

THE TEARS OF TORQUEMADA

MR. SHAW used to be a voice crying in the wilderness, but his treatment of the Inquisition in his wonderful play *St. Joan* proves that he is becoming more sociable with advancing years. For there is nothing Shavian in a defence of the Inquisition. Twenty years ago one could still earn a reputation as a paradoxical fellow by hinting that Torquemada was a tender-hearted humanitarian concerned solely with saving heretics from eternal punishment. But those days are gone for ever. The cult of the Middle Ages for which Messrs. Belloc and Chesterton are largely responsible has made too many disciples, and Mr. Shaw, for once in a way, is thoroughly fashionable in his treatment of a controversial theme. Mention the Borgias or Torquemada, and you are greeted with a yawn. "It's stale. Say something new. We've heard all that before. If you had any historical imagination or a grain of sympathy for past ages you would understand that the persecution of heretics was no more intolerant than the persecution of Communists."

At the risk of being damned as an uncultured critic with no historical imagination, I must still deny that the Inquisition was just or humane, and must confess to a sneaking suspicion that Mr. Shaw, both in his play and in his preface, has been less anxious to interpret the past in accordance with the available evidence than to find yet another excuse for battering at his favourite Aunt

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Sallies, "bothered Majors" presiding over courts-martial, martial law, vaccinationists, the Black and Tans, and Englishmen in general.

No space need be wasted in proving that Mr. Shaw's presentment of the trial of St. Joan is not historically accurate; for Mr. Shaw admits that his play gives "an inexact picture of accidental facts," that he has flattered Cauchon "nearly as much as the melodramatist vilifies him," and that the Inquisitor Lemaitre was not "so able a master of his duties" as he is represented to be in this play. I am concerned only with Mr. Shaw's claim to have given, if not an accurate rendering of accidental facts, at least "the essential truth" of the situation. Both in the play and in his preface he has painted an unrecognisably flattering picture of one of the vilest institutions that ever disgraced Christendom, and his analysis of the motives which led to religious persecution is fashionable rather than correct. The issue cannot be confined to criticising Mr. Shaw's statements in the play and preface. He has succeeded cleverly in creating an atmosphere favourable to the Inquisition, and, in order to correct that atmosphere, it will be necessary to consider the actual practice of the Inquisition, not only during a particular trial and at a particular period, but at the height of its power in Spain. Only thus can we counter Mr. Shaw's main thesis, his attempt to prove that we have gained little either in tolerance or in humanity since the Middle Ages. If, at times, I appear to wander far from Mr. Shaw's play, the reader is asked to remember that I am concerned more with Mr. Shaw as a reactionary than with Mr. Shaw as the author of *St. Joan*.

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The dramatist has an obvious advantage over the ordinary controversialist. The historian may argue at length that Torquemada was conscientious and humane. The dramatist puts his Inquisitor on the stage and represents him as a benevolent old gentleman, the mildest mannered man that ever put a heretic on the rack. Mr. Shaw's Inquisitor is always interrupting the action of the play with benign asides full of pity for a poor girl "crushed between these mighty forces, the Church and the Law." He appears to be on the verge of breaking into tears throughout his lengthy *apologia* for the Inquisition. You expect to see him fumble for his pocket-handkerchief as he expounds the mercy of the Holy Office, and to hear him snuffle as he explains the effort involved in steeling himself for his terrible duty.

The defence of religious persecution which Mr. Shaw offers us in the preface to the play and in the play itself is on familiar lines. The heretic is worse than the murderer, for the murderer only kills the body, whereas the heretic endangers the eternal welfare of the soul. Nothing is so cruel as the toleration of heresy.

This, no doubt, is a fair representation of the mental attitude of a great many excellent persecutors. The doctrine of exclusive salvation made persecution inevitable for men who really believed that all who died outside the Church would spend eternity in hell, and who, therefore, believed it their duty to punish with the utmost severity the heretic who exposed his innocent victims to the perils of eternal torture.

But though this belief supplied no doubt the conscious

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motive behind persecution, men are moved more by the reasons which they do not analyse and of which they are often unaware, than by the reasons which they sincerely believe to be the sole determining causes in their actions. Pity for the problematic sufferings of putative victims in a future world of which nobody has any real experience was not quite such a powerful motive as we are led to believe. Men's minds do not really work in that way. Good and humane men will read in their papers of famine, plague, or earthquake, will murmur, "How sad!" and will none the less go off to their day's work without any sensible depression. Solicitude for the eternal happiness of other people was not a more potent factor in the Middle Ages than solicitude for the temporal welfare of complete strangers is to-day. Then, as now, there were authentic philanthropists who suffered imaginative torment from the thought of the vast mass of human misery in this world—and in the next. The ecclesiastic had, of course, an official interest in reducing the number of the damned, but those who were really imaginative enough to conceive the thought of hell, as pictured by medieval theology, and to envisage as an emotional rather than an academic fact the sufferings of the damned, must always have been in a very considerable minority.

Most of us heartily dislike Communists, but we dislike them not only because they are causing misery to Russians, whom we have never met, but also because they threaten to affect our own prosperity.

The heretic was hated, not because his influence might affect the happiness of other people in the next world,

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but because he was a menace to the authority and financial prosperity of the Church, and because he represented the disruptive element in Society, much as the Communist does to-day.

It is a little difficult to credit the Inquisitors with a delicate sympathy for the pain which heretics might suffer in the next world when we remember the brutal insensitiveness of the age. In Spain royal weddings were often celebrated by an *Auto da Fé*. Men who could conceive of no more attractive entertainment for a young bride than the spectacle of a heretic being roasted alive can have suffered very little imaginative distress from the thought of any torture which might be inflicted by the Almighty on the inhabitants of hell.

Again, the stock defence that the extremes of physical pain were justified because they might bring the heretic to reason, and save him from eternal torture, breaks down when we remember the vast number of heretics who were condemned years after they had died, in order that the Inquisition might despoil their heirs of their property. I shall recur to this point later.

In brief, neither the doctrine of exclusive salvation nor the necessity of saving heretics from hell is a sufficient explanation of the ferocity with which heresy was persecuted in the Middle Ages; and we can best understand that ferocity if we discount the motives based on theological dogmas and seek for simpler motives. We need only consider the reactions of ordinary people of our own age to heresy to find a clue to our problem.

For, of course, the prejudice against heresy is a primitive and enduring instinct which finds expression in every

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age and in every country and in every class. This prejudice has its social value, for Society requires the cement of conservatism. New ideas must prove their validity by surviving persecution. Society would perish from stagnation if novelties were systematically and successfully suppressed, and from revolution if every new fad was secure of a benevolent welcome.

The normal man dislikes the heretic for many reasons. The heretic makes him think, and most people shrink from the harsh pain of thought. The heretic by his very existence implies a criticism of the ideas which are good enough for the normal man. The heretic must be a conceited fellow, for he has rejected opinions consecrated by authority. I remember a boy being soundly beaten at my own school by a house prefect because he was alleged to be an atheist. He was haled before the prefect, who delivered a short homily which may have lacked the scholastic logic of an Inquisitor, but which, at least, stated the case with unimpeachable clarity. "Who the deuce are you to say you don't believe in God? I play for the House at footer and cricket, and God's good enough for me. You're a miserable little tick that has only been in the House for two years, and you're putrid at footer and cricket, and no damned good to anybody. It's infernal sauce for you to say you don't believe in God. Bend over."

The atheist bent over, and—so far as my memory serves me—was never indicted before the local Inquisition as a relapsed heretic. The House prefect's argument was devoid of theological subtleties, but it was a more accurate and more honest analysis of the heresy-hunting

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mentality than anything to be found in Mr. Shaw's book and play.

Communism supplies another close parallel. The medieval man felt a passionate loyalty to the Church as an institution. He might be well aware of clerical corruption and abuse his bishop much as we abuse our Cabinet Ministers. He might complain bitterly of clerical exactions much as we complain of the income tax collector. But he had no sympathy with the heretic, who was credited with wishing to destroy the Church as an institution. He hated the heretic as we hate the Communist, for the Communist stands outside the pale. He serves an alien master. He is an outlaw from civilisation. The heretic, again, occupied very much the same position as a pro-German in the late war. We may criticise our country in time of peace, but in war we stand shoulder to shoulder, and the man who aids and abets the enemy gets short shrift from the common people. The heretic was a man who, in the opinion of his contemporaries, did not criticise the Church from within, but was a rebel against Christendom.

The hatred of heresy was fostered by accusations of sexual abnormalities. Mr. Shaw appears to share the medieval prejudices on this point, for he offers no disclaimer to the remarks which he puts into the mouth of the Inquisitor. "When maids will neither marry nor take regular vows, and reject marriage and exalt their lusts into divine inspirations, then, as surely as the summer follows the spring, they begin with polygamy and end with incest."

It is of course unnecessary, as Mr. Shaw remarks, to

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assume that "Catholic bishops who burnt heretics were persecutors capable of any villainy, and that all heretics were Albigensians or Hussites or Jews or Protestants of the highest character." But it is equally untrue to suggest that heretics were in general less moral than the orthodox. The very reverse is the case. There is surely a presumption in favour of men who were prepared to face torture and death on behalf of a creed in which they believed. Even in the Middle Ages few men were prepared to pay a high price for their convictions. Conformity was easy and safe. Nonconformity was more dangerous than it has ever been at any period of the world's history.

In the Middle Ages there was nothing attractive in the career of a heretic, and it is reasonable to assume that men who risked torture and death for their creeds were not men of base character. It is absurd to suppose that heresy was popular because heresy was laxer in its moral restraints than orthodoxy. A man with a taste for unnatural vice or for incest could indulge his instincts far more safely within than without the Church. There was no object in risking the stake when virtual immunity could be secured by the simple expedient of taking Orders. It has been left to modern writers like Mr. Belloc and Mr. Chesterton to discover that the good Popes and the great Reformers of the Monastic Orders were unduly severe in their sweeping verdicts on clerical immorality. And even the most conscientious of the Popes could make little headway against the prevailing laxity. Alexander II., for instance, was anxious to make celibacy effective, but even he decided that a priest of Orange who had committed adultery with the wife of his father

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was not to be deprived of Communion. Two years later the same Pope diminished the penance on a priest who had committed incest with his mother, and charitably left it to his bishop to decide whether he should be retained in the priesthood.

Heretics were frequently accused of unnatural vice, but here again it is difficult to understand the necessity of leaving the Church to indulge in abnormalities. The sexual pervert would have been far better advised to insure against the secular penalties by taking Orders. Secular legislation was severe in the punishment of this offence. The usual penalty was burning alive, but the greatest leniency was shown to clerical offenders. The Council of Lateran, for instance, proscribed in 1179 only degradation or penitential confinement in a monastery.

Sexual perversion, again, was sometimes rewarded by rapid promotion. In 1100 the Archbishop of Tours secured the vacant See of Orleans for a youth who had granted his favours not only to the Archbishop, but to his predecessor. The Orleans clergy were much amused by the fact that the election took place on the Feast of the Innocents. The new bishop was called Flora, after a noted courtesan of the day.

Nothing is more striking than the leniency shown by the Inquisition to priests guilty of the most odious abuse of their privileged position, the solicitation of women in the confessional. It was extremely difficult to secure a conviction, and the least excuse for an acquittal was eagerly exploited by men who in charges of heresy assumed that the accused were guilty and refused an acquittal as a confession of failure. Self-denunciation was

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a favourite device of guilty priests who had reason to believe that a prosecution was pending, and this practice was encouraged by the virtual immunity bestowed on those who confessed voluntarily. A priest, for instance, who confessed to having solicited forty women in confession, mostly with success, was sentenced in 1653 to visit the seven privileged altars of St. Peter's, and for three years to recite weekly the chaplet of the Virgin, a sentence which at least had the redeeming feature of unconscious humour.

The truth is, of course, that Mr. Shaw's Inquisitor has got up his part a little too carefully, and would have been better advised to drop the charge of sexual irregularities against the heretic. Better informed ecclesiastics could have told him that leading Churchmen were agreed that the very existence of heresy was due to the contrast between Christianity and Christendom, between the purity of the Founders of Christianity and the immorality rampant among the medieval priesthood. In his opening address to the Lateran Council, Innocent III. asserted that "the corruption of the people has its chief source in the clergy. From this arise all the evils of Christendom, faith perishes, religion is defaced, liberty is restricted, justice is trodden under foot, the heretics multiply, the schismatics are emboldened, the faithless grow strong, the Saracens are victorious."

The indictment of heresy as anti-social, which is the gravamen of our Shavian Inquisitor's attack, is based in the main on the belief of a medieval sect, the Albigensians. It is not in the least surprising that modern apologists of the Inquisition, such as Mr. A. L. Maycock, should con-

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centrate on the medieval Inquisition, and should say as little as possible about the Inquisition in Spain. A clever writer can make out some sort of a case for the activities of the Inquisition in Provence and Languedoc, but it would baffle even Mr. Belloc himself to defend the Holy Office in Spain.

Mr. Maycock is a Roman Catholic. His book is introduced by Father Ronald Knox, and bears the *imprimatur* of the ecclesiastical censors. But this need not deter the Protestant reader from making Mr. Maycock's acquaintance. Mr. Maycock has made a valiant effort to write objectively. He is fair and courteous and respectful to the heretical historian, even to Mr. Coulton, to whom most Roman Catholic writers find it difficult to be barely civil. Mr. Maycock's style is very finished, and his book is readable from cover to cover.

Nor can Mr. Maycock be condemned because his book is not based on original research. An architect need not make his own bricks. The original documents of the Inquisition have been thoroughly explored, and the results of that exploration are available for a writer like Mr. Maycock. Little more could be learned by the most industrious of original researchers. None the less, a writer whose work is based on the labours of others should be very sure of his facts before he condemns those scholars who have done the necessary spade work. It is, for instance, the fashion among modern Roman Catholics to brush the great historian Lea aside as an unimaginative collector of facts. Lord Acton, greatest of Roman Catholic historians, a historian whose erudition was unrivalled in the nineteenth century, and who was ruthless

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in his criticism of unscholarly work,* described Lea's seven volumes on the Inquisition as "a work of great learning, and, in the main, of great impartiality." "The book," he wrote, "will be accepted as the most important contribution of the new world to the religious problems of the old."

Against this weighty verdict we may set Mr. Maycock's chccry dismissal of Lea as "almost always accurate in point of fact, even when he is most exasperating in his utter lack of historical imagination so necessary to the modern historian of the Middle Ages."

There are two phases in Roman controversy. In the first the facts are denied. In the second, the facts are admitted, and the apologist falls back on "atmosphere." If you suggest tentatively that roasting a man over a slow fire is a quaint hobby for the followers of Christ, your modern apologist replies loftily: "My dear fellow, do pray display a little more historical imagination. It is all a question of atmosphere." One is left with the vague impression that to the medieval man the atmosphere of the torture-chamber was as bracing as Skegness.

Those who flatter themselves that by condoning the Inquisition they are displaying a sane and tolerant sympathy for the atmosphere of past ages have been signalled out for special condemnation by Lord Acton, himself a Roman Catholic.

"The controversy," he wrote, "is not primarily about problems of theology, it is about the spiritual state of a man's soul, who is the promoter and the accomplice of

* Compare, for instance, his damning indictment of *John Inglesant*.

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murder. . . . If a man accepts the Papacy with confidence, admiration, and unconditional obedience, he must have made terms with murder."

To return, however, to the Albigensians. I hold no brief for these heretics, who were undoubtedly cranks, and perhaps dangerous cranks. None the less, Mr. Maycock has certainly exaggerated the anti-social dangers of their doctrines. Had the Albigensians consistently applied the beliefs of their more extreme leaders, society would certainly have been imperilled. But the same could be said of Christianity. The average Christian does not dispose of all his goods and give them to the poor, nor does he turn the other cheek when he is invaded. The average Albigensian was equally ready to compromise with the more extreme tenets of his sect.

Had Mr. Maycock's indictment of the Albigensians as social pests been really justified, it is certain, as Mr. Coulton points out, that the secular rulers would have been the first to exterminate the heretics. Great nobles, like the Count of Toulouse and Philip Augustus, who perhaps understood contemporary politics rather better than does Mr. Maycock, were none the less perfectly ready to tolerate the heretics. A secular prince could, of course, very well tolerate a mere academic heresy, however distressing that heresy might appear to the professional theologian, but an attack on the social order, a doctrine which undermined their own power and which threatened their own wealth, would have been as obnoxious to the medieval rulers as Communism is to the ruling powers to-day. Had the Albigensians been as black as they are painted, we may be sure that the Count of Toulouse

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would have been the first to clamour for their extermination. But, as Mr. Maycock fully admits, the hierarchy at Rome had the greatest difficulty in securing the co-operation of the secular princes in their crusade against the Albigensians.

We can, however, make a present of the Albigensians to Mr. Shaw and to Mr. Maycock. Let us grant that the Albigensians were the vilest of men, and their Inquisitors the most saintly and humane of judges. We can permit the case for the Albigensians to go by default, secure in the conviction that even Mr. Shaw's controversial genius will falter under his self-imposed task of defending the Inquisition.

The political and economic motives which played such a decisive rôle in religious persecution are ignored by Mr. Shaw. And, indeed, religious persecution was usually governed by motives of political expediency. Spain was, perhaps, abnormally fanatic in this respect, and preferred war with Cromwell to the alternative of granting immunity to Protestant merchants from England; but the Papacy showed far more wisdom in such matters. The relations of the Papacy with the Greek Church prove that a passion for the faith and for doctrinal unity could always be subordinated, when necessary, to questions of political expediency. The Greeks were not only schismatics, but heretics, for Boniface VIII., in his Bull *Unam Sanctam*, proclaimed as an article of faith the doctrine that every human creature is subject to the Roman Pontiff. In spite of this the Roman Church was always anxious to arrange a *modus vivendi* with the Greek Church. In the main Rome prudently tolerated members

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of that Church, and only indulged in fitful and half-hearted attempts to persecute them. Individual Greeks who lived in an area dominated by the Church might be exposed to inconvenience, but there was no real sustained attempt to interfere with them.

The economic basis of persecution is an important factor. Mr. Chesterton sees red if one mentions the word "economic," and one can concede that he has done good service by his vigorous onslaughts on the theories which were fashionable in mid-Victorian times and on the thesis that men are governed solely by the laws of political economy. At the same time it is foolish to swing to the opposite extreme and to assert that pounds, shillings, and pence are not now as they have always been, a factor of the utmost importance in human society. Heresy in the Middle Ages had to be suppressed because the heretic was in the position of a passive resister who refused to contribute his proper quota of the Papal taxes. A country or a district which had lapsed into heresy involved the Papal coffers in a corresponding loss. On the other hand, an impoverished secular ruler, or an impoverished branch of the Inquisition, could always balance its budget by the simple expedient of confiscating the property of condemned heretics.

The expulsion of the Jews from Spain ultimately helped to bring about the ruin of that great empire, but at the time it enriched thousands of Spaniards who profited by the forced sales of such property as the wretched victims could not take with them into exile. Again, the Inquisition was largely financed by the confiscation of property belonging to Jews who had been

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baptised and who were then condemned for relapsing into Jewish practices.

A *Converso*, as such a Jew was called, lived a dangerous life. If he showed an undue zeal for cleanliness he was obviously suspect of following the Mosaic Law. If he turned his father's face to the wall when he died, he was clearly a Judaiser. On one occasion a zealous Familiar of the Holy Office spent a busy Saturday on a roof of the city making careful notes of those Jewish chimneys from which no smoke issued. The *Conversos* were then prosecuted for heresy, on the ground that they had relapsed into the Judaic habit of honouring Saturday as the Sabbath, for on the Sabbath the Jew does not light a fire.

It is, again, difficult to understand the frequency of prosecutions of the dead, on the theory that religious persecution was always inspired by a passion for the salvation of souls. Dead men were frequently prosecuted for heresy and their bodies, if they had been found guilty, were exhumed and burnt at the next *Auto da Fé*. Their property was confiscated, and even those who had acquired property by purchase would be forced to hand it over to the Holy Office. A grudging exception was made in favour of Catholics who had held in good faith for fifty years property which had once belonged to a heretic.

At the *Auto da Fé* of July 25, 1485, the effigies of more than four hundred dead were burnt, and their heirs were summoned to appear within twenty days to render an account of their inheritance. The retroactive energy of the Inquisition is illustrated by the case of Fernan Sanchez,

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who was born in 1406, and who lived as a Christian until 1456. In 1525 his body was disinterred, and his heirs were robbed of his estate.

We can readily imagine the appalling insecurity which would be produced by the knowledge that a prosperous merchant might suddenly be made bankrupt, not for his own failings, but as the result of a prosecution against his dead grandfather.

The commercial ruin of Spain was largely due to the insecurity of tenure which was the direct result of these Inquisitorial prosecutions of the dead.

Mr. Shaw waxes eloquent over the justice of the Inquisition, but it is not difficult to imagine the attack which he would launch on an English Court which financed itself out of the confiscations of Sinn Fein property. The extermination of the Order of the Knights Templar is, perhaps, the most glaring example of a great religious persecution inspired solely by greed.

Philippe le Bel of France had exhausted every source of revenue. He had despoiled the Jews and debased the currency, and though he had managed to scrape along quite happily for some years by persecuting heretics in Languedoc, even that expedient was beginning to fail. The Order of the Knights Templar combined the ideals of monasticism and Christian knighthood. They were powerful, and their vast possessions aroused the cupidity of Philippe le Bel. The King invoked the aid of the Inquisition, and succeeded in trumping up a series of ridiculous charges against the Order; for instance, that the neophyte was told to spit upon the cross, that his initiation was accompanied by indecent practices, and

that he was taught that unnatural lust was lawful. There was no external evidence against the Templars, and even the evidence extorted by long, persistent, and brutal torture was contradictory and utterly unconvincing. The overwhelming majority of modern Roman Catholics—see the *Catholic Encyclopædia passim*—believe in the complete innocence of the Order. In England, where torture was not permitted by the law, no evidence was forthcoming until the Pope persuaded Edward II. to allow for the first and last time in our history, the Inquisitors to function on English soil.

Philippe le Bel succeeded. He obtained the lion's share of the spoil, and this great Order was dissolved and its property confiscated.

Never had the power of the Inquisition received a more signal tribute. The great Order of the Templars, which had earned universal respect, was powerless from the moment that the Holy Office leagued itself with a venal king. No more perfect instrument than the Inquisition has ever existed for destroying under the forms of law an individual or an institution whose activities were resented or whose possessions were coveted by those sufficiently powerful to enlist the services of the Holy Office.

The actual trial of St. Joan was hardly characteristic of the normal Inquisitorial procedure, but there is no hint in Mr. Shaw's preface which suggests that the Inquisition standardised a procedure scientifically calculated to secure the maximum of convictions and the minimum of acquittals.

The normal procedure was for the Inquisitors to select

a particular district and to command all the faithful to appear at a special sermon in which heretics were urged to confess and the faithful were invited to denounce heretics to the Holy Office. A month's term of grace was proclaimed. Of course, this method obviously encouraged denunciations based on enmity or jealousy. Again, nervous and timid souls often insured against being themselves denounced by hastening to the Inquisition to denounce others. Wives often denounced their husbands, fathers their sons. The general and widespread terror produced by the Inquisition acted as a solvent of the closest tie and as a direct encouragement to the vilest forms of espionage and blackmail.

Denunciation was safe, for the Inquisition never revealed the names of any witness for the prosecution. The most careful precautions, including the garbling of such evidence as the accused was permitted to learn, were taken to prevent the identification of the witnesses for the prosecution. The accused fought in the dark. No detailed charge was made. He had no opportunity of nailing down the prosecution to a definite date or place. His only recourse was his right to name any persons whom he believed to be his enemies, and if his accusers did not appear in that list his last slender chance of acquittal had almost vanished.

He was allowed counsel, but his advocate was crippled and handicapped at every stage. He was not allowed to help his client with any suggestions. Bright young men anxious to make a reputation at the Bar did not accept briefs from heretics, for any undue zeal on behalf of their clients was excessively dangerous. There are several cases

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of advocates being severely punished for "impeding the Inquisition by useless and procrastinating delays"—"useless," certainly, for the best that an advocate could do was to delay rather than to avert the verdict of guilty.

If the accused did not confess, he was tortured. The humane rules of the Inquisition forbade torture being applied more than once, but it was permitted to "suspend" torture and to "continue" it next day, a nice distinction which must have proved very consoling to a man who had only been tortured "once," but whose torture had been "suspended" and "continued" on several successive days. I advise the reader to study the *Directorium Inquisitorium*, a handbook for Inquisitors which reeks with that casuistry and hypocrisy that were the worst features of the Inquisition. High-minded fanatics may have become Inquisitors, but it is difficult to believe that they could have escaped for long the contamination of a procedure which was the violation of every principle of justice, honour, and integrity.

If the accused, worn down by torture, confessed, he was "reconciled" to the Church and subject to punishments which varied in severity from imprisonment for life to a public and humiliating penance. Even the mildest punishment involved disgrace and social ruin.

A relapsed heretic was burnt. The definition of relapse was very elastic. A man was considered to be relapsed if he subsequently held any intercourse with heretics, so that the man who had been "reconciled" might at any moment be condemned as a relapsed heretic if some casual acquaintance was tried for heresy, and if his own name

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occurred in the evidence as being on good terms with the accused. "Safety," as Lea remarks, "could only be secured by resolutely isolating himself from his family and his race."

Mr. Shaw is unhistorical in his treatment of St. Joan's relapse. What actually happened—according to the *Catholic Encyclopædia*—was this: The English and Burgundians were furious that St. Joan had escaped the flames, but they were much consoled by Cauchon, who remarked: "We shall have her yet." Joan's partiality for male dress had been adjudged heresy, and after her retraction she was confined in a prison, and male dress was left in her way as a trap. When she resumed this dress she was promptly condemned as a relapsed heretic.

The relapsed heretic and impenitent heretic who refused to abjure, and the *negativo*, were among those who could not escape the flames. The *negativo* was one who stoutly denied the charge of heresy, and who refused to save his life by pleading guilty. He did not admit holding views open to the charge of heresy, or attempt to justify them as orthodox, a common defence of heretics. He stoutly denied that he had ever expressed the opinions with which he was credited. Now it is clear that the *negativo* must have been a good Catholic, for he had nothing to gain by going to the flames. He was classed as an impenitent heretic and therefore denied the privilege of being strangled before he was burnt, a privilege which was granted to heretics, relapsed or otherwise, who submitted to the Church before the fires were lit. A man who voluntarily refused strangulation and who faced the

torture of the flame gave thereby a signal proof of his sincerity. If he had been a heretic he had nothing to lose by confessing his heresy and boldly dying for the faith which he professed. It is therefore logical to assume that such men were sincere, and that they endured a terrible death rather than admit that they had ever deviated in loyalty from the Catholic faith. The cruel logic of the Inquisition could not spare these men who were clearly martyrs of the faith; orthodox writers who realised this dilemma consoled themselves by the reflection that the death of an occasional good Catholic was a necessary price to pay to insure the efficiency of the Holy Office. These men, they piously remarked, would be rewarded in the next world for their sufferings, which were essential to the purity of the faith.

The Inquisition always shrank from admitting that any man who was accused before it could possibly be innocent. It assumed the guilt of the accused from the first, and the proportion of complete acquittals steadily diminished as the Holy Office gained in power. A Toledo record which extends over forty years (1648-1694) contains 1205 cases, of which only six ended in complete acquittal.

When we remember the facility which the Inquisitorial Process gave to the venting of private enmities and jealousies, we cannot resist the conclusion that thousands of good and sincere Catholics were put to death by the Church of which they were loyal members.

Such was the procedure of the Holy Office. And those of us who believe that the Inquisition was the vilest institution that has ever disgraced civilisation base our belief

not on any prejudice against religious persecution as such. Let us concede everything that a good Catholic could reasonably demand. Let us assume that heresy is a worse crime than murder, and that the Church would be justified to-day, if she had the power, in putting heretics to death. Let us grant that the Inquisition was not more brutal in its use of torture than the secular courts, and let us credit the Holy Office with its one outstanding merit, its wise and cautious attitude—at least in Spain—in the campaign against witchcraft.

The damning indictment against the Inquisition still remains unanswered, for the charge which the Inquisition has to answer is the charge that it corrupted the criminal procedure of Europe and that its procedure was admirably devised to secure the maximum number of convictions of innocent and loyal Catholics. The Inquisition habitually acted on the principle that it was better that ninety-nine good Catholics should be tortured and sometimes burnt rather than that one heretic should escape. The charge against the Inquisition is not that it condemned heretics, but that it punished the orthodox. Those who contrast the procedure of the Inquisition at its best with the procedure of an English court-martial at its worst can form a very fair conception of the vast progress that has been made since the days of Torquemada in our conceptions of what is due to the accused.

The Inquisition strained every nerve to avoid an acquittal. Persons deprived of civil rights, children, and slaves could not be admitted as witnesses for the accused, but were readily admitted as witnesses for the prosecution. Langhino Ugolini even remarks that a witness who re-

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tracted hostile evidence should be punished for false witness, but that his evidence should be retained and should have its full effect on the verdict. It is views such as these which reveal with terrible clarity the appalling standards which governed Inquisitorial processes.

Mr. Shaw goes to history, not to discover the facts, but to find material for a lay sermon on the crimes of his contemporaries. He is never happier than when he is lashing the complacency of the average Englishman. It is good that we should be reminded that intolerance did not disappear with the rack, but it is perverse and foolish to praise the evil that is dead in order to discount the slow but unmistakable advance of humanity towards higher standards of justice and honour. We need not waste time in analysing Mr. Shaw's amazing preface or in discussing Shaviania, such as the grotesque remark that the worst of bygone atrocities caused less misery than a modern prison. A man who can solemnly mention the trial of Sir Roger Casement in the same breath as the Inquisition shows a bland indifference to historic facts. Casement accepted a knighthood and a pension from the King whose soldiers he tried to seduce from their allegiance. He had not even the excuse of a consistent Irishman who had never wavered in his opposition to England. His execution was inevitable, his trial scrupulously just. The fairness of the Government in refusing to admit into the evidence certain passages from Casement's diary will be appreciated by those who know what that diary contained.

The worst court-martial during the war was fairer than the Inquisition at its best in times of peace. I would rather

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have been a German spy on trial before one of those "bothered Majors" whom Mr. Shaw dislikes than an orthodox Catholic before the Inquisition.

Mr. Shaw avoids one obvious dilemma. The orthodox Catholic believes that St. Joan was condemned by a corrupt and rehabilitated by a righteous Ecclesiastical Court. Mr. Shaw believes that the first court was just, the second corrupt. Both trials occurred within a space of twenty-five years, and on either showing one of these trials was hopelessly corrupt. It is therefore a little difficult to see how Mr. Shaw can hold up the ecclesiastical procedure of the period as a model for our own courts of justice.

We must face the melancholy facts. In spite of our natural temptation to believe the worst of the age in which we live and of the men of our own race and blood, there is grave reason to suspect that the modern Englishman is kinder, more tolerant, and more just than the Frenchman of the fourteenth or the Spaniards of the sixteenth century. We can hardly avoid the painful conclusion that the Middle Ages were more brutal than the twentieth century, that the medieval criminal had less chance of a fair trial than the modern murderer, and that the innocent Catholic had a less lively hope of acquittal from the Inquisition than a guilty spy from a modern court-martial.

Let us be men, and not shrink from the verdict of history, even when that verdict is patently in our favour.

NOTE.—The chief authority for the Inquisition is Lea's *History of the Inquisition in the Middle Ages* (three

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vols.), and his *History of the Inquisition in Spain* (four vols.). The worst that Roman Catholics can say of Lea is that, "despite evidences of intellectual honesty, Lea is to be read with caution. He is loyal, it may be, but not impartial."