

that unwavering, unalterable conviction which Anglicanism ever bestows upon its highly favored clients; but we venture to say that there is not one "seceder from the Church of England" who will not bear witness with us that the transition from Anglican opinion to the certainty of Catholic faith is like bursting out of the depths of some dark and gloomy forest into the bright rays of the noonday sun; not one who, when he looks back upon the long years of groping, doubt and distress which preceded his conversion, does not daily go down upon his knees and bless that Divine, undeserved mercy which brought him step by step out of the dark labyrinths of ceremonialism and private judgment, into the blessed day-dawn of God's marvellous light.

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## EXCOMMUNICATION.

*Pontificale Romanum. Summorum Pontificum Jussu Editum et a Benedicto XIV. Pont. Max. Recognitum et Castigatum. Mechliniæ: H. Dessain. MDCCCXLV.*

THE principle involved in the theory and practice of excommunication applies not only to the Catholic Church, but to every human society where men are permanently organized for any rational purpose. Its ruling power, whether residing in the entire body or intrusted to its representatives, has a right to exclude members from a share in the benefits and privileges of which they have proved unworthy, and to cancel their membership by expulsion. And this, not only in a society to which one gives his voluntary adhesion, but also in those with which his connection depends not on choice, but on the unavoidable force of circumstances. One may become the citizen of a republic or the subject of a kingdom by voluntary tender of his allegiance or by the accident of birth. But neither choice nor accident will permanently secure his right. It is only good behavior that can be his warrant for immunity from expulsion. In old times and in most governments, whether absolute or democratic, the use of this power, when not pushed to the extreme of separation or isolation by perpetual imprisonment or removal by the infliction of death, was plainly seen in the penalty known ordinarily as exile or banishment; in other words, by material extrusion from the territory of

the commonwealth. Most modern states, that live nominally or really under a constitution, are content with the moral outlawry of criminals, forfeiture of civil rights, or deportation to their own penal settlements. Some modern states, however, enforce the penalty of exile, though unknown to their constitution and laws. Thus Great Britain and other powers have acted by their fraudulent systems of so-called emigration. Thus, too, Piedmont, in our own day, punished a distinguished prelate (Monsig. Fransoni, Archbishop of Turin) whose conscience would not bend to the will of an irreligious statesman. And this happens occasionally, too, in our own country where jurymen and governors commute of their own will the punishment of crime into acquittal and banishment. When juries pronounce a man innocent (or not to be punished) provided he leave the country or state, they may voice the public sentiment, but their way of doing it is no less absurd than illegal. We have known a governor of a State to pardon a criminal of whose guilt there could be no doubt, and for whose crime there could be no shadow of extenuating circumstance. He was pardoned with a peremptory order to leave the State within a few days and never return within its borders. The chief of the commonwealth was one of the most honorable men that ever lived, but was overcome by prayers, tears and entreaties that he knew not how to resist. But tender-heartedness, however amiable in itself, is not counted among the *fontes juris*, nor should it ever be allowed to override written law.

If the power of self-protection, spoken of above, belongs to every well-regulated state or community, with much more reason may we affirm that it is inherent in a society established amongst men by the God of all perfection. Hence it is but just to suppose that it was possessed in an eminent degree by the synagogue of old and its successor, the Church founded by Christ our Lord. In the synagogue it partook of the character of the people, whose stiff necks and uncircumcised hearts could scarcely be broken into subjection by a theocracy wherein God ruled almost by personal sovereignty. He made His own laws for this obdurate people and enforced them by penalties so dreadful that we cannot but shudder in reading them. Excommunication in its earliest stage seems to have been tantamount to rooting out or utter destruction; and it was only in the latter days of Judaism, when the theocratic government had in great part disappeared under kingly rule, or rather after the return from Babylon, that we find the first traces of that milder form of separation from the assembly of believers which is the basis of Christian excommunication.

This is mentioned in Esdras x. 8, where certain offenders, besides forfeiting their substance, were to be "cast out of the com-

pany of those that had returned from the captivity." And yet more explicitly in the New Testament (John ix. 22 ; xii. 42), where the form of punishment reads, "to be put out of the synagogue," or as the Vulgate has it, "feri extra synagogam, e synagoga ejici." We shall not enter into any detailed account of the Talmudic forms of excommunication that are used by the modern synagogue. They are only a development of the practice that prevailed among the Jews after deliverance from the bondage of Babylon, and which we find remaining down to the time of Our Lord. The form is three-fold, the *Niddui*, the *Hherem* and the *Shammatah*, the first mentioned being the mildest and the last the most severe form of excommunication. It is perhaps more of a fancy than a fact that there is allusion to the three forms in Our Saviour's words: "Blessed shall you be, when men shall hate you, and when they shall separate you and shall reproach you and cast out your name as evil" (Luke vi. 22). It may appear singular that the *Hherem* should be now counted one of the milder forms of excommunication, whereas its earlier meaning was *anathema*, a thing devoted or doomed to destruction. It was applied to persons and things, and all so doomed had to perish by fire or the sword. Hence the causative form of *Hharam* is simply rendered (without allusion to the devoting or anathema) by *kill* or *utterly destroy*. Yet the primitive meaning of *Hharam* seems to have been analogous to the roots of *Niddui* and *Shammatah*. It meant to shut up and keep from common use. From this the transition to devoting a person or thing to sacred purposes and to destruction is easy. We have both in the Roman phrases: "*Minervæ sacrum*" and "*Diis Infernis Sacer Esto*."

The practice of excommunication was introduced into the primitive Church, like all her leading points of discipline, by the Apostles. But they did not assume this power to themselves of their own choice, much less of their own caprice. This was reserved, as we shall see later on, for men who ran where they were not sent, and founded churches of their own in opposition to God's true and only Church. In this, as in everything else, the Apostles were *docibiles Dei*, taught of God. They had received from their Divine Master the power of binding as well as of loosing; and they exercised it in obedience to Him who had made them His representatives and partakers of His right to govern the Church. It was natural, in view of human pride and frailty, that some refractory spirits would change or contradict their teaching and refuse "to hear the Church." These, by command of Christ, were to be cast out and have their portion with the heathen and the publican (Matth. xviii. 17). If they made shipwreck of their own faith, they must not be allowed to taint the faith of others with the

gangrene of heresy. They were to be handed over to Satan that they might learn not to blaspheme (1 Tim. i. 20).

If another scandalized the community by enormous wickedness of life, such "evil one" was to be "taken away" by excommunication from amongst the Christian people (1 Cor. v. 5, 13). He was, by the power of the Lord Jesus and His Apostle, to be delivered to Satan for the destruction of his flesh (*Ibid.*). God would reserve to His own judgment offenders who were without the pale, but perverse teachers and evil doers among the faithful were to be dealt with by the authority of the Apostles and their successors (*Ibid.*). Yet this authority was to be exercised in no vindictive spirit. It was a punishment, but meant as a remedy. Their flesh was destroyed, but only that their spirit might be saved on the great day of the Lord. If they were given over to Satan, the anger of their mother, the Church, was only inspired by anxiety and hope, that they might cease to blaspheme, be converted and live (1 Cor. v. 5; 1 Tim. i. 20). Whoever would not hear and obey the Apostle was not to be counted an enemy. He was to be admonished as a brother, and if he refused to submit to correction he was to be marked and shunned, in order that he might be brought to a salutary sense of shame (2 Thess. iii., 14, 15).

And this has always been the practice as well as the teaching of the Church, as expounded by her great doctors and theologians in every age from Saints Cyprian, Augustine and Chrysostom down to Benedict XIV. of almost our own day. The latter sums up the universal teaching in these words: "Let Church censures be inflicted only with caution and moderation" (*Sobrie et circumspecte ferantur*. De Synodo Diœc. Lib. x., Cap. I.). One may be disposed to think that, in certain periods of Church history, prelates, abbots and other spiritual rulers have made too lavish a use of ecclesiastical censures. But such judgments are too often the result of hasty, superficial reading. The more closely and accurately one considers the circumstances of the times, and the rough character of the subjects who then fell under ecclesiastical jurisdiction, the more occasion he will find not only to excuse, but to applaud their conduct. As a rule, their use of spiritual weapons was the only means left them to protect the poor and oppressed and to hinder spoliation and sacrilege. Even if some of them failed in their duty of observing the "*sobrie et circumspecte*," as the great Pontiff phrases it, their mistake was their own, and may be judged by the rules of history. It never can be pleaded in denial of the general spirit and teaching of the Church.

Those who are most given to blame the misuse of the excommunicating power in the Catholic Church, and who are ever harping on individual cases to excite sectarian odium or ridicule

(Voltaire's favorite weapon), are generally<sup>1</sup> members of churches that hate and despise the old Christian Church of nineteen centuries, but would feel deeply offended if their claim to be Christian churches (though of modern birth) were denied or even called in question. Yet these good men seem either to know or care little for what may be retorted against their own churches, in which the right of excommunication was so often unjustly claimed and unjustly exercised. Indeed, the history of excommunication in the two principal Protestant communions, Lutheran and Calvinist, seems to be little known or not considered worthy of the student's attention. Yet it would prove a very interesting chapter in the religious philosophy of the human mind, and would wonderfully and fearfully illustrate how easily spiritual bondage can be made to coexist with the persuasion and boast of unlimited religious freedom. Our limits make it impossible to attempt more than a faint outline of the introduction and abuse of this excommunicating power in the so-called Reformed churches.

In Luther's "Table-Talk"<sup>2</sup> there is a good-sized chapter of some eleven or twelve folio pages on excommunication. The intelligent reader can only see in it a disjointed rhapsody of dogmatism, self-sufficiency, abuse of his disciples and fellow-religionists, alternating with curses against the Pope and outbursts of indignation and despair in beholding the wretched moral condition to which the "New Gospel" had reduced Germany. He asserts, of course, as confidently as if he were one of the Twelve, that the power of binding and loosing belongs to himself and his fellow-ministers. He maintains that the precept of avoiding all sinners, not even eating with them or giving them friendly greeting, is an unchangeable decree of God's majesty, which binds the Church forever, and which no man has power to alter or neglect. He boasts of how he had punished some sinners by putting them under the ban, though he elsewhere admits that no minister has the right to undertake singly this duty. These sinners, however, seem to have

<sup>1</sup> Not all of them, however. Those who have made a study of Catholic doctrine and history know full well what bold, bad opinions in this matter of excommunication were held and taught by the Van Espens and other canonists and theologians of the Jansenist faction, who pretended to be Catholics in spite of the Pope and the Church, that had by solemn decision cast them out of her communion. Another more recent fact is recorded by Bp. England. A Catholic layman, who was an adherent of the excommunicated priest, William Hogan, acknowledged to the Bishop, not in any spirit of repentance, but with unblushing assurance, that it was he who had given to the Philadelphia press the "Tristram Shandy" form, as the genuine sentence of excommunication pronounced on the wretched priest by Bp. Conwell (Bp. England's Works. Baltimore: J. Murphy & Co., 1849. Vol. v., p. 115).

<sup>2</sup> Colloquia oder Tischreden Doctor Martini Lutheri. Durch Herrn Johann Auri-faber Gedruckt zu Franckfurt am Mayn, 1567, fo. Ch. xxi., Von der Excommunication und Bann, oder der Kirchen Jurisdiction.

been people of low degree; for when it comes to squires, "Hof-Junkers" and nobles, he thinks the ban cannot be ventured on. He repeats incessantly that the law of excommunication ought to be reëstablished, but cannot see his way. The jurists and nobles will not allow it; the people are against it. They do not like to see it enforced against others for fear it might be enforced against themselves. The authorities ought to help the execution of Church censures. But they will not do it, and are not God's servants, but slaves of the Devil in Hell. He falls back on the consoling thought that his New Gospel Christians by being sinners excommunicate themselves, and therefore need not be put under any ban.<sup>1</sup> But the old cry of despair comes back to him, that it is useless to hope that men will endure the yoke to which (thanks to Gospel freedom) they have been so long unaccustomed. Every one will have his own way, and such wanton wickedness is visibly growing every day. All he can do is to long for the last day to put an end to this wretched, devilish state of things.<sup>2</sup>

It would take a volume and more to reproduce Luther's confessions, complaints and inconsolable groanings over the abyss of moral corruption for which Germany (nor did he attempt to disguise it) was indebted to his "New Gospel." And as many more would be needed to record his repeated longings for the last day, in which he saw the only remedy for the horrible evils brought about by Gospel freedom and its abuse by the great majority. He had fancied that to restore excommunication would prove a check to the growing wickedness of his converts; but he was soon undeceived, if indeed there had been any sincerity or earnestness in his purpose. The great crowd of adulterers, drunkards, usurers, oppressors of the poor and Epicureans, as he himself called them, who cared nothing for God or their soul, and could only boast that Gospel light had set them free from all moral obligation, had grown so numerous and powerful, that they could well afford to laugh at threats of excommunication or other attempts to enforce Church discipline. Besides, his unworthy condescensions to princely sinners in Saxony and Hesse had made him no longer a fit authority to rebuke sin amongst high or low.

Hereupon the Saxon "Reformer"—seeing that Papal excom-

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<sup>1</sup> "Unser Wucherer, Seuffer, Schwelger, Hurentreiber, Lesterer unnd Spötter dürfen wir nicht in Bann thun, sie thun sich selbs in Bann, ja sind allbereit darinne bis uber die Ohren" (We give the quaint old spelling). He continues: Well, then, since they will not be Christians, let them be heathens. . . . Let them get no absolution, be present at no baptism, no marriage, no burial; let them count themselves heathens, as they are by choice. Let no parish priest, no chaplain attend them when dying, and when dead let the hangman toss them into a carrion pit. (Fo. 230.) And yet the very next paragraph begins: "We must again establish excommunication," and the reason given is that "we have not thoroughly pressed it up to this time."

<sup>2</sup> *Ibid.*, fo. 229.

munication and its beneficial effects<sup>1</sup> were hopelessly gone, and that the Protestant pulpit could never become its successor or substitute in stemming the torrent of iniquity amongst his followers—was filled with just indignation, for which it is only fair to give him credit. But instead of studying out the causes of his disappointment, and retracing his steps accordingly, he yielded to another temptation. His books and pamphlets had hitherto done him great service; but in this line of work he soon found rivals not only among Catholics, but amongst his inquiring disciples, with whom the charm of the “*αυτος εφα*” had begun to lose its magical power. They, too, could write and print and with coarse speech, witty sarcasm or logical argument produce ridicule or conviction amongst the daily-growing crowd of learned and semi-learned readers. The pulpit, in which his impetuous, irresistible eloquence carried all before it, in which he could play at will demagogue, inspired teacher and prophet, was exclusively his own, his judgment-seat and throne. Here no rival could intrude; here he could successfully approve or condemn, knowing that his audience came not to examine or doubt, but only “to swear by the master’s words.” He would use it in future for his personal ends. If it could no longer heal sinners, it could be made a means to hurt his enemies and maintain his own supremacy. It was a dishonest, desperate resolve, but what else could be expected from a man of his ungovernable pride and passion, and who felt that he was no longer the great Luther of Worms and Augsburg, but that (to use his own language) those whom he had rescued from the Pope’s tyranny were trying to step into his place and had become his worst enemies?

He stuck to his purpose, and from that day mercilessly pursued and anathematized from his preaching-desk every one who presumed to differ with him, or against whom he had a grudge. Jurists, Jews, Zwinglians, Catholics, and even his own friends and followers who would not make themselves sharers in his personal hatred and quarrels to the extent he demanded—all fell indiscriminately under the ban of his foul tongue. He spared not even the dead.

Having occasion to preach in Halle on “the Conversion of St. Paul,” he wanders repeatedly away from his subject to the coarsest

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<sup>1</sup> When Luther denounced and cursed the excommunication of Catholic times, he was talking for effect rather than from conviction. In his letter (Nov. 22d, 1526) to his prince and protector, John, Elector of Saxony (in addressing whom there was no need of disguise), he acknowledged that the Pope’s excommunication was a salutary check, especially upon the lower class of country people. But now that it existed no more, there was no longer any wholesome fear or discipline. Every one did as he pleased. “The country people lived like hogs,” etc. (De Wette, Luther’s Briefe, vol. iii., p. 136).

abuse of the Pope, the monks, and above all of Cardinal Albert of Brandenburg, Elector of Mayence, only four months dead, and to whose jurisdiction Halle was subject. Here are some of his choice phrases: "The damned Cardinal Bishop of Mayence, your former Bishop and Prince, . . . tried to lead us by the nose and deceive us, to rob us of the dear Word of God and get our money . . . I wonder how you, gentlemen (the Senate or Council) of Halle, can yet stand these rascals, these scabby, lousy monks, who keep on blaspheming God and his Word, the wicked, lousy villains who delight in the mocking mummeries of the damned Cardinal. . . . And these scabby monks hope to bring back the same things again, and to seduce more souls; so did the Cardinal, and he will find it out in Hell. . . . The Pope knows that he is wrong, and so did your Cardinal Bishop of Mayence, but like the Pope he took delight in fooling and mocking folks. . . . Were I to tell the Cardinal: you are doing wrong in fooling the people, he would say: yes, I know it quite well (as indeed your Cardinal did know it thoroughly well), but I will have it so and not otherwise. For which (rejoins Luther) may you get your thanks from the Devil in Hell."<sup>1</sup> What a contrast this abuse of the pulpit presents to Luther's own declaration, made thirteen years before in a treatise written against George Duke of Saxony, in which he says: "It is a damnable vice, of which even Pagans would be ashamed, to speak evil of the dead, especially by name. He is little better than a jackal or cannibal, whose angry soul wreaks its hatred on the dead."<sup>2</sup> Evidently St. Paul's conversion was only a handle, the true object being to "wreak his hatred" on the dead Cardinal, and to urge the Senate to drive out the monks. Had they been "rascals and villains" there would have been no need to call for their expulsion. They would have been already in the foremost rank of the new converts, like Lange, Bucer, Melander, Lening, etc.

But, perhaps, one of the most shameful and unprovoked of all his pulpit utterances was his solemn denunciation, indeed we may call it excommunication,<sup>3</sup> of the poet Simon Lemnius in the year 1538, because he had dared to praise the same Cardinal as a patron of literature. That Albert of Mayence was such, was known to all Germany. He had befriended Erasmus, Hutten (Luther's warmest adherent), and a host of other humanists, poets and artists. How natural that a poet, like Lemnius, should sing the praises of his Mæcenas! Besides, his Lutheran orthodoxy was beyond suspicion.

<sup>1</sup> Luther's *Sämmtliche Werke*, Erlangen ed. vol. xvi. pp. 124, 126, 133.

<sup>2</sup> Erlang. ed. xxxiii. 304.

<sup>3</sup> So Döllinger (with others) calls it: "Er las auf der Kanzel eine art von Bannformel gegen ihn vor."



Had he not printed in this very year (1538) at Wittemberg a licentious pasquinade against Popery and the religious orders, the very title of which betrays its flagitious character, and which no doubt Luther had both read and relished? But to praise Albert of Brandenburg, whom Luther hated as a personal enemy,—and in his own town of Wittemberg,—was a crime beyond pardon, a “sin unto death.” And to make matters worse, the book in question (a volume of Latin epigrams) had been favorably passed on by Melancthon, who was public censor and whom Luther was then beginning to suspect of waning allegiance, and of too close relations with the Sacramentarians and Zwinglians of Zurich, Geneva and Strasburg. His son-in-law, George Sabinus, was known to be a great admirer of Cardinal Albert.

The indignation of Luther knew no bounds. It fell not upon Melancthon, whose loss the “Reformer” and the University could not afford, but upon Lemnius and his book. An edict of arrest was procured from the court, but the poet, warned in time, fled away to Coire in Switzerland, and thus escaped perpetual imprisonment, if not death, which Luther considered the proper penalty for his crime!<sup>1</sup> The fugitive was denounced and banned by a solemn decree drawn up by Luther and read by himself from the pulpit, on Sunday, June 16, of that year. It is a characteristic document, and did our space allow ought to be given in full as a sample of his pulpit-banning on mere personal grounds. It is addressed “to all the brethren and sisters of our Church here in Wittemberg,” and begins with vituperation of the “downright infamous, scandalous, lying book” of epigrams, which a rascally knave, Simon Lemnius by name, has published without the knowledge and against the will of the regular censors. (This bit of irony is meant for Melancthon, whose intimacy with Lemnius was well known). All right-minded Christians are entreated and exhorted, for the honor of our Holy Gospel, to make away with and burn these blasphemous poems.

“Moreover (he continues), since this vile ballad-monger praises the abominable town-clerk of Halle, or (by your leave) Bishop Albert, and makes a saint out of the Devil, I cannot allow this to be done openly and in print in this church, school and city, because this filthy bishop is a man of falsehood and lying.”<sup>2</sup>

<sup>1</sup> “Dadurch er nach allen Rechten, wo der flüchtige Bube bekommen wäre, billig den Kopf verloren hätte.” Decree read from the Wittemberg pulpit (Seidemann, Luther's Briefe, Berlin, 1856, vol. vi. p. 199).

<sup>2</sup> “Zudem, weil derselbige Schandpoetaster den leidigen Stadt-schreiber zu Halle, mit Urlaub zu reden, Bischof Albrecht, lobet und einen Heiligen aus dem Teufel machet, ist mirs nicht zu leiden dass solchs öffentlich und durch den Druck geschehe in dieser Kirchen, Schule und Stadt, weil derselbige Scheissbischof ein falscher, verlogener Mann ist.” (Ibid. p. 200).

He concludes: "Once more, I beg all our people and especially the poets and hypocrites, henceforth not to praise nor cry up publicly the vile, worthless priest in this church, school and city. Otherwise they and their master had better look out for what I will do against them. Let them know that I will not allow this self-damned, reprobate priest, who would like to see us all dead, to be praised here in Wittemberg."<sup>1</sup> Was ever such shameless, arrogant language uttered from a Catholic pulpit in any age, by any excommunicating prelate or Pontiff? To hide his personal resentment, he gave out that Lemnius had covertly attacked in his epigrams some professors of Wittemberg, and even the Elector. No one believed it then, much less does any one believe it now. When the princes, Catholic and Protestant, of the house of Brandenburg (to which Albert belonged) complained of this outrage, and the Elector rebuked Luther, the latter in his letter of excuse to the Prussian margrave never dreams of this contemptible subterfuge. He speaks of the document, as it really was, directed not against Lemnius, but against Albert of Brandenburg. "Dass sich E. F. G. so hart annehmen des zedels (zettels) wider den Bischof zu Mainz ausgangen,"<sup>2</sup> etc. The entire innocence of Lemnius has been established by the famous Lessing, and yet more fully by Strobel at the close of the last century.<sup>3</sup>

Nor was it against Catholic princes only that he hurled his thunders. It is well-known how he spoke and wrote of the royal founder of the Anglican Church. He would not spare even the relatives of his own sovereign. Angered by the attitude of the Protestant duke, Maurice of Saxony, towards the Smalkaldic league, he invented against him a novel form of excommunication, which consisted in praying to death the offender. "I am a prophet (he would say to his friends), and Duke Maurice must perish. This year we must pray Duke Maurice to death, must strike him dead with our prayers, for he will prove a wicked man."<sup>4</sup> Does not this remind the reader of the same formula used from the Presbyterian

<sup>1</sup> "Und bitte abermal alle die unsern, und sonderlich die Poeten oder seine Heuchler, wollten hinfurt den schändlichen Scheisspfaffen öffentlich nicht loben noch rühmen in diesser Kirchen, Schule und Stadt. Wo nicht, so mügen sic auch sammt ihrem Herrn gewarten, was ich dawider thun werde, und wissen dass ich nichts leiden will dass man den von sich selbs verdamnten heillosen Pfaffen, der uns alle gern todt hätte, hie zu Wittemberg lobe." (Ibid.) We have retained (not in the translation, but in the original) some fragrant flowers of Lutheran speech, just as he read them out in church to his audience and as they are yet to be found in the Wittemberg, Leipsic, Jena and other editions of his works, in Walch, Seidemann, etc.

<sup>2</sup> "That your Princely Grace feels so sore about the formula published *against the Bishop of Mayence*," etc. De Weite, Luther's Briefe, Berlin, 1828, vol. v. p. 123.

<sup>3</sup> See Karl A. Menzel, *Neuere Geschichte der Deutschen*, Breslau, 1816, vol. xi. p. 191, and Seidemann, *loc. cit.*

<sup>4</sup> From MSS. sources apud Döllinger, *Reformation*, vol. iii., p. 266.

pulpit against Mary Tudor? When the preacher Libius of Eisleben had put the Protestant Count Albert of Mansfeld under the ban in such a way that the Count accused him of stirring up the people to revolt, Luther took up the cudgels on behalf of Libius and declared the accusation unjust, because (even were the ban the result of a mistake) the preacher did not encourage revolt, but in censuring the morals of these big Jacks (*der grossen Hansen*) only did his duty.<sup>1</sup>

The jurists and other officials who administered church law in Wittemberg, and throughout Saxony, were as hateful to him as if they were Catholics or Papal commissioners. He extended his spite and ill-will to the whole legal profession. He said that they must, of necessity, be ignorant men and bad Christians. They ought to be the Pope's slaves, since they held to his Canon Law—the public law of mediæval Europe. Very few of them could hope for salvation. Had he ten sons, he would allow none of them to study law. In what were lawyers any better than tailors and cobblers? Since their profession consisted in setting people by the ears, he often wondered that God did not destroy the world because of their wickedness. Such proud dunces and pettifoggers ought to have their tongues torn out of their throats (*man solte solchen stolzen tropfen und Rabulen die zunge auss dem Halse reissen.*)<sup>2</sup> Amongst the rhyming proverbs he most loved to quote were these: “Alle Juristen, Sind böse Christen,” and

“Omnis Jurista  
Aut est Nequista  
Aut Ignorantista.”

But he was not content to pursue the hateful tribe merely in private letters, pamphlets and books, at the dinner-tables of his friends or the festive conviviality of the Black Eagle. He denounced and banned and damned them from the pulpit, as representative of the Good Shepherd. The allusion is his own, as we shall see. Two years before his death (on Sunday, January 7, 1544), roused to the highest pitch of indignation by a decision of the church law-court against his wishes, in the marriage case of Gaspar Beyer, he attacked the jurists or lawyers of the ecclesiastical court. “Never could I have imagined,” he said, “that after thirty years' preaching of the Gospel and writing so much, from which even a jurist might have learned something, that we should yet have among us at Wittemberg such coarse, nasty lawyers, who want to bring in again the Papacy, for their hearts are with the Pope and

<sup>1</sup> Luther's Works, Erlangen ed., vol. lxiv. p. 293.

<sup>2</sup> *Tischreden*, by Aurifaber, Frankfort, fo. 520. See the whole chapter (lxii.) “Von Juristen,” in the same volume, ff. 514–530.

with Mayence" (gut Pāpistisch und Mainzisch—a fling at Cardinal Albert of Brandenburg, who was yet living). "Well, then! since they will not hold Dr. Pommer for a bishop of this church, nor me for their preacher, they shall not belong to this church; I will not count them as my sheep, for they hear not my voice; but will drive them out by a hole in the door. If they wish to be of the Pope's hypocrites and fanatical crew, let them be so, and leave our church in peace. . . . I will not allow them to make trouble in my church, and perplex consciences with their dirty law. . . . They think to sneak in again with the Pope, and to please the Bishop of M. (Maintz, Mayence). Well, since they will not hold us for bishops and parish-priests, we must not be ashamed, but hold and declare them to be Papists and children of the devil."<sup>1</sup>

Having thus scourged, or "washed the hide" (as he playfully expresses it) of the jurists, he comes to the sore point which had provoked him to handle the matter in the pulpit, viz., the secret betrothals, forbidden by himself and allowed by the jurists. "Therefore I, Dr. Martin, in the name of our Lord God, command that no one shall be secretly betrothed, and then, after it is done, shall ask the parents' consent, to cover up and palliate such infamy and wickedness. And, in the name of the Father, Son, and Holy Ghost, I damn to the depths of Hell all abettors and helpers of such Devil's work. Amen."<sup>2</sup> The aiders and abettors are, of course, the lawyers, against whom principally, if not solely, the excommunication was meant. Such words might have moved princes and peoples long ago. But the day of Luther's power was gone. He scolded, stormed, and cursed, but in vain. No one contradicted him, but no one heeded or obeyed him. Well might he say that "his heart was chilled" when he saw the utter downfall of that authority, to gain which he had done so much deliberate wrong, sacrificed his conscience and imperilled (to say the least) his hopes of salvation. Whilst attempting to excommunicate others, the unhappy man forgot, or would not remember, that he, too, was under a far more terrible ban, being cut off from the Church of the living God, shut out from every grace save that which remains for the most abandoned sinner, and virtually given

<sup>1</sup> *Ibid.*, f. 518, 519.

<sup>2</sup> "Darumb gebiete ich, Doctor Martinus, im Namen des Herrn unsers Gottes, dass sich niemand heimlich verlobe, unnd darnach, wens nu geschehen ist, die eltern umb Bewilligung ansuche, und also ein Schanddeckel und grund suche sein böses fürnehmen damit zubeschönen. Und verdamme im Namen des Vatters, des Sons unnd heiligen Geistes, in Abgrund der Hellen, alle die jnen anhangen und helfen solch Teufelswerck fördern. Amen." (We copy the loose and inconsistent spelling of the original.) *Ibid.*, 520, fo. verso. All the quotations above given may be found abridged in K. A. Menzel, *op. cit.*, ii., 419, 420, in Döllinger, *Reformation*, iii., 270, and in other historians.

over to reprobation because of the pride which would not allow him to utter the cry for help that alone could save him.

Luther had failed in enforcing the effects of his excommunicating power, but his successors in the clerical office were not deterred by his failure. The possession of the keys for binding and loosing, which they pretended to have received from Christ, or to have justly wrested from the hands of the Old Church, now apostate and fallen, was a power which, though dormant, conferred a sort of hierarchical honor, and made an intrinsic difference between clergy and laity. Its rights might one day be fully revived; and the pastor for his village or congregation, the superintendent for all churches of the country, might again be what Hildebrand and Innocent III. had once been for the whole of Catholic Europe. It was a pleasant prospect, and some princes humored it imprudently. Thus Maurice of Saxony, in the year 1543 (by rescripts of May 21 and September 22), decreed that the ban should be enforced by civil penalties, and that banned Lutherans, if contumacious, should be expelled from his territory.<sup>1</sup> Had the Lutheran preachers used their power, sanctioned more or less openly by the State, against notoriously scandalous sinners, they might have done something to serve the cause of good morals, and, even under failure, retained the consoling thought that they had, at least, discharged their duty.

But the silent growth of Calvinism in Germany, confronted by an equally growing slavish reverence for Luther's memory, soon divided Germany into two hostile camps. There grew up even in rigid orthodox Lutheranism, as in the opposite faction, a fondness for speculating on dogma, and daily discoveries of new doctrine, or new theological opinions, springing from the crazy principle of deciding the sense of the Bible by private interpretation. Foremost among the new founders of theological schools were the Lutheran clergy. Their zeal and ambition having found a new channel, they gave up all care of watching over the morals of their flocks, of discipline, ban, and censure to check their evil course of living. Orthodoxy became the watchword, and as long as it was safe scandals might flourish with impunity. Every preacher would understand the Bible as he thought fit, but would not allow his neighbor to exercise the same right. Whatever he had found in his Bible, by dint of study and private interpretation, was God's Word, and to think otherwise was blasphemy, Popery, and atheism. Some of these novel opinions were of serious import—concerning the Real Presence, Predestination, Free Will. Others contained truth, but exaggerated in a way to scandalize the hearer. Others, again, were specimens of the finest theological hairsplitting, cobwebs of the brain, beyond the grasp of the congregation, and

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<sup>1</sup> K. A. Menzel, *op. cit.*, iv., 137.

of the preacher himself. Yet, they were all taught alike as vital articles of faith, the denial or doubt of which involved banning from the pulpit; not seldom, imprisonment or other penalties; and, in all cases, death to the soul.

The discord grew to be so wide-spread that the old adage, "Quot capita tot sententiæ" was almost literally verified. Every one was alone orthodox; his neighboring preacher he charged with heresy, Popery and denial of God's word. The abusive terms of fanatic, Sacramentarian, Melancthonian, Synergist, Papist, Idolater, Bread-worshipper, and worse, were hurled from every pulpit. Andreas, the Lutheran superintendent in Tübingen (the Lutheran Pope, as he was called by others and by himself), acknowledged, in 1576 (just thirty years after Luther's death), that, thanks to the Devil's working, there was scarcely a preacher in Germany who agreed in belief with another, or even with his own sexton.<sup>1</sup> The preachers excommunicated each other from the pulpit, and denounced each other as perjurers, traitors, soul-murderers, enemies of Christ, etc. They fought out their dogmatic battles not only at the church desk, but in the confessional, and at the communion table. When a deacon once refused absolution to the preacher Eggerdes, but granted it to his wife, she went back to him and told him he had better damn her as well as her husband, for she shared his theological opinion.<sup>2</sup>

After Luther, perhaps, the two preachers who acquired most renown (or infamy) and stirred up most trouble by banning, cursing and persecuting their enemies from the pulpit, were Flacius in Jena, and Hesshusius in Magdeburg. The former was so bitter and even brutal in propagating by books and sermons his rigid Lutheranism, that he incurred personal hatred and even persecution at the hands of the "gentle" Melancthon and his Wittenberg friends. He had been excommunicated by his colleague, Strigel. He not only paid him back in his own coin by a counter-excommunication of himself and all who defended his orthodoxy, but had him arrested and imprisoned in the fortress of Gotha. This scandalous revenge caused such general horror that princes, and even the Catholic emperor of Germany, interceded for Strigel's liberation. The "Pope of Jena," as his Lutheran enemies called him, condescended to release him from the tower of Gotha, but kept him imprisoned in his own house. Flacius's sermons and those of his colleagues, Judex, Wigand and Musæus consisted in cursing the Adiaphorists, Schwenkfeldians, Majorists, Antinom-

<sup>1</sup> "Der Teufel habe es in einem Zeitraum von wenigen Jahren in diesen Ländern dahin gebracht, dass kaum mehr ein Pastor mit dem andern oder mit seinem Küster einig sei." Apud Döllinger, *op. cit.* ii., p. 379.

<sup>2</sup> Döllinger, *Ib.* p. 463.

ians, Osiandrists, Philippists (Melanchthonians), Calvinists, and other sectarians, who had improved on Luther's doctrine, making them out apostates, heretics, wolves, thieves, and children of Satan. Melanchthon's Wittemberg friends replied to him in the same tone and spirit, calling him a gallows-bird, beast, fool, ass, God's enemy, sycophant, vessel of wrath, Lutheran Pope, etc. He ought (they added) to be hung, or to make away with himself by hanging. Wigand, Judex and Musæus were poor devils, but their father Flacius was the very incarnate Devil himself.<sup>1</sup> The triumph of Flacius did not last long. Having been ordered by the Duke to put an end to his pulpit anathemas, he replied with a threatening letter, denouncing God's judgments on the prince, and refusing to surrender the power of the keys entrusted to him by God. This angered the Duke to such a degree that he declared he would no longer tolerate Flacius's "new Popedom and Spanish inquisition" in Jena. He sent Chancellor Bruck, a coarse drunkard (who had been for years a warm personal friend of Luther's), summarily to depose Flacius and his colleagues. And thus he was made to taste the bitter cup of persecution with which he had drenched his Lutheran enemies for so many years. He assumed the air of a martyr, and said he was glad to escape from the many tribulations and persecutions he had long suffered in the church of Jena!

The other notorious incendiary, Tileman Hesshusius,<sup>2</sup> thought himself called by Heaven to cleanse genuine Lutheranism from the stains and corruptions of Melanchthon and the Calvinists. Wherever he became Superintendent, in Rostock, Bremen or Magdeburg, he lorded it over his flock and fellow-preachers, cursing from the pulpit the latter, when presuming to differ with him, and denouncing them as night-ravens, asses, blasphemers, Melanchthonians, crypto-papists, etc. He scattered right and left, among clergy and laity, the thunders of his excommunication. Thus he punished the Governor of Rostock, Count George von Erbach, for having dared, with tears in his eyes, to recommend more concord amongst the preachers. He snatched the chalice out of the hands of his deacon Keblitz (a friend of Melanchthon), who was about to give communion, and next Sunday solemnly excommunicated him. The patience of the town-council, on whom he had inflicted the same penalty, became exhausted. They held a meeting, and notified him that he must stop all cursing and banning from the pulpit, and obey the mandate to that effect lately issued by Sigismund,

<sup>1</sup> "Diess soll aber alles nicht euch arme Teufel (Wigand, Judex u. A.) angehen sondern euern Vater, den leibhaftigsten Teufel, Flacius." Answer of the Wittebm. Theologians, apud Döllinger, *op. cit.*, vol. ii., p. 235. Cf. pp. 233-234, 239-240, 245.

<sup>2</sup> Wolfgang Menzel says of him, "Hesshusius had all the characteristics of a dog, except fidelity." *Geschichte der Deutschen bis auf die neusten Tage*, Stuttgart (Cotta), 1855, vol. iii., p. 153.

Lutheran Archbishop of Halle. To this he replied publicly next Sunday before the congregation, that the proceedings in council came from drunkards who had not yet slept themselves sober. As to Sigismund's mandate, it was "blasphemous, godless, devilish and hellish." It trampled the preaching-office under foot, and, therefore, ought not to be heeded for a moment. Nor did he heed it, but even threatened the Council with major as well as minor excommunication. He thought himself too secure in popular favor to fear magistrates, who, being (he said) under the ban, were no longer counted such by him; and his fondness for pulpit-cursing grew in extent and boldness. He terrified the excommunicated with his threats that they should never get his absolution, never have his attendance, nor the sacrament in their last hour, nor Christian burial after death. These threats and counter-threats of like tenor from the pulpits of the hostile faction filled the well disposed among the laity with doubt, anxiety and consternation. Many were so bewildered by this Babel of cursing voices and jarring anathemas, that they refused to attend the churches. Others fell into sickness and habitual melancholy, others lost their senses and went raving mad. And some of these wicked church-tyrants had the hardihood to represent this work of their hands as an example of God's just punishment! But the evil brought its own remedy at last. Hesshusius and his noisy crew were driven from the pulpit, and he resolved to preach in the streets of Magdeburg. But his partisans abandoned him, and he was banished.<sup>1</sup>

The same scenes of mutual fighting, banning and cursing were witnessed in every city of Lutheran Germany, where there was a split in serious doctrine, or even in subtle opinion, between the preachers. Thus it was, not to go over them all, with the interchange of anathemas between Osiander and Mörlin, in Königsberg, who damned each other and their hearers so fiercely and in such horrible terms, that husbands and wives, parents and children began to hold each other in mutual abhorrence. "Better (said Mörlin from the pulpit) that you should wade knee deep in blood, better that the Turk should come and murder you all, better that you should be Jews or Pagans, than allow this" (viz., that you and your children should hear Osiander). "I have warned you. Whoever will not take the warning, let him go to the Devil. I need not hand them over to Satan, they are his already. . . . You must not give them greeting, or consort with them, but avoid them as if they were the very Devil."<sup>2</sup> Such, too, was the case with Ketzmann, in Anspach, who poured out fiery invective and anathema against his colleague Karg; and with the preachers of Mansfeld,

<sup>1</sup> See Menzel, *op. cit.*, W., 308-313; Döllinger, *loc. cit.*, 462-463.

<sup>2</sup> Karl Adolph Menzel, *op. cit.*, iv., 420-421.



who condemned and banished George Major for daring to teach that good works were necessary for salvation.<sup>1</sup> Major took refuge with his friend Melanchthon, who pitied him as an unjustly persecuted man. But the fact is that in arrogance and blackguardism (it is the only fitting word) Major was not a whit behind his enemies and was a rival of Luther himself.<sup>2</sup> In Bremen, Hardenberg, with all his hearers, was banned and given over to the Devil by Tiemann and Hesshusius, his adherents deposed from office and imprisoned, and himself finally banished. When Musæus, another preacher, wished to renew the ban, the town council objected to the measure, whereupon Musæus exclaimed it was a damnable and intolerable act of insubordination for the authorities to interfere with the church and dictate to the preachers. It was very strange that the theory and practice of excommunication so gloriously established in Magdeburg and Brunswick, in Mansfeld, Anhalt, Schleswig, Holstein, and Denmark, should be objected to in Bremen. No matter what danger, noise or tumult came of excommunication, or whether it hurt friends and relatives; it was enough that it rescued souls from the wrath of the Devil."<sup>3</sup>

But the abuse of the pulpit ban took a wider range than the proscription of theological opinion, or the avenging of private wrongs. The Lutheran preachers soon began to take part not only in court intrigues and the petty squabbles of noble families, but also in State politics. And here, as their leading motive was the success of the theological faction to which they belonged or other private interest,—not Christian principles of truth and justice,—they took up or threw aside allegiance as it suited them, without shame or hesitation. It was seldom, if ever, that they were found on the side of liberty, of the people, the poor or the oppressed; they clung to the party that was in power, the party mostly always of tyranny and high-handed wrong. To it they lent the aid of their ministry, their pulpit, their anathemas. With the help of doubtful text and wicked gloss they encouraged and applauded judicial murder and embittered the last hours of political victims, as they were led to a lingering, painful death, by sermons on the stoning and burning of Achan. We have no space to quote examples of this. One will suffice, that of Hennig Brabant, a popular leader in Brunswick during the strife between patricians and people, who atoned for his patriotism by death (September 17th, 1604). The Lutheran clergy, who at first had sided with his purpose, turned against him when he failed, and compassed his death

<sup>1</sup> Döllinger, ii., 163; Menzel, iv., 28, 73.

<sup>2</sup> See his sermon delivered at Wittemberg, October 13, 1557, and condensed by Menzel (iv., 28), from Salig. We dare not transcribe it, even in the original.

<sup>3</sup> Menzel, iv., 123-129.

by unceasing calumny, by unworthy artifices, such as forging supernatural appearances and accusing him of having made a bargain with the Devil. He and his associates were shamefully and cruelly tortured before execution; and the preacher, Wagner, ushered in the final scene by an unctuous sermon in St. Catharine's church on the just punishment of Achan (Josue, vii. 25).<sup>1</sup>

Such is the history, briefly sketched (that could be swelled into volumes), of excommunication in the church that pretended to have come on earth to abolish the tyranny of Popery over the human soul and conscience. We are quite willing that any impartial judge should compare the value of her claim to the possession of this power, and the way in which she wielded it, with the claims of the Old Church and the spirit in which she used such power—and decide accordingly. The preachers of a church whose watch-word is freedom of religious thought, steal this sacred weapon from the armory of the Catholic Church, against which they have indignantly rebelled, and use it to crush free thought, to punish dissent not only from their creed, but even from their ever-shifting vagaries of theological opinion. They boldly lord it over both worlds, and usurp the right to punish such dissent by loss of spiritual favors and sacraments in this life, and by eternal damnation in the next. Under the title of God's representatives, they construe every personal slight as an insult to God's majesty, and with this pretext gratify their rancor and hate by dooming their enemies to hell. They ban and curse from their pulpits for political offences, encouraging the oppressor and bearing down yet more heavily on his bleeding victims, by adding to his civil penalties the terrors of anathema and everlasting flames. And all this is done, not by solemn deliberation in synods, consistories and other high places of church authority, but by individual caprice—each village pastor holding that his pulpit ministry confers on him the supreme power of the Keys of Heaven.

How different is excommunication in the Catholic Church! She speaks in the words and with the authority of St. Paul, because she is the lineal descendant of the Apostles. Any individual priest may, when duly commissioned, administer the sacraments and preach; but this gives him no right to excommunicate. This she has reserved to her highest authorities, bishops, councils and

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<sup>1</sup> There is a full account in Menzel, v. 229–235. As a characteristic item in the history of legal torture in those days of barbarous jurisprudence, one may read there how Zachary Druseman while undergoing torture was left hanging on the rack that his judges might adjourn to another room to partake of a supper of wine and comfits. As they delayed their return, Druseman implored the executioner by the wounds of our dying Lord to lower him a little and ease, were it ever so little, the pressure of the screws. He replied that he dared not do it without orders. The judges were absent a full hour and came back, quite drunk, to find that their victim had expired under his torments.

the Pope. And her rule and practice is that neither private resentment, nor court favor, nor worldly politics can be just ground for pronouncing anathema on offenders. In the very darkest period of her history, when excommunications abounded most, all of them, almost without exception, were issued to protect the poor and helpless, and to terrify and subdue their oppressors. And even if now and then there was found a possible case where excommunication was neither timely nor prudent, it needs only a little good taste and good sense to conclude that (should there be no other alternative) it were far better to be at the mercy of great, holy, high-minded men like the Gregories, Innocents and Clements, than to be daily subject to the wicked caprices of such petty, foul-mouthed demagogues and unscrupulous spiritual tyrants as Luther, Flacius, Hesshusius, Westphalus, Mörilin, Osiander, and the like.

After devoting so much space to Luther and the Lutheran clergy, it might seem almost unfair to pass over Calvin and his followers in Geneva and Scotland. But our space is limited. It is enough to state that Calvin spoke by the mouth of Farel, when the latter asserted that excommunication was of the very essence of the ministry, and to doubt it was worse than stupid, for it implied a doubt whether Christ should be heard in the Church.<sup>1</sup> It was the great lever by which he sought and attained his politico-religious dictatorship in Geneva.<sup>2</sup> He used it not only to carry out his weighty changes in church and state, and punish his enemies political and religious<sup>3</sup>; but to avenge the most trifling slights that no man of sense or dignity would notice; in other words, to make excommunication subserve and defend his unbounded pride and vanity.<sup>4</sup> There were 414 such trifling cases visited with church censures in the two years 1558 and 1559. To impugn his doctrine, or in any way attack the proceedings of his consistory, endangered life. When reproached with this harsh, unchristian conduct, he answered, with unsufferable pride and blasphemy, that he was imitating the prophets, apostles, Christ and the Holy Ghost, who had treated their enemies "with bitterness!"<sup>5</sup> Such value did he set on this power of excommunication that he resolved, if he were deprived of it, forthwith to abandon Geneva.<sup>6</sup>

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<sup>1</sup> Life of Calvin by Thomas H. Dyer (English Protestant). London: (Murray). 1850. P. 484. The conscience of Calvin and Farel must have winced while one was writing, the other approving, these words. For the Church of Berne, with which both were in close communion, did not admit this discipline. But as the Swiss Calvinist, Ruchat, says, with the approval of Dyer: This is one of the cases in which Calvin used two weights and two measures.

<sup>2</sup> *Ibid.*, p. 65.

<sup>3</sup> In the Perrin affair, two modern historians, Galiffe and Thourel, who had explored the archives of Geneva, charge him with personal hatred, which could be appeased only by the blood of his enemies. *Ibid.*, 397.

<sup>4</sup> *Ibid.*, p. 144.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, p. 372.

All or nearly all the Reformed (non-Lutheran) churches recognize the divine right of excommunication. Berne was made an exception, thanks to Bullinger. Most of them profess this in their creeds. Thus the creeds of Zurich, the Belgic and the two Swiss Confessions. The Scotch Confession deals no further with the subject than by stating that "in our Kirk our Ministers tak publick and particular examination of the knowledge and conversation of sik (such) as are to be admitted to the Table of the Lord." But this is supplemented by the Westminster Confession, which acknowledges the right of "suspension from the Sacrament and excommunication from the Church," though this power is rather vaguely committed to "the officers" of the church, whereas others explicitly forbid individuals to do this unless the consent of the church be obtained. Most of these confessions, especially the Presbyterian, take good care to lay down in full the duty of magistrates to root out and punish all error and superstition, in other words, their pet doctrine of persecution. All this has been altered, of course, in the American form of the creed, which teaches that "it is the duty of magistrates to protect the church *without giving the preference to any denomination of Christians above the rest.*"<sup>1</sup> For many this change exists only on paper, and the events of the last few weeks show that there are many amongst us who lack only the power, not the bad will, to carry out to the fullest extent both spirit and letter of the Westminster Confession. The Anglican church in the thirty-second of her thirty-nine articles allows excommunication, by which the sinner is "cut off from the unities of the Church and is to be taken of the faythfull as an Heathen and Publicane." But how could they dare excommunicate the temporal and spiritual head of their church? Jeremy Taylor makes bold to say that communion ought to be refused to any king who leads a wicked, scandalous life. But with that happy facility for self-contradiction which characterizes all Anglican theologians, a few lines afterwards he flatly affirms that, if the Prince ask for communion, all the bishop can do is "to pray, weep and cheerfully administer it."<sup>2</sup>

It may be well to say a word or two on the form and the effects of excommunication. As to the former no special formula is necessary. It is sufficient that competent authority intimate it to the sinner and to those amongst whom he lives. And this was the

<sup>1</sup> American Revision of the Westminster Conf., Ch., xxiii., § 3.

<sup>2</sup> Ductor Dubitantium, Book iii., Ch. iv., apud Bingham, Antiquities. Not having an English copy of Bingham, we have to use the Latin translation of John Henry Grischow, a Lutheran divine, of Halberstadt. Taylor's words are, "Orare, flere et libenter ministrare." Jos. Binghami Origines sive Antiquit. Eccles. Halæ, 1729, vol. vii., p. 145.

simple form used in the early Church. The delinquent, whether self-willed heretic or incorrigible sinner, was expelled from the communion of the Church, and the faithful were notified to the end that they might avoid him. The words of St. Paul in regard to the incestuous Corinthian, to Hymenæus and Alexander (see 1 Tim., i., 20), are very brief and pointed. The culprit is merely driven from the Church, and handed over to Satan, with whom and with whose children he has cast his lot. This simple form, or its equivalent, lasted for many centuries—in fact as long as the Church had to deal with cultured peoples, such as those of Greece, Asia Minor and Syria in the East, or with the settled populations of Italy, Gaul, Spain and Northern Africa in the West. But with the irruption of the barbarians there came a great change in human society and a corresponding change in the relations of the Church to her children, of whom the new comers became, by conversion, the majority. They had become Christians, it is true, but much remained of their old barbarous nature. What had suited the more refined perception of the Greek and Italian or the Roman colonist of Gaul, was ill-adapted to untamed children of the forest, as were the nations of the North. Hence, the formulas of excommunication in the Church grew in vigor and length as they grew in number and in rigor.

For, when these northern barbarians, under the varied names of Vandal, Frank, Teuton, Norman, Longobard, etc., had occupied the whole of western Europe, infused their spirit everywhere, and stamped upon it the impress of their manners, habits of life and institutions, it became a matter of absolute necessity that there should be a new ecclesiastical polity and a thorough change of penitential discipline. And the Church, who like her great Apostle "becomes all to all, that she may gain all to Christ," wisely and gradually made the needed alteration, for the sake of her new children. By the training of centuries in their frozen northern homes, they had preserved their natural goodness and ranked far above the moral type of degenerate Greek and Roman. They were disposed to believe firmly and to show by outward life their religious belief, to imitate whatever they saw of good and to revere all that was holy. They were, however, but children of a larger growth, and had to be treated and disciplined as such. Moreover, they were rough, stiff-necked, overbearing, violent men with whom gentleness and courtesy were but other names for cowardice. Again, they had an irresistible propensity to trample on the weak; to harry, rob and outrage those whose sex or state of life left them defenceless, women and clergymen; in a word, to assert in practice the *jus fortioris*, the right that is born of might. It is well to praise the virtues of extinct generations, but it is also just and (to understand

Church history) necessary to recall the faulty character and evil deeds of those men, the

Duri ed alpestri avi,

(as the poet<sup>1</sup> well calls them), rugged, unbending, terrible as those dangerous mountain heights around which so many of them had their birth-place and their home.

How was the Church, without sword or buckler, to deal with such men? How was she to enforce respect and obedience to her laws, to insure for her weaker children protection from these men whose hands were ever ready for violence, rapine and bloodshed? She did the only thing that remained for her to do. She appealed to them through their faith, which was lively and solid, through their imagination and senses, by which they were enthralled. She held over their heads her spiritual weapons, of which the most formidable was the sword of excommunication. To threaten them in general terms that they were removed from fellowship with the Christian Church, might have no great effect. But to have piled upon their heads in detail the dreadful curses of the Mosaic law and of the Psalmist, the maledictions that fell on Core, Dathan and Abiron in the Old and on Judas in the New law; to be cursed by each high rank, singly and by name, of the heavenly court; to be cursed in each and every power of the mind and member of the body; to be avoided by all as a moral leper; to forfeit the intercourse of friends and family, even of wife and child; to be shut out from witnessing the Holy Mysteries or taking part, even as a listener, in the prayers of the Church; to live in lonely sorrow and then die under the curse of God and His Church—all this was sufficient to strike terror and dismay into the boldest, most obdurate soul. For many it was quite necessary; since nothing else could induce them to give up their ill-gotten prey, recall a deserted consort, break off an adulterous or otherwise forbidden marriage, or put a stop to hostile incursions with fire and sword for purposes of revenge or plunder. For, it must not be forgotten that these baronial robbers, when they had returned safe with their booty to their mountain fastnesses, could defy the civil law; and that, the higher their title, the greater the boldness and ease with which they would repudiate a wife and take another. It was against these two crimes, especially, that most excommunications were directed. And if Europe did not turn out to be a large Bedouin camp, if marriage did not sink to the level of Turkish degradation, we owe it to the bishops and Popes of the Catholic Church, and to their sentences of excommunication.

These formulas of excommunication varied according to time

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<sup>1</sup> Parini, *La Notte*.

and place. That is, there was no regular form in the Ritual or Pontifical of any one diocese which would be invariably observed. The document seems to have been prepared afresh for every occasion that arose; for, though the substance was always one and the same, the expression, and yet more the adjuncts, varied. Marculphus, who is supposed to have lived in the seventh century (though it is not so certain), compiled for reference and use a collection of formulas relating to Church law, some of which he had read in old books, others he had drawn up by his own labor. They treat of donations to the Church, to kinsmen, manumission of slaves, etc. Others added their quota to the work of Marculphus; and we have now, taking their title either from the author or place, or modern editor, the *Formulæ* of Iso, of Angers (*Andegavenses*), of Alsace, of Bignon, Sirmond, Lindenberg, Baluzius, etc., all of which may be found reprinted in the eighty-seventh volume of Migne's "*Patrologia Latina*" (coll. 691-954). In the formularies of Marculphus there is no form given for excommunication, nor in any of the others, except in the appendix published by Baluzius; which contains twenty forms, of which eleven contain prayers for the ordeal, whether of hot or cold water, and barley-bread, against diabolical charms (*maleficia*, *incantationes*, etc.); of the rest, containing formularies of sentences of excommunication, only three come from the pen of the compiler (Nos. xii., xiii., xiv.). The next five are historical (xv., xvi., xvii., xviii. and xix.), being the forms used by Heriveus, Archbishop of Rheims, against Count Baldwin for sacrilegious murder, against Ragenard, Count of Sens, for rapine, against Count Olibanus by Suniarius, Bishop of Elvira, for the same, and two against Arnold, Radulph and others by Salla, Bishop of Urgel, for a like crime. The twentieth we shall consider by itself.

The latter is the famous excommunication published so often by non-Catholics in England and in this country. It was first made known by Hearne, the celebrated antiquarian, about one hundred and sixty years ago.<sup>1</sup> Subsequently, it was reprinted in the *Gentleman's Magazine*, and again copied a few years after by Rev. Laurence Sterne, of the Anglican Church, in his "*Tristram Shandy*," so that we cannot hold the loose clerical novelist responsible, as many have held him, for its first appearance in print. Who was the author of it? This will never be known, as the codex containing it has no name of compiler or editor. Nor is it at all certain that it was written by the anonymous compiler, or was in the codex origi-

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<sup>1</sup> Thomas Hearne was too honest and conscientious to publish it from any sinister motive. He lived only for study and antiquarian research. The Vandalism of the early "Reformers" so shocked his feelings and predilections that it led him to contempt and hatred of their religious theories. And there is good reason to believe that before his death he was admitted into the true Church.

nally. It is too different in outward form from those he has drawn up himself or gathered from historical sources. Besides, there is something peculiar in the heading of No. xx., very unlike the other headings to those of the anonymous compiler. These are respectively headed, "How a Bishop should excommunicate," another, "Address for excommunication,"<sup>1</sup> another, "More terrible excommunication." But no. xx. is headed, "Another formula of excommunication, differing from the above-mentioned." This would seem to indicate either that the composer knew he was travelling out of the common road, or that the transcriber had some misgivings about what he was copying.

It seems to us as if some copyist, who had a smattering of excommunication formulas, here tried his prentice hand in the composition of a new one, just as young rhetoricians among the monks occupied themselves in writing legends of saints and martyrs, which afterwards in an ignorant age were believed to be genuine, on the sole ground that they were found in MSS. in the archives of some monastery. But modern criticism has relegated these to their proper sphere of fiction, but without fraud; and the same may happen yet to the bogus formula of this romancing copyist. Protestants hail it with a chuckle of delight, and print it with many a sneer of triumph. Catholics repel it as a forgery, and they are right. For, to attribute, knowingly, a document to one who never wrote it, is deliberate fraud; to accuse him of uttering it habitually as a legal decree, when he has never even once used it, and that for the purpose of making him odious before the world, is both calumny and forgery. And this is what non-Catholic writers are never tired of doing. If Bishop Conwell excommunicates an unworthy priest, the formula from the anonymous appendix to Marculphus is put into his mouth, and spread throughout the country as the genuine sentence of excommunication, by ignorant or malicious Protestants, and by wicked Catholics unworthy of the name. If Pius IX. reminds Victor Emmanuel that he has incurred the censures of the Holy See, this senseless curse is printed as the form by which the Pope excommunicated him. Within the last year, a priest in our own country has unhappily fallen under the censure of the Pope, and again wicked Catholics and dishonest sectarians print, with the one bad purpose, in newspapers and in pamphlet form, the curses of "Tristram Shandy" as the identical form used by Leo XIII.

But, unwilling to forego the petty advantage this stupid, naughty production of some monk's or copyist's brain seems to afford them, they keep on repeating: "Is it not found in some old MSS.?"

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<sup>1</sup> The *Allocution*, which is yet in use before sentence is pronounced.



And, to show their learning, they add: "Was it not published by the famous Baluzius, in his appendix to the "Capitularia Regum Francorum," and republished some eighty or ninety years ago in Paris by a distinguished French historical scholar?" Grand premises, indeed! But what is the conclusion? We, too, can form our premises, and ask: "Has it not been published over and over again during the last hundred and sixty years by the non-Catholic press of England and America?" And what is the conclusion? One and the same for both questions or premises. Neither publication adds a grain of value to the document. The only difference is, that the publication in France was honest and conscientious, the work of scholars; the publication in England and America is fraud and forgery, the work of dishonest knaves, whether Catholic or Protestant. Are we to repeat again, that the mere material existence of a document is no reason, *per se*, for deciding either as to its intrinsic worth or its authorship? An unknown monk may write a silly legend, prayer, adjuration, exorcism, excommunication, or other religious formulary, and from his hands it may pass into the *scrinium* of his monastery and be found there in after ages. Is this sufficient warrant for holding the Church or the Pope responsible as author? We might as well attribute to the Pope the letters of Ghengis-Khan, Timour the Tartar, or Bajazet, if any are yet extant in manuscript. Baluzius, Martene, and others, were only collectors, who published all the inedited matter they could find, genuine and spurious, good and worthless, chiefly on the ground that all these writings had come down from antiquity, and had not yet found an editor. They would be the last to imagine that by publishing such pieces they had given them any critical value.

The proper question to be asked is this: Was the "Tristram Shandy" form of excommunication ever found in any Ritual or Pontifical of the Roman or other churches? Was it ever used by any Pontiff, bishop or mitred abbot? And if so, when, where, and by whom? The answer to all this must be in the negative. It is said that Ernulphus, Bishop of Rochester, once used this form. If he did, we surely may question his good taste and sense of propriety. But it would be well to have proof of the fact. Even granting that he did, his solitary example proves nothing, or rather we may say in his case: *exceptio firmat regulam*. The thoughtless levity of one bishop proves nothing against the remaining bishops of the Catholic world, much less can it be accepted as proof of existing ecclesiastical jurisprudence. Why should the Popes or bishops adopt this new form? What was there to recommend it? Its only novelty is its petty nastiness; and even enemies must admit that our Pontiffs and prelates have habitually maintained gravity and decorum in

holding court and pronouncing sentence. The latter may have been occasionally severe, but it never was couched in the language of the streets.

We have said that the only novelty of the "Tristram Shandy" form consists in its few obnoxious words and phrases. This may be seen by comparing it with the forms of Marculphus, and with one singularly resembling it, but more fit to be pronounced from a Christian altar, viz., the excommunication of Rigoldus de Alsunza by Obertus, Bishop of Liege, in the days of Pope Eugene III., about the middle of the twelfth century. It may be found in Martene.<sup>1</sup> The groundwork of all these menaces and maledictions is derived, not from episcopal caprice or tyranny, but from the Bible. There is a great deal of empty talk and boast about Bible-reading which does not agree with facts. How many Bible-readers know or remember what they once read in the twenty-eighth chapter of Deuteronomy or in the hundred and eighth Psalm?<sup>2</sup> Yet these contain the germ of all sentences of excommunication used in mediæval times. The strong, vehement language of Old Testament Scripture, from which we now almost shrink, was exactly suited to the stiff necks and rough, coarse habits of thought prevalent in those ages.

The true form of excommunication must be sought, not in the codices of monkish *dilettanti* nor in the pages of romancers, but in the pages of the Ritual approved and used by the Church, above all in the Roman Pontifical,<sup>3</sup> which for centuries has been followed by all or nearly all the churches of the West. Nothing could be simpler or more direct than its formula. After an appeal to the example of the Apostles, it declares the sinner separate from the communion of the faithful, shut out from receiving the precious Body and Blood of our Lord, condemned and under anathema, until he returns to repentance and makes satisfaction for his offence. The only relic of mediæval times is an allusion to one of the principal causes that elicited the thunders of the Church in days gone by. "Whereas (it says), N. N., being duly warned, does not cease to lay waste the goods of the Church and *oppress the poor of Christ*," etc. This is the legal formula of the Roman Church, and none other is ever used, nor would it be lawful now for any bishop to select or invent formularies of his own. And yet in spite of all this, in defiance of truth, honor, justice and even common decency, the next time a priest is excommunicated in Europe or America, the old curse of fiction will

<sup>1</sup> Martene, *Veterum Scriptorum. Amplissima Collectio. Parisiis, 1724, vol. ii., col. 78-80.*

<sup>2</sup> Otherwise *cix.*

<sup>3</sup> *Ordo excommunicandi et absolvendi.* There is no book that can be more easily found by any honest inquirer after truth. Every Bishop, every church, and almost every priest has a copy.

be without doubt reproduced by bad Catholics and unscrupulous Protestants as the genuine form used on the occasion. Where are we to look for redress? We shall have none; for the maxim of Voltaire, "Lie boldly, lie always, something will stick," underlies the perpetual warfare that is carried on against the Catholic Church. But there is a higher Judge than the American public, a more august Tribunal, before which these wicked slanderers, Catholic and Protestant, shall stand one day and wish, but vainly wish, their words unspoken.

We will only add a word or two on the effects of excommunication. We might mention, in the first place, its most beneficial effect, and the one primarily intended. It brought about what other remedies had failed to do. It dragged the contumacious sinner repentant to his knees; it made him restore his ill-gotten goods, take back to his bosom and home the legitimate partner whom he had abandoned for the sake of a wanton, make good the wrong he had done to the poor by oppressing and trampling on their helplessness. Thus Count Rigold (of whom we have spoken before) confesses that it was the terrors of excommunication launched against him more than once, that made him fear for his soul's sake, repent, and restore property unjustly seized by his family and unjustly held for two or three generations.<sup>1</sup> But it was rather of the penal effects of excommunication that we wished to say a word. The prohibition of the Apostles to give no greeting to heretics or sinners under the ban was carried out in the primitive Church and lasted for centuries. Even in the days of Charlemagne the greeting of recognition and the kiss of friendship or domestic affection were alike withheld from the excommunicate (*neque ave neque osculum*). But when censures became so numerous, this became odious, and the law was modified by Gregory VII., who allowed all family and other necessary intercourse. When Europe became one great Christian commonwealth, then civil disabilities of various kinds became everywhere a sequel of excommunication. And this explains how naturally and logically the bond of allegiance that bound subjects to their prince was severed by excommunication of the latter. In such a great mass of excommunications may not some have been undeserved? Undoubtedly. Where, then, was the remedy? In submission, while offering explanations in self-defence, in patient waiting till a sense of justice should be awakened. And rare, indeed, was the case in which their patient waiting was not rewarded with final success. It happened that good men and even saints (not mock-saints and hypocrites, like the Jansenists, but true saints) were stricken by Church censures. Conscious of their in-

<sup>1</sup> "Maxime excommunicatione frequenti territus." Apud Martene, *loc. cit.*

nocence, they bent before the passing storm and trusted their case to Heaven's keeping. God invariably rewarded the confidence reposed in Him by His servants, and glorified them in the sight of all men. The penal effects of excommunication have now disappeared throughout the Catholic world, nothing remaining any longer to mark the condemned man but his exclusion from the sacraments. There remains, likewise, the invisible effect, which is much more important, though unseen of men. Sometimes God is pleased to show visibly his anger on the impenitent sinner, whom excommunication cannot move to repentance. All know what happened to Napoleon, who was rash and impious enough to deride the censures of the Church, to Espartero of Spain, excommunicated by Gregory XVI. for his sacrilegious invasion of the rights and property of the Church. And those who know something of our domestic history can tell of sad experiences that happened in Savannah, Charleston, Norfolk, and Philadelphia, some sixty or seventy years ago, when these churches were the prey of schism. Some of the unhappy men who fostered and fought for the schismatical state of things, were made visibly victims of God's wrath; others, equally wretched, were given over to hardness of heart and unbelief, and the lamp of faith in their households was quenched forever for themselves and their children. But God does not give us always visible tokens of his anger. He allows excommunication to work out its course silently and invisibly in the way allotted to it by His Providence. The soul, cursed by Christ's Vicar on earth, may laugh his words to derision, as did Napoleon once, and as does the heretical and infidel world around us. But when God's curse accompanies it, as it does in almost all cases, its effects are dreadful. It becomes a garment that the doomed man must wear in spite of himself, a girdle that binds him and of which he cannot get rid. It makes its way like water into his entrails, and like oil into his bones. (Ps. cvii. 18, 19.) It impairs and gradually destroys his spiritual faculties; it clouds his understanding, and enfeebles his will. It eats into his heart, and consumes gradually every element of spiritual life. It dries up all fountains of grace, and is the forerunner of everlasting reprobation. What were the privation of greeting and family intercourse in the Apostolic age, or the civil pains and penalties of mediæval times, compared with this dreadful result of excommunication which is hidden from men, but plain and visible to the eye of Faith?