a more impartial point of view and with a real desire to attain to the actual truth about the Inquisition. It did not take long to realise that the original conclusions of the enemies of the Church had been arrived at by a careful selection of such facts as favoured the case, with an unscrupulous rejection of all other evidence; by a hopeless confusion of different tribunals and jurisdictions, lay, ecclesiastical, and mixed; and by a false process of reasoning which argued from the defective working of Inquisitorial procedure in a relatively small number of cases to the conclusion that the whole machinery was fundamentally wrong and a proof of the failure of the Church in her Divine Mission. But it became also clear that the Inquisition had not been composed entirely of angels, and had not been gifted with infallibility in all its proceedings, in fact had at various times and places been guilty of acts which called for whole-hearted condemnation, and were not infrequently condemned and punished by the Holy See when brought to its notice. It also became evident that the Inquisition had arisen from a particular situation and a definite set of social circumstances in which it performed clearly defined and very useful work, forwarding at the same time the interests of the Church and of civil society.

In order to understand how this took place it is necessary to get a picture of the age in which the Monastic Inquisition took shape. Unless we succeed in doing this we shall find it absolutely impossible to comprehend the Inquisition. We shall never understand any phase of history unless we look at the events through the eyes of those who took part in them, and it will be impossible to appreciate the unfeigned joy and welcome with which all good people heralded the advent of the Inquisition, and assisted its work, unless we can see what the Inquisition stood for in the eyes of those among whom it functioned,

and what were the evils against which it defended them.

Perhaps the most remarkable feature of the social system of the Middle Ages, and one which is almost incomprehensible to us, is the closeness of the union between Church and State. There were none of the services then existent which to-day bind nations together. The press, the police force, the army, transport services, and a host of other external artificial bonds, prevent individuals or sections of the community from breaking away from the source of authority. There was but one bond in the Middle Ages. It was the obligation of conscience arising from the duties of religion, that is to say, of Catholicism. The Pope was the natural head of Christianity, and under him the kings governed their particular countries. By releasing his subjects from the obligation of allegiance, the Pope was able to dethrone a king overnight. In the same way, by denying the authority of the Pope, the medieval heretic was forced to deny the authority of the king which derived from it. In practice, heresy was also treason. For this reason the interests of the Church and those of the State were identical. Each was desirous of preserving Catholicism in all its purity, and preventing the spread of heresy.

There was also another reason to move the Church, and the State proceeded vigorously against heretics at the period at which the Monastic Inquisition came into existence. This was the peculiar character of the heresies which began to propagate at this particular period. Up to the tenth century there had been no persecution by Catholicism, and, indeed, even to the thirteenth century there was complete tolerance and an easy-going connivance. The Church has at all times championed liberty of conscience, and, while taking care that heretics and unbelievers should not spread their false teachings among her children, she made no attempt to force the truth on them. About the thirteenth century, however, a new crop of heresies suddenly appeared in various parts. And a characteristic of these heresies was that they were not

merely directed against Catholicism, but were also disruptive of society. They were not like Protestantism, which, while denying Papal authority and various doctrines of the Church, prescribes for its followers obedience to the State and a regulation of one's life similar in externals to that of Catholics. They compared rather with such a heresy as Communism, which not only is opposed to the teaching of the Church, but at the same time directly and actively plots against the social order established in present-day society, which it endeavours to overthrow.

The principal of these heresies was known as Albigensianism. The Albigenses came from the Eastern Roman Empire about the beginning of the eleventh century. They taught that there were two gods, one good, the other evil. The god of good is spirit; the god of evil, matter. The only doctrines which concern us here are those which show their anti-social tendencies. Since all matter according to them was evil, the bearing of children meant the production of evil, and was therefore the greatest evil. To live in the married state was consequently the greatest abomination, far greater than to commit adultery which only implied temporary relationship. Then they had a ceremony called the Consolamentum which brought all who were through it to a state of perfection. This was administered only in danger of death, and since the obligations of the state of perfection were so arduous, those who had received it were put to death either by starvation or suffocation if they showed any signs of recovering from their illness. They denied the right to take human life even in war, and even refused to kill animals. This refusal to serve in the king's armies contrasted strangely with their murder of those who had received the Consolamentum. It is more than obvious that a heresy which forbade marriage and put its members to death was regarded with abhorrence by the faithful and was bound to get into difficulties with the secular power. It was really as the result of conflict with popular opinion and then with the secular powers on the part of the Albigenses that the Monastic Inquisition

first became established. This will be understood from a short account of the growth of the heresy.

The Albigenses sent their disciples into Central and North-Eastern France and Northern Germany. Here they made some converts to their doctrines but as soon as the people began to realise the exact purport of their teaching there were popular demonstrations against them in various parts. In Orleans in the year 1022 the people rose in a burst of fury and burnt thirteen heretics at the stake. Ten of these were Canons of the Collegiate Church. This is the first instance where burning at the stake is recorded as a punishment used against heretics. There was no law of the state to this effect, still less any ruling of the Church. It was merely a question of a lynching carried out by a mob in a burst of passion. Burning was chosen as the appropriate method of putting heretics to death because it was used against the greatest offenders, witches, sorcerers, poisoners; and no crime was greater than the propagation of heresy so vile as Albigensianism. In various parts there were similar outbreaks on the part of the mob and many heretics were put to death or forced to leave the district. In all these cases the representatives of the Church either held entirely aloof or manifested disapproval of the conduct of the people.

The territory which now comprises the Southern part of France was then independent and was known as Languedoc. The reception met with by the Albigenses in this part was entirely different. Languedoc was rich and effeminate. The Arabian influence from the neighbouring kingdoms of Northern Africa and Granada had raised civilisation to a high point, but it was a civilisation far from healthy, and religion was not in the same position of respect as it was in the rest of France and Europe. The priests and bishops were feeble and corrupt and were held in contempt by rulers and people. The Pope, Innocent III, speaking of one diocese, said it was almost a regular thing for monks and canons to abandon the religious state, to take wives, and live by usury or become

lawyers, actors or doctors. The heresy spread here without opposition. The nobles were delighted at the opportunity of plundering the monasteries and the people made no attempt to resist their rulers. For a century and a half it spread unopposed and embraced whole towns and districts. Then when Innocent III became Pope he sent two legates to investigate the position. This was about the year 1200. One of these excommunicated Count Raymund of Toulouse, and was assassinated by a follower of Raymund. Innocent retorted by preaching a crusade against Raymund. Raymund made submission and the war developed into a political one which, after many changes of fortune and much fighting, ended in 1229 by Languedoc being absorbed into the French crown.

During the course of this war the Holy See was all the time endeavouring to urge on the work of preventing the spread of heresy. The Bishops had always had the duty of looking after the faith and morals of their diocese; but in many places they were careless about this and often had so many other duties that it was impossible for them to carry this out also. The Popes began to send legates to various parts to assist and with one of these St. Dominick went to Languedoc. Then in 1223 Gregory IX handed over his duty to the newly established Order of Dominicans and five years later the Franciscans were entrusted with the same task in other places. They were not a moment too soon. The King of France had had several heretics put to death as early as 1219 and in the following years popular outbursts resulted in the burning of many others. Frederick II of Germany had decreed death as the punishment of heresy. It was absolutely necessary in the interests of the Church and to safeguard the accused that the Church should control these political currents. This was effected by the new Orders of Franciscans and Dominicans who were in a position to furnish permanent tribunals, free from local jealousies, indifferent to wealth and comfort, and filled with zeal for the interests of the Faith.

It was not the crusading zeal of the Church that established the Inquisition to persecute heretics. In its foundation it was designed to save them from the greater fury of the mob and the civil power, to ensure free and just trial, and offer them every means of escape, while at the same time safeguarding the interests of the Faith and the security of Society.

CHAPTER II.—THE TRIBUNAL.

Naturally the most important person connected with the Inquisitorial court was the Inquisitor. He was a judge of absolutely unlimited authority within the sphere of his duties. The Inquisitor was either appointed directly by the Holy See or by the Provincial of his Order; but even in this latter case he derived his authority directly from the Holy See to which alone he was responsible for his acts and decisions. This position very soon raised a grave question. What was his relation to the Bishop of the territory in which his court was established? The matter was finally settled by placing both on the same footing and ordering collaboration. Thus for the more serious sentences it was necessary for the Inquisitor to obtain the sanction of the Bishop before they could be put into execution.

It was a great crime to resist the Inquisitor in any way in the performance of the duties of his office. To do so was to become a public enemy of the Church and incur heavy censures. A prince who refused his aid might be excommunicated, which meant that his subjects were relieved of their allegiance and that he was cut off from the communion of the faithful. If he continued for a year without making submission he himself became suspect of heresy and might be summoned before the Inquisition.

The Inquisitor remained bound by the rules of his Order and in addition there were special regulations he had to observe. He had to be forty years of age and noted for learning, prudence and impartiality. In order to avoid

the danger of corruption, gifts were strictly forbidden. In case of laxity or incompetence the General or Provincial of his Order could suspend him and refer the matter to the Holy See. If it was proved on examination that his mistakes had been due to ignorance or a merely passing carelessness, he was removed from his office; if, however, the cause was found to be laziness, cruelty, personal hatred, he was solemnly excommunicated. The same penalty was inflicted for bribery or extortion.

The Inquisitorial Tribunal had in addition many other assistants. These included jurors, notaries, warders, messengers, doctors, barbers, and other officials. The jurors were technically known as "periti." They were a merely advisory body unable to limit in any way the final decision of the Inquisitor. But in order to lessen the danger of hasty condemnations the Inquisitor was bound to submit a summary of the evidence to them before passing sentence. The jurors gave expert advice on all technical matters raised in the evidence. Their number was not fixed but they were usually more than twenty and were composed of civil lawyers, abbots, canonists, and sometimes even included Bishops. A difficult question was often referred to the law school of a University to get their opinion. (Thus a summary of the evidence was submitted to the University of Paris during the trial of St. Joan of Arc.) The jurors gave their opinion as regards the guilt of the accused and suggested the appropriate punishment, and although the Inquisitor was not bound to accept their decision he usually either did so or changed their suggested sentence to a less severe one.

An important section of the officials of the Inquisition were the notaries. These kept the records of the tribunal and in general performed the clerical work connected with it. Every word had to be taken verbatim in the course of the examination of the accused and witnesses, and afterwards copied on official parchment and filed in order in the archives of the Inquisition. In course of time a very large amount of evidence accumulated in the archives and

it was possible to convict at times on evidence collected thirty or forty years previously. Thus there is a case on record of a woman who was convicted in 1316 of being a relapsed heretic by reference to the records of 1268.

There were also a number of officers and jailors in connection with the Inquisitorial court. These served the double purpose of being a guard to the Inquisitor against the attacks of heretics and looking after prisoners. In parts of Italy and Spain the Inquisitors had their own officers to arrest those who refused to appear before the tribunal when summoned to appear, but in France and Languedoc this work was usually performed by the civil authorities. The jailors could lessen or increase considerably the sufferings of the imprisoned; from which cause arose much bribery and a source of illicit gain.

It was laid down in the regulations for the Inquisitor that all officials should be from a different part of the country in order that no local sympathies or prejudices should interfere with the impartial carrying out of justice. Of course there are cases to be found of miscarriage of justice and of bribery, not merely of the lower officials but even of the Inquisitors themselves. But it is quite certain that these were comparatively rare and the general integrity of the Inquisitorial courts was far higher than that of the secular courts, not only of that period, but of any period.

CHAPTER III.—THE PROCEDURE.

To understand the procedure of the Inquisitorial court, it is necessary to keep in mind the duty of the Inquisitor. He was not on the same level as a secular judge with the task of discovering if certain crimes had been committed; and if it had, of punishing it in an adequate manner. His work was much more difficult and delicate. As a general rule it was easy to establish that those summoned before his tribunal were guilty of the sin of heresy and the Inquisitor had to make them realise the heinousness of their

sin and repent of it. If he succeeded in this the accused person received sentence of absolution with an appropriate penance. But when the Inquisitor failed, another factor intervened. The civil powers had decreed that the sin of heresy was also a crime against the state, a crime punishable by death. The Church had opposed the ruthless way in which the state had prosecuted heresy and one of the reasons for instituting the Inquisition had been to take the trial of heretics out of the civil courts. It was only when a heretic proved obstinate and refused to yield to all the importunities of the Inquisitor that the civil power was allowed to have its way. He was handed over to the secular authorities which meant in practice that he was burned at the stake.

It is necessary to remember that such was the duty of the Inquisitor or we shall be unable to understand many points in the procedure. Thus, for example, the accused was not permitted a lawyer to assist him, because it would be altogether against the purpose of the court to permit in it a defence of heresy. But if the person was merely suspect of heresy it was the practice in the XIV century to allow counsel to prove innocence, but not, of course, to defend error.

The Inquisitor had a large province and he travelled through this, holding his court in various towns. Sometimes he arrived unannounced; at others, his intention of coming was published beforehand and he was solemnly met by the clergy and people and escorted to his quarters. His first act was to announce a time of grace during which those who had been guilty of heresy might come of their own accord, confess their guilt, promise amendment, and receive absolution. If they had been merely guilty of private heresy, they received a private penance; if their heresy had been public they received a public penance but this was lighter than if they had delayed and had been tried by the Inquisition for heresy.

It must be understood that to come under the jurisdiction of the Inquisition in any way, it was necessary

that heresy should be externalised by some act which made it clear to others that a person held unorthodox views. The mere internal belief, if not accompanied by some external profession—refusal to obey the Church's rulings, attempts at proselytism, support of heretics—had nothing to do with the Inquisition and was not even considered by it.

There was also another duty, both on those who had confessed their heresy and on all the faithful. They were bound to inform the Inquisitor of all heretics they knew, giving full particulars which might enable the Inquisitor to proceed against them and convict them of heresy. Nobody was free from this obligation. Fathers had to denounce their own children and wives their husbands. For the Inquisition was ruthless in its determination to discover and eradicate heresy. No ruse was too low in order to attain this object. It was only when the heretic was secured that a different method of procedure was adopted. It was then the Inquisitor's whole desire to make him confess his fault and repent, thus saving him from the penalty of his crime. For the Inquisitor was convinced that each person he handed over to the secular authorities meant a soul lost—and anyhow it was a failure on his part.

When the period of grace, usually a fortnight to a month in duration, had elapsed, the Inquisition proceeded to examine the various charges of heresy which had been received during the time of grace. Both those who were openly heretics and those suspect of heresy were summoned to appear before the court at a certain specified time. This summons was usually in writing and was delivered by the priest of the district. If this order was neglected, the person was considered contumacious and the Inquisition issued orders for his arrest. As a general rule the civil authorities lent their aid and sent their officers to assist in the pursuit.

The next stage of the procedure was the examination. The accused appeared before the court and the complete list of charges was read over to him and then he was allowed to answer at length and was given time if he

wished to prepare his defence. Meanwhile the judge questioned him on various points and there were special formularies for different kinds of heresy. This part of the proceedings demanded great skill on the part of the Inquisitor because medieval heretics did all in their power to prove they were faithful Catholics, and practised mental reservations and evasions of all kinds to achieve their end. Unlike the Christians of the early ages they were comparatively few who openly professed their beliefs and showed themselves ready to abide the consequences.

The accused was never confronted with those who gave evidence against him, still less was he told who had denounced him to the Inquisition. This was indeed a serious defect in the system from the point of view of justice. It was very difficult for an accused man to clear himself when he did not even know who his accusers were. But experience had shown the inquisitorial authorities that perfect secrecy on this point was absolutely necessary to the functioning of the tribunal. Many cases had occurred where the discovery of an accuser had led to his assassination by the friends and fellow-heretics of an accused person. The only help the accused was given was that he was asked if he had any mortal enemies who might have denounced him through personal hatred and if he mentioned those who had actually denounced him the value of their evidence was greatly weakened. In addition to this the penalties against those who were convicted of false witness were so severe that it was very unlikely that many would risk incurring them. From the beginning of the Inquisition the penalty was of most rigorous imprisonment, often for life. Later on the penalty became more severe, and those found guilty of perjury or calumnious evidence were handed over to the secular power to be burnt as relapsed heretics. This practice was approved and made a universal law by Leo X in 1518.

As a result of this examination of evidence and questioning of the accused the Inquisitor decided how to proceed with the case. If the evidence was definitely proved

calumnious or perjurious, the accused was formally acquitted and left the trial with his character restored. If, on the other hand, the accused admitted his guilt and confessed his fault, he received absolution with an appropriate penance according to the nature of his heresy and the harm he had done. This penance was never that of abandonment to the secular arm, which was reserved for impenitent and relapsed heretics. The various kinds of penances will be discussed later on.

If the weight of evidence was against the accused and he nevertheless persisted in proclaiming his innocence, he was submitted to various trials. At times some of the officials befriended him and gave him good food and lodgings in the hope of winning his confidence and obtaining his secret from him. More frequently he was confined in a narrow, damp, dark, evil-smelling dungeon where it was impossible either to stand or lie down, he was loaded with chains and his food and sleep were reduced in order thus to break his constancy and obtain a confession. When this treatment was found to be of no avail torture was often used. The use of torture had become common in the secular courts from about the year 1200, and was gradually introduced into the ecclesiastical courts also. It was at first opposed by the Popes and many provisions were made to restrain its use. Thus it was forbidden to the officers of the Inquisition to endanger life or limb, but this direction was in practice a dead letter. It was also forbidden to use torture more than once, but this was evaded by calling the second and third torturings a continuation of the first even though several days might have elapsed between them. A confession exacted under torture had no legal value. In order to overcome this difficulty the confession was written down while the accused was being tortured. He was then brought to the next room where he signed it . . . or returned to the torture chamber. Such a confession was considered as made quite freely and without compunction.

The more usual instruments of torture were the rack and

the "strappado." The strappado was a rope passed through a pulley in the ceiling. The hands were tied behind the back and the rope attached to the wrists. The victim was then raised to a height and let fall back to the ground, dislocating the shoulder-joints. A still more terrible suffering was entailed by the "water torture." A damp cloth was placed on the tongue and a small stream of water trickled on to it. In order to breathe the victim was forced to swallow the water in his mouth and the alternate acts of breathing and swallowing drew the cloth gradually back into the throat causing partial suffocation in intense pain. The cloth was often withdrawn soaked in blood.

Looking back on the Inquisition from the present day one cannot but condemn the use of torture. It is not sufficient to say that it was customary in the secular courts of the period. It is not even enough to point out that the third degree methods to be found to-day in most civilised countries exceed torture in the refinement of their cruelty. Because others do evil does not justify anyone in imitating them. Nevertheless there is some explanation of the action of the Inquisition. It is most probable that the Inquisitors fully realised that confessions made under torture were forced and purely external. But their purpose was not the amendment of the actual victim, although this was the alleged purpose. The victim was usually a member of an extremely dangerous, anti-social, society; it was necessary for the safety of the Church and the faithful that all possible information with regard to this society should be discovered with a view to its destruction. It must also be said that the Middle Ages were a period when logic was a more practical part of everyday existence and men lived in accordance with their beliefs. Now, it is one of the teachings of Christianity that all possible physical sufferings are as nothing compared with the loss of one soul.

CHAPTER IV.—THE SENTENCE

After having heard all the evidence and taken into account the results obtained by the application of the torture, when this was used, the Inquisitor had a summary of the evidence made, and this together with the names of those who had given evidence against the accused was submitted to the council of jurors who gave their opinion and suggested the appropriate penance. The Inquisitor was not bound to accept their findings but generally did so. If the sentence was that of abandonment to the secular arm, or of perpetual imprisonment, it was necessary to obtain the sanction of the Bishop before putting it into execution. All the evidence in the case had to be submitted to the Bishop. In case of disagreement, the matter was referred to the Holy See for the final decision.

It was customary for the sentences to be made known to the accused publicly and with great solemnity in order to impress the people with the guilt of heresy and arouse popular feelings for the interests of the Faith. The ceremony was known as the *Sermo Generalis* or *Auto-da-fé* and took place in the Church on a Sunday or great holiday. Early in the morning two platforms were erected in the Church. A procession was formed consisting of a herald, the Inquisitor with a bodyguard, the Bishop and clergy, representatives of the King, the nobles and civil magistrates. These took up their position on the central platform and the heretics were ranged on the other. The ceremony commenced with a sermon by the Inquisitor on the truths of Faith. Forty days indulgence were then granted to all present, and the representatives of the kings, as well as the local magistrates and nobles, made a profession of faith and promised to assist the Inquisitor in every way in the performance of his duties. Anathema was then fulminated against all who should dare resist him.

After this came the turn of the accused. First of all the acquittals and commutations of former sentences were

announced. Then all those who had confessed and asked to be reconciled with their hand on the Gospel took the oath of abjuration of their errors. After this came the announcement of the several penances, commencing with the smaller. According to the idea of the Inquisition all these penances, with the single exception of the death sentence which was never pronounced by the Inquisition itself, were medicinal and were designed for the reformation of the condemned person. They were considered to be strictly analogous to the penances imposed in the tribunal of confession and had no relation to the punishments inflicted in secular courts.

The greatest of all the sentences inflicted by the Inquisition was that of abandonment to the secular arm. This was reserved for two classes of heretic, the impenitent and the relapsed. The impenitent heretic was he who admitted his heresy and persisted in it in spite of all attempts on the part of the Inquisitor to bring him to a better understanding. By handing him over to the secular authorities the Inquisitor admitted he had failed in this primary purpose and therefore he did everything possible before proceeding to this step. Handing a prisoner over always meant his execution. The prisoner was indeed accompanied by a petition to mitigate the extreme penalty of the law; but this was a mere empty formulary, and the magistrate who acted on it would soon find himself in difficulties with the Inquisition for leniency towards heretics. The prisoner was free to abjure to the last and even when the faggots were lighted might renounce his errors and escape the penalty, as actually occurred on one occasion at Barcelona.

In the case of relapsed heretics, that is to say, of those who had formerly confessed their heresy and received absolution from the Inquisition but had again fallen back into heresy, the manner of proceeding underwent a change. In the earlier times these were only punished with imprisonment if they again repented. Thus the Inquisitor, Bernard of Caux, who was known as the Hammer of Heretics, had sixty cases of relapsed heretics but none of

them was handed over to the secular arm. But from about the year 1258 it became the custom to treat these in the same way as obstinate heretics. If they repented they were permitted to receive the Sacraments, a favour which was, of course, denied to obstinate heretics, but nevertheless they were handed over to the secular arm. There was no second trial by the civil authorities. The officers proceeded immediately to the execution. In the case of St. Joan of Arc the civil magistrates were not even consulted.

All those not handed over to the secular arm were judged by the Inquisitor himself, and in theory their sentences were only penances with a medicinal value. Imprisonment was the commonest penance. As a punishment for crime it was unknown in Roman Law, being of monastic origin. The bread and water were a regime to obtain from God compunction and pardon for their sin. The sentences were very frequently commuted, especially in the case of the well-conducted, or in order to provide for the needs of one's family, for the sick or the aged. If a prisoner was unwell he might obtain permission to live at home until his health should be restored. There were two forms of imprisonment known respectively as the "muris largus" and the "muris strictus." In the former the prisoners were rather well treated. They had their meals in common and frequently met to take recreation and exercise together. They were allowed to receive food, money, wine, and clothes, from outside. The routine of their day was based on that of monastic life and was in fact much easier than that of an ordinary monastery of the period. The "muris strictus" was a much more severe form of imprisonment, including solitary confinement in a dark cell, often underground, combined with a total lack of exercise and a diet of bread and water. This form of imprisonment was reserved for priests, religious, false witnesses, and others who had been guilty of extraordinary crimes. In 1306 the Pope reformed the ecclesiastical prisons in Languedoc, forbade the placing of prisoners in irons and

the use of underground cells, and ordered that all prisoners should be permitted to take exercise.

The only penance peculiar to the Inquisition was the imposition of Crosses. All the other penances were also imposed by Bishops in their capacity as confessors for public crimes. The crosses were introduced by St. Dominic, not as a sign of infamy but as a badge of triumph. It was not long, however, until their significance changed. The person who was compelled to wear a large cross on his clothes was publicly branded as a past heretic and exposed to the contumely of the mob. It frequently became impossible for such a person to secure employment, fathers were unable to get husbands for their daughters, and naturally it was still more difficult for a girl who had received this penance to obtain a husband. Often at times of popular excitement or when the people were angered by some act of aggression on the part of the heretics, persons wearing crosses were in extreme danger. In all it was considered as a very serious and humiliating penance and it was looked on as a great privilege to have it commuted to a long pilgrimage, even into a pilgrimage to the Holy Land which included service as a Crusader for several years. There were different crosses to be worn according to the particular crime of which the person was guilty. For perjury or false witness the person had to wear large tongues; and for profanation of the Blessed Sacrament, coloured cloth to represent the Sacred Host. The crosses and other emblems were of a standard size and pattern and were worn on the front and back of the outer garments in a conspicuous position.

Pilgrimages were also a favourite penance given by the Inquisition. It was very common for the faithful to make pilgrimages during the Middle Ages and the pilgrim enjoyed certain privileges and was received everywhere with respect and treated as a guest of honour. He had few expenses because there were monasteries in every part and here he was put up for the night and given his meals free of charge. The Inquisition distinguished three kinds of

pilgrimages: the Minor, which were made to local shrines; the Major, which were made to great shrines at a distance (for Languedoc there were four in number, the tombs of Sts. Peter and Paul at Rome, of St. James at Compostella, of the Three Wise Kings at Cologne, and of St. Thomas at Canterbury); and the "Passagium transmarinum." This last included a pilgrimage to the Holy Places in Jerusalem and service in the Crusading armies for a period varying from one to eight years. At one period this was a very common penance but the number of past heretics thus united in the Holy Land began to constitute a menace and this penance was abandoned for a time. The pilgrim received detailed instructions from the Inquisitor before setting out as to the route he was to follow and the devout exercises he was to perform at the different shrines that lay along the road. The document was written in Latin and signed by the Inquisitor. It served as a safe conduct or passport on the route. The pilgrim had to receive a written statement from the priest at each shrine to the effect that he had visited it and performed the prescribed exercises.

At a later period it became usual for the Inquisition to order the penitent to make a round of the local churches. He went to each church on a Sunday, barefoot and carrying in one hand a lighted candle, in the other a bundle of cords. He took his place in a prominent position and Mass was begun. After the Sermon had been preached the penitent came forward, handed his candle to an assistant and the cords to another. He then knelt down and was beaten with the cords. This performance was probably not very painful but the humiliation of being thus treated in public in all the Churches of the district must, no doubt, have been very considerable.

Fines were sometimes imposed by the Inquisition. These were devoted to pious works or to defray the expenses of the court. In certain cases also the goods of the condemned were confiscated. At first all convicted of heresy were liable to have their goods confiscated but later on confis-

cation was reserved for those who were either handed over to the secular arm or condemned to perpetual imprisonment; as also for the goods of dead persons who would have incurred these penalties if their heresy had been discovered during their lifetime. The claims of children to their parents' goods were only allowed in the case where the children had been the first to denounce their parents' heresy and had done this of their own accord. The use to which confiscated goods was put varied according to the time and place. In France and in Languedoc it was customary for the secular power to seize the property of lay persons while that of the clergy went to the Church. In return for this confiscated property the State had the obligation of providing for the upkeep of the Inquisition. Innocent IV decreed that one-third of confiscated property should go to the urban authorities of the town in which the condemnation had taken place, one-third should be handed over to the Holy Office, and the remaining third should be spent by the Bishop and the Inquisitor for the benefit of the Faith and the extirpation of heresy. This was the procedure usually adopted in Italy.

The Inquisition even went so far as to order at times the destruction of the houses of heretics. In theory this should be done for any of the more serious acts of heresy but in practice the sentence was put in execution only in the most extreme cases, particularly when the houses had been used as heretical meeting-places. As early as 1166 there is a record of the houses of heretics having been destroyed by order of the authorities in England and Frederick Barbarossa ordered the same penalty in Germany in 1184. This procedure was confirmed by Innocent III in 1207 and was incorporated in the code of the Inquisition as soon as this body took on a definite shape. The land on which such houses had been built was to be left waste. In France it could never be built up again or cultivated without Papal authority; in Italy the interdict ceased automatically after forty years.

Nor did the Inquisition's pursuit of heretics end with

their death. It even followed them into the grave. A dead person was tried in exactly the same manner as the living and all the formalities were used. Barristers were appointed to defend him. If he was found guilty of heresy he was sentenced by the Inquisition to removal from consecrated ground. The officials of the Inquisition removed the bones and handed them over to the secular authorities when they were burnt lest they should fall into the hands of the heretics and be venerated as sacred relics.

The Inquisition did not choose death by burning for its victims because of the greater suffering. Burning was the common mode of execution especially for more atrocious crimes. It was also more theatrical and likely to deter others. And it had a symbolic meaning in that it removed entirely from the face of the earth the pestilential member. Moreover it disposed of the difficulty that the fellow-heretics might secure the dead body and venerate it. For all these reasons death by burning answered to the needs of the Inquisition and it is not to be wondered at that it became the almost exclusive method of execution wherever the Inquisition was set up.

CHAPTER V.—CONCLUSION.

The Inquisition was not a perfect system. Like everything else devised on this earth, it had its defects as well as its merits. And in order to justify the Church for having selected and used this weapon in the defence of her interests, it is not necessary for the Catholic historian to prove or to assert that everything in the Inquisitorial system was perfect, that there was no corruption, that the procedure was perfect, that torture is to be commended, and should in fact be re-introduced, or that heresy should always be punished by death. These are all open questions, and many, perhaps most, would deny their truth. It is sufficient for the vindication of the Church to show that by supporting the Inquisition she has not been false

to her trust as the Spouse of the gentle Christ and custodian of the moral law. And to establish this it is only necessary to lay down that the use of physical force can be justified in order to prevent the spread of moral evil. Such a proposition is self-evident. If war is justifiable to prevent physical evil, how much more to prevent moral. And it must be remembered that the purpose of the Inquisition was not to make forcible converts, but to break down organised resistance to Catholicism. The heresies of the period of the Inquisition were virulent, anti-social, secret societies. With this in mind it is easy to see that all measures adopted by the Inquisition were necessary to oppose them with any degree of success.

Those who attack the Inquisition often do so on the ground that it prevented free expression of thought and stunted the mind by permitting only the Catholic outlook on every subject. Such a suggestion is entirely unfounded. The centuries when the Inquisition flourished were the centuries of the greatest development of the human mind and the elaboration of its most original thought. But this did not occur in the camps of the heretics even where these flourished in independent communities undisturbed by the activities of the Inquisition. For their heresies were not based on any intellectual protest, and had no true philosophy of life to offer. Intellectual progress was registered in the great Catholic Universities, and this not merely in orthodox but also in heterodox circles. It was most remarkable how heretical doctrines were allowed free discussion in the centres of education, because the Church believed that Catholic truth would always prevail among those who constantly, and without prejudice, sought among varying doctrines for that which really expressed the truth. The position was entirely different in the case of the heretics against whom the Inquisition proceeded. They sought to propagate their doctrines in secret, and because of their appeal, not to the intellect, but to the senses and passions.

Then it must be remembered that the Church was in a

sense forced to establish some such tribunal at the time when the Inquisition came into being. Her action was really a defence of heretics, and to save them from a much more terrible court. Not only the civil code but also public opinion had decreed that death was the punishment for heresy. "If treason against the king is deserving of death," people said, "how much more treason against Him by Whom kings reign?" And they proceeded to put their theory in practice with dreadful results which involved guilty and innocent alike. To understand the real root of this outlook on heresy it is necessary to point out again what has been already mentioned regarding the union of Church and State at this period. It was such that people found it impossible to consider the possibility of the State's existence unless all Christians were Catholics.

Owing to the destruction of most of the records it is not now possible to say how many persons suffered the extreme penalty as a result of the activities of the Inquisition, but such statistics as are available show that the number was relatively small. Thus, for the court of Pamiers, sixty-four persons were found guilty of heresy between the years 1318 and 1324; of these, five were abandoned to the secular arm. And at Toulouse, between 1302 and 1323, 930 persons were convicted of heresy, of whom only 42 were abandoned to the secular arm. There is not the least doubt that vast numbers of lives were saved wherever the Inquisition took charge of investigations into heresy.

It is not, therefore, either scientific or historic to condemn the Inquisition as a blot on the fair name of the Church. It rose in a definite social setting with a definite and well-defined purpose which it fulfilled with considerable success. It was finite, and therefore had defects both in its organisation and its execution of its duties; but its defects arose from the particular difficulties it had to encounter, and were never such as to vitiate its essential utility. It assisted in preserving the internal unity of Christianity at a time when it was most terribly assailed

from without, and when treason within the camp would almost certainly have resulted in the destruction of Christian Europe at the very period when it was blossoming forth into the great achievements in the realms of literature and art, realised at the Renaissance, which are probably the world's crowning glory.

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