graphic details of Old Testament history (cf. Joshua vii. 20-25).

No religion was more prodigal in rules to safeguard that which was holy or consecrated than the Jewish, especially in its temple laws; violation of them often led to mob violence as well as divine chastisement. The temple rules do not apply to syna­gogues, however, and unseemly conduct in them is liable only to civil action. The whole wide field of Jewish taboo naturally involves sacrilege as its reverse side. Such violations of holy things as making mock of the Scriptures, or even reciting them as one would ordinary literature, was sacrilege in the eyes of the rabbi. Even imitation of the style of the Talmud has also been accounted sacrilege.

While the Roman cults were amply protected by taboos, there was no comprehensive term in Roman law for religious violations and profanations in general. *Sacrilegium* was narrowly construed as the theft of sacred things from a sacred place. Sacred things, according to Gaius, were those things that had been definitely consecrated to the gods—and so had come to partake of their holiness. Sacred places did not include private shrines. According to Ulpian the punishment for *sacrilegium* varied according to the position and standing of the culprit and the circumstances under which the crime was committed. For the lower classes it was crucifixion, burning or the wild beasts. The latter penalty was also attached to theft of sacred things by night, but stealing by day from a temple objects of little value brought only sentence to the mines. People of higher rank were deported. During classical times the law kept to the narrow meaning of *sacrilegium,* but in popular usage it had grown to mean about the same as the English word. Traces of this usage are frequent in Augustan writers. The early church Fathers use the word most frequently in the restricted sense, although an effort has been made to read the wider meaning in Tertullian. But by the middle of the 4th century the narrower meaning had disappeared. In Ambrose, Augustine and Leo I., *sacrilegium* means sacrilege. The wider meaning had invaded the law as well. Mommsen was of the opinion that *sacrilegium* had no settled meaning in the laws of the 4th century. But it was rather that an enlarged application of the idea of sacred made the crime of sacrilege in the sense of *υiolatio sacri* a more general one. This was partly due to the influence of Christianity, which sought to include as objects of sacrilege all forms of church property, rather than merely those things consecrated in pagan cults, partly to the efforts of the later emperors to surround themselves and everything emanating from them with highest sanctions. In the Theodosian Code the various crimes which are accounted sacrilege include—apostasy, heresy, schism, Judaism, paganism, attempts against the immunity of churches and clergy or privileges of church courts, the desecration of sacraments, &c. and even Sunday. Along with these crimes against religion went treason to the emperor, offences against the laws, especially counterfeiting, defraudation in taxes, seizure of confiscated property, evil conduct of imperial officers, &c. There is no formal definition of sacrilege in the code of Justinian but the conception remains as wide. The church had found in the imperial law a strong protector.

The penitentials (*q.v.*), or early collections of disciplinary canons, gave much attention to sacrilege. In the earliest of them, sacrilege in the narrower sense is not a separate class of crime, but the wider usage goes with variations through the different collections. There is also the greatest difference in the penalties assigned, reaching from little more than restitution of property to penance of one to five or even fifteen years. The Frankish synods emphasize the crime of seizing church property of every kind, including the vast estates so envied by the lay nobility. In the Pseudo-Isidore the attempt was made to include even property on which the church had merely a legal claim. The murder or injury of the clergy is also sacrilege in both penitentials and capitularies. The practice of magic, superstition, &c., are also frequently referred to as sacrilege, especially during the long struggle with German heathenism. With the definite triumph of the church, the profanation of its sanctuaries became

less frequent, and once robbery or seizure of ecclesiastical possessions or violation of its privileges tended to absorb the attention of synods and popes. Gratian’s Decretum mirrors two tendencies, the church legislation with its growingly less extended application, and the wide meaning as in Justinian’s Code, owing to the revival of Roman law in the 11th century. It thus was once more declared to include all violations of the divine law. A somewhat distorted, but well-substantiated use of the word *sacrilegium* in medieval Latin was its application to the fine paid by one guilty of sacrilege to the bishop.

The penalties in the canon law included, in addition to restitu­tion, penance, fines and excommunication ; and right of asylum was denied to the culprit. The jurisdiction was something jointly shared with the temporal power in case corporal punish­ment were involved. The numerous enactments of councils to ensure the proper care of church property, prohibiting the use of churches for secular purposes, for the storing of grain or valuables, for dances and merry-making, do not technically come under the head of legislation against sacrilege. The worst sacrilege of all, defiling the Host, is mentioned frequently, and generally brought the death penalty accompanied by the cruellest and most ignominious tortures. The period of the Reformation naturally increased the commonness of the crime. Under the emperor Charles V. the penalty for stealing the Host was the stake; that for other crimes was graded accordingly. In France, in 1561, under Charles IX. it was forbidden under penalty of death to demolish crosses and images and to commit other acts of scandal and impious sedition. In the declaration of 1682, Louis XIV. decreed the same penalty for sacrilege joined to superstition and impiety, and in the somewhat belated religious persecution of the duke of Bourbon in 1724 those convicted of larceny in churches, together with their accomplices, were condemned, the men to the galleys for life or for a term of years, the women to be branded with the letter V and im­prisoned for life, or for a term. When one takes into account that the next article of the declaration decreed death for domestic theft, the legislation is not relatively cruel. Yet even in the enlightened 18th century popular fanaticism made of sacrilege the most heinous offence. The trial of La Barre in 1766 at Abbeville (see Voltaire) is the most famous in modem times. Convicted of wearing his hat while a reh\*gious procession was passing—as well as of blasphemy—he was accused as well of having mutilated a crucifix standing on the town bridge. Declared guilty, after torture, he was sentenced to have his tongue cut out, to be beheaded and the body to be burned, a sentence which was confirmed by the parlement of Paris and the bigoted king Louis XV. In the midst of the French Revolution respect for *civic* festivals was sternly enacted, but sacrilege was an almost daily matter of state policy. In the penal code the penalty for interfering with and molesting worshippers is slight, a fine of from 16 to 300 francs and prison from six days to three months, while damage or insult to the objects of worship brought only 16 francs to 50o francs fine, and prison from fifteen days to six months. In 1825 the reactionary parlement once more brought back the middle ages, by decreeing the death penalty for public profanation, the execution to be preceded by the *amende honorable* before the church doors. “ Theft sacrilege ” was treated in a separate series of equally savage clauses. This was a crime not recognized in the penal code, which was therefore to be modified by this law. No attenuating circumstances were to be recognized, as in the general scheme of the penal code. This ferocious legislation was expressly and summarily abrogated in 1830. (J.T.S.\*)

*English Law.—*In English law, sacrilege is the breaking into a place of worship and stealing therefrom. At common law benefit of clergy was denied to robbers of churches. A statute of 1553 made the breaking or defacing of an altar, crucifix or cross in any church, chapel or churchyard punishable with three months’ imprisonment on conviction before two justices, the imprisonment to be continued unless the offender entered into surety for good behaviour at quarter sessions. The tendency of the later law has been to put the offence of sacrilege in the same position as if the offence had not been committed in a sacred building Thus breaking into a place of worship at night, says Coke, is burglary, for the church is the mansion house