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# A Sad Chapter Of Church History

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**Abstract:** An honest look at a very sad epoch in Church history when it dealt with the Albigensian heresy. The terrible role of the Inquisition is highlighted. The ups and downs of history concerning persecution is given. A critique of violent methods is provided.

**Keywords:** Albigensian, Cathar, inquisition, torture, persecution.

For someone seeking to know more about the Albigensian conflict, the book to read is *God's Heretics: the Albigensian Crusade* (Sutton Publishing Ltd., England, 2002), by A. Burl. It is a book which unfolds the epic struggle of the Albigensians or Cathars to retain their faith against a Church determined to wipe them out. This dark chapter in Church history covers the period from 1208-1328 and is concentrated in southern France bordering Spain, though the movement had also taken root in northern Italy and spread to Spain and Germany. Burl brings alive the cultural and social conditions in the beautiful region of the Languedoc in the south of France. The volume is thoroughly and critically researched, and well illustrated with maps of the area and photos of some of the chief forts and castles, whose ruins still stand as mute witnesses of ferocious battles of yore.

## 1. The doctrines and spread of the Cathars:

The rise of Catharism marks the first time in Church history that heresies emanate, not from theologians or

bishops, but 'from below'. It reflected the discontent of the lower socio-economic groups. Among the Cathars themselves there were several sects. They were also known as "Albigenses", deriving from the name of the town of Albi in France which was one of their centres. They had a regular hierarchy of hearers, believers, priests and prelates; the priests were known as 'Good Men' & 'Good Women'. Their doctrine was a sort of continuation of Manicheism: "They were dualists who saw an unending struggle between two principles, one good, one evil, and they considered the union of body and soul to be a 'mixed state', caused by the devil. They rejected things of the flesh, and even the eating of animal products. They moved on to reject the sacraments and the doctrine of hell" (*Modern Catholic Encyclopedia*). Some even went to the extent of denouncing pregnant Cathar women, accusing them of carrying unborn devils. The only 'sacrament' they seemed to have was the 'Consolamentum' which ensured eternal salvation. They denied the Trinity and any resurrection, since the goal was to deliver the soul from imprisonment in matter. Jesus, according to them, did not have a true human body but was only one of the pure spirits appearing on earth. They held that the Old Testament came under the influence of the evil spirit. There were other heresies at the time, like the Waldensians; but they are not the object of study in this book.

From 1165 Catharism spread in north Italy. The Church rightly considered their doctrines as heretical, but unfortunately also called for the elimination of the Cathars, after preaching by St. Dominic and others met with only limited success. It led to a genocide (Burl: 44, 159). Trying as they did to lead lives of evangelical

poverty, they earned the admiration of the people and the sympathy of a number of rulers, and of some priests and bishops; they had even gained a following among many clerics, nuns and monks. In 1167 they were able to hold a council at Saint-Félix de Caraman. The aristocratic bishops of southern France (Narbonne, Carcassonne, Béziers) showed themselves indifferent and uninterested in fighting against the Cathars. Top church officials complained that some rulers were reluctant to enforce the measures which they wanted against heretics. There was a plain disparity between the life-style of the Cathars and that of bishops and popes who often came from the nobility and were generally addicted to worldliness and power. For this reason, others called them 'the pure ones' (Cathars). It is no wonder that even St. Francis of Assisi (1182-1286) became suspect of Cathar ideals. Many of the Catholic clergy were well known for their hypocrisy: they gorged and enriched themselves; though preaching chastity they fornicated and raped. All this has been recorded in the songs of some troubadours of the time. Around 1300 no less a person than the bishop of Albi, Bernard de Castanet, had 35 prominent men imprisoned for heresy and fined them, probably to extort money for the building of the gigantic and grandiose cathedral of Sainte Cécile. A Franciscan friar who got a mob to release them, was himself ultimately jailed !

The situation is also reflected in the fact that General Councils of the Church felt it necessary to issue decrees on the subject. Lateran III (1179) noted that the life-style of bishops had become burdensome to people. The Council therefore decreed that on visitations of their dioceses, they should not take with them more than 20 to 30 horses; they are not to seek rich banquets nor burden their subjects with

taxes and impositions (Canon 4). Still the Lateran IV (1215) noted that certain bishops and clerics were illegally extorting money (Canons 65-66). Canon 14 sanctions various punishments for “those (clerics) who are caught giving way to the vice of incontinence”. And the next Canon stipulates: “All clerics should carefully abstain from gluttony and drunkenness”; the Council complained that in some places “that man is most praised who makes the most people drunk and himself drains the deepest cups”.

## **2. The call to war:**

Lateran III, convened by pope Alexander III (1159-1181), called Christian people to arms against the Cathars and offered the same indulgences as for the crusade to the Holy Land. Thus the heretic was equated with the infidel and Pope Innocent III († 1216) elected in 1198 at the age of 36, later compared heresy to treason (against God). Bishops were to lead the army. Those who die in this conflict “will receive forgiveness for their sins and the fruit of an eternal reward” (Canon 27). Innocent III would go further and promise each crusader remission for both his past and future sins! He had provided an authoritative precedent for J. Tetzel’s preaching (1516-1519) of indulgences which would bring in money for the building of St. Peter’s Church in Rome and ignite the growing discontent of an indignant Martin Luther. One of the first things Innocent III did, upon his election as pope, was to write letters to a number of bishops in southern France and to the King of France: against heretics they must use excommunication, and if that does not work the sword, “The civil laws decree banishment and confiscation; see that they are carried out”. This is to be enforced under pain

of ecclesiastical censures. Heretics, he said, are "traitors to the faith of Jesus Christ" (Vacandard: 44). Innocent III was the first to use the term "Crusade" against fellow-Christians. He dispatched preachers to various countries in order to enthruse people to join the Crusade. The distressing part of it is that this Crusade was to take place in a region where Catholic and Cathar lived at peace together. In a letter of 1207 to Philippe-August, King of France, he called the Cathars 'a monstrous breed', which should be obliterated 'making their memory perish with the trumpet's blast'. In 1212 he imposed a 'Hearth Tax' across the Languedoc to pay for the costs of the Crusade. But when the 'strongman' died his body was shamefully neglected: "In the church next day the corpse was found stripped of its rich vestments, naked and decaying in the summer heat" (Burl: 148). The cardinals were preoccupied with electing his successor.

Among the leaders of the Crusade against the Cathars was the ubiquitous and "unforgiving prelate" Arnaud Amaury, Abbot of Citeaux and papal representative. On the lay side matching his zealotry was the tenacious military leader Simon de Montford. But religion and politics got mixed up, when under cover of the Crusade he made it his principal aim to establish a minor kingdom for himself. Others created their own baronies and flaunted concubines. The Church had unleashed a holy war in 1209, which became a corruption by 1218. About 400 villages and towns were obliterated during those years of devastation. In 1219 Prince Louis, son of the King of France, assembled an awesome army of 10,000 archers and foot-soldiers, 600 knights, besides 20 bishops and 33 counts. After slaughtering around 5000 men, women and children in the town of Marmande, he proceeded to

Toulouse. There Bertrand, Cardinal of Rome, goaded on the army: 'Death and slaughter must lead the way' he said, 'that in and around Toulouse there will remain no living man, neither noble lady, girl nor pregnant woman, no created thing, no child at the breast, but all must die in fire and flames' (Burl: 159). Amaury and (Cistercian) bishops generally accompanied and urged the troops into battle. Durand, bishop of Albi, even designed a 'trebuchet' (a contraption to hurl boulders) which played a decisive role in the capture in 1244 of Montségur, a seemingly impregnable fort.

There were some atrocities on the part of the Cathars, but these could have been dealt with through ordinary recourse of law and did not justify a declaration of war; often they were committed in self-defence or retaliation.

### **3. Enter the Inquisition:**

Though the military campaign was considered successfully completed, it failed to stamp out Catharism. So Gregory IX (1227-1241) took the first steps which would conclude with the institution of an official body of the Inquisition in 1233, with the assistance of the Dominicans.<sup>1</sup> 'Delivering a criminal to the secular arm' and 'animadversio debita' became euphemisms for 'death at the stake'; if for some reason the person is spared the stake, he must have his tongue pulled out. Thus was revived an ancient Roman pre-Christian custom of sending Manicheans to the stake (Vacandard: 119). Lateran IV (1215) decreed in its "Constitutions" (N. 3): "Let those condemned be handed over to the secular authorities present, or to their bailiffs, for due punishment." Mere suspects are to be excommunicated "unless they prove their innocence by an appropriate purgation ... If they

persist in their excommunication for a year, they are to be condemned as heretics.” Secular authorities must publicly take an oath to defend the faith and do all in their power “to expel from the lands subject to their jurisdiction all heretics designated by the church in good faith.” A temporal lord who fails to do this, shall be excommunicated by the metropolitan and other bishops of the province. (This would imply, among other things, that his subjects would automatically be relieved of loyalty to him.) The Council added: “Moreover, we determine to subject to excommunication believers who receive, defend or support heretics”. Even while conceding that the same person should not be accuser and judge, the Council used casuistry to state that the “rumour” and the resulting “outcry” played the role of accuser for the judge (“Constitutions”, N. 8).

The number of prisoners, even with a life sentence, was rather considerable. In Toulouse alone between 1244-6 the Inquisitor sentenced 27 heretics to life imprisonment. Heretics released from prison were condemned to wear single or double crosses (Vacandard: 140-1). Gregory did his utmost to enforce everywhere the death penalty for heresy (94). However he did not meet with much success in urging the bishops to further his plans (81). Vacandard (105), in his magisterial study of the Inquisition, avers: “It is therefore proved beyond question that the Church, in the person of the Popes, used every means at her disposal, especially excommunication, to compel the State to enforce the infliction of the death penalty upon heretics. This excommunication, moreover, was all the more dreaded, because, according to the canons, the one excommunicated, unless absolved from the censure, was regarded as a heretic himself within a year's time, and was

liable therefore to the death penalty.”

One-third of the goods of a condemned person were assigned to those making the denunciation; this led to many abuses. The Inquisition could claim the rest. That is why, in point of fact, their zeal for the faith languished whenever pecuniary gain was not forthcoming (*idem*: 148).

Gregory also decreed: prohibition of any appeal to other tribunals, denial of any legal assistance for the accused and social ostracism of the descendants of the condemned. The only way in which the prisoner could invalidate the testimony against him was to name all his mortal enemies [90]. The criminal procedure of the Inquisition was markedly inferior to the criminal procedure of the Middle Ages [96]. In the *inquisitio* the prisoner would not know who his accuser was. The Inquisitors formulated the content of the interrogation of suspects: ‘The accused shall be asked if he has anywhere seen or been acquainted with one or more heretics, knowing or believing them to be such by name or repute: where he has seen them, on how many occasions, with whom, and when ... whether he has had any familiar intercourse with them, when and how, and by whom introduced ... whether he has received in his own home one or more heretics; if so who and what they were; who brought them; how many times they stayed with the accused; what visitors they had; who escorted them thence; and where they went ...’ (quoted in Burl: 185). The penalty for sheltering or only not revealing a Cathar could be death. The Papal Legate Romano forced the resentful Raymond VII, Count of Toulouse, to implement certain harsh measures to eradicate the Cathars: a silver mark was to be paid to any informer; the houses of all



condemned persons were to be pulled down and their goods confiscated, so that their children would get nothing; any dwelling which could become a refuge for heretics was to be pulled down; those helping the Cathars were to be despoiled of all their possessions. Catholics were angry at the shameful interference with their ordinary lives and, on occasion, attacked their own clergymen. The Inquisitors were quite insensitive. For example, the exhumation of Cathar bodies led even Catholics to mob fury against them.

Already in 1227, under the guidance of the Papal Legate Cardinal Romano Frangipani, certain methods were codified: the possession of the Old and New Testaments, psalters and breviaries by anyone not in Holy Orders, was forbidden; sleeping households were awakened in the middle of the night by teams of two laymen and a priest, the home searched from cellar to outbuilding, books confiscated, people taken away for questioning. In 1231 the bishop of Toulouse initiated steps to hunt down Cathars. If they had died, their corpses were to be exhumed and burned, as Gregory IX had decreed. All boys and girls over 14 and 12 years of age respectively were obliged to identify unbelievers, even their own families and friends: "Like hungry packs of hunting-dogs, Inquisitors searched for them (Cathars) with the prospect of pyres in their minds" (Burl: 180). A reign of terror had been unleashed, a forerunner of Hitler's Gestapo. A pall of fear spread through the land.

#### **4. Executions:**

Actually the first of many executions occurred in 1209 at Tonneins, where the bishops condemned several Cathars to be burnt at the stake. With monks intoning the

hymn “Come Holy Spirit, fill the hearts of Thy faithful”, the army overran Carcassonne the same year. On 21 July that year Béziers was taken and hundreds of women, children and old persons were massacred in the church of La Madeleine. In 1210, after taking the town of Minerve, all the Cathars therein, 140 men and women were gathered together. Arnaud exhorted them: ‘Be converted to the Catholic faith or ascend this pyre’. Not one recanted; so a huge pyre was kindled. Not only did they go willingly to their horrible death, but many rushed into the fire of their own accord. The Premonstratensian provost Eberwin described a scene he witnessed around the middle of the 12<sup>th</sup> century: “They (Cathars) bore the torment of fire not only with patience, but even with joy” (quoted in Jedin: 100). By 1212 some 600 Cathars had gone willingly to their deaths, about 400 at Lavaur alone. The bishop of Toulouse, Raimon de Fauga had a dying Cathar woman carried in her bed and burned alive in a meadow. Hundreds were burnt in this holocaust: 210 at Moissac alone. In 1232 the Inquisitor Robert the Bulgar, who had been given extensive powers by pope Gregory IX, personally supervised an ‘auto-da-fé’ (burning of heretics) at Mont-Aimé. He granted an indulgence of thirty years to all who would attend the execution: 183 Cathars were burnt. He called them ‘worse than dogs’. It was a literal enactment of the proverb, “Call someone a dog and kill him !” In 1244 over 200 Cathar men and women were burnt at Montségur.

In 1211 in the presence of other Churchmen, Arnaud Amaury read out to Raymond VI, ruler of Toulouse, certain definite conditions which he must fulfill. Among them, Jews were to be persecuted and heretics were to be banished within a year. When he failed to comply with the

conditions, he was excommunicated by a local council; the Decree was confirmed by the pope two months later. Some of the Inquisitors fulfilled the duties of their office in a spirit of hatred and impatience, contrary both to natural justice and to Christian charity [Vacandard: 133]. Thus on 29 May 1239 Robert the Dominican sent about 180 citizens of Montwimer in Champagne to the stake, together with their bishop (ibid.: 133-4). In 1232 the bishop of Toulouse and his entourage had led a cartload of 19 men and women outside the city walls, where they were burnt alive before a large crowd. All this was a far cry from the Sermon on the Mount, but support for it was sought in other texts of the Bible, especially the Old Testament: 1 Sam 15.18, 33; 1 Kg 18.40; Dt 13.6-9; 17.2-5 (these texts speak of the death penalty for those who practice idolatry or lead others to it). Also quoted were New Testament texts like: Mt 5.17 (Jesus has come not to abolish but to fulfill the Old Law); Mt 13.24-30 (the weeds which had grown with the wheat are to be burned); Jn 15.6 (those who do not abide in Jesus are like withered branches which are thrown in the fire);

## **5. Use of Torture:**

From Gregory IX up to the General Council of Vienne (1311-1312) six popes sanctioned the use of torture on the accused in the Inquisition. Innocent IV in 1252 tried to justify this, by naming heretics "true thieves and murderers of souls" (Vacandard: 108). Describing heresy as a "monstrous infection", the General Council of Vienne stipulated that torture may be used on the accused, provided the bishop and inquisitor agree (Decree 26). Whereas the torture of witnesses (!), according to the casuists, was left to the sole discretion of the Inquisitor:

this became the accepted rule. Starvation, in fact, was reckoned by the Inquisition one of the regular and most efficient methods to subdue unwilling witnesses and defendants. The accused could be tortured into betraying his friends. Thus in many places the prisoners, even before their trial, were treated with great cruelty.

The most common forms of torture were: a) *the rack*: one's limbs are stretched, sometimes resulting in dislocation of joints; b) *the strappado*: a person is lifted up to the ceiling (sometimes with heavy weights attached to the feet) and then suddenly dropped down; c) *the flaming torch*: the victim's feet are rubbed with grease and then brought close to fire, till they might sizzle or burn. At the very beginning, the victim was shown all the various instruments of torture, in order that the mere sight of them might terrify him into yielding. Nevertheless, the record was carefully made that the confession was free and spontaneous, without the pressure of force or fear. In the beginning the torturer was always a civil official, as laid down by Innocent IV. But from about 1260 the Inquisitors did not scruple to appear in person in the torture chamber.

It speaks much of the strength of the Cathar faith, that inspite of such genocidal persecution, they continued in secret into the 14<sup>th</sup> century. Thus the Cathar William Autier was ferreted out of hiding and after nearly a year of torture and questioning, was burnt at the stake in 1310 outside the cathedral of St. Sernin. Perhaps the last of the 'Good Men' to be burnt to death was William Bélibaste, in 1312. The Church had succeeded, at an enormous cost to her credibility and evangelical mission, in stamping out Catharism. She had been more successful in eradicating Catharism than the Roman Emperors had been in suppressing the Church herself! All the same, we find

today in Europe not only adherents of various Christian churches and religions or of no religion, but also large sections of Catholics who have distanced themselves from the Church: some to such an extent that they even want their names struck off from the baptismal register!

## **6. The earlier tradition of the Church:**

The above described doctrine and practice of the Church stands in stark contrast with her earlier tradition. It was a time of persecution, which grew in intensity until the peace of Constantine in the year 313. In confessing her faith, even at the cost of martyrdom, the Church had implicitly, but decisively, rejected the principle of ‘cuius regio eius religio’ (people must acquiesce in the imperial faith). As late as the middle of the 4th century and even later, all the Fathers and ecclesiastical writers are opposed to the use of force against heretics, even if such heresy was incidentally the cause of social disturbances.

In his treatise “On Idolatry” (chp. 17) Tertullian (ca. 160-225) describes the calling of Christians as “binding no one, imprisoning or torturing no one”. He writes: “Obstinacy must be conquered, not coaxed” (“Scorpiace”, N. 2). When Celsus criticised Christians by quoting certain texts of the Old Testament (such as those referred to above in section 5) which decreed the death penalty for apostasy, Origen (ca. 185-254), affirmed that the law of Christ had superseded that of Moses: “... it is impossible to harmonize the legislation of Moses, taken literally, with the calling of the Gentiles ... for Christians cannot slay their enemies, or condemn, as Moses commanded, the contemners of the law to be put to death by burning or stoning” (“Contra Celsum”, quoted in Vacandard: 3). The remarks of Lactantius (ca. 240-320) are incisive and

insightful: "For religion is to be defended, not by putting to death, but by dying; not by cruelty, but by patient endurance ... For if you wish to defend religion by bloodshed, and by tortures, and by guilt, it will no longer be defended, but will be polluted and profaned. For nothing is so much a matter of free-will as religion" ("The Divine Institutes", Bk. V, chp. 20). The Church had always expressed a horror for bloodshed: "Ecclesia abhorret a sanguine" (Canons of Hippolytus, 3-4 C). In the context of Arian Emperors persecuting Catholic bishops, Hilary of Poitiers (ca. 315-367) exclaimed: "To-day, alas! while the power of the State enforces divine faith, men say that Christ is powerless" (Vacandard: 5). In his commentary on the Gospel of Mathew (13.24-30) John Chrysostom (ca. 347-407) comments on that phrase 'lest you uproot the wheat too': "And this He said, to hinder wars from arising, and blood and slaughter. For it is not right to put a heretic to death, since an implacable war would be brought into the world" (Homily 46, N. 1).

As Christianity came into a position of strength, the views regarding the use of violence also began to change. Vacandard (113) concludes his survey of the facts: "The data before us prove that the Church forgot her early traditions of toleration, and borrowed from the Roman jurisprudence, revived by the legists, laws and practices which remind one of the cruelty of ancient paganism."

Though Augustine (354-430) was initially against the use of violence, he later justified it in relation to the Donatists. They should have no reason to complain even if they were put to death, for: "They kill souls; they are afflicted in their bodies. They cause eternal deaths; they complain that they suffer temporal ones ... Schism and heresy are crimes which, like poisoning, are punishable by

the State” (On the Gospel of John, Tract 11, chp. 15). The same chilling reasoning would be repeated by Thomas Aquinas (ca. 1225-1274) who lived in the times of the Albigensian crusade: Heretics “deserve not only to be separated from the Church by excommunication, but also to be severed from the world by death. For it is a much graver matter to corrupt the faith which quickens the soul, than to forge money, which supports temporal life” or to commit any other crime which the State punishes with death. Therefore “much more reason is there for heretics, as soon they are convicted of heresy, to be not only excommunicated but even put to death” (Summa II-IIae, Q. XI, Art. 3). When there is no danger of uprooting the wheat, violent measures may be used. We have to wait till the time of Vatican II<sup>2</sup> for a refutation of this logic: “It is necessary to distinguish between error, which always merits repudiation, and the person in error, who never loses the dignity of being a person, even when he is flawed by false or inadequate religious notions” (GS 28).

During all the intervening period of about a millennium and a half, pope Nicholas I’s (866) appears as a lone voice raised against torture. He is quoted by pope Pius XII in an Allocution delivered in 1953 to the 6<sup>th</sup> International Congress on penal law. He introduces his reference to pope Nicholas with the comment that legal examination should exclude physical and psychological torture. Pope Nicholas was responding to an inquiry from the Bulgarians who had recently come into contact with Christianity: “If a thief or a brigand is captured and denies what is imputed to him, you affirm that the judge ought to beat him mercilessly on the head and pierce his sides with pointed metals until he speaks the truth. This is acceptable neither to divine nor human law; confession must not be

forced, but spontaneous; it must not be extorted, but voluntary; finally if it happens that after having inflicted these pains you discover absolutely nothing of what he is charged with, do you not feel ashamed at least at that moment and do you not acknowledge how impious your judgment was ? Likewise if the accused, unable to bear such tortures, confesses the crimes which he has not committed, who I ask you bears the responsibility of such impiety if not the one who has compelled him to make this false confession? Furthermore one knows that if someone utters that which is not in his spirit, he does not confess, but he talks. Therefore renounce these things and reprove from the bottom of your heart that which up to the present you have had the folly to practice; in effect, what fruit have you derived from that which you are now ashamed of?"<sup>3</sup> Pius XII adds his own comment, after noting that 1100 years have elapsed since then: "Who would not desire that during the long gap of time since then, justice would never swerve from this rule!" In making this remark, he probably did not have in mind the actions of some of his own predecessors! Finally the General Council of Vatican II confirmed this rejection of torture, thus reversing earlier teaching. The Council termed torture an "infamy". Such practices "poison human society, but they do more harm to those who practice them than those who suffer from the injury. Moreover, they are a supreme dishonour to the Creator" (GS 27).

## **7. Concluding reflections:**

The book of Burl brings out the various dimensions of the Albigensian Crusade and places before the reader the full horror of the enterprise, in an unpartisan manner. In 1997 John Paul II instituted a 26-member theological-



historical Commission to study anti-Semitism and various forms of Inquisition (Tablet, 25/1/1997). The pope also addressed an international Symposium on the Inquisition which was held in the Vatican, 29-31 Oct 1998. He told the participants, that the question involves the cultural context and political ideas of the time, also the outlook on the essence of the Church.<sup>4</sup> With reference to the cultural and political factors operative in the Albigensian Crusade, we must bear in mind that theologians & canonists and even the civil authorities, did not concern themselves much with the evil effects of heresy upon the social order, but viewed it rather as an offence against God (Vacandard: 115). Often the Church forced the civil authorities to execute heretics. Besides, earlier the Church had decisively rejected the principle of 'cuius regio eius religio', when she insisted on her right to exist in the Roman empire. Even admitting that the age was a cruel one, the Inquisition was unjust as compared to the civil Inquisition of those times: secrecy of the trial, the prosecution carried on independently of the prisoner, the denial of advocate and defence, use of torture, etc. (idem: 186). Even if some inquisitors committed excesses, the fact remains that the popes were responsible for the basic thrust of the Inquisition. The pope's reference to "the outlook on the essence of the Church" may be more to the point, if he is referring to the axiom 'Outside the Church no salvation'. It is a reminder that a negative view of other religions can lead the Church to violence and disregard for human dignity. It is sobering to realise that since the Church continues to espouse certain theological positions which are negative towards other religions and Churches, similar actions could follow, given appropriate circumstances.

During a ‘Day of Pardon’ Mass on 12/3/2000, there were “Prayers of the Faithful delivered by Pope John Paul II”.<sup>5</sup> He observed that the Church counts some members “whose disobedience to You contradicts the faith we profess and the Holy Gospel”. Under the heading “Confession of sins committed in service of the truth”, he made Cardinal Ratzinger (Prefect of CDF) confess: “We recognize that even men of the Church, in the name of faith and morals, have sometimes used methods not in keeping with the Gospel in the solemn duty of defending the faith”. The Pope added: “In certain periods of history Christians have at times given in to intolerance ... sully in this way the face of the Church, Your Spouse ...” This unprecedented admission of sins needs to be accompanied by effective steps to dismantle those structures and mind-sets which support such sins. For example, Canons 1718 and 1720 speak of administrative or “extra-judicial” penal procedures. This, it would seem, only doubtfully guarantees the right to self-defence; “the bishop can easily manipulate the proceedings” (Huysmans). He is prosecutor, judge and imposes punishment. All this is contrary to the U.N. Declaration of Human Rights (Art. 11/1) and the European Convention on Human Rights (Art. 6.1). The Church’s peculiar ‘divine-human’ constitution is no ground for not observing, in these matters, the said conventions. Boff (38) refers to the “psychological torture” exercised on those who are accused of error; it is “a Kafkaesque process” in which the same person is accuser and judge. In short, history remains an invaluable teacher.

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<sup>1</sup> According to Jedin (102) the seeds of the Inquisition were planted by pope Alexander III in 1163, when he asked officials to proceed *ex officio* against heretics, without waiting for accusations to be made.

<sup>2</sup> Basing itself on "Pacem in Terris" (1963) by pope John XXIII: *Acta Apostolicae Sedis* (AAS), 1963, pp 299-300.

<sup>3</sup> Translated from the French: AAS, 1953, pp 735-736.

<sup>4</sup> *L'Osservatore Romano*, 11/11/1998, p 3.

<sup>5</sup> *The Pope Speaks*, 45(2000), N. 4, pp 245-248

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