

## THE PROBLEM OF PERSECUTION IN THE EARLY CHURCH

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TO EVERY manner of moral conscience today the employment of force in support of religion is an object of particular abhorrence. The spiritual penalties which a Church may inflict, such as excommunication, ordinarily excite little indignation; but the use of corporal punishment in order to win or retain adherence to religious doctrine—especially to the Christian gospel of love—would release storms of protest. Emphatic denunciations have been pronounced upon the Catholic Church because of the use she has supposedly made of corporal punishment, or even of the death penalty, in the past. Lecky, for instance, makes the charge that “. . . the Church of Rome has shed more innocent blood than any other institution that has ever existed among mankind,” and that “. . . the Church of Rome has inflicted a greater amount of unmerited suffering than any other religion that has ever existed among mankind.”<sup>1</sup> Lecky’s condemnation is directed particularly against the medieval monks. Similarly, a recent writer on the subject considers corporal punishment for heresy to be “medieval,” whether it was inflicted in the sixth century or in the sixteenth, or even in a later century.<sup>2</sup>

Of course, anyone who is familiar with the history of Western culture knows that serious reasons for the charge of intolerance are to be found long before the medieval period. In the earliest persecutions, which made the Church of the first three centuries the Church of martyrs, some might see the proof of an intransigence that excited the hatred of the pagan masses, and left to the Roman officials no alternative but repression of a socially disruptive sect. Be that as it may, it is certain that within a century of September, 324, when Constantine the Great became sole master of the Empire, the Catholic religion had been made

<sup>1</sup> W. E. H. Lecky, *History of the Rise and Influence of the Spirit of Rationalism in Europe*, II (ed. Appleton, New York, 1914), 40, 46.

<sup>2</sup> Ernest W. Nelson, “The Theory of Persecution,” in *Persecution and Liberty: Essays in honor of George Lincoln Burr* (New York, 1931), p. 3; Professor Nelson’s summary but penetrating analysis is worthy of close study.

the state religion, and other cults were either suppressed or forced to be content with a grudging toleration. As a matter of fact, the history of this period would seem to furnish what is perhaps the most serious argument that could be used against the clemency of the Christian Church.

However, the medieval Inquisition and its Spanish and Roman imitations have made a greater impact upon the Western imagination than the intolerance of the early Christian emperors. The use of torture and the frequent burnings at the stake have been pictured so vividly by brush and pen that they have become *idées fixes* in the mind of the West. In consequence, it is an established conviction in the minds of many that the Catholic Church is intrinsically and essentially a persecuting power, whose persecuting activity is at times restrained only by the contingent fact that in certain historical situations it is a minority group. Even in our own times and in our own country, in which Catholicism has attained the status of the largest single religious body, suspicions of Catholic designs are not seldom heard. While virtuously affirming that there is nothing in Protestantism that would make a revival of Protestant persecution in the least degree likely, some writers see a considerable danger lest Roman Catholicism grow powerful enough even in the Anglo-Saxon world to put its essential intolerance into effect by silencing or even by punishing its critics and opponents.

At all events, it would seem that an adequate presentation of the complete Catholic position on religious liberty is rather badly needed. On the other hand, such a presentation is not easily made, especially in a way that would make it intelligible to anyone outside the Catholic tradition. Our doctrinal position is quite complicated; it involves a number of nice distinctions, and an equally nice balance in the statement of principle. Moreover, in consequence of the concept of the Church as a juridical institution, the Catholic manner of approach to the problem demands the assumption of a legal point of view that is disconcerting to the strictly "evangelical" mind, and may create the impression of quibbling. For instance, authors are at pains to point out that the official decisions of the Church do not strictly prove that the Church possesses anything more than a conditional power of inflicting corporal or material penalties for certain *delicta* ("if you do not

accept this fine or other penalty, you will be excommunicated").<sup>3</sup> Again, it is a common thesis that the Church most probably does not possess the *ius gladii*.<sup>4</sup> And it is usually quite astonishing to the sort of person whom Lecky's views have impressed to find that the classic refutation of the opposing theory, that the Church has the right to inflict capital punishment, is drawn from the fact that she has never in practice used the right!<sup>5</sup>

However, it is not the purpose of this paper to go into the doctrinal or legal aspects of the Catholic position on religious liberty. These will be treated in future articles in this review. The present article has simply an historical scope. As a matter of fact, as Carlyle has pointed out, from the historical standpoint the problem of religious liberty is extremely difficult and complex. After affirming that the relations between the Christian Church and the development of the idea of personal liberty were very intimate, and that in their profounder aspects the principles represented by the Church can only be satisfied by liberty, he adds: "Unhappily, the Christian Church' also gravely misunderstood its own position, and has often acted in complete contradiction to its own first principles."<sup>6bis</sup>

The latter judgment is not quite fair. But, in conjunction with Carlyle's previous affirmation, it should warn the historian to approach the past with a readiness to make necessary distinctions. Present-day Catholics are quite willing to admit that the contemporary position of the Church was reached as the result of a lengthy doctrinal development, to which (as was to be expected in a problem that is essentially social in its implications) the radical social changes throughout the centuries have contributed powerfully, in the way of an external stimulus. The present article will not trace the whole course of this development; it will confine itself simply to the ancient Church. Moreover, its main object is rather to present the materials for further interpretative study than to undertake the interpretation itself.

<sup>3</sup> A. Vermeersch, S.J., *Tolerance* (London, 1913), p. 60.

<sup>4</sup> *Ibid.*, pp. 63-102.

<sup>5</sup> Cf. F. Cappello, S.J., *Summa iuris publici ecclesiastici* (Rome, 1936), p. 269.

<sup>6 bis</sup> A. J. Carlyle, *The Christian Church and Liberty* (London, 1924), p. 89; some of these ideas are also developed in the same author's work, *Political Liberty: A History of the Conception in the Middle Ages and Modern Times* (Oxford, 1941).

## THE FIRST THREE CENTURIES

The early history of the Christian Church is marked by several struggles, of which the most violent was that with the persecuting Roman Empire. It is usual to put the blame for this intolerance on the shoulders of the civil authorities. But when it is recalled that, prior to the advent of Christianity, a wise religious policy had enabled the emperors to maintain religious peace, the question as to the responsibility of the Christians arises.<sup>6</sup> The Roman state and Roman religion were, of course, closely related. Subject peoples were not free to ignore, but were required to recognise, the state divinities. This did not mean, of course, that they had to renounce their ancestral cults. State and local religions were practised simultaneously, and the rites of the Roman religion were performed chiefly by soldiers and officials. But a minimum of conformism in religious matters was required of all except the Jews. Judaism had been able to obtain for itself certain exemptions from the Roman masters. These exceptions had been facilitated by the wide acceptance of the gods of Egypt and the East throughout the Empire, as a result of the tendency to syncretism in religious matters induced by the decline in vigor of the national religion. Nevertheless, the Jews were suspect and unpopular because of their particularism. A tension existed, and it increased as emperor worship, from which the Jews were exempted, began to supplant the old Roman religion and in some (Eastern) provinces came to be considered the official religion.<sup>7</sup>

With the rise of Christianity, there appeared in the Empire a religion which claimed universal validity, holding that the eternal fate of all men depended on their acceptance or rejection of it. Moreover, the early Christians held that they must obey God rather than man, even when man had the power of the State behind him. They would not admit for a moment that their God was just another divinity to be

<sup>6</sup> Robert G. Bone, *Roman Persecution of Non-Christian Religions before 200 A.D.* (Urbana, 1907); in this doctoral thesis, the author proves that despite general tolerance "... it is clear that at times the Romans persecuted other groups as severely as they did the Christians" (p. 3); he lists some two hundred repressions; but ordinarily, he says, "... the interference of the government was to forbid certain features such as human sacrifice, castration, magic, circumcision and certain types of divination", (p. 8).

<sup>7</sup> Cf. A. Ehrhard, *Die Kirche der Märtyrer* (München, 1932), pp. 8 ff.

added to the Roman pantheon. Their God was the only true God and Christ His Son had come in human form to save the world. The religions of the Empire, including the state religion, were regarded as false religions, to be held in abhorrence. While the early Christians were found everywhere in the Empire and even fought in the Roman armies, their principles forced them into a relative abstentionism.<sup>8</sup> They were compelled to avoid any position, vocation, or business which had any connection with the pagan cult.

This manner of acting drew down upon the heads of the Christians the suspicion and hatred of the pagan masses. In consequence of their profession, the Christians seemed to the pagans to be enemies of the ancestral cults, of Roman culture, and of the Roman state, which lived in an atmosphere of paganism. The Christians were charged with atheism, because they abandoned the official rites. Misinterpretation of the *agape* and the kiss of peace in use among them led to charges of cannibalism and incest. Because they turned to the East in prayer, they were charged with sun-worship. All pestilences and disasters were considered as due to their actions. Charges of this nature led inevitably to mob violence, and then the government had to investigate the Christians.<sup>9</sup>

Why did the Empire abandon its police of religious toleration? Why were the Christians made outlaws and persecuted? The reason is that when the Roman police became fully aware of the religious position of the early Christians repression was inevitable. So long as they were looked upon as a Jewish sect, the Christians profited by the policy of the Empire which granted to the Jews the exercise of their national religion and exempted them from all acts of the official cult. Once the authorities understood that it was not a variety of Judaism, Christianity had no right to profit by Jewish privilege. Consequently, Christians had to accept the minimum of religious conformity required of all save Jews, or disappear.<sup>10</sup> The Christians resolutely refused to conform, or even to make a gesture of conciliation.

<sup>8</sup> Cf. A. Fliche et V. Martin, *Histoire de l'Église depuis les origines jusqu'à nos jours*, I, *L'Église primitive*, par J. Lebreton et J. Zeiller, pp. 398 ff.

<sup>9</sup> Cf. E. C. Colwell, "Popular Reactions against Christianity in the Roman Empire," in *Environmental Factors in Christian History* (Chicago, 1939), pp. 53-72.

<sup>10</sup> G. de Ruggiero says: "... the persecution of Christians during the first three centuries arose far less from any antipathy on the part of the pagans to the new religion

It is clear, then, that the early Christians would brook no compromise with polytheism. They were as far as possible removed from the view that God is pleased with various kinds of worship. They held to one God and one true religion, and it was this attitude that destroyed the religious peace of the Roman Empire. It was an echo of the teaching of St. Paul, who had painted the religious and moral conditions of the pagans in such colors as to make any accord with them unthinkable (Romans 1:18-32).

An equally vigorous rejection of heresy characterized the early Christians. Evidence abounds. There is the story of St. John, the Lord's disciple, who went to bathe at Ephesus and, seeing Cerinthus within, ran out crying: "Let us flee, lest even the bath fall because Cerinthus, the enemy of the truth, is within." Polycarp also, when accosted by the heresiarch Marcion with the question: "Knowest thou us?", replied: "I know the first-born of Satan."<sup>11</sup> We read too that the early Montanists complained that they were driven away from the faithful as wolves from the fold.<sup>12</sup> Irenaeus, in his *Adversus Haereses*, shows his detestation of heretics. To him they appear blasphemous and impudent sophists, blind men led by the blind, who deservedly fall into the ditch of ignorance.<sup>13</sup> Alluding to this attitude, Celsus charged that the Christians hated each other with a perfect hatred.

A final curious instance in this connection is that of Natalis, the Roman confessor who (c. 200) was hired by the Adoptionists for one hundred and fifty denarii per month to be their bishop. Since he functioned at Rome, Natalis has some claim to be considered the first antipope. Warned in visions of the error of his ways, he paid no heed; his pre-eminence was too sweet. Then he "was scourged by holy angels and punished severely through the entire night." If these "holy angels" happened to be angels of flesh and blood, as has been

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as such, than from the unwillingness or inability of the Christians to participate in the external imperial rites which were considered an essential element in the civil obligations of all citizens" (*Encyclopedia of the Social Sciences*, XIII, 240). And A. J. Carlyle affirms that "... it was because Christianity was not a national religion that it was illegal in the Roman Empire" (*The Christian Church and Liberty*, p. 29); there is an element of truth in this.

<sup>11</sup> Eusebius, *Church History*, IV, 14; the translation here and in subsequent citations is taken from A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church, I, *Eusebius*, trans. by A. C. McGiffert (New York, 1925).

<sup>12</sup> *Ibid.*, V, 16.

<sup>13</sup> Irenaeus, *Adversus Haereses*, V, 20, 2.

suggested, this would be one of the first examples of the employment of corporal punishment for heresy. Natalis was cured of his desire for pre-eminence: "He put on sackcloth and covered himself with ashes and with great haste and in tears fell down before Zephyrinus the bishop, rolling at the feet not only of the clergy but also of the laity."<sup>14</sup> This was salutary for Natalis, no doubt; but if it did anything to provoke the use of violence by churchmen in subsequent ages, it was not fortunate for the Church.

The attitude of the early Christians towards heretics strikes many Christians as even more reprehensible than their attitude to the pagans. This may be due to the belief that the heretics were "liberals" struggling toward the truth in a benighted age. Some Protestants, following the tradition of Flacius Illyricus, may look upon them as their spiritual ancestors. However, just how much scrutiny the "liberalism" of certain heretics (e.g., Marcion, Novatian, and Paul of Samosata) would stand is fairly clear. Certainly, the majority of the early Christians thought, with St. Hilary, that they were obstinate men who misunderstood the Holy Scriptures, and then pertinaciously refused to listen to the corrections of the Church.<sup>15</sup> It was also clear that in some cases their intransigence was motivated more by greed, ambition, and spite than by sincere religious conviction. The Catholic Church, at any rate, met the intransigence of the heretics in an uncompromising spirit that recalls the words of St. Paul: "But even if we or an angel from heaven should preach a gospel to you other than that which we have preached to you, let him be anathema!" (Gal. 1:8).

#### THE CHURCH OF THE EMPIRE

The victory of Constantine the Great (306-337) over Licinius in September, 324, gave the sorely persecuted Christian Church complete freedom, and was the harbinger of great favors to come. During the period of repression, Christian voices had frequently been raised in

<sup>14</sup> Eusebius, *Church History*, V, 28.

<sup>15</sup> Cf. Hilarius, *De Trinitate*, II, 3 (*PL* X, 51 f.). Professor Bainton writes: "The primitive Christian view of the Church as a congregation of the saints was abandoned to the Montanists, Novatianists, and Donatists" (Sebastian Castellio, *Concerning Heretics*, trans. by R. H. Bainton, New York, 1935, p. 12). Speaking of the same heresies, Newman wrote: "Three of the early heresies more or less originated in the obstinate, unchristian refusal to readmit to the privileges of the Gospel those who had fallen into sin" (*Grammar of Assent*, London, 1909, p. 455).

defence of liberty of religion. Then Christians thought of using no force save the force of argument. Tertullian had maintained that it was a fundamental human right and a privilege of human nature to worship according to conviction. Origen and Cyprian contrasted the violence sanctioned by the Old Law with the benignity which alone prevails under the New Dispensation. Writing in 308, Lactantius proclaimed: "There is no justification for violence and injury, for religion cannot be imposed by force. . . . It is a matter of the will which must be influenced by words, not by blows."<sup>16</sup> But now that the Church was acquiring perfect freedom and was promised the ascendancy, would she remain true to these principles? Would she avoid coercion and still try to win converts only by persuasion? What would be her attitude toward heretics now that she was in a position to punish them corporally? Unhappily, the answer to these questions was not destined to be given exclusively by churchmen.

#### *Paganism Disestablished and Destroyed*

Although he was not baptized until near the end of his life, there is evidence that from the time of his conversion Constantine the Great aimed at the triumph of Christianity and its union with the Roman State.<sup>17</sup> It is certain that from 313 Bishop Hosius of Cordova was among his councillors, and that his legislation showed Christian tendencies. Once firmly established in the rule of the entire Empire, Constantine lavished favors on the Christian Church, and granted to paganism only a scornful tolerance. Nevertheless, he was tolerant. As an able statesman, he realised that the power of pagan tradition was too great to be crushed. He retained, therefore, the title of *Pontifex Maximus*, and maintained the rights and privileges of ancient paganism. If he repressed certain pagan rites, it must be remembered that he also tried to control Christian schisms and heresies. If he burned the writings of the pagan Porphyry, he also burned those of the obnoxious Christian, Arius. Denounced and despised by its *Pontifex*

<sup>16</sup> These are the classic texts, found (with a commentary) in E. Vacandard, *The Inquisition*, trans. by B. L. Conway (New York, 1918), pp. 2 ff. also in Hastings, *Encyclopedia of Religion and Ethics*, IX, 751.

<sup>17</sup> Cf. Norman H. Baynes, *Constantine the Great and the Christian Church* (London, 1930), p. 83, note 57; the author quotes with approval the similar opinion of Raffaele Mariano.



*Maximus*, paganism was nonetheless still an official religion. No temples were closed or destroyed in the West. In the East some were closed, it is true, but for reasons of public morality. No iconoclasm was permitted.<sup>18</sup>

The great emperor held to this policy of toleration throughout his lifetime, but it was not destined to survive for long after his death. Perhaps Constantine foresaw this, or even orientated his sons in another direction. At any rate, there were not lacking zealous converts who urged the sons of Constantine to destroy completely the iniquity of idolatry by razing the pagan temples. To spur on their zeal, Firmicus Maternus pointed out that the riches of the pagan shrines could be turned into money for replenishing the imperial treasuries.<sup>19</sup> In the East, where Christians were numerous, a few pagan temples were destroyed under Constantius (337–361). In his legislation, this longest-lived son of Constantine was very severe against the practice of the pagan religion, although, if we are to believe Symmachus, he did not enforce his decrees in their full severity. However that may be, if his laws of November 23, 353, February 19, 356, and December 1, 356 had been enforced, paganism would even then have received a mortal wound.<sup>20</sup>

The pagan reaction led by Constantine's nephew Julian (361–363) showed that Constantius had not been as astute as his father. The Apostate's first move was simply to grant religious freedom, by which the orthodox Christians, persecuted by the caesaropapist Constantius, profited as much as the pagans. But Julian's favors were intended only for the pagans. Temples were reopened or rebuilt. Christians were obliged to return materials which came from pagan temples. Some Christians who had made themselves marked men by their zeal against the pagans now suffered mob violence and even death.<sup>21</sup>

<sup>18</sup> Cf. Fliche-Martin, *Histoire de l'Église*, III, 62 ff.

<sup>19</sup> "Sic vobis feliciter cuncta provenient, victoriae, opulentia, pax, copia, sanitas et triumphus, ut divina majestate protecti, orbem terrae felici gubernetis imperio" (*De Erroribus Profanarum Religionum*, XXX; PL XII, 1049 f.).

<sup>20</sup> Cf. *Codex Theodosianus*, XVI, 10, 5: "Abolentur sacrificia nocturna Magnentio auctore permissa et nefaria deinceps licentia repellatur"; *ibid.*, XVI, 10, 4: "Placuit, omnibus locis atque urbibus universis claudi protinus templa. . . Volumus etiam cunctos sacrificiis abstinere"; *ibid.*, XVI, 10, 6: "Poena capitis subjugari praecipimus eos, quos operam sacrificiis dare vel colere simulacra constiterit."

<sup>21</sup> Cf. Fliche-Martin, *op. cit.*, III, 188 ff.

Julian, however, did not desire physical violence, although he was the thoroughgoing enemy of Christianity. His subtle persecution deprived the Christian clergy of the privileges which had been accorded it and excluded all Christians from the teaching profession and from civil administration. As we can see in the letters of St. Ambrose, the Christians felt his persecution with the utmost keenness.<sup>22</sup>

Although Julian's reign was brief, his initiative held up the movement toward the disestablishment of paganism for a score of years. Under his immediate successors, tolerance and impartiality were the order of the day. Indeed, Theodoret wrote that under the administration of Valens all were free except the faithful.<sup>23</sup> For twenty years the legal situation of paganism remained what it had been in the time of Constantine the Great. While paganism actually regained some lost ground, Christianity had to struggle to make progress. The pagans still made use of their old weapon of ridicule against the Christians, calling them dull, absurd, without intelligence and without heart. At the same time they urged arguments, already timeworn, against the resurrection, divine providence, and other Christian tenets.<sup>24</sup>

Gratian (375-383) and Theodosius the Great (379-395) were the real artisans of the separation of paganism from the Roman state. In 382, the former fell under the influence of St. Ambrose, who probably led him to suppress the privileges of paganism. Of Gratian, St. Ambrose said: "Fuit enim et ipse fidelis in domino, pius atque mansuetus, puro corde; fuit enim castus in corpore, qui praeter coniugium nescierit feminae alterius consuetudinem."<sup>25</sup> Theodosius, whom Gratian had associated with himself in the Empire in 379, had his troubles with St. Ambrose, as is well known; but he could not escape the ascendancy of the great prelate. These three men disestablished paganism and thereby brought about its destruction.

It is true that Gratian and Theodosius spared persons, and that under them some of the highest functionaries of the Empire were still professed pagans; but their principles and practice were unalterably opposed to the privileges which paganism considered its heritage.

<sup>22</sup> *Epist.* XVII (*PL XVI*, 1002).

<sup>23</sup> "... solos vero insectatus est eos, qui apostolica dogmata defendebant" (*Ecclesiasticae Historiae*, V, 20; *PG LXXXII*, 1242).

<sup>24</sup> Cf. Fliche-Martin, *op. cit.*, III, 201 f.

<sup>25</sup> *De Obitu Valentimiani* (*PL XVI*, 1441).

About 382, Gratian dropped the title of *Pontifex Maximus*, which all preceding emperors had borne, and tried to extirpate whatever paganism still remained in official Rome. The money spent for pagan festivities, for the maintenance of the vestal virgins, and for the support of the priests and their servants was applied to other purposes; the landed property of the priests was confiscated; their exemptions from the *munera civilia* were abolished; and finally the altar of Victory, which up to that time had stood in the Senate chamber, was removed.<sup>26</sup> These acts produced lively opposition. The pagan members of the Senate immediately protested, but Gratian refused to listen to their objections. Then, after the untimely assassination of Gratian, a complaint was lodged with his son, Valentinian II. We have the Memorial of the pagan prefect of the city, Symmachus, and two letters of St. Ambrose; these are the decisive documents in the matter of the disestablishment of paganism. From them it is clear that it was a matter of life and death for the traditional cult of the Caesars.<sup>27</sup>

Symmachus' plea for the restoration of the state of religion under which the Roman Republic had prospered does not lack cleverness: "Permit us, I beseech you, to transmit in our old age to our posterity what we ourselves received as boys." He pleads that with no altar in the Senate on which to swear, "a door will be opened to perjury, which will receive the approval of illustrious Emperors, allegiance to whom is guarded by public oath." In a *visio*, he introduces Rome herself, begging to be allowed to retain the rites which saved her from Hannibal and the Gauls. Then there follows a plea for the vestal virgins and the financial rights of the pagan priests. At the end there is a prayer and a request: "May the unseen patrons of all the sects be propitious to your Majesties, and may those in particular who of old assisted your ancestors aid you and be worshiped by us."

Symmachus was pleading a lost cause.<sup>28</sup> Ambrose had no difficulty in refuting his plea. The arguments of the bishop are powerful. The

<sup>26</sup> Pauly-Wissowa-Kroll, *Real-Encyclopädie der klassischen Altertumswissenschaft*, VII, 1838.

<sup>27</sup> *Epistolae Ambrosii* (PL XVI, 1002-24); they are translated in the *Letters of St. Ambrose*, A Library of the Fathers of the Holy Catholic Church (Oxford, 1881), pp. 88-114; all quotations are from this edition.

<sup>28</sup> Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, III, Chap. XVIII, has a eulogy of Symmachus' petition.

majority of the Senate are Christian, and should not be compelled by a Christian emperor to take the oath of office at a pagan altar or to assist at heathen rites. He also recalls the pagan record: "The men who now complain of their losses are those who never spared our blood, and have even laid in ruins the very structures of our churches. The men who ask for privileges are they who denied to us by the late law of Julian the common right of speaking and teaching."<sup>29</sup> St. Ambrose ridicules the idea that the pagan gods were the cause of Rome's greatness. To the seven vestal virgins richly supported by the state, he opposes the multitude of Christian virgins who live in poverty. But his main argument is that the pagan religion is seeking a privilege to which it no longer has any right: "We have grown by wrongs, by want, by punishment; they find that without money, their ceremonies cannot be maintained."<sup>30</sup> St. Ambrose was victorious, and in the summer of 384 Valentinian II rejected the petition of the pagan senators. Similar requests in 389 and 390 met with like refusals.

Meanwhile, Theodosius was completing the disestablishment of paganism. In 391, pagan ceremonies were banished entirely from Rome and from Egypt. Finally, on November 8, 392, Theodosius decreed that sacrifices and other pagan rites were to be proscribed throughout the empire under pain of fines and confiscation of property.<sup>31</sup> Theodosius' victory of September 6, 394, over the army of Eugene, the Christian usurper who favored paganism, sealed the official fate of the old state religion. Of course, pagans still existed in large numbers. On some occasions they resisted and even massacred Christian mobs who tried to overturn their temples. But paganism was no longer the religion of Rome. Indeed, its destruction followed close on its disestablishment. In 399, the rural temples were ordered

<sup>29</sup> *Epist.* XVII, 4 (*PL XVI*, 1002; *Letters of St. Ambrose*, p. 89).

<sup>30</sup> "Per injurias, per inopiam, per supplicium nos crevimus; illi caeremonias suas sine quaestu manere posse non credunt" (*Epist.* XVIII, 11; *PL XVI*, 1016).

<sup>31</sup> *Codex Theodosianus*, XVI, 10, 10: "Nemo se hostiis polluat, nemo insontem victimam caedat, nemo delubra adeat, templa perlustret, et mortali opere formata simulacra suspiciat, ne divinis atque humanis sanctionibus reus fiat"; *ibid.*, XVI, 10, 12: "Nullus omnino ex quolibet genere, ordine hominum, dignitatum, vel in potestate positus vel honore perfunctus sive potens sorte nascendi seu humilis genere, conditione, fortuna, in nullo positus loco, in nulla urbe sensu carentibus simulacris vel insontem victimam caedat, vel, secretiore piaculo, larem igne, more gentium, penates odore veneratus, accendat lumina, imponat tura, sarta suspendat."

destroyed, and there is a list of unauthorized attacks on pagan shrines.<sup>32</sup> There were, indeed, so many of these attacks that a law was promulgated prohibiting the destruction of pagan temples.<sup>33</sup>

Although Theodosius died in 395, his sons Arcadius and Honorius continued his religious policies. In 408, Honorius first attacked the immunity which the pagans, as individuals, had enjoyed. He excluded pagans from the administration of the "Palace." In 415, Theodosius II promulgated a like measure in the East. This emperor also introduced the penalty of death for offering forbidden sacrifices.<sup>34</sup> Under the Emperor Leo I, in 468, adorers of the gods were made incapable of instituting a civil action.<sup>35</sup> In 505, Anastasius excluded them from the civil administration.<sup>36</sup> Finally, in 529, the famous schools of Athens, in which pagan influence was ever strong, were closed by Justinian the Great. Moreover, Justinian forced pagans to baptism and condemned them to be publicly whipped.<sup>37</sup> With him the legal tolerance of pagans even as individuals ended.

Consideration of these developments produces the following brief outline: the scornful tolerance of Constantine lasted but a few decades; Constantius took vigorous measures against paganism; Julian's apostasy made the Christian emperors more careful for a score of years, but in the 380's Gratian and Theodosius, under the influence of St. Ambrose, pushed through the disestablishment of paganism. The process was complete in 394, and paganism had ceased to be an official religion just seventy years after Constantine attained to sole power.

What are we to think of the measures which stripped paganism of its official privileges? We have already considered the arguments of

<sup>32</sup> *Ibid.*, XVI, 10, 16: "Si qua in agris templa sunt, sine turba ac tumultu diruantur. His enim deiectis atque sublati, omnis superstitionis materia consumetur."

<sup>33</sup> *Ibid.*, XVI, 10, 15: "Sicut sacrificia prohibemus, ita volumus publicorum ornamenta servari"; *ibid.*, 18: "Aedes illicitis rebus vacuas nostrarum beneficio sanctionum ne quis conetur evertere."

<sup>34</sup> *Ibid.*, XVI, 5, 42: "Eos qui catholicae sectae sunt inimici, intra palatium militare prohibemus ut nullus nobis sit aliqua ratione coniunctus qui a nobis fide et religione discordat"; *ibid.*, 10, 21: "Qui profani pagani ritus errore seu crimine polluantur, hoc est gentiles, nec ad militiam admittantur vel administratoris vel iudicis honore decorantur"; *ibid.*, 25: "Si quem huic legi apud competentem iudicem idoneis probationibus illussisse constiterit, eum morte esse mulctandum."

<sup>35</sup> Cf. Fliche-Martin, *op. cit.*, IV, 17.     <sup>36</sup> Cf. *Ibid.*, p. 18.     <sup>37</sup> Cf. *Ibid.*, pp. 442 ff.

St. Ambrose against Symmachus. No unprejudiced reader can deny their force, especially if he accepts the assertion of St. Ambrose that the majority of the senators were Christians.<sup>38</sup> Moreover, in arguing for an alteration in the social status of paganism, Ambrose did not advocate violation of the individual conscience, nor the forcing of pagans into Christianity: "He may keep his own opinion; you do not constrain any man to worship against his will."<sup>39</sup> The truth is, however, that disestablishment was a deathblow to paganism. The costs of its expensive cult had from time immemorial been defrayed in great part by the public treasury; and St. Ambrose touched the sore point when he noted that the pagans found "that without money their ceremonies cannot be maintained." In addition, of course, there were the already existing laws against private acts of pagan worship. Disestablishment also prohibited public acts, and reduced paganism to the status of an interior religion; in this status it could not survive.

Viewing the situation from our distance and in the light of our wider experience, we might wish that Christian leaders, both religious and political, had shown more tolerance towards an already moribund paganism. The difficulty, insuperable at the moment, was that in those days religious unity within the State was an hereditary presupposition, in the light of which the strong Christian State felt itself impelled to take measures that later ages would regard as rather stern. At any rate, disestablishment and suppression of privilege were one thing; quite another thing was the destruction of paganism, the refusal to allow it to die a natural death. It is impossible in any way to condone the acts of violence which unauthorized Christians perpetrated. But in part, at least, the acts of the Roman officials are more understandable, especially if viewed in their own historical context. Because of the close relationship between the Roman state and the old religion, religious property was state property in a way which is not possible under the Christian system. Moreover, considering the

<sup>38</sup> "S. Ambrose's repeated assertions that the Christians formed a majority in the Senate are characterised by writers unfavourable to Christianity as unfounded, but they produce no proof. Gibbon (ch. XXVIII, note 12) simply says that it is an assertion 'in contradiction to common sense.' But as a large majority of the Senate voted for the abolition of the worship of Jupiter about the same time, as Gibbon himself records, common sense would seem rather to argue with Ambrose" (*Letters of St. Ambrose*, p. 111, note p).

<sup>39</sup> *Epist.* XVII, 7 (*PL* LXVI, 1003; *Letters of St. Ambrose*, p. 90).

violence of the age, it is interesting to know that apparently there never was question of employing the death penalty against pagans as such. Certainly, the Christian authorities never used force after the fashion of the pagan persecutors of the Church; and to this extent, at least, the Christian spirit vanquished the spirit of the times. At that, Justinian's treatment of pagans (more severe than his treatment of heretics, as we shall see) clearly went beyond the bounds of justice, and cannot be defended from the standpoint of Christian principle.<sup>40</sup>

It would not be true to say that the disestablishment and destruction of paganism were purely secular acts. The attitude and influence of St. Ambrose played a part; moreover, Gratian and Theodosius acted from motives that were to some extent religious. The overthrow of the once proud pagan cult was indeed accomplished by imperial decree; but we cannot doubt that Christian opinion, both lay and clerical, agreed with these three leaders in seeing in it both a Christian victory and a social good.

#### *The Jews*

As we have seen, Judaism had a privileged position among the non-Roman religions of the Empire; not only was it tolerated but its adherents were exempted from the minimum of religious conformism required of all others. When the Romans came in contact with Jewish religious exclusiveness, they had the alternatives, either to persecute the Jews or to give them a favored status. They chose the latter course. The first reason was that they found the Jews in possession of liberty in many places, and, being conservatives by nature and policy, they did not want to change the *status quo*. In fact, when local authorities sought Roman permission to rescind Jewish privileges, they were refused. Secondly, from the time of Simon Maccabeus the Romans were bound by treaty to give liberty of cult to the Jews throughout the Empire, and even to secure it for them in allied states (I Macc. 14:25 and 15:15-22). Julius Caesar granted Hyrcanus II (63-40) a veritable *Magna Charta* of Jewish privilege. Other reasons were the need of Jewish military aid, esteem for Jewish loyalism, and fear of revolt.<sup>41</sup>

<sup>40</sup> Adrian Fortescue writes: "Justinian appears as a persecutor of the Church, and takes his place, unhappily, among the semi-Monophysite tyrants who caused the long series of quarrels and schisms that were the after-effect of Monophysitism" (*Catholic Encyclopedia*, VIII, 580).

<sup>41</sup> Cf. J. Juster, *Les Juifs dans l'empire romain* (Paris, 1914), I, 213 ff.

It must not be imagined that all was easy for the Jews under the pagan Empire. Their intense religious conviction, and particularly the practices connected with the Sabbath, militated against loyalism. In addition, their marriage and food laws aroused dislike, as did the fact that wherever they existed in numbers they rapidly acquired great power. Moreover, the Roman authorities looked askance at their proselytism, especially when it involved circumcision. There was repeated legislation against it, but these measures were not very effective.

The Jewish rebellions, notably that of Bar Kochba, brought severe measures against the Jews—the *fiscus judaicus*, a general prohibition of circumcision, and prohibition of various reunions. But, in general, the old Jewish privileges weathered the storm—a fact which was to the advantage of nascent Christianity, as we have seen.<sup>42</sup>

When the emperors became Christians, the privileges of the Jews were in part maintained, for reasons of justice and tolerance, out of respect for the Jewish religion, and because of the antiquity of the prerogatives of the race.<sup>43</sup> Juster has maintained that these reasons were not the real ones, although they are given in the laws. If they were real, he feels, they would have secured immunity from persecution for the pagans. To say the least, his argumentation is summary; how, for example, could respect for Judaism lead the Christians to grant freedom of religion to the pagans? But Juster is right when he opines that the Christians had theological reasons for respecting the Jews: they were witnesses to the antiquity of the Old Testament and hence virtually to Christianity, its fulfillment; they were witnesses to the

<sup>42</sup> Cf. I. Heinemann, s.v. "Antisemitismus," Pauly-Wissowa-Kroll, *op. cit.*, Supplementband V, 3-43.

<sup>43</sup> *Codex Theodosianus*, XVI, 8, 20: "Quae Judaeorum frequentari conventiculis constat, quaeque synagogorum vocabulis nuncupantur, nullus audeat violare vel occupata detinere, cum sine intentione religionis et cultus omnes quieto jure sua debeant retinere. At cum vero Judaeorum memorato populo sacratum diem sabbati vetus mos et consuetudo servavit, id quoque inhibendum censemus, ne sub obtentu negotii publici vel privati memoratae observationis hominem adstringat ulla conventio, cum reliquum omne tempus satis publicis legibus sufficere videatur, sitque saeculi moderatione dignissima ne delata privilegia violentur; quamvis retro principum generalibus constitutis satis de hac parte videatur"; *ibid.*, 13: "Judaei sint obstricti caerimoniis suis. Nos interea in conservandis eorum privilegiis veteres imitemus, quorum sanctionibus definitum est, ut privilegia his, qui illustrium patriarcharum ditioni subjecti sunt, archisynagogis patriarchisque ac presbyteris ceterisque, qui in eius religionis sacramento versantur, nutu nostri numinis perseverent ea quae venerandae Christianae legis primis clericis sanctimonia deferuntur."



advent of Christ and to the fact of the messianic prophecies; Judaism was considered the root of Christianity; and Christianity depended on the sacred books of the Jews. These arguments, as well as those alleged in the laws, led the Christians to tolerate and pray for the Jews.<sup>44</sup>

Julian's attempt to rebuild the Jewish temple and to reconstitute the Jewish nation was one of the main causes of Christian indignation against him. After Julian's death and the disestablishment of paganism, the position of the Jews deteriorated. They were made to feel that they were definitely citizens *secundi ordinis*. Those who stole from them or killed them were less severely punished than those who stole from, or killed, others. On the other hand, their own misdeeds were more severely punished.<sup>45</sup> Their central organization was destroyed. Although freedom of worship was still guaranteed, it was hedged around with ever increasing restrictions. Marriage with Christians was prohibited in 339 and again in 388. In 393, polygamy was forbidden to the Jews. In 398, they were with certain reservations subjected to the ordinary courts.<sup>46</sup> In 439, the construction of new synagogues was forbidden under pain of fine for the builder and of transformation into a Christian church for the building. The Sabbath and feasts could be kept as before, but certain ceremonies were forbidden as offensive to the Christian faith. The penalties against those who circumcised Christians were confirmed, and to avoid danger of perversion the Jews were forbidden to own Christian slaves.<sup>47</sup> Converts from Judaism were protected against their former coreligionists, and advantaged in the matter of inheritance.

Under Justinian, the Jews suffered as did the Samaritans, the pagans, and those Christians who did not agree in all things with the emperor. Although he respected the civil rights of the Jews and permitted the exercise of their cult, Justinian made them incapable of testifying against an orthodox Christian, of serving in the army, and of buying Christian goods or property on which a church was built. Moreover, he penalized those Jews who were members of a municipal curia.

<sup>44</sup> Juster, *op. cit.*, I, 227 ff.

<sup>45</sup> So, at any rate, Juster asserts (*loc. cit.*).

<sup>46</sup> *Codex Theodosianus*, I, 9, 7: "Nemo Judaeorum . . . nec in diversa sub uno tempore coniugia conveniat"; *ibid.*, XVI, 8, 6: "Ne Christianas mulieres suis iungant flagitiis"; *ibid.*, III, 7, 2: "Ne quis Christianam mulierem in matrimonium Judaeus accipiat, neque Judaeae Christianus coniugium sortiatur."

<sup>47</sup> *Codex Theodosianus*, XVI, 9, 2.

Finally, the great caesaropapist made them feel the weight of his hand even in internal religious matters; he enjoined the reading of the Holy Scriptures in Greek and Latin on the pretext that many of the Jews did not understand Hebrew; he also prohibited some rabbinic traditions.<sup>48</sup>

Certain Fathers of the Church also appear in an unfavorable light, when their attitude toward the Jews is considered. The affair of Callinicum, which caused a celebrated quarrel between St. Ambrose and Theodosius, does not increase the fame of the great bishop. In the course of 388, Theodosius learned that grave disorders had taken place in Callinicum, one of the principal cities of the Osrhoene. Among other things, it was reported that the Jewish synagogue had been burned at the instigation of the bishop. Theodosius ordered the reconstruction of the synagogue at the expense of the bishop. St. Ambrose protested, and sought the withdrawal of the order.<sup>49</sup> In his letter, he reproaches the sovereign for not having asked a report from the bishop of Callinicum, for having condemned him without trial. He points out that the Jews had often been guilty of similar disorders and that they had escaped with impunity. Finally, he insisted that it was an insult to Christendom; Christians were humiliated before the Jews and their money was used to build a house of Jewish worship.

When Theodosius did not reply to his letter, St. Ambrose decided to make a public issue of the affair. From the pulpit he reminded the Emperor in a veiled manner of the responsibilities of his office and of the debt of gratitude he owed to heaven, urging him to

. . . protect the whole body of the Lord Jesus, that He also of His divine mercy may protect the kingdom. On my coming down, he says to me, 'You have been preaching at me today.' I replied that in my discourse I had his benefit in view. He then said, 'It is true, I did make too harsh a decree concerning the restoration of this synagogue by the bishop, but this has been rectified. As for the monks, they commit many crimes.' Then Timasius, one of the generals-in-chief, began to be very vehement against the monks. I replied to him, 'With the Emperor

<sup>48</sup> "Propterea enim ipsorum quae primitus in medio adducta sunt quidam solius habentes Hebraicae vocis et ipsa utentes in sacrorum lectione volunt, neque Graecam tradere dignantur, et multum dudum aurum pro hoc ad invicem eos commovit" (*Novellae*, CXLVI, 552); cf. *ibid.*, XLV, 531.

<sup>49</sup> *Epist.* XLI (*PL* XVI, 1148; *Letters of St. Ambrose*, p. 269).

I deal as is fitting, because I know that he fears God, but with you, who speak so rudely, I shall deal differently.' After standing for some time, I said to the Emperor, 'Enable me to offer for you with a safe conscience; set my mind at rest.' The Emperor sat still, and nodded, but did not promise in plain words; then seeing that I still remained standing, he said that he would amend the order. I said at once that he must quash the whole enquiry, for fear the count should make it an opportunity for inflicting wrong on the Christians. He promised that it should be done. I said to him, 'I act on your promise,' and repeated the words again. 'Do so,' said he. Then I went to the altar; but I would not have gone, if he had not given me his distinct promise.<sup>50</sup>

We can only regret that this firmness was not employed in a cause which was fully commendable.<sup>51</sup> M. de Labriolle has remarked:

Cette victoire, est-elle de celles dont il convient de le louer de plein cœur? La chose est discutable. A coup sûr, Théodose aurait pu procéder avec plus de sang-froid et de doigté qu'il ne se l'était proposé d'abord, attendre les explications de l'évêque, obliger la ville, et non l'évêque personnellement, à payer les frais. Mais une impunité totale était injustifiable et ne pouvait qu'encourager les fauteurs de désordres. Ambroise s'était laissé guider par la considération des intérêts religieux, auxquels l'ordre public lui-même devait le céder: *Cedit oportet censura religioni*. Mais en paralysant tout répression, il n'avait point servi la justice, ni par suite la religion elle-même.<sup>52</sup>

The Council of Laodicea (fourth century) and those of Vannes (465) and Agde (506) forbade Christians to participate in Hebrew repasts and to observe the Sabbath. In the sixth century, the councils of Macon and Orleans prescribed that the Jews keep out of sight from Holy Thursday to Easter Sunday. Certain councils of Toledo in the seventh century passed legislation of importance in regard to the Jews; those who had been baptized (forcibly) were made slaves of the clergy; those who had never been baptized were obliged to live apart from the Christians (633). In 655, the Jews who had been forcibly converted were obliged to attend divine service not only on Sundays and feast days but also on Jewish festivals, with the purpose of making sure that they did not attend Jewish services.<sup>53</sup>

<sup>50</sup> *Epist.* XLI, 27 (*PL* XVI, 1168; *Letters of St. Ambrose*, pp. 278 f.).

<sup>51</sup> It was, of course, in the case of the massacre of the Thessalonians.

<sup>52</sup> *Dictionnaire d'histoire et de géographie ecclésiastique*, I, 1098; Juster states that before St. John Chrysostom came to Constantinople and after his exile Arcadius was friendly to the Jews, but while Chrysostom was in the city, he showed himself unfriendly. The charge against St. Cyril of Alexandria must be judged according to the guilt or innocence of the Alexandrian Jews; cf. Juster, *op. cit.*, I, 231; II, 176.

<sup>53</sup> *Enciclopedia Italiana*, XIII, 379.

When one considers the multiplicity of the legislation in regard to Jews as well as the action of churchmen, one must admit that the situation of the ancient people of God did not improve under the rule of Christian emperors. Since the Jews had enjoyed a privileged status, not all the measures taken against them can be considered, in their context, as strictly repressive; their position as a state-within-the-state was transformed. But this was a severe hardship for them; their privileges had corresponded to a real need. That the Christian rulers responsible for this legislation were at fault, probably no one will question today. One must remember, however, that they acted not altogether without provocation. As we have seen, St. Ambrose speaks of unfriendly acts of Jews against Christians; and it is certain that from the beginning Jews resented Christian progress and considered themselves justified in hindering it.<sup>54</sup> But when all is said that can be said, the treatment of the Jews is a blot on the record of the Christian emperors, and an indictment of the public opinion, lay and clerical, that supported it, as is only too evident from the affair of Callinicum. It remains true, however, that a measure of real religious toleration was conceded to the Jews. After 394, their religion was the only cult, apart from Christianity, which could be legally practised in the Empire.

### *Heretics*

Compared with the disestablishment of paganism and its destruction, the treatment of the Jews by the Christian emperors was a matter of secondary importance in the history of the early Christian Empire. The same cannot be said of the persecution of heretics. It is no exaggeration to say that the history of the Christian emperors is largely that of the state struggle for religious unity in the interests of political unity. Constantine tried to suppress Donatism and Arianism; he was not successful, but this did not prevent his successors from making similar attempts. Donatism and Arianism were finally overcome, but Nestorianism, Monophysitism, and Monothelitism—to name only the most important heresies—replaced them. Nestorianism was

<sup>54</sup> The Anglican divine, A. Lukyn Williams, writes: “. . . for Jews have never been backward in attack” (*Adversus Judaeos*, Cambridge, 1935, p. xvi); Juster forgets this when he says: “En résumé, la tolérance du culte juif et la persécution des Juifs est presque un dogme pour l’Eglise: les lois contre eux sont une fabrication des docteurs et du clergé chrétiens.”

stamped out in the Empire, but it established itself in Persia and became a great missionary church. Monophysitism, by allying itself in Syria and Egypt with nationalistic opposition to Byzantine domination, survived the Empire and exists till this day. Monothelitism was apparently long cherished by the Maronites. Even the redoubtable Justinian the Great was not able to carry through what he considered his main task, religious unity. It simply could not be established by force. Sentences of exile, confiscation of property, heavy fines, vexations, the suppression of the right of assembly, and even corporal punishment proved ineffectual.

It is not within the scope of this article to consider the details of these epic struggles. But certain points and persons must be considered. First of all, how far was the responsibility of the Church engaged in the political persecution of heretics? Some scholars would make the Church answerable for the acts of the emperor. Professor Nelson is emphatic: "The emperor became the actual head of the Church, so recognized by its leaders and councils."<sup>55</sup> Professor Carlyle is more reserved. Pointing out that for the Greeks and Romans there was no such thing as separation of church and state, and that religion was merely one aspect of the solidarity of the life of the group, he yet recalls that for three hundred years the Christian Church and the pagan state had found themselves at loggerheads. Were the two institutions suddenly fused by the genius of Constantine? Carlyle writes: "We think that while some of the Fathers may have used ambiguous phrases, there can be no serious doubt that after the conversion of Constantine, as much as before, Western churchmen clearly refused to recognize any authority of the civil ruler in spiritual matters."<sup>56</sup>

That Carlyle is right is proved by the action of churchmen in their conflicts with the emperor. Then at least they remembered the Gospel command: "Render therefore to Caesar the things that are Caesar's, and to God the things that are God's." Hosius, who had been the first court bishop under Constantine, shows in his letter to Constantius that the rise of an Arian emperor had taught him, if he had not known it before, the necessity of the distinction of the two powers: "Neither

<sup>55</sup> E. W. Nelson, "The Theory of Persecution," in *Persecution and Liberty*, p. 3; Professor Nelson later modifies this statement for the West.

<sup>56</sup> *The Christian Church and Liberty*, p. 80.

therefore is it permitted unto us to exercise any earthly rule, nor have you, Sire, any authority to burn incense."<sup>67</sup> Athanasius has preserved the reply of a group of bishops to the same Constantius when he ordered them to hold communion with heretics: "They threatened him with the day of judgment, and warned him against infringing ecclesiastical order, and mingling Roman sovereignty with the constitution of the Church."<sup>68</sup> We have a letter of one of these bishops, Eusebius of Vercelli, in which he asserts that the hope of the Arian is "... in protectione regni saecularis: ignorantes scripta, quia maledicti sunt, qui spem habent in hominem. Nostrum autem adiutorium in nomine Domini, qui fecit coelum et terram."<sup>69</sup> This was written in dark days, when Arianism seemed everywhere triumphant, and yet it has the ring of victory about it. In better times, St. Ambrose stated the same truth with equal frankness: "Who is there who will deny that in a cause of faith, a cause, I say, of faith, bishops are wont to judge Christian emperors, not emperors to judge bishops."<sup>60</sup> The whole position was summed up and stated authoritatively in the letter of Pope Gelasius to Anastasius in 494.

When the force of the imperial legions was on the Catholic side, there was unfortunately less opposition on the part of the bishops to the immixture of the secular authorities in ecclesiastical affairs. This was especially true when a really great emperor, like Constantine or Justinian, held the reins of empire. Grateful for his favors and perhaps dazzled by his brilliance, bishops, patriarchs, and at times the Pope himself effaced themselves too much before the imperial might. The ancient pagan theory that the state and the church were one society was outdated, abolished by the very constitution of the Christian Church; but the implications of the Christian theory were not yet realized, and the power of the pagan theory was not entirely broken. Again, the contention of the emperors, expressed in the legal codes, that a crime committed against religion was also a crime against the state was also taken quite seriously by the men of those times.

Of course, there were limits to ecclesiastical tolerance of official

<sup>67</sup> St. Athanasius (*History of the Arians*, VI, 3) has preserved this letter; it is translated in *Historical Tracts of S. Athanasius* (Oxford, 1843), pp. 256 ff.

<sup>68</sup> St. Athanasius, *History of the Arians*, IV, 9 (*Historical Tracts of S. Athanasius*, p. 246).

<sup>69</sup> Among the works of St. Hilary of Poitiers (*PL X*, 714).

<sup>60</sup> *Epist.* XXI, 4 (*PL XVI*, 1046).

interventions. This is very clear in the case of the Spaniard Priscillian. Accused of magic, immorality, and rigorist teaching, he was condemned by councils and rebuffed by the Pope and the leading bishops before he was put to death by the civil power. It is thought that Maximus, the usurper, who ordered the execution, hoped that his act would conciliate the orthodox. But the event proved the exact opposite. St. Ambrose refused to hold communion with the bishops who had approved the death of Priscillian. St. Martin of Tours reprobated both the shedding of the blood of the heretic and the persecution of his followers.<sup>61</sup> At that, many prelates, who were against the application of the death sentence for heresy, were outspoken adherents of the employment of other temporal penalties. The suppression of heretical assemblies was urged by St. Ambrose,<sup>62</sup> and St. John Chrysostom seems to have deprived the heretics of Lydia of their churches.

#### ST. AUGUSTINE

But the Father of the Church who is most commonly regarded as the prime apologist of corporal punishment for heresy is St. Augustine. The case against him has been put in its crudest and most unfair form by Alfred Fawkes:

The most authoritative name in the black record of intolerance is that of the great Augustine. Both for good and for evil his influence over Christianity has been more powerful than that of any one man between St. Paul and Martin Luther; few have more emphatically asserted the inwardness of religion; yet, paradox as it is, few have done more to fasten the fetters of an ecclesiastical and dogmatic system upon mankind than he. As long as the Donatists had the upper hand in Africa, he stood for the rights of conscience; when the position was reversed, and the balance of material force was with Catholicism, he changed his ground.<sup>63</sup>

In its tendency, this last statement is quite false. There was, of course, an intimate connection between the progress of the Donatist

<sup>61</sup> Cf. Fliche-Martin, *op. cit.*, III, 385 ff.

<sup>62</sup> *Epist.* X, 11 (*PL* XVI, 984).

<sup>63</sup> Hastings, *Encyclopedia of Religion and Ethics*, IX, 751 ff. Enlightening studies of St. Augustine's views on persecution are to be found in E. W. Nelson, "The Theory of Persecution," *op. cit.*, pp. 5 ff.; R. H. Bainton, Introduction to his translation of Sebastian Castellio, *Concerning Heretics*, pp. 21-28; E. Portalié, s.v. "Augustin," *Dictionnaire de théologie catholique*, I, 2277-80; we chiefly follow the last named.

schism and the evolution of St. Augustine's theory on persecution; but this evolution had no grounds in the cynical expediency suggested by Fawkes's phrasing, and its direction was quite other than he indicates.

The history of St. Augustine's struggle with the Donatists is in effect the history of his movement to the point where he was willing to advocate force for the suppression of that wild sect. He carried the African Church with him in his approval of certain stern governmental measures. Properly to understand the movement of his thought and the direction of his leadership, it is necessary to appreciate the violence of the Donatist heresy. Some distinguished scholars have thought that they represented Punic opposition to Roman overlordship; and certainly their extravagance and terrorism was of a piece with those produced by all forms of exaggerated nationalism. But the documents that we have do not require us to consider their aims as even partly political. At all events, their religious doctrines were sufficiently explosive. For example, they claimed that the power of the Church is dependent on the moral perfection of its ministers, that the efficacy of the sacraments results from the holiness of those who administer them, and that life in the Church does not so much confer holiness as presuppose it. In other words, they made man and not God the measure and the source of the sanctifying power of the Church. Such a doctrine evidently struck at the very foundations of the Catholic concept of the Church; it is no wonder that the provinces of Africa were profoundly disturbed.<sup>64</sup>

But the sheerly religious menace contained in Donatist doctrine had no part in St. Augustine's movement towards a policy of repression. He later stated that one of the two reasons that motivated his advocacy of repression was his experience of the violent lengths to which the Donatists were prepared to go, as the result of their convictions: "Quantum mali eorum auderet impunitas." As is well known, the sect had at its disposal rustic enthusiasts, later called Circumcellions. They called themselves "milites Christi," and had as their battle cry, "Deo laudes!" In point of fact, they were at once false mystics and ferocious brigands. Many of them committed suicide, counting it as martyrdom. They would fling themselves from precipices or into water or fire; at times they would pay some passerby to kill them, or

<sup>64</sup> Cf. C. C. Richardson, *The Church Through the Centuries*, pp. 58 ff.



force him to do so under threat of death. While paganism still flourished, they would go to the scene of pagan sacrifice, not to interrupt the idolatrous cult, but to be killed themselves in the course of it. Worse still, the bodies of these suicides were honored by their coreligionists as the bodies of true martyrs.<sup>65</sup>

In addition to being false mystics, these Circumcellions were also real thugs. They kept their hold on the Donatist faithful, many of whom were estimable people, by a veritable reign of terror. So St. Augustine testifies:

What are we to say of those who confess to us, as some do daily, that even in the olden days they had long been wishing to be Catholics; but they were living among men among whom those who wished to be Catholics could not be so through the infirmity of fear, seeing that if anyone there said a single word in favor of the Catholic Church, he and his house were utterly destroyed?<sup>66</sup>

Innocent masters suffered an equally cruel tyranny from their own servants:

What master was there who was not compelled to live in dread of his own servant, if he had put himself under the guardianship of the Donatists? Who dared even threaten one who sought his ruin with punishment? Who dared to exact payment of debt from one who consumed his stores, or from any debtor whatsoever, that sought their assistance and protection? Under the threat of beating and burning and immediate death, all documents compromising the worst of slaves were destroyed, that they might depart in freedom. . . . Certain heads of families of honorable parentage, and well brought up, were carried away half dead from their deeds of violence, or were bound to the mill and compelled by blows to turn it around, after the fashion of the meanest beasts of burden. . . . What official ever ventured so much as to breathe in their presence? . . . Who ever endeavored to avenge those who were put to death in their massacres?<sup>67</sup>

Catholics naturally had to suffer the worst outrages:

The Catholics and especially the bishops and clergy have suffered many terrible hardships, which it would take too long to go through in detail, seeing that some of them had their eyes put out, and one bishop his tongue and hands cut off, while some were actually murdered. I say nothing of the massacres of the most

<sup>65</sup> Cf. John Chapman, s.v. "Donatists," *Catholic Encyclopedia*, V, 125.

<sup>66</sup> *Epist.* CLXXXV, 13 (*CSEL* LVII, 12); this and subsequent translations are taken from A Select Library of the Nicene and Post-Nicene Fathers, IV, *St. Augustine: The Writings against the Manichaeans and against the Donatists*, p. 638.

<sup>67</sup> *Epist.* CLXXXV, 14 (*loc. cit.*).

cruel description, and robberies committed in the night, with the burning not only of private houses but even of churches.<sup>68</sup>

St. Augustine had begun his campaign to bring the Donatists back to the fold by affirming that conferences and friendly discussions were the best means. In 393, he had induced the Synod of Hippo to lessen the penalties against penitent Donatists. When the Donatist leaders met with silence his invitation to conferences, he composed his *Psalmus contra partem Donati*, with a view to making known to the people the Catholic argument; the whole spirit of the *Psalmus* is quite irenical. In the two conferences he managed to arrange, he strongly urged tolerance and benignity. The African councils held at this time entered into his spirit, and made various concessions to the Donatists. In 403, the Seventh Council of Carthage decided that the Donatists would be officially invited to a parley. The Donatists replied insultingly, and their violence increased. Possidius, Bishop of Calama and friend of St. Augustine, had to take flight in order to save his own life. The Bishop of Bagaia was severely wounded.<sup>69</sup>

At this point, the African Church decided to invoke the power of the law. In June, 404, the Ninth Council of Carthage sent two bishops to the Emperors Arcadius and Honorius (who, as we have seen, were engaged in destroying paganism), to relate the atrocities committed, and to ask that fines be levied in cases where Catholics had been the victims of violence. Even before this petition was received, Honorius, already informed of the state of affairs in Africa, ordered that the Donatists be deprived of their churches. This order only increased the violence of the Circumcellions. Again in 405, the Tenth Council of Carthage invited the Donatists to a conference. In 406, St. Augustine wrote to Januarius, a Donatist bishop, to complain of the unbridled rage of the Circumcellions:

. . .these desperadoes laid ambush for our bishops on their journeys, abused our clergy with savage blows, and assaulted our laity in the most cruel manner and set fire to their habitations. . . . Not content with beating us with bludgeons and killing some with the sword, they even, with incredible ingenuity in crime, throw lime mixed with acid into our peoples' eyes to blind them.<sup>70</sup>

<sup>68</sup> *Ibid.*, p. 28; cf. p. 644.

<sup>69</sup> Cf. Portalié, *DTC* I, 2278.

<sup>70</sup> Epist. LXXXVIII (*CSEL* XXXIV bis, 412, 414 ff.; *The Works of Aurelius Augustinus*, ed. Dodds, VI, *The Letters of St. Augustine*, trans. by J. G. Cunningham, Edinburgh, 1872, I, 369 ff.).

But there was another reason, besides their outrageous conduct, which led St. Augustine after 405 to advocate the use of force against the Donatists. He saw, what he had not expected, that the stringent measures adopted by the emperors were obtaining good results, and that many were being reformed: “. . . expertus eram . . . quantum in eis in melius mutandis conferre possit diligentia disciplinae.” He says further:

The laws which seemed to be opposed to them are in reality their truest friends; for through their operation many of them have been, are daily being, reformed, and return God thanks that they are reformed and delivered from their ruinous madness. And those who used to hate us are now filled with love; and now that they have recovered their right minds, they congratulate themselves that these most wholesome laws were brought to bear against them.<sup>71</sup>

Here was a powerful factual argument. The salutary effect of the legislation may be difficult for us to understand, so far are we removed from the rough and passionate fifth-century African mentality. But, at all events, it is not surprising that St. Augustine should have come to a very realistic view of the value of coercion. At the time, the realism must have seemed quite Christian.

Perhaps unfortunately, St. Augustine could not simply remain in a *de facto* situation, and hold simply to a realistic policy; he had to reduce his practical judgment to a set of principles. Given the fact that forcible repression was a social necessity and that it had proved salutary, St. Augustine felt an intellectual need to fashion for it a more profound justification.

His fundamental argument is drawn from the demands of charity: true love will not permit one to die a death which is more tragic than the death of the body; real charity cannot permit a crime which is worse than murder, since it sheds spiritual blood.<sup>72</sup> He also appealed to Scripture, both the Old Testament and the New; and he made great use of the text, “Compelle intrare” (Luke 14:23); he argued, too, from the case of St. Paul, who had been compelled to conversion by God Himself. However, his arguments from analogy make the greatest impression. He compares the heretic’s dislike for force to the madman’s dislike for his physician, or to the son’s anger at the discipline

<sup>71</sup> Epist. CLXXXV (CSEL LVII, 70 *A Select Library*, etc., IV, 635).

<sup>72</sup> Cf. R. H. Bainton, Sebastian Castellio, *Concerning Heretics*.

imposed by a loving father. He also cites the example of the physician who amputates a diseased member; this last comparison is particularly dangerous in its tendency, since, pushed to a literal extreme, it might seem to justify the death penalty for the religiously "diseased member."

Indeed, it has been maintained that the liceity of the death penalty for heresy is implicit in St. Augustine's arguments, as also in those of some of the other Fathers.<sup>73</sup> As a matter of fact, however, St. Augustine himself protested against the death penalty. Like St. Optatus before him, he accepted the aid of the State reluctantly, feeling that the crimes of the Donatists would be punished with the extreme penalty that, in many instances, they appeared to deserve. For his own part, however, he strongly opposed such extremes: "Do you," he wrote to the proconsul, "check their sins in such a way that the sinners may be spared to repent."<sup>74</sup> We must accept this as the final position of St. Augustine: he did not himself regard the death penalty as implicit in the arguments he used in favor of the coercion of heretics. And if—as is sometimes said—later ages argued from his principles to a justification of the death penalty, they did so on their own responsibility, and went beyond the mind of the great African Doctor. (I say, if they so argued; it remains to be seen just how they argued, and for what—a subject that will have to be dealt with in a treatment of the medieval period.)

With regard to St. Augustine himself, therefore, two things emerge from our study, both of which are of great importance for a fair historical judgment. The first is that his advocacy of forcible repression of heretics by the state power was reluctantly arrived at, under the pressure of a very concrete set of circumstances that seemed definitely to call for state intervention, since what was taking place was no mere "crime of opinion." The second is that even his theoretical justification of repressive measures was very much of an *ad hoc* nature; as it arose at the promptings of a *de facto* social situation, in which repressive measures had unexpectedly proved salutary, it would be going beyond the mind of Augustine to consider it as of necessarily permanent

<sup>73</sup> Cf. Bainton, *loc. cit.*

<sup>74</sup> Epist. C (*CSEL* XXXIV bis, 537; *Letters of St. Augustine*, trans. Cunningham, II, 27).

validity. It is not our purpose to show that, as a piece of doctrine, St. Augustine's theory on persecution has never received the approval of the *magisterium* of the Church; the immediate point is that, even viewed historically, in correct perspective, it may not fairly be regarded as a justification of persecution as such, still less of the death penalty.

#### CONCLUSION

Since it has been limited to the early ages of the Church, this discussion of the treatment of heretics by the Church is necessarily quite incomplete, in fact, introductory. The problem becomes more acute in the medieval period; but that is matter for separate treatment. The present article may well be concluded by citing a passage from Cardinal Newman, written apropos of the action of the emperors during the Arian schism. His conclusions represent a tempered historical judgment on the general attitude towards the use of force for religious-political purposes during the era we have been considering:

As to the view taken in early times of the use of force in religion, it seems to have been that that was a bad cause which depended upon it; but that, when a cause was good, there was nothing wrong in using secular means in due subordination to argument; that it was as lawful to urge religion by such means on individuals who were incapable of higher motives, as by inducements of temporal advantage. Our Lord's kingdom was not of this world, in that it did not depend on this world; but means of this world were sometimes called for in order to lead the mind to an act of faith in that which was not of this world. The simple question was, whether a cause depended on force for its success. S. Athanasius declared, and the event proved, that Arianism was thus dependent. When Emperors ceased to persecute, Arianism ceased to be; it had no life in itself. Again, active heretics were rightly prevented by secular means from spreading the poison of their heresy. But all exercise of temporal pressure, long continued or on a large scale, was wrong, as arguing an absence of moral and rational grounds in its justification. Again, the use of secular weapons in ecclesiastical hands was a scandal, as *negotiatio* would be. . . . So much as to the question of principle, which even Protestants act on, and have generally acted. . . .<sup>75</sup>

It should be emphasized that this is a fair historical statement of the mind of antiquity. The mind of antiquity, however, is only the mind

<sup>75</sup> *Select Treatises of St. Athanasius*, II (London, 1911), 123 f.

of antiquity. It was formed in a particular set of social circumstances, in which was felt the impact of a particular set of religious problems. It is only understood in the light of these circumstances and their problems. It has the right to be so understood, even though it must submit itself to the more mature judgment of future ages, to which experience may bring more profound insight into principles and more wisdom in their application.