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THE
CHURCHMAN

NOVEMBER, 1895.

ART. I.—THE BULLARIUM MAGNUM—THE CODE OF
THE PAPAL LEGISLATION IN THE LIGHT OF
THE VATICAN DEFINITION.

OF the many serious questions which arise out of the definition of Papal infallibility, or, rather, irreformability, none is of more vital importance than the inquiry whether, and in what degree, it has revived the terrible legislation of the Bullarium Magnum, that vast record of the enormities and excesses of Papal rule, which has hitherto been regarded as one of the curiosities of mediæval literature, like the torture-appliances of Nuremberg, the monument of a barbarous age, the relic of a reign of cruelty which can never have a revival under the civilization of later centuries. The savage and inhuman Bulls of the fifteenth and sixteenth centuries we have been accustomed to regard merely as proofs that the age which witnessed them was one in which not only the first principles of Christianity, but even the primary sanctions of humanity, had been utterly lost, in which the Popes, by "being ambitious to be more than Christians, made themselves less than men; and, pretending to advance Christianity, debased even humanity itself." For the precepts of the Gospel were then strangely reversed. While St. Paul had said, "If thine enemy hunger, feed him; if he thirst, give him drink," the Pope, who claimed to represent the Apostle, decreed that "a heretic or schismatic should be deprived of the last offices of humanity."¹ While St. Peter preached obedience to the King as supreme, and St. Paul submission to the powers that be as ordained by God, the Popes deprived them of their kingdoms, and turned rebellion into a Christian virtue. Viewing these and many similar

¹ See the Bull of Paul IV., "Cum ex Apostolatus officio," 1558.
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contrasts in the light of the nineteenth century, we were led to believe that the Bullarium was a dead letter, and never could be again a living power. The question, "Can these dry bones live"—can there be a resurrection-life for such a monster of mediæval hideousness? never presented itself to our minds. But the definition of the Vatican Council has greatly tended to awaken us from this perilous state of false security, and has led us to conclude that an authority is now claimed for the very worst and most scandalous of the Papal Bulls from the days of Innocent IV. to those of Pius V., and that however the exigencies of the time may prevent their execution, they are merely in a state of suspended animation, ready at any moment to be declared "*in viridi observantiâ.*" For the decree of the Vatican assembly runs thus:

"The Roman Pontiff, when he speaks *ex cathedrâ*—that is, when, in fulfilment of his office of pastor and teacher of all Christians, in virtue of his supreme apostolic authority, he prescribes a doctrine either of faith or morals to be held by the whole Church—through the Divine assistance promised to him in St. Peter, possesses that infallibility with which the Divine Redeemer willed him to be invested in matters of doctrine or morals; wherefore the definitions of such Pontiff are irreformable of themselves, and not by reason of the consent of the Church" (cc. iii., iv.). All appeals from the Pope to a General Council are therefore prohibited, as being appeals from a higher to a lower tribunal.

I. We observe, first, that the Papal claim to infallibility is based on the alleged privilege conferred upon Peter, which is assumed to be a Divine gift of inerrancy in every matter relating to faith and morals—a strange assumption, when we remember that St. Peter failed in faith not only in his denial, but in the exaction of circumcision from the Christian converts, and in morals from his dissimulation, which led even Barnabas into the same error (Gal. ii. 13).

II. That the claim extends to all the Popes of every age in right of their succession to St. Peter.

III. That it gives a supreme and perpetual authority to every decree of a Pope past or present, if it fulfil the conditions laid down in the definition.

IV. Especially to every decree (either a Bull, a Brief, a *Motus Proprius*, or Encyclical) which declares itself to be of perpetual obligation—and in the highest degree establishes the authority of those Bulls which appeal in their final clause to the authority of the Almighty and of St. Peter and St. Paul, whom it would be the greatest levity and even blasphemy to appeal to in any case less than one involving necessary doctrine or moral sanctions.

It is not quite clear at what time this imprecatory clause was first adopted. But we find it in use as early as the age of Gregory IX. in 1227, and it appears now in all Bulls of any great importance or significance. It is expressed in these terms :

“ Let it be unlawful for any man to infringe these declarations, ordinances, or prohibitions, or with rash temerity to oppose them. If, however, anyone shall dare to do so, let him know that he will incur the indignation of Almighty God and of His Apostles St. Peter and St. Paul, and our own.”

The power of directing the wrath of the Almighty and (as if this were not enough) of St. Peter and St. Paul, not to speak of the modest addition “and our own” (*et nostram*), which places the Pope in the same rank as the Apostles, and makes him a kind of assessor with the Almighty on His Judgment-throne, this power was never claimed even by a General Council, which thought it sufficient to excommunicate and anathematize—even the Council of Trent not going beyond this. We may well ask of such inflated words, are they merely

———— a tale

Told by an idiot, full of sound and fury,
Signifying nothing ?

Alas! they had too terrible a significance in the day when the Popes had the unquestioned power of carrying them into execution, and of opening the doors of the Inquisition and the path to certain ruin and cruel death to the hundreds of thousands of victims whose names will be unknown till that day when “the earth also shall disclose her blood, and shall no more cover her slain.”

The Bulls of the successive Popes on heresy—which are pre-eminently Bulls relating to faith and morals—gave the law to the Inquisition and the license to its officers to bring everyone whose wealth they envied or whose influence they feared within its terrible meshes, while the assignment to them and to their purposes of two-thirds of the confiscated property of heretics, enabled them to pursue their sanguinary calling with such success that the infamous Torquemada is admitted, during his seventeen years’ office of Inquisitor, to have burned one heretic a day, a tale of over six thousand victims slaughtered under the authority of these irreformable laws.

Before we proceed to examine the Bulls relating to heresy, we may anticipate an objection which will possibly be raised to this application of them from the fact that they do not actually define doctrinal or moral subjects, but only the treatment of those who err in regard to them. But we must bear in mind that the conduct of the believers towards heretics

was an essential part of the moral and even doctrinal teaching of the Apostles (2 John 10, 11, Rom. xvi. 17), and that those who claim to succeed them must make this a part of their teaching also. And, in truth, the declaration of a law which is to guide the Church in the treatment of heresy has a larger scope and a more fundamental character than any case which may come under that law.

We will, therefore, pass on to the examination of the laws of the Popes on heresy, beginning with that of Innocent IV. in 1242, called from its first words *Ad extirpanda*, which forms the foundation of all subsequent Papal legislation, and was confirmed by Alexander IV. and Clement IV., and is referred to and renewed in all the other Bulls of a later day dealing with the same subject.

By this law the magistrates of every city are required to denounce publicly all heretics of both sexes, to appoint twelve men to seize them and confiscate their goods, to deliver them to the diocesan or his vicar. If these officials are found to be too lenient to heretics, they are themselves to be treated as infamous and favourers of them, and to be punished by the civil power.

Every inhabitant of a city or district is to give every aid to the officials in taking, or spoiling, or examining a heretic.

Everyone assisting a heretic to escape, or preventing him from being taken, is to be banished, his property confiscated, his house destroyed to its very foundations and never rebuilt, and a heavy fine inflicted upon the community unless they capture the heretic. If any person should be substituted for the heretic, he is to be imprisoned for life and all his goods confiscated. The civil power is to deliver every captured heretic within fifteen days to the bishop or his vicar for judgment, who, in five days at the latest, is to pronounce sentence.

All such heretics, beside mutilation and peril of death, are to be treated as thieves and murderers, and to be compelled to accuse all other heretics they may know in the same manner in which ordinary malefactors are required to reveal their accomplices. The house of a heretic is to be destroyed utterly, and never rebuilt unless the owner of it succeed in discovering him. And if the said owner has other houses adjacent, they also are to be destroyed, together with all the goods in both the one and the other; and, in addition to this, the owner is to pay to the city a fine of fifty imperial pounds, besides incurring perpetual infamy, which, if he fails to do, he is to be imprisoned for life. Everyone who is found to have given counsel, assistance, or favour to a heretic, besides the aforesaid penalties, is to be accounted infamous, and to lose all civil rights, and may be sued in law, but not allowed to sue anyone.

The magistrate is to inquire diligently regarding the sons and nephews of heretics, and to admit them to no office whatever.

The proceeds of these summary confiscations, which are to be at once realized in money, are to be divided into three portions, one of them to go to the public chest of the city, another to the Inquisitors, and the third to be used by the bishop for promoting their object.

Never could any scheme be devised more ingenious in its rapacity, or more far-reaching in its cruelty, than this. For, first, the civil power is bribed to exert its influence for the discovery, or rather invention, of heretics. Secondly, the officials of the Inquisition and its judges are offered a direct interest in securing the condemnation of everyone accused of heresy. And, thirdly, a fund is provided for a detective police to assist the Church—authorities in the discovery of fresh victims and newly-created heresies.

The date of this decree is 1242, and it was followed up by a series of similar laws, embodying those of the Emperor Frederic II., whom Innocent IV. had reduced to a state of abject servility through his frequent excommunications. These laws form the basis of every subsequent law on heresy down to the time of Pope Paul IV., who crowned and perfected the unchristian legislation in the Bull *Cum ex Apostolatus officio*, published in 1558.

Of the paramount authority of this remarkable utterance there can be no shadow of a doubt. The learned divine of Louvain, Opstraet, in his dissertation "On the Supreme Pontiff," writes: "It cannot be observed of this Bull, as of similar instances of the errors of the Roman Pontiffs, that it was not put forth *ex cathedrâ*. For the contrary is manifestly established. For the Pope declares that he has published it 'after mature deliberation with his venerable brethren, the Cardinals of the holy Roman Church, and with their advice and unanimous concurrence.' He says that he has sanctioned, decreed, and defined it 'in the plenitude of his apostolic power, being compelled to do so by his general care for the Lord's flock, for whose faithful guardianship and salutary guidance he is bound, as a vigilant pastor, to watch assiduously and to provide attentively,' by which the advocates of the Papal infallibility are bound to acknowledge this as an *ex cathedrâ* utterance. The Bull was, moreover, drawn up with the advice and consent of the Cardinals, as is proved by the signatures of the thirty Cardinals appended to it."¹ It was

¹ "Opstraet, Dissert. V. de Sum. Pont. Quæst. IV., Ed. Venet.," 1777, p. 283.

specially ratified by the sainted Pope Pius V. in his constitution *Inter multiplices curas*.

In the opening words of the Bull, the Pope makes the admission that though the Roman Pontiff is the vicegerent of God upon earth, "judging all, and being judged of none in this present world, he may nevertheless be reproved if he is found deviating from the faith" (in other words, "a heretic"), thus confirming the famous extravagant *Si Papa suæ*, which is inserted in the Canon Law, and giving an *ex cathedrâ* declaration of the fallibility of the Papacy in that supreme subject on which its advocates pronounce it to be infallible. We may well here have recourse to the admirable summary of the decree, by Mgr. Pannilini, the learned and enlightened Bishop of Chiusi and Pienza, in 1786, in his defence of his Pastoral to the clergy of his dioceses, addressed to the Grand Duke of Tuscany.

After referring to the confession of his fallibility made by Paul IV. in a congress held in 1557, in which he said, "I doubt not that both I and my predecessors can sometimes err not only in this, but in many kinds of subjects," and bids his hearers "only to receive the doctrine of a Pope so far as it is consonant with the Scriptures," the Bishop proceeds :

"Of this his fallibility he gave, in fact, too lamentable and scandalous an example in the following year (1558) in the grievous errors propounded in the seditious Bull which he published on February 15 of that year. Let us give, in conclusion, a brief extract from it. First, he confirms all the penalties inflicted by his predecessors against heretics. He declares that all bishops, archbishops, counts, barons, kings, emperors, etc., who shall have deviated, or may deviate, from the Catholic faith, shall fall from their orders, kingdoms, empires, etc., without any judicial process, but *ipso facto*, and shall remain fully and perpetually deprived of them, and held incapable of ever again possessing them, and treated as relapsed, and deprived in everything and through everything. He commends all, of every degree or condition, whether they be lords, sovereigns, or emperors, to hold such persons as heretics and schismatics, and to deny them the last offices of humanity" (*omnique humanitatis solatio destituant*). "Immortal God!" exclaims the Bishop, "does not nature itself revolt with horror against this inhuman and barbarous maxim—given, moreover, under pain of excommunication? . . . Can we believe that we are bound to despoil ourselves of every sentiment of humanity, and to become barbarous and like brute-beasts, as Paul IV. enjoins, under penalty of excommunication? What a horrible thought! (*Quale orrore!*)

"The valorous Paul IV. continues to ordain the most unjust

and seditious penalties against those refusing to violate all the duties of humanity, depriving them of all hereditary possessions and kingdoms, and of the power of making a will, and leaves all their goods, dominions, feudal rights, and kingdoms to the invasion of anyone who may occupy them, so long as he is in the unity of the faith and of the holy Roman Church, and is obedient to us, and to the Roman Pontiffs our successors.

"I entreat all sovereigns," proceeds the Bishop, "for the good of their subjects, to weigh seriously the consequences of these principles, and to examine in some degree the history of the tumults and seditions originating many centuries ago, and continued until now. I pray them to consider that usurpations, popular risings, tumults, depredations, are the rewards offered to 'those who are under our obedience' and that of our successors," and the merit by which they "arrive at them is by despoiling themselves of every sentiment of humanity."¹

This Bull was confirmed by the sainted Pope Pius V., in a *motus proprius*, beginning, *Inter multiplices curas*, in these words:

"Furthermore, treading in the steps of our predecessor Paul IV., of blessed memory, we renew and confirm the constitution against heretics and schismatics put forth in the year 1558, and will that it be observed inviolably and to the letter."

Such a confirmation seems scarcely needed, for the Bull of Paul IV. declares itself to be an *in perpetuum valitura constitutio*, and as such it has always been referred to by all the writers on heresy, and held to be *in viridi observantia*. I have in vain entreated the most eminent members of the Roman Church to inform me whether or not they hold it to be binding upon them as a part of those dogmatic decrees which the Vatican Council has consecrated and perpetuated, and whether they consider it to be still in force, though incapable in the present age of being put into execution. I pressed the question on Cardinal Manning, on Cardinal Newman, and other authorities, and more recently upon Cardinal Vaughan, pointing out to him that he could not do a greater service to his Church than by honestly disavowing both this and all the other laws of Rome on the subject of heresy. The two former Cardinals always evaded the question; the last promised to endeavour to satisfy my mind on the subject, but has never done so. It seemed as though they felt, with the Pharisees, that either solution of the question would land them in a serious difficulty. If they disavowed the decree, their belief in the Infallibility of the Papacy would be seriously

¹ "Atti dell' Assemblea tenuta in Firenze l'an 1786," tom. iv., p. 300.

compromised; while, if they admitted its authority, their loyalty and position as subjects of a "heretical" monarch would be equally endangered. By their silence they too significantly implied the answer of those whom our Lord interrogated—"We cannot tell." Their predecessors, in the day when the question was proposed to the Legislature in connection with the dogma of Papal Infallibility, and the claims of the English Roman Catholics for relief from their legal disabilities, frankly and energetically disavowed and repudiated the authority of these iniquitous decrees. But the question of Papal Infallibility was then an open one, and its closure has involved new obligations. In the evidence taken before the Committee appointed to inquire into the state of Ireland in 1825, Bishop Doyle and Archbishops Kelly and Murray disavowed in the strongest terms the dethroning power asserted in the Bull of Paul IV., but they claimed the freedom of the Gallican Church, and the dogma of Infallibility had not then been proclaimed authoritatively by the Vatican. Yet they ought to have remembered that the Bull *Unigenitus*, published by Clement XI. in 1713, had claimed for the Pope the right of defining doctrine, and even declaring fact without limit and without appeal, and had thus set aside the authority even of a General Council, and therewith the rights of the Gallican Church. But the Vatican Council did much more than this—and, indeed, if it had not designed to do more, it would have had no sufficient motive for its assembly. Cardinal Newman foresaw the danger to which the opening of the question of Papal Infallibility would expose his Church, and vainly endeavoured to prevent it. In vain he sought afterwards to defend the fatal definition against the exhaustive argument of Mr. Gladstone, and to explain away the doctrines of the "Syllabus"—that ludicrous imitation in the nineteenth century of the "Dictates" of Gregory VII. in the eleventh. The eminent Roman Catholic lawyer, Mr. Francis Plowden, observes on the Catholic Relief Bill of 1791: "If anyone says, or pretends to insinuate, that modern Roman Catholics differ in one iota from their predecessors, he is either deceived himself or wishes to deceive others. *Semper eadem* is no less emphatically descriptive of our religion than of our jurisprudence."¹

That jurisprudence is embodied in the Pontifical Law, and in the pages of the *Bullarium Magnum*. The modern Church of Rome is still the Church of Innocent IV., of Paul IV., of Pius V., and of the persecutors of so-called heretics in every earlier day. It is still animated with the spirit and imbued

¹ "The Case Stated;" London, 1791

with the doctrines of the Borgia, the Carafa, the Ghislieri, the Farinacci, the Santarelli, and still claims the right to burn heretics as it did in the days of its undisputed power. Santarelli, in his work on heresy, brought out in Rome in 1625, under the highest authority, shows that death by the flames was the only punishment effectual for the extirpation of heresy. "For many other remedies," he writes, "have been devised, but they profited nothing." Excommunication, confiscation, imprisonment, banishment, were all found ineffectual; death only remained. The Jesuit Von Hammerstein, commenting upon the Encyclical *Immortale Dei* of the present Pope, maintains the same doctrine, only lamenting that the power of illustrating it practically has ceased. "O grief!" he exclaims, "we see in our days the ground of religion vanishing more and more from the penal code of nations!" He had already laid down the doctrine that heresy, as a rebellion against the King of kings, is more heinous a sin than treason, and deserves a yet more terrible penalty.¹

A more lamentable proof that the present Pope himself approves this interpretation of his Encyclical is given us in the *Revue Internationale de Théologie*,² in an extract from the *Analecta ecclesiastica*, a review approved and blessed by the Pope. In an article written in the April number of this year by Father Pius de Langonio, he glorifies the work of the Inquisition, and the horrible funeral piles of Torquemada, and exclaims: "O blessed flames of the funeral piles!" "O glorious and venerable name of Thomas Torquemada!" whose zeal for the Inquisition he defends against "the sons of darkness" "who rage against this mediæval intolerance"—especially Llorente in his well-known "History of the Inquisition."

"It is at Rome itself," adds our reviewer of this scandalous article, "and under the eyes of the pacific Leo XIII., that these barbarous and antichristian doctrines are printed." Is not his failure to denounce them a painful proof that the Bull *Cum ex Apostolatus officio* finds him in the same difficulty in which it found the Cardinals whom I so urgently invited to determine its authority?

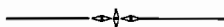
Let us not, then, by the tender words of the present Pope, whose true meaning in his late Encyclical his Jesuit expositor too clearly discerns, be betrayed into the belief that the Bull of Paul IV. is a dead letter, and that Rome has become the tender mother instead of the cruel stepmother. Let us remember the solemn warning of Cardinal Newman,

¹ "Hammerstein de Ecclesiâ et Statu," pp. 112, 204; Trev., 1886.

² Juillet-Sept., 1895, p. 562.

while he was yet with us as a great and shining light, and wrote these words of the Church of Rome: "We must deal with her with all affectionate, tender thoughts, with tearful regrets and a broken heart, but still with a steady eye and a firm hand. For, in truth, she is a Church beside herself—abounding in noble gifts and rightful titles, but unable to use them religiously." One of her own children, the famous Bishop Ricci, describes the court of Rome in one sufficient sentence as "cette cour qui est toujours la même, et qui ne saurait devenir Chrétienne."¹ The Papacy must become Christian before Christians can find a ground of union with it; it must sacrifice its centuries of cruel legislation before we can open those negotiations for peace which it has most irreligiously inaugurated by denying the Christianity of those whom it invites to reunion. If it fail to do this, union with its Church would be but a union in sin—the recognition of doctrines and principles which stand in diametrical opposition to those of the kingdom of Christ, and to the precepts of the eternal Lawgiver.

ROBERT C. JENKINS.



ART. II.—REUNION, UNIFORMITY, AND UNITY—

(Continued).

II. UNIFORMITY.

UNIFORMITY is not unity; it is frequently the greatest of all hindrances to unity. Uniformity is the characteristic of man's works; unity is the characteristic of the works of God. Uniformity is the sign of weakness; unity is power. Uniformity is the glory of machinery; unity is the glory of organized life. Uniformity is man's weapon, and distinguishes the work of man at all times. "The archæologist, when ransacking ancient mounds and heaps, knows that he has come upon the work of man, and not the work of God, when articles uniformly moulded and constructed are turned up. Man's power of imitation, man's power of producing exact resemblances, is a very valuable faculty, and yet it is a proof of weakness, and not of strength. It is not a God-like power." It is the glory of God that He never imitates; that in all creation there are no two bodies exactly on the same pattern, no two leaves in all the vegetable kingdom exactly alike; and

¹ "Memoires de Ricci," par De Potter, tom. iii., p. 367.