



Censorship of the Church of Rome.

In ‘**A Rationalist Encyclopedia**’* Edited by Joseph McCabe, the scholarly ex-priest Atheist and Freethinker, Mr. McCabe says of ‘**Censorship of the Church of Rome:**’

“Dr. G.H. Putnam’s *Censorship of the Church of Rome* (2 vols, 1906) is the most learned work on the subject, but is designed to conciliate Catholics and is often, especially in the Introduction, unreliable.”

* A RATIONALIST ENCYCLOPEDIA, p. 90, by Joseph McCabe, London, Watts & Co., Second Edition 1950.

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THE CENSORSHIP OF THE CHURCH

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THE CENSORSHIP OF THE CHURCH OF ROME

AND ITS INFLUENCE UPON THE PRODUCTION AND
DISTRIBUTION OF LITERATURE

A STUDY OF THE HISTORY OF THE PROHIBITORY AND EXPURGATORY
INDEXES, TOGETHER WITH SOME CONSIDERATION OF THE EFFECTS
OF PROTESTANT CENSORSHIP AND OF CENSORSHIP BY THE STATE

BY

GEORGE HAVEN PUTNAM, LITT.D.

Author of

"AUTHORS AND THEIR PUBLIC IN ANCIENT TIMES," "BOOKS AND THEIR MAKERS IN
THE MIDDLE AGES," "THE QUESTION OF COPYRIGHT," "AUTHORS
AND PUBLISHERS," ETC.

IN TWO VOLUMES

VOLUME I

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TO

MY DAUGHTER ETHEL

IN RECOGNITION OF LOVING SERVICE AND OF
SKILLED AND PATIENT LABOUR, DEVOTED TO
PREPARING THIS MATERIAL FOR THE PRINTERS

PREFACE

IN these volumes, I have undertaken to present a record of the Indexes which have been issued under the authority of the Church of Rome, or which, having been compiled by ecclesiastics, were published under the authority of the State, between the year 1546 (the date of the first list of prohibited books which may properly be described as an Index) and 1900, in which year was issued the second Index of Leo XIII, the latest in the papal series.

To this record I have added a selection of the more noteworthy examples of censorship during the earlier centuries of the Church (a list which begins with a curious prohibition in 150, probably the earliest instance of censorship by a Church council); a schedule of the more important of the decrees, edicts, pastoral briefs, etc., issued under ecclesiastical authority, which had to do with the matter of censorship; and a specification of certain censorship regulations which, before the publication of the first Index, came into force in the several States of Europe. Such a schedule of decrees and regulations can, of course, lay no claim to completeness. I have attempted simply to present examples of prohibitions and condemnations, from decade to decade, which were typical or characteristic, and from which some impression could be gathered as to the nature and the extent of the censorship experiments throughout the centuries in the several communities concerned.

A brief account has been added of the organisation and of the operations of the Roman Inquisition and of the Congregation of the Index, as it was from these bodies that emanated the series of papal Indexes, and with them rested, from the middle of the sixteenth century, the responsibility for the shaping of the general policy of the Church in regard to censorship. The plan of the treatise does not render it practicable to attempt any general survey of political censorship or the censorship of the State, but I have presented a brief selection of examples of State action in censorship, in order to make the necessary comparison between the methods followed by the State and those of the Church, and to make clear that the censorship of the Roman Church was (at least outside of Spain) not so autocratic in its principles, nor so exacting and burdensome in its methods, as was the censorship which was from time to time attempted by State governments acting for the most part under Protestant influence.

I have attempted to base upon these schedules and records some conclusions as to the actual influence of the general system of censorship, as connected more particularly with the enforcement of the penalties prescribed by the Indexes, upon the production and distribution of literature in the several communities which recognised to a greater or less extent the authority of the Church. An interesting indication of the extent of this influence is given through the records of the business of the printer-publishers and booksellers of the period, in such States as Italy, Spain, France, Germany, the Netherlands, and England.

Finally, I have attempted, in the closing chapters, to make a study of the literary policy of the modern Church as indicated in the latest of the papal Indexes

and in certain utterances by representative Catholics concerning the censorship policy of the Church, which have come into print during the past quarter of a century.

In collecting the material for the several schedules of Indexes, decrees, etc., I am chiefly indebted to the treatise of Heinrich Reusch, *Der Index der Verbotenen Bücher*, published in Bonn in 1885. Dr. Reusch's work may be described as monumental in the thoroughness and authoritativeness of its scholarship. The information presented in regard to the series of Indexes and decrees is most comprehensive and precise. The compass of Reusch's three volumes (which comprise twenty-four hundred closely printed octavo pages) renders them, however, unavailable for the use of the general reader. I have knowledge of no work in English which presents, with any measure of completeness, the record of the Indexes, and of no book in any language which attempts a general survey of the purpose and results of the censorship of the Church. It has seemed to me, therefore, that I might render some service to the study of the conditions affecting literary production and distribution, by utilising certain portions of the material collected by Reusch in a work prepared for English-speaking readers, which should present the schedule of the Indexes and a summary of the more noteworthy of the decrees, edicts, briefs, etc., having to do with censorship, and by connecting with this a study of the results secured through this censorship policy of the Church and of the range of its influence.

I have been able to include in the catalogue of Indexes certain titles which were not listed by Reusch, and I have added the record of the Indexes which

have been published since the date of Reusch's treatise. I have not been dependent upon Reusch's schedules for the contents of the Indexes themselves, as I have been able to make a personal examination of all of the more important Indexes in the series from examples in my own library, and in the comprehensive collection of my valued friend Mr. Archer M. Huntington. Mr. Huntington has, I may mention, rendered a most important service to students of the Index through his reprints, produced in facsimile, of five of the earlier issues as follows: Louvain, 1546; Louvain, 1550; Cordova, 1550; Cordova, 1554; Valladolid, 1559.

Certain Indexes have been selected from the long series as on one ground or another entitled to special attention. For these I have given, in addition to some analysis of the prefatory matter, the accompanying Bull and the regulations, and a specification of the more important of the literature which is represented in the lists of the books condemned. Among the Indexes that call for such fuller description and analysis are the following: Louvain, 1546, (usually classed as the first in the series of the Church Indexes); Rome, 1559, (the first in the series of papal Indexes); Trent, 1564, (the papal Index which secured the widest and most continued influence); Rome, 1607, (the only expurgatory Index in the papal series); Rome, 1664, (in which is presented the condemnation of Galileo); Rome, 1758, (the Index which marked the beginning of the wider literary policy for the Church); Rome, 1900, (the latest of the papal Indexes and the one which must, therefore, be taken as expressing the present literary policy of Rome). I have also given, with some detail, analyses of certain of the Spanish expurgatory Indexes, as these

present a class of censorship quite distinct in character and not attempted outside of Spain.

Separate chapters are devoted to the treatment throughout the series of Indexes of certain subjects of continued importance, such as the relations between the Church and State, the consideration given to Erasmus and to Luther, the treatment of the monastic orders, etc.

In Chapter IX of the second volume, is presented a study of the influence of the Index upon the book-trade in the several States of Europe. While there are in existence no trustworthy statistics for such a record, certain general results can be determined from the history of the printer-publishers and from the transfer of the centres of book production and distribution from the States which were under the direct control of the Index regulations to territories in which the action of censorship was less effective, or, as in Holland, non-existent.

The titles of the works utilised or cited as authorities from which quotations have been made will be found in the bibliography. I have thought it desirable, for the convenience of later students of the subject, to include also in this bibliography the titles of certain other important works having to do with the subject of censorship, from which I did not have occasion or opportunity to make citations.

I desire to express special acknowledgment to Dr. Mendham, whose *Literary Policy of the Church of Rome* was published in London in 1834. The author made a thorough study of such of the Roman and Spanish Indexes as were within his reach, and he has been able to throw no little light upon the methods adopted in Church censorship. His vivacious treatise,

which may be said fairly to bristle with controversial opinions and conclusions, constitutes a curious anti-thesis to the volumes of Reusch, who hardly permits himself to connect with his comprehensive catalogues and records any opinions whatsoever.

For matters connected with the Inquisition, the authorities are the well-known *Histoire de l'Inquisition* of Llorente, and the monumental *History of the Inquisition of the Middle Ages* by Henry C. Lea. The first volume of Lea's *History of the Inquisition in Spain* comes into publication just as my own work is completed. For the history of the operations of the Church in Spain, operations which were largely conducted under the authority of the Spanish Inquisition, I have, however, been able to utilise Lea's *Religious History of Spain*, which for this division of the subject-matter is the book most frequently cited. (In the Spanish chapters, in order to avoid the repetition of the full title, the reference has been made simply to "Lea," and is to be understood as connected with the above volume.)

For matters connected with the book-trade and with the influence on the work of the publishers of the regulations of the Index, the chief citations are from Kapp's *Geschichte des Deutschen Buchhandels* and from Putnam's *Books and their Makers in the Middle Ages*.

The leading authority for the modern Catholic view of the literary policy of the Church is the treatise on the Index by the Jesuit Father Hilgers, which was published in Freiburg as recently as 1905, and which is certainly a most forcible and effective example of controversial writing.

A little volume by the Paulist Father Searle entitled

Plain Facts for Fair Minds, published in New York in 1895, is valuable for its statement of the present policy of the Church in regard to the relation of faith with science and as to the rightful influence of the authority of the Church upon intellectual action.

A treatise by Charles Dejob, a French Catholic, which came into print in Paris in 1885, has been found interesting for its effective presentation of the Gallican point of view, both of the present date and of the earlier centuries, in regard to controversial matters.

I have occasion to render a cordial personal acknowledgment to the well-known scholar the Rev. Thomas J. Shahan, of the Catholic University of America, for most friendly service and valuable suggestions. I owe thanks also for friendly counsel received from the Rev. A. A. Lambert, of the Paulist Fathers.

With the expectation that these volumes will be used chiefly for purposes of reference, it has seemed desirable to arrange the material according to the cyclopaedia method, under certain main headings with sub-headings for the special divisions of each subject. Such an arrangement involves, of necessity, some repetition, but it is hoped that the convenience of securing for the presentation of each subject division a larger measure of completeness, may outweigh the annoyance, from the literary point of view, of an occasional reiteration.

G. H. P.

ERRATA.

<i>Päge.</i>	<i>Line.</i>			
XVIII.	27.	<i>For</i>	Bibliotheca,	<i>read</i> Bibliothecae.
XXI.	24.	"	erudita,	" eruditae
161.	28.	"	Ferdinand,	" Ferdinandi
166.	23.	"	Diologis,	" Dialogis
180.	3.	"	Tridentinae,	" Tridentina
201.	32.	"	Expurgatur,	" Expurgatae
201.	33.	"	Prodierunt,	" Prodierint
217.	21.	"	Selectissimum,	" Selectissimorum
236.	21.	"	Imamorato,	" Inamorato
241.	15.	"	Venito,	" Veneto
242.	2.	"	Aliquot,	" Aliquod
242.	2.	"	Placatum,	" Peccatum
242.	5.	"	Indictis,	" in dictis
243.	9.	"	Emendationis,	" Emendatioris
245.	13.	"	Regularam,	" Regularum
252.	21.	"	Hominis,	" Hominibus
253.	20.	"	Dèque,	" Deque
268.	9.	"	Indices,	" Indicis
290.	14.	"	Expurgatae,	" Expurgati
290.	14.	"	Permittentur,	" Permittuntur
292.	6.	"	Fidelitas,	" Fidelitatis
292.	7.		<i>After nunc, a comma.</i>	
292.	8.	<i>For</i>	Principo,	<i>read</i> Principe
294.	2.	"	Veribus,	" Viribus
299.	20.	"	Indici,	" Indice
308.	22.	"	Siu,	" Sui
320.	19.	"	Sine,	" Sive
331.	35.	"	Erasimana,	" Erasimiana
336.	4.	"	Haes,	" Haec
345.	19.	"	quorumdam	" quorundam
352.	5 and 12.	"	Bailliet,	" Baillet
352.	13.	"	Veritatum,	" Veritatem

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CENSORSHIP

CHAPTER I

INTRODUCTORY: THE INDEX AND CENSORSHIP

IN any investigation of the development of literary production and of the relations of the producers of books with the reading public, it is necessary to give consideration to the influence exerted upon literary activities, and upon the actual effectiveness of literature, by the censorship and the restrictive measures instituted by the Church.

Church censorship may be said to have begun as early as 150, with an edict issued by the Council of Ephesus, in which the *Acta Pauli* (an unauthenticated history of the life of St. Paul) was condemned and prohibited. During the centuries following, a number of similiar edicts or mandates were published by councils, by individual ecclesiastics, and by civil officials acting at the instance of the authorities of the Church, under which edicts the faithful were cautioned against the pernicious influence of various works classed as heretical, and the heretics who had been concerned in the production and circulation of such writings were threatened with penalties ranging from

confiscation of property to imprisonment, excommunication, and death. A schedule of these decrees and edicts will be found in a later chapter.

The revolution in the methods of the production and distribution of literature brought about by the invention of printing in the middle of the 15th century, had, as an immediate result, an enormous increase in the influence upon the shaping of popular opinion of the written, or rather of the printed word, that is, of thought in the form of literature. The work of the printers was at first welcomed by the rulers of the Church. They convinced themselves that the Lord had placed at their disposal a valuable instrument for the spread of sound doctrine and for the enlightenment of believers, and with this conviction, they found funds for the support of a number of the early printers and kept their presses employed in the production of works of approved theological instruction.

It was in fact not until nearly three fourths of a century after Gutenberg, when the leaders of the Reformation were utilising the printing-presses of Wittenberg for the spread of the Protestant heresies, that the ecclesiastics became aroused to the perils that the new art was bringing upon the true faith and upon the authority of the Church. If the people were to be protected against the insidious influence of the new heresies, it was absolutely essential that some system should be instituted under which the productions of the printing-press could be supervised and controlled. The more active and far-reaching the operations of the printers, the greater the necessity for the watchful supervision of their work, and the greater at the same time the difficulty in making such supervision complete and effective. The requirement was met by the

institution of a system planned to permit no books to reach the public that had not been passed upon and approved by ecclesiastical examiners appointed for the purpose. To this end, the production and the circulation of any literature not so approved were stamped as constituting a misdemeanour of the most serious character, one that might, under certain circumstances, become the final sin against the light, the offence against the Holy Ghost.

The German historian Pütter says¹:

“As a result of the great facility brought about in the production of books by the invention of printing, there came to be anxiety on the part of the authorities lest teachings destructive of religion or morality, or inimical to the interests of the State, should be given to the public. On this ground, the conclusion was in all countries promptly arrived at that no production should be permitted to come into print that had not been passed upon and approved by an officially instituted censorship, and that no printing-offices should be established excepting under proper license and effective supervision.”

In 1559, the responsibility for the censorship of literature was first assumed directly by the papal authority through the publication of the *Index Auctorum et Librorum Prohibitorum*, of Paul IV, the first of a long series of papal Indexes, aggregating, up to 1899, forty-two in all. It does not appear to have been the intention either of Pope Paul IV or of his successors that the responsibility for the system of censorship should be retained under the exclusive direction of the papal authorities, and I find no record of objections having been raised to the publication of the Indexes

¹ *Büchernachdruck*, 14.

prepared by such representatives of the Church as the theological faculties of the Universities of Louvain and of Paris, or by the Inquisition of Spain. There were, however, very material differences between the lists as shaped in Rome of works condemned as heretical and the similar lists issued within the same period in Louvain, Paris, or Valladolid; books of undoubted heresy included in one Index would fail to find place in another, and it is difficult to arrive at any consistently followed principle or policy by which the selections of the different compilers were determined.

In the absence of any definite instruction to the contrary, it might at first be assumed from the wording of the prohibitions that any and all of the Indexes, published under the direction of such ecclesiastical authorities as those specified, must have been intended to be equally binding on all the faithful, irrespective of political or ecclesiastical boundaries. We know, however, as a matter of history, that, in the majority of cases, no attempt was made to enforce the prohibitions of the Index outside of the territory of the State in which it had been promulgated.

It is difficult to secure any trustworthy information as to the precise range of the effectiveness of these prohibitions, but it seems probable that the Roman Indexes were held to be in force outside of the immediate territory of the Church only after they had been formally accepted and promulgated by the authorities, ecclesiastical and political, of the individual States, such as Spain, France, the Empire, etc.

The Index of 1559 was, as stated, the first of the series of papal Indexes; but as early as 1542, the Inquisition of Rome had promulgated a special edict prescribing penalties for the reading of heretical or of

doubtful books, and in 1545 was published the first Italian list of prohibited books and authors. In 1571, under Pope Pius V, the task of compiling the papal Indexes was confided to a body organised under the name of the Congregation of the Index, which is still (1906) carrying on its work.

The work of the framers of these Roman Indexes exercised an important influence even in the States in which the papal prohibitions had not been officially published, as the titles collected for them were largely utilised by the makers of the Indexes of Spain, France, and Belgium; and in like manner, the material put into print in Louvain, Paris, and Valladolid formed the basis of certain of the Roman lists.

A more authoritative position in regard to the work of censorship was taken by the Papacy through the publication, in 1564, of the Tridentine Index. This Index, as well through its formulation of the rules for censorship, as because of the greater comprehensiveness of its lists, constituted the most authoritative guide that had yet been issued. The Tridentine Index was promulgated, under the authority of pope and of council, throughout all the Catholic States and also in countries in which the Catholic Church, while no longer the ruling power, still possessed followers. It was printed in a long series of editions issued from all the more important publishing centres of Europe; its lists formed the basis of all subsequent Indexes, while its rules were accepted as the guide for future censors and compilers. After the Council of Trent, a wider and more assured recognition was given by churchmen throughout the Catholic world (from which must, curiously enough, be excepted Catholic Spain) to the authority of the Papacy, acting through the Congre-

gation of the Index, to retain the general direction and control of the business of censorship.

In 1758, two centuries after the publication of the Tridentine Index, was issued the Index of Benedict XIV, the lists in which represented better bibliographical work than had previously been attempted, and which was particularly important as representing what may be called the last attempt of the Papacy to maintain any general censorship of the world's literature. The series of papal Indexes from time to time has been continued, the latest bearing date 1899; but the compilers of these later Indexes content themselves with repeating the general rules or principles by which the reading of the faithful should be guided, while the lists of current publications are limited almost exclusively to works by Catholic writers, and chiefly to works of a doctrinal character, the teachings of which are found to be in one respect or another open to condemnation. The proportion of books absolutely prohibited becomes smaller, the greater number of the works cited being placed in the lists of *libros expurgandos*, the reading of which is forbidden only until certain corrections or eliminations have been made, *donec corrigatur*. The Index of 1884 and that of 1899 bring forward from the more important of the preceding papal Indexes the titles of the most noteworthy of the works condemned in these. No attempt, however, is made to condemn (except under general rules and principles) the increasing lists of modern Protestant doctrinal books, or to characterise or differentiate the great mass of the world's literature. The printing-press had outgrown the machinery of ecclesiastical censorship.

During the centuries in which the censorship of the Church was active and comprehensive, it must have

exerted a very material influence over the relations of authors with their public; the effectiveness of literature as an intellectual force in directing or shaping public opinion was assuredly not a little hampered and restricted, while the value of literary productions as property was seriously lessened and, in certain territories, entirely destroyed. It is evident that if the production, the sale, and the possession of copies of a book are prohibited, the work can possess no property value within the territory throughout which such prohibition can be enforced. Its possibilities as property are either cancelled altogether, in case the prohibition can be made effective throughout the entire possible market, or are lessened in the proportion in which such market has been curtailed. In fact, in the cases in which, under the more extreme penalties of a censorship system, the purchase or the possession of a copy of a condemned work involved fine, imprisonment, or excommunication, the work might be said to possess a negative in place of a positive commercial value. The author, and others interested with the author, in securing a circulation for the book, might even be imagined as offering, if not a bonus, something in the nature of a guaranty against risks, to those who would co-operate with them in the dangerous task of distributing copies.

The other obstacles that have been noted as standing in the way of the development of literary property had been negative in their character. The lack of realisation on the part of the literary worker himself that he was producing anything entitled to be classed as property; the difficulty on the part of the reading public in arriving at the conception that there could be property in anything not material, in such an abstract entity as a right; the physical impossibility, in

advance of the invention of printing, of the multiplication of copies of a literary production by any method that should preserve for the author any control over the text of each copy, or any share in the selling price of the same; the limitations of the territory within which, after the era of printed books had begun, and after the development of public opinion had brought a community to the point of recognising the property rights of one of its own literary workers, such recognition could be made effective; the fragmentary character and necessary inadequacy of the system of local privileges; and finally the lack, during a long series of years after the invention of printing, of any adequate publishing machinery for making known to possible buyers the existence of books, for distributing the copies, and for collecting the amounts paid by the purchasers;—all these obstacles operated against the possibility of securing for producers of literature such protection under the law and such recognition for the results of their labours as had, in all organised communities, been for centuries assured for other classes of producers.

Against such obstacles and difficulties, the recognition of literary productions as property and the actual commercial value of the labour of literary workers had, through the first century of printing been making an assured, though fitful and interrupted, progress. Early in the 16th century, however, the rulers of the State and the authorities of the Church began to find occasion for alarm at the increasing range of influence of the printed word, and came to the conclusion that if the community was not to be undermined by heretical, dangerous, and demoralising opinions, measures must be taken to maintain supervision and control over the production of books.

The interference on the part of the political rulers was fitful and intermittent, and appears at no time to have arrived at the dignity of a continued policy or system. In a number of States, while the rulers continued to claim for themselves the exclusive control of the printing-press (as was, for instance, the case with Spain, France, and the Holy Roman Empire), they were willing to confide to the ecclesiastics the selection of the books to be condemned and prohibited. The actual work of censorship, at least in the countries which remained Catholic, fell, therefore, more and more into the hands of the Church, and was, as a result, carried on with reference to the clerical standard of orthodoxy and morality, and to the clerical theories of what was required for the welfare of the community.

In the series of the Indexes, the proportion of works of a purely political character was small as compared with the long lists of books which had been condemned on doctrinal grounds. It is in order, however, to bear in mind, as a limitation of this statement, that during the two centuries in which censorship was the most active and exerted the largest influence upon intellectual development, say from 1550 to 1750, the minds of men were directed more largely to doctrinal questions than to political matters. It was not the State but the Church whose authority and existence had been assailed and the contest was fought out over creeds and not political platforms.

When, with the outbreak of the Reformation movement, it became apparent how great a range of influence was possessed by the printed sheet, the problem which confronted the authorities of the Church was certainly serious in more ways than one. For the space of fifteen centuries, the education of the people had remained

almost exclusively under the direction of the Church. The faithful believers (and the unbelievers were but few) had accepted their entire intellectual sustenance at the hands of the priests. The instruction given in the parish schools instituted by the Church was almost entirely oral, although some use was made of written alphabet tables and of written psalters with the musical notations.

The instruction for those who took up higher branches of study, students who were for the greater part destined for the Church, was naturally, during the manuscript period, carried on by the priests, not only because but few others possessed anything that could be called scholarship, but also because it was only in the collections of the monasteries (the *armaria*) that the requisite manuscripts could be found. It is true that with the beginning of the 13th century, the educational work of the earlier universities, such as Bologna, Paris, and Oxford, begins to assume importance; but even in the universities, outside of the faculties of law and of medicine, the direction of the instruction was retained very largely in the hands of the Church, the lecturers in the department of philosophy, for instance, being almost exclusively ecclesiastics.

During the 13th century, there does come into existence a body of scholarship which is outside of the Church, but it remains the case that, up to the time of Luther, the great mass of the people had looked to Rome, and to teachers acting under the authority of Rome, for its light and leading, intellectual as well as religious. The association of education and intellectual training with the Church is in fact fairly indicated by the use of the term "cleric."

In 1516, the leaders of the Reformation, in beginning

their long contest against the abuses of the Church of Rome, a contest which soon developed into a fight for the complete overthrow of the papal supremacy, promptly availed themselves of the power of the printing-press. While the words spoken in the pulpit or in the market-place could reach at best but a few hundred of hearers the tracts poured forth from the Wittenberg presses, the "flying-leaves" (*Flüg-schriften*), carried the teachings of Luther and Melancthon to many thousands, and it was through the influence of these "winged words" (*epea pteroenta*) that the revolt developed into a revolution.

To the devout adherents of the Church of Rome, and particularly to those to whom had been given the responsibility for its government and for the spiritual guidance of its members, the situation, not only during these earlier years of fierce strife against Protestant heresies, but throughout the succeeding centuries, presented the gravest difficulties. There is something almost pathetic in the long series of attempts made by popes, councils, bishops, congregations, and inquisitors to protect the souls of the faithful against the baneful influence of the ever-increasing tide of literature that was pouring forth from the various publishing centres, and so much of which was calculated to lead men astray from the true doctrines and to bring them into risk of everlasting perdition. To ecclesiastical rulers, honestly holding such a conviction, there was, of course, but one duty. They must use every means in their power to suppress the heresies, and to warn and protect their flocks. What were the fortunes or even the lives of a few evil-minded or devil-inspired printers and writers as compared with the eternal hopes of the great masses of men? Nay! It was better that the misguided

reader himself should, by prompt and, if necessary, extreme penalties, lose all that he had in this world, rather than that he should be permitted, in continuing to absorb heresy and in spreading its leprosy abroad, not only to sacrifice his own soul, but also to undermine the faith of his fellow-men.

The action of the Church was, therefore, not only logical and reasonable; it was the only course that was possible for an organisation to which, as its rulers undoubtedly believed, the Almighty had confided the care of the spiritual welfare of mankind. The safety of the soul depended upon the nature of the intellectual sustenance taken in, whether through the ears or through the eyes. All literature or instruction in any form, spoken, written, or printed, must, therefore, before reaching the understanding, be sifted under the authority of an all-wise and infallible Church. The believer must be protected against harm, the doubter must be recalled to the true path, and the heresies and the heretics must alike be exterminated. While it was only after the active propaganda work of the Reformers of Wittenberg had made clear the perils of the printing-press that any general system of censorship was attempted, there had been, as pointed out, instances of prohibited books centuries before the time of Gutenberg. An heretical utterance in manuscript form was a restricted or manageable evil, in that its influence was limited to the small circle of clerics and could not, at least directly, reach the masses. It was, however, none the less an evil which it was the duty of the Church to condemn and to repress.

The record of the Index is also to be considered as an important contribution to the history of literature. Thomas James, whose treatise on the *Index Generalis*

Librorum Prohibitorum was printed at Oxford in 1627, says in his preface that his book is addressed particularly to the curators of the Bodleian Library to whom it should serve as a guide concerning the works which it was particularly desirable to collect and to preserve; only the curators must be sure to secure the earlier and, therefore, unexpurgated editions. Bishop Barlow writes that he has found the

“*Indices Expurgatorii* invaluable as records of the literature of the doctrines and opinions obnoxious to Rome. . . . Their *Indices Expurgatorii* are very good common-place books and repertories (for that use we make of them) by help of which we may presently find what any author by them censured has uttered against the vulnerable parts of the Catholic system. In these *Indices* we are directed to the book, chapter, and line where anything is spoken against any superstition or error of Rome; so that he who has the *Indices* cannot want testimonies against Rome.”¹

Reusch points out that the Indexes have preserved the record and the purport of not a few works of interest and importance, the very existence of which would otherwise have been lost sight of. It is also the case that the Index lists have preserved the titles of a number of works of comparatively trivial importance, which, if they had not been fortunate enough to secure the condemnation of the Church, would have fallen still-born from the press.

It was the practice, in making condemnation of books either through a general Index or under a separate decree, to order destroyed such copies of the condemned books as could be collected, and this destruction was, as a rule, done by fire. In the record of censorship, there are, however, a number of instances of books

¹ *Remains of Bishop Barlow*, London, 1693, 70-71.

which had received the honour of a special condemnation for burning, the titles of which had not appeared in any Index issued by the Church or in any separate papal or diocesan decree. The books so recorded were, with hardly an exception, condemned under civil authority. The writers who have brought together records of books condemned to be burned (of whom Peignot is perhaps the most important) give, under the same general heading, titles of books selected from the Index, books condemned under special decrees of the Church, and works which had fallen under the censorship of the civil authorities. As will be noticed in the later chapters, the special emphasis given to the importance of a book through the burning of copies in a public place, constituted a valuable advertisement and usually extended its influence.

The history of the Index may be divided into two main periods. The first begins, as far as the papal censorship is concerned, in 1559, with the publication of the *Index Auctorum et Librorum*, prepared under the instructions of Paul IV, and closes with the end of the 16th century, with the issue of the final appendices to the Index of the Council of Trent. During this period, the chief and almost the only subject-matters considered are the great questions raised by the Reformation. In the second period, which closes with the Index of Benedict XIV, issued in 1758, the controversies turn, as indicated by the character of the works placed on the lists, on issues of doctrine, opinion, and conduct arising within the Church itself. The writers whose works are condemned during this period are for the most part ecclesiastics of the Church.

The work done during the 19th century by the Congregation of the Index may be said to belong to a

third or modern period, in which, as will be noted later, the censorship over literature and the literary instruction for the faithful has for the most part taken the form of statements of general principles in place of detailed lists of pernicious books. The attempt to characterise the mass of the world's literature has been abandoned and the comparatively few titles named are (with a few curious exceptions) those of doctrinal works emanating from within the Church itself and the errors in which are, therefore, likely to mislead believers.

It is to be borne in mind further in connection with the general division of periods suggested by Reusch, that while the greater portion of the work of the Index was carried on under the direct supervision of the popes, a long series of Indexes were issued by authorities acting independently of the Papacy, such as the Inquisition of Spain, the theological faculty of the University of Paris, the theological faculty of the University of Louvain, and other bodies.

The first Index, in point of date, of the long series, was in fact issued not in Rome but in Paris, the second and third in Louvain, the fourth in Valladolid, etc. The several dates will be given in the schedules presented later. It is also noteworthy that, while the papal Indexes were of course in form binding on the entire Church and throughout all the States classed as Catholic, they were not actually put into force in the several States unless or until they had been accepted and confirmed by the respective rulers; and, as a fact, a number of the papal Indexes were never so accepted either in France or in Spain. The Church of Spain, acting through the Inquisition, undertook to carry on an independent system of literary censorship and of

literary repression. The inquisitors condemned a number of works which do not appear in the Roman lists, and declined to condemn not a few books which had in Rome been classed as pernicious. A similar course was taken by the Gallican Church, whose censorship was carried on by commissions of ecclesiastics acting under the direct authority of the Crown.

A necessary result of the condemnation of books by a number of authorities was a large measure of confusion in regard to the status of a number of books and of not a few authors. A faithful believer, who was fully prepared to accept in regard to literature the guidance of the authorities, may well have had cause for perplexity in finding condemned and prohibited by one pope the works of an author whose writings had received the special commendation of another, or in being prohibited in Madrid from reading books which were permitted or even recommended in Rome. In not a few instances, Indexes which had been issued in regular course with the papal sanction were themselves prohibited from being printed or promulgated in Spain, in France, in Germany, or even in places as near to the papal seat as Venice.

During the period before the Council of Trent, the work of the compilers of the Roman Indexes was chiefly based upon the Indexes which had originated in Spain or in the Netherlands, while there is, as said, occasionally ground for perplexity at the absence from the Roman lists of works of undoubted heresy which had been duly condemned by the censors of Valladolid or Louvain. It is not easy to understand why the Papacy, having recognised the necessity for the exercise of control over literary production, and over the operations of the printing-press, should have permitted the

system of Indexes to be initiated anywhere but in Rome, and should have further permitted, apparently without reprimand or protest, so large a proportion of the long series of Indexes to be compiled and published by ecclesiastics who, while claiming to be defending the true faith and to be carrying out the policy of the Church, were not acting under the direct supervision or authority of Rome. Independent action in such an all-important matter as the direction of public opinion as expressed through printed literature might have been considered a dangerous precedent and undoubtedly did constitute an important factor in strengthening the separate authority of the State churches of Spain and of France.

Joseph Mendham finds in the Indexes the literary policy and the doctrinal policy of the Church of Rome. He writes:

“The Indexes issued by the Church of Rome may be regarded as a grand Index of the sentiment, spirit, and policy of an ecclesiastical empire, claiming with the most critical exactness the terrific appellation of the Mystery of Iniquity.

“To no power but modern Rome is equally applicable the encomium of the poet on the ancient:

*Tu regere imperio populos, Romane, memento;
Hæc tibi erunt artes; passisque imponere morem:
Parcere subjectis et debellare superbos.*

Aen. VI, 852.

“The other class of Indexes, the expurgatory, contains a particular examination of the works specified and indicates the passages condemned to be expunged or altered. For these Expurgatory Indexes, publicity was so little desired

that it was the chief thing guarded against. . . . The copies were intended for the possession and inspection only of those to whom they were necessary for the execution of their provisions. . . . It was not thought desirable that the dishonest dealings of the writers of these censures should be known either to the authors who were injured and who would thus have an opportunity of justifying themselves, or to readers whose judgment must in many instances be at variance with that of the censors.”¹

The framers of the several expurgatory Indexes found themselves occasionally under the necessity of censuring and correcting the works of writers accepted as the Fathers of the Church. Mendham gives an example, from the Roman Index of Brasichelli, of a condemnation of certain propositions printed by Robert Estienne, which propositions are, he says, direct citations from the Fathers. Mornay, in his edition of the Spanish Index of 1601, presents a list of similar condemnations or expurgations of the texts of the writings of the Fathers themselves. The propositions which, naturally enough, came under this condemnation are those which appear to present grounds for the doctrine of justification by faith and those which enforce the importance of the injunction against the worship of images. The Jesuit Gretser, in apologising for the action of the Church in the case of Bertram's book, makes the following interesting argument:

“Although Bertram be prohibited, I deny that a Father is prohibited, for that one can properly be called a Father of the Church who feeds and nourishes to the faithful salutary doctrine, who being placed over the family of the Lord, gives it in due season its portion of the corn. If, therefore, instead of the food of salutary doctrine and the

¹ Mendham, 4.

portion of corn, he offered and distributed cockles and tares and the burrs and briars of perverse doctrines, so far from being a Father he is but a stepfather, not a doctor but a seductor." ¹

In another page, Gretser writes: "Who, therefore, is so stupid as not to recognise that the Church or the sovereign pontiff, while he reviews the lucubrations of his sons, and wherein he corrects these, performs a service grateful to the authors and a work useful to posterity." ²

It is a natural inference from the assumption by the Church of the responsibility of indicating in the Index lists the books which are on one ground or another pernicious and which require important corrections, that the further responsibility is assumed of approving by implication the books not thus condemned or not corrected through expurgation. While it is the case that the Church has never admitted this responsibility, the contention is one which has often been raised and which does not appear to have been answered. If the books that are not condemned by the Index are considered as having been approved or even sanctioned by the Church, it would follow that the authority in the Church from which the Indexes emanate could be understood to approve and to sanction those doctrines or assertions from the writers within the fold of the Church which these condemning decrees have failed to proscribe or to expurgate. Such a contention does not appear, however, to be really well founded when we bear in mind the necessary limitations, even in the earlier years of the work of the Index, of the facilities

¹ *De Jure*, etc., 328. Cited by Mendham, 283.

² *Ibid.*, 320.

possessed by the examiners in passing upon publications originating in various countries and not always even printed in the common ecclesiastical language. The criticism presents, however, one of the most serious difficulties attending the assumption by the Church of this responsibility for the control of literary productions, even though this control be limited to the writings of members of the Church itself.

The Indexes were certainly utilised, and were intended to be utilised, as instruments for the suppression of heresy and for the maintenance of true doctrine as interpreted by the rulers of the Church. The chaplain of Philip II of Spain (Alphonso de Castro) has declared that in his opinion the purification of Spain from heretics was due to the fact that in Spain and in Spain alone the prohibition of heretical literature was effectively enforced. The continued prevalence of heresies in other countries, even in such Catholic States as France, Italy, and South Germany, was, in the opinion of Castro, due to the lack of effectiveness in enforcing the purification of literature.¹ It is the inference of Mendham that the effect referred to by Castro was due not to the simple prohibitions of the Index but to the enforcing of these prohibitions under the thorough-going methods of the Inquisition. Cardinal Pallavicino has assigned the preservation of Italy from the infection of presumed heresy to the activity of the Inquisition and particularly to the work done both by the Inquisition and the Index of the Congregation in suppressing heretical literature. He speaks as if there had been serious risk, in the absence of persistent efforts of this kind, that Italy itself might embrace the Reformation.²

¹ *De Justa Hæreticorum Punitione.* Venice, 1549. p. 228

² *Concil. di Trento*, v, 128.

Mendham, who writes always as a bitter controversialist, is of opinion that the expurgatory Indexes, and the expurgatory work done quietly without the use of Indexes, were utilised so as to modify in the later editions the text of the writings of the Fathers and of the earlier authorities of the Church, in the respects in which this text did not appear to give consistent support to the accepted doctrine of the later Church, or in which words were used by the authors which could be interpreted and which had been interpreted in support of heresies. It is not practicable, without a careful textual comparison of the "orthodox" and approved editions of the Fathers with the editions of earlier date and with those which the Church censors found occasion to condemn, to say how far there may be any foundation for this severe arraignment. Mendham goes on to suggest that it had been the hope of the Church gradually to replace the former and original editions of books of this class with the editions approved by the Church.

"In this way, the mouth of antiquity should be thoroughly shut up and prevented from uttering any syllable or sound against the doctrines of the later Church. . . . By the addition of words where opportunity and pretence might serve, and by drawing the marginal notes and glosses of their friars into the texts of the Fathers (as has already been handsomely begun with certain texts) the mouth of antiquity should also be opened for them (the present leaders of the Church). There remained then only the rectifying of St. Paul and of the other scriptural writers whose authority being already set beneath that of the Church, it were not such great matter to submit it also to her gentle and moderate censures; especially for so

good an intent as the weeding out of heresies and the preserving of the faith Catholic in her purity and glory.”¹

Panzer makes reference² to an Index printed in Louvain as early as 1510. The title is recorded as follows:

Die Cathlogen of inventargen van den Quaden verboden bouken: na advis der Universiteyt van Louen. Met een edict of Mandement der Keyserlicken Majesteyt. Te Louen geprint bej Sewaes van Sassen. MCCCCCX. 4°.

No copy of an Index of this date was known (1897) in the British Museum, and it is not referred to by Reusch. Knapp, in his scheme for a History of the Index, is in accord with Reusch in making that of Paris of 1544 the earliest. It seems probable that Panzer has been misled as to the date of the Flemish Index.

The series of Indexes is understood, therefore, to begin with the middle of the 16th century (that is, a century after the invention of printing), but from the earliest years of the organised Church, attempts had been made from time to time to protect the faithful against the pernicious influence of heretical writings, by the destruction of the copies and by the punishment of the writers when these were within reach of the strong arm of the Church and when they refused to be convinced of their errors.

A number of the editions of the Roman Indexes, as for instance that of 1819, bear as their motto: “Many of them also which used curious arts brought their books together, and burned them before all men” (Acts xix, 19); while on others was printed a head-piece engraved on copper, representing the believers burning their books of magic. The example, however, of these early converts, under the influence of the

¹ Mendham, 342. ² *Annales Typographici*, vii, 258.

eloquence of Paul, bringing of their own free will, to be destroyed, books the teachings of which were believed to be incompatible with the doctrines of Christianity, does not constitute a fairly logical precedent for the later practice of the Church in punishing by excommunication and in other ways those who continued to read books condemned as heretical.

Throughout the Middle Ages, there are a number of examples of prohibitions, emanating from various authorities, and applying sometimes to single books or individual authors, and sometimes to groups. It is not likely that during the manuscript period, the duplication or reading of the books denounced was seriously affected, except in the immediate locality in which the prohibition was issued. These earlier attempts at censorship possess interest chiefly as indications of the ecclesiastical policy and of the varying standards of different periods and of different places, and also because the titles of the works selected for condemnation were in part utilised by the compilers of the Indexes.

A "Directory" of heresy was prepared early in the 16th century by Nicholas Eymeric of Cologne, under the title of *Directorium Inquisitorium*. This was reprinted in Venice in 1607, *cum commentariis Francisci Pegnae*. This Directory was, says Reusch, utilised by Bernard Lutzenburg as the basis for his *Catalogus Haereticorum*,—Catalogue of Heretics,—first issued in 1522. In these two lists have been preserved the names of a number of persons classed as heretics, of whose books there is no record, and who may possibly even never have written anything, or at least never have brought anything into print. The Lutzenburg Catalogue was utilised in the compilation of the Index of Paul IV.

After the middle of the 13th century, the papal condemnations of specific books frequently included the specification of names of the examiner or examiners, usually one or more of the cardinals. We have here the beginnings of the body that became later the Congregation of the Index.

In 1256, in a Bull issued by Alexander IV against a tractate of William of Saint-Amour, of Paris, the Pope says that his action is based upon the report of four cardinals, to whom had been confided the task of examining the work. All copies are ordered to be burnt within eight days, under penalty of excommunication. Saint-Amour's essay presents a very unfavourable picture of the condition of the Church of the times, and is especially sharp in its strictures upon the newly instituted mendicant orders. After the beginning of the series of official Indexes, the list of works concerning which the judgment of the Church was reversed under the authority of the different popes, or of successive councils, becomes considerable, and may easily have proved a perplexity to faithful believers who were prepared to accept as a final guide the infallible authority of the Church.

Before the close of the 12th century, there appear to have been no attempts on the part of the Church to restrict the reading of the Scriptures, or the distribution of the manuscript copies of the Scriptural books. During the 13th century, several of the synods held in France issued prohibitions of the use or circulation of versions in the vernacular of the Scriptural books, with the exception only of the Psalms. A similar prohibition was enacted for popular versions of any doctrinal or theological writings. The Church was gradually developing the procedure, finally formulated as a

general policy, under which laymen were to be forbidden reading either the Scriptures or works of doctrine except under the immediate direction of the ecclesiastical authorities.

Between the years 1239 and 1320, a series of orders were issued by successive popes, beginning with **Gregory IX**, for the destruction of copies of the *Talmud*.¹ In the first portion of the 16th century, a more tolerant view was taken by the papal authorities in regard to the preservation of the literature and the learning of the Hebrews; but **Julius III** and his immediate successors again ordered the destruction of the *Talmud*. The work is also included in the first of the official Indexes, that of **Paul IV**. In the Tridentine Index, the previous prohibitions are relaxed, but under **Clement VIII** the *Talmud* was once more condemned.

The whole business of the supervision of literature and the control of opinion was of necessity very materially modified by the invention of printing. It was at first assumed that the control of literature by the Church would be strengthened by the new method of book production. The ecclesiastical authorities decided that no books should be printed excepting under their own supervision, and if there had been any effective means of carrying out such a decision, the printing-press would speedily have become a mere means of expression of Church doctrine and Church policy.

The multiplying of the printing-presses and the development of machinery for the distribution of the copies of the printed books, together with the rapid increase in the public demand for such books, speedily, however, rendered impracticable the effort on the part

¹ L. Graetz, *Gesch. der Jüder*, viii, 112, 462.

of the Church to retain the control of book production.

The Louvain Index of 1546 was, as will be noticed in the later summary of the Indexes, followed by several Spanish Indexes which were for the most part compiled and issued under the direction of the Inquisition, and during the succeeding centuries, the general control of the censorship throughout the dominions of Spain remained in the hands of the Inquisition. There was, in such an arrangement, one manifest advantage; the authority that determined the offence was the same as that which put into force the penalties that had been prescribed. As a result of this identity between the power that judged and condemned, and the power that carried the condemnation into effect, the censorship was effective throughout Spanish dominions to an extent which was never reached under any censorship machinery that was put into force in other States. A book that was condemned in Spain did actually pass out of existence, as far, at least, as Spanish territory was concerned, and a similar fate occasionally befell the author. The copies that had been printed were destroyed, and the printing or circulation of further copies was too perilous an undertaking to be ventured upon.

If the Inquisition had been in a position to carry on throughout Europe, or even throughout the Catholic States, a censorship as effective as that put into force in Spain, the extermination of books would have been so considerable that there would have been brought about a serious break between the literatures of the centuries.

In France, the censorship was exercised in a more fitful and less consistent manner. The Indexes originating in France were for the most part compiled,

under the authority of the Crown, by the theologians of the Sorbonne. Books were, however, from time to time condemned under the direct supervision of the royal chancellor.

It is to be borne in mind also that a refusal on the part of the chancellor to issue a royal privilege for a book served to prevent its publication, at least in France (the edition must as a rule have been printed before the examination of copies by the royal censors could be made), and was, therefore, practically identical with a prohibition. The title of such an unprivileged and therefore unpublished work would as a rule not find its way into the lists of the French Index. The extent of the repression or restriction of literary activity can, therefore, not be fully measured by the number of titles on the lists of works prohibited.

It was unquestionably the case that the censorship had a very material influence in discouraging the production of literature, an influence that might be classed as an indirect damage to the intellectual development of the community. While the fact of such interference in a country like Spain in which the provisions of the censorship were, under the Inquisition, enforced with strictness and often with severity, is fully established, there can of course be no data for ascertaining the extent of the loss.

It is easy to understand that if an instructor in one of the Spanish universities got into trouble with the Inquisition in bringing into print a series of lectures, he would, in the majority of cases, have kept his later studies or conclusions in the safer form of manuscript. It is probable also that his associates on the faculty, or the students who had followed his work, would in great part be deterred from pressing their studies to

a logical conclusion. Not only would the books not be printed or even completed, but the lectures themselves, on subjects that had once been stamped by the Church as pernicious, would be stopped. The Inquisition was in a position to put an end to any courses of study or lines of investigation that it found reason to disapprove, and the record shows that it did not neglect the exercise of its authority to such end.

In like manner, if the business of a printer-publisher had been broken up or seriously hampered through penalties imposed for the crime of circulating literature found deserving of condemnation, it is very certain that such dealer, if continuing in business at all, would have reason to avoid taking in the future any such undesirable risks, and his competitors in the book-trade would wish to be equally conservative in the selection or acceptance of books for their own presses.

Apart even from the cases of books which had been condemned as heretical, and which had involved in their condemnation the authors, the printers, and the booksellers, the whole system of censorship constituted with its delays, its interference, and its fees or charges, a very heavy burden upon the business of printing and selling books. The details of the methods employed by the censors will be referred to in a later chapter. Their operations, were, of course, not confined to the supervision of books printed in Spain or prepared for the Spanish press. An elaborate system of inspection was instituted for books ordered by booksellers or by individuals from other countries. Large numbers of these foreign publications were destroyed in the customs-houses, while in other cases, as a milder judgment, the supplies were refused admission and had to be returned to the shippers. As a

result, the business of importing books could hardly be made profitable, and at times became dangerous. It is not surprising that, in the face of such difficulties and under the hampering influence of such burdens, the book-trade of Spain, during the three centuries following the date of the first Spanish Index, was attenuated and insignificant, and as compared with that of France, Germany, or the Low Countries, played but an inconsiderable part in the community. It is in fact difficult to understand how under these exceptional conditions, any printer-publishers or booksellers should have been able to maintain an existence.

In Italy, also, the publishers and booksellers worked during these centuries under similar difficulties, but there were mitigating circumstances. The Inquisition was able to retain in its hands only a partial control of the censorship, while outside of the papal States its authority was not infrequently set at naught. In fact, in Venice, for a large portion of this period (to use a phrase of a later century), the writs of the Inquisition "did not run," an exemption which was by no means the least of the several factors combining to make Venice a centre of book-production. The division of the Peninsula into a number of states or principalities was an important influence in maintaining for the printer-publishers some measure of independence, as the undertakings that were stopped or interfered with in one State could, with no insuperable difficulties, be carried across the nearest boundary and brought to completion in another. A further influence serving to secure protection for the printing-press, and to promote its activity, was the personal interest on the part of many of the Italian princes in intellectual pursuits and in literary production, an interest that

caused them to compete with each other for the possession of scholars and to offer special advantages to enterprising printer-publishers, and which made them frequently willing, for the sake of the literary prestige of their States, to brave the disfavour of the ecclesiastical authorities. In Italy, therefore, while the production and distribution of books was frequently interfered with by the operations of the Congregation or by the Inquisition, it is probable that (at least outside of the papal States) the actual detriment caused by the censorship to intellectual interests was by no means as great as, from the long list of mandates, prohibitions, and penalties, might at first be inferred.

In France, the conditions which opposed and those which favoured the freedom of the press differed in several respects from those which obtained in Spain or in Italy. We have here to deal with a central government whose authority over a fairly homogeneous territory was for the greater part of the periods under consideration not seriously questioned. The literary and publishing interests of the kingdom were centred in the capital, and in fact, with the single exception of Lyons, there were, outside of Paris, no publishing centres of importance. The literary policy of the Church, expressed through the theological faculty of the Sorbonne, could, therefore, conveniently be brought to bear very directly upon the operations of the Paris book-trade, the organised guild of which itself formed part of the university. Finally, the authority of the Crown, acting through the royal courts or directly through the chancellor, was, in form at least, available for putting into effect any measures for the supervision or restriction of literature with which the administration might find itself, in accord.

Notwithstanding, however, this apparent completeness of the supervising machinery, the book-trade of Paris was able to retain a very large measure of independence, and its contributions to the literary productions of Europe were, notwithstanding the censorship, of continued importance. Several influences worked in its favour. The divines of the Sorbonne and the leaders of the Gallic Church, while often actively opposed to scholarly undertakings, were by no means prepared simply to register and to execute the censorship decrees of the authorities of Rome. No Roman Indexes were accepted as binding upon believers in France unless or until they had been formally approved by the French Church and had been put into effect by the authorities of the State. With an occasional exception, such as that of the Index of the Council of Trent, the Gallican censors preferred to frame their own Indexes and to adapt these to the requirements and conditions of their own country.

The State was still less ready than the Church to accept as authoritative instructions emanating from Rome in regard to the character of the books that should be produced or should be permitted in France. Successive kings took the ground that the final authority in regard to censorship was vested in the State, that is to say in the Crown. The divines of the Sorbonne were instructed or permitted to pass upon the applications for privileges for books belonging to the department of theology, but even for these, their dicta were not always accepted and (as in the case of the Bibles of Estienne) were sometimes entirely set aside by the Crown.

And finally, the University of Paris, for centuries the most important in Europe, contended through a long

series of years that the supervision and control of the book-trade of the kingdom was a university matter, and it succeeded for a series of years, with occasional exceptions and set-backs, in maintaining this contention very largely until, with the gradual extension of the powers of the Crown, the direction of censorship and of privileges had been, with nearly all other divisions of government, brought directly under royal authority.

More than one scholar has been quoted as saying that the intellectual life and development of Europe during the centuries between 1556 and 1800 could be traced by the lists of condemned books, and that these books would in themselves constitute a fairly complete library for the thoughtful student. There might be ground for complaint that, owing to the remissness or ignorance of the censors, the lists included titles of a number of works not valuable enough to deserve condemnation, and omitted many of real value and continued importance. Irrespective of such inconsiderable exceptions in one direction or another, there can, I judge, be no question that a very large proportion, one may say by far the largest proportion, of the world's literature that stood for intellectual activity and insight, literature which expressed the conclusions of the greatest minds of their several generations, and which stood for the development and the civilisation of the community itself, had been placed by the Church in the Index of condemned and prohibited books. Comparatively few of these books of light and leading had been omitted (and those apparently through inadvertence) and comparatively few books had been included which, apart from any questions of heresy or pernicious doctrine, would, under a standard not

theological, be classed as dangerous or unwholesome for the community. In fact, the service of the Index in suppressing or in discouraging books *contra bonos mores* may be characterised as unimportant.

I have referred to the service to literature and to the intellectual development of mankind (a service none the less important because it was so entirely unintended) brought about through the action of the Church in preparing Indexes that served to chronicle the books of the thinkers and thus to preserve and extend their teachings. It is natural to enquire to what extent this service was offset by the interference with literary production and distribution caused by the burdens of censorship and by the repressive measures of the inquisitors and other censors. To such an enquiry there can be no very satisfactory answer. The materials or data for any precise calculation do not exist. In the chapter on the Index and the Book-trade, I have however presented such general data as I have been able to secure concerning the effect of the censorship regulations upon the operations in different States of the printer-publishers and the booksellers.

It is evident that the extent of the influence of the system is not to be measured by the number of books condemned after publication or after being put into type. It is probable that the restrictions and detriments placed in the way of literary production constituted a more important influence on the intellectual life and development of the people than the cancellation or expurgation of books that had already come into existence. These latter might be reprinted, and to a considerable extent were reprinted, in other countries, in which case their authors would be able to feel that their work had not been altogether without results.

But the influence of the writers who were deterred from writing, and of the lecturers who were afraid to continue to speak, was lost not only for their own community but for their own development, unless, as from time to time happened, they preferred banishment to repression and silence. Whether the leaders of thought were expatriated or were silenced, the effect in the home country on the university centres and on the so-called educated circles was the same.

At the very time when in Italy, France, Germany, and the Low Countries the intellectual activities were greater than ever before known, and minds working in new directions of research were expressing themselves in varied and suggestive literary productions, scholarship in Spain had been confined in a few fixed channels, its expression had become stilted and reiterative, and the literature of thought, imagination, and opinion had almost disappeared. It would be interesting to ascertain whether an intelligent Romanist of to-day, who believed conscientiously in the necessity, or at least in the wisdom, of ecclesiastical censorship, would be prepared to accept as satisfactory the results of such a system in the one country in which it had been carried on with any measure of consistency and thoroughness.

It must at the same time be borne in mind that this censorship was not imposed upon Spain by an authority from without. The power of Rome was never applied, either in regard to literature or to other matters controlled by the Church, with greater strenuousness or severity in Spain than in France or in Italy itself. In fact, whether from choice or from necessity, the direction of the affairs of the Church of Spain, and the regulation of the discipline of its members, were

left by the Papacy to be controlled by the Spanish ecclesiastics themselves. The Inquisition, as organised in Spain, was the creation of Spaniards and, with hardly an exception, the inquisitors who during the centuries in question carried on its work were Spanish in birth and in training. The policy of placing in the hands of the Inquisition the creation and the administration of a system of censorship of literature, and the responsibility for the preparation of the Indexes, is one for which the rulers of the kingdom, acting naturally under the influence of their spiritual advisers, must be held directly responsible. The ecclesiastics succeeded in convincing not one but successive Kings of Spain that for the safety and welfare of the community literature and education, higher as well as elementary, must be placed under the supervision of the Church.

A further responsibility, however, for this abandonment to ecclesiastical control of the intellectual life of the community must rest with the people themselves. If the literary productions of Spain were restricted and hampered to the point of crushing out altogether, if the men of active minds were banished or made dumb, if the business of the printer-publishers was brought to a close, and if the few enterprising readers who, notwithstanding the instructions of their confessors, might still venture to interest themselves in current literature, were obliged to depend for their supplies upon the chance of securing copies of the prohibited books smuggled in with bales of merchandise, it was because the people of Spain had decided for themselves that such methods were necessary for their spiritual safety. It may well be a matter of surprise that, under the conditions of censorship obtaining during the 16th

and 17th centuries, it should have been possible to bring into existence any such national literature as that which is described by Ticknor and other historians. With a censorship which, in form at least, differed very little in the several great Catholic States of Europe, the fact that the Spaniards were willing to accept and to give obedience to a series of regulations, of penalties, and of prohibitions such as it proved to be impossible to enforce in Italy, in France, or in Germany, is evidence of some special quality in the Spanish nature.

In Italy, the fulminations of the Church in regard to heretical or dangerous literature were, in form at least, as severe in their penalties and as sweeping in their prohibitions as those which emanated from the inquisitors in Spain. There appears, however, to have been no period during which there was any consistent consecutive system applied throughout the entire Italian peninsula in carrying out the regulations that had been formulated by the Inquisition of Rome or by the Congregation of the Index. The successive papal Indexes were produced at considerable and very varying intervals. There is no evidence in the series of these Indexes of any definite policy in regard to the terms of years to be covered or the extent or the classes of the literature which was to be considered. From time to time, as successive popes assumed the papal chair, there would come one possessing a larger measure of literary interests or a clearer perception of the influence of literature upon the religious conditions of the community. Instructions would then be given for the production of a new papal Index, the lists in which would include, in addition to the more important of the titles in the preceding Indexes, the works of the later period the use of which was to be forbidden.

As will be made clear in the detailed record of the papal Indexes, the attempt was made but once in Rome to produce an *Index Expurgatorius*. The popes and the members of the Congregation, who had the immediate responsibility for the work, appear to have shrunk from a task with which the Spanish inquisitors had charged themselves without hesitancy, namely the reshaping of books which had already come into circulation and influence, in such manner as to eliminate heretical passages or expressions which might in any way conflict with sound doctrine. The fact that through such eliminations and interpolations the purpose and character of the work might be materially altered and the author might be made responsible for utterances or opinions which were not his own, or the further fact that through any such reshaping the literary form, and sometimes even the actual sense of the narrative, was practically sacrificed, did not trouble the minds of the revisers selected by the Spanish inquisitors.

The effectiveness of the prohibitions and regulations instituted in Rome by the Congregation of the Index varied materially in the different Italian States. The printer-publishers of Rome were naturally obliged to give respect to the papal ordinances concerning literature, but even in Rome itself it was usually not difficult to secure through the booksellers, in Venetian, Florentine, or foreign editions, copies of prohibited books. It was in Venice that, as far at least as the territory of Italy was concerned, the smallest measure of attention was paid to the prohibitions of the Roman Index. The contest instituted, about 1580, by Paolo Sarpi against the authority of Rome to control the printing-presses of Venice, was not the beginning but really the

culmination of a long series of active protests on the part not only of the printers, but of the government of the republic itself. In fact, the conflict in which Sarpi took place as leader was brought about immediately by a renewal of attempts on the part of the Curia to secure for Rome the control of censorship in Venice.

In the Catholic States of South Germany, the record of the censorship of Rome is very similar to that which has been noted in the case of the Italian States. There were times in which very strenuous censorship regulations were issued, under the authority of either emperor or prince, in such cities as Vienna, Basel, Nuremberg, Frankfort, etc. The immediate result of such ordinances was to check the operations and to curtail the undertakings of the local printers, but the effect on the final circulation of the books condemned was but inconsiderable.

In France, the prohibitions of the papal Indexes and the censorship regulations instituted by the Roman Congregation of the Index were not accepted as binding unless and until they had been confirmed by the rulers of the Gallic Church, and there were but few instances in which the French bishops attempted to take action in regard to censorship excepting under instructions emanating from the Crown. There was, under the successive kings, not a little variety of policy in connection with censorship, and of method in carrying out the policy adopted. With certain monarchs the influence of the ecclesiastics was much stronger than with others, and during such reigns, the decisions concerning the acceptance of the Roman Indexes and the work of preparing the Indexes originating in France were left in the hands of the bishops. From reign to reign, however, the precedent became more firmly

established that the final authority in the matter rested with the Crown, and that even when the immediate direction of censorship was left with the bishops, their power to act came to them not from the pope, but from the king.

Any jealousy that may have existed with the ecclesiastics against interference on the part of the State with functions elsewhere held as belonging to the control of the Church, appears in France to have been more than offset by the determination of the Gallic Church to maintain its full independence against Rome. Censorship in France remained, therefore, a matter kept under the direct control of the Crown, to an extent which was paralleled in no country excepting England. The Kings of France, during the two centuries succeeding the invention of printing, were for the most part more keenly interested in furthering the operations of the printer-publishers, than in protecting the doctrines of the Church and the faith of believers against the risks of heretical literature. The undertakings of the printers had been made part of the work of the royal university, and the literary achievements of the Paris press brought prestige to the rulers of France.

Censorship was, of course, exercised, and in the case of theological works, the supervision of which was confided to the divines of the Sorbonne, the prohibitions and restrictions were not infrequently narrow and burdensome. It was the case, however, that the press of Paris was on the whole less seriously interfered with during the censorship period than that of any other Catholic State. It was further true, also, that while the prohibition of a book by the Sorbonne did from time to time block the sale of the Paris edition, bringing serious loss to the original publisher, it could

not prevent the distribution of copies even among French readers. A work that had proved of sufficient importance to be placed on a Paris Index was pretty sure to be promptly printed in Lyons or in Tours, and if or when the authority of the censors had succeeded in stopping the operations of the provincial printers, the presses of Geneva, Cologne, and Amsterdam were always ready to supply the demand that was quite certain to continue for a work classed as heretical or dangerous. The total circulation and final influence of the book was, therefore, likely to be furthered rather than restricted by the action of the censors.

In the Low Countries, and particularly in Holland, the operations of the censors and Index-makers of Italy, Spain, and France constituted a factor of not a little importance in furthering the development of the book-trade. The printer-publishers of Holland kept themselves promptly informed of the operations of the various authorities which had taken upon themselves the task of supervising the literature of the world. Early copies of all the original Indexes found their way, as soon as produced, to Leyden, Amsterdam, and Utrecht, and were promptly utilised by the enterprising Dutch publishers as guides for their publishing undertakings. Within a few months of the time when the censors of Rome or of Paris had completed, as they supposed, the cancellation of the local editions of the condemned books, copies of the Holland issues would begin to find their way, more or less surreptitiously, into the hands of the readers of the country of origin. Literature is, in this respect, like water; whatever the intervening obstacles, it is pretty sure to find its level, or, like air, to find its way under the pressure of the mass

of the intellectual atmosphere to the points where there exists an intellectual vacuum or need.

It is certain that at a time when, in the absence of journals, there were but limited means of information as to the existence or the character of literary productions, the Indexes proved to be most serviceable guides concerning books for which communities were waiting. The restrictions and prohibitions of the censorship system brought serious and sometimes crushing difficulties upon publishing undertakings in certain centres, but proved of invaluable service as suggestions for active-minded readers throughout Europe, and also for the undertakings of publishers in countries like Holland, who, free from restrictions at home, were very ready to utilise their presses for the profitable work of distributing abroad literature for which the Church, in advertising it as heretical, had taken pains to prepare the way and to provide a public. However great were the difficulties brought through the Church censorship upon the book-trade in other communities, it was certainly the case that for the printer-publishers and book-distributors of Holland it secured very direct and considerable advantages.

In England, even prior to the schism under Henry VIII, the Church of Rome never secured any control over the censorship of the press. The responsibility for the production of books had, with special reference to the convenience of supervision, been concentrated at an early date in the Stationers' Company. The supervision of the operations of this company was retained under the direct control of the Crown and was carried out by officials appointed under royal authority. These supervisors or censors were for the most part not ecclesiastics. Such censorship as took place in England

was in fact more largely political than ecclesiastical. The perils guarded against had to do with assaults upon the authority of the Crown rather than with opinions classed as heretical by the Church.

It was also the case that while the book-trade of the realm had, very conveniently for the censors, been centred in London and organised under the Company of Stationers, there were from time to time presses in activity outside of the capital, presses the work of which very largely escaped supervision. Either through such county town issues or by means of supplies imported from Holland, it is probable that English readers who were prepared to interest themselves in heretical literature met with no serious or continued difficulties in the way of securing the desired material. For England as for Holland and North Germany, the Indexes published at Rome and elsewhere served also as convenient guides for the book-buying and the reading of the more active-minded members of the community.

As before stated, it is not easy to arrive at any trustworthy net result concerning the final effect upon the literary conditions of Europe of the work of the ecclesiastical censors. The preceding brief summary gives my impression as to the more immediate effect of the censorship in the more important States which were within reach of the supervision of the Church. It would appear as if the literary conditions of each community had been hampered or interfered with in almost direct proportion to the efficiency of the censorship machinery. To the extent to which the prohibitions and restrictions of the Indexes were carried out consistently, literary activity was checked, the production of higher literature was lessened, and the intellectual capacities of the people were stunted.

It seems hardly possible that the indirect service, to which reference has been made, that was rendered by the work of the censors in emphasising for communities not within the control of their prohibitions the distinctive interest and abiding importance of the prohibited books, could make an adequate offset for the sterilising influence exerted within the communities that were under thorough supervision and control.

The system of organised Church censorship had its origin during the time of the Reformation in the necessity under which the Church felt itself of protecting the faithful, and perhaps more particularly the doubtful, from the influence of heretical arguments presented in printed form. The earlier history of the Indexes is therefore closely associated with the record of the conflict of the centuries between Protestantism and the Church. This relation has, however, a confusing effect in the attempt to estimate the direct influence of the censorship upon literature, for the reason that the direction of literary activities and the character of literary production were, during the two centuries succeeding the first protests of Luther, very materially affected, outside entirely of the influence of the censorship, by the theological and controversial tendencies of the time. The Reformation was an intellectual revolution, and the contest was carried out on both sides with intellectual weapons. These controversies had the effect of sharpening men's minds and of cultivating the capacity for thought, for analysis, and for reasoning power. In reading the controversial literature which proceeded on the one hand from such Protestant centres as Wittenberg and Geneva, and on the other from Rome, Cologne, or Louvain, it may well be to-day a matter of surprise that the writers

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were able to count upon circles of readers likely to be interested in their dissertations and capable of understanding the class of arguments presented. It was the case during the 16th and 17th centuries not only that long series of controversial works were prepared by scholars for the reading of scholars, but that great masses of material, mainly in the form of pamphlets, were placed upon the market for the instruction or the influencing of what we should to-day call the common people. The tracts, "flyleaves" (*flüg-schriften*), which were distributed from the presses of Wittenberg were addressed directly to artisans, farmers, and peasants. For a few years, the controversial literature of this class was monopolised by the Protestants. The arguments of the defenders of the Church were addressed to the scholars and preachers with the idea of reaching through them the understanding of the common people. Before the middle of the 16th century, however, Catholic writers also began to give attention to the production of controversial literature addressed directly to the common people. The historian who to-day examines the files of this Reformation literature is struck by the high estimate placed by the writers on both sides upon the understanding of these readers among the people. It would be difficult to find to-day among the peasants of Germany, or in the same classes of other countries, any body of readers who would be prepared to interest themselves in thoughtful literature of such a standard, or who would be competent to follow the reasoning and the arguments of these controversialists of the Reformation period. It may be borne in mind, as a credit to the educational influence of the Roman Church, that these communities, the common people of which were sufficiently intelligent

to be influenced to the point of revolution by the arguments of the Protestant leaders, must have owed their education almost entirely to the priests of the Church of Rome.

While, in this direction of controversy, the Reformation had a stimulating effect on the intellectual interests of a number of the European States, it may be admitted that in certain respects its influence upon literature was hampering and restricting rather than elevating. In the countries in which the Protestant opinions secured control there was, for a considerable period at least, a decided setback to the study of the classics and to all literary production outside of the domain of theology or religion. The interest in classical literature which had been initiated in Italy under the so-called Renaissance and in connection with the rediscovery of the great works of Greece, was for the time lost sight of in the Protestant States of Germany and of the Netherlands and among the Calvinists of France and of England. Classic writers were classed as "pagans" and their works were discouraged as likely to have a worldly influence on the minds of the faithful. The work in the universities in these States was, outside of the theological faculties, more and more restricted to what might be called utilitarian channels. The textbooks planned by Melancthon and his associates were of distinctive service for elementary education and undoubtedly represented a material advance over the books of the same grade which had been utilised for the elementary Catholic school. For a considerable period, however, the educational advance stopped with this elementary work; and in the universities there was a lack of higher grade teaching and a narrowing of the whole course of training.

The letters of Erasmus emphasise the conviction that took shape in his mind as to the essential injury brought upon the cause of higher scholarship by the absorption of so large a proportion of the active-minded thinkers in matters purely controversial. He believed strongly in the necessity for radical reforms in the Church. He recognised as clearly as did the Protestant leaders the enormity of the evils which had been permitted to creep into the administration of the affairs of the Church and to corrupt both the teachers and the hearers. He looked with dismay, however, upon the operations of the reformers when these took the shape of antagonism to the final authority of pope or council and thus constituted an assault upon the very existence of the Church Universal.

To Erasmus and to other scholarly readers in the Church whose devotion to the religious purposes of the Church organisation was possibly purer minded and more consistent than his own, men like Sir Thomas More, and Dean Colet, it seemed essential for the wise management of the Church upon which depended the maintenance of the true faith, that the leadership and authority should be left in the hands of scholars. They dreaded lest the establishment of the doctrine of individual interpretation, of the right of believers to a direct relation with their Creator, and the shaping of creeds and of rules of action apart from the counsel and guidance of trained ecclesiastics, must of necessity lead to such excesses as were evidenced in the performances of the Anabaptists in Westphalia, or in the utterances of the fanatics who incited the peasant revolt in Saxony.

It may be concluded, therefore, that while the machinery of ecclesiastical censorship remained in

force only in the countries which the Reformation had not succeeded in detaching from the control of the Church, there was no such immediate advantage, at least during the half-century succeeding the work of Luther, in the production and distribution of literature in the Protestant countries as might have been expected to result from the freedom secured from the interference of the ecclesiastics. By the close of the 16th century, however, when the Protestant control of the States which have since remained Protestant seemed to be fairly assured (an assurance which was, to be sure, rudely interrupted twenty years later, by the opening of the "Thirty Years War"), there came a reaction in the educational centres in these States in favour of the work of higher education. The study of Greek, and to a smaller extent that of Hebrew, was taken up in certain of the Protestant colleges. A wide circulation was secured for the text of the Greek Testament, which had been issued by Erasmus through the presses of Froben in Basel, and in connection more particularly with this Testament the study of Greek was carried on with increasing interest in Wittenberg, Erfurt, and other of the educational centres of North Germany. The introduction, for the purpose of Greek study, of the editions of the great Greek classics, prepared by Aldus and one or two other of the more enterprising printers, naturally brought with it a renewed interest in the works of the Latin writers. These were no longer classed as pagan frivolities but were accepted as belonging to the intellectual property of the world.

This revival of letters, untrammelled by Church censorship, was, of necessity, seriously interfered with during the ravages of the "Thirty Years War." A

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considerable period elapsed after the Peace of Westphalia, in 1648, before the disasters and destructions of this long contest were sufficiently made good to enable the natural interests and activities of the people to resume their course. By the beginning, however, of the 18th century, the larger intellectual activities of the Protestant States of Europe had made themselves clearly apparent. The literary production of these States not only greatly exceeded in mass that of the Catholic States, but included a very much larger proportion of what might be called the world's books, that is to say, of books which exerted a continued and increasing influence from generation to generation. The great works of imagination, the records of noteworthy scientific discoveries, the histories accepted as authoritative, the treatises in higher metaphysics, were produced, of course not exclusively, but in very much greater proportion, in the countries which had either thrown off altogether the authority of Rome, or which, as was the case with France, while still classed as faithful to the Church, had practically refused to accept the supervision of the Roman Church over their national literature. It may be concluded that the theory upon which the censorship of the Church was based is incompatible with the natural and complete development of the literary potentialities of a people and interferes with the production of higher literature in direct proportion to the effectiveness with which it may be applied.

It may further be concluded that, excepting in the case of Spain, the ecclesiastical censors did not succeed in hampering very largely the literary production even in Catholic States, although, as before pointed out, the general influence of the Church appears always

to have worked against the full intellectual development of the communities that remained in the faith and that accepted the ecclesiastical authority.

The wider enquiry as to the extent of the influence of the Church censorship, during the three centuries of its greatest activity, upon the literary production of Europe, that is to say, the question as to how far, in case no censorship had been attempted, this literature would have been different in character from or greater in importance than, that which actually came into existence, must, I judge, remain unanswered.

The responsibility for the policy pursued during the centuries since the advent of printing for a censorship control of literature does not rest alone with the Catholic Church. In all of the Protestant States, attempts were made from time to time to control and to restrict the operations of the printing-press. In the Protestant States of Germany, the preparation of the local Indexes or lists of books condemned, and the issue of the decrees for the separate condemnation of any individual work, were in part placed in the hands of the Protestant ecclesiastics and in part managed directly by the civil authorities. The authority, however, under which the orders were issued and the penalties were enforced was always that of the State. The edicts were given out in Dresden, or in Berlin, as in Brussels, Madrid, or in Paris, in the name of the ruler. The series of such decrees or censorship actions is long and complex.

There can, of course, be no question that from the outset the leaders of the Protestant Reformation believed as thoroughly in the necessity and in the rightfulness of the censorship of literature as did the ecclesiastics of Rome or of Spain. The duty

of protecting the minds of the faithful against the insidious and wrong doctrine was just as clear to Calvin, to Zwingli, and to Luther, as it was to Loyola or to Brasichelli. The Protestant ecclesiastics were, however, not in a position to enforce or even to threaten any such penalties as could be imposed by the authorities of Rome, and as in fact were imposed most consistently and effectively by the Inquisition in Spain. They had under their control no such dread penalty as excommunication. The leaders of the Protestant faith were compelled to rely upon the civil authorities of their several States for carrying out the provisions of such censorship policy as might be decided upon, and concerning the wisdom of which they had been able to convince the civil rulers.

Irrespective of the censorship initiated by the divines, which had for its purpose the maintaining of a specific creed and the preservation from attack of "sound theology," there is record of a long series of attempts (attempts which have in fact continued into the 20th century) to enforce what may be called political censorship,—that is to say, the control of literary production in the interests of the State and in support of the authority of the State, against opinions believed to be inimical to such authority. It may at once be admitted that the series of Protestant prohibitions, whether ecclesiastical or political in their origin, do not compare favourably with the similar prohibitions issued under the authority of the Church of Rome. There is far less consistency of purpose, and, at least as far as the political edicts are concerned, there are more examples of bitter and brutal oppression than can be matched anywhere in the States controlled by the Roman Church outside of Spain.

The list of books which came into condemnation under such Protestant censorship during the centuries in question was very much more considerable than the aggregate of all the lists of the Indexes issued in Rome or issued under the authority of the Roman Church. The censorship policy of the Protestants was more spasmodic, and may be admitted to have been directed on the whole by a less wholesome, dignified, and honourable purpose. It represented very much more largely the spirit of faction or of personal grievance, while the political censorship was, of necessity, influenced by the action of the party which happened for the moment to be in control or of the minister who had for the time the ear of the ruler.

While in form this Protestant censorship may, therefore, be considered as less defensible than that of the Church of Rome, it may be contended that in fact it has proved on the whole much less serious in its effect upon intellectual activities. In nearly all of the Protestant States, the attempts on the part of the divines to exclude religious and theological literature which was not in accord with their own dogmas and opinion, were given up in the century succeeding the Reformation. The censorship action of the State has, as we know, continued in certain divisions of literature to the present day, but even under this political censorship, it cannot be contended that literature has been seriously repressed or even largely influenced. It is not practicable, under the conditions obtaining in modern States and with the active intercourse between the residents of such States, to repress any literary productions for which a circle of readers is waiting. The books condemned and prohibited in Berlin come into print in Leipsic, or if the Imperial

authority is sufficient to control conditions in Leipsic, are produced without difficulty in Amsterdam or Leyden. It is impossible to prevent the books so printed from finding their way back even into the territory in which their production and distribution has been absolutely forbidden.

Father Hilgers, whose work on the history of the Index of the Roman Church constitutes the latest, and probably the best, authority on the orthodox Catholic view of the purpose and the influence of the Roman censorship, is able to make a very formidable indictment against the operations of Protestant censorship, ecclesiastical and political. Certain of the statistics collected by him are presented in the chapter on Protestant censorship. He does not undertake to explain, however, why it is that the literary activities repressed from the time of the Reformation in the Catholic States have continued to develop and to be strengthened in all the States which were outside of the control of Roman censorship. He makes no reference to the very specific example presented in his own German country of the transfer of literary leadership and of publishing activities from the States of the South to the States of the North, a transfer which went on in direct connection with the success of the Church in controlling the printing-presses in the territory of such States as remained Catholic.

The concentrated attention given during the period of the Reformation and by the generations immediately succeeding the Reformation to controversial issues had an important influence on the intellectual development of the people. The effects produced upon general education, and particularly upon primary education, were also important. The students who had secured from

the higher grade schools, established by the reformers throughout North Germany, a common school education such as prior to Melanchthon's time had not been attainable anywhere in Europe, were, in great part at least, not satisfied to let the work of education be brought to a close with the end of their school course. They pressed into the universities which had remained in existence after the withdrawal of the Catholic instructors. New universities were speedily required in many of the North German States to meet the growing demand for higher instruction. The organisation of a number of the important universities of North Germany dates from the century succeeding the Reformation. These universities speedily became the centres of literary activity and of publishing production. With the relaxation of Catholic censorship, the publishers were free to prepare for the public reprints of such old-time literature as was now being called for. The study of Hebrew, discouraged and almost brought to a close in the Catholic universities after the long persecution of Reuchlin and his followers, was taken up with earnestness by Protestant scholars who had so largely based their creed and their conduct on the teaching of the Old Testament. The study of Greek, discouraged at least for a time in Catholic France, after the banishment from Paris of Robert Estienne with his printing-presses, was pressed with fresh energy in Leipsic, in Leyden, and in Oxford.

It is not easy in this 20th century fully to realise the state of mind of the individuals, whether ecclesiastics or civilians, whether of Rome, of Paris, or of London, who have not hesitated to assume for themselves the wisdom requisite to pass upon all divisions of knowledge and who have been willing to take the responsibility

for the direction, the restriction, and the continued control of intellectual activity in all realms of thought. I may recall the eloquent argument in behalf of the freedom of the press which was made three centuries back by one great thinker, who was at the time (as it is fair to remember) protesting against the oppressive action not of the Church of Rome, but of the Parliament of Protestant England. John Milton writes in the *Areopagitica*:

“For Bookes are not absolutely dead things, but doe contain a potencie of life in them to be as active as that Soule was whose progeny they are; nay, they do preserve as in a violl the purest efficacie and extraction of that living intellect that bread them. I know they are as lively and as vigorously productive as those fabulous Dragons’ teeth; and, being sown up and down, may chance to spring up armed men. And yet on the other hand, unlesse warinesse be used, as good almost kill a Man as kill a good Booke; who destroyes a good Booke, kills Reason itselfe; Kills the image of God as it were in the eye. Many a Man lives a burden to the Earth; but a good Booke is the pretious life-blood of a master spirit, imbalm’d and treasured but on purpose to a Life beyond Life. ’T is true, no age can restore a Life, whereof perhaps there is no great losse; and revolutions of ages doe not often recover the losse of a rejected Truth, for want of which whole Nations fare the worse. We should be wary therefore what persecution we raise against the living labours of publick men, how we spill that seasoned life of Man preserved and stored up in Bookes; since we see a kinde of homicide may be thus committed, sometimes even a martyrdom; and if to extend to the whole impression, a kinde of massacre, whereof the execution ends not in the slaying of an elementalle Life, but strikes at that etherialle and first essence, the breath of Reason itselfe. and slaies an Immortality rather than a Life.”¹

¹ Milton’s *Areopagitica*, Lond., 1819., 17 et seq.

CHAPTER II

CENSORSHIP IN THE EARLY CHURCH, 150-768

“MANY of them also which used curious arts brought their books together and burned them before all men.”¹ This reference to the action taken by certain men in Ephesus under the influence of the eloquence of St. Paul is frequently cited by upholders of the censorship policy of the Church of Rome. Some of the more artistically printed editions of the Index (such for instance as the first Roman edition of the Index of 1758) contain, as a vignette title, a representation of Paul’s converts casting into the flames their books of magic, and beneath the print the verse from the Acts. The fact that St. Paul was willing to have his disciples, in their zeal for their new-born faith, make a voluntary sacrifice of writings believed to be incompatible with this faith cannot, of course, in itself constitute a sufficient warrant for the claim developed later by the Church of the right to destroy all literature that its rulers considered to be pernicious, or for the still larger claim of authority to inflict extreme penalties on those who produced, multiplied, or possessed the works thus condemned. An admonition to get rid of unchristian books is one thing, and the imposition of excommunication (or of an unconscious liability to excommunication),

¹ Acts xix, 19.

on the ground of the reading of erroneous doctrine, is another and a very different thing. But the whole theory of Church authority and of excommunication was, of course, a matter of slow development through the ages that followed the preaching of St. Paul. It was in fact not until the 16th century that there came into existence anything that could be called a censorship policy or any attempt at a general censorship system; but from the earliest periods in the history of the Church there are instances of condemnations of individual writers, and of prohibitions, under severe penalties, of the manifolding or distribution of particular works. These prohibitions are usually the result of one of the series of fierce controversies about dogma that characterised the earlier centuries of the Church. They emanate for the most part from councils, but they are occasionally issued directly by the pope or by local bishops. In certain cases, they take the form of an imperial edict, but even in these the initiative comes from a council. It is probable that the influence either of the councils or of the emperor in restricting the multiplication or distribution of the writings that had been condemned was not very effective. The edicts and decrees may be considered as representing an expression of opinion (connected with one of the bitter theological controversies of the day) rather than as regulations to be enforced. There was in fact no machinery for the enforcement. The work of the copying scribes could not be supervised, as was possible later for the operations of the printers, and the manuscripts could be passed from hand to hand among the sectarians, without the intervention of a book-shop. There are instances of literary censorship on the part of the imperial authorities of Rome before the institu-

tion of the Christian Church. These are outside of the range of my present subject, but certain examples may be cited as curiosities.

Early Prohibitions of Literature.—Tacitus remarks that Augustus was the first ruler who undertook to punish a word written or spoken (that is to say, a word unaccompanied by action). While the law of the Roman Republic had recognised as deserving of punishment only criminal deeds, the Emperor brought the authority of the law to bear upon writings described as libellous or scandalous (*libelli famosi*). He ordered, for instance, that the writings of Labienus should be publicly burned. His successor, Tiberius, issued a still stronger regulation for the supervision of undisciplined or insubordinate writings. Cremutius Cordus was driven from his occupation and left to die through poverty for the offence of speaking of Gaius Cassius as "the last Roman." His writings were ordered to be burned by the Aediles. Tacitus speaks with scorn of those who, in the possession of a little momentary power, undertake to crush out opinions not in accord with their own, or to prevent such opinions from being handed down to posterity. The writings of Vejinto were prohibited by Nero. Concerning this prohibition, Tacitus writes: "So long as the possession of these writings was attended with danger, they were eagerly sought and read; when there was no longer any difficulty in securing them, they fell into oblivion." An edict ascribed to Domitian ordered that the historian Hermogenes and any book-dealers who concerned themselves with the distribution of certain writings of his which had libelled the Emperor should be crucified.¹ The German historian Schmitz

¹ Zeller, *Philosophie der Griechen*, i, 4, cited by Kapp, 523, 524.

is, however, of opinion that this so-called edict of Domitian was apocryphal. It appears certainly, however, to have been the case that the policy of these earlier emperors was decidedly opposed to any freedom of expression of thought. If it is the case that in the later centuries of imperial rule there are fewer instances of punishments of writers or orders for the suppression of literature, the explanation may be that literary activity had already been substantially repressed. Justinian deposed from office Severus and certain other bishops because they had been lax in their supervision of literature, and had permitted the wide circulation throughout the realm of prohibited books and pernicious writings. With the development of the Church of Rome to the ecclesiastical headship of the world, the claim for the supervision of literature and for the control of the productions of authors was asserted by the Church as the legitimate successor of the imperial authority. It is the opinion of Lea that the earliest act of censorship, and perhaps the most sweeping, of the Christian Church is that contained in the "Apostolic Constitutions" which purport to have been written by St. Clement of Rome at the dictation of the Apostles. These prefigure the Index by forbidding the Christians to read any books of the Gentiles;—"the Scriptures should suffice for the believer."¹

The following schedule of the more representative and important of the prohibitions of the early Church is based chiefly on the record presented by Reusch.

150 A. D. (about). *A synod of bishops of Asia Minor*, meeting either at Ephesus or at Smyrna, prohibits the *Acta Pauli*. The *Acta Pauli* was an historical romance

¹ *Const. Apost.*, lib. i, cviii, cited by Lea, 15.

written about the middle of the 2d century and having for its purpose the glorification of the life and labours of St. Paul. The text of a portion of the work has recently been produced in facsimile, from a Coptic manuscript, by Professor Carl Schmidt of Heidelberg. The book is referred to by Eusebius and also by Photius, who writes in the middle of the 9th century. There is an earlier reference by Tertullian in his work on baptism, written about 200. According to Father Shahan, the work was condemned on the ground that, although apparently the work of an "orthodox" Christian, it did not present an authentic record. Notwithstanding this condemnation, the *Acta Pauli* continued throughout the earlier centuries of the Church to secure circulation among Christians. This action of the bishops of Asia Minor appears to be the first recorded instance of ecclesiastical censorship of a work classed as heretical or at least as not authentic.¹

325. *The Council of Nicæa* prohibits the *Thalia* of Arius.

325. *The Emperor Constantine* issues an edict directing the destruction of the godless books of Porphyry and of the writings of Arius. The penalty of death was ordered for any who might conceal copies.

398. *The Emperor Arcadius* issues an edict ordering, under penalty of death, the destruction of the books of the Eunomians.

399. *Arcadius* issues an edict ordering the destruction under penalty of death (*humiliores capite puniuntur*) of all books of magic art. These edicts of Arcadius were the result of the action of the first two councils of the Church. It seems evident that the extreme

¹ Thos. J. Shahan, in the *Catholic University Bulletin*, January, 1905.

penalties prescribed in the Roman law for those who should use or distribute books of magic were, under the influence of the ecclesiastics, utilised for the repression of their theological opponents.

399. *The Council of Alexandria*, under Bishop Theophilus, issues a decree forbidding the owning or the reading of the books of Origen. The Egyptian monks protested and the bishops were obliged to call in the aid of the prefects to restore order in the council and to agree to enforce its authority. It is to be noted that the service of the secular government was required to secure the enforcement of this edict.

402. *Innocent I* writes: "I have read through the treatise of Pelagius. I found in this much that was antagonistic to the Grace of God, much that was blasphemous, and hardly anything that was deserving of approval. The book is one the evil influence of which each believer ought to be able to recognise for himself and to condemn." This papal utterance is, of course, not to be classed as a prohibition. I make place for it in the schedule because it is an early expression of the literary policy that is now, fifteen centuries after Innocent, being followed by the Church, namely, to characterise pernicious books and to place upon believers the responsibility of condemning them for themselves.

431. *The Council of Ephesus* condemns the errors and the writings of the Nestorians.

435. *The Emperor Theodosius* issues an edict forbidding the possession, the reading, or the copying of the Nestorian books, and ordering existing copies to be delivered up for burning.¹

¹ *Cod. Theod.*, i, 16, tit. 5.

436. *Theodosius* issues an edict forbidding the possession and the reading of the books of the Manichaeans and ordering the burning of the same.¹

446. *Pope Leo I* issues an edict ordering destruction of the books of Porphyry and of Origen, and the writings of the Nestorians, the Manichaeans, the Eunomians, the Montanists, the Eutychians, and all others which were antagonistic to the Christian religion, and which were not in accord with the teachings of the Synods of Nicaea and Ephesus. The prohibition reads: "Whoever owns or reads these books is to suffer extreme punishment."

494. Under *Pope Gelasius I*, was issued what is afterwards referred to as the first papal Index. It was a catalogue of works prohibited, and is so cited in the Decretals of Gratian. It was, however, not properly a prohibitory Index, in that it has to do, not with private and general, but with public or official reading.

496. *Pope Gelasius* issues a decree, published at a council of Rome, and confirmed in a decree of Gratian, which specifies the patristic writings accepted and approved by the Church, and which then proceeds to the condemnation of a long series of apocryphal and heretical writings and writers. These writings are specified as follows: "*Haec et omnia his similia non solum repudiata, verum etiam ab omni Romana catholica et apostolica ecclesia eliminata atque cum suis auctoribus auctorumque sequacibus sub anathematis indissolubili vinculo in aeternum confitemur esse damnata.*"² This decree, known as the *Decretum Gelasianum*, is sometimes

¹ *Prosper. Chron.* Paris, 1711, 749.

² *Conc. Gesch.*, ii, 217

referred to as the earliest example of an Index emanating from the Church. It is, however, an Index only in a restricted sense of the term, as it does not order a general prohibition of the reading of the works specified but calls simply for their rejection and condemnation. The phrase *omnia his similia* is curiously vague for an Index specification.

536. *The Emperor Justinian*, as a result of a condemnation by the Synod of Constantinople, orders the burning of the books of Severus. The manifolding of these books is prohibited under a penalty for the scribe of the loss of his writing hand.¹ It appears from these and from similar examples that, according to the practice of the two centuries after Constantine, the responsibility for the condemnation of heretical writings was assumed by the councils, while the work of prohibiting the books, of destroying the copies, and of punishing those who retained copies was carried out under the authority of the emperor.

649. *Pope Martin I* issues a decree condemning and prohibiting certain heretical literature.

681. *The Council of Constantinople* issues a decree condemning certain heretical literature and ordering all copies of the same to be burned. This is the first instance in which, in place of referring the matter to the secular authority, a council had itself ordered the destruction of the condemned books.

692. *The Council of Trulla* issues an edict ordering the burning of certain histories of the martyrs, which had been produced in versified form.²

755. *The Council of Rome* issues an edict ordering

¹ Mansi, viii, 1153.

² Ibid., xi, 582.

the burning of certain condemned writings of Adelbert. Pope Zacharius took the ground, however, that it would be wiser to preserve the offending books in the archives of the Papacy, *ad reprobationem et ad perpetuam ejus confusionem*.

768. An authorisation is granted by *Pope Stephen III* to Ambrosius Autpert, a Benedictine monk, for a treatise the title of which is not given. In his application, Autpert states that he is the first author who has sought for his work the approval of the Head of the Church; and that he is anxious to keep his writings in accord with the teachings of the Fathers of the Church.¹

787. *The second Council of Nicaea* issues an edict ordering the destruction of certain "falsified utterances of the Martyrs" which had been prepared by "enemies of the Church."

814. *The Patriarch Nicephorus* orders the destruction in Constantinople of similar falsified acts of the Martyrs. The number of such censorship edicts in the early Church is not considerable, but it is to be remembered that through the lack of knowledge of reading, the faithful were, during these centuries, fairly well protected against any evil influence from pernicious literature.

¹Baillet, i, 26.

CHAPTER III

THE PROHIBITION OF BOOKS IN THE MIDDLE AGES

830-1480

DURING the period known as the Middle Ages, a period which, for the purposes of this study, can be considered as comprising the centuries from the 9th to the 15th, a long series of condemnations and prohibitions of books were ordered by various ecclesiastical authorities. The brief list here given, as a link in the record of Church censorship, presents certain types or examples of the attempts made, in advance of any system of general Indexes, to supervise, control, and restrict the production and distribution of literature.

830-840. During these years, measures were taken against Claudius, Bishop of Turin, and Agobardus, Archbishop of Lyons, on the ground of their heretical writings, but these last were not formally condemned.

849. Gottschalk, a German monk, was, at the instance of Hincmar, Archbishop of Rheims, excommunicated and condemned to imprisonment for life, on the ground of his treatise against certain doctrines of St. Augustine. Gottschalk died in a dungeon about 869. The Index of 1559 places Claudius in the first class, in which he has the honour of being the earliest author. This entry is continued in the Index

of 1564 and later. The name of Agobardus first finds place in the Index of 1605, and there only in connection with the *editio princeps* of his works printed in 1605. The edition of 1666, and the later issues, failed to receive formal condemnation. Gottschalk's treatise escaped the attention of the Index compilers.

1050. *The Synod of Vercelli* condemns the treatise by Berengar of Tours on the Lord's Supper, and also the work by Ratramnus of Corbu (written some two centuries earlier) entitled *De Corpore et Sanguine Christi*.¹ The former book came under various later condemnations.

1059. *A Synod at Rome* compels Berengar himself to burn the thesis he had written in defence of his position.

1120. *A Synod at Soissons* compels Abelard to burn his treatise, *Introductio in Theologiam*.

1140. *Innocent III* orders the burning of the writings of Abelard and of Arnold of Brescia, and the confinement of the two authors in monasteries.

1148. *A Synod at Rheims* condemns four chapters of the Commentary by Gilbert de la Porrée on the treatise by Boethius, *de Trinitate*. Gilbert had proposed to make in the book such corrections as the pope might order; but the pope had refused to assume the task. Hefele speaks of this as the first known instance of an attempt to relieve a text from condemnation by means of expurgation. Gilbert does not find place in any of the official Indexes but is recorded by Lutzenburg.

1209. *A Synod at Paris* condemns the *Physion* of Amalric (Amaury) of Chartres (who had died five

¹ Hefele, iv, 712.

years earlier), excommunicates the writer, and orders his remains to be cast out of their resting place in consecrated ground. Amaury had undertaken to identify the Divine Nature with the primary matter of Aristotle. A number of the followers of Amaury were, in December, 1210, burned under the commands of Philip Augustus.

1209. *The Synod of Paris* condemns the writings of David of Dinant. It also forbids, under pain of excommunication, the reading of the *de Metaphysica* until it had been expurgated.

1215. *The Lateran Council* condemns the same work.

1215. *The fourth Synod of the Lateran* condemns the tractate written by the Abbot Joachim against Peter Lombard. Joachim had died in 1202. The decree reads: "Any one who shall attempt to defend the heretical utterances of the said Joachim concerning the Trinity shall be thrust out as a heretic." It was ordered that the writings of Joachim were to be submitted to the Curia for correction.

1225. *A Synod at Sens* passes condemnation on the treatise by Scotus Erigena (written about 860), *De Divisione Naturae*. Pope Honorius confirmed this condemnation and ordered that all persons possessing copies of the book must, under penalty of excommunication, deliver the same, within fifteen days, to the ecclesiastical authorities for burning.¹

1231. *Pope Gregory IX* writes to the University of Paris directing the prohibition of the *Libri naturales* of Aristotle, as condemned by the Provincial Council, until they have been freed from heresies.

1276. *Bishop Stephen Tempier*, under instructions from the Pope (John XXI), and in council with the

¹ Hefele, v, 833.

prelates of his diocese, publishes a condemnation of 219 propositions which had been under discussion in the Schools. The judgment states, rather naïvely, that while they were true philosophically, they were false when tested by the doctrine of the Church. The bishops condemned at the same time a long series of books on magic and necromancy and ordered all copies to be delivered for destruction within seven days.

One of the teachers whose influence was most potent during the middle of the 13th century against the heresies that were disturbing university circles was the great schoolman Thomas Aquinas. A writer in the *Dublin Review* says that by his astounding powers of reasoning, he turned the tide of scepticism in Paris, "whose vocation it was to teach the world!"— Before the lectures of Aquinas began, other measures had been used against the heretics: "Ten disciples of the misbelieving David Dinanto were given over to the civil arm and had perished in the flames." Archbishop Vaughan says naïvely, "several fanatics of low rank had to be burnt."¹

In 1300, Gherardo Segarelli, of Parma, the founder of the Apostolic Brothers, was burned, together with such copies of his writings as had been collected.

1311. The writings of Segarelli were formally condemned by the *Council of Vienna*, a condemnation which was a year or two later confirmed by John XXII. In 1471, that is, more than a century and a half later, these same writings were formally approved by Sixtus IV, the condemnation having been recalled.² This appears to be the first instance on record in

¹ Cited by an anonymous writer in the *Dublin University Review*, Jan., 1906.

² Döllinger, 334.

which a work condemned by one pope has later received the approval of another.

1316. *The Inquisition in Tarragona* condemns fourteen treatises of the physician Arnold of Villanova (who had died in 1310), and orders copies to be delivered under penalty of excommunication.

1321. *John XXII* condemns twenty-eight propositions selected from the writings of the Dominican Eckart. Seventeen are classed as heretical and eleven as suspicious and dangerous.

1325. *John XXII* issues a Bull against conjuring and exorcism, and orders the delivery for destruction of all writings which contained any teachings on these pernicious subjects.

1327. *John XXII* issues a Bull condemning as heretics Marsilius of Padua and John of Jaudun, and as heresy the book *Defensor Pacis* of which they were joint authors and which he had had examined by cardinals and canonists.

1328. *The Inquisition of Rome* condemns as a heretic Cecco d' Ascoli, who is burned together with his offending treatise, *de Sphaera*.

1328. *John XXII* condemns and orders destroyed the writings of the Minorite Petrus Johannes Oliva, which had been examined and reported upon by nine theologians. The bones of Oliva were disinterred and were burned with copies of his books.¹ In 1471, *Sixtus IV* (who was himself a Minorite) orders the writings of Oliva to be again examined and declares them to be sound in their doctrine.

1328. *John XXII* condemns in like manner the Minorite General Michael of Cesena, William of Occam, and Bonagratia of Bergamo, and all their writings.

¹ *Arg.*, i a, 270.

1330. *The Theological Faculty of Heidelberg* condemns the teachings of Eckart.

1348. *Pope Clement VI* condemns a series of the theological propositions of the Paris theologian, Nicholas de Ultricuria (de Autrecourt). Nicholas was ordered to abjure these heresies and to burn all copies of the writings.¹

1374. *Pope Gregory XI*, as a result of an examination made by certain cardinals and theologians, condemns as false, schismatic, and heretical, and as *contra bonos mores*, fourteen articles of the *Sachsenspiegel*. The Bull was directed to the Archbishops of Mayence, Cologne, Bremen, Magdeburg, Prague, and Riga. The *Sachsenspiegel* was, however, never placed on the Index.

1378. *Gregory XI*, as a result of a denunciation by the Inquisitor, Nicholas Eymeric, condemned two hundred propositions selected from twenty treatises of Raymond Lully (who had died in 1315). In 1419, the papal legate in Spain characterises this Bull as having been secured under false representations, and as not to be regarded. After that time, there were numerous bitter controversies over the precise status of Lully's writings, controversies in which the orthodoxy of Lully was maintained by the Franciscans, while the soundness of the denunciation of Eymeric was upheld by the Dominicans. Paul IV placed Lully in Class II of his Index: but his name was omitted from the Index of Trent. In 1580 and in 1620, question again arose as to placing Lully on the Index, but the suggestion was withdrawn at the instance of the Spanish court.

1387. *King Richard II* prohibits, under penalty of

¹ *Arg.*, i a, 355.

imprisonment and confiscation of property, the sale or purchase of the heretical writings of Wyclif (who had died in 1384) and of Nicholas Hereford.

1408. *The Convocation of Canterbury*, under the direction of Archbishop Arundel, prohibits the reading of any writings of Wyclif, or of "any other writings of his time," until the same had been passed upon and expurgated by censors appointed by the Universities of Oxford and Cambridge, and the expurgated texts had been approved by the archbishop.¹

1415. *The Council of Constance* condemns as heretical the writings of John Wyclif. It is forbidden, under pain of excommunication, to read them or to make citations from them (except for the purpose of refuting their errors); and the bishops are ordered to cause all copies to be collected and burned.

The council takes similar action in regard to the writings of John Huss, copies of which were publicly burned. In the year following, the same fate came upon Huss himself, and also upon Jerome of Prague.

1435. *The Council of Basel* condemns a work by Augustinus Favorini, Prior General of the Augustinian Eremites. The book was characterised by Cardinal Torquemada as unwholesome and heretical. The author appealed to the Pope (Eugenius IV) who, against the protest of the council, referred the book to a committee of investigation. The report of the committee is not on record, but it was probably unfavourable, as the book (which was never printed) stands, since 1559, on the Index.

1459. *Pope Pius II*, at the demand of the Inquisition, condemns the writings of Pecock, Bishop of Chichester

¹Wilkins, iii, 314.

(charged with Wycliffian heresies), and orders copies of the same to be delivered for burning.

1460. *Pius II* condemns certain "Hussite" writings of Gregory of Heimburg and, in 1461, the condemnation is repeated in a *Bulla Coenae*.

1463. *Pope Pius II (Aeneas Sylvius)* issues a Bull entitled *In Minoribus Agentes*, directed to the University of Cologne. In this Bull, Pius takes the ground that the tractate on the Council of Basel, written by him before his elevation to the Papacy, (which he points out he had previously withdrawn) is to be considered as cancelled. He disapproves of the opinions therein presented. He says further to the university: "In case you may find among writings of mine (and I have in my younger days been responsible for many) any that are unsound or are likely to prove pernicious, these should be pointed out and condemned."¹

In the Index of 1559 is placed not the work above referred to, but the *Commentarium de Concilio Basiliensi*, by Aeneas Sylvius. In the Index of Trent is the entry:

"*In Actis Aeneae Sylvii prohibentur ea quae ipse in Bulla retractationis damnavit, Ben. in: Piccolominens, Commentariorum de concilio Basil. Corrigantur ea quae ipse in B. r. d.*"

Reusch points out that, as no corrected edition was ever issued, these two works of Pius II must be considered as still under condemnation. His "Letters" and other writings (some of which he had also disavowed) escaped formal condemnation.

1468. *Paul II* excommunicates Gregory of Heimburg on the ground of his treatise on the Papacy.

¹ Harduin, ix, 1449

Gregory's name fails, however, to find a place either in the catalogues of Lutzenburg, or in any of the Indexes, although this treatise was reprinted in 1555.¹

1479. *Sixtus IV* gives authority to Carillo, Archbishop of Toledo, to bring to trial Pedro Martinez de Osma, professor in Salamanca, by reason of the heresies in his tract *De Confessione*. Pedro recants his heresies, and the archbishop orders all copies of the book to be burned. The university is enjoined to take measures to such end. Sixtus confirms this proceeding in 1480, by a Bull. In the same year, Pedro dies. His name is not included in any Index, either Spanish or general.

1480. *The Inquisition of Mayence* brings to trial Johann Ruchrath of Overwesel (de Wesalia) on the ground of certain *Paradoxa* contained in his sermons, and of his tractates on the authority of the Church, absolution, etc. Ruchrath recanted and was, therefore, spared from death but condemned to imprisonment for life. He died in 1481. The books were burned. The name of Wesalia appears, since 1559, in the first class of the papal Indexes.

Prohibitions of Hebrew Writings. In the centuries preceding the institution of the Indexes, the *Talmud* and the other doctrinal writings of the Hebrews came repeatedly under the prohibitions of the Church.

1239. *Pope Gregory IX* orders the burning of all copies of the *Talmud*. Graetz states that the antagonism of the authorities was at the outset directed against the Babylonian *Gemara*, and against the *Mischna* only when this was associated with the *Gemara*.² As a result of a denunciation by the converted Jew, Nich-

¹ Schulte, *Gesch.*, ii, 372.

² Graetz, *Gesch. der Juden*, vii, 112, 462.

olas de Rupella, Gregory sent, in 1239, letters to the kings and archbishops of France, England, Spain, and Portugal, ordering that, on a specified day, all copies of these books were to be delivered to the Dominicans and the Minorites, and that if they were found to contain the heresies described by Nicholas, they were to be burned. Reusch says that this order was carried out only in France.

1244. *Innocent IV* orders Louis IX to burn all copies of the Talmudic writings to be found in his kingdom. Later, on the protest of the Jews of France, the Pope directed Cardinal Odo to make a fresh examination of the texts, and in so far as it could be done without injury to the Christian faith, to permit copies to be retained by the Jews themselves. In 1248, after a further investigation by Odo and forty scholars (including Albertus Magnus), Odo again orders the destruction of the books.

1254. *Louis IX* issues renewed orders for the burning of copies of the *Talmud* and of other Hebrew books containing blasphemies.

1267. *Clement IV* sends, by the hand of the Dominican Paulus Christianus, a converted Jew, letters to the Archbishop of Tarragona, ordering the destruction of the books of the Jews, and especially *librum quem vocant Talmutz*.

1415. *Benedict XIII* orders all copies of the Talmudic books to be delivered to the bishop of the diocese and by him to be preserved, subject to the instructions of the Curia. The Jews are forbidden to possess copies of any works which contain assaults on the Christian faith.¹ In the quarter-century between 1495 and 1520 (a term which included the Papacy of Leo X), on the

¹ Dollinger, *Beitr.*, ii, 393.

other hand, there was in Italy a keen interest in Cabbalistic studies. Editions of the *Mischna* and of the Jerusalem *Talmud* were printed in Venice and in Florence; the Babylonian *Talmud* was printed by Bomberg in Venice in 1520, 1522, with a papal privilege, and the demand proved sufficient to call for a reprinting in 1546.¹

1555. *The Inquisition of Rome* orders the confiscation of copies of the Talmudic books from the houses of the Jews, and the investigation of the texts by theologians. The rabbis were themselves interrogated as to the purport of the books. As a result of this investigation, the books were burned on the 9th of September (the Jewish New Year's day).

1555. *Julius III* publishes an edict directing all princes, bishops, and inquisitors to confiscate and destroy by fire all copies of the "Talmuds" of Jerusalem and of Babylon. Christians are forbidden, under pain of excommunication, to possess or to read these books, or to aid the Jews in producing copies by script or by printing.²

1559. *Paul IV.* The Roman Index of this year includes among books prohibited the *Talmud* of the Jews, with all commentaries, glosses, and interpretations. In the same year, Ghislieri, Inquisitor-General, orders the burning of all copies. Sixtus of Siena was sent to Cremona, where there was a great Hebrew school and where was kept in store a supply of copies of the Talmudic books. Sixtus reports that he destroyed of these 12,000 volumes.³

1564. *Pius IV.* In the Index of Trent, the prohibi-

¹ Wolf, *Biblioth. Hebr.* ii, 883. ² Eymeric, *App.* 119.

³ Graetz, ix, 381.

tion of Paul IV is repeated, with the proviso that if the Talmudic scriptures (referring probably to the *Talmud* of Jerusalem rather than to that of Babylon) are printed without the name of *Talmud*, and have eliminated from them all assaults on the Christian faith, they may be permitted. Graetz states that in October, 1563, the Jewish congregations had sent two deputies to Trent to secure the omission from the Index of the *Talmud* and the other works of Hebrew doctrine; or if this could not be accomplished, that the decision concerning the form of prohibition or regulation should be reserved for the authority of the Curia. The latter course was adopted by the council, and the Pope, for a substantial consideration in money, issued a Bull (March 24, 1564) permitting the printing and the circulation of an expurgated *Talmud*.¹

1565. *The Inquisition of Rome* (according to the tractate of Sixtus printed in 1566) condemns and orders destroyed all books having to do with the "Cabbala."

1592. *Clement VIII* issues a Bull forbidding both Christians and Jews from owning, reading, buying, or circulating the Talmudic and Cabbalistic books and other godless writings, whether written or printed, in Hebrew or in other languages, which contained heresies or assaults upon Christian doctrines or upon the practices of the Church. The possessors of such books were not to be excused on the plea that the texts had been expurgated or were to be expurgated. The authority extended by Pius IV for such expurgation was recalled. The substance of this Bull was printed in the Index of Clement issued in 1596. In the same year, however, Clement issued a brief permitting the use of certain specified rabbinical books, when they had been

¹ Graetz, ix, 39L.

verified as containing nothing directly antagonistic to the doctrines of the Church. In the Index of 1596, and in the succeeding Roman Indexes, stands a special provision concerning the book *Mazazor* (*Machsor*) which contains in part the offices and ceremonials of the synagogue. This is forbidden in any editions printed in the vernacular, that is in any language other than Hebrew.

1775. *Pope Clement XIV* issues an edict in which are cited the Bulls of Innocent IV, Julius III, and Clement VIII, and their prohibitions are confirmed. Rabbis and Jews generally were forbidden to possess copies of the Talmudic and Cabbalistic books and of any others which contained heresies or utterances against the Christian faith. No Hebrew books were to be bought or sold until they had been examined and approved by the *Magister Palatii* in Rome, or, outside of Rome, by the bishop or inquisitor. The penalty was a fine of one hundred scudi and seven years' imprisonment.¹

¹ Reusch, i, 52.

CHAPTER IV

REGULATIONS AFFECTING BOOKS, FROM THE BEGINNING OF PRINTING TO THE DATE OF THE EARLIEST INDEXES 1450-1555

1. General.....	1450-1560.
2. England.....	1526-1555.
3. Netherlands.....	1521-1550.
4. France.....	1521-1551.
5. Spain.....	1521-1551.
6. Germany.....	1521-1555.

1. General.—The great impetus given to the distribution of books by the work of the printing-press had as one result a fresh effort at supervision and control on the part of the Church of literary production. The first measures that were put into shape for the enforcement of such control provided for what has been called preventive censorship, that is a requirement, before the printed book could be put into circulation, of an examination and approval by ecclesiastical authorities. It was, however, not until half a century after Gutenberg had printed his first book, that official cognisance was taken of the new art in a papal Bull.

1479. *Sixtus V* authorised the Rector and Dean of the University of Cologne to impose the penalties of the Church upon those printing, selling, or reading heretical works. This authorisation was confirmed by Alexander VI. In 1501, the printers of Cologne sent a representative to Rome to protest against the censorship

of the university authorities, which was driving their business out of the city.¹

1480. There was published in Venice a *Nosce te ipsum* in which are printed four "approvals,"² and in the same year, a volume was printed at Heidelberg with a privilege from the Patriarch of Venice.³

1486. *Berthold, Archbishop of Mayence*, issues an edict prohibiting the printing in his diocese of any translation from Latin or Greek, or of any books in the vernacular, until the same had been approved by the heads of the four faculties in the University of Erfurt.⁴ The ground for this prohibition was that a "number of works had recently been disseminated which contained heresies and errors," or which were printed under false titles, or which presented translations of the liturgies and Mass-books such as "were not fitting for the people."

The Bull of Innocent VIII, issued in 1487 and directed to the authorities of the University of Cologne, is described by Hilgers as the first general papal censorship regulation. "With the misuse of the printing-press for the distribution of pernicious writings, the regulations of the Church for the protection of the faithful enter of necessity upon a new period. It is certainly the case that the evil influence of a badly conducted printing-press constitutes to-day the greatest danger to society. This new flood is drawn from three chief sources. Theism and unbelief arise from the regions of natural science, of philosophy, and of Protestant theology. Theism is the assured result of what is called

¹ Hartzheim, *Podihomnus Hist. Univ. Col.*, 8.

² Grasse, *Lit. Gesch.*, iii, 317.

³ Mendham, 13.

⁴ Gudenus, *Cod. Diplom.*, iv, 469.

'scientific liberty.' Anarchism and nihilism, religious as well as political, may be described as the second source, from which pours out a countless stream of socialistic writings. In substance this is nothing other than a popularised philosophy of liberalism. The third source, the foulest and most pernicious of all, streams forth from the unwholesome romances of the day, romances whose creations rest on the foundations of pornography. If the community is to be protected from demoralisation, the political authorities must unite with the ecclesiastical in securing for such utterances some wise and safe control."¹

1491. *Niccolo Franco, Bishop of Treviso*, and papal Legate to Venice, puts into print in Venice a "Constitution," which is described as the first printed regulation of the Church having to do with censorship. It is also noteworthy as containing the earliest prohibition of printed books. The Bishop states that he has evidence that the printers are bringing before the public works, tainted with heresy, which are likely to bring into peril the souls of believers. He feels that the responsibility rests upon him, as the representative of the Church, to withstand this evil. He therefore orders that hereafter no books shall be brought into print, having to do with matters of faith or of the authority of the Church, without the approval and permission of the bishop or vicar-general of the diocese. Whoever disobeys this injunction shall, without further action, come under the penalty of excommunication.²

Apart from the general injunction in this "Constitution," it contains a specific prohibition of the treatise on Monarchy by Antonio Roselli, and of the theses of

¹ Hilgers, 327.

² Mansi, *Conc.*, vi, 681.

Pico della Mirandola. Those who have printed or who may hereafter print these works, or who may have bought or come into the possession of copies, are ordered, under penalty of excommunication, to deliver such copies at once for destruction. Roselli was professor of law in Siena and later in Padua. His treatise *De Monarchia* had been printed in Venice in 1483 and in 1487. His name stands in all the Roman Indexes except in that of Trent, and thereafter with the proviso *donec corrigatur*. Pico escaped official classification as a heretic and no one of his writings finds place in the Index. In 1487, he had brought before the public no less than nine hundred theses which he was prepared to defend against all critics. The pope ordered an examination to be made of these theses (propositions) by a commission of theologians and jurists. The commission found that thirteen of the theses were tainted with heresy. Pico, while maintaining the orthodoxy of his propositions, expressed his readiness to submit himself to the judgment of the pope. Six years later, he was able to secure from Alexander VI a further examination, conducted by three cardinals and the *Magister Palatii*, and on the report of this commission, the pope declared Pico to be free from suspicion of heresy.

1501. *Alexander VI*, in a Bull entitled *Inter Multiplices*, addressed to the Archbishop of Magdeburg and to the rulers of the three ecclesiastical principalities, says: "The art of printing can be of great service in so far as it furthers the circulation of useful and tested books; but it can bring about serious evils if it is permitted to widen the influence of pernicious works. It will, therefore, be necessary to maintain full control over the printers so that they may be prevented from

bringing into print writings which are antagonistic to the Catholic faith, or which are likely to cause trouble to believers." The Bull proceeds to state that in the dioceses of Cologne, Mayence, Treves, and Magdeburg many books and tracts are being sent out from the presses which contain pernicious errors, wrong doctrine, and heresies; and prohibits, under pain of the excommunication *latae sententiae*, any further printing of such books, and also the possession or perusal of the same. The bishops and inquisitors are charged with the execution of the decree; and are ordered to enforce its provisions against all persons, whatever their rank or positions, and also against colleges, universities, and associations, with the threat that, in case of opposition or evasion, the penalties shall be sharpened and multiplied. The civil powers are to be invoked if necessary, and in order to strengthen the interest of the local authorities, they are to receive one half the amounts of the penalties collected in money. The above ordinance had to do only with the German provinces specified. Even at this early date, the city of Magdeburg appears to have secured repute for the production of heretical literature.

1512. *The Inquisition of the Netherlands* condemns as a heretic Magistrate Hermann of Ryswick, who is burned at The Hague together with his books. His name stands in the Index in Class I, although not even the titles of his heretical writings have been preserved.

1513. *The "Constitution" of Leo X*, issued in December, on the subject of the immortality of the soul, concerns itself with the misuse of the philosophers and poets of classic times for the undermining of faith and morality. The Pope emphasises the importance of purifying the roots or foundations of philosophy and

poetry as taught in the universities. In the third part of the Constitution, attention is given to the principles under which must be carried on the education of the young. It is essential that a careful selection be made for their use from classical writings so that only those books shall be brought to their knowledge which are free from immorality.

1515. *Albert, Archbishop of Mayence*, appoints Paul, Bishop of Ascalon, to be "Commissary" for the examination and censorship of books submitted for printing privileges. Bishop Paul and Canon Trutfetter were further instructed to act at Erfurt as inquisitors of heresy, and were authorised to prohibit the sale of bad and suspicious books.¹

1515. *Leo X*, in a Lateran council of May 3d, issues the Bull *Inter Sollicitudines*, which concerns itself in like manner with the service and the perils of the printing art. In this Bull, it is ordered that no work should be put into print until its text had been examined and approved by the authorities of the Church, in Rome by the papal Vicar or the *Magister Sacri Palatii*, elsewhere by the bishop or the inquisitor-general or by examiners authorised by them. The privilege to print must, however, bear the original signature of one of the higher officials. This signature must, under penalty of excommunication, be given without delay, and without consideration for a work not presenting ground for disapproval. (The Pope knew his officials and evidently realised what would be the risk and the tendency of the working of such a system.) Whoever may attempt to evade the regulation and may print books without a privilege shall forfeit for burning the books so printed, and shall pay 100 ducats

¹ Gudenus, iv, 589.

to the building fund of St. Peter's, and his printing office shall be closed for the term of one year. If he remain obstinate and unrepentant, he shall be excommunicated, and shall further be so chastened that others may take warning by the example. Before the issue of this papal Bull, certain local ordinances had been put into effect for the control of the printing-press in the centres where the new art was showing the greatest activity.

One Bishop, Alexius of Melfi, voted against this Bull, with the proviso *placet de novis operibus, non autem de antiquis*.¹

This Bull of Leo X served as a model for a long series of future similar ecclesiastical orders. The fatherly care for the true faith and for the preservation of the morality of Christendom are, in the wording of this papal utterance, placed in the background, while the main contention is devoted to the assertion of the authority of the pope and of the special responsibility of the pope, as the immediate representative of God, for the maintenance of censorship throughout the world. The single German prince who was willing to confirm this Bull was the Elector Albert of Saxony. The enforcement of the regulations of the papal Bulls proved to be difficult and usually impracticable unless the aid could be secured of the machinery of the civil administration.

In the year 1513, began a series of attacks against Johannes Reuchlin, attacks which continued for seven years. Reuchlin's treatise *Der Augenspiegel*, which had been printed in 1511, was, in 1513, condemned as heretical by the Universities of Louvain, Cologne, Mayence, and Erfurt. In the year following, the theological

¹ Labbe, xiv, 257.

faculty of the University of Paris declared the book to be tainted with heresy.

It was ordered that existing copies (presumably those available in France) were to be burned and that the author was to be called upon to recant.

In 1513, at the instance of Jacob Hoogstraten, the Inquisition initiated a "process" against Reuchlin. The decision was adverse to Reuchlin, who appealed to the Pope (Leo X). Leo referred the matter to the Bishop of Speyer, who gave judgment in favour of Reuchlin, declaring that the book was deserving of being read by every one. There followed a series of appeals and of conflicting decisions. In June, 1520, however, Cardinals Accolti and Giacobazzi, whom the Pope had appointed judges, decided that the judgment of the bishop must be revoked, that the book was to be condemned and destroyed, and that Reuchlin was to be ordered to keep silence. While the *Augenspiegel* was still the text of the proceedings, the contest had now widened its range, and turned upon the whole relations of Reuchlin's work as a scholar and an instructor, and particularly upon his advocacy of the study of Hebrew. (In the *Augenspiegel* itself, the wisdom of preserving instead of destroying the *Talmud* is maintained.) Leo X spoke with approval of Reuchlin's writings and forbade their condemnation. In the Vatican Index the name of Reuchlin stands in Class I, all of his works being thus placed under condemnation. In the Index of Paul, are entered the *Augenspiegel*, *De Verbo Mirifico*, and *Ars Cabbalistica*, and these titles are repeated in the succeeding Indexes (excepting those of Louvain, 1546, 1550, 1558). In the Index of Benedict XIV (1758), the title of the *Augenspiegel* is, curiously enough, recorded only in French. The

compilers of the Indexes were evidently not influenced by the liberal views of Pope Leo.

1517. *Leo X*, in a special brief written by Sadoletus, condemns the *Epistolae Obscurorum Virorum*. The *Epistolae* first find place, however, in the Index in 1590.

1521. When the authorities of the Roman Church and the Catholic princes of Europe had become thoroughly aroused and alarmed by the development of Protestantism, the famous contract was entered into between Leo and the Emperor Charles V which was to repress the Reformation. One of the most important provisions in this contract had to do with the control of the press and placed at the disposal of the ecclesiastical censors the full measure of the imperial authority. With the publication of the Edict of Worms, we have the beginning of a general imperial censorship for Germany. From this time the Church and the State (or at least the Catholic portion of the State,) worked together against the freedom of the press, freedom which involved not only heresy against orthodoxy, but treason against the State.

About 1520, Nicholas Eymeric brought into print in Venice, under the title of *Directorium Inquisitorium*, a list of books classed as heretical. It does not appear under what authority this classification, or condemnation, had been arrived at, but the list proved of importance in the history of the Index, as the titles collected by Eymeric were utilised for the famous catalogue of Lutzenberg, which itself served as the basis for the Louvain Index of 1546. The Lutzenberg titles were also in large part copied by the compiler of the Index of Paul IV. No copy of the original issue of Eymeric's *Directorium* appears to have been preserved. The work

is known through the reprint issued in Venice in 1607, with the commentary by Franciscus Pegna.

The catalogue of Bernard Lutzenburg was printed in Cologne in 1520, under the title of *Catalogus Haereticorum*.

2. Regulations in England in Regard to Book-Production and Censorship, 1526-1555.—During the years covering the reign of Henry VIII, a series of royal edicts were issued for the regulation of heretical publications. The larger part of these edicts were framed in consultation with the convocation of bishops. Regulations issued under the sole authority of the bishops occur only after the rise of Lutheranism.

1521. *Wareham, Archbishop of Canterbury*, writes to Cardinal Wolsey asking that the names of the associates of Luther might be sent to the University of Oxford, in order that their writings might be added to the lists of prohibited books, and might also be included among the works the reading of which was to be permitted under special license to the scholars engaged in refuting the Lutheran heresies.¹

1526. *Wareham* sends to Duvoisey, Bishop of Exeter, a mandate directing him to make search for certain English translations of the New Testament, which are "full of heretical pravity." The copies secured are to be burned. The mandate includes, in addition to this reference to the New Testament, the titles of certain writings by "Luther, Tyndal, Huss, and Zwingle."²

Fox makes reference to a similar instruction from Tonstal, Bishop of London, to the archdeacons of his

¹ Strype, i, 1, 254.

² Wilkins, *Concil. Mag. Brit.*, iii, 706.

diocese. Tonstal specifies the same titles as those given in the list of Wareham.

1526. *Henry VIII* orders the publication of a catalogue of forbidden books which appears to be the first of the English prohibitions and, if to be classed as an Index, would rank with the earliest of Europe. The catalogue contains but eighteen titles, comprising certain of the productions of Luther, Zwingli, and Brenz, the *In Oseam* of Huss, and four anonymous works. The editions referred to had been imported.¹

1529. *Henry VIII* authorises the publication of catalogue number two, containing 85 works "imported by the adherents of heretical sects." The 85 titles include 22 by Luther, 2 by Wyclif, 11 by Zwingli, 9 by Oecolampadius, etc.

1530. *King Henry* forbids the reading of the Scriptures in the vernacular. In the proclamation, the King takes the ground that there is no necessity for the reading of the Bible by the common people. They can secure more safely from their religious instructors all the Scripture teaching that is profitable. When the peril of the spread of heretical opinions has passed, it will be in order to permit translations of the Bible. For the present, however, all copies of the versions in English, French, German, or Dutch are to be delivered to the bishop.²

1530. *Henry VIII*, in a proclamation, forbids the printing, importation, sale, or possession of books, whether printed or written, which contain doctrines antagonistic to the Catholic faith, or to the authority of the king, or to the laws of the land. The magistrates are instructed to take all measures necessary to root

¹Blunt, i, 80.

²Wilkins, iii, 74.

out the heresies. The proclamation enumerates further certain serious heresies in the writings of English authors. The first of these, taken from *The Book of the Wicked Mammon*, is: "Faith onley doth justifie us."¹ In a second royal proclamation of the same year, special prohibition is made of books printed abroad, all existing copies of which are to be delivered at once to the bishops.²

1531. A royal proclamation (of Henry), read at St. Paul's Cross, specifies thirty English works the selling and reading of which is forbidden.

1534. The convocation of Canterbury petitions the King to authorise the preparation, by well qualified persons, of an English version of the Bible, and to permit the use of the same by the people. The King took no action in the matter, but after 1535, several more or less complete translations came into publication. and in 1536, the Vicar General, Cromwell, ordered that in each parish church should be placed, securely fastened by a chain, a copy of the Coverdale Bible, in the large form, so that the faithful might become familiar with the text.³

1536. King Henry (who had been excommunicated in 1535) revokes the prohibition on the use of the Scriptures.⁴

1538. King Henry, in a proclamation, orders that the selling of books shall be done only under royal permit or privilege. No books shall be printed or imported without being examined and approved by examiners appointed by the Crown. Every printed

¹Wilkins, *Concil. Mag. Brit.*, iii, 403.

²Dixon, *Hist. Ch. of England*, i, 34.

³*Ibid.*, i, 39.

⁴*Ibid.*, i, 40.

book must bear the name of the printer and also that of the author, translator, or editor. No English version of the Bible shall be printed without a permit from the King or from the Privy Council. The penalties are imprisonment and confiscation of property.¹

1539. *King Henry* makes special prohibition, under heavy penalties, of the writings of the Sacramentarians and Anabaptists.

1543. *King Henry* again orders that the Scriptures in the vernacular be permitted only for the higher classes.

During Henry's reign, were published nine catalogues of books prohibited under the authority of the Crown. These lists have the character of Indexes, but the titles are not arranged alphabetically.

The first edition of Fox's *Acts and Monuments*, issued in 1539, contains a "list of Condemned Books," subjoined to certain "Injunctions." This list is omitted from the subsequent editions and is not included by Wilkins, who reprints the "Injunctions." The preamble to the list reads as follows:

"Hereafter folow the names of certen bokes, whiche, either after this injunction, or some other in the said Kinges daies, were prohibyted, the names of whiche bokes folowe in order expressed:

"Miles Coverdale, the whole Bible; George Joy; Theodore Baselle, alias Thomas Beacon; William Tindall; John Frith; Mels Coverdalle (bis); William Turner, translated by Fysh; Robert Barnes; Richard Tracy; John Bale, alias Haryson; John Goughe; Rederick Mors; Henry Stalbridg, otherwyse Bale; George Joy (bis); Urb. Regius; Apologia Melancthonis; Romerani; Sawtrey; Luther, translated by Tindall."²

1546. *Henry VIII* (in the last year of his reign)

¹Blunt, i, 92.

²Wilkins, *Concil.*, Fox, iii, 403.

issues a royal "Proclamation for abolishing of certain English books." The list repeats nearly the same names, and is followed by an instrument of the bishops, specifying at length the heresies to be condemned.

1547. *Edward VI* orders the publication of a list of homilies and books of worship, the use of which is made compulsory for church service. Every priest is instructed to make diligent study of the New Testament, both in Latin and in English, and to compare with this the Paraphrases of Erasmus. Bishop Gardiner remonstrated, pointing out that the homilies and the Paraphrases contradicted each other.¹

1549. *King Edward* orders the exclusive use of the official Communion Book, and the bishops are instructed to cancel, in such manner that they cannot again come into use, the liturgies of Sarum, Lincoln, and York.² During Edward's reign, no royal action was taken in regard to censorship.

1555. *Philip and Mary*. In this year was issued a "proclamation by the King and Queen" "for the restraining of all Books and Writings, tending against the Doctrine of the Pope and his Church." The proclamation grounds itself upon a statute of the second year of Henry IV, and condemns, usually simply with the name of the author, a number of reformers, both foreign and English. Among the English works is included the Chronicle of Hall. The "Proclamation" bears the imprint of John Cawood.

1556. *The papal Legate, Cardinal Pole*, publishes a "Reformation-Decree" in which are included the regulations of the *Bulla Coenae*. It is further ordered that the bishops should arrange for the examination of

¹Dixon, ii, 422.

²Wilkins, iv, 37.

the booksellers' shops, and for the confiscation and destruction of all heretical writings.¹

1557. *an edict of the convocation of the province of Canterbury* repeats and confirms the royal condemnation. In 1558 (the last year of the reign of Mary), is issued a further proclamation worded as follows:

“BY THE KING AND QUEEN.

“Whereas divers Books, filled with Heresie, Sedition, and Treason, have of late, and be dayly brought into this Realm out of foreign Countries and places beyond the seas, and some also covertly printed within this Realm, and cast abroad in sundry parts thereof, whereby not only God is dishonoured, but also an encouragement given to disobey lawfull Princes and Governors; the King and Queen's Majesties, for redress hereof, do, by this present Proclamation, declare and publish to all their subjects, that whosoever shall, after the proclaiming hereof, be found to have any of the said wicked and seditious Books, or finding them, do not forthwith burn the same without shewing or reading the same to any other person, shall in that case be reputed and taken for a Rebel, and shall without delay be executed for that offence, according to the order of martial law.

“Given at our Manor of Saint James the sixth day of June. John Cawood, Printer.”

1558. *Queen Mary*, in a proclamation issued in this (the last) year of her reign, orders put into force the provisions of the *Bulla Coenae* and of the Fifth Lateran Council, and declares that all persons shall be treated as rebels and punished under the penalties of martial law who distribute or possess copies of godless or heretical books, such as have been wrongfully brought in from foreign lands. With the death of the

¹Labbe, xiv, 736.

Queen, later in the same year, these orders were revoked by Elizabeth.

The author whose name appears most frequently in these English Indexes is William Tyndale (alias Hichins). His translation of the New Testament was first printed in Cologne in 1525, and was re-issued later in a great number of editions.

In 1563 was issued under the title of *The Acts and Monuments of the Church* a book generally known as Fox's *Book of Martyrs*. This work exercised probably a larger influence than any book of the century in completing the conversion of England from Romanism to Protestantism, an influence which continued through the following centuries.

1564. *Queen Elizabeth* instructs the Bishop of London to cause thorough examinations to be made of the cargoes of incoming ships, and to confiscate and destroy copies of slanderous and seditious books.¹

1586. *Whitgift, Archbishop of Canterbury*, authorises a bookseller named Ascanius de Renialme to import copies of certain popish books, with the restriction that these copies are to be carefully reserved for the use of the Archbishop himself and of the members of the Privy Council.

It is to be noted that the censorship control in England over the productions of the press and the importation and sale of books was from the outset exercised under the direct authority of the Crown. The bishops were utilised for counsel and also, through the parish organisation of their dioceses, for the enforcement of the censorship and of the penalties. A little later, the machinery of the Stationers' Company, to which was given the practical control of the printing-

¹ Wilkins, iv, 250.

press, was employed for carrying out the policy of the Crown in the restriction of the works printed and for enforcing the regulations against delinquents. It is probable that these censorship regulations of the English Crown were carried out more effectively than was found possible for the similar regulations of the Church in France, in Germany, or in Italy. In Spain alone did the Church succeed in securing and for centuries in maintaining an absolute control over printing, publishing, and book-distribution.

1588. *Queen Elizabeth* issues a proclamation forbidding, under severe penalties, the printing of schismatic, seditious, slanderous, or fantastic works; existing copies of such works (the determination of their character appears to have been left to the bishops) must be delivered to the bishops for destruction.¹ Among the titles specified of seditious books thus to be destroyed is that of a pamphlet entitled *The Gaping Gulf*, which had to do with the scheme for the marriage of the Queen with the Duke of Anjou.

3. Regulations in the Netherlands for the Supervision of Books, 1521-1550.—Between the years 1521 and 1550, a series of ordinances for the regulation of the printing-press which were issued under the instructions of Charles V, were published in the form of placards throughout the Provinces. The regulations became each year more severe. These ordinances were confirmed and strengthened by Philip II.

1522. *Charles V* gives a special permit to Franz van der Hulst to possess and to read books by Luther and by other heretics, for the purpose of refuting their heresies. The regulations and orders above specified are, it may be noted, issued under the sole

¹ Wilkins, iv, 340.

authority of the Emperor. There is no reference to the *Bulla Coenae* or to any other papal utterances. The prohibitions concerning literature issued by the theological faculty of Louvain are based upon the authority and instructions not of the pope, but of the Emperor. With the introduction into the Netherlands of the Inquisition, however, the pope begins to take part in the supervision of literature.

1522. Charles V appoints Van der Hulst as Inquisitor. He is confirmed by Adrian VI with the proviso that, as Van der Hulst is a layman, he must have two ecclesiastics as assessors. The succeeding inquisitors, who were all ecclesiastics, were in like manner appointed by the emperor or by the stadtholder and confirmed by the pope. Several of the edicts of Charles contain prohibitions of special books.

1524. An ordinance orders the delivery, for destruction, of copies of heretical books, under penalty of confiscation of goods and corporal punishment. In 1526, was added the penalty of banishment, and in 1529, that of death.

The reports of the time speak of frequent bonfires of masses of confiscated books. In 1526, it was ordered that no book should be printed or imported without a permit from the imperial commissioner. The penalty for delinquents was banishment and confiscation of one third of their property.¹

1524,—March. An imperial edict states that, notwithstanding the previous edicts forbidding the sale of heretical books, certain printers are again bringing before the public reprints of these with the excuse that they do not bear the name of Luther but are issued under such titles as *Evangelium* or *Summa Theologiae*.

¹*Kerkh. Archief.*, i, 10.

Specially forbidden are an edition of the *Gospel of St. Matthew* with notes by Johann Pelt, and a treatise by the same author called *The Sum of Godliness*.

1526. *An imperial edict* orders to be confiscated and burned all copies of writings of Luther, Pomeranus, Carolostadius, Melanchthon, Oecolampadius, Lambertus, and Jonas, and of versions in the vernacular of the Gospels and Epistles and all books which support the Lutheran doctrine.

1529. It was ordered that, while all books required a permit from the Crown, those dealing with matters of faith must also be approved by the bishop. Whoever prints an heretical book is to be exposed on a scaffold and then branded by a hot iron with the mark of the cross, or he is to lose either an eye or a hand.¹

1529. *An imperial edict* prohibits the printing, distribution, possession, etc., of the writings of Luther, Wyclif, Huss, Marsilius, Oecolampadius, Zwingli, Melanchthon, Lambert, Pomeranus, Brunfels, Jonas, and all other "sectarians"; also the Testaments as printed by de Berghes, von Redmonde, Zell, and others, which had been condemned as heretical by the faculty of Louvain, all books printed during the past ten years which did not bear the name of author and name and address of the printer, and finally all pictures tending to bring dishonour upon the Virgin or the Saints.

1540. *An imperial edict* prohibits a much longer series of books, the list including, in addition to the Lutheran writers, histories of Germany, and editions of certain books of Aristotle, and a number of issues of the Scriptures. The lists in these earlier prohibitions were evidently utilised later in the Indexes of

¹ Reusch, i, 99.

Louvain, as some of the misprints of names are repeated.

Reusch mentions that the city of Antwerp secured as a privilege from the emperor an order forbidding the arrest within its walls of any printer or bookseller. In cases in which the regulations had been disobeyed, the delinquents were safe from arrest unless they could be enticed outside the city.¹

1546. It is ordered that the record of the permit must be printed in each copy of the book, and before copies can be offered for sale the printed text must be compared with that of the manuscript as approved.

1550. It is ordered that if a book has been printed without a permit, but is found on examination to contain nothing pernicious, the printer is simply condemned to banishment for life, first making payment of a fine of 300 *caroli*. The possession or the reading of heretical books was in itself sufficient evidence of heresy. A person found guilty of heresy was permitted, for a first offence, to purge himself of his sin by recantation. If the delinquent persisted in his heresy, the penalty, under the edicts of 1529 and 1531, was for men, beheading, for women, burial alive. Heretics who had recanted and later relapsed were burned.²

4. Regulations in France, 1521-1551, concerning the Production and the Use of Books.—It was the case in France as in England that the control of the supervision of the printing-presses and of the business of book-distribution rested from the outset with the Crown; and that as far as regulations were framed by the theological faculty of the Sorbonne or by the

¹ Reusch, i, 100.

² *Ibid.* i, 100.

bishops, this was done under the authority and instructions of the king. In France, however, another division of the temporal power, namely, the Parliament of Paris, undertakes from time to time the publication of regulations for the control of the press, or for the prohibition of books already in print; but by the close of the 16th century this independent action on the part of the Parliament comes to an end; Thereafter the orders concerning books are based on the sole authority of the king, and are, as a rule, issued by the royal chamberlain.

1521. *Francis I* issues an edict, framed at the instance of the University of Paris, prohibiting the printing of any new works, either in Latin or in French, having to do with matters of faith or with the Scriptures, until the texts had been examined and approved by the theological faculty.¹

1528. *A Provincial Council, held at Sens*, acting under the instructions of the King (*Francis I*), issues a decree forbidding the possession of copies of the writings of Luther and his followers. There is also a prohibition of the reading or the circulation of any works on religious subjects which do not bear record of a permit from the bishop.

1528. *A Provincial Council at Bourges* issues a decree which is in its wording precisely identical with the above. It is probable that they were both prepared in Paris.

1530. *The King* gives orders for the appointment of certain inquisitors of literature. The first group comprises two magistrates selected from the Parliament of Paris, and two divines selected by the College of the Sorbonne. This commission bears, in addition

¹Jourdain, *Index chronol.*, Chart No. 1594.

to the authority of the Crown and the instructions of the Parliament (which is, it must be borne in mind, a high court of justice), an instruction from the Archbishop of Paris to take measures for the repression of heretical literature. The lists of the prohibited and of the permitted or privileged books were published under the authority of the officials of the Parliament by the guild of printer-publishers. The scholarship of the divines of the Sorbonne was called upon by the Parliament for the determination of questions of heresy in doctrinal and religious works, a course which had the natural result of bringing upon the college an increasing measure of influence in the shaping of the Indexes and in the control of book-production.

1542. *The Parliament of Paris* issues an order prohibiting the printing of any book without the approval of the rector of the university and the deans, and directing the rector to appoint two members of each faculty to conduct the examination of the books submitted. It was added later that, for Bibles and works of religion, the signatures of not less than four doctors of divinity were to be required. In the same year, it was ordered that all bales of books arriving in Paris must be opened in the presence of four of the certified book-dealers (*libraires jurés*) and examined by the divines appointed by the rector. The examiners were to supply to the royal procurator a list of the books the sale of which was authorised. The selling of any books the titles of which were not included in the list, was forbidden under severe penalties.¹

1542 *The Parliament of Paris* issues an order to the Sorbonne to prepare a catalogue of prohibited books. No copies of this catalogue have been pre-

¹ Jourdain, No. 1753.

served, but the Paris collection contains a copy of the supplement issued in March, 1543. This presents sixty-five titles, put together without any order, chiefly of works by well-known German and French reformers, printed in Latin and in French, together with a few anonymous French books. This catalogue, while the work of scholarly compilers, is described by Reusch as full of blunders.¹

1544. *The Faculty of the Sorbonne* issues an alphabetical catalogue of all the books which it had thus far condemned.

1547. This catalogue is reprinted with a supplement of forty-seven titles, the last Index compiled under the direction of the college.

1548. *The Inquisitor of Toulouse, Vidal de Becanis*, places his "privilege" on an Index the names of the compilers of which do not appear. The introduction denounces as heretics the persons who, during the past three years, have read, possessed, bought, sold, bound, or printed the books specified in the following lists; and condemns to excommunication all who, after the publication of the Index, fail to deliver for destruction existing copies, or who protect persons concealing copies. The catalogue contains ninety-two titles, which are in their wording badly confused and misprinted. A few instances are cited by Fréville:

Martini Lutheti (for Luther); Vulpici Zironga (for Zwingli). Of twenty-one authors, the complete works are condemned, etc. For Erasmus, the list covers seventeen titles. The prohibition covers Latin or French Bibles or Testaments, and the possessors of such are to be denounced.²

¹ Reusch, i, 147.

² Fréville, *La police des livres du 16ième siècle*. Paris, 1853.

1551. *Henry II*, in an edict issued at Chateaubriand and duly recorded in Parliament, prohibits the importation of any books printed in Geneva or in any other towns which had fallen away from the Church. No books recorded in the prohibited lists of the Sorbonne could be printed, sold, or owned. Only those persons were permitted to possess copies to whom had been given canonical permission for the reading of heretical works. The printers must record their names and their work could be carried on only in certain specified places. Bales of books coming in from abroad must be opened in the presence of two deputies from the theological faculty or of two magistrates. Twice a year, these same deputies must inspect the bookshops. In Lyons, which was a great dépôt for imported books, the shops were inspected not less than three times a year, the inspectors including the archbishop and the seneschal. Every bookshop must carry in evidence a copy of the prohibitory catalogue of the Sorbonne, and corrected lists of the books in stock. Colporteurs (*porte-panniers*) were not permitted to sell books, their printed stock being restricted to broadsides or single sheets.

1551. *The Parliament of Paris* orders the reprinting, with additions, of the Sorbonne Index of 1544. The compilers of this appear to have done their work without reference to that of the editors of the Louvain Indexes. The Paris lists were utilised both in Venice and in Rome. In the reprint of the supplementary Index of 1547, the introduction speaks of the united efforts of the king, the Parliament, and the faculty of the Sorbonne to protect the realm against the pernicious assaults of heretical literature.

Reference is made to the insidious forms in which heretical teachings are presented, in anonymous books, in volumes bearing no name of publisher or printer, or place of imprint, in volumes bearing, falsely, the names of orthodox Catholic writers. A book full of heretical blasphemies had, for example, been issued under the title of *Confessio Fidei per Natalem Bedam* (possibly meant for the Protestant Doctor Noel Beda). Another "godless treatise" is called *Proverbia Salomonis*, etc.¹

Among the authors whose works appear in these Paris Indexes may be noted the following: Erasmus, Jo. Ferus, Polydorus Vergil (editions of whom had been issued by Stephanus), Louis de Berquin, Estienne Dolet (who was executed for heresy in 1556), Faber Stapulensis, Beda, François Rabelais, a "Benedictine monk who finally became pastor at Meudon." One would hardly recognise under this catalogue description the creator of Gargantua and Pantagruel, while it is not at all surprising that the narrative of the doings of these two world's heroes should have been found deserving of a place on the Index. The book of Pantagruel, which was first printed anonymously in 1533, was reprinted in 1546 with the name of its author, It was placed on the Index of the Sorbonne in 1553, and in the same year was condemned in the official list of the Parliament. In 1554, however, at the instance of the Cardinal de Châtillon, Henry II cancelled the prohibition. In the Roman Index, Rabelais stands in the first class, but is recorded under the term "Rabletius."²

The various editions of the Scriptures brought

¹Arg., ii, a, 164, 167.

²Maittaire, ii, 220.

into print by Robertus Stephanus (Estienne), many of which included notes and commentaries by the scholarly publisher, were all condemned by the Sorbonne as heretical. As long, however, as Francis I lived, the condemnation was not put into force. These Bibles also find place in the Louvain Index of 1546, which was reprinted in Paris in 1548 under the instructions of the Sorbonne. In 1548, the opponents of Stephanus were able to secure from Henry II an order for the enforcement of their censorship of his Bibles. The publisher thereupon migrated to Geneva, and was able in his masterly retreat to carry with him across the frontier his fonts of type and some portions at least of the editions of the Bibles and other offending books which had been ordered to be delivered to the officials of the Sorbonne for their burning.

1557. *Francis I* arranges with the Pope, Paul IV, for the appointment as Inquisitors-General of the Cardinals Lorraine, Bourbon, and Châtillon, to whom was confided the supervision, under royal authority, of the inspection of books.

1559. *The Parliament* orders all those possessing doctor's degrees to report to the faculty of the college the titles of heretical or suspicious books.

1562. *The Parliament* again orders the college to compile an Index, but the work was never completed.¹ Under royal edicts, the prohibitions in the catalogues of the Sorbonne were made binding on all citizens. A further evidence that the final authority in the matter of censorship was retained by the State, is the order issued in 1546 by Francis I that the Bibles of Robert Estienne were not to be included in the Sor-

¹ *Arg.*, ii, 301.

bonne Indexes. Another example is a notice which Espencé had succeeded in having attached to the orders of 1547, directing that the prohibition should not be enforced in the case of two books the titles of which were already on the list of books condemned by the Sorbonne. The Index of 1544 comprises five divisions: *a*, works in Latin, by known authors, arranged alphabetically; *b*, anonymous works in Latin; *c*, works in French by known authors; *d*, anonymous works in French; *e*, French versions of the Scriptures. The lists include no writers of whom all the works are condemned (Class I of the Roman Indexes). Among the better known names may be mentioned: Erasmus, Faber, Ferus, Peter Martyr, Wyclif, Huss, Corvinus, Osiander, etc. An introduction to the fifth part emphasises the peril of placing in the hands of simple and unscholarly readers versions in the vernacular of the Scriptures, and refers to the evil results produced with such heretics as the Waldenses, the Albigenses, and the like.

In 1562, there is record of the seizure at some French port by M. de Bourbon of a collection of wine casks packed with books which had been sent from Germany, and which Bourbon found to be of the "most distressing character." These books the lieutenant consigned to the flames, having apparently taken the responsibility of himself acting as censor.¹

1577. Henry III issues an edict modifying, in behalf of the Protestants, the regulations of the edict of Chateaubriand. No books are to be sold without the permit of the local magistrates, or as far as concerns the works of the adherents of the so-called reformed

¹ *Letters from the Nuncio of Pius IV at Paris*, i, p. 111.

religion, without the approval of special commissioners to be appointed by Parliament.

5. Regulations in Spain, 1521-1551, concerning the Production and the Use of Books.

1521. *March 20.* *Leo X*, in a brief addressed to the High Constable, the Admiral of Castile, and Cardinal Adrian (who constituted at the time the government of Spain), orders that measures may be taken to prevent the importation into the country of the pernicious writings of Luther and his followers. The cardinal issues an order in the same year for the confiscation and destruction of all such works.

1522. *Cardinal Adrian* issues a second order, calling for the delivery for destruction of all books by the Reformers of Germany, under severe penalties for persons withholding or concealing copies. Before the close of the same year, Adrian becomes pope.

1530. *Manrique, Archbishop of Seville*, and Inquisitor General, confirms the ordinance of 1521, with some sharpening of the penalties for non-obedience. He cautions the faithful that certain Lutheran books are being circulated under false titles and that pernicious Lutheran notes have been printed in editions of works by good Catholics. The inquisitors are ordered to search libraries and book-shops. The authority to give permits for the printing of books is placed in the hands of the higher Council of the Inquisition.

1531. *The Inquisitor General* authorises the inquisitors to excommunicate persons who disregard the regulations, who possess or read copies of such books, or who fail to denounce others.

1541. *The Inquisitor General* prohibits the inquisitors from granting permission for the possession

or reading of forbidden books. Even the Counsellors of the Inquisition (under whose advice the lists of heretical books were prepared) are forbidden to read the same.¹

1543. *Charles V* issues an edict for the control of books, etc., in his American possessions. The printing, the importation, and the reading of novels and romances is forbidden.

1550. *The Bull of Julius III*, recalling all outstanding permissions for the reading of forbidden books, is published as authoritative for Spain.

1550. *Charles V* orders that the book-dealers in Seville must make registry before a royal official of the titles of all books planned for export to the colonies and must take oath that the schedules contain nothing prohibited.

1556. *Philip II* forbids the printing of any works about America until a permit has been secured from the Indian Council.²

6. Regulations in Germany concerning Books, 1521-1555.

1521, May 8. *An edict of the Emperor (Charles V)* forbids the printing, selling, buying, owning, copying, or reading any of the writings, already condemned by the pope, of "that stubborn heretic Martin Luther," and any further works that said Luther may produce. The prohibition is made to cover also all other books, tracts, and pictures which are antagonistic to the Faith of the Church and to good morality, and all writings which are designed to bring into disrepute the pope, or the other dignitaries of the Church, or princes, universities, members of faculties, or other persons of repute. The penalties are those previously

¹ Llorente, i, 463.

² *Ibid.*, i, 467.

ordered by the Church, the ban and the interdict.¹ It is further ordered that thereafter no one shall print or sell books having to do with the Bible, or with matters of faith, without a specific permit from the bishop or from the theological faculty of the proper university. The responsibility for the framing of this imperial ordinance rested with Aleander.² This Edict of Worms secured acceptance and enforcement only in certain portions of Germany.

1523. *The Imperial Diet of Nuremberg*, in place of making full confirmation of the Edict of Worms, simply orders that no new writings shall be printed or sold until they have been tested and approved by trustworthy men. The printing and selling of libellous books (*libelli famosi*) is forbidden under heavy penalties.³

1530. *The Diet of Augsburg* receives, through Campeggio, a brief from Pope Leo ordering strong measures to be taken for the enforcement of the Bull and of the provisions of the Decree of Worms against Lutheran writings. The Pope calls for imperial regulations to secure the destruction of all copies of such books together with the punishment of all persons concealing copies, and the rewarding of those who give information of concealed heretical books. The Diet declines however to do more than to renew the regulations for the examination of books to be printed and the licensing of those that can be approved.⁴

1549-1550. *A Provincial Synod held at Cologne* under the instructions of the Archbishop, Adolphus von Schauenburg, issues an edict for the protection

¹ Ranke, *Deutsch. Gesch.*, i, 341.

² Friedrich, 143.

³ Le Plat, ii, 162.

⁴ Hoffmann, *Gesch. der Bücher-censors*, 67.

more particularly of "simple and unlearned pastors who are not competent to distinguish pernicious literature from sound teaching," forbidding all the faithful under penalty of the Anathema, from reading the works of Luther, Bucer, Calvin, Ecolampadius, Bullinger, Lambert, Melanchthon, Corvinus, Sarcerius, Brentius, and some dozen other heretical writers. The edict promises the publication shortly of a comprehensive catalogue of heretical and pernicious literature, but such catalogue was never prepared. This preliminary list may be classed as the first German Index of prohibited books, the next in order of date being that published in 1582, in Munich.

1555. *The Augsburg Pact* provides that the penalties specified in the papal regulations concerning books, etc., are to be enforced only in the territories classed as Catholic.

1570. *The Diet of Speyer* orders that printing offices are to be licensed only in imperial cities, court cities, and university towns and each printer must be duly placed under oath (*vereidet*) to uphold the imperial regulations.¹ The Imperial Police Regulations repeat the instructions of the Diet of Augsburg, with the modification that nothing was to be printed contrary to the Christian religion or to the Religious Pact of Augsburg.

¹ Hoffmann, 77

CHAPTER V

PAPAL CENSORSHIP BEFORE THE INDEXES

1. Earlier papal utterances concerning the writings of the Reformation..... 1487-1521.
2. The Bull *Coenae Domini* 1364-1586.

1. Earlier Papal Utterances Concerning the Writings of the Reformation, 1487-1521.

1487. *Papal Bull*. In 1487 was issued the first papal Bull having to do with the productions of the printing-press. It is entitled: *Bulla S. D. N. Innocentii contra Impressores Librorum Reprobatorum*, and was addressed by Pope Innocent VIII to seven "governments" as follows: Romana, Curia, Italia, Germania, Francia, Hispania, Anglia, and Scotia. The opening paragraph reads: "And, therefore, we who hold on earth the place of Him who came down from heaven to enlighten the minds of men and to disperse the darkness of error," etc.

1516. *Council of the Lateran*. The fifth Council of the Lateran, assembled in Rome, in 1516, under Leo X, adopted, with but one dissenting voice, a papal constitution which recited the injury to faith, morals, and public peace arising from the increasing number of books containing doctrines contrary to religion, or libellous attacks on individuals. It was ordered that thereafter no books should be printed without a preliminary examination and license. In Rome,

the authority rested with the papal vicar and with the master of the palace and elsewhere with the bishop and inquisitor. The duties of censorship were thus shared between the bishops and the Inquisition. The former, as a rule, were engrossed with temporal cares and were negligent, and as Lea points out, there is no trace of their discharging in Spain the functions thus imposed on them. The inquisitors were active and aggressive, eager to extend their jurisdiction, and they formed the most convenient instrumentality to be utilised by the Church and the State for curbing the licentiousness of the press.¹

1518, August 9. *Hieronymus, Bishop of Ascoli* and Auditor of the Apostolic Chamber, who had been charged by the pope with the investigation of the case of Luther, ordered Luther to report to Rome. Later, the papal Legate, Cardinal Thomas de Vio (Cajetan), was ordered to give a hearing to Luther, with the further instruction that if Luther were recalcitrant he was to be arrested. In case he evaded arrest, he and his supporters were to be excommunicated, and the places in which he secured protection were to be placed under interdict.² These instructions were in the main based upon alleged heresies contained in the treatises and propositions that Luther had, up to that date, brought before the public, although these treatises were not referred to by name.

1518, Nov. *Pope Leo* issues a Bull addressed to Cardinal Cajetan on the subject of absolution. In the Bull, Luther's name is not mentioned.

1519. *The Theological Faculties of Cologne and Louvain* condemn a collection of Luther's writings

¹ Lea, 26.

² Köstlin, *Luther*, i, 228

(which includes the ninety-five theses and the sermons on absolution, etc.) and order all copies to be burned.

1520, June 15. *Leo* issues the Bull *Exurge*, in which the Pope states that, after careful consideration with cardinals and other theologians, he pronounces to be heretical, false, and pernicious, forty-three propositions contained in the writings of Martin Luther;—and therefore are condemned all books, tracts, and sermons of said Luther, and all citations from the same. It is forbidden to print, sell, distribute, read, or possess copies or to quote them, and all existing copies are to be burned. The penalty for disobedience is excommunication *latae sententiae*.

1520, July. *Pope Leo* in a brief to Cardinal Albert, Archbishop of Mayence, calls attention to the pernicious and shameless writings of Ulrich von Hutten, which were being put into print in Mayence in the immediate neighbourhood of the bishop's palace, and orders the Cardinal to take strong measures for their suppression. The Archbishop replies that he has put the printers in prison, but that he can do nothing against the author, who is securely entrenched in his castle with a strong body of retainers. The work chiefly complained of was the treatise *De Unitate Ecclesiae*. This appears in the Index of Paul IV, and in the succeeding Indexes.

1521, Jan. 3. *Pope Leo* issues the Bull *Decet Romanum Pontificem*, confirming the penalty of excommunication for Luther and his followers.

1521. *The Faculty of the Sorbonne* publishes a similar condemnation.

1521, April 18. *Pope Leo* sends a brief to Cardinal Wolsey directing him to carry out the orders for the burning of copies of Luther's writings. The Cardinal

had evidently delayed the promulgation of the Bull *Exurge*. The Pope sends Wolsey a copy of Luther's treatise on the Babylonian captivity, with the remark that not only the book but the author ought to be burned. Thereupon Wolsey, in his capacity as legate, after consideration with the Archbishop of Canterbury, and with the approval of the king, orders the destruction of all copies of Luther's writings to be found in England.¹

1520, June 12. Pope Leo orders a formal burning in Rome of the available copies of Luther's writings. With these was burned an effigy of Luther himself.

2. The Bull *Coenae Domini*, 1364-1586.—The Bull of the Lord's Supper presents a collection of the various excommunications which had been ordered by successive popes against certain specified classes of persons, and also against certain individuals on the ground of heresy. In its original wording, it dates from Urban V in 1364,² but the form in use through the period of the Reformation was given by Julius II in 1511. Less important changes were made by later popes. Julius II specifies as under excommunication a number of heretical sects, including the Wyclifites or Hussites. The schedule reads: *Patarenos, Pauperes de Lugduno, Arnaldistas, Speronistas, Passagenos, Wiclifitas seu Hussitas, Fratricellos de Opinione nuncupatos, et quoscumque alios haereticos ac omnes fautores.*³

1517. Leo X prohibits, under penalty of the *ex latae sententiae*, the further printing of the *editio princeps* of the first five books of the History of Tacitus, which

¹ Blunt, *Ref. of the Ch. of Eng.*, i, 81.

² Bull I, 264.

³ *Ibid.*, 507.

had been published by Philip Beroaldus in 1516, under a Milan privilege.

The conclusions of the Casuists in regard to the effect of the prohibitions in the *Bulla Coenae* are summarised as follows by Ferraris¹: In order that the reading of a book shall bring upon the delinquent the threatened excommunication,

1st. The book must be the production of an actual heretic (not merely of one not baptised, or of a Catholic who through heedlessness or ignorance has given utterance to heresy);

2d. It must contain a heresy, or must have to do with religious matters;

3d. The reader must have knowledge that the book is the work of a heretic, and contains heresy or treats of religion;

4th. The reading must have been done without the permission of the Apostolic Chair;

5th. The reading must be sufficient in amount to constitute a mortal sin. This amount has naturally been variously defined, so as to cover the entire work (Sanchez) or a single page, or two lines (Toletus).²

A Bull of Pius IX makes some modification in these regulations. The excommunication (reserved as papal) comes into effect through the reading of works which are written by heretics or apostates, or which present or defend heresy. But this would not exclude weekly or daily periodicals which might in some of their columns contain pernicious matter. Books produced by writers outside of the Church are held as less pernicious than the works of Catholics who have become Free-Thinkers, Rationalists, or

¹ *Promta. Biblioth. s. v. Libri Prohibiti*, n. 27

² Gretser, *De Jure Prohibendi*, Opera xiii, 97.

Spiritualists, and who are, therefore, to be classed as apostates.¹

From the middle of the 16th century, there are instances of public protest and of action on the part of political rulers against the promulgation of the *Bulla Coenae* or the enforcement of its penalties. In 1536, a commentary by the jurist Pierre Reboeuf on the Bull was confiscated in Paris. In 1551, Charles V prohibits the printing of the Bull in Spain. In 1568 Philip II confirms this prohibition, and asks the pope to recall the Bull as far as Spain was concerned. In 1570, the publication of the Bull is forbidden in Naples. In 1568, the Senate of Venice forbids the publication; but in 1570 the Council of Ten permits the reading of the Bull in the churches on Maundy Thursday. In 1582, Philip II prohibits the publication in Portugal. In 1580, Henry III prohibits the publication in France. In 1586, Rudolph II prohibits the publication in Bohemia, Moravia, and Silesia.

1524. *Adrian VI.*, adds "and Martin Luther, and all who read, listen to, distribute, or possess his writings, or defend the teachings in the same."

1536. *Paul III.*, in a reissue of the *Bulla Coenae Domini*, adds the words: "We excommunicate and anathematise . . . all heretics, the Kathareni, the Patareni . . . who are followers of the godless and abominable heresies of Martin Luther, condemned by Leo X, and all who favour or protect him in any way, and all who read or distribute the writings of said Martin."

1583. *Gregory XIII.*, in a Bull issued April 4th, modifies this *Passus* to the form which is followed in the later Bulls:

¹ Avanzini (13).

“We excommunicate . . . all Hussites, Wyclifites, Lutherans, Zwinglians, Calvinists, Huguenots, Anabaptists, (anti)-Trinitarians, and all heretics of whatever name or sect, and their followers (*eorum credentes*) and protectors, and all those who print, distribute, possess, or read the writings of these heretics, or any books which attempt to undermine the authority of the Apostolic Chair,” etc.

Since Julius II (1503) it is ordered¹ in the Bull that it shall be formally promulgated by all bishops once each year. Gregory XIII directs all pastors and confessors to keep copies for diligent study. The day selected is usually the Thursday before Easter (Maundy Thursday).

The excommunication which is made applicable to heretical writings is, for the most part, the *excommunicatio major*. This excludes the condemned from the Sacraments, and from the holding of office (as under the *excommunicatio minor*), and also excludes from public worship and from burial in consecrated ground; while it involves the loss of legal rights. It is also, as a rule, *latae* (instead of *ferendae*) *sententiae*, that is, its authority goes into effect at once, as a necessary result of the sinful action, and without the requirement of a judgment.² The Jesuit Faure states that, in the earlier ages of the Church, the *censura latae sententiae* was ordered but seldom, but since the 13th century, the instances of its use had very largely increased, and (in connection with the supervision of publications) had become almost a routine.

1770. Clement XIV orders that the yearly publication of the Bull be discontinued, but the Bull itself was not recalled or modified.

¹ Bull II, 496.

² Schulte, *Lehrbuch*, 70.

1869. Oct. *Pius IX* issues a Bull recalling or modifying certain of the provisions of the *Coenae Domini*.¹

Peignot (writing in 1806) speaks of this as "an inconceivable Bull rejected by France and by nearly all of the Catholic States and very properly condemned to eternal oblivion." He goes on to say that "Rome no longer lays claim to the chimerical right of disposing crowns and of controlling kings. It is to-day more sparing of those invisible thunder-blasts which in times past have caused sovereigns to tremble."²

Cardinal Erskine, speaking in 1815, declares the Bull to be "implicitly in vigour in all its extension," and defines it as a "public declaration to preserve the rights of the Pope." Dr. Sleven, the Prefect of the Dunboyne Establishment, speaking in 1826, states that "the publication of the Bull during the coming year is something entirely within the option of the Pope."³

Count Ferdinand dal Pozzo, a Roman Catholic, writing (in Vienna) in 1825, says: "The reading of the Bull, originally ordered for every year at Rome on Holy Thursday (Maundy Thursday), was suspended by Clement XIV, to avoid giving offence to crowned heads." Mendham,⁴ in quoting dal Pozzo, points out that the Bull itself (which, he says "contains a series of the most absurd pretensions) was not revoked. Permission is still granted to absolve in the cases reserved in this Bull."

¹ *Constitutio S. D. N. Pii IX.*

² Peignot, xxv.

³ Mendham, 260.

⁴ *Ibid.*, 261.

CHAPTER VI

THE ROMAN INQUISITION AND THE CONGREGATION OF THE INDEX.

1. **The Institution of the Roman Inquisition, 1542.**—The year 1542 marks the beginning of formal regulations framed in Rome itself for the suppression of heretical literature and for the supervision and control of the work of the printers. The English catalogues of 1542 and later, and the edicts of Charles V, published between 1526 and 1540, while having for their expressed purpose the maintenance of the doctrines of the Church, were issued under the authority of the State. These earlier censorship measures do not appear even to have been the result of any direct initiative or suggestion from Rome. It may be remembered, indeed, that the *Bulla Coenae* presents, in its successive forms, a very forcible expression of the policy of the Church in regard to the spread of heresies through literature and of the intention of controlling the production and distribution of books, and this Bull in its original form (as issued by Urban V in 1364) antedates the operation of the printing-press by nearly a century. But the formulation of the measures by which the fight against this perilous ally of heresy was to be carried on, had to wait for the reorganisation, in 1542, of the Roman

Inquisition, which reorganisation was the direct result of the revolt of Luther and his associates.

In the present study, I am concerned with the Inquisition only in so far as this was brought into direct relations with the work of censorship. The Inquisition as an institution was not brought into existence at any one date but had a gradual development. Lea refers to the

“gradual organisation of the Inquisition as being the result of an evolution arising from the mutual reaction of certain social forces. The triumph of the Church in the suppression of the Albigensian crusades had increased its responsibilities, while the imperfection of the means at its command for discharging these responsibilities was evidenced by the enormous spread of heresy during the 12th century.”¹

The responsibility for the discovery and the control of heresy had from the earlier years of the Church rested in the hands of the bishops. For many years after the central authorities undertook to exercise a direct control over heresy and heretics by means of inquisitors appointed from Rome, the bishops continued to enforce their own jurisdiction in the matter of the trial of heretics, sometimes apart from the inquisitors and sometimes in conjunction with them. The spiritual courts which came to be attached to their episcopates, and which exercised exclusive jurisdiction over a constantly widening jurisprudence, arose gradually during the troubles that followed the division of the Carolingian empire. All errors of faith and charges of heresy necessarily came within the purview of these spiritual courts.² Following in the traces of

¹ *Inquisition in the Middle Ages*, i, 305

² *ibid.*, i, 309.

the civil law, there were in these spiritual courts three forms of action in criminal cases: *accusatio*, *denunciatio*, and *inquisitio*. In *accusatio* there was an accuser who formally inscribed himself as responsible and who in case of failure was subject to the *taglio*. *Denunciatio* was the official act of a public officer, such as the archdeacon, who summoned the court to take action against the offenders coming within his official knowledge. In *inquisitio*, the Ordinary arrested the suspected criminal, imprisoning him if necessary. The indictment, or *capitula inquisitionis*, was communicated to him and he was interrogated thereupon with the proviso that nothing extraneous to the indictment could be subsequently brought into the case to aggravate it. The verdict was finally given by the Ordinary. The first inquisitors may be considered as in a measure successors to the *Missi Dominici* of Charlemagne, officials commissioned to traverse the empire making inquisition into all cases of disorder, crime, and injustice. We find in Verona, in 1228, "inquisitors" and "manifestors" employed by the State for the "detection and punishment of blasphemy."¹ Under Clement, the bishops were ordered to make diligent visitations throughout their dioceses investigating all offences, and with the growth of ecclesiastical jurisdiction, this inquisitorial duty was perfected and organised. In 1227, the Council of Narbonne commanded all bishops to institute in every parish *testes synodales* who should investigate heresy and other offences.

The popes had endeavoured to overcome episcopal indifference to the matter of heresy by a somewhat irregular "Legatine Inquisition." It would appear,

¹ Lea, i, 311.

however, as if up to the beginning of the 13th century this whole business of the discovery and the correction of heresy had been cared for by the Church authorities in an unsystematic manner and with no consistency of policy. The more conscientious and more forcible rulers of the Church recognised that heresy must be exterminated at whatever cost, but the measures for its extermination proved to be difficult to bring into organisation. "The institution of the mendicant orders," says Lea, "placed at the disposal of the Church groups of workers who possessed exceptional facilities for the task to be undertaken. The Dominicans and the Franciscans were peculiarly devoted to the Papacy, and the papal authority placed in their hands to carry on in its larger development the work of the Inquisition, proved to be a powerful instrument to extend the influence of Rome and to lessen the independence of the local churches."¹

The consecutive history of the Inquisition as a definite organisation may be said to date from the Council of Toulouse in 1229. The Spanish Inquisition, which proved to be by far the most persistent, the most effective, and the most terrible of the Inquisition organisations of the world, dates from 1480. Curiously enough, the most complete and pitiless of the acts of persecution that were based upon the Lateran canons was the work of one of the fiercest opponents of the Church, the Emperor Frederick II. It became necessary, on more grounds than one, for the Emperor to meet the charges of heresy that had been freely brought against him, and for this purpose, he found it convenient to manifest special zeal in the persecution of heretics. The edicts putting this persecution into

¹ Lea, i, 319.

form were issued between the years 1220 and 1239. In 1232, Frederick placed at the command of the papal inquisitors the whole machinery of the State, for the purpose of tracing heresy and of capturing and condemning heretics. Frederick's coronation edict against heretics, issued in 1220, was sent by Pope Honorius to the University of Bologna to be taught as a part of practical law. The whole series of Frederick's edicts was subsequently promulgated by successive popes in repeated Bulls. The substance of these edicts was finally incorporated in the *Corpus Juris* as part of the canon law itself, and their regulations may, technically speaking, be regarded as in force in the present day.¹

The commission issued in 1227 by Gregory IX may be conveniently accepted as constituting the foundation of the papal Inquisition. From this date, the policy of the Church in the great work of the suppression of heresy was pushed forward with a consistency on the part of the central organisation that had not before been possible. In April, 1233, Gregory IX issued two Bulls making the persecution of heresy the special function of the Dominicans. The plan, arrived at by Gregory, for the selection by the provincial churches of certain brethren who exercised within their several provinces the delegated authority of the Holy See in searching out and examining heretics, was accepted as a permanent basis of the Inquisition. The bishops continued from time to time to protest against the invasion by these papal inquisitors of their territories and of their responsibilities, but the power of the Inquisition continued to strengthen itself through the centuries. The germ of the Inquisition lies in the duty of searching out and correcting error. It was,

¹ Lea, i, 322.

therefore, natural that when the new art of printing had largely increased the risk of the spread of error, the Inquisition should have claimed and should have secured a large share of the responsibility for the control of the printing-press.

The chief original authority for the system of the earlier Inquisition is the *Directorium Inquisitorium* of Nicholas Eymeric, who was Inquisitor-General for Castile in 1316. Eymeric left, among other works, the manuscript of a *Liber Sententiarum*, or Book of Judgments, which presents the early rules of procedure. In 1252, Innocent IV issued the Bull *Ad Extirpanda*, addressed to the potentates and rulers of Italy, which presented an elaborate law for the establishing of machinery for systematic persecution in every city and in every State. In 1265, Urban IV renewed an order, originally issued in 1257 by Alexander IV, under which the local authorities were forbidden to interfere in any way with the action of the Inquisition. The Inquisition was made supreme in all lands and it became an accepted maxim of law that all legislation interfering with its free action was void and that all who enacted such laws were to be punished. When a monarch like Philip the Fair undertook to protect his subjects against inquisitorial processes, he risked incurring Divine vengeance. Under the canon law, any one, from the meanest to the highest, who opposed, or who impeded in any way, the functions of the inquisitor, or who gave aid or counsel to others so acting, became at once, *ipso facto*, excommunicate. In England, the statute *de haeretico comburendo*, enacted in 1400, for the first time secured for that country the penalty of death as a punishment for heresy. It was under this statute

that dissemination of heretical opinions by preaching or by books was prohibited and controlled. In 1262, Urban IV instituted the office of inquisitor-general, the first occupant of which was Cajetano Orsini, who became Pope as Nicholas III. After the 13th century, however, the post remained vacant. The Spanish Inquisition retained in its organisation, from the beginning, the post of inquisitor-general, and under such direction as that of Torquemada and of Ximenes, the prosecution of heresy secured in Spain a consistency and finality of action which were not to be found in any other State.

“The papal Inquisition was an instrument of infinitely greater efficiency for the work in hand than any inquisitorial machinery controlled by the bishops. However zealous an episcopal official might be, his efforts were necessarily isolated, temporary, and spasmodic. The papal Inquisition, on the other hand, constituted a chain of tribunals throughout continental Europe, perpetually manned by those who had no other work to attend to. Not only therefore did persecution in their hands assume the aspect of belonging to the endless and inevitable operations of nature, which was necessary to accomplish its end and which rendered the heretic hopeless that time would bring relief, but by constant interchange of documents and mutual co-operation these tribunals covered Christendom with a network that rendered escape nearly hopeless. The Inquisition had a long arm and a sleepless memory and it is not difficult to understand the terror inspired by the secrecy of its operations and by its almost supernatural vigilance.”¹

In July, 1542, under a Bull of Paul III, a new organisation was given to the Roman Inquisition. Six cardinals were appointed inquisitors-general, the list

¹ Lea, i, 36

including Caraffa who was in 1555 to become Pope under the name of Paul IV, and who had already taken an active part in the fight against heresy.

The six inquisitors were empowered to take such measures as they found necessary, with or without the co-operation of the local bishops, for the detection and punishment of heretics, the examination of suspected persons, the destruction of pernicious literature, and generally for the suppression of heresy. They were also to appoint delegates or sub-inquisitors, and to take action on appeals from all the lower tribunals of the Inquisition. In 1558, Paul IV ordered that the inquisitor-general or chief should always be a cardinal, and that he should be charged with the supervision of all matters of faith, proceedings against heretics, etc. He was to retain this special authority during any vacancy in the Papacy. The Cardinal of Alexandria, Ghislieri, was, however, the only one who held this sole authority. When, in 1566, he was chosen Pope as Pius V, he appointed four cardinals as inquisitors-general. Lea points out that the purpose of the institution of the Inquisition was not merely the suppression of heresy, but the reform of corruption and the correction of the immoralities that had sprung up within the Church. Lea is speaking more directly of the Inquisition in Spain, but the statement apparently holds good also for the Inquisition of Rome, which charged itself later particularly with the work of carrying out the reforms ordered by the Council of Trent.

1543. *The Inquisitors-general* issue an edict for the suppression of heretical literature and of books written by heretics. The book-dealers throughout Italy are forbidden, under penalty of excommunication

and of a fine of 1000 ducats, and of other punishments to be determined in the several cases, to sell or to possess any books written by heretics, or tainted with heresies. They are further ordered to place in readiness for inspection all books then in stock or later received, and thereafter to sell no books that have not been examined and approved by inspectors appointed for the purpose. Similar instructions are issued for the printers concerning the printing of books condemned. The inquisitor of Ferrara and Bologna is delegated to arrange for the inspection of printing-offices, book-shops, libraries, convents, churches, and private houses, and to make destruction of all books to be classed as heretical, and to report the names of all printers, dealers, librarians, or others who refuse or evade co-operation in such search.

1550. *Pope Julius III*, in a Bull issued in April, recalls and cancels all permissions or dispensations at that time in force, for the reading or possession of prohibited books. These permissions had for the most part been issued to scholarly ecclesiastics whose studies appeared to call for some knowledge of heretical literature. The Bull repeats also the previous prohibitions, specifications of penalties, etc., against printers, booksellers, or others, who may produce, sell, buy, possess, or read such books. The Bull was to be read at St. Peter's and at the Lateran, and its provisions became binding, sixty days later, on all persons.

The possession or the reading of forbidden books constitutes one of the most frequent charges in the Inquisition trials of the 16th century.¹

The scheme for the development of the Roman Inquisition so that its organisation should cover as

¹ Reusch, i, 172.

with a comprehensive network the whole of the territory that accepted the authority of the Church, was never brought to completion. The Inquisition of Spain, the most Catholic of the Catholic States, retained from the outset its independence from Rome. The Spanish Inquisition, in form at least, worked under the authority of the king, while in fact, except in the case of strong-willed monarchs like Charles V and Philip II, it dominated the throne as well as the country. France, in company with the other Catholic States north of the Alps, in like manner refused to accept as binding instructions from Rome for the direction of the operations of the local inquisition. In France as in England, the control of the machinery rested practically with the king, while in the several States of Germany, the authority was for the most part exercised by the archbishops and bishops. Even in Italy, the Roman Inquisition did not succeed in securing a general acceptance of its authority. Venice was able to retain, during the greater part of the centuries, liberty of action, particularly in the control of the printing-press; Sicily was under the control of Spain, and there were from time to time protests and revolts in Florence and Milan.¹ The influence of the Inquisition of Rome was, however, more extended and more important than would be indicated by the range of acceptance of the authority of its edicts and orders. The decisions of its courts and the policy emphasised in its edicts were very largely followed by the inquisitors in Spain, France, and elsewhere, and they helped to secure some measure of consistency throughout the Catholic States in the treatment of heresy and in the supervision of heretical literature.

¹ Reusch, i, 172.

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1550. *Ghislieri, Inquisitor at Como* (who became Pope as Pius V) excommunicated the vicar and chapter because they had taken part with certain book-dealers of whose stock twelve bales of books, classed as heretical, had been confiscated. By direction of the vicar and chapter of Como, the books had been returned to the importers. Como was at that time being used as a port of entry for Northern Italy for books from Germany and Switzerland. The sympathies of the town were with the book-dealers and the Inquisition was said to have escaped with difficulty the vengeance of the injured parties.¹

1563. *Pius IV* issues a Bull giving authority to the Inquisition to proceed, in regard to heresy, against prelates as well as laymen. The action of the Roman Inquisition was as a rule much less severe than that of the Spanish organisation, and there was, therefore fierce and effective opposition when Spanish monarchs, in connection with their control of Italian territory, attempted from time to time to introduce the Spanish regulations into Naples and Milan.

1595. *Decrees of the Roman Inquisition* order the inquisitors, or in their absence the bishop, to make search for heretical books in the cargoes of all incoming ships. The books found are to be confiscated and burned. In the Inquisition of Rome, as also in the Congregation of the Index, the Dominicans had from the beginning exercised a very large influence, and were in fact for the greater part of the time in full control. From the beginning of the 16th century, this Order had taken the leading part in the work of extirpating heresy. It was at the instance of Cardinal Caraffa that a Dominican was associated with the six cardinals as

¹ Mendham, 15.

“Commissary” and became the actual executive of the board. Many of the edicts and orders, and particularly those in regard to books, soon came to be issued on the sole responsibility of the “Commissary.”¹ In the selection of the authors to be condemned and of the phases of doctrine to be brought into disrepute, the old-time antagonism of the Dominicans against the Franciscans and the Jesuits speedily became apparent. The generals of the Franciscans emphasised with the popes the evil that was caused to the influence of the Church by confiding to ignorant and prejudiced monks the supervision of literature and the determination of heresies. It is not clear, however, that the management of the Inquisition became more judicious or the supervision of the censorship more discriminating at the times (comparatively infrequent) when the control of the Dominicans was replaced by that of the more scholarly, but no less bitter and partisan, influence of the Jesuits. *

The chaplain of Philip II declared it as his opinion that the purification of Spain from heretics was due to the deaths brought about under the regulations of the Index, and the prosecution of heretics by the Inquisition. Cardinal Pallavicino, in his eulogy on Paul IV, lays special emphasis on the Pope’s zealous attachment to the Inquisition, and claims that the preservation of Italy from the infection of invading heresies was due to the activity of the holy tribunal, and particularly to its work in supervising the Index.² Paramo asserts that the Holy Office of the Inquisition originated in Paradise and that its record can be

¹ Reusch, i, 178.

² Cited by Soames, in the *History of the Reformation of the Church of England*, iv, 573.

traced through the succeeding ages of Jewish and of Christian history.

2. Trials under the Inquisition in the 17th Century.

—The most noteworthy of the trials directed by the Inquisition during the first half of the 17th century is that of Galileo. In connection with a denunciation that had been submitted to the authorities concerning the teachings of Galileo, the Inquisition secured from its theological counsellors an examination of and a formal opinion concerning two propositions which presented the Copernican theory. One of these was declared to be heretical, while the other was characterised as simply erroneous. As a result of this report, given in March, 1616, the Congregation of the Index condemned, with a *d. c.*, the treatise by Copernicus, *De revolutionibus orbium coelestium*, and also the "Commentary on Job" by Didacus of Stunica. The latter had been issued in Italy in 1584, and reprinted in Rome in 1592. The same list included the prohibition of a volume by Foscarini entitled *Lettera sopra l'opiniones de' Pittagorici e del Copernico*, printed in Naples in 1615. A general prohibition was added of all writings which presented similar teachings. This condemnation of the Copernican theories was, under the instruction of the pope, communicated by Cardinal Bellarmine to Galileo, who was at that time in Rome, and, according to the record, the astronomer promised to correct his errors. In 1632, however, he published a monograph entitled *Dialogo sopra i due massimi sistemi del mondo Tolemaico e Copernicano*, in which was made substantially evident the acceptance by Galileo of the Copernican system. This publication caused the Inquisition to institute proceedings against Galileo and, in June, 1633, he was ordered to abjure as error and as heresy the

Copernican doctrine. The *Dialogo* was in August, 1634, formally condemned and prohibited. Back of these proceedings, in 1620, the Index Congregation had published a *Monitum* in which were specified the eliminations and corrections that had to be made in the writings of Copernicus before any further printing of these writings could be permitted. The changes ordered in the text caused the theories of Copernicus to be presented not as a conclusion but as an hypothesis. In 1619, the Congregation prohibited the *Epitome astronomiae Copernicae* of John Kepler. The above appear to be the only works upon the Copernican doctrine which on that ground simply, and specifically by title, were placed in the Index. It is the case, however, that the *Raccolta* of 1624, the *Elenchus* of some years later, and the succeeding Indexes up to the time of Benedict XIV, all contain, under the heading of *libri*, a general prohibition covering all books which teach the movement of the earth and the fixity of the sun. The Index of Benedict XIV omits this general prohibition. Since that date, various books have come into print in Rome in which the Copernican doctrine is openly explained and maintained. It was, however, not until September, 1822, that the Inquisition gave formal permission for the printing in Rome of books maintaining the theory of the movement of the earth about the sun, in accordance with the accepted views of modern astronomy. This conclusion was, on the 25th of September, 1822, confirmed by Pius VII and in the next edition of the Index, in 1835, the names of Copernicus, Galileo, Kepler, Foscarini, and Stunica were omitted. The account of the condemnation of Galileo is given in Chapter X, in the record of the Index of 1664.

In 1623, under Urban VIII, Mark Antonio de Dominis, formerly Archbishop of Spalatro, was brought to trial by the Inquisition and died in the same year while in prison. He was condemned, after his death, as a backsliding heretic, and his body, his portrait, and his books were burned. He had in 1616 joined the Anglican Church, but in 1622 had returned to Rome and had abjured his heresy. The most important of his writings that were at this time condemned was the treatise *de Republica ecclesiastico*, which was prohibited before it had come into print. In 1626, the English Benedictine, John Barnes, was, under the command of Urban VIII, arrested in Paris, brought to Rome, and condemned by the Inquisition to imprisonment for life. He died after thirty years' confinement, in a state of idiocy. Among the writings of Barnes which have been placed in the Index, the most important is the treatise entitled *Romano Catholicus pacificus*, which was first published in England after the death of the author. In 1622, was prohibited a treatise by Vecchietti under the title of *De anno primitivo ab exordio mundi ad annum Julianum*, etc., the author of which had for a long series of years been imprisoned under the order of the Inquisition, because he refused to take back an opinion concerning the date of the Last Supper. His theory was, however, later adopted quite generally without further criticism. Cesari Cremonini, a professor in Padua, was ordered more than once by the Inquisition to report to Rome for trial. He refused obedience, however, and was protected by the Republic of Venice. The Inquisition could take no further action than to secure the prohibition of one of his books. In 1644, Pallavicini was executed in Avignon under the authority not of

the Inquisition but of the papal legate. The ground for his condemnation was a pasquil written against Urban VIII. The pasquil itself, doubtless through oversight, escaped condemnation in the Index.

3. **The Congregation of the Index.**—In 1571, Pius V instituted the Congregation of the Index, which was made up of certain cardinals selected by the Pope and was charged with the work of continuing the series of Indexes and of shaping the regulations for the prohibition and supervision of books. The original order or edict of Pius appears not to have been preserved. The organisation of the Congregation was completed in 1572 by the Bull of Gregory XIII. In 1588, fifteen congregations of cardinals were instituted by Sixtus V for various objects. Of these, the seventh had for its function *pro Indici librorum prohibitorum*. The Congregation is at this date (1906) still carrying on its labours, although, under the later policy of the Curia, its responsibilities have been somewhat restricted.

Benedict XIV, in the introduction to the *Bulla Sollicita*, issued in 1753, says:

“There are two Congregations which have been charged by the Curia with the work of supervising pernicious and doubtful books, of reprinting those which by means of expurgation can be rendered suitable for preservation, and of indicating which must be condemned. Paul IV placed this task in the hands of the Congregation of the Inquisition, and still to-day (1753) the Inquisition gives judgment in regard to books of certain classes. The Congregation of the Index was, however, instituted by Pius V, and the responsibilities of this body were confirmed and extended by Gregory XIII, Sixtus V, and Clement VIII. The special duty of the Congregation is to make examination of books

concerning the authorisation, the correction, or the prohibition of which question has arisen."

As first constituted, the Congregation comprised four cardinals and nine councillors. Under a Bull issued in 1572, by Gregory XIII, the Congregation was made up of seven cardinals, of whom Sirleto was named as chief. The Pope states as follows the grounds for the institution of the Congregation:

"In order to put a stop to the circulation of pernicious opinions, and as far as practicable to bring certainty and protection to the faithful, it is our desire to bring the Index of prohibited books into a condition of completeness, so that Christians may be able to know what books it is safe for them to read and what they must avoid, and that there may be in this matter no occasion for doubt or question. . . . Therefore we give to you or to the majority of your body, full authority and powers to take action in regard to the examination and the classification of books, and to secure for aid in such work the service of learned men, ecclesiastics and laymen, who have knowledge of theology and of the canons; and to permit or to prohibit the use of books so examined, all authority given by my predecessors to their bodies or individuals for the carrying on of the work. It shall also be the duty of your body to elucidate or eliminate all difficulties or incongruities in the existing Indexes; to arrange for the correction or expurgation of all texts containing instructions of value, the service of which is marred by erroneous and pernicious material; to add to the Index the titles of all works found to be unworthy; and to prohibit the production and the use of all books so condemned; and to give permission for the reading of books approved and of books corrected and freed from error; and for the purpose of facilitating your task, you shall enjoin upon all bishops . . . doctors, masters, printers, booksellers, magistrates, and others to

coöperate with your body in carrying out the regulations formulated by your body for the supervision, control, and improvement of literature, and for the protection of the faithful against heresy.”

In the Bull *Immensa* of Sixtus V, January, 1587, the Congregation of the Index is directed to secure co-operation from the universities of Paris, Bologna, Salamanca, and Louvain, and other trustworthy institutions, in the work of examining and correcting books. (The selection of the universities recommended is interesting.) The Congregation is empowered to give permissions, exclusively for use in connection with the Index, to the scholars selected from these universities, and to other scholars whose service is utilised, to read the forbidden books without a special papal dispensation.

The *Magister* of the papal palace (who was always a Dominican) was the standing counsel of the Inquisition and of the Congregation of the Index. The *Magister* held at one time the office of papal chaplain, and later served as the personal adviser of the pope in theological matters. Leo X assigned to the *Magister* (acting in conjunction with the cardinal vicar) the control of the censorship for Rome of books to be printed, and this function is still retained by him.¹ In 1600, Clement VIII decides (through Cardinal Baronius) that the Congregation has jurisdiction not only over books, but also over the authors, printers, and readers of the same; but that it must not interfere in the matters of heresy reserved for the control of the Inquisition.²

¹ Catalanus, *De Magistro Sacri Palatii*, etc., Rome, 1751; Reusch, i, 432.

² *Ibid.*, i, 433.

Latinus (1593, later counsellor of the Congregation) relates that having occasion to read a volume by Paschasius, he had inadvertently proceeded with the reading of a treatise by Bertram which was bound in with this, forgetting that the latter was on the Index. On recognising his error, he threw away the book, and appealed to the Cardinal of Ermland, Grand Penitentiary, for absolution. His sin had brought him under the "reserved excommunication." Later, the secretary of the Congregation had authority to give permission for the reading of prohibited books (with a few exceptions), but for no term longer than three years, and only in connection with an application on certificate from a bishop, vicar-general, or general of an order.

The first *Magister* of the palace was St. Dominic. The office was held more than once by cardinals. Since the beginning of the 17th century, the *Magister* or his associate (*Socius*) is empowered, for the city of Rome, to prohibit the printing and the reading of books. Both officials have also the authority to permit the use of books other than the works of authors placed in Class I, or of books which treat of theological matters. For instance, in 1574, the *Magister* Constabile gave permission to the scholar, Pierre Morin, to make use of the Greek lexicon of Stephanus (Estienne).

Doctor Shahan (of the Catholic University of America) gives me the following statement concerning the organisation and the work of the Congregation:

"The Congregation of the Index has, since its formal organisation, always had for its Secretary a member of the Dominican Order. The 'Master of the Sacred Palace' is

also, *ex officio*, a member of the Congregation with the title of Perpetual Assistant. The usage under which the office of the Secretary and the office of Perpetual Assistant are always held by Dominicans is explained as follows:

“When St. Dominic was at Rome, he was wont to interpret the Holy Scriptures in the presence of the papal Court, and from that time one of his brethren has always continued to hold this office. A Dominican historian of the 18th century, Echard,¹ tells us that the duty placed upon this Dominican consisted in *Scholae Romanae et Pontificiae regimine et in publica Sacrae Scripturae expositione*, i. e., ‘in the government of the Roman and pontifical school and in the public interpretation of the Scripture.’ This would mean, in the 13th and 14th centuries, the head-mastership of all theological teaching and preaching in the papal Curia (*Sacrum Palatium*). The theological sciences were not then differentiated after their present manner. Doctrinal theology was largely Bible-commentary. Thus, the Roman ecclesiastical official who had formal charge of Bible-study and public teaching in the papal Curia, would naturally be expected to control the public utterances of his own disciples and of others, to exercise a revision of theological and Scriptural manuscripts, and to detect and denounce current heresies, where these might be propagated orally or made known in writing. As a matter of fact, such duties belong yet to the office of the ‘Master of the Sacred Palace.’ It is he who selects the preachers for solemn pontifical occasions, and revises their sermons, and he is the official censor of all books printed at Rome. This office is the principal historical source of the Dominican influence in the Index. It meant from the 13th century an official duty and right of revision of all public ecclesiastical teaching, and the immediate practical decisions as to the conformity of such teaching with the teachings of the Scripture and of the Holy See.

¹ *Script. Ord. Praed.*, i, p. xxi.

“There never has been in Rome a theological faculty corresponding in character to the theological faculties of Paris and of Oxford; but it would appear that the popes of the 13th century had hoped to be able in one way or the other to bring about the organisation of such an institution at Rome. There were always at the papal Curia theologians of distinction, both Italian and foreign, and the subject of ecclesiastical studies was naturally a matter of constant attention and concern. It was during this particular period of more or less unorganised theological activity at Rome in the 13th century that the Master of the Sacred Palace acquired and held all the privileges that then went with the office of the head schoolmaster, or head of the school (*Magister Scholae*). In other words, he was, as may be said, the equivalent of the head or rector of the theological faculty at Rome. I take it that had the political circumstances of the 14th and 15th centuries permitted the development at Rome of a good school of theological studies, our Master of the Sacred Palace would have taken on the character of the chancellor of the university, with such duties as are exercised by the chancellor at Paris and at Oxford. Probably too, like these officials, he would have met with prejudice and opposition and would have been compelled to share more generally the functions of his office. This was, however, the period of the Avignon Papacy, the Great Schism, and the preponderating political interests of the 15th century. So it came about that at the time of the Reformation, the Master of the Sacred Palace had for fully two centuries been an office reserved for a Dominican. The Order was in possession of a place quite closely related to its original purpose and its historical development. The Dominicans had also, during the first quarter of the 16th century, been intimately connected with the work for the repression of heresy. It was still the period of influence for the old and influential Aristotelian scholasticism and of this school of thought the Dominicans remained the most learned representatives. The Dominicans

held also important theological chairs in many of the Catholic universities of Europe. They were very learned men of the severe traditional type, with a long record for fidelity to the Holy See, for opposition to heresy, and for opposition also even to the new learning that had led astray so many Churchmen. For these reasons, when in the latter quarter of the 16th century, it was the question of the reorganisation of the Inquisition and of the creation of the Index, the Dominican Order was able to put forth an indisputable claim for the representation of both. Possibly also the enormous influence of Spain at this period had something to do with the actual constitution of these Congregations. Spain was always wont to look very closely after its ecclesiastical interests at Rome."

The present regulations of the Index provide official channels for the denunciation of books.

**The
Denunci-
ation of
Books**

In Title I, Chapter X, it is stated that the duty of the denunciation of books to the Congregation belongs to the papal nuncios, the apostolic delegates, the ordinaries (Diocesan bishops), and the rectors of the more important (Catholic) universities. It is requested that on such occasions not only the title of the book, but the reason for its condemnation should be given, and at the same time absolute secrecy is promised as regards the sources of such denunciation.¹

Mendham contends that the Italian Church seems to have acted on the presumption that, not when she condemned and executed (whether the innocent or the guilty), but only when she acquitted and allowed to escape, she did wrong. And, therefore, the power of condemning supposed heretical books was permitted to any of the superior ecclesiastical authorities.

¹ Hilgers, 32.

The pope, as head of the Church, claimed the individual right to the control of literary production. A similar authority was likewise allowed to, and exercised by, public ecclesiastical bodies, such as the theological faculties of the Sorbonne and of Louvain, by individual superior ecclesiastics, and even by the supreme civil magistrate. There were from time to time protests, on the part more particularly of the Jesuits and the Dominicans, against the exercise of censorship by any bodies or individuals not explicitly authorised by the head of the Church, or carrying some such general authorisation as that held by the Inquisition. The Jesuit Raynaud¹ denies the authority of the bishops; and his opinion of the censorship authority of the universities is contemptuous. If, he argues, this power resides not in an individual doctor as such, how can it reside in a collective body of doctors? If Aesop's ass, though in a lion's skin, was still but an ass, would a whole herd of such animals form an assembly of lions?

Van Espen, in a tract concerning the Congregation of the Inquisition, states that the censure or condemnation of the books in the Index is often to be resolved into the examination and judgment of a single consultor, as he is called. Not a few true Romanists whose works were thus transfixed have protested against the injustice of being, on the judgment of a single examiner, classified as heretics.²

**Damages
under
Censor-
ship**

I have not been able to find that the ecclesiastical authorities now take, or ever have taken, any official notice of the damages

¹ *Erotem*, ii, sect. 465-471.

² Mendham, 12.

brought upon a publisher or a printer as a result of the condemnation of books brought into print by him. I may assume that an Italian or a Spanish publisher who had reason to suspect the denunciation of a work in which he was interested, would see to it that the author either himself bore the entire risk and expense for the production and publication of the book, or that the author placed himself under bond of some kind for the protection and possible reimbursement of his publisher.

CHAPTER VII

THE FIRST SERIES OF INDEXES, 1510-1559

1. Louvain, 1510 (doubtful).
2. Paris, 1544.
3. Venice, 1543.
4. Louvain, 1546.
5. Louvain, 1550.
6. Lucca, 1545.
7. Venice, 1549.
8. Florence, 1552.
9. Valentia, 1551.
10. Valladolid, 1554.
11. Venice, 1554.
12. Louvain, 1558.
13. Valladolid, 1559.
14. Rome, 1559.

1. 1510. *Louvain*. Panzer makes reference¹ to a catalogue of prohibited books printed in Louvain in the year 1510. The title cited is, *Die Catalogen oft Inventaryen van den Quaden Verboden Bouken; na advis dar Universiteyt van Louen. Met een Edict oft Mandement der Keyserlycker Majesteyt. Te Louen, deprint bej Servaer van Sassen. MCCCCCX*. This catalogue, no copy of which is at this time known to be in existence, is also referred to by Gesner. The heresies which at that time were to be controlled had not as yet been very clearly classified. Martin Luther, in a letter written February 8, 1516, says: *Nec cessant universitates bonos libros cremare et damnare, rursum malos dictare, immo somniare.*²

2. 1544. *Paris*. The first schedule of prohibited books printed under the name of an Index was, as far as is at present known, that issued by the University of Paris, in 1544. The faculty of the Sorbonne had

¹ *Annales Typog.*, viii, 258.

² *Briefe*, Part I, Berlin, 1825, viii, 15-16.

been instructed, under an order of the Parliament of July, 1542, to prepare a list of the books that the college had thus far condemned. No copy of the original list has been preserved, but a supplementary list is in existence, bringing the record down to 1543. This supplement contains sixty-five titles, printed without any order or arrangement, and presenting the names of the leading German and French Reformers. There is also a list of anonymous French works. In 1544, the college printed an alphabeted list with about 170 titles. This was reprinted, with additions, in 1547, in 1551, and in 1556. This is the last Index published by the Sorbonne.¹

3. 1543. Venice. *Index Generalis Scriptorum Interdictorum*. This Index is cited by Reimann in his *Catalogus Bibliothecae Theologicae*. The entry of title is connected with the following specification: *Atque ab hoc tempore conquevit haec libros excommunicandi ratio usque ad A. D. 1543, quo primus Scriptorum interdictorum Index Generalis prodiit Venetiis, quem plures postea secuti sunt*. The previous reference had been to the decree of Gelasius of 493. Mendham is inclined to doubt the existence of this Venetian Index, and it is not cited by Reusch.

4. 1546. Louvain. Compiled by the theological faculty of the University of Louvain, under the instructions of the Emperor (Charles V) and under the authority of the Bull issued April 13, 1536 (*Bulla Coenae Domini*) by Paul III. Title-pages in Flemish. Lists of books in Latin repeated in Dutch. An edition was also printed in which the lists are given in Flemish.²

¹ Reusch, 148.

² Michiels, Charles, *Collection concernant les Expurgations et Censures des Livres*. Anvers, 1781.

Title-pages (in part):

Copie uten mandamente | aengaende den statuten. | Onlāex gemaect | Eerst op die leengoeden Erfgoeden. | Chijsen Eygen goeden Kenten oft an | der onberoerlicke goeden | ghelegen | inden lande van Brabant | Lemborch | Vlaenderē Hollant Zeelant en Ouer | mase. Le Datmen dve selue voortae | niet en sal moghen ver coopen | opdraghen transporteren | verthieren | of per | mitteren | eenighen gheestelijken per | soonen oft godshuysen Ende onlancx | ghepubliceert inder stadt van Ant | werpen | ende in anderen | hoofsteden van Brabant. | ¶ Men vinste te Coope Thantwer- | pen In onser lieuer Vrouwen | Pant Bi my Claes de | Graue. |

Ordinancien en Statuten | dye-de Keyserlijke Maies- teyt in zijnder teghe- | woordicheyt op den. vij. dach Octo- bris Int iaer MCCCCXXXI.

Gheprint te Loeuē by Seruaes Sassenus | ghe | sworn printer. | Met Gracie ende Preuilegie der Keyserlijcker Maiesteyt. |

The authority of the Index was emphasised by an imperial mandate, printed in Flemish, Spanish, and French, and ordered to be connected with the catalogue. *Mandement de l'Impériale Majesté donné et publié en l'an MDXLVI Avecq Catalogue. Intitulation ou déclara- tion des livres reprouvés, faiete par Messieurs les Docteurs en Sacrée Théologie de l'université de Louvain, a l'ordonnance et commandement de la susdicte Maiesté Impériale. Imprimé à Louvain par Servais de Sassia. MDXLVI cum gratia et privilegio.*

This Index of Louvain is distinctive in being the first of the long series of catalogues of books and of authors condemned as heretical which were issued with the sanction of the Church. It antedates by thirteen years the first of the Indexes produced in

Rome, under the immediate supervision of the pope, and may possibly be considered as an example of the special zeal against heresy on the part of the ecclesiastical authorities of the Spanish realm and of the effectiveness of the Spanish Inquisition. As the later records give evidence, it was only in the territory in which the authority of the Inquisition remained unquestioned and by means of its machinery that it proved practicable to carry out with any thoroughness the policy of the Church in regard to the ecclesiastical control of literary productions. The faith of the believing subjects of the Emperor Charles was threatened most seriously by heretical writings coming from Holland and from Germany, and it was therefore quite fitting that the first official protest of the Church should be made from a place like Louvain, the university of which stood like a picket-post of orthodoxy confronting the perilous heresies advancing from the North and from the East. The name of the Inquisition is not directly connected with this first Index of Louvain, but it appears on that printed at the same place four years later, which is in substance a reissue of the catalogue of 1546, and it is probably the case that the command of the Emperor for the preparation of the earlier publication may be credited to the Senate of the Inquisition.

The *Mandement* makes reference to *Ordonnances* for the restraint of the press, issued in 1540 and 1544. It complains of the continued publication of heretical books, and particularly of corrupt editions of the Scriptures; and it accordingly subjects booksellers to new restrictions, under penalty of death if they sell any books containing error, without the previous inspection and mark of the appointed inspectors. No

books could be printed except by a duly certified printer who was a member of the guild. The Index itself comprises, 1, a list of Bibles and New Testaments in Latin, low German, and French editions; 2, a list of works in Latin, chiefly the writings of the German Reformers (these titles are repeated in Flemish); 3, a list of heretical works in German and French; and, 4, a list of books which had been condemned in the rescript of 1540.

The introduction by the theological faculty states that the Emperor has charged the faculty with the duty of examining all the libraries and book-shops, and of taking out from these the books classed as heretical, together with those which bordered upon heresy, and also all writings which might prove dangerous for the unlearned. A separate class was to be made of the books which, while not condemned as heretical, were not to be left available for the use of the general public or of young people. The writers of the introduction admit that their lists might be more comprehensive. They point out, however, that the compilers had undertaken to condemn only those books which they had themselves had an opportunity of examining. They add a remark, which might to advantage have received further consideration on the part of the producers of later Indexes, to the effect that it was wiser to ignore books of a certain character rather than, in calling attention to them, to incite curiosity and risk bringing them into influence. The writers point out that the devout reader is in a position to judge, through the titles presented, as to the class of literature that he is instructed to avoid.

The list of titles is arranged alphabetically, but the arrangement confuses together the surnames and the

forenames of the authors and the titles of the books. A list is given of authors all of whose writings are prohibited. In certain instances, as with the names of Bucer, Bullinger, and Brenz, certain titles are specified and are followed by a general word to the effect that "as these authors are now known as notorious heretics, all of their writings are prohibited."

This first Index of the series makes a precedent, which was followed but very seldom in the later Indexes, in adding a list of works the use of which was commended and which were permitted for the schools.

5 1550. *Louvain*. Index, prohibitory and permissive. Compiled, under the instructions of the emperor and by authority of the Senate of the Inquisition, by the University of Louvain. Title-pages and text in Flemish.

1550. *Louvain*. The same, with Latin text. S. Sassenus.

Catalogi Librorum reprobatorum et praelegendorum ex iudicio Academiae Lovaniensis. Cum Edicto Caesareae Majestatis evulgati Fusu, Gratia et Privilegio Caesaris Majestatis. Lovanii ex officina Servatii Sasseni.

Les Catalogues des livres reprouvés, Et de ceux que l'on pourra enseigner aux enfans es escholles particulières selon le jugement de l'université de Louvain. Avec l'édit et mandement de la Maiesté Impériale.

The list of books condemned is closed with the words: *solam fidem sufficere ad salutem*. The condemned Bibles and New Testaments, in editions printed in various languages, aggregate forty-eight titles.

The introduction, addressed to "Christian readers," is written over the signatures of the rector and the members of the general faculty of the university.

The writers point out that the lists of prohibited books include not only such as are to be classed as heretical or as very suspicious, but also others which, under the cover of religious instruction, are likely to mislead the unlearned or to convey erroneous views concerning the pope, the ceremonials of the Church, confession, mass, and the saints. Of the chief heretics, all the writings are prohibited, the names being in the main those that appear in the catalogue of 1540. The list includes Brunfels, Brenz, Bucer, Bullinger, Corvinus, Calvin, Petrus Martyr, Urbanus Regius, and Musculus. The names of Luther and Melanchthon are not included. The suggestion is made to students whose work would be hampered through the want of certain scholarly treatises, important in themselves and marred possibly only through a small proportion of heretical error, and in the case of texts from the Latin, Greek, Hebrew, or Chaldean, the annotations to which may contain error, that permission can be secured, by properly accredited applicants, from commissioners to be appointed for the purpose, for a restricted use of such volumes; or the commissioners will, at their discretion, eliminate from the volumes the heretical or dangerous portions, thus rendering them available for use in the class-room.

This Louvain Index of 1550 was, in 1551, reprinted in Spain under the direction of Valdes, Inquisitor-General. Its lists (in the Latin text) were included in the Valdes Index of 1559, and in a number of other of the Indexes produced in Spain. The Latin lists were also utilised in the first of the Venetian Indexes and from this the titles were transferred to the Roman Index of 1559. The work of the theologians of Louvain was in fact accepted as the foundation or general

model for the whole series of Indexes which were produced prior to the Council of Trent, and was indeed, through the Index of Paul IV, utilised by the compilers of the Tridentine Index of 1564.

The Roman compilers, in including in their schedules the titles from the Louvain volume, transferred to Class I (comprising authors of acknowledged heresy, all of whose works were condemned) the names of a number of writers of whose productions the Louvain doctors had found but a few examples deserving of condemnation. These general heretics of Class I belong, with but one or two exceptions, to Germany and the Low Countries. From the heretical writers of France are selected Dolet and Marot, and from Italy, Ochinus and Curio.

6. 1545. *The Senate of Lucca*. The earliest catalogue issued in Italy of books condemned as heretical, which is entitled to be classed as an Index, was published in Lucca in 1545. This was seventy-one years after the introduction of printing into Italy, and fourteen years earlier than the first papal Index. The catalogue is published under the authority not of the bishop but of the Senate or Council of Magistrates, but the initiative probably came from the Inquisition. The edict orders that all copies of the books specified in the lists are, within fourteen days, to be delivered for burning, to the confessors or to the vicar of the bishop, under penalty of confiscation of property.

1549. A supplementary edict of the Senate includes among the works condemned all anonymous works treating of religion or the Scriptures that have not secured the approval of the vicar. The catalogue, which is printed in Latin, presents the names of twenty-eight writers all of whose works are condemned, the

list including Wyclif, Huss, Zwingli, Oecolampadius, Melanchthon, Carlstadt, Hütten, Hessius, Bomelius, and other less well-known names. Calvin does not appear. There are in addition the titles of about one hundred other pernicious books. A brief of Pius IV, issued in 1562, commends the Senate of Lucca for its "pious and praiseworthy decree."

Paul V takes a different position. Under an order issued by him in 1605 the Lucca decree is annulled on the ground that the repression of heresy is a matter that belongs exclusively to the Church, and concerning which laymen have no authority to take action. At the same time, he orders the institution in Lucca of an Inquisition tribunal.

7. 1549. *Venice. Il catalogo de' Libri li quali nuovamente nel mesi di maggio nell anno presente MDXLVIII, sono stati condannati et scomunicati per heretici, da Giovan della Casa, legato di Venetia et d'Alcani frati. E aggiunto sopra il medesimo catalogo un judicis et discorso del Vergerio, 1549.* (In dating this Index 1549 instead of 1548 as stated by Reusch, I take the authority of Mendham, who cites the *catalogus Bibliothecae Banavianae*.) This Index is known by the name of Casa. No copies of the original have been found, and the references to it are based upon the reprint issued by Vergerio in 1550. John della Casa was the Archbishop of Benvenuto, and papal Nuncio at Venice. His Index was, according to Vergerio, prepared by the command of Pope Paul III. It must in that case take rank as the first Index issued under direct papal authority. The lists are preceded by the statement that: "All works produced by the heretics and heresiarchs whose names follow, which have to do with theology or kindred subjects, are condemned and prohibited."

The names of authors include Luther, Huss, Marsilius of Padua, and Nicholas Clemangis. The catalogue presents 142 titles—of which twenty-five are those of books issued (in Latin) anonymously. There is also a general prohibition of "Bibles and New Testaments containing notes or comments opposed to the faith, and of all works which within the preceding twenty-four years have been printed without the name of the author and address of the printer." Vergerio is able to point out that this Index is a very clumsy compilation which contains a full measure of errors and which compares unfavourably with the catalogues recently issued in Louvain and in Paris. In certain instances, the names of the authors or of their books are so carelessly worded as to render identification difficult. The titles of a number of the Latin books are given in Italian, and those of some of the few Italian books in Latin. There does not appear to be any arrangement of the titles, alphabetical or other. Of certain authors, as, for instance, of Giusto Giona, all the writings are condemned, and later are given for separate condemnation the titles of selected books of the same author. Casa speaks of having secured the assistance of some of the most learned of the Italian theologians, but their work appears to have been most carelessly done, particularly in view of the fact that they had available for use the comparatively accurate lists of the Louvain Catalogue of 1546.

Vergerio wrote (in Italian) an analysis pointing out the ignorance, and occasional impiety, of which this catalogue gave evidence. He speaks of it as "the first monster of the kind which had appeared in Italy," a statement which ignores an edition said to have been

printed in Venice in 1543.¹ In 1552, the catalogue was reprinted in Florence with some additional titles and with correction of certain of the errors previously pointed out by Vergerio. Concerning this catalogue, also, Vergerio printed a criticism as a result of which a third edition with further revisions was published in 1554, in Milan. In the same year, a fourth edition was issued in Venice, the many blunders in which (Vergerio uses the terms "folly" and "madness" of the compilers) provoked the commentator to a new exposure which was printed in Latin. Vergerio points out the omission from the lists of obscene books and of books of magic, etc. In the former class ought, as he claims, to have been included a work by Casa himself, *Capitolo del Forno*.

This Index of Casa has importance, notwithstanding its slightness and bad workmanship, as well because the responsibility for its production rested with Paul III, as because its lists, imperfect as they were, are in part reproduced, errors included, in the Index of Paul IV.

It would have been impossible to present any account of the work of these earlier Italian Index-makers except for the scholarly and critical labours of Vergerio, who charged himself with the duty of recording and of characterising these first efforts of the Church to supervise the literature of the time and to control the output of the printing-presses.

Peter Paul Vergerio had been papal Nuncio to Germany in 1530, and Bishop of Capo d'Istria in 1536. He became, in 1544, a convert to Protestantism, and in 1553 was a preacher in Tübingen, where the greater part of his later literary work was done. His collected works were printed in Tübingen in 1563.

¹ Mendham, 39.

What is possibly the first recorded list of heresiarchs is given in a catalogue compiled under the instructions of the Archbishop of Benevento and printed in Venice in the year 1549. It is printed under the title of *Il catalogo de' Libri, li quali nuovamente nel mese di maggio. . . sono stati condannati et scomunicati per heretici*. The catalogue is known through the reissue by Vergerio, printed at Strasburg in 1553.

Heresiarchs, as recorded in 1549.

(The names are printed partly in the nominative and partly in the genitive of the Latin form.)

Martin Luther.	Conradi Lagii.
Martini Buceri.	Claudii Guilandi.
Martini Borrhai.	Joan. Lorichii.
Melanchthonis.	Hadmarii.
Eccolampadii.	Justi Jonae.
Zuinglii.	Jo. Pauperii.
Joannis Hus.	Gerziani.
Bullingeri.	Joan. Malter in Apoc.
Erasmi Sarcerii.	Joan Spangelbergii Her-
Joannis Brentii.	desioni.
Pellianai (sic)	Petri Artophagi.
Antonii Corvini.	Andreae Althameri.
M. Antonii Bodii.	Othonis Brunfelsii.
Hermani Bodii.	Joan. Calvinii.
Hieronimi Saonensis.	Huld. Hutteni.
F. Julii de Mediolano.	Urbani Rhegii.
Petri Vireti.	F. Bernadini Ochini.
Gulielmi Farelli.	F. Petri Martyris Flor.
Petri Artopei.	Martini Morhai.
Arsatii Schoffer.	Clementis Maroti.

Victoris de Bordellai.	Jo. Oldenthorpo
Theodori Bibliandri.	Heliae Pandochei.
Hermetis Zetmarii	Hippoliti Melangei.

8. 1552. *The Inquisition of Florence* issues an *Index Prohibitorius* which, like that of Casa, is known to us only through Vergerio. It contained the titles collected by Casa, with a few additions, and with certain corrections based upon the strictures made by Vergerio on Casa's lists.

9. 1554. *The Archbishop of Milan, Giovanni Angelo Arcimboldi*, publishes an Index, preserved only through the reprint in a controversial pamphlet of Vergerio. The title reads: *Catalogo del Arcimboldo Arcinescovo di Milano, one egli condanna et diffama per heretici la maggior parte de figliuoli de Dio, et meברי di Christo, quali ne loro. scritti cercano la reformatione della chiesa Christiana. Con una risposta fattagli in nome d'una parte di quei ualenti nomini. Nello anno MDLIII.* The Index bears, in addition to the name of the Archbishop, that of Castiglione, Commissary General of the Inquisition for Lombardy, and the announcement that it is issued "with the approval of the Senate of Milan."

Under the responsibility of these three authorities, is issued, in a preamble to the catalogue, an edict, with the following regulations: Ecclesiastics and laymen alike are prohibited, under penalty of excommunication and of bodily punishment, from preaching or reading (aloud?) the Scriptures, either in church or elsewhere, without a written permit from the archbishop. The printing, selling, possessing, reading, etc. of books classed as heretical is prohibited. The penalty is for each offence, excommunication, and a fine of one hund-

red scudi. The fine is to be divided equally between the informer, the Inquisition, and the imperial representative. Persons concealing books, or withholding information, incur the same penalties. Printers, binders, and booksellers must, within a term of two months, deliver to the authorities a sworn schedule of the books handled by them, with supplementary lists from month to month, and the sale, or the possession of, any book not specified in such schedules brings upon the dealer excommunication and a fine of ten scudi for each book. Dealers who deliver up within ten days after receipt copies of prohibited or of heretical books are freed from the penalties. Any person having knowledge of the presence in the diocese of Milan of a heretic or of one suspected of heresy, and failing to give information within thirty days, falls under excommunication plus a fine of fifty scudi. The same penalty comes to one who renders assistance to a Lutheran or other heretic. A Lutheran or other heretic who recants and who denounces a fellow heretic receives one fourth of the penalty.

The Index contains nearly five hundred titles, arranged alphabetically, the names of the authors and those of the books being listed together. It is therefore much more considerable than that of Casa. The list of authors all of whose works (present and future) are condemned (corresponding to Class I of the Roman Indexes) is proportionately large.

10. 1551. *Valentia, Valladolid, and Toledo. Emperor Charles V and Archbishop Valdes.*—*Index prohibitory.* Compiled under the supervision of Fernando Valdes, Archbishop of Seville and Inquisitor-General. The Emperor Charles sent to Valdes the Louvain Index of 1550 with instructions to have the same published

in Spain. The Spanish issue includes as a supplement a list of the books which up to that date had been prohibited in Spain. The title reads: *Catalogi librorum reprobatorum, et praelegendorum ex iudicio Academiae Louaniensis. Cum edicto Caesariae maiestatis evulgate. Valentiae, typis Joannis Mey Flandri MDLI, mandato Dominorum de consilio sanctae generalis Inquisitionis.* (Portions of the edition bear the imprints of Valladolid and Toledo).

The first list in the volume bears the title: *Catalogus librorum jampridem per sanctum officium Inquisitionis reprobatorum.* This is followed by the Latin lists of the Louvain Index, with the anonymous works alphabeted in, and a supplement with eleven further titles. This Valdes Index is the first of the Spanish series, and forms the foundation of the Index of 1559.

Llorente mentions¹ an Index prepared in 1555 under the instructions of the Inquisition, but states that this was kept in the form of manuscript for the use only of the inquisitors. Valdes was concerned with the compilation of two further Indexes, those of 1554 and 1559.

The supplement to the lists of 1551 presents certain general prohibitions; such as of Bibles in Spanish or in any vernacular versions; (these are entered curiously under the letter "N," "New and Old Testaments"); pictures, figures or statues by means of which the Virgin or the Saints might be brought into ridicule; all books tainted with heresy (*sapientio haeresim*); works having to do with necromancy; books (whatsoever their text) which had been printed within twenty-five years, and which failed to present the name and

¹Llorente, i, 464.

address of the printer. A separate prohibition is provided for books written against the proceedings of the Diet of Ratisbon (1541). This is directed against a monograph by Calvin, published anonymously, in which this Diet is sharply handled. The lists report the authors given in the Louvain Index, in some instances with fresh errors ("Bronzins" for "Brentius"). The new names include Michael Servetus (his first appearance in any Index), connected with his tract on the Trinity; Simon Essius, for Simon Hesus, connected with his *Apologia*; John Fisher, Bishop of Rochester (possibly the earliest English author prohibited outside of England); Ulrich von Hütten, *libri omnes* (Hütten, while not listed in Louvain, had been recorded by Casa); *Alcoranus vel alii libri in arabigo ubi sunt errores sectae Mahometicae* (this is the first appearance in an Index of Arabic heresy). As late as 1790, the *Koran*, in every version, finds place in the Spanish Index, while there is a special prohibition of the Latin translation of the same that had been made in the 12th century by Peter of Cluny, and had been printed, *cum refutationibus variorum*, in Basel in 1543. In the Index of Quiroga, the *Koran* appears under the title *Machumetis . . . ejusque successorum vitae ac doctrina ipseque Alcoran . . . adjunctae sunt confutationes multorum una cum M. Lutheri praemonitione*, etc.

Reusch points out that this prohibition has to do not with the doctrines of the *Koran* but with the godless (*impia*) undertakings of the publisher, Theodor Bibliander of Basel. In the Index of Clement VIII, the entry appears, *Instructionum et rituum sectae Mahometanae libri omnes*. Since Benedict XIV, the prohibition comes under the general decree I, 11.

The antagonism on the part of the Protestant

authorities of Basel to the circulation of the *Koran* appears to have been more decided than that of the Inquisition. In 1536, the magistrates refused permission to Heinrich Petri to print an edition; and, in 1542, an edition printed by Oporinus was confiscated. The publisher appealed to the scholars, and the question of permitting the publication was discussed from the pulpits. On the receipt of an opinion from Luther in favour of Oporinus, the books were released on condition that when published they should not bear the imprint of Basel and that copies should not be sold within the city.

This Valdes Index contains but four Spanish titles, the writings of Enzinas and of Urrea, an anonymous *Dialogue of Christian Doctrine*, and a Spanish version, printed in Geneva, of Calvin's *Catechism*. This last title does not appear in later lists.

II. 1554. *Valladolid. Senate of the Inquisition.—Index expurgatorius. Censura generalis contra errores quibus recentes haeretici sacram scripturam asperserunt. Edita a supremo Senatu Inquisitionis, constituto adversus haeticam pravitatem, et apostasiam in Hispania, et aliis regnis, et dominis Caesareae majestatis subjectis. Pinciae, ex officina Francis Ferdinan. Corduben. cum privilegio Imperiali. 1554.*

The text is known through the reprint by Ziletus in Venice, in 1562.

The lists in this Index are devoted exclusively to Bibles, of which 103 editions are specified. Many of these find place in Louvain, 1550, and in Valdes, 1554, among the books entirely prohibited. Here, however, these Bibles are presented as open to censure on the ground of certain errors and heresies contained in the notes and introductions, which notes, etc., are ordered

to be cancelled or expunged. Copies thus corrected (by cancellations) are permitted to be left in the hands of their owners. This Index of Valdes is the first example of an *Index expurgatorius*. A number of such expurgatory Indexes were produced later under the authority of the Spanish Inquisition, but outside of Spain, the attempts to control literature through the expurgation of books already printed were but few. The futility of such attempts came to be recognised at an early date.

The editorial responsibility for this Index of 1554 rested with the Dominican, Alfonso Martinez, who was also the author of the *censura generalis*. The editor had the co-operation of the theological faculty of Alcala. The possessors of copies of the works specified are directed to deliver these within sixty days to the bishop of the diocese or to the local inquisitors. These officials are to take measures to cancel (*obliterare*) the offending notes, etc., so that they can no longer be read. The penalty for retaining uncorrected copies beyond the period of sixty days is *excommunicatio major latae sententiae*. The books themselves are to be destroyed, and their delinquent owners are to pay (apparently for each offence) a fine of thirty ducats. A similar punishment comes upon the bookseller who imports copies of these condemned editions. The publishing centres at that time actively engaged in the production of editions of the Scriptures are indicated by the imprints represented in the lists of this Index as follows: Antwerp, 14; Basel, 3; Lyons, 35; Paris, 11 (including 4 from Robert Estienne); Zurich, 1 (Froschover); Venice, 3. Two examples may be cited to illustrate the principles and the method of the censure.

Deuteronomy v, 9. *Solus Deus adorandus.*

Haec propositio, excludens adorationem sanctorum, est erronea.

Deut. xv, 11. *Alendi pauperes nec permittendi ut mendicant.*

Et ibidem. Prohibetur mendicitas.

Hae et similes propositiones injuriosae sunt et malitiose annotatae in odium religiosorum mendicantium.

Specialcondemnation is placed upon the Bibles printed by Estienne (Stephanus) as edited by Vatablus. The New Testament division is to be cancelled altogether, the errors being too many to expunge. The Old Testament can be retained with the cancellation of the notes (*scholia*).

12. 1554. *Venice. The Inquisition.* A few months after the publication of the Index of Milan, an Index was issued in Venice under the authority of the Venetian Inquisition. The papal Nuncio, Filippo Archinto (who succeeded Arcimboldi as Archbishop of Milan), shared with the inquisitors the responsibility for the preparation of the lists. Of the original issue no copy is known to exist. The description given by Reusch is based on the reprint published by the persistent Vergerio. The Index is accompanied by no decree. The catalogue bears as a heading the words: *Nomina eorum qui male de fide scripserunt quorum scripta a catholicis legi prohibentur.* The lists comprise a reprint of the titles of the Milan Index with the addition of some seventy entries. An appendix gives the decree of Gelasius (492) together with a few of the book prohibitions of the Middle Ages taken from Eymeric. This Venetian Index was utilised as the basis of the lists compiled for the Index of Paul IV.

The Venetian and Milan compilers themselves made use of the material collected by the Louvain compilers of 1550, and of the titles in the Casa Index of 1549. They had also taken from the catalogue of Lutzenburg and from the *Bibliotheca* of Gesner the names of a number of the heretics of the Middle Ages. Further names were secured, curiously enough, from the letters of Oecolampadius and Zwingli, and these last were cited so heedlessly that they include those of a number of persons who were not, in any respect, authors.¹ Reusch points out that in the endeavour, without adequate knowledge, to make their lists comprehensive, the compilers had been led to include a number of unimportant persons some of whom had published nothing religious or theological, while others were, as said, not authors at all. In some instances, large sounding entries cover simply the Latin rendering of the titles of insignificant German tracts (*flügschriften*).

The Venetian Index was reprinted (from Vergerio's reprint) in London, 1840, by Joseph Mendham, in connection with a reprint of the Index of Gregory XXI of 1835. Mendham uses as a general title, *The Literary Policy of the Church of Rome*. The compilers of this Index, like those of Milan, have included the names of a number of persons classed as heretics in the earlier Middle Ages and before the invention of printing, some of whom had never written anything, while of others no writings had been preserved. To this class belong the Wycliffite Richard "Anglicus," the Hussite, Mathias Boemus, Desiderius Longobardus, Joh. de Poliaco, Petrus de Aragonia, Joh. de Stuma, and Petrus de Luna. These names are taken from Lutzenburg.

¹ Reusch, i, 219.

Of the series of names taken from the Louvain Index of 1550, a number are so altered (either by scribes or by printers) as to be identified with difficulty. From the Index of 1546 are taken Petrus Lignius, and the *Facetiae* of Poggio and of Bebel. From Gesner are taken thirty writers some of whom are responsible for no books at all either in theology or religion.¹ The list includes Maturin Cordier, the instructor of Calvin, who appears for the first time in the Venetian Index. Other names and titles to be noted are Dante, for the *De Monarchia* (which was printed for the first time in 1559, in Germany, and first in Italy in 1658), Laurentius Valla, Hubmeyer (whose name was secured from a letter of Zwingli), Botzheim (friend of Erasmus), *Dialogi Obscurorum Virorum*, Eckstein, and Murnarus for his *Leviathan*.

The appendix contains a prohibition, taken from Eymeric, of all works on the subjects of geomancy, necromancy, and pyromancy.

13. 1558. *Louvain*. In December, 1557, an *ordonnance* of King Philip II directed the preparation by the theological faculty of Louvain of a revised and enlarged issue of the Index of 1550. This was printed, in Flemish and in French, in 1558. The preface, signed by the Rector of the University, states:

"It is well known to all that, since 1550, avowed heretics and others whose catholicity is not to be trusted, have brought secretly into the land pernicious and dangerous books, through the influence of which the heretics are confirmed in their errors and the faithful are led astray. It is the purpose of the present work to secure the destruction of the existing copies of this baneful literature and to protect the land

¹ Reusch, i, 225.

against the introduction of further similar books. *Le Catalogue des livres reprouvéz et des livres que l'on pourra lire aux enfans és escolles particulières, selon le jugement de l'université de Louvain. Imprimé par ordonnance de la Majesté Royale. Á Louvain. Par Martin Verhassett. Imprimeur juré. L'an de grace MDLVIII. Avec Grace et Privilège du Roy.*

(Then follows a second title-page in Flemish.)

The lists contain, with some corrections, the titles printed in 1550. The additions (distributed alphabetically) comprise about one hundred titles. The bibliography is much more correct, in the matter of names, book-titles, freedom from duplicate entries, and consistency of arrangement, than that of the Italian lists of the same period. Among the new names in Class I (authors all of whose works are condemned) are those of Jo. Athanisius Veluanus, Jo. Sleidanus, and Memno Symonis. The first should read: Jo. Anastasius (Jan Geeraerds ter Stege), Veluanus (Pastor in Veluve). There are twelve additional titles in the list of anonymous works.

The material of this Louvain Index was undoubtedly utilised by the compilers of the Index of Paul IV, but they managed to bring into their transcripts a number of errors that did not find place in the original.

14. 1559. Valladolid. Valdes.—*Catalogus Librorum qui prohibentur mandato Illustrissimi et Reverend. D. D. Ferdinand de Valdes, Hispalen., Archiepi., Inquisitoris Generalis Hispaniae. Nec non et Supremi Sanctae ac Generalis Inquisitionis Senatus. Hoc Anno MDLIX editus. Quorum jussu et licentia Sebastianus Martinez, Excudebat Pinciae.* The industrious Inquisitor-General had already, as we have seen, brought into print two Indexes; for the first of these he had utilised the lists

of the Louvain compilers, while the titles in the second were restricted to editions of the Scriptures.

This Index of 1559 is the first Spanish publication in which the lists represent original work on the part of the Spanish editors in the selection of literature to be condemned. The brief of Paul IV, printed in the Valdes Index, which bears date January 4, 1559, gives an indication of the independent character of the actions of the Spanish Inquisition. Paul states that the Inquisitor-General had informed him that the measures taken by the Inquisition against heretical and suspicious books had been hampered because of the licenses that had been accorded by the Curia, not only to divines but to many laymen, for the reading of such books. The Pope had, however (under his brief of December 21, 1558), recently recalled and cancelled all such licenses. He therefore charges Valdes to prohibit absolutely the printing, selling, reading, or possessing of such books, and to order, under the customary penalties, the delivery and destruction of all copies of the same. To the Inquisitor-General is given the fullest authority in the matter and no appeals from his decisions will be entertained. Paul makes no reference in the brief to the Index that had, under his instructions, just been brought into print in Rome, and while this is in form addressed to the whole world, the Pope appears to assume that as far as the Spanish dominions are concerned, the matter of heretical literature is to be left in the charge of the Spanish Inquisition. On his part, Valdes makes no reference to the Index of Paul, although it is hardly to be supposed that he had failed to examine it. In the editorial preface, Valdes informs the scholars and others who may, through ignorance of their character,

have been led into possessing and reading heretical books that these lists have been prepared for their help and guidance. He says further that those who, with the information presented in these catalogues, may continue to print, import, sell, read, or possess copies of the books specified shall be punished with a fine of two hundred gold ducats and with the greater excommunication (*latae sententiae*.) Those who may take part in the translating of these works shall be liable to the same penalties. A curious exception is given in favour of Seb. Martinez, who is permitted, under the instructions of the Inquisition, to print certain of the forbidden works. At the close of the Index, the statement is made that there are many heretical and dangerous books in addition to those whose titles are here given, and that lists of these will be issued later. In connection with the enforcement of the provisions of the Index (a task which was carried out by the Inquisition of Spain with a thoroughness that was never attempted elsewhere), the confessors were instructed, under penalty of the "reserved excommunication," to secure from all their penitents information concerning heretical literature possessed either by themselves or by others.

Through a brief of January 7th, Valdes is given authority, for a term of two years, to take measures against bishops who may be charged with the utilising of heretical literature, and, if necessary, to relieve them of their duties and to place them in confinement. He is instructed to report to the Curia such cases of arrest and to send to Rome the record of the evidence. This special authority appears to have been secured by Valdes for the particular purpose of proceeding against Carranza, Archbishop of Toledo. Through a brief

of January 11th, King Philip II is instructed to take such measures as might be necessary for confirming and carrying into effect the regulations of the Inquisition. Professors who had been applying themselves to the study of Oriental languages were not to be freed from the obligation to deliver up, under penalty of excommunication, (possibly for revision or for the cancellation of heretical notes,) copies of the Scriptures in Hebrew or in Greek. Such copies in the hands of the booksellers were to be destroyed. Among the books specially marked out for sequestration, were works of grammar containing the notes of Melanchthon (who was at the time largely engaged in the compilation of school-books to replace the earlier monkish texts); all Bibles printed in Germany since 1519 without the imprint of the publishers; the editions of St. Chrysostom by Oecolampadius and Musculus (the first complete editions, by the way, of the works of this Father that had yet appeared), and the Commentaries of Vadiumus on Pomponius Mela.

The editions with heretical imprints, which had been proscribed by Paul, of such authors as Lucian, Aristotle, Plato, and Seneca, were not forbidden by Valdes.

The Index of Valdes differs from that of Paul in two respects:

First, the books are classified according to languages, the order of arrangement being Latin, Spanish, Flemish, Low German, High German, French, and Portuguese. The arrangement of titles is roughly alphabetical, with frequent confusion in connection with forenames and surnames.

Secondly, Valdes does not undertake to present the three classes which had been accepted as a precedent for the Roman Indexes. Class I may be said, however,

to find place in the general alphabet in which appear the names of a number of authors with the prohibition of *opera omnia*. The formula *donec corrigatur* does not find place in the Valdes Index.

A large portion of the titles in this Valdes Index are taken from the lists in the Spanish reprint of the Louvain Index of 1550. It is difficult to trace the principle on which either the omissions or the selections of these Louvain titles have been arrived at. The additions made by the compilers of the Inquisition cover in the main such of the Reformation writings as had found their way into Spain through the Low Countries. The editors make no reference to preceding Indexes but present this as if it could be accepted as a substantially complete guide for believing readers. The *Historia Ecclesiastica* of Albert Kranz (1517) finds place in the Valdes Index for the first time among prohibited books. Bellarmin writes later that the editions of this historian are to be condemned simply on the ground of the godless notes added by heretical editors.

A noteworthy title which also here first finds condemnation is that of the *Gesta Romanorum*. The compilation of these old legends of the Church has been ascribed to the Cistercian Helimand (†1227). This book was first condemned in 1472, when the first printed edition was issued in Cologne. It was often reprinted. An edition was issued in New York as late as 1901.

Another prohibited title is that of *Hortulus Animae Absque Nomini Authoris*. Of this book there had been a great variety of editions, in one or more of which heretical editors had included scoffing pictures. The text included fifteen prayers of St. Bridget. Of these

prayers it was said that if they should be repeated during an entire year, fifteen souls would be saved from everlasting punishment. In the same edition, there is a prayer to the Virgin to which was ascribed especial soul-saving value. In Aragon, for instance, in the year 1290, one sinner who had during the preceding year sung this hymn daily, was able, after being beheaded, to retain his soul in the body until all his sins had been confessed and he had received absolution. It would seem as if this book belonged to the class that should have been retained *donec corrigatur*.¹

Llorente, in his description of this Index, refers to a story of Saint Theresa, who, when she complained of the unjust proscriptions of certain orthodox books, was answered by the Lord: "Disturb not thyself, I will give thee the book of life."

The entry in the Index of 1559 under the name Desiderius Erasmus is noteworthy. The name is placed in Class I, comprising authors all of whose writings are prohibited. After the name of Erasmus however, there follows a specific prohibition as follows: *Cum universis Commentariis, Annotationibus, Scholiis, Dialogis, Epistolis, Censuris, Versionibus, Libris et Scriptis suis, etiam si nil penitus contra Religionem vel de Religione contineant*. This specific condemnation, in addition to that expressed under the term *opera omnia*, would appear to have included the edition prepared by Erasmus of the Greek Testament. It may be borne in mind, however, that the latter had secured the approval and very cordial commendation of Pope Leo X, to whom the work had been dedicated. The Pope wrote, in 1516, a letter in which he em-

¹ Schelhorn, *Amoenitates historiae ecclesiasticae et literariae*. Frankfurt and Leipsic, 1737.

phasises the exceptional service rendered by Erasmus in this work to the study of sacred theology and to the maintenance of the true faith. A curious comment made upon this action of the Pope, in the Spanish Index of 1612, may be inserted here. In the expurgatory division, under the article devoted to *Erasmii Roterodami Opera*, at the beginning of the censures on the sixth volume, is printed: *Ad marginem Epistolae Leonis P. P. X. ad Erasmum, quae incipit, Dilecte Fili, salutem, et adscribe: Dulcibus encomiis pius Pater nutantem ovem allicere conatur* ("With gracious commendations the Holy Father endeavours to attract [win back] the wandering sheep").¹

Another noteworthy detail in the Index of 1559 is the entry in the list of works condemned of the title *Liber inscrip. consilium * * * de emendanda ecclesia*. This *Consilium* was a report presented by an assembly of four cardinals (including the Englishman, Pole) and five prelates, which had been instructed by Pope Paul III, in 1537, to give him counsel in regard to the reform of the Church. The report or *Consilium* was more outspoken (in regard to corruptions, etc.) than was considered desirable, and when one of the body, Cardinal Caraffa, assumed the tiara (as Paul IV) he caused his own *Advice* to be placed on the list of prohibited books. The Index of 1559 also contains a condemnation of the work by Aeneas Sylvius (afterwards Pius II), *Commentaria de actis et gestis Concilii Basileen*. In the Tridentine Index, this condemnation is modified to read, *In actis Aeneae Silvii prohibentur ea quae ipse in bulla retractationis damnavit*. It is not out of order to assume that when a man has become a pope, he may be in a position to see things more

¹ Cited by Mendham, 48.

clearly and to correct the errors of his fallible days.

14. 1559. Rome. This is the year of the accession of Paul IV, by whose name the Index of 1559 is known. Its lists were in part based upon the Louvain Index of 1558, and were themselves utilised in the preparation of the Tridentine Index of 1564. It was published during the second interregnum in the council, 1552-1562. The title is:

Index Auctorum et Librorum qui ab officio Sanctae Rom. et Universalis Inquisitionis caveri ab omnibus et singulis in universa Christiana Republica mandantur, sub censuris contra legentes, vel tenentes libros prohibitos in Bulla quae dicta est in Coena Domini expressis et sub aliis poenis in Decreto ejusdem Sacri officii contentis. Index venundatur apud Antonium Bladum. Cameralem impressorem de mandato speciali Sacri Officii, Romae Anno Domini, 1559, Mense Jan.

This is followed by the prohibitory decree of the Inquisition, with a specification of the punishments for transgression as set forth in the *Bulla Coenae Domini*. To these penalties are added others, *nostro arbitrio infligendis*. The chief penalty was the *excommunicatio latae sententiae*. The Index itself is presented in three schedules or divisions arranged alphabetically: I. Authors, all of whose writings, past or future, are condemned. II. Books, classified by authors. III. Anonymous works.

Then follows a list of *Biblia Prohibita*, and of New Testaments, with a general prohibition of all similar translations; and finally a list of sixty-one printers (printer-publishers) all of whose publications are condemned. The formula *donec corrigatur*, later so general, occurs in this Index but once. It is connected with Boccaccio's *Decameron*. In Trent, the prohibi-

tion was confirmed subject to expurgation. The text of the *Decameron* was duly corrected by a commission of five, and thus corrected was published in Florence in an authorised and privileged edition in 1572. The revision eliminated from the *Decameron* the obnoxious references to ecclesiastics, but left in the text a number of episodes *contra bonos mores* which had to do only with laymen. The revisers had, in some of the stories, changed the nuns into noble ladies, the monks to conjurers, an abbess to a countess, etc.¹ Paul includes in his Index a prohibition of the treatise or report that had been prepared in 1538, under the instructions of Paul III, by a commission of nine and printed in the papal printing office under the title of *Consilium delectorum cardinalium et aliorum praelatorum de emendanda ecclesia*. Cardinal Caraffa, later Paul IV, was a member of the commission. The *Consilium* was issued by Luther, in 1539, in a German version, with a polemical commentary. It was again printed by the ever-watchful Vergerio in 1559, the year of Caraffa's elevation to the Papacy. Vergerio did not fail to point out that the Pope was condemning a work for the production of which he was himself in part responsible. The prohibition remained on the Index until 1758. In the Index of this year, the prohibition was modified so as to cover only the editions printed with heretical commentaries. The work closes with a form of license to be secured for the reading of the works prohibited. This license was, for some reason, omitted from the later reprints of the Index.

The Index of Paul is described by the Catholic historian Gretser, but he admits that his information

¹ For further reference to the expurgated editions of the *Decameron*, see Chapter XXV, on the book-trade of Italy.

concerning it is derived from the Protestant critic Vergerio. This is the first Index prepared under the direct supervision of the Pope, and the first which bears the official designation of "Index," the previous lists having been termed catalogues. Editions of Paul's Index appeared within the year 1559 in Bologna, Venice, Genoa, and Avignon. In 1560, the indefatigable Vergerio reprinted it with a critical, or rather polemical introduction. In the same year, Vergerio published, separately, a treatise (in Latin and Italian) devoted to an attack upon the inquisitors who were responsible for the Index of Paul IV.

The title of the Latin edition of Vergerio's work reads: *Postremus Catalogus Haeticorum Romae Conflatus. 1559. Continens Alios Quatuor Catalogos qui post Decennium in Italia nec non eos omnes qui in Gallia et Flandria post renatum Evangelium fuerunt editi. Cum Annotationibus Vergerii, MDLX Colophon, Corvinus excudebat Pfortzheimii, 1560.* The volume is dedicated to Count Stanislaus. The Italian edition was printed at Ulm and dedicated to the King of Bohemia. The author's preface is dated from Tübingen. The author states that the Index or Catalogue of 1559 was concocted by the Pope with the concurrence of six inquisitors only. Vergerio goes on to say that when, ten years back, the Pope observed that the Gospel and books favourable to the Gospel were making their way into Italy, he published, in imitation of the divines of the Sorbonne and of Louvain, a small catalogue condemning seventy books.

The *Annotations* of Vergerio, irrespective of the interest of their severe criticisms on the judicial action and the bibliographical blunders of the inquisitors, have proved of service in preserving the most complete

enumeration of the Italian Indexes prior to 1559. The sources of information concerning these earlier Indexes are, in fact, so scanty and in the main so untrustworthy that the papal historians themselves have been under the necessity of accepting the record of their Protestant critic.

The task of compiling the Index of 1559 had been confided by Paul to Cardinal Caraffa and his associates of the Roman Inquisition. An impression was struck off in 1557, but was cancelled on account of errors that had come to light. The lists as reprinted in 1559 had had the advantage of collation with the Louvain Index of 1558. The papal brief (dated December 21, 1558) follows in the main the text of that of Julius III, of 1550, but there is some new material. One of the earlier sentences is typical of the difficulty of the problems with which the Church found itself confronted:

“A number of ecclesiastics, both regular and secular, who were hopeful of being able to combat the Lutherans and the other heretics of our time and to overthrow their heretical doctrines, and who secured for the purpose permission from the Apostolic Chair to read the works of these heretics, found themselves confused and influenced by these writings so that they were quite largely led astray and perverted into the acceptance of heretical errors. It has therefore, been found necessary to recall and to cancel all such permits issued in Briefs or in Bulls, whether given to bishops, archbishops, or cardinals, to marquises, dukes, kings, or emperors.”

The only exceptions to this general cancellation are in the case of the inquisitors-general and certain cardinals, who may, from time to time, be charged by the Curia with special duties in the examination

and classification of literature. Copies of the books condemned are to be delivered to the officials appointed by the Inquisition for the purpose. All the faithful are charged with the duty of giving information concerning such copies as may become known to them. The brief is to be published in Rome by the Inquisition and elsewhere by each bishop in his own diocese. The lists in the first class include (given, for the most part, in two places under both surname and forename) Calvin, Luther, Melancthon, Zasius, Pirckheimer, Cassander, Blaurerus, Oecolampadius, Zwingli, Islebius, and Hütten (printed Huldrychus Huttenus). English names to be noted are John Rogers (printed John Rochors), Nicholas Ridley (Nic. Ridlaeus), and Thos. Cranmer. The name of Erasmus, omitted here, finds place in Class II against several of his works. These lists are, says Vergerio, marked by many errors and inconsistencies. In the third class, under the heading *Libri* are given certain general prohibitions of which the following may be cited as examples:

All books and tracts (pamphlets) are forbidden, whatever may be their titles, or their subject-matter, and in whatever language they may be written . . . and whether they be original productions or translations, which have been written by heretics, or which may be printed by heretics. . . even when such books contain no material bearing upon faith or religion.¹ Also all books which, within the preceding forty years have been issued without the name of the author, and the name and address of the printer, or for which have not been secured the approval and license of the bishop or inquisitor, or of some other official appointed

¹ In the Index of Trent, the permit of the bishop was required only for works on sacred subjects, *de rebus sacris*.

for the purpose by the pope or by the inquisitors. Record of such permit must be printed in each copy of the book. Forbidden also are all books having to do with the subjects of aeromancy, cheiromancy, physiognomy, geomancy, hydromancy, oneiromancy, pyromancy, or necromancy, divination, magic, or astrology, (exceptions are made in favour of treatises on natural science planned for the guidance of mariners, agriculturists, or physicians); and all books which have been or shall be condemned under the decrees of popes or of councils.

The prohibition of every work that had been produced, or that might thereafter be produced, from the presses of printers classed as heretics (of whom sixty-one were specified by name) constitutes a new feature in the system of Indexes, and is evidence of the importance that had come to be associated with the influence of the printer-publishers of the time. The list is alphabetized by forenames. It comprises: for Augsburg 1, Sig. Grym; for Basel 15, the most important being the brothers Petri, Oporinus, Cratander, and Wolfius; for Frankfort 1, Brubachius; for Genoa 5; for Marburg 2; for Hagenau 1; for Leipzig 2, Blum and Wohlrab; for Nuremburg 5, including Montanus; for Poschlav (Bohemia) 3; for Strasburg 9, including Ulricher and the brothers Richelius; for Tübingen 1, Morhadius; for Venice 1, Brucciolus; for Wittenburg 5, including Rau, Crato, and Klug; for Zurich 3, including Gesner; for Paris 1, but that one noteworthy, Robert Estienne, the most scholarly publisher of his generation; without specification of place, 5. The selection of firms gives an indication of the places which in this matter of heretical publishing were at that time considered to be the sources of

danger for the doctrines and for the believers of the Church. The omission of any name from the Low Countries would indicate that the books from the Dutch and Flemish presses were not making their way into Italy and were not known to the members of the Roman Inquisition.

Christopher of Padua, General of the Augustinians, who had had to do with this Index, stated at Trent that in the work of its preparation, careful examination had been made of all the heretical books in the library of the Vatican. The compilers had utilised, in addition to the lists of Louvain, of Venice, and of Casa, certain lists which Reusch traces to the "Library" (Bibliothek) of Gesner, and to Cochlaeus's *Historia de Actis et Scriptis M. Lutheri*. Further titles are taken from the "Letters" of Oecolampadius and of Zwingli. Certain omissions of noteworthy and "deserving" names or titles, which were available in previous lists, such as Beza, recorded in the Venice Index, and the *Epistolæ Obscurorum Virorum*, which appears in Louvain, were due doubtless simply to oversights in transcribing. A curious entry in Class II is *Arturus Britannus*, which stands for the *Legend of King Arthur* and which is responsible for the appearance in later Indexes of the heretical author "Thomas Arturus." The entry in Class I of the name of an author was not permitted to stand in the way of a separate condemnation in Class II or in Class III (under individual titles) of his more pernicious productions.

This Index of Paul IV seemed to call for some special measure of attention in this schedule, because it is the first prepared in Rome under the direct instructions of the pope, and because in its general purpose and policy, in the method of its compilation, in its character-

istic features, and its bibliographical errors, it was typical of the whole series of Indexes, and was in fact quite closely followed not only by that of Trent, but by not a few of those that came later. The policy of the Church in its contest with the perils of an uncontrolled printing-press may be said to have been marked out in 1559 by Paul IV and his associates. The fact that the lists included, in addition to works by admitted heretics and to those concerned with matters of theology, faith, and dogma, a number of books by Catholic writers in good standing, others whose subjects were entirely outside of theology and religion, and a further number whose only fault was that of being printed by heretical printers, is an indication of the wide view taken by the framers of the Index, and doubtless by Paul himself, as to the responsibilities of the Church in the supervision of literature. The Index of Paul may also be considered as a declaration that the responsibility for the supervision and characterisation of literary productions belonged properly to the head of the Church and could not safely be left to be cared for by princes, universities, or local inquisitors. It seems very probable that Paul and his advisers of the Roman Inquisition had such a contention in mind, but as the record of the production of later Indexes makes clear, the authorities in Rome proved unequal to the task of controlling the prohibition of books, and were obliged to accept, with more or less protest, a considerable series of Indexes compiled under the direction of kings, princes, universities, local inquisitors, and local ecclesiastics. The fact that the work came to be carried on by a number of authorities of varying character and with certain inevitable differences of purpose, of policy, and of method, caused

the results to be more or less inconsistent and incongruous. An obedient believer, whose desire was simply to accept and be guided by the instructions of the authorities, might easily have found himself not a little perplexed at the conflicting instructions that came to him in regard to this matter of pernicious literature, in the two centuries between the Index of Louvain and that of Benedict XIV. An example of the effect produced by this Index on the mind of one Roman scholar is given in a letter written in January, 1559 (immediately after the publication of the Index) by Latinus Latinus to Andrea Masius¹:

“Why should you be planning for the publication of any new works at a time when nearly all the books which have thus far appeared (*qui adhuc sunt editi*) are being taken away from us? It seems to me that at least for some years to come, no one among us will dare to write anything but letters. There has just been published an Index of the books which, under penalty of excommunication, we are no longer permitted to possess. The number of those prohibited (particularly of works originating in Germany) is so great that there will remain but few. On this ground, I advise you to put to one side your variants of the Bible and the translation of Demosthenes. Faernus has been devoting some days to the ‘purifying’ of his library; I shall begin to-morrow going over my own collection so that nothing may be found in it which is not authorised. Should I describe the process as a shipwreck or a holocaust of literature? In any case this [censorship] must have the result of deterring many of your group from the production of books, and will serve as a warning to the printers to be cautious in making selections for their presses.”

It may be understood, although it is not specifically

¹ Cited by Mendham, 53

so stated, that the books delivered over to the bishops or inquisitors were burned. Natalis Comes writes (possibly with some rhetorical exaggeration), "There was everywhere such a conflagration of books, that one was reminded of the burning of Troy. Neither private nor public libraries were spared, and many were nearly emptied. . . . In all the cities of Italy, readers were mourning for their lost treasures."¹ A letter from Bologna dated February 11, 1559, says: "The prescriptions of the Index are obeyed here. Nothing is permitted but the *Thesaurus linguae latinae* and the *Commentaries* of Dolet. Of the writings of Erasmus, one is permitted to retain nothing but one or two of the translations [of the Fathers] and in these the name of the translator must be cancelled."²

Bullinger writes to Ambrose Blaurer: "In Rome, Paul IV is burning books, and among others, all the writings of Erasmus. Even the works of Cyprian, Jerome, and Augustine are included because they have been rendered pernicious through the notes of Erasmus."³

Paul IV died in August, 1559, and after his death, the enforcement of the provisions and regulations of his Index was very materially relaxed. In Venice (a State which in connection with its early and important interests in the production of books maintained from the outset a protest against the efforts of Rome to control the work of the printing-press) this Index was never put into force. The Viceroy of Naples and the Governor of Milan refused to permit the publication of the Index in their territories, but referred the matter to the King of Spain. The magistrates of Basel, Zurich, and Frankfort and of other centres of

¹ *Historia Sui Temporis*, xi, 262.

² Cited by Reusch, i, 297.

³ Huttinger, 9, 408.

book-production made application to Cosmo, Duke of Tuscany, to protect the interests of their printers. A report prepared for Cosmo by the jurist Livio Torelli stated that the execution of the papal decree would bring upon Florence an immediate loss in property of 100,000 ducats, and would cause the ruin of the printer-publishers and booksellers whose business was of increasing importance to the city; while it would also call for the destruction of the supplies of Bibles and classics and of other valuable literature which had been produced for Italian scholars by the printers of Germany and of France. Under pressure from the Cardinal of Alessandria, the Duke finally ordered the burning of all books which were opposed to religion and of those having to do with magic and astrology, which order was duly carried out on the 8th of March on the Piazza San Giovanni. The Duke refused to permit the destruction of books outside of those two classes, and (as patron of the monastery) prohibited the monks of San Marco, who wanted to carry out the decree in full, from burning any of the volumes presented by his predecessors to the library of the monastery. Outside of Italy, excepting in the town of Avignon, very little attempt was made to put into force the provisions of the Index. In Spain, it was never brought into print. In France, the application for a privilege to print was referred to a committee of doctors of the Sorbonne, and from this committee no report appears to have been made. Arias Montanus writes November 16, 1571: "This Index has caused indignation to all scholars, and not only in France and in Spain, but in many portions of Italy, they decline to respect its injunctions." ¹ Even in the preface to the Index of Trent, it

¹ *Mémoires de la R. Acad. de Hist.*, vii, 154.

is noted that the Index of Paul IV had failed to secure acceptance in many provinces because it included in its lists of prohibited books many whose use was essential for scholars. In several respects, the framers of the Index of Trent, which became the authority for the Church, found occasion to modify and to mitigate the sweeping severity of the provisions of the Index of Paul, while Valdes, Inquisitor-General of Spain, refused to permit these provisions to be put into force within that kingdom. It is evident that the officials who had, under the instructions of Paul, compiled this first Roman Index were considered by many of their contemporaries, as well as by their successors, to have done their work in too sweeping a fashion, and with an ignorance, or a disregard of, the legitimate requirements of scholars in good standing within the Church, who had a just claim to consideration.

A repeated complaint on the part of the critics of the censorship operations under Paul IV was the ignorance and the heedlessness of the examiners who had in their hands the responsibility for passing upon the works of scholars. The books of the great leaders of thought were, it was charged, placed under the control of ignorance and mediocrity. The work of a learned commentator of St. Chrysostom or of the Psalmist was to be condemned by examiners who had no knowledge either of Greek or of Hebrew. Under such a system, it might still be possible for scholars to carry on their researches with a patience adequate for the production of compilations, but it was not possible to preserve for original thinkers the serenity of soul and the independence of spirit required for the production of really great works.

CHAPTER VIII

THE COUNCIL OF TRENT AND THE INDEX OF PIUS IV, 1564.

Rome, 1564. *Pius IV, Council of Trent.*—*Index librorum prohibitorum cum regulis confectis per Patres a Tridentinae Synodo delectos, auctoritate Sanctis D. N. Pii IV Pont. Max., comprobatus. Romae, apud Paulum Manutium, Aldi F. 1564.*

This is the first Index which has behind it the authority of a general council.

As early as April, 1546, in the fourth session, a papal decree entitled *De editione et usu librorum sacrorum* was received and accepted by the council. This presents the general grounds for the authority of the Vulgate, the principles that are to control the interpretation of the Scriptures, a prohibition of any wrongful use or citations of the works of the Bible, and, finally, instructions to the council to frame regulations for the supervision and control of the work of the printing-press, "the operations of which as now uncontrolled tend to pernicious license and injury to the faith of the community and to the authority of the Church." Certain suggestions follow concerning the necessity for a close supervision of the text of the Scriptures to the end that it may be printed without error, omission, or interpolation, and the further necessity of forbidding the printing of any books having

to do with religion or with the Scriptures which have not secured the approval of examiners appointed by the Church. The approval of such books must be given in writing and must be recorded in every written or printed copy. Anonymous books must in no case receive approval.¹

Two archbishops, Beccatelli and Selvaggio, deprecated the discussion of the subject as calculated to impede the principal object of the council; since Paul IV had, with the counsel and assistance of all the Inquisitions, formed a most complete catalogue, nothing could be added but books edited within the two years that had elapsed since its publication, an act undeserving of the labour of the synod. To reverse any condemnation in that Index would be to reflect imprudence on Rome; and while such action would lessen the authority of the Index of Paul, it would also injure the Council itself. In the redundance of books since the invention of printing, it were better that a thousand innocent ones should suffer than that one guilty should escape. Neither should reasons be given which would provoke opposition and would impair the dignity of laws that ought to rest simply upon their own authority. Correction and expurgation were likewise deemed inexpedient as tending to invite criticism and to make enemies. A contrary opinion, however, prevailed and at the eighteenth session, a decree was passed declaring that as the disease of pernicious books had not yielded to the salutary medicine hitherto applied, it was deemed proper that certain Fathers should be appointed diligently to examine and to state to the council what was necessary to be done respecting the censure

¹ *Zeitsch. für Phil.*, 26, 289.

of books. In its last session, the council referred to the judgment of the pope the work that had been prepared by its committee, and publication of the same was made in Rome in 1564.

The most permanent portion of the work of this council was the series of Ten Rules prepared as a guide and instruction for all ecclesiastics or other authorities who might thereafter be charged with the duty of literary censorship. These Rules were reprinted in nearly all subsequent papal Indexes, while in the Spanish Indexes they formed the basis of the more or less modified Rules promulgated by the inquisitors. Sixtus V (1585) replaced the Tridentine Rules with a new series of regulations, but they were reissued by Clement VIII (1592) with a few additions. They find place in the two Indexes of Leo XIII, 1896 and 1900.

The Ten Rules of the Tridentine Index ¹

I. All books condemned by the supreme pontiffs, or general councils, before the year 1515, and not comprised in the present Index, are, nevertheless, to be considered as condemned.

II. The books of heresiarchs, whether of those who broached or disseminated their heresies prior to the year above-mentioned, or of those who have been, or are, the heads or leaders of heretics, as Luther, Zwingli, Calvin, Balthasar, Pacimontanus, Swenchfeld, and others similar, are altogether forbidden, whatever may be their titles or subjects. And the books of other heretics, which treat professedly upon religion, are totally condemned; but those which do not treat upon religion are allowed to be read, after having been

¹ The translation is that of Townley, ii, 429-485.

examined and approved by Catholic divines by order of the bishops and inquisitors. Those Catholic books also are permitted to be read which have been composed by authors who have afterwards fallen into heresy, or who, after their fall, have returned into the bosom of the Church, provided these have been approved by the theological faculty of some Catholic university, or by the general Inquisition.

III. Translations of ecclesiastical writers, which have been hitherto published by condemned authors, are permitted to be read, if they contain nothing contrary to sound doctrine. Translations of the Old Testament may also be allowed, but only to learned and pious men, at the discretion of the bishop; provided they use them merely as elucidations of the Vulgate version, as a means of understanding the Holy Scriptures, and not in place of the sacred text itself. But translations of the New Testament made by authors of the first class of this Index are allowed to no one, since little advantage, but much danger, generally arises from reading them. If notes accompany the versions which are allowed to be read, or are joined to the Vulgate edition, they may be permitted to be read by the same persons as the versions, after the suspected places have been expunged by the theological faculty of some Catholic university, or by the general inquisitor. On the same conditions, also, pious and learned men may be permitted to have what is called the Bible of Vatablus, or any part of it. But the preface and *Prolegomena* of the Bible published by Isidorus Clarius are, however, excepted; and the text of his editions is not to be considered as the text of the Vulgate edition.

IV. Inasmuch as it is manifest from experience that

if the Holy Bible, translated into the vulgar tongue, be indiscriminately allowed to every one, the temerity of men will cause more evil than good to arise from it, this matter is referred to the judgment of the bishops, or inquisitors, who may, by the advice of the priest, or confessor, permit the reading of the Bible, translated into the vulgar tongue by Catholic authors, to those persons whose faith and piety, they apprehend, will be augmented, and not injured, by it; and this permission they must have in writing. But if any one shall have the presumption to read or possess it without permission, he shall not receive absolution until he have first delivered up such Bible to the ordinary. Booksellers, however, who shall sell or otherwise dispose of Bibles in the vulgar tongue to any person not having such permission, shall forfeit the value of the books, to be applied by the bishop to some pious use; and be subjected to such other penalties as the bishop shall judge proper, according to the quality of the offence. But regulars shall neither read nor purchase such Bibles without a special license from their superiors.

V. Books of which heretics are the editors, but which contain little or nothing of their own, being mere compilations from others, as lexicons, concordances, apophthegms, similies, Indexes, and others of a similar kind, may be allowed by the bishops and inquisitors, after there have been made, with the advice of Catholic divines, such corrections and emendations as may be deemed requisite.

VI. Books of controversy betwixt the Catholics and heretics of the present time, written in the vulgar tongue, are not to be indiscriminately allowed, but are to be subject to the same regulations as Bibles in

the vulgar tongue. As to those works in the vulgar tongue which treat of morality, contemplation, confession, and similar subjects, and which contain nothing contrary to sound doctrine, there is no reason why they should be prohibited; the same may be said also of sermons in the vulgar tongue, designed for the people. And if in any kingdom or province, any books have been hitherto prohibited as containing things not proper to be read without selection by all sorts of persons, they may after correction, if written by Catholic authors, be allowed by the bishop and inquisitor.

VII. Books professedly treating of lascivious or obscene subjects, or narrating or teaching these, are utterly prohibited, since not only faith but morals, which are readily corrupted by the perusal of them, are to be considered; and those who possess them shall be severely punished by the bishop. But the works of antiquity, written by the heathen, are permitted to be read, because of the elegance and propriety of the language; though on no account shall they be suffered to be read by young persons.

VIII. Books, the principal subject of which is good, but in which some things are occasionally introduced tending to heresy and impiety, divination, or superstition, may be allowed, after they have been corrected by Catholic divines, under the authority of the general Inquisition. The same judgment is also given concerning prefaces, summaries, or notes, taken from condemned authors, and inserted in the works of authors not condemned; but such works must not be printed in future, until they have been amended.

IX. All books and writings of geomancy, hydro-mancy, aeromancy, pyromancy, onomancy, cheiro-

mancy, and necromancy; or which treat of sorceries, poisons, auguries, auspices, or magical incantations are utterly rejected. The bishops shall also diligently guard against any persons reading or keeping any books, treatises, or indexes which treat of judicial astrology or contain presumptuous predictions of the events of future contingencies, and fortuitous occurrences, or of those actions which depend upon the will of man. But such opinions and observations of natural things as are written in aid of navigation, agriculture, and medicine are permitted.

X. In the printing of books or other writings, the rules shall be observed which were ordained in the tenth session of the Council of Lateran, under Leo X. Therefore, if any book is to be printed in the city of Rome, it shall first be examined by the vicar of the pope or by the master of the sacred palace or by other persons chosen by our most holy Father for that purpose. In places other than Rome, the examination of any book or manuscript intended to be printed shall be referred to the bishop with whom shall be associated the inquisitor of heretical pravity of the city or diocese in which the printing is done, and these officials shall without charge, and without delay, affix their approbation to the work, in their own handwriting, such approval being subject, however, to the pains and censures contained in the said decree; there is the further condition, that an authentic copy of the book to be printed, signed by the author himself, shall remain in the hands of the examiner; and it is the judgment of the Fathers of the present deputation that those persons who publish works in manuscript before these have been examined and approved, should be subject to the same penalties as those who print

them; and that those who read or possess such books should be considered as the authors, if the real authors of such writings do not avow themselves. The approbation given in writing shall be placed at the head of the books, whether printed or in manuscript, that they may appear to be duly authorised; and this examination and approbation, etc., shall be granted gratuitously.

Moreover, in every city and diocese, the houses or places in which the work of printing is carried on, and also the shops of booksellers, shall be frequently visited by persons deputed for that purpose by the bishop or his vicar, conjointly with the inquisitor of heretical pravity, so that nothing that is prohibited may be printed, kept, or sold. Booksellers of every description shall keep in their libraries a catalogue, signed by the said deputies, of the books which they have on sale, nor shall they keep, or sell, nor in any way dispose of, any other books, without permission from the deputies, under pain of forfeiting the books, and of liability to such other penalties as shall be judged proper by the bishop or inquisitor, who shall also punish the buyers, readers, or printers of such works. If any persons import foreign books into any city, they shall be obliged to announce them to the deputies; or if this kind of merchandise be exposed to sale in any public place, the public officers of the place shall signify to the said deputies that such books have been brought; and no one shall presume to read, or lend, or sell any book which he or any other person has brought into the city, until he has shown it to the deputies, and obtained their permission, unless it be a work well known to be universally allowed.

Heirs and testamentary executors shall make no use

of the books of the deceased, nor in any way transfer them to others, until they have presented a catalogue of them to the deputies, and have obtained their license, under pain of confiscation of the books, or the infliction of such other punishment as the bishop or inquisitor shall deem proper, according to the contumacy or quality of the delinquent.

With regard to those books which the Fathers of the present deputation shall examine, or correct, or deliver to be corrected, or permit to be reprinted on certain conditions, booksellers and others shall be bound to observe whatever is ordained respecting them. The bishops and general inquisitors shall, nevertheless, be at liberty, according to the authority they possess, to prohibit also such books as may appear to be permitted by these rules, if they deem such prohibition necessary for the good of the kingdom or province or diocese; and the secretary of these Fathers, shall, according to the command of our holy Father, transmit to the notary of the general inquisitor the names of the books that have been corrected, as well as of the persons to whom the Fathers have granted the power of examination.

Finally, it is enjoined on all the faithful that no one presume to keep or read any books contrary to these Rules, or prohibited by this Index. But if any one read or keep any books composed by heretics, or the writings of any author suspected of excommunication, and those who read or keep works interdicted on another account, in addition to the burden of mortal sin, shall, at the discretion of the bishops, be severely punished.

In advance of the Rules are printed the Bull of the Pope, dated Rome, March 24, 1564, and a preface by Francis Forerius, secretary of the deputation or com-

mission which had been charged with the compilation of the Index. Forerius states that this Index is intended to take the place of that prepared at Rome by the inquisitors (that of Paul IV) because that had included certain books which did not deserve to be prohibited, and also because it had not been generally accepted.

Notes on the Ten Rules

I. This follows in substance the regulation of Paul IV. Sixtus added: "To be excepted are certain books which, notwithstanding the errors contained in them, the Church has found it desirable to preserve as records of ecclesiastical traditions and old-time usages, or as evidence to be used in the specification and condemnation of heretical doctrines, as is set forth in the decree of Pope Gelasius I" (492). Gelasius, however, does not prohibit the reading of the condemned books, and in fact no such prohibitions occur before the 16th century.

II. A somewhat similar distinction between heresiarchs and ordinary heretics finds place in Louvain, 1546. The definition of heresiarchs might, however, have been made a little more precise for the information of the faithful, or a complete list of them might have been given, as was done later by Quiroga (1594) and by Sixtus.

III. The later Indexes of Sixtus (1585), Alexander VII (1655), and Benedict XIV (1756) proscribed, with some slight modifications in the wording, all editions of the Scriptures edited or printed by heretics. Alexander added, "the Holy Script or any portions of the same which have, since 1515, been printed in metrical form." Benedict restricts this prohibition to metrical versions produced by heretics.

IV. Paul IV had permitted the reading of the Bible in the vernacular only under authorisation of the Inquisition. Sixtus replaced the milder regulation of Trent with his rule No. 7. The possession of the Scriptures or of portions of the Scriptures printed in the popular tongue is prohibited except under special authority of the Curia. Paraphrases in the vernacular are unconditionally condemned. In later Indexes, the prohibition was extended to cover all "summaries" and historical compends of the Bible in the vulgar tongue. The acceptance of these prohibitions varied in different lands and in different times. In Spain, a Bible had been printed in the dialect of Valentia as early as 1478. The first issue in the vernacular after that date was that of 1790, edited by San Miguel, later Bishop of Segovia. A second appeared in 1823, edited by Amat, Bishop of Barcelona.

The Lisbon Index of 1624 not only confirmed the prohibition of Bibles and parts of the Bible, but added a new restriction in forbidding the use in works of general literature (printed in the vernacular) of any extracts from the Scriptures. This order called for the cancellation, for instance, in the *Shepherds of Bethlehem* of Lope de Vega, of the poet's versions of the *Magnificat*, the *Benedictus*, the *Nunc Dimittis*, and the *Miserere*. In Italy, previous to 1560, a number of translations of the Scriptures had been issued, but after the prohibitions of Paul IV and of the Index of Trent, we find record of Italian versions only of the Psalms and a few other portions, and these could be read only with a formal permission. In 1596, Clement VIII authorised the publication, by the Order of Jesus, of an edition in the vernacular of the portions of the Gospels selected for reading on Sundays and

Saints' days. It would appear, however, as if north of the Alps, this proscription of the Scriptures in the vernacular failed to secure any general enforcement, as during the 16th and 17th centuries a large series of editions of the Scriptures and of the New Testament were brought into print from Catholic translations, in French, German, Bohemian, Hungarian, and Polish. The Jesuit Serarius, writing in 1612, complains that "any one in Germany can read the Bibles of Eck or Dietenberger, and in place of being reprimanded and punished by their bishops and confessors, the delinquents are likely to be commended and honoured."

V. Sixtus orders further that the name of the heretical publisher of the work must be cancelled and that of the "Expurgator" must be specified. Benedict directs that dictionaries, thesauri, and similar works compiled by heretics, "like the publications of the Stephani, Scapula, J. J. Hofmann, etc.," must, before being "permitted," be thoroughly "expurgated" of all material which may be antagonistic to the Catholic faith.

VI. Sixtus directs that books written in the vernacular which combat the doctrines of the Jews and Mohammedans, shall be read only under authorisation of the Inquisition. In Germany, the prohibition against the reading of controversial books printed in the vernacular secured very little obedience and such books came, during the 16th century, into very wide circulation.

VII. In the Index of Paul, there is recorded under this heading a group of Priapean literature connected (erroneously) with the name of Virgil. The only other classic author condemned as obscene is Lucian. In the Lisbon Index of 1624, it is specified that the Epigrams of Martial can be permitted only after

expurgation, or in the text edited by the Jesuits Fusius, Radius, and Augerius. Ovid's erotic poems are permitted "for private reading," but for students only the *Epistolae Selectae* as edited at Tournay, 1615. Sixtus prohibits also obscene pictures and collections of music containing amatory songs.

X. In 1625, the Inquisition of Rome issued an order prohibiting any resident of the States of the Church from printing a book without the permission, if within the city of Rome, of the cardinal vicar and the *Magister* of the palace, or if without the city, of the local bishop. Alexander VII announced in the Bull of 1664, which accompanied his Index, that only those penalties were still in force which were specified in this tenth Rule and in the *Bulla Coenae*. Under this decision, the excommunication *latae sententiae* became no longer applicable to those who might read writings of heretics but still held good for the reading of books actually specified in the Index, of vernacular versions of the Scriptures and controversial works, and of works classed as obscene.

The enforcement in Germany of the penalties prescribed in Rule X was a matter of dispute among the theologians as had before been the authority of the *Bulla Coenae*. In 1869, these penalties were rescinded by the Bull of Pius IX. In the same Bull, however, Pius retained the "reserved excommunication" for the printing, reading, etc., of books which had been specifically condemned (by titles), not by the Inquisition, but by direct apostolic authority (papal Bulls, briefs, or encyclicals). This specification would apparently cover the books listed in the two Indexes issued under the direct authority of Pius IX and probably

holds good also for the works contained in the two Indexes of Leo XIII.

The Tridentine Index, presented with the full authority of the Church represented by the Pope (Pius IV) and the general council, and compiled after due deliberation, by a representative commission of scholarly divines, secured a much wider distribution and more general acceptance than had been obtained by the first of the papal Indexes or than could have been expected for the comparatively local Indexes of Louvain, Venice, or Valladolid. The Index was printed in 1564, either separately or in connection with the record of the Decrees of the Council of Trent, in Bologna, Modena, Florence, Cremona, Venice, Cologne, and Dillingen, and during the remaining years of the century, in a great number of editions. Within the next thirty years, there were no less than ten issues from the presses of Venice (which was still one of the most important centres of the printing industry) and four from Cologne. Throughout the Catholic world, the interest was active and continued in the proceedings and conclusions of the council which had undertaken the task of cleansing the Church from its inner evils and of fortifying its institutions against the assaults of the heretics without. The deliberate policy of the Church in regard to the supervision of books was expressed in the Ten Rules of its Index and in the accompanying lists of prohibited books and of condemned authors, and these rules and lists now came to the eyes of thousands of readers (or were cited to them by their teachers and confessors) who had never before known of ecclesiastical censorship. According to the understanding of the Curia, no formal acceptance or con-

firmation was required to make binding in the lands acknowledging the authority of the Church either the Bull or the Index, but this was not the view generally taken.

In Belgium, Bavaria, and Portugal, the regulations of the Index were formally adopted under royal edicts. Spain adhered to the policy of leaving in the hands of the Spanish Inquisition the responsibility for the preparation, and for the enforcement of, the successive Indexes, and neither the Index of Trent nor any other issued under papal authority was ever accepted as binding within the Spanish dominions. The Ten Tridentine Rules were however adopted in the Spanish Indexes appearing after 1564. In France and in Germany (outside of Bavaria) the Index of Trent was confirmed and promulgated only by one or two provincial synods. It is evident that in these countries the Rules secured no general acceptance or authority. Reusch adduces as evidence that the Roman authorities held the Tridentine Index to be universal in its authority, certain instructions given in 1580 by Gregory XIII to Toletus. Toletus, who had been sent to Germany and the Low Countries as a papal representative, was empowered to absolve from excommunication and from other ecclesiastical penalties, believers who had for scholarly purposes retained or read books condemned as heretical, provided they would promise to abandon the pernicious practice.

The decrees in regard to book-production issued during the succeeding twenty years by the provincial synods of Italy repeated in substance the regulations of Trent, with an occasional addition. In Milan for instance, in 1583, the synod ordered that printers and booksellers must, before securing permission to begin

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business, make a confession of faith to the bishops and take an oath to conduct their business according to the regulations of the Index.

In a number of the dioceses of France, similar edicts were issued, but these made no reference to the papal Indexes. In 1566, King Henry II ordered (at the instance of the theological faculty of the Sorbonne) that no books prohibited by said faculty should be printed, owned, or read. Further, he authorised the Sorbonne to make personal examination of the stock of the booksellers. The supervision exercised by the Sorbonne over the production and distribution of books worked to the detriment of the book-trade of Paris, and to the advantage of the printers and dealers of Lyons, Montpellier, and other provincial centres, where it proved to be impracticable to enforce the regulations of the Paris theologians. It was also a factor in building up in Holland (which was practically free from censorship) the business of producing books for the students of Europe.

In Germany, notwithstanding repeated efforts by successive popes, Pius V, Gregory XIII, and others, and edicts by Maximilian II and Rudolf II, it was evidently impracticable to keep control or supervision over the productions of the rapidly increasing printing-presses, presses which, instead of being concentrated as at Paris, were distributed through a great number of widely separated towns. A letter written in 1582 by the Bishop of Vienna indicates that the lists in the Roman editions of the Index were not accepted as final authority. "You can permit the use of books printed in Munich, Ingolstadt, Cologne, and other such towns [*i.e.* towns under good ecclesiastical influence] but those from Wittenberg, Tübingen, etc., must be

forbidden. It will be well for the inspectors to take in their hands the catalogue of the Frankfort Fair in which are given the titles of the Protestant theological books. They will also find useful the Index as printed in Cologne and in Venice.”¹ In 1566, Josias Simler writes: “A new Index has been promulgated in which so many books are condemned that many Italian professors complain they will no longer be able to deliver their lectures. The Frankforters and Zurichers and other German cities have written to the authorities of Venice begging them not to accept the Index.”² Kirchhof speaks of the German book-trade with Italy as being practically destroyed through the enforcement of the regulations of Trent, while the book-dealers of Italy itself were isolated and in many cases ruined.³

The Dominican Bernardo Castiglione writes, in 1581:

“In Rome, there is at present much watchfulness concerning the books coming into Italy. The Inquisitors are charged with the duty of prohibiting or destroying copies of this work or that. As a result, the booksellers dare not give orders, and are often unable to sell the books they have received. I understand that there are now lying in the Roman shops unsalable books to the value of many thousand *scudi*.”⁴

A noteworthy omission in the catalogue of the Trent Index is the entire list of condemned Bibles and Testaments which had constituted an important division in the Index of Paul IV. Mendham calls

¹ *Archiv. für Oester. Gesch.*, I, 268.

² *Archiv. für Deutsch. Buchh.*, v, 147.

³ *Beiträge*, ii, 63.

⁴ *Arch. Stor. App.*, viii, 199.

attention to the omission of the name of John della Casa.

Paul's editors had placed the name of Erasmus in Class I (authors all of whose writings were condemned) and had added a specification which is connected with no other name, not even those of Luther and Calvin: "with all his commentaries, criticisms, scholia, dialogues, letters, translations, books, and writings, including those which have nothing to do with the subject of religion." In the Index commission of Trent, after sharp discussions, this Draconian judgment was materially modified. The name of Erasmus was placed in Class II, in connection with the titles *Colloquia*, *Encomium Moriae*, *Christiani Matrimonii Institutio*, and the *Paraphrasis in Mattheum* (as printed in an Italian version under the name of Bernardine Tointano). The other writings, including those that had already been condemned in Paris and in Louvain, were left free. For the *Adagia*, a specific authority was given to Paulus Manutius for the publication of an edition. Until this edition should be in readiness, permission was given for the use of the existing editions (the most noteworthy was that printed in 1498 by Aldus), after certain reprehensible or doubtful passages had been eliminated under the authority of the Inquisition or of a theological faculty. In 1590, under the authority of Sixtus V, Erasmus was again placed in Class I, and all of his writings "whatever their subject-matter," with the exception of the expurgated *Adagia*, were condemned. In 1596, Clement VIII again confirmed for the writings of Erasmus the classification of Pius IV. In the Spanish Indexes, the name of Erasmus was, after 1612, retained in Class I. In 1575, the expurgated

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edition of the *Adagia* was issued in Rome under the authority of the Church, without the name of the author. It would be a little difficult to secure from these varying pronouncements a trustworthy impression as to the final conclusions of the Church authorities in regard to the seriousness of the heresies contained in the writings of this scholarly Catholic or as to the actual value of the books.

In the preface to the Trent Index, it is stated that those writers are to be placed in Class I who are known as heretics or who are suspected of heresy (*nota haeresis suspecti*). This phrase is capable of varying interpretations and would appear to have been worded in order to cover the cases of writers like Erasmus, who while refusing to class themselves with the Protestants, had written or spoken with sharp criticism of the Church. As a result of such an instruction, writers like Staupitz, Pirckheimer, Hamer, and Billicanus find place in Class I. There also were included by Paul, Rhenanus and Zasius, who were by the Trent editors transferred to Class II.

Savonarola had suffered death as a heretic in 1498, but no reference was made in the judgment to his writings. These came up for consideration in the compilation of Paul's Index, and were discussed in several sessions of the Inquisition. They were condemned by representatives of the Jesuits, the Augustinians, the Carmelites, and the Franciscans, and were defended by certain Dominicans. It was the desire of Paul to have the whole series condemned, and it is said that as certain passages were read out loud the Pope stamped on the floor and exclaimed, "This is pestilential teaching, it is Martin Luther himself."

It was finally decided to place in the Index the *Dialogo della verita prophetica* and fifteen of the sermons preached in 1496-98, including that given at the ordeal of fire. The writings of Savonarola came again into discussion at Trent when the commission concluded to permit the reading of expurgated editions. In 1598, under the permission of Clement VIII, an edition of Savonarola's works was undertaken by Cardinal Bonelli and Philip Neri, but was never completed. As late as 1837, was placed upon the Index (under Pius VIII) an edition of the *Opere inedite* di Fra Gir. Savonarola, *Libri cinque dell' Italia*, etc.

Clemangis, placed by Paul in Class I, is transferred by Trent to Class II, with the specification that the works can be permitted when expurgated. Geiler of Kaisersberg, placed by Paul in Class I, is left out of the Index of Trent, but is replaced by Sixtus V and Clement VIII in Class I, where his name still remains.

The Trent Index, like that of Paul IV, includes in Class I a number of Italian authors whose works seem to be of hardly sufficient importance to give warrant for the distinction. Among the names the grounds for the condemnation of which are more easily to be understood may be noted that of Petrus Paulus Vergerius. The record of Vergerio has been referred to in connection with the Index of 1559. His thorough knowledge of the methods followed by the compilers of the Italian Indexes, his strenuous opposition to the policy of permitting literary production to be controlled by the Inquisition, and his trenchant controversial style, had rendered this convert to Protestantism one of the most dangerous of the opponents of the Church. It is not surprising, therefore that his name should have been singled out for special condemnation.

200 Authors Placed under Condemnation

The compilers were also sufficiently painstaking to trace and to include in their lists the titles of certain of Vergerio's writings which had been printed under a pseudonym or anonymously.

In Class II, may be noted Italian translations of certain writings of Luther which had been issued under the name of Fregoso (Federigo Fregoso died in 1541, as Archbishop of Salerno.) Class III contains further Italian translations of the treatise of Luther on the *Freedom of Christian Men* and of the *Address to the Christian Nobility of Germany*. In the same class is entered the title *Il Beneficio di Christo* (also recorded as *Beneficium Christi*), the authorship of which is ascribed to Dom Benedetto, a Benedictine of Mantua. This tract was printed throughout Europe in various versions and secured a very wide circulation. Vergerio speaks of forty thousand copies being sold in Venice alone, within six months. The tract appears, however, to have been very thoroughly suppressed, as copies are now scarce.

Among the non-theological Italian writers whose names find place in the lists of Trent (and in other of the earlier Indexes) the following may be noted: Dante, Macchiavelli, Boccaccio, and Guicciardini. The name of Dante is connected with the treatise *De Monarchia*. The ground for the condemnation was undoubtedly the same that, two centuries earlier, had brought the author under the reprobation of John XXII, namely, that Dante had ventured to assert that the authority of the emperor was derived from God and not from God's vicar on earth. The book had, in 1318, been publicly burned in Lombardy. The name of Dante finds place also in the expurgatory Index issued, in 1581, in Lisbon. The *Commedia* is

prohibited until it has been officially expurgated, and all copies are ordered to be delivered to the Inquisition for correction. The *De Monarchia* is referred to by Fox in his *Book of Martyrs*. He speaks of Dante as "an Italian writer against the Pope." The name of Joan. Foxus and that of Oporinus (the Basel publisher of the treatise) are placed in the Trent list. In the same Index, are condemned certain passages from the commentary on the *Commedia* by Landino, in which it is asserted that heretics are not deserving of death but simply of imprisonment. In a Greek version of the *Commedia* recently published in Constantinople by Musurus Pacha, certain passages are omitted which make uncomplimentary references to Mahomet.

Macchiavelli has, since Paul IV, been placed in Class I. His writings are available for the faithful only under special authority of the pope. Certain of the books are said by Brudini (writing in 1752) to have found favour with Alexander VI, and with Clement VII. Under Gregory XIII, 1572-85, the production of an expurgated edition of Macchiavelli's works was undertaken, but the plan was not carried out, owing to the refusal of the Congregation to permit the books to be printed with the name of the author. Villari speaks of having seen a copy of an expurgated edition of the *Storie Fiorentini*, printed in 1551.¹ In 1605, under Clement VIII, a fresh prohibition was made of an edition at Lausanne of the *Discours sur les moyens de bien gouverner*.

The *Decameron* of Boccaccio is entered in the Index of Trent with the phrase: *quamdiu expurgatur ab iis, quibus rem Patres commiserunt, non prodierunt*. An

¹ Macchiavelli, ii, 412.

edition so expurgated was printed in Florence in 1573, at the instance of Cosimo I. The "expurgations" had to do only with the references to religion or to ecclesiastics. Except in the instances in which the characters involved are monks or priests, the obscenities of the original are retained in the expurgated edition.

Certain of the books of the notorious Aretino of Arezzo had been included in the Index of 1559, and the prohibition is confirmed in the Index of Trent. This author is condemned not (as might well have been expected) on the ground of the pornographic character of his writings, but because of their (alleged) heretical tendencies. Professor Paul van Dyke points out that "when the influence of the Council of Trent was being felt in reforming the abuses and restoring the discipline of the Church, Aretino's freedom in criticising the clergy became offensive."¹

The works of Guicciardini which came into condemnation had to do with the history of the development of the political authority of the Papacy, a subject concerning which the Congregation of the Index was always on the alert.

In the Index of Trent, a number of works on astrology and magic, which had found place in the Index of Paul, were omitted.

As before indicated, the classifications of the Tridentine editors indicated a wider and more tolerant policy than had been followed by the compilers of the Index of Paul IV. The change is to be credited in part to the influence exercised in Trent by the delegates from Germany and in part to the protests which had been called forth from scholars in Italy and throughout

¹ *Renascence Portraits*, 135.

the world by the severe prohibitions in Paul's Index, prohibitions which, as pointed out, were seriously hampering for scholarly undertakings.

After the Council of Trent, there was for a series of years a decided increase in the efforts of the authorities, political as well as ecclesiastical, throughout Catholic realms, to repress the production and the circulation of heretical and dangerous literature. In the Spanish Low Countries, the regulations under the administration of Alva were especially stringent. In the years 1566-7, in Antwerp alone, four printers were banished, one was sentenced to the galleys for a term of six years, and one was hanged.

Mendham remarks, in regard to the Council of Trent:

“The Roman, beyond any other professedly Christian sect, is bound to its peculiar faith and discipline by original engagements the most sacred, the most precise, the most extended, the most rigorous. And it is there that we are to look for its true and distinguishing character. No greater mercy of the kind was ever vouchsafed to the Christian world by a compassionate Providence than the Council of Trent. However cautious the managers of this Council, they were obliged by many motives to speak out and declare themselves in canons, in decrees, in anathemas, and above all in a Creed, none of which can be recalled or concealed. The Indexes which emanated in great measure from this Assembly stand forth a specimen and illustration of the true character of the religion of Rome. . . .

“How can he who accepts the creed and oath of Pius IV, as the rule of his faith, or actually professes and swears it, and therein solemnly engages to *believe and profess all things defined* more especially by the Council of Trent, from which all the subsequent Roman Indexes flow, feel himself at liberty, not as to the respect, but as to the degree

of respect, due to the deliberate and constantly renewed expression of judgment on religious subjects by the most sacred of all human authorities?"¹

It is the conclusion of Dejob that it was possible for a believer living during the sixteenth century under the direct influence of the Vatican to remain a good Christian, even to the point of intolerance, but that he could hardly, under the existing conditions, attain to real scholarship.²

The work of the Council of Trent marks in more ways than one a turning-point in the history of the Church of Rome. During the half-century preceding the date of the council, the Protestant revolt had wrested from the control of Rome nearly half of the territory of Europe, and the authority of the Church had been shaken even in States still classed as Catholic. The calling together of the council was the result of a realisation on the part of the Papacy and its advisers that the Protestant advance could not be stayed by simple reassertions of the authority of Rome, or by threats or edicts of excommunication. The Church must prove its right to rule, must in fact justify its continued existence. The practice of the ecclesiastics must be brought into conformity with ecclesiastical teachings. The claim that the Pope was the Vicar of Christ, the Vice-Regent of the Almighty, could be made good only through presenting practical evidence that the work of the Church was guided by the divine precepts, and that the workers of the Church were really the children of God.

The Council of Trent retained in its great Index the prohibition of the writings of Erasmus, but the re-

¹ M. xxviii.

² Dejob, 94.

forms initiated by the council constituted a justification of the strictures of the great Hollander, and in not a few instances these reforms simply carried out his recommendations.

The divines of Trent did not hesitate to characterise Luther and his associates as the "children of the devil," but these same divines placed on record condemnations hardly less specific than those that had come from the preachers of Wittenberg, of the abuses and corruptions that had taken possession of the Church of Christ.

If the work of the reformers of Trent could by any possibility have been brought about fifty years earlier, we may imagine that the theses of Luther might never have been posted, while the leaders of the Protestant reform would have had available for their great contest no adequate ammunition. It may at once, however, be admitted that the "ifs of history" are at best but futile guesses. It is safer to conclude that without such shaking up as was given by the Protestant revolt, the reformation within the Church would never have been undertaken, or would at least not have taken shape during the sixteenth century. It is possible even that the loss of half of its realm was necessary if the existence of the Church as an institution was to be maintained.

The history of the succeeding century makes clear that the Catholic reformation was undertaken in good faith, and with a full measure of devotion and earnestness, and that it brought about a great revival in Christian spirit and a noteworthy advance in scholarship, in wisdom and administration, and in faithful service on the part of the rulers, and of zeal, faith, and good works among their flocks.

The popes who initiated the work of the Council

of Trent and those whose rule followed immediately the years of the council, showed a very different standard of life and of official and personal action than had characterised such popes as Julius II and Leo X, who had been responsible for Church policy at the time of the Reformation. Paul IV, Pius IV, Pius V, Gregory XIII, and Sixtus V led austere lives and insisted that their courtiers should accept the same standard of life. They were all earnest workers for the reform of the Church, realising that its domination could be justified only by its purity, its severity towards the rebellious, and its charity for the faithful. The successful results of the work of the council had brought to Catholicism confidence in itself; when the adherents of the Church realised that the council had escaped the various perils that had been prophesied, and that without any limitation to the ideal of domination, without any abandonment of essentials to the demands of heretics, the Church had made an emphatic condemnation of crying abuses, they were able, with lessened anxieties and with large hopes for the future, to look forward to the accomplishment of the promises made to Christianity. The popes now commence seriously with the reform of abuses in the Church, not only among its members, but with its rulers. Nepotism is prohibited; the cardinals are brought back to a modest and consistent way of living; the bishops are sent back to their dioceses; the monks return to their convents. A beginning is made in good faith with the correction of ecclesiastical manners and methods.

As one result of the reforms, Rome itself was awakened and, so to speak, rehabilitated. The court of the popes, which, from the time of Petrarch to that of

Luther, had been denounced by so many eloquent voices as the home of scandals and as the source of corruptions, had thrown off its pernicious habits of life. Virtue and science were once again held in honour, and Christian scholarship was placed in a position to maintain, without too serious an inferiority, a continuity with the profane erudition of the Renaissance. From this time, the Catholics found themselves less embarrassed when confronted with the names of their old-time critics, Erasmus and Melanchthon, and were no longer under the necessity of blushing for the intellectual and moral condition of their religious capital.¹

It would appear from the general testimony of historians of literature that, in spite of certain noteworthy exceptions, the reforms initiated after the Council of Trent exercised a largely wholesome effect on the character of Italian literature. The Italian historian Canello² contends that the work of the ecclesiastical reformers not only restored and preserved the Church, but purified and rehabilitated society.

It is the contention of Dejob that by the close of the 16th century the Catholic reformation had exerted in Italian literature an influence that was both significant and lasting, while the effect on the literature of Spain was hardly less marked although probably less lasting. The Protestant peoples had, as he claims, thus far produced, under the inspiration of religious feeling, no works that could equal the religious productions of these two countries. It was during the century following that the literature of France received from Christianity its most profound impression.³

¹ Dejob, 105.

² *Storia della Letteratura Italiana secolo 16*, chap. ii.

³ Dejob, 312.

The correspondence of Cardinal Sirleto gives an indication of the labour undertaken by the clergy of Italy after the Council of Trent for the purpose of disputing with the Protestants the leadership in science and in scholarship. Sirleto, who had had a chair of rhetoric in the College of San Silvestro at Rome, was, in 1549, placed in charge of the great library of the Vatican. Later, he became Bishop and Cardinal, but resigned the honours of the Episcopacy in order to devote himself exclusively to the pursuit of learning and to the service of other scholars of the Church. The group of Catholic writers who were, during the lifetime of Sirleto, devoting themselves to scholarly labours included such names as those of Baronius, Bellarmin, Tiraboschi, Latini, Orsini, and many others. Sirleto, with a marvellously intimate knowledge of the great collections of the Vatican that were under his control, devoted himself during a series of years through correspondence, through suggestions, and through the loan of manuscripts and books, to furthering the work of the writers of this group. It would appear as if no Italian writer of the day who was giving attention to dogma, to history, to tradition, to exegesis, or even to general literature, was able to complete his work without the co-operation of Sirleto. He typified in his own person the great revival in scholarly and in literary interests that accompanied the reform in morals and in religious zeal brought about by the Council of Trent. The Protestant writers were no longer to be permitted to have a monopoly of applied scholarship or in literary exposition for popular reading. Men like Baronius devoted themselves in defence of the Church to the proofs to be secured from history and tradition; while hundreds of writers who had

secured their training in the newly established or newly revised schools of the Church, brought into print, for the reading of the people generally, appeals and arguments with which to offset the influence of the "fly-leaves" of Wittenberg. It was in fact through the furious attacks of Luther and his associates that a comprehensive reformation was brought about in the army of Catholicism.

Among the correspondents of Sirleto who write soliciting permission for the reading of prohibited books (a permission required in connection with their work) may be noted Montanus, the editor of the Polyglot Bible, Sigone, and Baronius. Sigone writes, for instance, in 1579: "Every one knows that I can do nothing to bring to completion my present task without an opportunity of reading the 'Centuries' of Magdeburg; but the 'Centuries' are under excommunication, and I do not know how I am going to be able to obtain a copy or to secure permission to read the book. I hope very much that you may be interested in serving me in this matter."

Plantin writes to Sirleto stating that he has in plan an edition of St. Augustine and asks the librarian to advise him of any variants in the text of this Father, of which he has knowledge. He puts a similar question concerning the possible requirement for corrections in texts of the Scriptures, which corrections he could utilise in the Bible that was being edited by Montanus. Later, he asks for aid from Sirleto in connection with editions of St. Chrysostom and of St. Jerome which are to be dedicated to the Pope.

The Spaniard Bartolomeo de Valverde, chaplain of Philip the Second, who had rendered important collaboration in certain of the scientific undertakings

of the Vatican, writes in 1584 to Sirleto requesting the renewal of the permission that had been accorded to him some time back for the use of prohibited books. He alleges as one justification for his request certain significant considerations concerning the character of the examiners with whom rests the fate of books brought into question. Bartolomeo understands that

“among the men who are engaged in the production of the new Index, there are some whose judgment is so severe and whose zeal is so excessive that they have condemned books which they have never seen. The people whose judgment should count concerning books are of course those who through study have knowledge of their character. These compilers have not hesitated to condemn the works of many saints and (a loss much to be lamented) all the commentaries of the Jews. . . . The Pope has appointed as examiners men who do not know a word of Greek or Hebrew and who possess neither judgment or capacity. They are expected to read (without any payment for their time) a great mass of volumes and in order to get through easily with the repugnant task, they declare quite simply and with an air of large knowledge that the whole series must be suppressed.”

Valverde prays Sirleto to help him to preserve his own library against the assaults of this “arbitrary and ignorant omnipotence.”¹

It is to be borne in mind, says Dejob, that this letter comes not from a Protestant, denouncing the unintelligent tyranny of the Papists, but from a dignitary of the Spanish Church, who had been charged by the Vatican with special responsibilities; while the Cardinal to whom his application was addressed was himself the chief director of the work of the

¹ Cited by Dejob, p. 77.

Congregation of the Index. It is the conclusion of Valverde that, as a necessary result of the existing conditions, the work of censorship must, in large part at least, be placed in the hands of men who are ignorant of the subjects confided to them. These men, charged by the Pope with an enormous responsibility and with an authority for which there is no supervision, are expected to do this work without pay, and they may be said to give to the Church the equivalent of their compensation.¹

The nephew of the Cardinal, Marcello, who was his successor in the Diocese of Squillace, was apparently in favour of a strenuous application of censorship.

Marcello, writing to the Cardinal under date of November 2, 1570, says:

“It seems to me essential that in affairs like this, having to do with heresy, one should proceed with full rigour rather than with too close attention to equity, for these matters concern the honour of God and that of the whole Catholic Church. As a Father of the Church has said, ‘*in hac re summa pietas esset, fuisse crudelem.*’ It is the perfection of piety to be ‘cruel’; that is to say, to be forcible in punishment.”

The examiners of the Congregation of the Index and those delegated to consider the special subjects referred to the inquisitors found themselves swamped by the mass of material submitted for their consideration. The task of examining and of reporting upon the literature of Europe, or even upon that portion of literature with which the interests of the Church were directly concerned, was beyond the powers of the men to whom it had been delegated. The authors whose

¹ Dejob, p. 78.

works were under consideration found themselves obliged to retain a solicitor or a representative to watch over their interests and to do what might prove practicable to hasten a favourable decision. Abbe Alessandro Archirota writes to Sirleto, under date of February 23, 1572, complaining that a treatise of his which had been passed upon with approval by Pirrotano, has rested in the hands of the Master of the Palace for no less than fifteen months. The unfortunate author had been obliged under the terms of his contract to make payment to his printer some months back, but was still unable to secure the necessary permission for the production of his edition. Through the intervention of Sirleto, the first sheets of the work were secured from the Master of the Palace and the printing of these sheets was permitted to proceed.¹

A year later, another archbishop advises Sirleto that he has been waiting for a year or more for the permission which had been promised by the Pope for the publication of a work that had already been examined three times, the last time by Sirleto himself, and passed upon with approval. He had contracts in train for the publication of the book in Venice as well as in Rome.²

The authors found it necessary to guard themselves not only against the elimination from their text of sentences, paragraphs, or chapters which were required for a complete and consistent narrative, but against the risk of the interpolation of text of which they had themselves no knowledge and which might, in its purport, be entirely contrary to the purpose and spirit of the work. In May, 1575, Thomasso Thomai, writing from Ravenna, complains that his history of Ravenna,

¹ Dejob, 59.

² Ibid. 60.

which had secured the approval of the bishop and of the local inquisitor, had, before being brought into print, been marred by the interpolation of certain paragraphs which were entirely contrary to the spirit and to the character of the book. Fra Marco, Inquisitor of Venice, reported, in response to an inquiry made by Sirleto, that the Roman inquisitor, a person both learned and zealous, had found certain passages in the book which appeared to him to be undesirable and had undertaken, in place of eliminating these, to write further paragraphs correcting and explaining them.

CHAPTER IX

CENSORSHIP REGULATIONS, 1550-1591¹

1. Papal regulations concerning books, 1550-1591.
2. Censorship regulations in Bavaria, 1561-1582.
3. Censorship under Pius V and Gregory XIII, 1570-1585.

1. Papal Regulations Concerning Books, 1550-1587.—

According to the *Bulla Coenae*, all persons who, without permission of the pope, read or possess copies of condemned books come under the penalty of excommunication, without the requirement of any specific action of the authorities. On this ground, the popes reserved to themselves the exclusive right to grant dispensation for the reading of such books, but this claim of the Curia was not always respected. Permits for the examination of books classed as heretical were given at different times by Charles V, Francis I, the Bishop of London, and others. Leo X himself empowered Cardinal Wolsey to grant such permits, according to his own judgment, to scholars engaged in preparing refutations of the Lutheran heresies. Caraffa complained that, in Venice, copies of certain condemned books were freely circulated and widely read.² The Dominican Carranza, later Archbishop of Toledo, secured in 1539 from Paul III, as a result of some

¹ This schedule is based upon Reusch.

² Bromato, ii, 186.

clever disputations held in Rome, a dispensation for the reading of heretical books.

1550, April. A Bull of Julius III revokes all dispensations at that time outstanding for the use of heretical books, on the ground that the privilege had been abused and had worked evil.¹ Bulls of similar purport were issued by Paul IV in 1558, in connection with the publication of his Index; by Pius IV in 1564 in connection with the Index of Trent; by Paul V in 1612; by Gregory XV in 1623; by Urban VIII in 1627.²

It is not surprising that with these difficulties placed in their way, the scholars of the Church found themselves not infrequently at a serious disadvantage in carrying on their controversies with its heretical opponents. As an example of a number of similar utterances may be cited the complaint of Girolamo Muzio, who had been actively engaged in suppressing heresy in Northern Italy. He writes in November, 1550, to the commissary-general of the Inquisition that his work was seriously hampered for want of the privilege of examining the texts of the heresies he was refuting. In March, 1551, the dispensation, for which he had made various applications, was finally granted.

1551, June. A Brief of Julius III grants permission to the cardinals named as presidents of the Council of Trent to read the works condemned as heretical, and through personal converse with Protestants, to secure the fullest possible acquaintance with the grounds of their heresies.

1561, March. A Brief of Pius IV gives to the legates at Trent a dispensation identical with that given by

¹ Llorente, iii, 187.

² Carena, *Tr. de Off. S. Inq.*

Julius III.¹ The letter to the individual legate specifies that the permission to examine heretical literature is granted on the ground of the Pope's confidence in the strength of his piety and faith and in the trustworthiness of his scholarship. Similar dispensations were given to the Spanish delegates at Trent by the King of Spain.

In 1568, Pius V sends Cardinal Comendon, with two bishops, to Germany to oppose the spread of Lutheran doctrines. They were charged to purify the German dioceses from heretical books, "which are perpetual instructors and solicit without intermission." They were instructed further to engage learned men to write against the heretics and to print these orthodox and devout arguments in small books, which being sold at a low price or distributed without charge, should come into the hands of all. Pius promised to provide the funds required for this "missionary" publishing. This method of influencing the public had evidently been suggested by the enormous success of the Protestant presses of Wittenberg.

1587. Sixtus V issues a Bull for the regulation of libraries in which is restated the penalty of the excommunication *latae sententiae*.

1591. Clement VIII (in the *Instructio* of his Index) authorises the bishop to grant such dispensations to trustworthy and faithful scholars, but for no periods exceeding three years.

2. Censorship Regulations in Bavaria, 1561-1582.

1561. Duke Albrecht V appoints the first commission of censorship, putting at its head two Jesuits, Peltanus and Canisius.

1562. Duke Albrecht orders the destruction of all

¹Theiner, i, 667.

pernicious and misleading books and pamphlets. The commission is directed to take the responsibility of determining which these are.

1565. *Duke Albrecht* issues a general edict directing the prohibition of all heretical writings, and forbidding the sale of theological works in any but Catholic towns.¹

1566. *The Ducal Commission of Censorship* issues an *Index librorum prohibitorum*, and also a general catalogue of books which it is permitted to sell and to read within the duchy. The catalogue is printed in Munich by Adam Berg. The lists are restricted almost entirely to books on religion or theology. It is possibly the first attempt to guide, by official selection and injunction, the religious reading of a people.²

1569. *Duke Albrecht* orders printed by Adam Berg, for the use of the monasteries of Bavaria, a special edition of the Index of Trent, to which is appended a list, compiled by his commission, of the books which are commended for use in the monastery libraries,—*Index selectissimum auctorum ex quibus integra bibliotheca constitui recte potest*. The volume contains a brief, written by Chancellor Eck, in which the heads of the monasteries are cautioned to purge and to reshape their collections according to the instructions given by the Tridentine Fathers. It is to be noted, however, that the list of works recommended include a number of titles which these same Fathers had condemned and prohibited. Certain further authors approved by the Bavarian censors find place in either Class I or Class II of the later Roman Indexes. In the same year, 1569, Berg prints, under authority of the

¹ *Arch. des Deutsch. Buchh.*, ii, 6.

² *Ibid.*, i, 176.

Duke, an ordinance prescribing the texts that are to be used in the "Latin Schools" of the duchy, and presenting a list of Latin texts the use of which is prohibited.

In 1569, the Duke commits to the Jesuits the task of purging the ducal library from pernicious books. In the same year was instituted a general inspection or investigation of conditions throughout the duchy (*allgemeine Landesvisitation*), which continued for two years. The inspectors were enjoined to give special attention to the book-shops as well as to libraries, private as well as public, and to see that all heretical, pernicious, and non-Catholic books were eliminated and the copies destroyed. They were also to take measures to stop the distribution of heretical and godless pamphlets and tracts (*flüg-schriften*).¹

1580. *Duke William V* issues an edict directing the immediate delivery to the pastors or magistrates of all copies of heretical books. Persons in whose possession are found any copies of proscribed books are to be so thoroughly punished that thousands shall profit by their example. The effects of deceased persons are to be searched for godless literature. No reading of prohibited books is permitted even to ecclesiastics or magistrates.

1582. *Duke William* confirms the authority given to the papal Nuncio, Ninguarda, formerly Vicar-General for Germany of the Dominicans, to issue an Index, which was printed at Munich. It contains the text and the lists of the Index of Trent, and certain additional titles of "heretical, pernicious, or suspicious books." The greater number of the books had come into print since 1564, but the Bavarian compiler had

¹ Sugenheim, *Baierns Kirchen und Volkszustände*, 8°, Munich, 1842.

found some three hundred objectionable authors of earlier date who had escaped the attention of the Indexers of Trent. The additions all find place in Class I. They possess some continued importance as with hardly an exception they were later included in the Index of Sixtus V. These three hundred names of pernicious authors, all of whose writings are thus placed under condemnation, had been taken by Ninguarda from the catalogue of the Frankfort Book-Fair, for the years 1568-1581. The greater number were transcribed from the divisions headed: *Protestantium Theologorum Scripta de rebus sacris* and *Der Protestierenden Theologen Teutsche Schriften*, but there are also citations from the divisions of history, philosophy, and poetry. In this manner, the lists of the Roman Index have been made to include, mingled in with the well-known names of the great teachers of Protestant doctrine, the names of unknown authors whose writings were of trifling importance and of no theological or controversial significance. They might well have felt complimented at the distinction of such an association. It was the case also that certain books announced in these publishers' catalogues never came into publication. Their "authors" secured none the less the honour of a general condemnation, in Class I, not only in the local Index of Munich, but in the Sistine Index of Rome addressed to the whole Christian world. The names are naturally, in the main, German and Swiss, but there are a few French and English, such as de Loquis, Petrus Ramus, Beza, John Parkhurst, Thomas Dranta (under the poets). The Duke gave orders that copies of this Index must be placed in all monasteries and with all priests, confessors, and deacons. The Nuncio gave authority to the bishops to appoint

commissaries charged with the work of carrying out the regulations of the Index.¹

In August, 1581, the Jesuit Peter Canisius wrote to Duke William, referring with approval to the Index then in preparation, and adds the recommendation that a *Censor Librorum*, to be appointed by the Duke and the bishops, should be sent to Munich, Ingolstadt, Straubing, Burghausen, and other places where annual fairs were held, to examine the books offered for sale, and particularly those imported, and to inspect all libraries, both public and private. They were to have authority to confiscate and to destroy all copies of books condemned or likely to prove pernicious.² He suggests further the desirability of an Index published as a serial from year to year. This idea of Canisius was, some twenty years later, carried out, though not in Bavaria. From 1606 to about 1619 was published in Mayence a yearly list, prepared for the use of booksellers in Catholic States, and presenting titles selected from the annual catalogue of the Frankfort Fair. The title was: *Index novus librorum imprimis Catholicorum theologorum aliorumque celebrium auctorum quarumcunque facultatum et linguarum, causas religionis tamen non tractantium . . . pro Italia ceterisque nationibus confectus*. The first issue includes a preface from Leuchtius, *Sedis Apost. librorum revisor*, an authorisation from Paul V, and a privilege from the emperor. The Index is devoted to the titles of books the reading of which is permitted.³

3. Censorship under Pius V and Gregory XIII, 1570-1585. 1570. Pius gives instructions for the preparation of

¹ Reusch, i, 473.

² *Staats Archiv Münchens*.

³ Schroetschke, *Codex Nundinarius*, xix.

a new *Index expurgatorius*, but the plan was not carried out.

1572. Gregory XIII issues a Bull directing the production of an *Index expurgatorius* on the lines of that published in Antwerp. The work was, however, delayed so that it was not until 1590, five years after Gregory's death, that this Roman Index appeared.

During the reigns of both Pius and Gregory, however, attention was given to the production of expurgated editions of the works of a number of authors, such as Erasmus, Boccaccio, Polydorus, Vergilius, Zasius, Harpius, etc. Under Pius, condemnation was ordered for the teachings of Bajus, but this did not bring any new titles into the Index. In 1569, Guido Zanetti de Fano was put under arrest for heretical teaching. The Senate of Venice demanded that the trial should take place in Venice. The Pope Pius replied that the civil authorities had no proper concern with matters of heresy, except to carry out in due course the verdicts or judgments given by the Church.¹

In 1561, the Sorbonne placed under condemnation the writings of Bishop Jean Monluc of Valence (charged with Calvinistic tendencies) and resolved, against the protests of the Bishop and the Queen Regent, to include his name in the Index; but after 1561, no further Index was published by the Sorbonne. Monluc was condemned as a heretic by Paul IV and by Pius V, but his writings do not find place in the Roman Index. His sermons were, however, included in the Antwerp and Valdes Indexes of 1559.

In 1561, a commission appointed by King Philip, under the authority of Paul IV, took under consideration a series of thirty-one utterances of Carranza,

¹ Mendham, 114, 116.

submitted by his opponents as evidence of his heresies. The list was later increased to over one hundred by selections from his confiscated papers. The report of the commission, apparently not conclusive, was referred to the Council of Trent. Carranza had published in Antwerp, in 1558, in a volume dedicated to King Philip, *Commentaries on the Commandments, the Sacraments, and Faith and Good Works*. The book was placed on the Valdes Index of 1559, but did not find place in the Roman Index until forty years later.¹ The author, after trial by the Spanish Inquisition, was imprisoned and harshly treated, although the University of Alcala and a number of the ecclesiastics of Spain, including the Archbishop of Granada, declared the teachings of Carranza to be orthodox and valuable. The university was, as a result of this utterance of the faculty, placed by Valdes under excommunication, and subjected to a fine of twenty ducats. It was forbidden to exercise any censorship over books except with the approval of the Inquisition. In 1562, Pius IV, on the recommendation of the Council, sent by a special nuncio to King Philip a brief directing that the imprisoned Archbishop be delivered to Rome, together with the records of his case. Philip declined to acknowledge the Pope's authority in the matter, and refused to permit the publication in Spain of a brief so injurious to the dignity of his realm. The matter continued to be discussed in the Council at Trent, and was also taken up by the commission of the Index. The Archbishop of Prague was a leader among those protesting against the arrogance of Spain in a matter which concerned the welfare and the policy of the Church as a whole. The treatise of Carranza

¹ Cardona, Joh. Bapt., *De Expungendis, etc.*, Rome, 1576.

did not find place in the Trent Index. In 1566, Cardinal Ghislieri became Pope as Pius V. He demanded the deposition of Valdes as Inquisitor-General and seconded the appointment of Espinosa as coadjutor with authority to act separately. Camovani, Bishop of Ascoli, was sent to Spain as Nuncio extraordinary with instructions not to return without Carranza and the records of the proceedings. In the brief given to the Nuncio, the Pope complains that Carranza had now been in prison for seven years, and that specification of the charges against him had never been sent to the Head of the Church. The Pope ordered the Spanish Inquisition, under penalty of the *excommunicatio latae*, to release Carranza without further delay. The inquisitors were also directed to deliver the records to the Nuncio, within three months' time, or to send them in sealed packages to Rome within three months. The penalty for disobedience was excommunication. Carranza reached Rome in 1567. He was then again given the privilege of confession but not of communion. The trial records were never delivered complete. Those that reached Rome in November, 1568, and February, 1570, filled twenty-four folio volumes of 1000 to 1200 pages each. The investigation of the business was assigned by the Pope to a commission of seventeen. The translation from Spanish into Latin and reading of the records consumed four years. Pius died in 1572, before the commission had completed its work.

The Letters of Pius V, edited by F. Goubau, were printed in Antwerp in 1640, under the title *Apostolicarum Pii Quinti Pont. Max. Epistolarum Libri Quinque*. They are referred to by Mendham as important in the evidence presented of the strenuous and unremitting efforts of Pius to incite Charles IX

and his mother to the extirpation of heresy, efforts of which the Massacre of St. Bartholomew may be considered as the chief result.

In April, 1576, eighteen years after the original accusation and arrest of Carranza, the final judgment in his case (based upon the report of the commission) was announced by Gregory XIII. Carranza was pronounced to have laid himself open to the charge of heretical utterances (*vehementer suspectus de haeresi*). He was ordered to disavow and recant all heretical opinions, and particularly those expressed in sixteen citations from his writings. He was then to be absolved from further censure or condemnation. He was suspended for five years from authority in his archbishopric, but was to be paid from its treasury an annual stipend of one thousand ducats. He was to make his sojourn in the Dominican monastery of Veyano. Carranza fulfilled the first obligations of his sentence; but while preparing for his return journey, he sickened and died, aged seventy-three years. He declared with his last utterances that he had never held or taught heretical doctrines. He accepted, however, without protest, the judgment of the Pope; and forgave all his enemies. The statements which he was required to recant specifically included:

“The Church of the present day does not possess the same measure of authority that belonged to the early Church.”

“In the early Church, the Communion was administered in both forms.”

“The appointment of the bishop required an election by the clergy and the approval of the people.”

“The election of the pope required the approval of the emperor.”

“Priests were permitted to marry.”

“Bishops excommunicated heretics but did not burn them,” etc.

In 1566, Pius V appointed a commission of five cardinals, who associated with them twelve scholars, for the preparation of a new edition of the *Corpus Juris Canonici*. The commission bore the name of *Congregatio de emendatione decreti Gratiani*, and came to be known as *Correctores Romani*. The work appeared in 1582, with two briefs (1580, 1582) of Gregory XIII directing that this edition should thereafter be the sole authority, and prohibiting the printing of it with notes or interpretations.

In 1570, were printed revised editions of the Book of the Mass and the Breviary. Pius issued a Bull forbidding, under penalty of excommunication, the further printing of liturgies except with special privilege. The Bull permitted, however, the reprinting and the use of liturgies that had been used for not less than two hundred years. Of the Breviary of Cologne, which belonged to this class, an edition was printed in 1576, with a privilege from Gregory XIII.¹

In 1583, the famous treatise of Scaliger, *De Emendatione Temporum*, received the honour of a special condemnation from Gregory XIII. Gregory had some years earlier authorised the publication, without the name of the author, of an expurgated edition of the *Adagia* of Erasmus. In 1575, at the instance of the Congregation, Gregory ordered that all works by heretical authors which had been authorised for publication in expurgated editions should be printed without the names of their authors.

¹ Reusch, i, 439.

CHAPTER X

INDEXES OF THE NETHERLANDS, SPAIN, AND ITALY, 1569-1588

1. 1569. *Antwerp*. Index, issued under the authority of an edict of the king:

Philippi II. Regis Catholici Edictum, de Librorum prohibitorum Catalogo observando, una cum iis qui mandato Regiae Catholicae Majestatis, et illustriss. Ducis Albani, consiliiq., Regii decreto, prohibentur, suo quaeq. loco et ordine repositis.

This presents the Tridentine Index with certain titles interpolated, and with some additional lists.

The decree of Philip makes reference to the *Taxae* of the Church of Rome. The wording is *Praxis et Taxa officinae poenitentiariae Papae*. Mendham speaks of a monograph (of which he possessed a copy reprinted from the Paris edition of 1520) entitled *Taxatio Papalis*, being an account of the *Tax-book of the United Church and Court of Modern Rome*, by Emancipatus. He states that Dr. Milner and other Catholic writers had asserted that "this vile book had no existence but in the imagination of heretics"; while Dr. Butler and others had taken the ground that the work was simply a "record of fees of office."¹

2. 1570. *Antwerp*. *Philip II and Duke of Alva*. This is a reprint of the Index of 1569, with the

¹ Mendham, 75.

exception that the Tridentine lists are given without interpolations. The lists following are the same as those of the previous year. After the edict of the King, printed in French, Flemish, and Latin, follow the words: *cum Appendice in Belgio ex mandato Regiae Cathol. Majestatis confecta*. The wording of the edict, which bears date February, 1564, emphasises the claim of the King that all censorship should emanate from his own authority. The execution of the edict is committed to the Duke of Alva and then to the governors of each province. The most essential provision is that within three months after the publication of the statute, all the condemned books should be burned, and possession of copies should, therefore, be unlawful. The responsibility for the compilation rests with Arius Montanus, the scholar who had edited the great polyglot Bible, published by Plantin.

All books partially condemned or appointed to be expurgated were to be brought to the magistrate of the place and corrected according to the judgment of the council. The usual penalties are added. The lists include titles in Latin, in French, in Flemish, and in Spanish. This Index includes the first index reference to the term *Taxae*, under the words *Praxis et Taxa officinae poenitentiariae Papae*. A specification of the application of the term *Taxa* will be given later. The term appears originally to have been used to denote the official fees covering the cost of the censorship. Later, there was, however, some extension of its purport.

One detail in this Index of 1570 is the including in it of the lists of condemned Bibles and Testaments (with some additions) which had appeared in the

Roman Index of 1559 but which had for some reason been omitted from the Tridentine Index.

The lists in this Antwerp appendix to the Trent Index were utilised without change by Quiroga for the Spanish Index of 1571, and also for the Index of Sixtus V. It is also stated in the edict that the selection for condemnation of certain books which had escaped the attention of the Tridentine compilers or which had been published since 1564, had been arrived at through the labours of a commission of learned and devout men, including certain bishops, inquisitors, deans, and doctors, who had been selected by the Duke. Reusch points out, however, that this scholarly commission could not have made a personal examination of all the books recorded, as the lists include a number of titles, copied from the catalogue of the Frankfort Book-Fair, of books which had been announced but not yet printed, and some of which never came into print.¹ This Antwerp Index is described as not doing credit, in respect to bibliographical or typographical accuracy, to the editor, Montanus, or to his learned associates. A number of the authors in Class I are entered under both surname and forename; the lists in all classes are characterised by repetitions and a variety of inaccurate spelling. In this Index appears for the first time in Class I the name of Stephanus, Robertus (the eldest son of Henry). Several of his books, such as the *Thesaurus Linguae Graecae*, the edition of the Psalms, the *Apology* for Herodotus, had found place in previous Indexes. In the Index of Benedict XIV, 1756, the name of Robertus Stephanus is taken out of Class I, and the titles of the several books condemned are for the first time correctly

¹ Reusch, i, 408.

printed. Under the heading *Duytschen Bücher*, are placed one or two English titles, including the *Psalms of David, in Enghelsche metre*, by Thomas von Sternholde, Lond. 1559.

The Commentaries of Scaliger on Theophrastus, published in 1566, appear in Class II. The schedule of prohibited Bibles and Testaments is in the main a repetition of that of Louvain of 1550.

3. 1571. *Antwerp. King Philip II and the Duke of Alva.*

Index Expurgatorius Librorum qui hoc saeculo prodierunt, vel doctrinae non sanae erroribus inspersis, vel inutilis et offensivae maladicentiae fellibus permixtis, juxta Sacrae Concilii Tridentini Decretum, Philippi II. Regis Catholici, Jesu et auctoritate atque Albani Ducis concilio ac ministerio in Belgia concinnatus, Anno MDLXXI Antwerpiae ex officina Christophori Plantini, prototypographi Regii.

A "diploma" of the King then follows in Flemish. It expresses deep concern for the endangered orthodoxy of the King's subjects and consideration also for their purses. On this ground, in place of condemning to the flames all the bad books, it subjects to a necessary purgation those which are corrigible. For the assistance of the prelates authorised to conduct such purgation, an *Index expurgatorius* is provided. The Index was not to be published but the bishops were instructed to secure the assistance of selected booksellers in the different towns to whom, without the knowledge of any others, copies of this Index were to be intrusted. They were to communicate it to none but were enjoined themselves to discover in the books in their hands the places marked for correction, to expunge the condemned passages, or to cancel chapters or pages

condemned *in toto*. After the expunged copies had received the approbation and the signature of the censor, the books were to be restored to the dealers. Copies which had already come into the possession of individual owners were to be delivered by them to the censors and were to be handed to the booksellers for similar correction. The introductory material closes with the following caution: *Cavetur etiam ne quis hunc indicem parte aliqua augeat, vel minuat neve ex impressis manuscriptum exprimate, citra gubernatoris et concilii auctoritatem*. This caution is followed by a selection of the Tridentine Rules and a general statement or explanation on the part of Montanus, who is the responsible editor.

A conference was held at Brussels in May, 1570, for the purpose of organising the work of revising the books to be expurgated. This conference also gave consideration to certain books ordered for correction by the Council of Trent, the list comprising chiefly editions of the Fathers printed with "misleading and pernicious notes and commentaries." The Index, as finally prepared, was the work of a board of editors which was presided over by Bishop Sonnius, and to which Montanus was appointed as royal commissary (representative). The Index was printed in July, 1571, with edicts of King Philip and Duke Alva, and an introduction by Montanus. The cost of the work was borne by the King. The original edition is very scarce, but reprints have been issued by several of the Protestant publishers of Holland. It was also included with the Index of Quiroga, printed at Toledo in 1571.

The edict orders, under various penalties for disobedience, the delivery for correction of all existing copies of the books specified. No further copies of the unexpur-

gated editions are to be printed, sold, possessed, or read. New editions can be printed, under careful supervision, with the authorised text as expurgated. In each diocese, the bishop, or a representative appointed by the bishop, is to be furnished with a copy of the Index, and to be charged with the execution of its regulations. The copies of the Index must be read by none but the authorities. The expurgated editions must carry the notice of permission or of privilege. On the back of the title-page of the Index is printed: *Ducis Albae jussu ac decreto cavetur, ne quis praeter Prototypographum Regium hunc Indicem imprimat, neve ille aut quis alius publice vel private vendat, aut citra ordinariorum facultatem, aut permissionem habeat.* The schedule of books to be corrected is classified under the terms *deleatur, mutetur, corrigatur, expurgetur.* The reports on the books examined are grouped in the Index under the headings: *legi possunt; nihil offendunt; nihil quia non legantur habere videntur; nullam religionis facit mentionem; nihil offendiculi habent contra pietatem vel bonos etiam mores; admissum est; totus liber rejiciatur ut est in catalogo* (Index of 1570); *tollendi sunt, quia correctionem non admittunt; repurgatione dignum non censuimus;* etc.

Among the authors whose texts were largely expurgated under the specifications given in this Index and in accordance with rules 2, 5, 8 of the Tridentine, were Gesner, Camerarius, Ramus, and Münster. Certain others who had by the Tridentine compilers also been placed in Class I, were, with but trifling eliminations, placed in the permitted class, but still others were, without any correction at all, freed from the ban.¹

¹ Reusch, i., 426.

This Antwerp Index found but little acceptance in Rome, although some of its material was later utilised by Brasichelli. In Spain, on the other hand, it was accepted as authoritative and, as stated, was made the basis of the Index issued in 1586, by Quiroga. The Spanish Inquisition, however, extended and enlarged the expurgations, so that while the work of the Antwerp editors is presented in a moderate sized quarto, the Index of Sotomayor, issued in 1640, requires, for practically the same list of authors, a portly folio.

In this Index was included the *Missa Latina*, with preface by Illyricus, condemned on the ground of the preface and of what are described as "offensive additions." It was reprinted by Francis Junius in 1586. The editor states in his preface that the expurgatory correctors had not contented themselves with excising certain statements that impressed them as erroneous, but had substituted (as if part of the original text) other phrases, sentences, and even paragraphs, making a sense entirely different from that of the author.¹

Montanus remarks naïvely in his introduction that many of the pious authors of the expurgated books, who had died and who in the future world had come to know the truth, would, if they could return to earth, be very ready to be thankful to their censors. Especially would this be true of those writers whose works as originally issued had been without blemish, but the later editions of which had called for censorship to eliminate pernicious notes and commentaries. Living authors might in like manner have cause for gratitude to the censors, who had through their labours rendered valuable and available books which otherwise it would have been necessary to suppress; and, adds Montanus,

¹ Mendham, 217.

certain authors had written to express their appreciation of the service.

The larger part of the work of preparing the expurgated text came upon the theological faculty of Louvain. In May, 1570, for instance, the Louvain divines took up the task of correcting the notes and comments of Erasmus on Irenaeus, Jerome, and Augustine. Their report was presented in November of the same year. Later in the year, they were engaged upon the complete works of Erasmus, a more serious undertaking. The list of expurgations for Erasmus covers twenty-three pages. Among the divines who took part in this work was Henry Boxhorn who afterwards became a Protestant. The writings of Reuchlin and Bertram were confided to the faculty of Douai. The latter gave special trouble to the expurgators in connection with his book, *De Corpore et Sanguine Domini*, which called for a full measure of analysis and elimination. The critique upon this book takes the ground that, "It was in order," in judging of the ancient Catholics, "to bear with many errors, to extenuate, excuse, and even by some ingenious device to deny" (what the old author has affirmed) "and to fabricate a convenient interpretation for any statements which could be objected to in controversy as unsound." Reusch speaks of the convenient form in which the expurgated texts were presented by these Antwerp editors, who in a number of cases printed in full (properly indicated by the type) the sentences which were to be cancelled, while the Spanish editions give of these sentences only the first and last words. A copy of the Antwerp Index was submitted in due course by Duke Alva to the Pope, Pius V. Montanus writes from Rome, in November, 1571, that the work was not favourably

received by the authorities, who inclined to the opinion that the Antwerp editors had taken undue liberties with the classification and conclusions arrived at by the Fathers of Trent.¹

In 1572, Gregory XIII, in instructing the Congregation of the Index to prepare a new Index, recalled any authorisations previously given to faculties or other bodies for the expurgation of books. As a result, the Index of Antwerp remains, excepting those prepared in Spain, and the single one of the kind issued in Rome, the only expurgatory Index in the series.

4. 1580. Parma.—*Index Librorum Prohibitorum. Apud Erasmum Viotum. Parmae. 1580. Concessu Superiorum.*

This Index was prepared as a supplement to, or continuation of, the Index of Trent, and in accordance with the instructions given in the Tridentine preface to bishops and to local inquisitors. The Indexes of Liège, 1569, Antwerp, 1570, Lisbon, 1581, and Munich, 1582, were also compiled as a result of these instructions of 1564; but this of Parma is the only Italian example.

The lists, which contain 460 names, were undoubtedly utilised by Sixtus V, in the preparation of his Index, as a number of the errors in the names have been repeated verbatim. The Parma lists are full of blunders, and the names of the authors and titles of the books are curiously mixed together. The compilers have had access to certain English material and have thought it important, for instance, to include a condemnation of the Bible of Miles Coverdale, of which but few copies could have been within reach of readers in Italy. The entry reads: *Millo Couerdallus pro*

¹ *Coll. de Documents inédits*, 41, 278.

falsa translatione novi testamenti et prologis in quaedam loca ejusdem.

The works of some of the Fathers are included, which works it was probably intended to condemn in some heretical edition, but the edition not being specified, the condemnation covers the teachings of the Father himself, as in the entry *Tertuliani Opera*.

At the close of the alphabetical schedule, is given a list (without alphabetical arrangement) of twenty-one heretics. The list fails to present certain of the assured heresiarchs, such as Luther, Calvin, and Zwingli, but does include Melanchthon, Erasmus, and the Paris publishers, Henri and Robert Estienne.

This Index of Parma had not been included in any of the earlier records of censorship in Italy, and had even escaped the attention of the indefatigable Vergerio. Its existence was unknown to Reusch in 1884, at the time of the completion of his great history, and it is, as far as I have been able to ascertain, not mentioned by any of the other writers on censorship. A single copy was discovered in 1887 by Ludwig Rosenthal, and, at his instance, a reprint, edited by Reusch, was issued in Bonn in 1889.

5. 1581. *Lisbon. Inquisitor-General.* In 1568, Cardinal Henry, at that time Regent, published in Portugal the decree of the Council of Trent. The Cardinal became King in 1578, and in that year he had published a Portuguese version of the Trent Rules, together with a newly compiled list of books prohibited for Portugal. According to Reusch, no copies of this Portuguese Index are known. In 1581, Portugal came under the rule of Philip II, and in that year, the Inquisitor-General, Dalmeida, published a reprint of the

Index of Trent, together with a supplementary list of prohibited books. The title reads:

Index librorum . . . comprobatus. Nunc recens de mandato Illust. ac Rev. D. George Dalmeida, Metrop. Archiep. Olyssipon. totiusque Lusitanicae ditionis Inquis. General. in luce editus. Addito etiam altero Indice eorum Librorum qui in his Portugaliae Regnis prohibentur, cum permultis aliis ad eandem Librorum prohibitionem spectantibus, . . . Olyssipone, excudebat Antonio Reberius.

The edict of the Inquisition announces the imposition of the penalty of the *excommunicatio latae sententiae* for any disobedience of the regulations. The new lists comprise about 160 titles. A number of these new titles became of more than local importance as they were taken over by Quiroga and also by Sixtus V. The work of the Lisbon compilers was in part based upon Valdes. Among the new names may be noted: Jerome Cardan, Georgius Venetus, Crinitus and Amatus Lusitanus. Ariosto's *Orlando Furioso*, Bocardo's *Orlando Imamorato*, and Dante's *Divine Comedy* are grouped together in Class II. These three titles were, however, not repeated by the compilers of Sixtus. The *Utopia* of Thomas More and the *Praise of Folly* of Erasmus are placed together in Class II. Quiroga, in repeating the *Utopia*, places it with books to be permitted if corrected.

6. 1583. Madrid. Inquisitor-General Quiroga. In 1583, the Inquisitor-General Quiroga, on the strength of his apostolic authority, orders the preparation of a new catalogue of prohibited books. The edict states that, by reason of the great increase and wide circulation of heresies, the catalogues heretofore published are no longer sufficient. The Inquisition

has therefore determined to prepare a new and comprehensive list of books which have been condemned, and with such lists to publish a series of general authoritative regulations for the control of the printing and the reading of books. Quiroga utilised for the compilation of the Index representatives of the three universities and a number of other scholars. The regulations prohibit, under the penalty of the *excommunicatio latae sententiae*, the reading or the possession (either in bookshops or in private collections) of the books specified, or of any books containing the pernicious and heretical doctrines described in the general classification. To the secretary of the Inquisition, as consideration for his labour in the compilation of this Index, were assigned the "rights" for its publication. It may well be doubted, however, whether this publishing privilege brought to the secretary any very substantial return; as excepting in the case of the Tridentine, no one of the series of Indexes appears to have secured any remunerative sale.

The Quiroga Index contains no reference to that of Trent, but the Tridentine lists were largely utilised in its compilation, and the fourteen "rules" of Quiroga were evidently based upon the Ten Rules formulated in 1564. In the Spanish rules, however, the authority of the Inquisition is throughout substituted for that of bishops and theological faculties. Books prohibited in one version are to be held as prohibited in all versions, a modification repeated later by Clement VIII. There is a general prohibition of issues in the vernacular of any portions of the Scriptures. The largest schedule in Quiroga is that of works in Latin, comprising fifty-seven pages. The other lists give titles in Spanish, Portuguese, Italian, French, Flemish, and German in the

order of importance specified. The lists of Valdes were in large part repeated, and those of Antwerp and Lisbon were also drawn upon. The Quiroga served in its turn as the basis for the Index of Sixtus V, the next in order from Rome.

In connection with the introduction of a number of works by good Catholics, the editors have addressed the following "Note to the Reader":

"The prohibition of certain books bearing the names of writers well known throughout the Christian world as devout believers is not to be construed as a condemnation of the men themselves or as a charge that they have fallen from the true faith. In some cases heretical writings have falsely been issued under their names; in others, heretical publishers or editors have connected with the original text (in itself, orthodox) heretical notes, comments, or interpolations; and in yet others, writings addressed to scholars and suited only for scholarly understandings have been printed in the language of the common folk and circulated in such fashion as to cause mischief and error to unlearned believers, unskilled in matters of doctrine; and, finally, there are works which, while of service in the period in which they were issued and for the special purpose for which they were prepared, have fulfilled their mission and ought now to be withdrawn and cancelled."

Among the authors whose names are connected with this note are Fisher (Bishop of Rochester), More, Osorio, Luis de Granda, Cajetanus, Tapper, etc.

Quiroga's list of Italian writers includes the following entry:

Petrarca, los sonetos siguientes, Del' empia Babylonia, Otro Fiama del ciel. Otro Fontana di dolore. Otro L' avara Babylonia.

Petrarch's name does not appear in the Index of

Paul IV or in that of Pius IV. It is to be found in that of Sixtus V, 1590, but in subsequent Roman Indexes it has been dropped. The later Spanish Indexes have perpetuated, however, this condemnation of the Florentine poet.

The character of the criticism of the Church which Petrarch had expressed in certain of these objectionable sonnets and which, while extenuated by the Roman censors, had aroused the indignation of those of Madrid, is indicated in the following lines:

*Fontana di dolore, albergo d'ira,
Scola d' errori; e tempio d' heresia,
Gia Roma, hor Babilonia, falsa e ria,
Per chi tanto si piagne, e si sospira.*

7. 1584. Toledo. Quiroga. *Index Librorum Expurgatorum*. The original is reported as exceedingly scarce. The work is known through the reprint in Bonn, 1601, and that in Hanover, 1611. Mendham reports¹ that the Earl of Essex brought to Thomas Bodley a copy that he had secured, at the taking of Cadiz, from the library of Bishop Osorius. This was the text utilised by Thomas James (first librarian of the Bodleian) for the edition printed at Bonn. Llorente states² that the work of compiling the Index was done by the Jesuit, Juan de Mariana. The introduction states that the task has been undertaken as a beginning and with the hope that it may serve as a suggestion to godly and learned men to continue the all-important work of the purging of literature; for there are many books calling for expurgation, because on the one hand the heretics are always busying themselves with the task

¹ Mendham, 132.

² Llorente, i, 479.

of corrupting the writings of accepted authors; while on the other, it is borne in mind that the heretics themselves have produced works which can be made of service for science or for scholarship, when they have been freed from pernicious passages or errors. Pains should, therefore, be taken so to plan the necessary corrections that these can be made with the smallest possible expenditure of labour or of money.

The thirteenth rule of the Quiroga Index of 1583 directs that any heresies or errors that may be found in new books are at once to be reported to the Inquisition, but that the reader must not take upon himself the responsibility of cancelling the passages or of burning the copies. The expurgation of the books whose titles are given in the Index is to be undertaken only by those delegated by the Inquisition for the purpose. The schedule of heresiarchs (chief heretics) contains seventy-six names. The list was reduced by Sandoval to eighteen names. These may be specified if only to indicate the basis of the Spanish classification of heresy: Wyclif, Huss, Luther, Melanchthon, Zwingli, Calvin, Beza, Carlstadt, Osiander, Brenz, Bucer, Oecolampadius, Servet (Servetus), Stancarus, Pacimontanus, Schwenkfeld, Rotmann, Georgius. In the Roman Indexes, only that of Sixtus presents a similar list.

Class I constitutes a large division in the Quiroga Index. The compilers find deserving of condemnation the entire works of a number of authors of whose writings only single books appear in the Tridentine lists. It was probably less troublesome to put an author once for all in the class of heretics than to incur the labour of examining all of his productions.

In Class II, I may note the name of Theophrastus

Paracelsus (1541) connected with his *Libri tres Chirurgiae*. One of the three books was permitted in the expurgated edition. In later Indexes, Paracelsus is reprov'd because his writings contain so many magic and cabalistic names which are hardly to be understood.

8. 1588. Naples. F. Gregorius Capucinus. In 1588 was published at Venice a handbook for confessors, prepared by F. Gregorius, a Capucin monk. It bears the title: *Enchiridion Ecclesiasticum sive Praeparatio pertinens ad Sacramentum Poenitentiae et Sacri Ordinis, Editum a R. P. F. Gregorio Capucino Neapolitano uno ex Deputatis Patribus pro Revisione Librorum in Civitate Neapolitana . . . cum Privilegio S. Fran. Inst. Regu. Fr. Min. Venetiis . . . H. Polo Typographo Venito imprimente.*

The volume possesses no official character, but is referred to by Mendham¹ as important because of its references to forbidden and expurgated books. Gregorius takes occasion to caution his readers against the *Index expurgatorius* of Quiroga as unsound, because Quiroga fails to condemn the works of Molinaeus and Raymond Lullus, and does not make sufficient excisions in the *Practica Papiensis* of Petrus de Ferrariis. In the succeeding Spanish Indexes, we find, as might be expected, a condemnation and prohibition of the *Enchiridion* of Gregorius.

This Naples Index is described as very scarce. A copy is, however, contained in the Bodleian Library in Oxford.

The catalogue or Index forming the second division of the work begins on page 146 under the title of *Libri Corrigendi*. The preface to the catalogue makes clear its connection with the general subject of the

¹ Mendham, 95.

work. It begins as follows: *Quomodo Confessor potest cognoscere, si poenitens tenetur ad aliquot placatum, ob lectionem librorum, qui sunt a Catholicis editi, sed sunt infecti et prohibiti ob interpositionem haereticorum, qui se interposuerunt indictis libris, et aliorum qui sunt adnotati et prohibiti in Indice Romano vel Tridentino. . . . Hoc potest cognosci ex sequenti lista; sed est quaedam adnotatio, sive memoria edita, A. M. R. D. D. Johanne Franciso Lombardo, etc. Post longum studium contra libros haereticorum.*

Capucino adds, after presenting his list:

“ Finally, avoid carefully a certain book entitled *Index of Books to be Expurgated*, printed at Madrid by Alphonso Gomez in the year 1584, since we must rather believe the statement false that it was printed in such a city and by the said Alphonso, and also the statement that it was printed and published by the body of the supreme Catholic senate. And among other erroneous or heretical passages contained in it is that which says that some of the works of Carolus Molinaeus, a heretic of the first class, may be permitted without correction.”

The editor was not successful in securing for this theory of interpretation the approval of the Inquisition, and was himself, in 1590, brought to the stake at Salamanca as a heretic. Llorente¹ states that at the same *auto da fe*, Torquemada caused to be burned many Hebrew Bibles and six thousand other volumes.

¹ Llorente, i, 282.

CHAPTER XI

ROMAN INDEXES AND DECREES, 1590-1661

1. 1590. Sixtus V, *Index Prohibitorius et Expurgatorius*.
2. 1596. Clement VIII. *Index Prohibitorius*.
3. Supplements to the Clementine Index.
4. Continuations of the Roman Indexes, 1600-1632.
5. 1607. Brasichelli, *Index Expurgatorius*.
6. Expurgations in the Roman Index, 1624-1640.
7. Censorship Decrees.

1. 1590, *Sixtus V. Index Prohibitorius et Expurgatorius*. In August, 1588, Sixtus V instructs the Congregation of the Index to prepare a new edition of the Index of Trent. The work was completed within two years and was printed in July, 1590, by Paul Bladus. This is the first Index the compilation of which was carried out by the Congregation. It is issued in the form of a Bull with the following title:

Bulla Smi. D. N. Sixti Papae V. Emendationis indicis cum suis Regulis super librorum prohibitione, expurgatione et revisione necnon cum abrogatione caeterorum indicum hactenus editorum, et revocatione facultatis edendorum, nisi ad praescriptam harum regularam normam.

The substance of the Bull may be summarised as follows: Bull of the most revered Lord and Father, Pope Sixtus V, in regard to the production of a revised Index, with which are given the Pope's regulations concerning the prohibition, expurgation, and revision

of books, together with the abrogation of the authority of Indexes previously issued, and the revocation of the authority to print Index regulations other than those herewith presented. The Bull makes reference to the precedents for prohibitory censorship as having been established by Gelasius I and Gregory IX. Reference is also made to the establishment of the Congregation of the Index, by which this responsibility is hereafter to be discharged.

To the annexed *Regulae* are attached the "penalties" of Pius IV. The Index is presented for universal acceptance as possessing final authority, and the publication by individuals, universities, or other institutions of Indexes, compiled without the specific approval of the Holy See, is prohibited. The edict is exceptional in the history of Indexes, and it is in order to cite its phraseology:

Universos indices quacunq̄ue auctoritate etiam praedecessorum nostrorum hucusque et ubilibet locorum editos, ad hunc nostrum indicem, tanquam ad normam ab apostolica sede praescriptum, ex qua recte sentiendi, credendi, docendiq̄ue leges in omnem ecclesiam manare par est, revocamus, et exteris quibuscunq̄ue sublatio, hunc tantum, et ejus regulas ab omnibus personis, et sub poenis omnibus, quae in praedictis Pii IIII literis exprimentur, et quas praesenti decreto innovamus, apostolica auctoritate tenore praesentium servari, praecipimus, et mandamus.

The rules which follow, and which are to supersede those of Trent, are twenty-two in number.

Regula I (which is one of the new ordinances) reads: *Quicunq̄ue sanctorum patrum libros, vel Scripta fidem, seu mores concernentia, ab ecclesia hactenus recepta, non admiserunt, poenis a jure statutis puniantur.*

Regula II: Quoniam vero iidem sancti doctores, vel quia ante obortas haereses, vel quia, ut eas surgentes impugnant, fidei zelo accensi, quibusdam interdum locationibus usi sunt, quas postea Dei ecclesia Spiritu sancto edocta rejecit, nemini posthac eas tenere, aut eis uti liceat; sanctis vero ipsis doctoribus, quia non animo ab ecclesia Catholica, recedendi talia scripserunt, debita reverentia deferatur.

The ninth rule forbids the circulation of innocent books by heretical writers unless the names of the authors are expunged. The sixteenth restrains the circulation of manuscripts. The nineteenth limits the printing of sacred and ecclesiastical books to cities where the aid of an inquisitor may be had; and the books printed must be conformed to the exemplar in the Vatican. The twentieth directs visitations of booksellers' shops, and forbids private persons to burn proscribed books, ordering them to deliver such to the master of the sacred palace or to the local inquisitor. The twenty-first prescribes the expurgation of sacred or ecclesiastical books, such as the *Decretals*, etc., which have been corrupted by heretics. The twenty-second warns the faithful that if they offend by reading or retaining the prohibited books, they will incur a sentence of excommunication, from which they can be absolved only by papal authority, except in the hour of death, and then only upon giving evidence of true penitence. The rules conclude with an instruction to booksellers to possess themselves of the present authoritative Index in order that they may have no pretext for ignorance. A similar instruction is given to all who concern themselves with the reading or possession of books that they are to possess and read this same Index.

Sixtus died a few weeks after the printing of his Index, and when but few copies of the same had been sent out. Reusch states that (as was the case with the Sistine edition of the Vulgate) no further copies were distributed after the Pope's death, and the copies which had been sent out were, as far as possible, recalled and the edition was destroyed. The copies of the original issue are, therefore, at this time very scarce. In 1835, however, the Sistine Index was reprinted by Mendham under the following title:

Index librorum prohibitorum a Sixto V Papa, confectus et publicatus; at vero a successoribus ejus in sede Romana suppressus. Edenta Joseph Mendham, London, 1835.

The Index is classified in three divisions. The heading of the second division does not, I believe, appear in any other published Index: *Deinde adduntur nomina Catholicorum quorum libri aut auctoris incuria, aut etiam impressoris negligentia, doctrinam non sanam, sed suspectam, et bonorum morum offensivam continere videntur.*

It is to be noted that the possibility is admitted of the appearance in the works of Catholic writers of doctrine that is unsound or that is offensive to good morals. The right purpose or intention of such writers may be protected under the term "appear" (*videntur*).

While the Index of Sixtus never came into general circulation, it has importance in the series because its lists were utilised as the foundation for the Index of Clement VIII. In 1591, the edition of the Vulgate undertaken by Sixtus V came into consideration with Gregory XIV. The Pope had been advised to condemn and prohibit the work, but he finally decided to have it

reprinted with the corrections and eliminations thought necessary, with a preface explaining that in the original issue, certain errors had found place, errors for which the copyists and printers were responsible.

In the condemnation of the treatise of the Jesuit Bellarmin (on the authority of the papacy) and of the *Reflectiones* of the Dominican Vittoria, Sixtus acted on his individual authority. The Inquisition and the Congregation of the Index declined to condemn either book. The Sistine is the only one of the papal Indexes that contains a list of heresiarchs. The list is entitled: *Catalogus Haeresiarcharum, Haeresum auctorum eorumque qui eas suscitatum seu Haeticorum duces aut capita extiterunt, qui ad faciliorem intelligentium quartae regulae hujus indicis apponitur*. The list compiled by Quiroga has been utilised for this. Fifteen of Quiroga's heresiarchs have been omitted, and twenty new names are added. Among the eliminations are Ochinus, Ramus, and Agrippa, and among the additions are several Hussites and Anabaptists, and Marsilius of Padua.

The Dominican, Alfonsus Ciaconius, charged by the Congregation with the task of defining an heresiarch, reported that those are to be so classed who discover new heresies or who revive ancient errors, or who present in heretical institutions a defence of heretical doctrines, or who undertake in councils the defence of heretics. The name of Ciaconius comes into record also in connection with the following statement concerning the Inquisition:

"The Roman and the Spanish Inquisition have the same purpose, the maintenance of the Catholic faith. It is to be borne in mind, however, that the former is the superior, the latter the subordinate body; the Roman is the mother,

the Spanish the daughter; the Roman is to be likened to the Sun, the Spanish to the Moon dependent upon the Sun for its light. In the case in which the Roman Inquisition presents one conclusion and the Spanish another, the faithful churchman will be guided by the authority of Rome."¹

In Spain, the point of view is naturally different, and the Spanish Inquisition has always claimed independence from the authority of Rome, and has often refused to be bound by the regulations issued by the Roman inquisitor-general.

Sixtus is the first Pope who undertook to retain for the exclusive action of the Holy Chair, or of the Congregation working under papal instructions, the authority for the production of Indexes, for the prohibition of individual books, for the expurgation of books which in a modified form it was considered important to preserve, and the general supervision of the reading of the Church. Preceding popes had accepted, if not without question at least without formal protest, the claims made by the Inquisition or by the Crown of Spain, by the Inquisition or by the universities of the Low Countries, by the Inquisition of Portugal, and by the University of Paris, to produce Indexes both prohibitory and expurgatory, to publish regulations controlling the production and the use of books, and to institute and to execute punishments for the breach of such regulations. The injunctions of Sixtus, promptly recalled by his successor, seem to have had practically no influence towards the prevention or the lessening of such undertakings on the part of national or local authorities. The successors of Sixtus wisely abandoned

¹ Cited by Reusch, ii, 234.

the attempt to retain for the Holy Chair the exclusive control of this troublesome business.

Sixtus finds place among the authors of Class I for two hundred names, practically doubling the list contained in the Tridentine Index. He utilised, in making his additions, the catalogues of Quiroga, the lexicon of Frisius, and the book-catalogue of the Frankfort Fair as printed in the years 1583-87. The general copying of the names from Frisius and from the Fair catalogues, has the result of bringing into the Sistine lists a number of unimportant writers whose names would otherwise hardly have been preserved, certain others whose books were announced but never came into publication, and, finally, some good Catholic authors, editions of whose writings happened to be brought into print by Frankfort publishers whose imprints had previously been associated with heresy. Among the orthodox ecclesiastics who thus secured undeserved condemnation were Caspar Macer, Bishop of Regensberg, and Andreas Critius, Archbishop of Poland.

Certain of the entries in the Index deserve separate attention. In the list of books published appears the entry, Joannis Casae, *Poemata*. This work appears in the Index of Paul IV. Its author is spoken of by Mendham as "that infamous prelate."¹ In the Index of Trent, however, the prohibition was removed, Pius IV having apparently concluded that the transgressor had done sufficient penance. Under the authority of Sixtus, the prohibition was, as stated, renewed, but in all subsequent Indexes the title is omitted. Another entry to be noted is the following: Roberti Bellarmini, *Disputationes de Controversiis*

¹ Mendham, 114.

Christianae Fidei adversus hujus temporis haereticos. To this title is affixed the note: *Nisi prius ex superioribus regulis recognitae fuerint.* It is difficult to understand why the stalwart champion of Roman orthodoxy should have been placed under the ban. It is Mendham's suggestion that in the third of the *Disputations* in question, which has to do with the power of the Roman pontiff, Bellarmin had stated that power to be no more than indirect as to temporals. The censure made necessary a public revocation and self-correction on the part of the offender. After the death of the critical Sixtus, the cardinal is said to have vented his resentment as follows: *Conceptis verbis, quantum capio, quantum sapio, quantum intelligo, descendit ad infernum.* The authority for this citation is Baxter's *Safe Religion*, in which is quoted the report of William Watson, an English priest, to whom the utterance was made.¹

The name of the Englishwoman Anne Askew finds place in Class I (entered as Anna a Skeue), the only other woman thus honoured being Magdalena Heymairin. In the Index of 1597, Anne's name is entered A. S. Keuue, which a conscientious reader, trying to avoid pernicious literature, might also find difficulty in identifying. The Sistine compilers have made a curious blunder in including in their lists the titles of a number of university controversial dissertations, which had been prepared for the defence of orthodox doctrine against the assaults of certain heretical opponents. The Frankfort catalogue, in its entries of the heretical treatises, had brought in the names of the orthodox writers to whom these treatises were replies.

In a number of instances, the Sistine lists repeat in

¹ Mendham, 105

Class III, without the names of the writers, the titles of books the authors of which had already been condemned *in toto* in Class I. It is difficult to understand the ground for the insertion in Class III of a long series of historical works which appear to have possessed no theological or doctrinal character. The titles had been taken from the Frankfort catalogues of the publishers Feyerabend and Wechel, probably because these publishers had come into heretical repute in connection with previous books.

The compilers had discovered the pernicious character of a monograph by William Camden, published in London in 1584, under the patronage of Lord Robert Cecil. Camden undertook to prove that there had been under Elizabeth no persecution of the Catholics on the ground of their faith. In the same group, finds place the title of the monograph by John Knox (but the author's name is not given) described as *Liber Contra Regimen Feminarum*; the original English title, *The First Blast of the Trumpet against the Monstruous Regiment and Empire of Women*, is correctly printed for the first time in the Index of Benedict, 1758. The edition of the monograph that came into consideration with the Sistine compilers had been printed in Geneva in 1558. The original issue had been censured (under the directions of Queen Elizabeth) by the Archbishop of Canterbury and in 1583 was condemned by the University of Oxford. No sufficient cause appears for the prohibition of the *Chronology* of Gerard Mercator. In 1663, the famous atlas of Mercator was placed on the prohibited list, a prohibition that was confirmed by Benedict a century and a half later. It is possible that the dedication to Queen Elizabeth of these two books may have worked

to their prejudice. The introduction to the treatise *De Mundi Creatione*, which is printed with the atlas, contains some remarks in regard to the six days' work of creation which may have been thought to be dangerous.

The historians are of opinion that succeeding popes, and the Church itself, believed it to be essential for the interest of the Church to suppress this erratic and exceptional production of Pope Sixtus, and as far as any continued influence of the Index itself was concerned, such a result was certainly secured. Hilgers takes the ground that this Index, never having been published, is not to be classed as an authentic utterance of the Church. There is a curious reference, made in the Index published six years later by Clement VIII, to the intention that had been formed by Sixtus for the preparation of an Index and to the fact that he (Sixtus) had departed this life without carrying this plan into execution. The words of Clement are as follows: *Verum cum idem Sixtus, re minime absoluta, ab hominis excesserit: Nos hoc tempore omnino perficiendum atque in lucem edendum duximus.*

Gregoris Lati, the biographer of Pope Sixtus, describes the special purpose of a printing-office instituted by him. The description is thought to indicate that some considerable "purification" was at times found advisable in the text of editions issued through the papal press:

Non lungi della Libreria [the Vatican] vi fece fabricare Sixto una Stampa capacissima, acciò che i Libri corotti, e profanati dagli Heretici, e pieni di gravissimi errori si emendassero e si reducissero al primiero candore, ed alla prima purità, e si rimettessero, alla loro sincera

*verita, stampandosi, e pubblicandosi con migliore ordine, e regola.*¹

2. 1596. *Rome, Clement VIII, Index Prohibitorius.* In April, 1592, within a few months after his accession, Clement gave instructions to the Congregation for the production of a new Index. As before mentioned, the Index of Sixtus had been cancelled and withdrawn and the Clementine Index was intended to be used as a direct continuation of that of Pius IV. The responsibility for the direction of the new compilation came upon Bellarmin, who, as consultor of the Congregation, had secured the papal disapproval of the work of Sixtus. The title of the Clementine Index makes acknowledgment however of the initiative taken by Sixtus. The title reads: *Index librorum prohibitorum cum regulis confectis per Patres a Tridentina Synodo delectos auctoritate Pii IIII primum editus postea vero a Sixto V auctus et nunc demum S. D. N. Clementis PP. VIII jussu, recognitus & publicatus. Instructione adjecta. De exequenda prohibitionis, de que sincere emendandi & imprimendi libros, ratione. Romae, apud Impressores Camerales.* 1596.

The completed draft of the Index of Clement (probably in the form of proof sheets) was placed in the Pope's hands by the Cardinal of Ascoli (the Dominican Bernerio) as early as July, 1593. Clement decided to delay the publication in order to give opportunity for suggestions and criticisms. Baronius submitted certain objections which secured consideration.

The first of the briefs of Clement is simply a restraint on the right of printing. The second, bearing date October 17, 1595, makes the usual reference to Gelasius I as the founder of the Index, adds a credit to Gregory

¹Leti, Part II, Book IV, 385, cited by Mendham, 109.

IX, and then passes on to Pius IV. Then follows a minute detail concerning the intention, described as having been executed only in part, of Sixtus V. The remainder of the brief is taken up with a specification of the work of Clement in completing the plan of Sixtus, with the statement that Clement had commissioned a congregation of cardinals who had been charged with the prohibition, expurgation, and regulation of the impression of books. The wording of the reference to the Congregation of the Index would give the impression that this was here instituted for the first time. Catalani is authority for the statement that the Congregation certainly existed under Gregory XIII and probably as early as Pius IV. Mendham finds authority, as previously stated, for crediting the Congregation to Sixtus V. The brief of Clement is followed by the brief and preface of the Tridentine edition, with the Ten Rules restored to their place by the suppression of the Sistine two and twenty.

The Index of Clement bears to that of Sixtus a relation similar to that borne by the Index of Pius IV to that of Paul IV; but a larger portion of the Sistine lists was cancelled by the Clementine compilers. The order of arrangement follows that of the Index of Trent, the new names and new titles being brought in as appendices at the close of each class, and as additions after each letter. The Ten Rules of Trent are repeated with the addition of certain "observations" in regard to translations of the Scriptures, works on astrology, the *Talmud* and other Jewish writings. The most distinctive addition to the regulations is an instruction placing in the hands of the bishop and inquisitors (or in Rome in those of the *Magister S. Palatii*) the responsibility for the prohibition or expurgation of

books that were already in print, and for the examination of writings for which a printing license was issued. In the brief printed as an introduction, the Pope confirms the powers, privileges, and instructions given by Pius V, Gregory XIII, and Sixtus V to the *Magister S. Palatii* and to the cardinals of the Congregation. The brief goes on to state that in the case of any questions or controversies arising in regard to the interpretation of the rules and regulations as supplemented, these shall be passed upon by the Congregation, or in matters of special moment shall be referred to the Pope.

The Index of Clement is the only papal Index which, before coming into publication, secured the advantage of consideration from various points of view and of a revision extending over three years. The Venetian ambassador, writing in January and again in March, 1594, makes reference to a number of protests that had been submitted, on behalf of the scholars and publishers of Italy, in regard to the long list of additions to the Index of Italian works. It would appear that the Pope took a more liberal view of these Italian writings than that expressed by the work of the Congregation. Baronius, writing in July, 1593, to Lipsius, reports that the Pope had found it necessary to disapprove the lists as prepared, although these were already in print. Bellarmin, writing late in the same year, explains that his other duties had compelled him to be absent from many of the sittings of the Congregation. He appears to desire to make clear that the errors of judgment complained of did not belong to his responsibility.

In the schedules as finally approved, Clement omits from Class I, as first shaped by Sixtus, fifteen names;

the only one of these which may be considered as of continuing interest is that of Paracelsus. The additions to this class comprise twenty-five names. Among these are included a number of Englishmen, such as Matthew Parker of Canterbury, Matthew Hutton of York, William Fulke, and John Knewstub.

In Classes II and III, Clement has omitted (in the list as finally revised) a number of astrological works which had been included by Sixtus, a series of Italian poets and novelists, and a group of Spanish titles taken from Quiroga. The few additions to Class II contain few names of present note. Franciscus Patrius Nova, who held the chair of philosophy at Ferrara, had in his lectures on the philosophy of Plato given to Bellarmin and others ground for criticism. Franciscus had, in a letter to Gregory XIV, strongly recommended that the philosophical teachings of Aristotle should be excluded from all the schools of Christendom, and that the Church should give its approval to the doctrines of Plato (as interpreted in his own lectures).

The *Apologia* of Davila, printed in Madrid in 1591, is the first work of the Spanish Regalists (defenders of the authority of the State) to find place in the Roman Index. Through the 17th century, the list of the Spanish treatises of this school condemned by the Roman authorities is a long one.

In Class III, have been added a number of treatises from the Low Countries, from Germany, and from France, bearing on the relations of Church and State. The list includes a *Gratulatio* from Switzerland to France for the accession of the most Christian King of France and of Navarre, Henry IV.

The "Instruction" of Clement, which is included

as an appendix to the Rules of Trent, includes the following provisions:

(1) All bishops and inquisitors are instructed to give orders that, under heavy penalties for disobedience, their people must within a limited period (1) **Concern-** make delivery of all copies of the books **ing the Prohibi-** condemned. **tion of Books**

(2) The bishops and inquisitors (in Rome the *Magister S. Palatii*) are authorised to give permission to men of assured holiness and scholarship to retain, for a period not exceeding three years, copies of the forbidden books. They bind themselves to report to the authorities, in the books which are permitted *donec corrigatur*, such passages as they may find to be heretical.

(3) Outside of Italy, the responsibility for the distribution of the lists of heretical and immoral books rests with the bishops, the inquisitors, and the universities. The instructions to the people in regard to the reading or possession of such books are to be given by the bishops and inquisitors. This instruction was for a time interpreted as an authority given by the pope for the preparation of local Indexes. In 1621, however, the Index Congregation issued an order prohibiting the further production of any such local lists, or the further circulation of the lists already in print.

(4) The nuncios and legates in foreign lands, and in Italy the bishops and inquisitors, are to submit annually to the Curia or to the Index Congregation lists of the books published in their respective territories, which in their judgment call for expurgation or are deserving of condemnation.

(1) The responsibility for the expurgation of books

in accordance with the principles laid down in this
 (II) **Concern-** Index rests with the bishops and inquisi-
ing the Correc- tors, or, where there are no inquisitors,
tion of Books with the bishops alone. They are instruct-
 ed to secure for such work the service of two or three
 scholarly and pious men.

(2) The expurgators are instructed to cancel passages from the Scriptures which have been wrongly worded by heretical translators, unless it may be that such passages have been cited simply for the purpose of refutation; passages which give praise or commendation to heretics or their writings; passages adverse to the freedom, the immunity, and the jurisdiction of the Church; passages which undertake to defend the tyranny of the State, or which give countenance to theories adverse to the authority of ecclesiastical and Christian law.

(3) In the books of Catholics written after 1515, when the necessary correction can be arrived at through the introduction or omission of single words, this course shall be taken. If this is not practicable, the entire passage or chapter must be cancelled.

(4) In the writings of the earlier Catholics, no alterations shall be made except in the case of passages which have been inserted through the malice of heretics or through the heedlessness of printers.

When the pernicious material appears to be of distinctive importance, it will be well to order the production of a new and corrected edition which shall take the place of the erroneous text. The essential purpose to accomplish is the presentation, in clear and comprehensible form, of the actual doctrine and original thought of the writer.

Mendham points out that, according to this rule,

the correctors or compilers of expurgatory indexes were apparently placed in a position to assume a *fraus haereticorum* whenever such assumption seemed desirable for their purpose, and to amend the text accordingly.

The difficulty with which the papal authorities were here contending had to do with the text of the earlier printed editions of the writings of the Fathers of the Church, and of certain of the later ecclesiastical writers. In preparing these editions for the press, the more scholarly and careful of the printer-publishers, such as the Stephani in Paris, Froben in Basel, and Koberger in Nuremberg, found it necessary to collate as many copies as could be secured of the MSS. which had been accepted as more or less authoritative. In certain cases, as for instance with the Stephani, the editorial work was done by the publisher himself; while in others the service of scholarly revisers was secured. It does not appear from the history or correspondence of these publishers that they had any doctrinal purposes in view. It seems to have been their wish, if only as a matter of business importance, to secure for the printed book the most accurate and complete text possible. There are not a few references in the correspondence of their editors to the unsatisfactory condition of many MS. texts, on the teachings of which had been based important matters of doctrine or large contentions for ecclesiastical control. There is at least fair ground for the belief that the so-called heretical eliminations and corrections complained of by the Index authorities represented simply the attempts of the best scholarship of the day to correct the blunders and the wilful garblings of scribes (working under ecclesiastical direction) who had

prepared the accepted MSS. presenting the teachings of the earlier leaders of the Church.

(5) When publication has been made by the bishop and inquisitor of a *Codex expurgatorius*, the owners of the books concerned are permitted, under an authorisation from such bishop, etc., themselves to make in their own copies the corrections required by the Index. Reusch points out that permission for such individual correction was never granted under the regulations of the Spanish Inquisition.

Each book must carry on its title-page specification of the full name and nationality of the author and of (III) **Concern-** the printer, and of the location of the **ing the Print-** printing-office. In an exceptional case, **ing of Books** the bishop and inquisitor have authority to permit the anonymous publication of a work, but the name of author and of printer, with their respective addresses, must be duly recorded. Before the printer is permitted to bring his volume into type, he is required to submit to bishop and to inquisitor the complete text of the same, and, after this has been examined, to secure the necessary permit or privilege. The application of this regulation varied materially in different districts, but the methods adopted frequently brought upon the printer-publisher so considerable an outlay as to render unprofitable an undertaking otherwise promising. In connection with the increase in certain centres of the number of books planned for publication, the examiners found an increasing difficulty in keeping up with the labour of passing upon each portion of the text before issuing the necessary permit. They began to take the ground of refusing to trouble themselves with the examination of MSS., and of insisting on having the completed texts placed before them in

the form of printed sheets. This necessitated on the part of the printer the striking off of an entire edition in advance of securing the privilege for its publication. In these earlier stages of the work of printing, the making of plates was of course unknown. The fonts of type were small and the "sheets" (comprising from four to sixteen pages) had to be worked off, each by itself, in the full number of impressions required, in order that the type might be freed for the setting of the succeeding "sheets" or "signatures." The printer would laboriously strike off with his hand-press 250 or 350 impressions of four, eight, twelve, or sixteen pages, and only when such impressions had been completed, would he have type available for the setting of the next form. In the case, therefore, in which the examiners decided that the book could be permitted publication only after more or less serious changes and corrections, the outlay incurred in producing this first set of sheets would be practically thrown away.

The printer-publishers and also the booksellers were required to make oath from year to year that they would carry on their business in full accord with the principles of the holy Catholic Church, the decrees and rules of the Index, and the regulations of the local bishops and inquisitors. In the case of the publication of an authorised, expurgated edition of a work, which in its original form had been condemned, the title-page is to carry a wording similar to the following: *Bibliotheca . . . a Conrado Gesnero Tigurino, damnato auctores olim edita ac prohibita, nunc jussu superiorum expurgata et permissa.*

A document, peculiar to this Index, is entitled *Observatio*. The first comment is upon the fourth

rule and denies that by this rule any power is given to bishops, etc., to grant licenses to buy, read, or retain Bibles, or any parts or summaries of the Scriptures, in the vulgar language. This Observation is continued in the succeeding papal Indexes up to that of Benedict XIV in 1756. In the later edition of the Index of Benedict, which appeared in 1758, the instruction or interpretation given by the Observation is naturally modified. The third division of the Observation revokes the partial toleration of the Talmudic and Cabalistic books, and the fourth forbids the circulation in any other than the original language of the Hebrew ritual called *Magazor*. The sixth enjoins in the matter of the prohibition of books, that the names of the works condemned should be delivered to the bishops and inquisitors and that license to read them should be obtained for the same. The correction of books is to be committed to learned and pious men and the circulation of the work where expurgated and amended to the satisfaction of the examiners is permitted. The correctors are to search for all utterances anti-Catholic or adverse to the Church or in praise of heretics, as well as for such as are immoral or as may be injurious to individuals. Catholic books issued after the year 1515 are, if objectionable, to be corrected, but the works of the ancients are to be corrected only in case errors have been introduced by the fraud of heretics, etc.

The instruction in regard to the impression of books is as follows: The work to be printed must first be shown to the bishop or inquisitor and approved by either of them; when printed, the text must be compared with the manuscript and verified as correct before permission can be given for sale. Printers

must be orthodox men and must bind themselves by oath to deal faithfully and catholicly, and the more learned and eminent of them must profess the creed of Pius IV. A work that has been expurgated by the examiners must express that fact on its title-page.

The Index of Clement is distinctive in giving a much larger measure of attention to theological works by Catholic writers than to the writings of heretics. In this respect, it serves to mark a change of policy on the part of the Church, which was beginning to recognise the impracticability of controlling the character of the whole literary output of the world, and to devote its supervision to the task of keeping free from error books by Catholic writers which would be likely to influence the faith of believers. The Clementine Index secured for itself a wider distribution than had been given to any preceding Index excepting that of Trent. Within two years after its promulgation, editions were printed at Bologna, Perugia, Florence, Milan, Verona, Venice, and Turin, and also at Prague, Lisbon, Liège, Cologne, Paris, and Besançon. The publishers and booksellers of Venice found occasion for complaint concerning a number of the entries and regulations in this Index, and the Venetian Senate submitted on their behalf a strong reclamation to the Pope. After a series of negotiations, the Pope gave instructions for concession on the more important points at issue. In 1596, was published an *Interpretation of the Rules of the Index of Clement VIII, in so far as these apply in the territory of . . . Venice*. The more important modifications are the following:

(1) The prohibited books and those for which expurgation has been ordered can still be sold to those

who have secured the necessary permission from bishop or inquisitor. (2) When new editions are prepared of volumes that have been prohibited *donec corrigatur*, it is not required to send the copies to Rome. These can be passed upon with the necessary corrections under the instructions of the local bishop and inquisitor. (3) The printers are not required to submit for examination the text in the form of printed sheets. The work of examination and of correction can be completed with the text of the MSS. as prepared for the typesetters. (4) On the back of the title are to be printed, in connection with the record of the permit or privilege, the names of the examiners who have approved the text. (5) The booksellers are required to submit, on demand, to the inquisitor a catalogue of the books contained in their stock in order that the bookshops may be "cleansed" from old copies of prohibited and pernicious works. (6) The authority given to local bishops and inquisitors to prohibit books in addition to those that have been placed on the Index must be understood to apply exclusively to works opposing the true faith, and to volumes which have been brought into print under false or forged permits. (7) The publishers and printers in the territory of Venice are freed from the general requirement of an annual oath. (8) The heirs to an estate are under requirement, within three months of the turning over of an inheritance, to submit to the inquisitor a list of all the books received; and these books are not to be used until they have been passed upon and approved.

These concessions were accepted as satisfactory by the Senate, and authorisation was then given for the printing and promulgation of the Index in the territory

of Venice. The influence of Paolo Sarpi in maintaining for the Venetian Republic the right of independent action in regard to censorship, and in refusing to accept as authoritative a regulation from Rome until it had been made to conform to Venetian requirements, was evidently still in force. After this *Concordat* had been arrived at, a resolution was adopted by the Senate (and appears to have been accepted by Rome) that thereafter no book prohibition should be valid in Venetian territory until it had been promulgated by the Venetian Inquisition.

Sarpi makes a criticism concerning Roman censorship methods which is in substance as follows:

“The Roman authorities prohibit, as corrupt, the text of many valuable works, particularly of the class that have to do with political science and the rights of States; they prohibit many books which have no relation to matters of theology or religion and which they are in fact not competent to understand; they contest the right of the Republic itself to prohibit pernicious books.”

In another passage Sarpi contends that the Roman *Index expurgatorius* is especially faulty: “In these so-called expurgated editions, the reader can no longer ascertain the purport of the author but has before him simply the opinions of the Curia.”

3. *Supplements to the Clementine Index, 1597-1609.* In the decrees of the half-century following the date of the publication of the Index of 1596, a number of books are separately prohibited the authors of which had already been placed in Class I. In a papal decree of 1623, it is declared that all works published, after 1596, by writers who had already been condemned under Class I were prohibited. A number of books

which had not been transferred by the editors of Clement from the lists of Sixtus V were prohibited later, in part during Clement's life and in part by his successors. In the first decade of the 17th century, a number of individual prohibitions were made of books belonging to the 16th century, and some of which had been in print for a quarter of a century, or more. An example of such a belated prohibition is presented by the case of Bruno. Bruno's earlier writings were published in 1582, but his name does not occur in the Index of Clement VIII. Bruno's trial and condemnation took place in Rome, in 1600, and first in 1603 does the list of works prohibited include the books and writings, of every class, of Giordani Bruno Nolani. Bruno was born in 1548 at Nola and associated himself with the Dominicans. Proceedings were taken against him as early as 1577 by the Inquisition both at Naples and at Rome. He succeeded, however, in getting out of Italy and remained absent until 1592. In this year he came under trial with the Inquisition in Venice and, in 1593, was delivered by the Venetian authorities to the Inquisition of Rome. He was in prison in Rome until 1599, and in 1600 was condemned and burned as an apostate and an unrepentant and stubborn heretic. During the trial, Bellarmin served as counsel for the Inquisition.

Among the works condemned in the first of these supplements, is the treatise written by King James I of England in defence of his oath of fidelity or coronation oath. This *Apology* of the King did not find favour in Rome, and it was condemned by two successive decrees of the master of the sacred palace in July and in September of 1609, the year of its publication. The title of the condemned work begins: *Apologia pro jura-*

mento fidelitatis . . . vero ab ipso auctore serenissimo et potentissimo Principe Jacobo, etc. The book did not find place in the Spanish Index of 1612, but secured attention, as specified, on the part of the censors of Portugal. The title appears again among the works prohibited in the Spanish Index of 1632, under the title of *Jacobus Rex* in the first class, and also in the second class under the title of *Jacobus Angliae*. In the same year, the title finds place in a Roman Index, where it is catalogued under the letter A. The condemnation is repeated on the Index of 1664 and in those following. In an examination held by the Parliamentary Committee on the State of Ireland in April, 1825, one of the Catholic witnesses, the Reverend M. O'Sullivan, deduces from these condemnations the conclusion that the old-time papal doctrine of the right of deposing Kings had not been revoked.¹

In 1609, was included in the lists of books prohibited an Italian edition of the *Confession* of Theodore Beza. The book had been printed in 1559 in the original French, *Confession de la Foire Chrétienne*, and the Italian version had appeared in 1566. Nearly half a century was required before the pernicious character of the work had become clear to the authorities of the Roman Inquisition.

4. *Continuations of Roman Indexes, 1624-1655.* The Index of Clement VIII was reprinted from time to time with the original decrees and with supplementary lists. Such reprints were issued in Rome in 1624, 1630, and 1640.

In 1618, was printed in Bologna, under the title of *Syllabus seu collectis librorum prohibitorum*, a list of the books prohibited since 1596. In 1619, Franciscus

¹Mendham, 164.

Magdalenus, Secretary of the Congregation, printed in Rome, under the title, *Edictum librorum qui post Indicem Clementis VIII prohibiti sunt*, a reissue of the Bologna *Syllabus*. In 1624, these lists were reissued in Milan, under the title of *Raccolta de libri prohibiti*.

In 1632, Magdalenus issued in Rome, under the title, *Elenchus librorum omnium tum in Tridentino Clementinoq. tum in aliis omnibus Sacrae Indices Congregationis particularibus decretis hactenus prohibitorum*, what appears to have been a freshly compiled Index. This *Elenchus* of Magdalenus was, in the same year, reprinted in Milan, with the omission of the series of decrees; and in 1640, a second reprint, containing additional lists, was issued in Rome. Mendham speaks of this *Elenchus* as if it were a personal and unofficial undertaking¹; but as Reusch points out, it was issued with the approval and the authority of the Congregation, although not printed in the official press.

In 1644, a second *Elenchus* was printed in Rome, bearing no name of compiler or of printer, which presented in alphabetical order a list of books prohibited since 1596.

In 1655, a third *Elenchus*, bearing the name, as compiler, of Thomas de Augustinis, was printed in Rome. It contains the titles of books prohibited between 1636 and 1655, and constitutes a continuation of the *Elenchus* of 1632. In June, 1658, this *Elenchus* was itself condemned and prohibited by the Congregation, on the ground of its incompleteness and lack of accuracy.² It is evident that the Congregation Index authorities were requiring a higher standard of

¹ Mendham, 170.

² Reusch, ii, 26.

bibliographical work than had heretofore been thought necessary.

In 1629, the Inquisition issued in Cologne a reprint of the Index of Clement VIII with the titles of books prohibited under the edict of February, 1627, interpolated in the alphabeted lists and indicated by a †. The books prohibited (by edict) between the years 1601-1627 are not included, and the lists are therefore incomplete. The Index thus compiled was, however, reprinted, without corrections, in 1647 and again in 1665.

In 1634, was put into print in Trent an edition of the Clementine Index which includes two supplements (each under separate pagination) presenting respectively the titles of prohibited books and the edicts of condemnation, for the periods 1601-1630 and 1632-1634. The title-page contains the imprint Rome and Trent, in order to make clear the authoritative character of the publication. Later, further supplementary lists were put into print to be bound in with the above. The lists or Indexes above specified represent the prohibitions of the Roman authorities.

In 1603, was published in Cracow, under the authority of Bishop Maciciowski, a volume containing a reprint of the Clementine Index, together with an *Index auctorum et librorum prohibitorum in Polonia editorum*. This latter contains sixty-four titles connected with the names of authors and eighteen anonymous works.

In 1617, Bishop Szyskowski published, in Cracow, an *Index auctorum librorum haereticorum et prohibitorum*, containing about sixty-three titles. These Polish Indexes represent books condemned under the authority of the local bishops.

In 1627, Thomas James issued in Oxford an *Index Generalis*, which he had compiled from the Indexes of Clement VIII and of von Sandoval. At the close of the volume is given a list of authors whose works had been listed for expurgation by Brasichelli, Quiroga, von Sandoval, and in the Index of Antwerp. This compilation of James is of course not to be included in the series of Indexes properly so called. Its purpose was in fact to commend to the attention of scholarly readers in Oxford and elsewhere the books which had been emphasised by the Church of Rome as heretical and pernicious.

Fuller specification of this noteworthy undertaking of James is given in a later chapter.

5. 1607. *Brasichelli, Master of the Palace. Index Expurgatorius.—Indices librorum expurgandorum in studiosorum gratiam confecti. Tomus primus. In quo quinquaginta Auctorum Libri prae caeteris desiderati emendantur, per F. Jo. Maria Brasichellen Sacri Palatii Apostolici Magistrum in unum corpus redactus, et publicae commoditati aeditus Romae ex typographia R. Cam. Apost. MDCVII superiorum permissu.*

This is the second *Index expurgatorius* in the Roman series. The compiler was the Dominican Guanzelli, from Brisighella near Faenza. He calls himself on the title-page. Fr. Jo. Maria Brasichelli. He had, since 1598, been the *Magister* of the palace. Shortly after the publication of his Index, he was appointed by Paul V, Bishop of Polignani. He died in 1619, leaving his Index a fragment, only the first volume having been completed. This volume was printed in the printing-office of the Curia. A reprint appeared in Bergamo in 1608, which was within a year or two suppressed. A reprint was in press at Antwerp,

but was suppressed. Further reprints appeared in Regensburg in 1723, in Altdorf in 1745, and in London in 1837. Even the reprints are very scarce. A copy of the original issue is contained in the Bodleian. The compiler says in his preface that the expurgation of books belongs to the responsibility of his office, and that he has, therefore, charged himself with the task of examining certain books which have been condemned *donec corrigatur*, and has done what was requisite, through the elimination of pernicious and heretical passages, to render these works available for the use of scholars and students. The number of such books is unfortunately very large, and he has, therefore, selected for his labours those which when properly corrected are likely to prove of the greatest service for the scholarly public, *quosque sibi e manibus extorqueri gravius ferre homines animadvertimus et quorum ut permitteretur facultas pene quotidie a nobis efflagitabatur.*

. . . The texts which were issued with the corrections specified in his Index have been transferred from the class of condemned to that of approved books. . . . His second volume is, he reports, already in train.

The preface is followed by a reprint of the Trent Rules bearing upon expurgation, and by the second division of the Instruction of Clement VIII.

The issue of the first volume of Brasichelli's work brought out a series of remonstrances and criticisms which caused the rulers of the Church to decide that the publication of expurgatory Indexes was an unwise policy. Such Indexes were also, in the judgment of the advisers of the Curia, not necessary as the instruction in the General Index last issued had given to the agents appointed for the purpose, full power of making quietly and with freedom from criticism such

corrections and expurgation as seemed to be required in books the main text of which was deserving of preservation. With an expurgatory Index, this difficult work had to be done openly and with an acceptance of responsibility.

The Index presents, in alphabetical arrangement, fifty-one works. The list includes four which were not in the Index of 1596, but which had been condemned in two edicts of the *Magister* of 1603 and 1605, and three books of the Benedictine Montanus (the editor of the Polyglot Bible issued in Antwerp by Plantin) which had never been condemned in Rome.

Certain of the books selected, such as the writings of Molinaeus, Venetus, and Nevizanus, had already been expurgated. Other authors receiving attention are Cornarius and Fuchsius. Editions of Xenophon are purged by the cancellation of the names of heretical editors, such as Gesner, Pirckheimer, and Camerarius. These particular expurgations are borrowed from the Antwerp Index of Quiroga and the same is the case with the corrections in the text of Polydorus Vergilius and of Didaeus Stella. The list includes further: Rhenanus, Vatablus, Paracelsus, Serranus (for his edition of Plato), and Scaliger (for his Theophrastus).

This Index of Brasichelli cannot be considered as a personal undertaking, as the compiler states explicitly that his work has been carried out by him in his official capacity. It appears, however, that he had secured no specific instruction or authorisation, either from the pope or from the Congregation, as, if such authority had been given, the record of it would undoubtedly have been printed in the volume. On the other hand, if the undertaking of Brasichelli had been disapproved by the pope, he would hardly have secured his appoint-

ment as bishop and there would probably have been some formal cancellation of the Index. In place however of being formally withdrawn, the Index appears to have been quietly suppressed, probably on the ground that it could bring no credit to the Church. The second volume was never completed. The most important piece of censorship contained in the Index, the expurgation of the *Bibliotheca Patrum*, aroused no little critical opposition on the part of the scholars. It was apparently undertaken without adequate knowledge or scholarship.

The first name in the list of expurgated authors is that of Arias Montanus. Montanus had himself borne the chief responsibility in the production of the Index issued in Antwerp in 1546. He had been accepted as an authority not only for sound scholarship, but for sound doctrine. About six pages of the Roman Index are devoted to his writings, which here suffer a castigation and mutilation similar to that formerly inflicted by him on other authors.

Space is given (as in all the expurgatory Indexes) to the Bibles of Robert Estienne. The longest and most important article in the volume is that devoted to the *Bibliotheca SS. Patrum* of La Bigne printed in Paris in 1589. As an example of the class of correction found necessary in the *Bibliotheca* may be noted the correction of cancellation of *Sanctus* or *Sanctorum* or *S. Divus* or *D.* whenever such term is applied to a personage not in the list of Roman saints or of Roman martyrs. The words *Caute lege* appear frequently in connection with the text of La Bigne. On page 82, Clemens of Alexandria is degraded from the rank of *Divus*. In the critique upon S. Peter Martyr, Bishop of Alexandria, the censor denounces his commentator,

Balsamon, as "a Greek and a schismatic." S. Chromatius is censured as condemning oaths altogether. S. Ignatius is censured for his opinions respecting the Lord's Day. Leontius is censured for omitting the apocryphal books in the canon. La Bigne is censured for ascribing the work *De Duabus Naturis* to Gelasius who became Pope. Jonas Aurelianensis is censured for his testimony against image worship. Marcus the hermit is censured for contending that the kingdom of heaven is not given as a reward for our good works. For Paschasius the title of *Divus* is ordered to be expunged. He is further censured for describing as creation the change of the elements. Photius, Bishop of Constantinople, is condemned (very naturally) for representing his own see as the head of all the churches. To the Spanish author, Emmanuel Sa, is given a discipline or censorship covering twenty-eight pages. In the next succeeding Spanish Index, Sa is acquitted of any false or erroneous doctrine and his writings are held up to special approbation. It was with the Roman criticism of Sa that originated a long series of issues between the Index makers of Rome and those of Spain. Francis Duarenus received a castigation, which he might fairly have expected, for his work *Pro libertate Ecclesiae Gallicae*, in section 77 of which are detailed the heavy exactions of the Papal See. Cardanus is condemned for his *Eulogy* of Edward VI. A condemnation is also brought in upon Queen Elizabeth, the text for the same being a dedication to the Queen prefixed to a London edition of *Plato*.

Polydorus Virgilius is subject to correction for his work *De Rerum Inventoribus*. Among the passages cited for reprobation are those assigning (on the authority of Bishop Fisher of Rochester) a very recent

origin to the doctrine of indulgences, with the suggestion that the discovery of purgatory was a powerful cause for the demand for indulgences. The censors also condemned the reference by Virgilius to the second commandment as involving a criticism of the action of the Church.

A reference to the Brasichelli Index is made by Paolo Sarpi.¹ He finds in it evidence that in a large number of the writings in which expurgation or alterations had been found necessary, the passages objected to were those which defended the authority given by God to the prince. Zobelius, in his *Notitia Indicis*, states that Brasichelli was aided in his work by Thomas Malvenda, a Dominican.

In 1611, an edition of the Brasichelli Index was printed in Antwerp. A year later, the Nuncio writes to the printer-publisher: "By the orders of his Holiness, this Index has been suspended. As some months back I placed in your hands, for printing, a copy of the original issue, it is necessary for me now to write asking that you will not proceed with this printing, or, in case the edition is already issued, that you will take the necessary measures to recall and cancel the copies." It does not appear that the Nuncio expressed any readiness to make good to the publisher the outlay that the latter had incurred with the permission, and in fact at the request, of the representative of the pope. Mendham is of opinion that the Brasichelli Index itself found place among the books later condemned by the pope;² and in this opinion he is supported by Zobel. Reusch takes the ground that this Index had never been formally prohibited. He points out that

¹ *Discorso dell' Origini dell' Inquisizione*, 173, Venice, 1639.

² Mendham 131.

the word *suspendere*, used by the Nuncio, is the equivalent of a condemnation *donec corrigatur*.¹ It appears that there was later (1643) the intention in Rome to prepare an expurgated edition of this *Index expurgatorius*, but this plan never took shape.

Brasichelli had excited the antagonism of the Carmelites, because, in his correction of the eighth volume of the *Bibliotheca Patrum*, he had denied the claim to saintship of Bishop John of Jerusalem (a contemporary of Jerome), and had also denied that Bishop John was responsible for the production of the volume *De Institutione Monachi*. The anonymous author of this book describes himself as a Carmelite, and gives the record of the institution of the Carmelite Order; but Brasichelli is of opinion that in the 5th century there were as yet no Carmelites.

The Jesuits, such as Reynaud, Poza and others, and the Spanish ecclesiastics generally, were much dissatisfied with the expurgation of the text of their author, Sa. In the later Spanish expurgatory Indexes, while certain of the works corrected by Brasichelli were retained, the expurgations of the texts were very much modified and lessened.

In connection with the expurgation of the *Bibliotheca Patrum*, a question arose, concerning which there was later no little discussion, as to whether it was in order to place in the Indexes, prohibitory or expurgatory, the writings of the Fathers of the Church. In the later Roman Indexes, including that compiled under the authority of Pius IX, the *Bibliotheca* (under the name of the editor, La Bigne) is still included, without reference to the edition, under the heading *d. c.* Reusch finds instance of but one actual prohibition of patristic

¹ Reusch ii, 553.

writings. The other references to these writings in the Index have to do with the comments, notes, or alleged interpolations of heretical editors. The Instruction of Clement VIII takes the ground that no alterations are to be made in the text of the works of Catholic writers produced before 1515, unless there is evidence that corruptions have crept into the text through the work of heretical editors, or through the carelessness of the printers.

The question has from time to time been raised by Protestant writers whether the Catholic editors of the patristic writings put into print in the 16th century had not, under the instructions or with the knowledge of the authorities who had given their approval to these editions, corrupted the original text for the support of certain doctrines or contentions.¹ It is not surprising that such a belief should have obtained, in connection with the readiness of many theologians of the 16th century to take the ground that passages of the Fathers which could not be made to fit in with their own doctrinal views must represent interpolations or corruptions on the part of the scribes, or of the editors or printers of the earlier editions. Franciscus Junius relates that a reader for the Lyons printer, Frelonius, had shown to him a proof sheet of an edition of St. Ambrose on which the censors, two Franciscans, had made material changes from the text of the manuscript copy.²

Mendham suggests, in connection with the expurgations of Brasichelli, as the secret of pontifical logic that

¹ James, Thos., *A treatise on the corruption of Scripture, Councils and Fathers by the Prelates, Pastors and Pillars of the Church of Rome for the maintenance of Popery and Irreligion*. London, 1612.

² Mendham, 84.

to say of a thing *non ipsa vera* and *quodammodo* enables you to turn the most obstinate substance and propositions into direct opposites.

The use for faithful Catholics of available editions of the Fathers had been seriously interfered with by the regulations of the Index of 1559, and even by the modifications of these in 1561. Hosius writes in 1565 to Cardinal Amulius¹ complaining that before Pius V the writings of the Fathers had been brought into print not in Rome or other Catholic cities, but chiefly in centres of heresy like Basel where the editors corrupted the original text. He had tried to make purchase in Rome of the works of Ambrose, Augustine, Jerome, and Gregory, but had been told by the booksellers that the only available editions were prohibited. Such a complaint may be taken as an indication of the greater scholarly enterprise and intellectual activity of the communities which had been influenced by Protestantism.

The title-page of an edition of Augustine, printed in Venice in 1570, contains a notice that the text has been carefully revised and freed from all the corruptions and *scholia* introduced into the previous editions by Erasmus and other heretical and condemned writers. Thomas James² points out that the edition of Gregory the Great printed in Rome in 1585 contains no less than 1085 passages in which the text varies from that of the authoritative manuscripts. Calandrini speaks of 13,000 such variations. Reusch is, however, of opinion that these charges of corruptions in Roman editions are exaggerated.³

¹ *Ep.*, 95, Opus 2, 239.

² *Vindiciae Gregorianae*, Geneva, 1625.

³ Reusch, ii, 559.

6. *Expurgations in the Roman Index, 1624-1640.* The Roman Indexes, with the exceptions of that of Brasichelli and the suppressed Index of Sixtus, are classed as prohibitory only. It is the case, however, in certain instances that in place of the term *donec corrigatur* (usually indicated simply by the letters *d. c.*) is given a paragraph in which is specified the material that is to be omitted and the omission of which will leave the book in the list of those permitted. Such a paragraph is, for instance, connected in several of the Roman Indexes with the name Copernicus. Occasionally is connected with the entry of the title and the letters *d. c.* a reference to an expurgated edition published under the authority of the Congregation, the reading of which is permitted. Among authors whose works the value of which is in this way emphasised are Natalis, Bottero, Florentini, Garafalo, Scaramelli, etc. In the case of certain other authors (nearly exclusively Italians) the editors have taken the pains to specify in the Index itself the ground for the prohibition.¹

7. *1624-1661. Rome. Censorship Decrees.*

Index librorum post indicem Clementis VIII prohibitorum decreta omnia hactenus edita.

Romae, ex typographia Rev. Cam. Apost. MDCXXIV.

Each decree, emanating from the different authorities, is here given separately and at length, thus presenting a convenient summary of the sources from which originate the prohibitions and criticisms in the Indexes. The series comprises edicts of the Inquisition, edicts of the Congregation of the Index, edicts of the master of the sacred palace, and decrees of the pope, and extends from the year 1601 to 1629. The

¹ Reusch, ii, 84.

Index with which the series of edicts is printed as a sequel bears date 1632. In a second edition, issued in 1640, the series of edicts is brought down to 1637. The master of the sacred palace, whose name appears in the first decrees issued by that official, was Brasi-chelli, whose abortive *Index expurgatorius* has already been referred to. Four of the decrees issued by his successor, Lud. Ystella, in the years 1609 and 1610, were the subjects of severe animadversion on the part of Fra Paolo Sarpi of Venice.

In the *Discorso* concerning the Inquisition at Venice, printed in 1638, Sarpi complains of an attempt on the part of the Papacy to undermine and to violate the Concordat instituted in 1596 between Rome and the Venetian Republic. In the Concordat, it is stipulated that no other Index than the Clementine is to have force in Venice. In the two decrees in question it is declared that the Indexes and separate decrees issued since 1596 are to be "in force in all cities, territories, and places, of whatsoever kingdom, nation, and people, and are to have authority, in whatsoever way, even without publication, the edicts should be made known." Such a claim on the part of the Papacy certainly appears to constitute an attempt to invalidate the conditions of the Concordat and to give grounds for the criticisms of the intrepid defender of the independence of the Republic.

The 66th decree (1644) is directed against the *Lettres Provinciales* of Pascal; and makes a separate condemnation of each of the eighteen letters. This author ought certainly to have remained in favour with the Church. In number seventeen of these *Lettres Provinciales* he expresses himself thus: *Grâce à Dieu, je n' ai d' attaches sur la terre qu' à la seule*

Église Catholique, Apostolique et Romaine, dans laquelle je veux vivre et mourir, et dans la communion avec la Pape son souverain chef, hors de laquelle je suis très persuadé qu' il n' y a point de salut. It would appear, however, as if some wave of Jesuitism must have influenced Pope Innocent X at the time this condemnation was issued. It may easily be understood that from the point of view of the Jesuits, Pascal could hardly be considered a good Churchman.

Decree number seventy-seven, issued by Pope Alexander VII, January 12, 1661, states that some sons of perdition had arrived at such a condition of madness as to turn the Roman missal into the vulgar tongue of the French.

CHAPTER XII

INDEXES AND PROHIBITIONS, SPANISH, ROMAN, BELGIAN, POLISH, AND PORTUGUESE 1612-1768

- 1612. Madrid, Sandoval.
- 1617. Cracow, Szykowski.
- 1624. Lisbon, Mascaregnas.
- 1628. Papal Decrees *re* Poza
- 1632. Rome, Capsiferro.
- 1632. Seville, Zapata.
- 1640. Madrid, Sotomayor.
- 1664. Rome, Alexander VII (see also Chapter XIII).
- 1707. Madrid, Valladores.
- 1714. Namur and Liége, Hannot.
- 1747. Madrid, Prado.
- 1790. Madrid, Cevallos.
- 1793-. Madrid, Supplements to Cevallos.
- 1559-1768. Examples of Spanish Prohibitions.

I. 1612. Madrid. Inquisitor-General Sandoval.

This Index, comprising lists expurgatory as well as prohibitory, is the next in the Spanish series to the Quiroga Index of 1584. The inquisitor-general under whose authority it was compiled and issued was at the time both Cardinal and Archbishop of Toledo. The title-page bears, in addition to the name of the Spanish primate, the line *de consilio Supremi Senatus Stae. Generalis Inquisitionis Hispaniarum*. The volume is one of considerable compass; as printed in the first Madrid issue, it contains 744 pages, five of which are not folioed.

In 1614, an appendix with additional lists was printed as a separate volume. This is called *Appendix prima*, but no later appendices came into print. In 1619, the Index was reprinted in Geneva in an edition which included, with the appendix, a polemical introduction by Benedict Turretini. In 1628, this Geneva edition was reprinted in Palermo under the instructions of the Inquisitor-General, Zapata. The Index is prefaced by a brief of Paul V, the text of which follows the lines of that contributed in 1559 by Paul IV to the Index of Valdes. The Pope says (in substance) that he had learned that the permissions in existence in the Spanish realm for the reading of prohibited books had grown to be too numerous and that the results were pernicious. All such permissions, whether emanating from the popes, from the local bishops, or from any other authorities, were now cancelled, with the exception of such permissions as might be given by the present inquisitor-general to the devout scholars to whom had been confided the task of the preparation of the present work. The penalty for disobedience of this general prohibition was the *excommunicatio latae sententiae*. Then follows an edict of the inquisitor-general in which he states that the work has been undertaken by him under the general Apostolic authority that he possesses as inquisitor-general in the Spanish realms; and under the special instructions given to him in the papal brief. The penalties specified in the regulations are incurred by all persons who possess or who read copies of the prohibited books. The penalties are not incurred in connection with books entered under Class II, concerning which the censors give simply a caution. Copies of such books are however to be submitted to the authorities (in Spain

usually the local inquisitors) in order that the nature of the caution or correction may be duly specified.

The fourteen rules (based upon the Ten Rules of Trent) follow pretty closely the text of the Rules of Quiroga. Rule X presents a general prohibition of all anonymous books and of all books not bearing the name of the printer, which have been issued since 1584.

Sandoval's editors follow the Roman model in placing their lists under three classes. Works which, condemned in their original form, are to be permitted after an expurgation, are specified in the original list with a star, and the titles are repeated in the second division, the *Index expurgatorius*.

The second and third classes present in separate alphabets the titles of Spanish, Portuguese, Italian, French, Flemish, and German publications. In Class I, the only Spanish names are Constantino de la Fuente and Joan Auentrote. In this class is placed also Erasmus, with the memorandum that all of his writings are prohibited as printed in the vernacular. A similar specification is made in connection with the names, given in the same class, of Petrus Ramus and of Macchiavelli.

The chief editor of the Index presents, after the classified lists, a "notice to the reader" in which he says:

"The writings of authors who have been condemned, in so far as these do not have to do with matters of religion, can be made available for the use of the faithful through a thorough expurgation. Even in the writings of orthodox scholars, whose zeal and service in behalf of the Catholic religion deserve the highest praise, are to be found certain errors of statement and expressions liable to misconstruction, which, if left uncorrected, would be likely to work

mischief. In other cases, writings of Christian authors, whose work was well-suited for the time and the special conditions under which they wrote, have in these later times come into controversy. The result of their consideration by the scholars of later date has been to show the necessity of some revision or reshaping of the earlier text, in order to prevent these works of repute from exerting an evil influence on later generations." "The compilers of this Index have undertaken the expurgation of more than three hundred works, among which are included certain books that have secured a very wide circulation. Certain further important expurgations are in train, and in collaborating in such work, devout scholars can be of noteworthy service to the Inquisition."

This *Index prohibitorius* contains practically all the titles that were given in the Index of Clement VIII, and such further titles as were compiled by Quiroga. It includes further a number of the later prohibitions. Class I, in particular, has been very largely added to, the new names, chiefly German, aggregating nearly three hundred. The list includes a number of insignificant authors whose writings have been entirely lost sight of. In the expurgated texts, Sandoval utilised to some extent the work of Brasichelli. The appendix presents an edict dated August, 1614, certain modifications of the rules, additional titles for the preliminary lists, and a series of expurgated texts.

Schneemann ¹ points out that this Index of Sandoval was utilised by the Dominicans, under the lead of Bañez, to bring into condemnation a number of the books of the Molinists, including the works of the Jesuit Molina himself. The Benedictine Curiel writes

¹*Weitere Entwicklung der Thomistisch-Molinistischen Controverse*, 34.

to the inquisitor-general to point out that this use of the Index by Bañez and his associate Summel was the result of a disgraceful intrigue against Molina. Bañez had secured, in 1593, from the Inquisition, an instruction to the Universities of Alcala and Salamanca for the production of an Index, but, probably on account of the protest above referred to, the work was never completed.

Sandoval's editors evidently had before them the text of the Roman decrees of 1603, but they appear to have made a rather arbitrary selection of the authors the condemnation of whom they were prepared to confirm. Among the better known names omitted from the Spanish lists are Bruno, James I, William Barclay, and Roger Widdington. In the Palermo reprint of the Sandoval Index are added the titles of certain Sicilian authors. There is also included a specification that references to Pope Joan must be cancelled from any volumes in which they occur.

The following entries may be cited from the two lists:

Gregorii Capuc. Enchirid. Eccles: this stands for the Neapolitan Index in which the suggestion had been printed that the Spanish *Index expurgatorius* might be a forgery. Henricus Stephanus and Johanne Scapula find place, the former as usual for his issues of Bibles, and the latter for some treatise not clearly specified. For the works of J. A. Thuanus or de Thou, the entry states that the censure of the present Index covers only the first eighty books of the history. It is not clear whether the last fifty-eight books contained nothing to condemn or simply had not been reached. Isaac Casaubon is reprobated at some length.

Emmanuel Sa, freely censured by the Roman Index

is here very lightly corrected and excused. As previously pointed out, the conclusions of the Spanish and Roman Indexes often clash and the framers of the former are reprimanded by the writers of Rome for their presumption.¹ Under Cajaten, are cited two sentences (taken from a work by an orthodox Catholic, printed at Antwerp) which have been, according to Mendham, altered to a directly opposite meaning. Mendham gives as example of his statement the change of the word *mali* into *divini* and of *impia* into *sancta*. The works of Athanasius are considered in no less than three editions and large changes and "expurgations" are made in the annotations. Examples of the "cancellations" are the following:

Adorari solius Dei esse.

Imagines tollendas esse testimonia.

Angeli non sunt adorandi.

Justificatio fit per fidem.

Contra meritum humanum pro gratia, abundanter disputatum.

Sancti non sunt adorandi, non sunt invocandi.

Scriptura sacra sufficit ad veritatem.

Canonici libri soli legendi, et cur?

Canonici libri soli sunt fontes salutares.

*Gratia Christi nos salvat per fidem, non per bona opera.*²

The text of S. Augustine is also handled at length. Among the propositions condemned and cancelled is: *Quae de carne sua manducanda Christus proposuit, spiritualiter sunt intelligenda*. Erasmus receives the largest measure of attention, no less than eighty pages being devoted to the condemnation of reprehensible

¹ *Catalani de Secretario S. Cong. Indicis*, 1, i, ix.

² Mendham, 143.

passages. The expurgators protest particularly at the contentions maintained by Erasmus against the worship of saints, images, or creatures.

In St. Chrysostom, passages are condemned which assert that, (a) sins are to be confessed to God, not to man; (b) that faith alone justifies; (c) that grace is excluded if we are saved by works; (d) that images are not to be adored; (e) that nothing is to be asserted without the authority of Scripture, which is to be read by all and which, to all who are willing to learn, is intelligible; (f) that after this life nothing can assist or deliver.

The *Theatrum Vitae Humanae*, compiled by Theodore Zwinger, receives as much analysis as is permitted by the space at the command of the expurgators. The work itself is comprised in no less than twenty-nine octavo volumes. The reference to it being with a note worded as follows: "Since this work is in a great degree collected from the writings of condemned authors, it is to be read with special caution. The names of these authors are never to be cited or referred to honourably; and, to guard against error in the case of any author of whose condemnation the reader may have doubts, he must have recourse to the schedule of the first class."

Zwinger has found occasion in his list of popes to use for not a few, descriptive epithets that are by no means honourable. Mendham remarks that "no attainment of vice, and not even the taint of heresy has been considered by the authorities of the Church to be of force sufficient to bar the claim of the popes to doctrinal infallibility in matters of faith and of morals."¹

The faithful student who might desire to utilise this

¹ Mendham, 146.

expurgatory Index as a guide for his own reading, or who might think it important to verify the accuracy of the citations condemned as heretical, would find difficulty in tracing these citations, as the expurgators have not thought it desirable in a single instance to specify the page or even the volume from which the alleged extract has been made. The opportunity thus given for attributing heretical opinions to one author or another is obvious. An article in the *Protestant Guardian*¹ gives, as an example of the methods of these Madrid expurgators, quotations from the corrections made in a treatise by Hernando de Santiago, *Consideraciones sobre los Evangelios de la Quaresme*: "not Abimelech, you mean Melchizedech; and where you speak of Pelagians you certainly should say Socinians; books of chivalry should of course read books of the Maccabees; on page 149, Persia should read Assyria, Anna, the sister of Moses, is evidently an error for Miriam, while Tamar should be changed to Dinah."

A reprint was issued in Geneva, in 1619, by Turretin, professor of divinity. The editor places on his title-page the following lines:

Indices huic libro nomen praefigitur apte;

Nam proprio Sorices Indicis pereunt.

The allusion is to a line in Terence, *Eunuch.*, Act V, scene 7, *Egomet meo indicio, miser, quasi sorex, hodie perii.*²

2. 1617. *Cracow Index Prohibitorius*.—*Index Librorum Prohibitorum; cum regulis et cum adjecta instructione de emendandis imprimendisque libris et de exequenda prohibitione. Nunc in hac editione congregationis cardinalium edictis aliquot, et librorum nuper scandalose*

¹ 1827, i, 118 et seq.

² Cited by Mendham, 135.

evulgatorum descriptione auctus. Cracoviae. 1617. This was issued under the instructions of Szykowski, Bishop of Cracow. There had, it seems, been two previous editions, one initiated by Macierowski, Bishop of Cracow, the other by Zamoyski, Bishop of Chelmin. The above title is taken from Peignot.

3. 1624. Lisbon. *The Inquisition. Prohibitorius et Expurgatorius.*

This Index, issued in July, 1624, under the authority of the Inquisitor-General, Fernando Martius Mascarenhan, bears as its main title the wording *Index auctorum damnatae memoriae, tum etiam librorum, qui vel simpliciter, vel ad expurgationem usque prohibentur, vel denique jam expurgatae permittentur.* As indicated by this title, the Index is expurgatory as well as prohibitory. Part I presents the lists of books prohibited in the Roman Indexes and decrees up to the year 1610. The three classes are merged under a single alphabet. Part II presents an *Index prohibitorius Lusitaniae*, in which are summarised, under one alphabet for each language considered, the several lists of the Portuguese prohibitions. These Portuguese prohibitions follow very closely the lists of Sandoval. The rules, based in substance upon the Ten of Trent, are here expanded into fifteen.

The material in the expurgatory section is in larger part transcribed from Sandoval. The Index of Trent had been printed in Portugal in 1581, and that of Clement in 1597. The Portuguese historian Seabra takes the ground that, under Philip IV, no Index could be published without the authority of the King. Philip had, in Portugal as in Spain, maintained a certain personal supervision of the censorship operations of the Inquisition. Reusch is of opinion that any re-

prints of the Roman Indexes must have secured the approval of the King. In 1623, the King issued an order prohibiting the reprinting, without the authority of the chamberlain of the palace, of any book which had originated outside of Portugal. In 1633, this order was renewed, with the specification of books bearing upon the authority of the State and the history of the times.

In the edict which stands at the head of the Lisbon Index, the inquisitor-general directs that copies of all books specified in the prohibited lists shall, within thirty days, be delivered to the local inquisitors, and further, that persons possessing copies of books belonging to the general classes prohibited, or of books the texts of which are ordered to be expurgated, must, within thirty days, deliver lists of the same, and hold said books subject to instructions. The penalty for disobedience is, as usual, excommunication.

In the prefatory note to the expurgatory Index, occurs the remark, that the works of certain well-known writers which, by the editors of previous Indexes, have been considered to require expurgation, have here not been included because their errors have been so thoroughly refuted in the schools and in other books that their influence need no longer be dreaded, and there should be no present risk for thoughtful readers. The list of later Catholic writers whose works are marked for expurgation is larger than in any other Index. Attention has also been given to a number of works in the class of belles-lettres which the editors have undertaken to purge from obscenities. Finally, the Index contains a series of works on astrology, the expurgation of which has been undertaken with reference to the instructions given by Sixtus V in a Bull issued in 1585 (forty years earlier.)

This is the first Index in which appears the title of the essay by King James I of England, written in defence of his requirement for an oath of fidelity. This title, which is entered under the letter A, is worded as follows:

Apologia pro juramento fidelitas, primum quidem anonymos, nunc vero ab ipso auctore serenissimo et potentissimo Principo Jacobo, etc. Lond. 1609.

The work is again condemned in the Spanish Index of 1632, where it is entered under J. Jacobus Rex. In the same year it finds place (this time also under A) in the Roman Index, the *Elenchus Capsiferrei*, from which it has been repeated into the later Indexes of Rome. The continued condemnation of this treatise is of importance as evidence of the papal doctrine (which appears never to have been revoked) of the right of the pope to depose kings. The Reverend Mr. O'Sullivan, in his testimony before the Parliamentary Committee of 1825, on the State of Ireland, deduces this doctrine from the condemnation given by the Church (in the Index) to the *Apologia* of King James.¹

4. 1628. Rome. Papal Decree. This decree contains an article entitled *Elucidarium Deiparae Auctore Joanne Baptista Poza*.

Poza replies in a caustic *Apologia* in which he charges Brasichelli with censuring the Fathers, and with an unwarranted condemnation of Emmanuel Sa. This rebellious conduct was punished by the Decree of September 9, 1632, making condemnation of all of the works of Poza. This decree is reversed in a supplement to the Spanish Decree of 1640. The obedient Catholic was therefore at liberty to read the works of Poza and of Sa within the dominions of Spain, but

¹ Cited by Mendham, 161.

in so doing in other territory, he incurred excommunication.

5. 1632. Rome. *Index Prohibitorius*.—*Elenchus Librorum omnium tum in Tridentino, Clementinoque Indice tum in aliis omnibus Sacrae Indicis Congreg.^{ms} particularibus Decretis hactenus prohibitorum: Ordine uno Alphabetico, Per Fr. Franciscum Magdalenum Cap-siferreum Secretarium digestus. Romae. MDCXXXII. Ex Typog. Camerae Apostolicae Superiorum permissu.*

The dedication reads: *Urbano VIII. Pont. Opt. Max.*

This Index is chiefly intended, as is indicated in the preface, to facilitate reference by writing under one alphabet the divisions of the original Indexes, and by giving surnames as well as Christian names.

6. 1632. Seville. *Index Prohibitorius et Expurgatorius*.—*Novus Index Librorum Prohibitorum et Expurgatorum; editus auctoritate et jussu Eminent.^{ms} ac Reverend.^{ms} D.D. Antonii Zapata, S.R.E. Presbyt. Card. Tit. S. Balbinae; Protectoris Hispaniarum; Inquisitoris Generalis in omnibus Regnis; et dittonibus Philippi IV. R.C. et ab ejus Statu, etc. De Consilio Supremi Senatus S. Generalis Inquisitionis. Hispali, ex typographico Francisci de Lyra. AN. MDCXXXII.*

The Inquisitor's *Edict* refers to the Apostolic Brief of Urban VIII as the reason for the production of a new Index, and states further that this comprises, in addition to the works of the later modern writers, no less than 2500 works of ancient authors who had been overlooked by those responsible for the preparation of previous Indexes. The usual prohibitions follow, with the penalty of the greater excommunication. The *Brief* of the Pope is in line with that of Paul V. Terrified at the abuse of existing licenses, the Pope revokes them all, very emphatically:

Revocamus, cassamus, irritamus et annullamus, ac veribus penitus evacuamus et pro revocatis, etc.

Authority is given to the cardinal presbyter to put into execution the several decrees, and to call in, if necessary, the assistance of the secular arm. The "Notice to the Reader" announces that in place of prohibiting altogether, it has been thought best to permit, with some necessary expurgation, the reading of certain works by heretics. For convenience of reference, there is included in the work a general index covering in one alphabet the titles in both the expurgatory and prohibitory divisions. The volume is the most considerable in bulk of the Indexes thus far put into print, comprising over a thousand pages.

One entry in the class of authors proscribed *in toto* is rather curious in its wording:

Martinus Lutherus. Islebi natus in Saxonia, an. 1483. Praedicat contra indulgentias 1517. Ab ordine Religioso et a Fide Catholica Apostata, et Heresiarcha, 1517. Reperitur in lecto misere exanimis, 1546.

This passage did not make its appearance in any subsequent Index.

7. 1640. *Madrid. Sotomayor.* In 1640, the Inquisitor-General Antonio de Sotomayor (a Dominican) produced an Index, also printed in Madrid, which contains both prohibitory and expurgatory divisions. An edition of this Index, printed (without imprint) either at Lyons or Geneva, secured a wide circulation. Sotomayor died in 1648, in his hundredth year. His Index was reprinted in Madrid in 1662, and again in 1667, under the name of his successor. The Spanish Index of 1707 refers, however, to that of 1640 as "the next preceding."

Sotomayor's introduction begins with a long de-

clamation against heretical writers who have ventured to issue, under the names of Catholic authors, pernicious and damnable books; who have interpolated into the text of orthodox writings heretical passages; who have described as untrustworthy the writings of the Fathers of the Church (for instance the treatise of Ambrosius on the Sacraments and the works of Dionysius Areopagita); and who have destroyed great numbers of pious books presenting good Catholic doctrine. The regulations which follow are issued under the general Apostolic authority vested in the inquisitor-general, and under the special authority given by the Brief of the Holy Curia. All copies of works which are specifically condemned by title, or which belong to the classes condemned *in toto*, are to be delivered within ten days to the local inquisitor. Whoever retains books classed as heretical, falls under the *excommunicatio latae*. The retention of other prohibited books brings upon the possessor the penalty of the *excommunicatio ferendae*. In either case, there is a further penalty of a fine of six hundred ducats, and such additional punishments as may be ordered by the Inquisition. The power rests with the inquisitor-general alone of freeing delinquents from these penalties.

The sixteen rules contain certain additions to the Regulations of Trent. The writings of Catholics are, for instance, not to be condemned on the ground of containing extracts from the works of heresiarchs cited for the purpose of refutation. In the supervision of books for the purpose of expurgation, care is to be taken not to cancel the names of heresiarchs who are referred to by the authors in connection with necessary refutations.

The rules and penalties are similar to those previously

in force. The supplement contains an entry permitting, after certain expurgations, the reading of the works of Poza, which by the Roman Congregation had been absolutely condemned.

As examples of the character of the expurgations which find place in the Spanish Indexes may be cited the following: Sotomayor orders the cancellation, in bibliographies or other works of reference, of the following terms when applied to names of writers standing in the general Index in Class I: *vir optimus, pius, bonae memoriae, doctissimus sapientissimus, princeps eruditorum, divinus* (Scaliger), *Germaniae lumen* (Melancthon), *decus saeculi nostri, etc.* It is however permitted to describe Buchanan as a "poet of elegance," Henricus Stephanus as "learned in Greek scholarship," Tycho Brahe as "a distinguished mathematician and astronomer"; because the attainments so indicated are the gift of God and have not been utilised, at least directly, against the true faith. The Spanish editor goes on to say, that such titles as doctor and *magister* can, strictly speaking, properly be ascribed to no one outside of the Church; the reference is to cases in which these titles have been given by heretical universities whose authority is not recognised by the Church. The title *Dominus* can however be permitted.

The expurgatory lists of Sotomayor include the title of the *Vitae Germanorum* of Adams; the expurgations comprise thirteen folio sheets. There are certain interpolations comprising such terms as *notam auctoris damnati* or *homo damnatae memoriae, etc.* In the *Bibliographica critica*, of Michael Josephus, published in Madrid in 1740, the author says in his introduction:

"In the specification of works of heretics I have taken pains to avoid using any terms of commendation; for

it is certainly not right that infamous persons who have fallen away from the true Catholic faith should in any fashion be honoured. Certain Catholic writers have on the other hand contended that heretical authors whose work had been devoted to subjects outside of theology or religion, such for instance as philology, geography, profane history, jurisprudence, and the like, could very properly be commended for their contributions to learning. To this suggestion I should respond that I am prepared to recognise the possibility of heretics possessing learning and talents, and that certain heretics have written on certain subjects works which may be of use to Catholics; but it seems to me entirely improper to give any measure of praise to such men who have failed to use for the support of the true faith the abilities with which they have been endowed by the Lord. They can receive enough praise from their heretical friends and it would tend to make them intellectually insolent to learn that they had been honoured also by Catholics."

8. 1664. Rome. Alexander VII. The Index of Alexander, which in chronological order belongs at this point in the schedule, is considered separately in Chapter XIII.

9. 1707. Madrid. *Index Prohibitorius et Expurgatorius*.

Novissimus Librorum Prohibitorum et Expurgandorum Index pro Catholicis Hispaniarum Regis Philippi V Reg. Cath. Ann. 1707.

On the engraved title is printed, *Index Expurgatorius Hispanus ab Ex^{mo} D^{no} Didace Sarmiento et Valladores inceptus, et ab Ill^o D^{no} D. Vitali Marin perfectus, etc. De Consilio Supremi Senatus Inquisitionis Generalis.*

The work is contained in two volumes, the first comprising 791 pages and the second 342 pages. It begins with the edict of the Bishop of Ceuta, and Inquisitor-

General, Don Vidal Marin, who explains that he is completing the work of his predecessor Don Diego Sarmiento, who had been interrupted in his labours by death. He writes that, considering the importance and necessity of continuing the Spanish Index of 1640, this Index has been prepared in order that the books and pamphlets issued during the last sixty-seven years might, as far as requisite, be prohibited or expurgated and that the faithful might thus be preserved from the errors which would otherwise have been caused through the circulation of heretical or erroneous texts. The previous *Advertencias* and *Mandatos* are repeated and are ordered to be enforced with the utmost rigour of the law. Provision is made for the publication of the Index in all churches, cathedrals, colleges, and cities.

An *avis* of the Privy Council of Brussels, printed in 1708, contains the following naïve remark in regard to this Index: *Et pour montrer qu'il est très difficile d'examiner les livres et de discerner s'ils doivent être condamnés ou pas, on n'a que prendre recours a l'Index Expurgatorius d'Espagne, émané dernièrement en l'an 1707, ou se trouvent plusieurs livres approuvés que Rome a condamné, et de même plusieurs condamnés par les Inquisiteurs que la Ste. Congregation n'a pas trouvé convenir de proscrire.*

10. 1714. Namur and Liège. Hannot.—*Index ou Catalogues des principaux Livres condamnés, rédigé par Jean Baptiste Hannot, Recollet, Lecteur en Théologie.*

This Index, while issued *avec approbation*, was compiled without any specific authority. It comprises a selection, arrived at apparently in a rather haphazard fashion, of works favouring Jansenism.

11. 1747. Madrid. Prado. 2 vols. 1200 pp. *Pro. and Ex.* This Index is noteworthy for its *Catalogo* of Jan-

senist books. The list originally included the *History of Pelagianism* by Cardinal Noris, but this entry was, as Mendham points out, subsequently cancelled by the reprinting of a leaf.¹ The cancellation was the result of a protest or remonstrance addressed by the Pope (Benedict XIV) to the Inquisitor-General, Compostolla. The brief of Benedict is given in a supplement to the *Bullarium* of that Pope, and is cited from the edition printed in Mechlin, in 1827. The Pope reminds the inquisitor that it is the policy of the Church to exercise censorship with moderation and conservatism. He refers to the treatise of Bossuet, published under the commands of the King of France, which was written in direct hostility to the infallibility of the Pope and to his claim for authority over the temporal rights of princes; and he reminds the inquisitor that his predecessor had decided that the interest of the Church would be better served by forbearing.

12. 1790. *Madrid. Index Prohibitorius et Expurgatorius.—Indici Ultimo de los libros prohibidos y mandados expurgar; paratodos los Regnos y Señorios del Catolico Rey de las Españas el Señor Dom. Carlos IV.* The work contains the prefatory matter of the three preceding editions, and brings the lists of condemned and expurgated books down to the close of December, 1789. The Inquisitor-General, Cevallos, under whose supervision the work was prepared, declares, as the purpose of the Index, the presentation of an alphabetic compendium which should comprehend not only the contents of the Index of 1747, but likewise the titles of all works which had been prohibited or sentenced to expurgation in the edicts previously cited up to December 13, 1789. "This would," he believed,

¹ Mendham, 239.

“serve to close the door to the excesses of printers and booksellers and also to wrongful action on the part of private persons, and would prevent the evils consequent upon the introduction into the Kingdom of such pernicious commodities as heretical books.”

The Index is noteworthy in expressing the change of policy in regard to the reading of the Scriptures. The inquisitor and his associates profess themselves to be sensible of the benefits to be secured by the faithful from the perusal of the Sacred Text, and with reference to the declaration to the same purpose in the Index of Benedict XIV (which declaration is printed in the present volume) they decide to accord permission for the reading of versions of the Bible in the vulgar tongue, with qualifications similar to those specified in the Benedictine Index. The longer expurgations of the earlier Indexes are not reprinted, but a reference is made, connected with the name of the author, to the Index in which the expurgation originated. For instance:

“Abailardus (Petrus) *ejus opera* V. Ind. Exp. 1747, p. 920.”

With reference to these condensed entries, the Index of 1790 is often referred to as an Index manual. To the twelfth rule (in the series of sixteen) is added the instruction that the possessor of a book ordered to be expurgated is at liberty himself to make the necessary corrections in the text, provided, however, that his corrected text shall, within two months' time, be submitted to and approved by the local inquisitor.

Reusch points out that these Spanish Indexes, even the latest, contain many more errors, both bibliographical and typographical, than those of the Roman series before Benedict. The compilers of the Index of

Cevallos were of course in a position to utilise in their work the lists and the information brought together in the Index of Benedict. It would appear, however, that they made no use of the Benedictine Index, while it is evident that the compilers were in many cases quite ignorant of even the names of the authors and of the books condemned (not to speak of the contents). The following entry may be cited as an example of some likely to cause perplexity to the devout reader:

“Fulko Grevil, Theliffe Of the Renovudne, Senior Phillip Ciduaey” (Fulk Greville’s *Life of the Renowned Sir Philip Sidney*).

13. *Supplements to the Spanish Index of 1790.* The second issue of the Index of 1790 contains two supplements which present the titles of certain books that, during the printing of the Index, came under the condemnation of the Inquisition. The works belong almost exclusively to a group of writings having to do with the French Revolution. In 1805, was printed a third supplement that contains books prohibited between 1789 and 1805. This list includes, in addition to writings of the Revolution, certain Italian works that had during the preceding decade been prohibited in Rome. Between the years 1806 and 1819 (years that covered the period of the French invasion, the short-lived kingdom of Joseph, and the reorganisation of the kingdom), the Inquisition published seven edicts in which a number of works were prohibited. These lists were, however, not combined into any official Index. In 1844, was printed in Madrid an Index in which were combined into one alphabet the lists of the Index of 1790, the supplement of 1805, and the lists of the Mechlin edition of the Roman Index of 1843. This publication was, however, a private and

unofficial undertaking. In 1848, was printed in Madrid an appendix to the Index of 1844, which contains the titles of the books prohibited by the Inquisition between 1805 and 1819 together with the titles of the books prohibited in Rome between 1842 and 1846. In 1863, was issued in Madrid a second appendix giving the titles of the books prohibited in Rome between 1846 and 1862.

The edict of 1782, a citation of which appears in the Index of 1790, orders that: All persons having permission for the reading of prohibited books must, not less often than once a year, make statement to the confessors of the books of this class that they are utilising. The confessors are authorised and instructed by the Inquisition to revoke these permits in case they find that the reading in question is causing injury to the faith of those holding the permits. The confessors are to demand of the penitents from time to time, and in any case at the time of the annual confession, whether they have in their possession copies of prohibited books and whether in the course of the year they have read any such books. In the former case, the penitents must agree to deliver the books for destruction; and in the latter must truly express their penitence for the sin committed. Until this has been done, they are not to receive absolution.

The permits for the reading of prohibited books given by the Roman Congregations are not valid in Spain. The permits issued directly by the pope are to be delivered to the inquisitor-general in Spain or to the council of the Inquisition, who are, if they are willing to confirm them, to make registration of the same. They may, however, refuse to confirm such Roman permits on the ground that the results would be injurious for those using them. The permission to read

prohibited books or to possess copies of them, does not carry with it the authority to import such books, to buy or to sell copies, to make presentation of copies, or to exchange them for other books.

Among the noteworthy books contained in the supplement to the Spanish Index, issued in 1805, may be mentioned the following: Bonnet, *Oeuvres*, 18 volumes; the works of Alexander Pope, Laurence Sterne (the reference is to the French version), Forster, *Voyage Philosophique*; Smith, the *Wealth of Nations* (French version); Burke, *Reflections on the French Revolution*; *Die Rechte des Menschen*, a reply to Burke's treatise on the Revolution, etc.

14. *Examples of Spanish Prohibitions. 1559-1768.* The first of the Spanish Indexes, that of Valdes in 1551, contains but one or two Spanish titles, but the lists of 1559 and 1570 give evidence of fuller attention to Spanish authors. The books prohibited belonged for the most part not to heretical literature, but were those presenting, in translations of the Scriptures or in controversies on points of doctrine, matter that was not safe or not suitable for the knowledge of the general lay public. The Inquisition in Spain had, from the beginning, been more sharply opposed than were the Church authorities elsewhere, to the distribution to the lay public of literature, and particularly of literature in the vernacular, having to do with the doctrines of the Church, even when such books were sound in their own teachings and had been prepared to expose and to repress error. The inquisitors took the ground that it was wiser to keep the faithful in ignorance of the existence of errors. An example of this policy is the prohibition in the Index of Valdes in 1559 of the writings of Francisco de Borja, who was later enrolled

with the saints, and of Juan de Avila Luis de Granada, who have since been classed with the best of the ascetic writers and as "shining lights in God's Church in Spain."¹ In 1571, permission was refused by the Inquisition for the printing of a Spanish version of the Roman Catechism. Valdes prohibited all tracts, letters, and pamphlets, reports of sermons, etc., that had to do with the Scriptures or with the Sacraments. This prohibition included any reprints in the Spanish tongue of the Gospels or of extracts from the Gospels or of the Epistles of Paul.

A prohibition initiated by Quiroga was continued through the following century, condemning "comedies, tragedies, and farces in which any reflection or ridicule was cast upon the Sacraments, the practice of church-going, the holy orders, or the Inquisition." In 1581, the Index of Lisbon added to the above a prohibition of the presentation on the stage of any ecclesiastical characters or the performance of any sacramental acts. This latter ruled out, of course, the representation of marriage. In one of the later Indexes, the second part of *Don Quixote* comes into the list of works to be expurgated, but the material condemned comprises but a single sentence: *Las obras de charidad que se hazen flaxamente, no tienen merito ni valen nada.*

It is a characteristic of the Spanish expurgatory Indexes that they do not give the references by chapter and by page to the texts of the authors corrected. Mendham points out that the careful and orthodox student, who might wish to assure himself of the accuracy of his own literary guides, would find it important to refer to the originals of the corrected texts if only in order to be

¹ *Hist. eccles. de España*, v, 263.

placed in a position to defend the action of his Church and to confound or possibly even to convert heretical opposers. "Supposing for instance," says he, "a discussion should take place between a believer and an heretical critic, and the latter should have the hardihood to assert that the sentences condemned in the Index were not the *ipsissima verba* or the necessary sense of the author referred to, what reply could be made by the defender of the Index who had never been able to make personal examination of the text in question?"¹

In 1827, there was published in the *Protestant Guardian* (on pages 118 *et seq.*) a review of the censures in the expurgatory Indexes. The writer gives as examples of erasures that seemed to him to be futile or at least open to criticism the following: In the *Glossarium Graeco-Barbarum* of Mensius, out of twenty-five erasures fifteen consist simply in expunging before the names of Junius and other learned men the terms *V. C.*, *Eruditus*, etc.

So far from its being lawful to admit that a Protestant could be either learned or illustrious, it was forbidden even to give the name of theologians to Protestants pretending to Holy Orders. The English bishops always figure in the Indexes under the term "pseudoepisopi." This is doubtless, however, a logical term for the Church to use concerning officials who must of necessity have been considered as usurping laymen. In the erasures in the ninth book of the history of De Thou, we find corrections of a more exacting character. The following is an instance: *Theologis, qui ad concilium, pro Theologis scribe iis. Et ibi decrevisse viros bonos mittere, dele bonos.*

¹ Mendham, 151.

The censor actually follows through his rambles the wandering Jew of Tudela, although the translation of this narrative was issued by so good a Catholic as Montanus (himself a censor) in order to blot out every kind word which Benjamin had uttered respecting his nation. For example: *Filius Jonae probandae memoriae*, dele *probandae memoriae*; *Synagoga sacra*, dele *vocem sacra*; *Filii Haziddai felicitis memoriae*, dele *felicitis memoriae*; and so on through a folio page.

It is somewhat curious that such works of English writers as have been considered by the framers of the Index, are placed almost exclusively in the prohibitory division, and in this are included in the first class, that is to say, under the heading of authors whose works, past, present, and future (*opera edita et edenda*), are absolutely prohibited. One of the few English books which have been mentioned by title (apart from the names of the authors) in the prohibitory Index is the version of the Psalms by Sternhold and Hopkins. This is the book understood to be referred to by the title *Psalmes of David in Englische Metre*.

CHAPTER XIII

THE INDEX OF ALEXANDER VII AND THE CONDEMNATION OF GALILEO—ROME, 1664

IN 1664, was published at Rome the *Index Prohibitorius* of Alexander VII. In the accompanying Bull, the Pope says that since the publication of the Index of Clement VIII, a number of books had been prohibited by his successors and by the Congregation of the Index, but no authoritative schedule of the same had been issued which presented in one comprehensive list the titles of the books and the names of their authors. He had, therefore, caused a new Index to be compiled which contained all the titles from the lists of Trent and of Clement, together with all the further prohibitions, and in which, for convenience of reference, the three classes of the Trent Index had been put together, which enabled the titles to be presented in one alphabeted list. The division into three classes of the books condemned had in any case been open to the objection that it had "tended to give the impression that the books of Class I were more pernicious than those of Classes II and III and their reading more reprehensible; while as a fact there were in the third class not a few works much wickeder than any in the other classes."

In addition to the titles of the prohibited books,

this Index presents the complete series of the decrees since that of the Trent Index, under which the prohibitions were ordered. "The several regulations, condemnations, and prohibitions," continues the rescript, "presented in this Index, we do hereby, under the Apostolic authority, confirm and approve as in force at this time and as binding on all the members of the Church; and we order that all universities, their associations, and individuals shall give obedience to the same without exception or reservation." Then follow the specifications of penalties, seventeen in all, and instructions to bishops and inquisitors for the publication of the regulations and enforcement of the penalties.

In 1665, the Secretary of the Index Congregation, Vincentius Fanus, published an edition of Alexander's Index, with the omission of the Clementine lists and of the series of decrees.

In 1667, was published, either at Lyons or Geneva, a reprint of the text as revised by Fanus, but with the addition of the Clementine lists and of the series of decrees. The latter are brought down to 1667. Fanus says of his edition that it is more comprehensive and more correct than that of 1664. It is not clear, however, from what sources his additional titles are taken. The division into three classes is abandoned; but he points out that there is no difficulty in identifying to which class an entry belongs. The name of an author, for instance, not followed by any book-title indicates Class I; the title of a book without name of author indicates Class III; while the author's name connected with title stands for Class II, which constitutes the bulk of the Index. Fanus has some idea of bibliographical method. He makes cross-references for authors who

in previous Indexes are presented sometimes under a forename and sometimes under a surname, the latter being frequently of course derived from the place of residence. The Index contains an "Address to the Reader" by Fr. Hyacinthus Libellus, Fanus's predecessor. In this address, the Secretary takes the ground that all other Indexes are to be considered as "private" (*i. e.* unofficial).

The first list in the series covers 160 pages. The second list presents exclusively books the title of which is followed by the name of the author. The third list is confined to books the title of which follows the name of the author. Then follows an appendix covering titles from 1661 to 1664, and this is followed by the text of the Tridentine Index, to which is prefixed an *Admonition* by Libellus giving the origin and the history of that Index. Libellus affirms that the deputation of the Index, originally instituted by Pius IV, was matured into a formal congregation by Pius V.

The concluding division is entitled: *Index Decretorum*. This is said to present *Omnia Decreta quae vel a Magistro Sac. Palatiti, cum ratione Officii sui, tum Jussu Sac. Congregationis, vel ab ipsis Sacris Congregationibus Indicis, et S. Officii emanuerunt*.

This Index of 1664 is noteworthy as containing the formal condemnation of the works of Copernicus and Galileo, and of all other writings which affirmed the movement of the earth and the stability of the sun. The proceedings against Galileo and the Copernican doctrine had been instituted in 1616 under Paul V. The final condemnation of Galileo was given in 1633, under Urban VIII.

The Condemnation of Galileo, and of the Copernican Theory of the Solar System.—The fourteenth and twenty-

eighth of the decrees summarised in the Index of 1664 present the record of the condemnation of Galileo. The records of the long series of the proceedings, upon which the final condemnation of Galileo was based, constitute a considerable mass of literature. It is necessary here to make reference only to the more essential conclusions arrived at by the Church authorities.

In March, 1616, the Congregation of the Index, under the instructions of Pope Paul V., had rendered a decree to the effect that "the doctrine of the double motion of the earth about its axis and about the sun is false and entirely contrary to Holy Scripture." The same decree condemned all writings of Copernicus and all writings which affirmed the motion of the earth. These condemnations were inscribed upon the Index and in connection with this Index was issued the usual papal Bull giving to its monitions the most solemn papal sanction. "To teach or even to read the works denounced or the passages condemned was to risk persecution in this world and damnation in the next."¹

The abjuration of Galileo bears date July 22, 1633. The decree of the same date, which sentences the philosopher to imprisonment and other penance, sets forth that the ground of the charge against him was his statement that the sun was the centre of the system and was immovable, and that the earth, revolving around the sun and also around its own axis, was movable. The decree sets forth further that, in 1616, the offender had been admonished by Cardinal Belarmin, and that in the same year the Congregation of the Index issued a decree condemning the doctrine; notwithstanding this condemnation, Galileo had again

¹ White, i, 138.

offended by repeating the same erroneous theories in a volume entitled *Dialogo*.

This volume, issued in 1632, was a treatise presented in the form of a dialogue, exhibiting the arguments for and against the Copernican and Ptolemaic systems. The publication was the result of discussions which had extended through eight years, and was finally permitted only on the condition that the volume should contain a preface, for the wording of which Ricciardi, master of the sacred palace, was responsible, but which bore the signature of Galileo, and in which the Copernican theory was described as a mere play of the imagination and as not in fact opposed to the Ptolemaic doctrine. The book secured at once a large circulation and a widespread influence. The preface was disregarded or was laughed at, while the reasonings in the dialogue were accepted by many as practically conclusive of the Copernican doctrine. These reasonings were considered by the new Pope, Urban VIII, as bringing him into ridicule and, under the Pope's instructions, Galileo and his books were placed in the hands of the Inquisition. It was later contended by certain Catholic writers that Galileo was condemned not for his opinions or theories, but for having claimed to found these theories on Scripture. Sir Robert Inglis is quoted by Mendham as having maintained this view as late as 1824.¹ This contention appears however to be fairly met by the fact that the Roman Index of 1704 contains an explicit condemnation of "all works maintaining the mobility of the earth and the immobility of the sun."

The decree numbered thirty-eight and issued August 23, 1634, specifies, with other condemned books,

¹ Mendham, 176.

Dialogo di Galileo Galilei. Decree number fourteen connects with the condemned Copernican doctrine the name not of Galileo but of Foscarini. It adds, however, the general sentence: *Aliosque omnes libros pariter idem docentes*.

The names of both Foscarini and Galileo appear in the body of the Index, the first under *Lettera*, the second under *Dialogo*. In the Roman Index of 1704 (first edition), the following entry stands in its alphabetic place: *Libri omnes docentes mobilitatem Terrae et immobilitatem solis*. In all later editions of the Index this entry was, however, omitted.¹

Sundry theologians of the Inquisition were instructed to examine two propositions which had been extracted from Galileo's letters on the solar system. Their decision was rendered as follows:

“The first proposition, that the sun is the centre and does not revolve about the earth, is foolish, absurd, false in theology, and heretical, because expressly contrary to Holy Scripture”; and “the second proposition, that the earth is not the centre but revolves about the sun, is absurd, false in philosophy, and from a theological point of view, at least, opposed to the true faith.”²

The ground on which had been based the contention of the defenders of the Church that Galileo had made the Scriptures responsible for his new theory of the solar system, was a suggestion contained in letters written by the astronomer to his friend Castelli and to the Grand Duchess Christine, to the effect that his discoveries might be reconciled with Scripture.

The result of the long contest is now, of course,

¹ Mendham, 176.

² Cited by White, i, 160, from the original trial documents.

fully on record. The examinations and discussions had extended over a period of sixteen years. Galileo had for a large portion of that time been kept in prison under the direct control of the Roman Inquisition. It appears from the records, which have been summarised by Andrew White and others, that by the express order of Pope Urban he was menaced from time to time with torture, although it is probable that physical torture was never actually administered. The old man was finally (in 1633) forced to pronounce publicly and on his knees a recantation worded as follows:

“ I, Galileo, being in my seventieth year, being a prisoner and on my knees, and before your Eminences, having before my eyes the Holy Gospel, which I touch with my hands, abjure, curse, and detest the error and the heresy of the movement of the earth.”¹

The Inquisitors were ordered not to permit the publication of any further editions of Galileo's works or of any writings upholding his theories. On the other hand, “ theologians were urged, now that Copernicus and Galileo and Kepler were silenced, to reply to them with tongue and pen.” Europe was flooded with these theological refutations of the Copernican system.²

The authority of the Index of the Congregation and of the Papacy back of the Index remained committed to the position taken by Pope Urban and his advisers until the time of Benedict XIV. In 1757, under instructions given by Benedict, the Congregation of the Index removed the old-time restrictions on writings advocating the Copernican system. As late, however, as 1765, Lalande, the great French astronomer, attempted without success to secure from the authorities

¹ Cited by White, i, 142, from *L'Epinois*.

² *Ibid.*, i, 144.

at Rome the removal from the Index of the works of Galileo.

Artaud, writing in the *Dublin Review* in September, 1865, in defence of the record of the Church, states that Galileo's *Dialogue* was published complete in Padua in 1714, "with the usual approbations." In the same article, it is stated that in 1818 the ecclesiastical decrees were repealed by Pius VII in full Consistory.¹ The historian Cantu, however, who is described as an authority favourable to the Church, speaks of the work of Copernicus as remaining on the Index as late as 1835.² Cantu's authority is supported by Reusch.³

In 1820, Canon Settele, professor of astronomy at Rome, had ready for publication an elementary text-book which was based upon the Copernican system. The master of the sacred palace, Anfossi, refused to allow the book to be printed unless Settele would reshape it and would refer to the Copernican theory as merely an hypothesis. The professor appealed to Pope Pius VII by whom the matter was referred to the Congregation of the Inquisition. The issue aroused considerable discussion but finally, on the eleventh of September, 1822, the cardinals of the Inquisition agreed upon the concession that "the printing and publication of works treating of the motion of the earth and the stability of the sun, in accordance with the general opinion of modern astronomers, is hereafter permitted at Rome."⁴

The decree was ratified by Pius VII and, after a delay of two years, the professor was permitted to place his book in the hands of the printers. It may, I judge, be inferred that until the publication of this

¹ Cited by White, i, 157.

² *Histoire universelle*, xv, 483.

³ II, 396.

⁴ White, i, 156. Canton, xv, 483.

volume, late in 1822, the pupils in the orthodox Catholic schools had not been permitted the use of any text-books on astronomy, the conclusions of which were in accord with the Copernican system. It was not until 1835, thirteen years after the decision of the cardinals, that an edition of the Index appeared in which was omitted all condemnation of works defending the double motion of the earth.

The divines in the Protestant Church were no more favourable than were the Catholic theologians to the Copernican theory of the universe. Lutherans, Calvinists, Angelicans, and Protestant teachers alike placed themselves on record as in opposition to the teachings of Copernicus and of Galileo. The great preacher in London, Dr. South, denounced as irreligious the report of the Royal Society in which the Copernican doctrine had been accepted. As late as 1724, Professor John Hutchinson of Cambridge, in a treatise entitled the *Principia of Moses*, undertook to build up from the text of the Bible a complete physical system of the universe. In this treatise, the Newtonian and Copernican theories were condemned as atheistic. In 1722, Thomas Burnett, in the sixth edition of his *Sacred Theory of the Earth*, argues for the scriptural doctrine of the earth's stability. In Holland, the Calvinistic Church was from the outset strenuously opposed to the whole new system. The opposition of the Lutherans was continued until a very late date. In 1873, was issued by the Lutheran publishing house of St. Louis a work entitled *Astronomische Unterredung*, in which was again maintained the theory that the earth is a fixed body and the centre of the universe.

These utterances from the Protestants present sufficient evidence that the old theologies as they were then

interpreted could not easily be reconciled with the now accepted views of the constitution of the universe. It does not appear, however, that in any one of the Protestant realms the opposition of the divines to the new astronomy was associated with any persecution either of authors or instructors. The Church of Rome must assume the responsibility for having continued during a series of years, which ended only with the lifetime of its victim, the persecution of a great scientist whose only crime was his exceptional capacity for scientific investigation and his desire to present simply and effectively what he believed to be the truth. In 1852, two hundred and twenty years after the condemnation of Galileo, which had been brought about largely through the influence of the Jesuits, the astronomer Secchi, himself a Jesuit, presented, in one of the churches at Rome, the experiment of Foucault with the pendulum, making clear to the human eye the movement of the earth about its own axis.¹

Another noteworthy title in the Index of 1664 is that of the *Lettres Provinciales* of Pascal. Mendham finds ground for surprise that an author who could maintain so emphatically certain of the most exacting pretensions of the Church of Rome should have been thought deserving of condemnation. In the seventeenth of the *Lettres Provinciales*, Pascal writes:

“Grâce à Dieu, je n’ai d’attache sur la terre qu’à la seule Église Catholique, Apostolique, Romaine, dans laquelle je veux vivre et mourir, et dans la communion avec le Pape, son souverain chef, hors de laquelle je suis très persuadé qu’il n’y a point de salut.”

¹ White, 157.

CHAPTER XIV

DECREES AND INDEXES, FRENCH, BELGIAN, BOHEMIAN, ROMAN, AND SPANISH, 1685-1815

1685. Paris. Decrees of Louis XIV.....	1685-1735
Belgian Indexes.....	1726-1767
Bohemian Indexes.....	1670-1800
Editions of Roman Indexes.....	1815
Madrid. Inquisitor-General.	

1. 1685. *Paris. Decrees of Louis XIV.*—In 1685, shortly before the revocation of the Edict of Nantes, Louis XIV ordered the suppression and destruction of the writings of the Protestants. Harlay, Archbishop of Paris, thereupon published, at the request of the Parliament of Paris, a catalogue of these books which has, as compared with the Roman indexes, a distinctive character of its own. In this list of books condemned and ordered to be destroyed, no reference is made to the Indexes of the Roman series, and, on their part, these Indexes give no consideration to the Paris catalogue.

A convention of the clergy held in 1682, published a pastoral letter (*Un Avertissement pastoral*) addressed to those who followed the so-called reformed faith. The purpose of this *Avertissement* was stated to be a reconciliation with the Church of these backsliders; and it included a *mémoire* setting forth the different methods that could to advantage be followed in order to bring about the conversion of these heretics. In-

cluded in this *mémoire* is a statement of orthodox doctrine entitled "Doctrine of the Church as contained in its profession of faith and in the Decrees of the Council of Trent as opposed to the calumnies and the false charges spread to the world in the works of the so-called reformers."

In 1685, the convention addressed a brief to the King in which it is stated that the clergy did not demand a revocation of the Edict by means of which earlier kings, under unhappy conditions and on grounds that no longer existed, had for a time permitted the practice of the so-called reformed religion. The request was, however, submitted to the King that during the time in which the Edict should yet remain in force, the reformers were to be forbidden in their sermons or writings to abuse or to libel the Catholic Church. In August, 1685, Louis XIV published an edict in which reformers were forbidden to preach or to write against the faith and the doctrine of the Roman Catholic religion. They were further to be permitted to print only such books as contained the statement of their own creed, the text of their prayers, and their rules of discipline. All controversial books having to do with the Catholic faith were condemned, prohibited, and ordered to be destroyed. Any disobedience to this edict is to be punished with banishment and confiscation of property. The printing or the selling of the prohibited books is to be punished with a fine of 1600 livres, and with the cancellation of the license to print. The list of the books so condemned was published in September, 1685, under the authority of Archbishop Harlay and with an *arrêt* of Parliament. The title is, *Catalogue des livres condamnés et deffendus par le Mandement de M. l'Archevêque de Paris.*

The catalogue is arranged alphabetically, but at the close is a supplement containing forty-five titles without alphabetical order. The titles are restricted to books printed either in Latin or in French but include a number which have been issued outside of France. This Index condemns as "scandalous" all versions of the Scriptures prepared by the Protestant ministers. In October was published the edict revoking the Edict of Nantes.

2. *Belgian Indexes 1695-1735*.—In the beginning of the 18th century, were printed in Namur two lists made up from the Roman Index. The first carries no editorial name and is printed in Latin under the title *Elenchus propositionum et librorum prohibitorum*. It bears the date 1709. The second carries the name, as compiler, of Jean Baptiste Hannot. The text is in French. The title reads *Index ou Catalogue des principaux livres condamnés et défendus par l'Église*. This bears date 1714. It comprises a selection of works in support of Jansenism. The compiler is a zealous member of the society of Jesus. Both these lists are private undertakings, issued under no ecclesiastical or political authority.

In January, 1695, Precipiano, Archbishop of Mechlin, published a decree which orders the condemnation of seventy-three works, chiefly the writings of the Jansenists. Among the titles given in the *Elenchus* of 1709 are the works of "de Chartes" (Descartes) and of Copernicus. The Index contains the following remark:

"A number of the books which were prohibited in the Tridentine Index, such as the works of Erasmus and Molinæus, have been corrected in the Antwerp *Index expurgatorius*. It may therefore be assumed that the later

editions of these works have been printed with the approved text."

The Index of Hannot, while unofficial, secured later the approval of the Bishop of Namur. The Index of Precipiano undertook to prohibit only books which had not already been prohibited in Rome. The Congregation of the Index paid no attention to the lists prepared by Precipiano. Of the long list of Calvinistic books condemned by Precipiano, only one, a treatise by Basnage, was prohibited in Rome (not until 1728), and of the sixty Jansenist writings only two, the *Difficultés* of Arnauld and an essay of Quesnel, found place in the Roman lists. Brussels, 1735.—*Catalogus Preliminaris donec amplior sequatur, Quorundam Librorum tum prohibitorum tum noxiorum aut Periculosorum et Proscriptorum e Belgio Austriaco*, etc. The first division is devoted to an *Instructio Summaria* comprising the general rules; then follows the body of the Index under the title: *Instructio specifica sine Catalogus*, etc. This Index is distinctive in giving in a separate schedule, connected with the titles by numbers, the grounds on which the books are condemned. The schedule is entitled: *Qualificationes et Censuræ Librorum*. The lists are largely devoted to the works of Jansen, Quesnel, and van Espen. The Index is said by Mendham to have been the work of the Jesuit Father Wouters Hoyneck van Papendrecht, Archpriest of Malines. The regulations provide for minute and vexatious visits of printeries and book-shops, and for interference with sales of books. The Index appears never to have got beyond the status of a scheme. It secured the cordial approval of the Governess, the Duchess Marie Elizabeth, but the Council of Brabant objected to the publication, and appears to have been

strong enough to maintain its objection. The regulations of the Index failed, therefore, to secure the sanction of law, and were not put into force. The result indicates that the authority of Philip IV in Brabant was not as final as had been that of Philip II. The scheme comes into print in a supplemental volume of the works of van Espen.¹

The introduction contains the following noteworthy observation:

“ Il seroit inutile de répéter que dans tout le dit Catalogue on ne trouve pas condamné un seul livre de ceux qui ont voulu attribuer aux Papes ce pouvoir illimité, à l'égard des Princes seculiers, ce qui prouve encore le nécessité qu'il y a de maintenir les auteurs qui à cet égard ont soutenu les droits des Princes.”

This complaint occurs not infrequently on the part of the critics of the Indexes. It was made among others by Fra Paolo in his *Discorso* on the Inquisition already referred to.

It is noteworthy that the members of the council speak of the author of the Index as being unknown to them. It is evident that they do not accept as real the authors whose names are given. It is a suggestion of Mendham that the chief purpose of the production of this particular Index was the proscription by the Jesuits of the works of van Espen. It is evident in any case from the character of the books selected for condemnation, as well as from the wording of the documents connected with the lists, that this Index was a part of the long fight of the Jesuits against the followers of Jansenius.

Among the authors condemned in this Index was, curiously enough, the well-known bishop and eloquent

¹ Mendham, 203.

preacher, Bossuet, called by some of his contemporaries the Eagle of Meaux, and also the *Mallens Hæreticorum*. The full title of the work condemned is as follows: *Defensio declarationis celeberrimæ quam de Potestate ecclesiastica sanxit Clerus Gallicanus, 19 Martii, 1682, ab Illus. ac Rev. Jacobo Benigno Bossuet Meldensi Episcopo, ex speciali jussu Ludovici Magni Scripta, 2 vol. 4to, Luxemburgi, 1730.*

3. *Bohemian Indexes, 1726-1767.*—In 1726, was printed in Prague a reprint of the Roman Index of 1704 together with the appendix of 1716. In 1729, was printed at Königgrätz, as a supplement to the Roman Index, an *Index prohibitorius* and *expurgatorius* in which special consideration is given to works in Latin, in German, and in Czech which had found circulation in Bohemia. The main title reads: *Clavis hæresim claudens et aperiens*. This is followed by a Bohemian title the substance of which is: "A key which has for its purpose the making clear to the understanding the pernicious character of heretical writings, and which, in so doing, shall provide for their extermination; or a catalogue of pernicious works which are likely to cause mischief and which on this ground have been prohibited, together with instructions for the identification of such dangerous writings for extermination of same."

In 1749, was printed at Prague a second and enlarged edition of this *Clavis*. In 1767, the Archbishop of Prague, Przichovsky, printed, in obedience to an encyclical of Clement XIII, an Index presenting Bohemian books only. The title is: *Index Bohemicorum librorum prohibitorum et corrigendorum et ordine alphabetico digestus*, etc. In the *Clavis* of 1729, the *Index prohibitorius* is arranged in three alphabeted

divisions, the first including the works in Czech, the second those in German, and the third the Latin titles, with which are certain in French. Following each division, are given certain blank pages left for the description of further books. In the second edition is given a special division entitled *Index librorum Veneria vel obscœna tractantium*, presenting a list of works the obscene character of which can fairly be inferred from their titles. It is noteworthy that this very legitimate division of censorship, which received very little attention either in Rome or in Spain, should have been cared for in Bohemia. Beneath the titles of the books in the list for expurgation, are given as a rule brief analyses constituting what might be called a *catalogue raisonnée*, for instance, *perstringuntur religiosi Societatis Jesu*, etc. Against such a name as that of Huss is added the term "heretic" or "arch-heretic." The compiler of the *Clavis* was a Jesuit, Anton Koniasch. Koniasch left at his death (in 1760) materials for a further Index which were utilised as the basis of the Index printed in 1767 by Przychovsky. The title proposed by Koniasch was: *Index librorum perniciosorum abolendorum vel repurgandorum*, etc. In the Index as published by the Archbishop, is the order that his pastoral brief, together with the encyclical of the pope, shall, within three weeks' time, be read on the Sunday in all German and Bohemian churches, and that, on the same day, a sermon shall be given devoted to the danger of heretical books. He orders further that whoever shall be convicted of reading heretical or prohibited books shall *ipse jure* come under excommunication. This is followed by an edict, issued by Charles VI and confirmed in 1749 by Maria Theresa, in regard to the distribution of heretical books. This

Index is both prohibitory and expurgatory, but the two sets of titles are arranged in one alphabet. It contains also an enlarged edition of the Bohemian division of the *Clavis*.

4. Editions of the Roman Indexes, 1670-1800.

1670. *Rome. Clement X.* In 1670, under the instructions of Clement X, Fanus prints an Index which contains the lists of Alexander and of Clement, with an appendix bringing the record of prohibitions down to date. This volume is again printed in 1675, with an appendix covering the prohibitions of five years.

1681. *Rome. Clement XI.* In 1681, under the instructions of Clement XI, Jacobus Riccius again reprints the same lists and decrees with supplements. An edition of this Index of 1681 was printed in Munich in 1683. Riccius states in his preface that, in addition to the including of the titles of the later prohibitions, he has found occasion for a number of corrections, both in the titles and in the names of the authors. The editors of the Roman Indexes are now beginning to show some regard for bibliographical completeness and typographical accuracy.

A second impression of the Riccius Index was printed in Rome in 1682, and a third edition appeared in 1739, printed without change, and the later prohibitions are recorded in a series of appendices. Between the years 1704 and 1744, were also printed various editions of this Index, in which the titles of the works prohibited from 1704 to 1739 find place in the main alphabet. Reusch points out, however, that from 1682 to 1754 no official edition of an Index was printed in Rome. A number of Indexes bearing the imprint of the Apostolic printing-office were as a matter of fact manufactured elsewhere,

chiefly in Venice.¹ Riccini, or Riccius, who served from 1749 to 1759 as secretary of the Index Congregation, states that for more than seventy years no official editions of the Index were printed in Rome; and that the editions issued from the presses of Venice, presenting the false imprints of the Roman office, contained many blunders and were not to be accepted as authoritative. The official and approved editions must in any case include an introductory word from the secretary of the Congregation.

The Index of Clement XI contains, as first printed, one alphabeted list. In later editions, this list is followed by appendices which, by the year 1734, had aggregated five. The first of these appendices has the epithet *Unica*. It is suggested that this term indicates that the appendix has been substituted for a previous faulty appendix. It is Hannot's understanding that the fault in the cancelled appendix consisted in a condemnation which had been almost immediately revoked.

In this same Appendix *Unica* appears for the first time in an Index the name of Fénelon, Archbishop of Cambray. The work condemned is *Explications des Maximes des Saints*. The particular offence in the volume is understood by Mendham to have been the acceptance by Fénelon of the views of the mystical Spanish nun, Sor d'Agreda. There were evidently, however, some other matters in Fénelon's volume which were found to be dangerous, as the Pope, Innocent XII, found occasion to issue in regard to it a special *Constitution* in which were condemned twenty-three propositions extracted from Fénelon's *Explications*. The perusal of the work was forbidden, under

¹ Reusch, ii, 34.

pain of excommunication, to all the faithful without exception. The *Constitution* bears date, March 12, 1699. In the same year, there was issued at Paris an *Arrêt de la Cour de Parlement* enregistering the letters patent of the king for the execution of this *Constitution*. The Archbishop appears to have accepted without protest the condemnation of the Pope and the authority of the High Court of Parliament.

1704. Rome. *Index Prohibitorius*.—*Index Librorum Prohibitorum Innoc. XII. P.M. jussu. editus. Usque ad Annum 1681. Eidem accedit in fine Appendix usque ad mensem Junii.*

1711. Rome *Index: Prohibitorius*. This Index, issued under the authority of Clement XI, has no prefatory matter and simply extends up to the date of 1710 the lists of the next preceding Roman Index.

1744. Rome. *Index Prohibitorius*. This Index is characterised as distinctive in the absence of all the customary prefatory articles excepting the *Regulae*. Among the works prohibited is a treatise of the Jesuit Benzi, which had some importance in the controversies of the period.

1750. Rome. *Index Prohibitorius*.—This is a reprint of the above with additions to 1750.

1785-1798. Rome. *Decrees of Prohibition*. During the period above specified, there was published at Rome a weekly journal under the title of the *Giornale Ecclesiastico*. The series for the thirteen years covers thirteen volumes. This journal was utilised for the publication of the decrees issued against specific books by the authorities of the Church. The first work receiving the compliment of such special condemnation was a treatise of Eybel entitled *Was st der Pabst?* The author is characterised as one of

the ancient enemies of the Apostolic See. Excommunication is ordered against any readers, possessors, or printers of the work and the absolution or relaxation of the penalty is reserved to the pope excepting in the moment of death. A later volume contains a regular decree by the Congregation of the Index in which are condemned twenty-four different works. In the fourth volume appears among other titles the *Pensées* of Pascal, with Voltaire's Notes. The volume contains also a specification of the dogmatic constitution issued by the pope against the Council of Pistoria. Mendham refers to the Memoirs of De Ricci as containing an explanation of this condemnation.

5. 1815. *Madrid. Index Prohibitorius.*—The lists in this Index, which is issued as usual under the authority of the inquisitor-general (only recently restored to power) are devoted almost exclusively to Spanish publications.

CHAPTER XV

ERASMUS AND LUTHER IN THE INDEX

1. **Erasmus in the Index.**—The treatment accorded by the compilers of the Indexes of the 16th century to the writings of Erasmus is entitled to separate reference, if only because the variety of the successive prohibitions and classifications gives evidence of the difficulties experienced by the authorities of the Church in maintaining any consistency of policy in regard to the supervision of critical literature. The position of Erasmus among the leaders of thought of his time was, of course, in many respects exceptional. His varied and comprehensive attainments placed him among the first scholars of the world. He united with scholarship a keen sense of humour, an incisive and forcible literary style, and a courage of opinion which were not hampered by any large measure of reverence for authority or tradition. His writings, in their original Latin form, found their way in the first place to the educated circles of the upper classes and of the more liberal-minded of the ecclesiastics, while the versions in the vernacular which speedily followed, in both authorised and unauthorised editions, were taken up with cordial appreciation by all classes of readers throughout Europe. In fact, in popularity, as far as popularity is to be gauged by the extent of circulation, the books of Erasmus were surpassed only by the writings of Luther, while the range of their distribution

—that is, the extent of the territory reached and the variety of the circles of readers by whom they were welcomed—must have been much in advance of anything attained by the writings of Luther.

The attacks of Erasmus on the abuses which had grown up in the Church were of course a most important factor in bringing about the conditions that made the Reformation possible, and in fact inevitable; but Erasmus fought for reform within the Church of which he always held himself to be a dutiful son. He refused from the outset to take part with the Protestant assault on the authority of the Church universal, and his scholarship and influence were undoubtedly a most important influence in helping to maintain this authority against the fierce antagonism of the Lutheranism of Germany and the Calvinism of Geneva. And yet at the very time when the reformers of Wittenberg, in their keen disappointment that they were not to have in their long fight the co-operation of the great scholar who had so fully realised and so trenchantly assailed the evils against which they were revolting, were condemning the writings of Erasmus as unchristian and time-serving, the censors of Rome were placing these same books on the Index as constituting serious heresy. From Wittenberg, were hurled fierce denunciations of the trimmer, the time-server, the man who was sinning against the light; while from Rome came bitter charges of heresy against the insidious enemy of the true Faith, against the man who, trained in the Church, was using his scholarship to undermine its authority.

Erasmus stood practically alone in the world of belief and of disbelief. He had no sympathy with the doctrines of either Luther or Calvin. He could not accept the theory of individual interpretation of

religious truth. He believed in a Church universal. He looked and worked for the time when this world's Church, shaking off the corruption, the worldliness, and the vulgarity by which it had become demoralised, should, under the leadership of scholars, wise, sane, tolerant, and pure-minded, resume its authority over all Christian believers. To this end, he continued to denounce and to hold up to ridicule, as the worst enemies of the Church, the intolerant bigots and the vulgar corruptionists whose actions were bringing it into disrepute and strengthening the hands of the reformers.

An English scholar presents as follows the position of Erasmus:

“ It is the conclusion of Erasmus that the Bible, learning, criticism, humanism, are each and all incomplete as guides to man without the permanent interpretative power and historic witness of the visible institution ordained by Christ Himself. His appeal is always to Christ; but it is inconceivable to him that Christ should be apart from His Church or the Church from Him. . . . As critic and as historian, Erasmus found it impossible to say that Christ was right and that the fundamental principles of the continuous Church were wrong. Thus, what the Church had regarded as essential doctrines were and must remain the permanent, unalterable bases of loyalty to the Lord. . . . Erasmus believed in the Church not as a congeries of disintegrating elements, not as a rigid and inflexible machine, but as a sacred institution divinely instituted and divinely inspired, and because it was ever in touch with divine life continually growing and developing into the knowledge of the truth. . . . The Church was to him the body of Jesus Christ, and in Christ he profoundly believed; and, so believing, he was not impatient, not afraid to wait for light.”¹

¹ W. H. Hutton, in the *Quarterly Review*, January, 1905.

It is not surprising that the Congregation of the Index found difficulty in classifying the writings of Erasmus. The predecessors of Paul IV had held these writings in favourable consideration, and to certain works had given distinct approval; and they had in various instances extended to the author protection against attacks.¹ In 1516, Leo X praised his "sound morality, his rare scholarship, and his distinguished services,"² and had accepted the dedication of his New Testament. The second edition of the New Testament contains an appreciative letter from Leo, dated September 10, 1518. Adrian VI, writing in December, 1522, assures Erasmus that he gave no credence to those who described him as a follower of Luther, and exhorts him to continue the work of writing against the heretics. In January, 1523, the Pope thanks him for the gift of the *Arnobius*.³ Paul III, in a brief of May, 1535, speaks of "having always held in esteem the honoured name of Erasmus," and refers to his great learning and eloquence, and to his contests against the pernicious new errors.⁴

In August, 1535 (a year before the death of Erasmus), Paul appointed him Provost of Deventer, by reason of his learning, his piety, and the great services he had rendered to the Curia in his sturdy fight with the apostates from the Faith.⁵ Later, the Pope spoke of wishing to make him cardinal.⁶ The chief opponent of Erasmus among the prelates of Rome was Aleander. Aleander prides himself on having, as he believes, disposed Erasmus favourably towards himself, because he hopes thus to be able to check Erasmus's oppor-

¹ Schlottman, *Erasmus redivivus*, i, 156, 171.

² Erasmus, *Epist.*, 193.

³ Maurenbücher, *Gesch. der Kath.*, Ref. i, 211. ⁴ *Epp.*, 1280.

⁵ Vischer, *Erasmiana*, 34. ⁶ *Epp.*, 782, 796, 798.

tunities for working further mischief.¹ Another antagonist of Erasmus was Edward Lee, who, in 1532, became Archbishop of York. He wrote three treatises in criticism of the Erasmus edition of the New Testament. On the other hand, Erasmus found bitter assailants among such German Reformation leaders as Luther, v. Hutten, Bucer, Corvinus, and others. Some of the anti-Erasmus treatises of these writers find place in the Index. The ninth volume of the works of Erasmus is made up of the replies to his Protestant critics. From France, also, came sharp criticisms against the writings of Erasmus, but these were the work of orthodox authorities such as the theologians of the Sorbonne, and the inquisitor-general. The Sorbonne sent out, between 1525 and 1530, a number of condemnations of different books of Erasmus, but these continued to come into print in Paris, with or without "privilege." In 1531, appeared, under the permission of King Francis, editions of the *Paraphrases* and of the *Colloquia*.² In 1542, after the death of Erasmus, the Sorbonne issued a general condemnation of his writings, the list comprising fifteen titles.

In the Netherlands, Erasmus had the protection of the Emperor Charles V. No one of his books finds place in the Louvain Indexes of 1546 and 1550. In that of 1558, is printed only the title of the French version of the treatise *De Sarcienda Eccl. Concordia*. In the Indexes of Italy, the name of Erasmus appears first in 1559, in the Index of Paul IV. In Spain, Quiroga repeats, in the Index of 1583, the titles given in the Index of Trent. In 1576, Paul Manutius printed in

¹ Friedrich, *Die Briefe Aleanders*, 102, 111, 115.

² Jourdain, N, 1638, 1639.

Florence, under a "privilege" of Gregory XIII, an expurgated edition of the *Adagia*. The privilege carried with it a prohibition of all other editions. The Index of Sixtus V specifies this edition as permitted, all others as condemned. The Index of Benedict XIV repeats the authorisation for the Manutius edition, and confirms the prohibition of the others unless expurgated.

The editors of the Index of Paul IV (1559) took a very serious view of the evils of the writings of Erasmus. His name is placed in Class I, and is connected with a condemnation more sweeping than that given to Luther or to Calvin; "with all of his Commentaries, Remarks, Notes, Dialogues, Letters, Criticisms, Translations, Books, and Writings, including even those which contain nothing concerning Religion." This judgment was, however, materially modified five years later by the Tridentine compilers, by whom, after some heated discussions, the name of Erasmus was transferred to Class II. The *Colloquies*, *Praise of Folly*, *Institution of Christian Matrimony*, and the *Paraphrases* (of the Gospel of Matthew) were condemned, as also certain of the *Letters*. Others of the *Letters* were restored to the class of permitted literature, but only after such eliminations and alterations that (as the chronicler remarks) they would not have been recognised by their author¹ (Erasmus had died in 1536). The record of the discussions in the commission is given in a letter written from Trent, in 1563, by the Archbishop of Prague to the Emperor (Ferdinand I). The Archbishop states that he had himself contended for the freeing of the works of Erasmus from condemnation on the ground that he had always submitted him-

¹ Buchholtz, 9. 685.

self to the judgment of the Church; that his literary undertakings had received the approval of Leo X; that he had been engaged in many sharp contests with the heretical assailants of the Church; that he had devoted to the editing of the writings of the Fathers a scholarship of which the heretics might well envy the Church the possession, and that he had died in the Faith. The Archbishop goes on to say that the majority of his associates were of another way of thinking, and had overborne the views of the few who wanted to secure the preservation of the works of an author who had done such signal service for the Church. He closes by asking the Emperor to relieve him from service on the commission. He finds it difficult to work in harmony with the churchmen from Spain and Italy who have no personal knowledge of the heretics who are trying to destroy the Church. The Emperor replied that the Archbishop, as the only German on the commission, had been continued at his post to do what he might find possible to prevent the condemnation of any further works and authors of excellence.¹

The introduction of the Tridentine Index orders placed in Class I all authors who may have come under suspicion of heresy (*nota haeresis suspecti*), a description which may be called elastic, and which would naturally be subject to varying interpretation on the part of different persons in authority. Among the associates or correspondents of Erasmus who were placed by the Tridentine editors in the first class and who have since remained under this general condemnation, are Staupitz, Pirckheimer, Hauer, and Bellicanus. Rhenanus and Zasius were transferred in the Trent

¹ Buchholtz, 9, 685, Sickel, 424.

lists from Class I, where they had been placed by Paul, to Class II, where they have since remained.

The chief associate of Erasmus in the contest in Germany against the opposition of a large group at least among the ecclesiastics, in behalf of what may be called higher scholarship, was Reuchlin, who gave years of his life to the work of securing for the German universities the privilege of instruction in Greek and in Hebrew. After 1518, when a number of the works of Erasmus had already found place in the Index, the printers issuing editions of these within the territories controlled by Church censorship found it convenient to omit from the title-pages the name of their author. Such editions were issued, for instance, in 1520 by Paul Manutius, the son of Aldus, bearing on the title-page and in the catalogue, in place of the name of Erasmus, the words, *Batavus quidam homo*.

In the Index of 1559, the name of Erasmus is placed under the class of *Auctores quorum libri et scripta omnia prohibentur*. After the entry of the name, however, comes the following specification: *cum universis Commentariis, Annotationibus, Scholiis, Dialogis, Epistolis, Censuris, Versionibus, Libris et Scriptis suis, etiam si nil penitus contra Religionem, vel de Religione contineant*. Mendham refers to this as an illustration of the term *De omnibus Rebus et quibusdam aliis*. It may be recalled, in this connection, that as a result of the dedication to Leo X printed by this condemned writer in the first edition of his annotated Greek Testament, issued in 1516, the Pope addressed to Erasmus a letter published in the second, and in every subsequent, edition of the work, highly commending this production of his dear son. The letter contains the following expressions: *Quas nuper a te recognitas, et*

*pluribus editis annotationibus, locupletatas, illustratasque fuisse certiores facti, non mediocriter gavisi fuimus, ex prima illa editione quae absolutissima videbatur, conjecturam facientes, qualis haes futura, quantumve boni, sacrae Theologiae studiosis, ac orthodoxae fidei nostrae sit allatura.*¹

If, at this stage in the history of the Church, the utterance of the reigning pope was already to be accepted as infallible, it is somewhat difficult to understand how to bring into accord with these conclusions the condemnation of half a century later, issued under the authority of the no less infallible Pius IV. A similar instance had occurred earlier in the reign of Pius II, who found occasion to include in the list of writings by Catholic ecclesiastics to be condemned a treatise written by himself eighteen years earlier under the title *Aeneae Sylviae commentaria de actis et gestis Concilii Basileen.* This condemnation is confirmed in the Tridentine Index in the following words: *In actis Aeneae Sylviae prohibentur ea quae ipse in Bulla retractationis damnavit.* Mendham speaks of this Bull as an example of a change of opinion similar to that described by another pope confronted with a similar difficulty, who explained that "when he was raised higher he saw things more clearly."²

In 1522, the sale and the perusal of the *Colloquies* of Erasmus, an authorised edition of which had been printed by Colines, were interdicted by the censors of the Sorbonne. Erasmus reports that before the date of the prohibition, no less than twenty-four thousand copies of this Paris edition had been sold.

In 1528, Erasmus made application for a privilege for the publication in France of his edition of the works

¹ Mendham, 47.

² *Ibid.*, 50.

of St. Augustine, but the influence of the Sorbonne was sufficient to prevent the permit being given. The reason why Erasmus considered it important to have this work issued from Paris was that the Paris University was at the time the centre for theological undertakings, as the University of Bologna was for instruction in jurisprudence.

Erasmus was able to write in regard to the *Praise of Folly* that the pope "had read it through from beginning to end and that kings, bishops, archbishops, and cardinals were delighted with it."¹ The favour given to the book by the pope and by not a few of the scholarly ecclesiastics did not prevent its prohibition in many of the universities, including Paris, Louvain, Oxford, and Cambridge.

The prohibition of the *Praise of Folly* carried with it the condemnation of the previous writings of the author. This is the literature, cried the clergy, that comes from a knowledge of Greek.

In 1515, Erasmus took time from his literary work to interest himself in behalf of his friend, the learned and high-minded Reuchlin, the greatest Hebrew scholar of the day. Reuchlin had fallen under the persecution of the Dominicans, led by the ignorant and bigoted Hoogstraaten, for his opposition to the diabolical proposal to destroy all existing Hebrew literature, the Scriptures alone excepted. He had defended himself in a book entitled the *Speculum Oculare* (the Eyeglass), and on a mandate being issued by Hoogstraaten to burn this, Reuchlin had appealed from the Inquisition to the pope. The Bishop of Speyer, to whom Leo committed the case, gave judgment in favour of Reuchlin and imposed on his enemies perpetual silence, a sentence

¹ Drummond, i, 319.

which proved difficult of execution. Reuchlin was condemned by the universities of Mayence, Erfurt, Louvain, and Paris, although there were at the time professorships of Hebrew both in Louvain and in Paris. The matter was in some fashion again brought before the pope, to whom an earnest and eloquent appeal was made by Erasmus on behalf of his friend. The support of the Emperor Maximilian was also secured for the aged scholar who had done so much to bring honour to the cause of learning in Germany and in Europe. The pope finally confirmed the previous decision in favour of Reuchlin, a decision which rescued from the status of heresy, in which it had been placed by the Dominicans and the learned faculties of the universities, the language of the Hebrew Scriptures and the literature of the chosen people of God. Reuchlin's books were rescued from the ban and their learned author was saved from the risk of the stake.¹

The *Colloquies* of Erasmus were published in 1518, and were reprinted in a long series of editions authorised and unauthorised. One printer in Paris, learning that the university was about to condemn the work, brought into circulation no less than twenty thousand copies.² This constitutes a curious example of the influence that could be exerted by an official condemnation in bringing about for the work an immediate and extended demand for a book. The writings of Erasmus were condemned *in toto*, in 1550, in the Spanish Index of that date.

In 1539, the interest of Francis in scholarship, and the influence of Budaeus caused him to invite Erasmus to Paris to take part in the organisation of a royal

¹ Drummond, i, 261; Erasmus, *Ep.*, xxi.

² Eras., *Op.*, iii, 1168.

college. The Emperor (Charles V) put an end to the negotiation by forbidding Erasmus (under the penalty of the stoppage of his pension) to leave the territory of the empire. It is interesting to think of the most Catholic Emperor on the one hand, and the "eldest son of the Church" on the other, contending for the services of the scholar whose writings had been condemned in Rome as heretical and were prohibited in Spain, and who could not at this time obtain from the Paris University a printing-privilege.

Among the cultivated Spaniards assembled at the court of Charles V, Erasmus became for the time the fashion. His writings secured the approval even of some of the highest dignitaries of the Spanish Church. The Inquisitor-General, Manrique, declared Erasmus to be another Jerome and Augustine. The Archbishop of Toledo wrote, when Erasmus was under criticism, assuring him of the protection and good-will of the emperor. The *Colloquies* were used as a school-book and the *Praise of Folly* was in the hands of all Humanists. In March, 1527, Valdes wrote to Erasmus that his books were everywhere in Spain and that no merchandise was more salable.¹ In 1527 was published a Castilian version of the *Manual of the Christian Soldier*, and in the same year, under the leadership of Dr. Edward Lee, English ambassador in Spain, a session of the supreme council of the Inquisition was called to make thorough examination of the alleged heresies in the writings of Erasmus. A list of twenty-one such heresies was framed by the examiners. The charges were finally referred to an assembly of twenty theologians and nine friars who gave to the investigation months of debate, but who arrived at no con-

¹ Lea, 36.

clusion. Charles V was persuaded to write an imperial missive in favour of Erasmus, and Clement VII issued, in 1527, a brief imposing silence on all who should attack the writings in so far as these concerned Luther. Manrique issued, on behalf of the Spanish Inquisition, an absolute prohibition of any writings against Erasmus. The influence of the antagonists of Erasmus finally, however, prevailed. In 1535, a year before the death of the author, Charles V made it a capital offence to use the *Colloquies* in schools, and in 1538 he issued a prohibition covering the *Praise of Folly* and most of the other works, excepting, however, the *Christian Soldier*. In the Spanish expurgatory Index of 1584, Erasmus occupies no less than fifty-five quarto pages. By 1640, the list of the errors of Erasmus calls for no less than fifty-nine folio pages in double columns. By this time he had come to be classed with the incorrigible heretics, and the words "*auctoris damnati*" are ordered to be inserted after his name on all title-pages. This was the final judgment of the Spanish Inquisition on Erasmus. A different view of the nature and value of the work done by Erasmus is taken by Catholic scholars of the twentieth century, although I do not venture to say that this view is general, even among the scholars of the Church. Father Shahan, of the Catholic University of America, for instance, says (in 1899) (speaking to be sure informally):

"Erasmus rendered noteworthy service to the Church, to religion, and to scholarship. He was the counsellor of moderation, the upholder of scholarly standards, the pitiless critic and the courageous antagonist of fraud and of folly."

2. **Luther.**—It is with the work of Luther that there

begins to be a large production and a wide distribution of books in German. Up to this time the undertakings of the German printers had been restricted almost exclusively to books in Latin. The immediate distribution, however, of the writings of Luther and his associates, not only among the trade folk and working people of the towns, but through the rural districts, constitutes an evidence that the general intelligence and the education of the mass of the people had reached a much higher development than the Protestant historians of the time have been willing to admit. It is to be remembered that the readers whom Luther was reaching belonged to the generation which had depended for its education exclusively upon the monastery schools, or upon schools which were entirely under the direction of the priests. The work of the reformers was essentially a work of argument, and it could have been carried on successfully only with people who were intelligent enough to understand arguments whether presented orally or in print. That the community was as intelligent and as receptive as proved to be the case, shows how exaggerated and ill-considered are the conclusions presented by Protestant historians represented by D'Aubigné, Robertson, and others in regard to the absolute ignorance in which the Catholic teachers had left their followers. Kapp reports that of Luther's treatise on German theology no less than seventy editions were printed between the years 1518 and 1854. Of the *Address to the German Nobility*, four thousand copies were sold in five days. Of the first edition of the New Testament, printed in Wittenberg in 1522, five thousand copies were sold within three months. There seems to have been no question that the emphasis given by the

imperial and ecclesiastical censorship to the importance of Luther's writings constituted an important factor in bringing these to the attention of the public, and in securing for them the largest possible circulation.

Luther realised that, with hardly an exception, the scholarly divines of the university were antagonistic to him and to his work. He writes February 8, 1516: *Nec cessant universitates bonos libros cremare et damnare, rursum malos dictare, imo somniare.*¹

In 1519, the doctors of Louvain published an edict ordering the burning of all copies that could be secured of the writings of Luther. A similar order was issued in 1520 by the divines of Cologne. Both orders were printed in Wittenberg, in 1520, by Melchior Lottherus. In 1521, the theological faculty of Paris issued an edict entitled *Determinationes Theologicae Facultatis Parisien. super Doctrina Lutheriana*. The edict, which was printed in Wittenberg in the same year, condemns a number of propositions from the treatise *De Captivitate Babylonica*. The theological faculty of Cologne issued, in 1532, a censure against the *Epitome of Abuses by a Reformed Monk*.²

In 1520, Cardinal Wolsey (in consequence of the Bull of Leo X against Luther, issued July 17th of that year) directed the English bishops to require that all the books and writings of one Martin Luther (*cujusdam M.L.*) should be delivered up by all persons possessing them, under pain of the greater excommunication.³

In 1522, Luther brought into print his famous German version of the New Testament; he printed of this a first impression of five thousand copies and three

¹ Luther, *Briefe*. ² Gerdes, *Miscellanea*, Groning, i, 418.

³ Strype, *Memorials of the Reformation: Records of Henry VIII*, ix.

months later a second impression of the same number. The Bull of Leo X excommunicating Luther, issued in 1520, condemned his works individually and collectively. The existing copies are ordered to be burned and all persons are prohibited, under severe penalties, from printing, selling, distributing, or possessing any of Luther's writings. The immediate effect of this Bull was to bring about a largely increased sale throughout Germany for everything that Luther had written, and to cause also a considerable demand for these writings in other countries. Köstlin estimates that by 1521 more than one hundred impressions had been printed of the German versions of Luther's sermons and tracts. In 1564, the restrictions upon the publishers in regard to the printing of the Lutheran version of the Bible were removed and, at the instance of the Duke of Weimer, this version became common property (*literärisches Gemeingut*) for all Germany and was formally declared free of privilege.

The circulation of the Lutheran tracts was taken charge of not only by the book-pedlars and colporteurs but by a large number of travelling preachers, *Prädikanten*. These "preachers" were in part old-time priests, but in many cases laymen of varying degrees of education or of ignorance. During the troublous times of the war of the peasants, the progress of the Reformation was checked and the circulation of the Lutheran publications in the districts affected by the uprising was for the time brought to a close.

The downfall of imperial Rome which (irrespective of the internal causes) was brought about by persistent Teutonic onslaughts, terminated the period of the world's history which is, for convenience, called classic or ancient. In like manner, the overthrow of

the world-wide domination of ecclesiastical Rome was brought about by the Teuton Luther, an attack which, supported by the Teutonic forces of North Europe, developed into a revolution against Italian rule, and terminated the epoch of mediaevalism. For long periods to come, the questions raised by Luther and his fellow-Protestants were to bring anxieties and conflicts upon popes, emperors, princes, and people. These questions were also to provide issues and themes for innumerable writers, and to secure an apparently inexhaustible supply of material for the printing-presses and the booksellers. It is not surprising that at an early period in the development of printing, ecclesiastics who were fighting for the continued domination of the Church recognised the press as a most seriously antagonistic influence, and that, during a term of two centuries, they continued to attempt to put into force machinery for the supervision and restriction of its undertakings. A scholarly American Catholic (speaking in 1905) makes reference to "the distinctive service rendered by Luther in making clear to the Church the necessity for reform, for recurrences to the earlier Christian ideals, to the standards of Gregory the Great and of Benedict."

CHAPTER XVI

THE JANSENIST CONTROVERSY AND THE BULL UNIGENITUS

1. The Jansenist Controversy.....1641-1649.
2. Quesnel and the Bull *Unigenitus*1671-1755.
3. Controversial Writings on Theological Morality....1667-1730.

1. **The Jansenist Controversy, 1641-1649.**—In 1641, was condemned by the Inquisition the *Augustinus* of Cornelius Jansen, Bishop of Yprés, which had been published in the same year, three years after the death of its author. The treatise was, it seems, classed among the writings having to do with the prohibited subject *de auxiliis*.

The *Augustinus seu doctrina S. Augustini de humanæ naturæ sanitate, ægrotudine et medicina, adversus Pelagianas et Massilienses*, was published in 1640, in three volumes folio. The first is devoted to a historical exposition of the Pelagian and Massilian (semi-Pelagian) heresies; the second sets forth the Augustinian doctrine as to the state of innocence and the fallen state; while the third treats, in ten books, of the grace of Christ. The sting of the work is to be found in the epilogue, which draws a parallel in various particulars between the errors of the Massilians and those *recentiorum quorundam*, the reference being to the Jesuits. In 1641, the book was prohibited by the Inquisition, but no opinion was pronounced as to its

doctrine, and the answering treatises of the Jesuits were also condemned.

In March, 1642, a Bull of Urban VIII confirms this decree of the Inquisition in spite of the continued pressure on the part of the divines of Louvain to secure a modification of the original judgment.

In 1643, Urban VIII published the Bull *In eminenti*, renewing and confirming the constitutions of Pius V and Gregory XIII and the decree of Paul V, and forbidding the reading of the *Augustinus*. The publication of this Bull resulted in the production by Arnauld, in 1644 and in 1645, of his *Apologies for Jansen*, and was also the text for the famous *Provincial Letters* of Pascal, which appeared in 1656.

In 1651, eighty-five French bishops made representations in Rome calling for the specific condemnation of five propositions contained in the treatise of Jansen. A statement was made a little later by certain other bishops pointing out that the propositions in question were open to a different interpretation from that named in the original complaint. The matter was referred to a special congregation of four cardinals, by whom it was again referred to a commission of thirteen theologians selected by the Inquisition. This second commission gave permission to the two parties to submit, in writing or in person, further arguments in regard to the matter at issue. In May, 1653, Innocent X condemned, in a Bull, the five propositions.

The text of the five propositions is as follows:

1. There are some commandments of God which just men, although willing and anxious to obey them, are unable with the strength they have to fulfil, and the grace by which they might fulfil them is also wanting.

2. In the state of fallen nature, inward grace is never resisted.

3. In the fallen state, merit and demerit do not depend on a liberty which excludes necessity, but on a liberty which excludes constraint.

4. The semi-Pelagians admitted the necessity of an inward prevenient grace for the performance of each particular act, and also for the first act of faith, and yet were heretical inasmuch as they maintained that this grace was of such a nature that the will of man was able either to resist or to obey it.

5. It is semi-Pelagian to say that Christ died or shed his blood for all men without exception.

In the Bull of May, 1653, *Cum occasione impressionis libri*, Innocent X pronounced the first four propositions to be heretical, while the fifth was declared to be false, with the addition that if it was intended to convey the meaning that Christ died only for the elect, it was impious and blasphemous as well as heretical.

The Jansenists expressed themselves as willing to accept the authority of the Pope in condemning the five propositions in their heretical sense, but contended that these propositions had not been identified with the teachings of Jansen. In September, 1654, the Pope declared that the propositions were found in the *Augustinus* of Jansen, and that their condemnation as doctrines of Jansen was imperative. Arnauld and his associates in Port Royal contended that, while the Holy See had authority to decide with respect to doctrine, and every good Catholic owed submission to such papal decisions, yet the See might be mistaken on a question of fact, such for instance as to whether a given book contained certain statements. The fullest

account of the condemnation of the Jansenist doctrines is given by De Placette.¹

In a decree of the Inquisition, issued in April, 1654, and cited in a brief of Innocent of the same year, all writings are specifically condemned which present and defend the doctrine contained in the *Augustinus* of Jansen.

In 1657, this general prohibition was renewed and it stands in the later Indexes under the term *libri*, and, since Benedict XIV, in the *Decreta Gen.*, ii, 5. During the rule of Alexander VII (1655-1667) the question again arose whether on the ground of the Bull of 1653 it was necessary to conclude that Jansen really had taught the five propositions in the sense in which they had been condemned. Arnauld, writing in 1655, took the ground that the Bull in no way decided this matter of the actual interpretation of the propositions, but decided simply that certain doctrine said to be contained in these propositions was itself to be condemned. It was Arnauld's contention, therefore, that for devout believers a respectful silence (*silence respectueux*) concerning the issue ought to be observed. One result of Arnauld's statement was his expulsion from the Sorbonne, which was followed by the publication of the famous *Letters* of Pascal. In October, 1656, Alexander VII issued a Bull declaring that the five propositions had been correctly cited from the book of Jansen, and that the sense in which they had been condemned was the sense that the author had in his mind at the time of their writing. In this Bull, the Pope appears to make the claim, in regard to matters of dogma, of being able to determine the motives

¹ *Incurable Skepticism of the Church of Rome*, trans. by Timson, Lond., 1868, chap. v.

and the absolute purpose by which an author has been actuated in putting a statement into words.

From this time on, the main question turns upon the range or extent of the authority of the Church and particularly of the infallibility (in this matter of interpretation) of the pope. In a Bull of 1656, issued by Alexander VII as a result of an understanding with Louis XIV, it is ordered that all bishops, priests, monks, and nuns shall subscribe to a formula of which the following is the substance:

“I accept in full the authority of the Bull of Innocent X of May 31, 1653, and the Bull of Alexander VII of October, 1656, and I reject and condemn without reservation the five propositions referred to in these Bulls cited from the *Augustinus* of Jansen, in the sense which the author intended should be given to said propositions, in which sense said propositions have been condemned by the Holy See. I solemnly swear to abide by this statement, so help me God and the holy Apostles.”

Four French bishops gave out in June, 1665, statements in which they declared that this formula was to be subscribed to with reservation in regard to the actual facts of doctrine contained in the series of papal bulls. These diocesan letters were themselves, in January, 1667, prohibited by the Congregation of the Index. The negotiations of the pope with the French Government in regard to further action against the four bishops was interrupted by the death in May, 1667, of Alexander VII. Under Alexander's successor, Clement IX, an agreement was arrived at, the so-called “Peace of Clement,” by which the four bishops gave their signatures to the formula and addressed a memorial to the pope, stating that they were now prepared to condemn the five propositions without

reservation of any kind in the sense in which these propositions had already been condemned by the Holy See. During the next ten years, the subscription to the formula was very generally made throughout France, with the same specific statement as that given by the four bishops to the pope. In this manner was finally brought to a close the Jansenist issue. In connection with this controversy, were placed upon the Index the titles of some hundred books, monographs, and pamphlets, chiefly by French authors. The list includes no less than twenty writings of Arnauld. The Spanish Index of 1707 contains the condemnation of the original work of Jansen, and of the five propositions, together with a general prohibition of all writings supporting these propositions. These hundred titles constituted but a very small fragment of the enormous mass of literature that was brought into print in France, in Holland, and in North Germany as a result of the controversy. One work, especially characteristic of the spirit of the time, may deserve more specific mention; the calendar for 1654, issued by certain Jesuits under the title of *La Déroute et la confusion des Jansénistes*, contains a frontispiece on copper; giving on the one side a view of the pope surrounded by cardinals and prelates and a flash of lightning striking in front of the group at a hydra with five heads (the five propositions); on the other side of the plate is seated on a throne Louis XIV, to whom Justice tenders the sword. Below is a representation of Jansen with the wings of a bat, flying into the arms of Calvin and other heresiarchs who stand surrounded by monstrosities representing error, ignorance, and dissipation. This group has, like the hydra, been struck by the flash of lightning emanating from the pope. The calendar

was placed upon the Index, which did not prevent it from securing a wide circulation. Reusch speaks of a distribution during the first year of fourteen thousand copies.

Writings of the Jansenists. 1571-1711. In 1571, Pius V condemned in a separate prohibition a French version of the *Officium pavum B. M. V.* that had been prepared by one of the theologians of Port-Royal. In 1661, Alexander VII issued a brief condemning in very sharp terms a French version of the Book of the Mass, prohibiting also in general terms all editions in the vernacular of the Book of the Mass. In 1695, was prohibited a volume by Le Tourneaux, *L'Année Chrétienne*, because its text included a French version of the prayers of the Mass. A later prohibition of translations of the prayers of the Mass which had been accepted by the Jansenists, although evoking protests from the French bishops, was recalled. Benedict XIV recalled also the prohibition of Alexander VII which had been issued in 1661, with the general wording *Missale Romanum e Latino idiomate ad Gallicam vulgarem linguam conversum et typis evulgatum*. In 1668, a brief of Clement IX prohibits a translation of the New Testament which had been prepared by one of the divines of Port-Royal and which was known as the New Testament of Mons. This prohibition was, however, expressly limited to the edition in question, probably on the ground of certain of the notes contained in it. Clement does not undertake any general prohibition of editions in the vernacular of the Bible. In 1674, was prohibited a treatise issued under the title of *Monita Salutaria D. M. V.* This contains an argument against certain abuses that had arisen in the worship of Mary. It was sharply assailed by the

Jesuits and was defended by most of the opponents of Jesuitism. There also found their way into the Index a series of later publications written to maintain the views of the *Monita*, including a treatise by Bailliet. A volume by Bailliet, presenting a study of the Saints, was prohibited on the express ground that it was hypocritical in character. Bailliet had undertaken in his biographies of the Saints to distinguish between the miracles and stories which were to be accepted, and others of which in his judgment the records were untrustworthy. Benedict XIV presents the conclusion that Bailliet had gone too far with his criticisms. He says¹: *Homo vel certissimarum rerum veritatum, ut intemporenti ingenio est, sollicitans*. The Bishop Gapi, in 1711, prohibits the entire work on the ground that a number of dogmas and disciplinary articles were considered in it in a Jansenist or even a Protestant sense. The prohibitions had the effect, as was usually the case, of increasing the repute and the circulation of the work, which was repeatedly reprinted.

A treatise by Antoine Arnauld on frequent communion, published in 1643, was promptly denounced by the Inquisition although it had secured the approval of the French bishops. In 1645, the Abbé Bourgois succeeded in securing a cancellation of the judgment of the Inquisition. A century later, a Jesuit reply to Arnauld's treatise, written by Pichon, came into the Index. In 1647, the Inquisition prohibited a volume by Martin de Bircos written in support of the doctrines presented by Arnauld. Martin speaks of the Apostles Peter and Paul as the "two leaders" of the early Church, which constituted the chief ground for the condemnation of the book, the authorities maintaining

¹ *De Festis*, 2, 16, 8.

that the subordination of Paul to Peter was the only sound doctrine. Since the time of Benedict XIV, a general prohibition stands in the *Decreta Gen.* under the term *libri*, of all writings maintaining any opinion adverse to the supremacy of Peter.

Controversies Connected with the Jansenist Contests. During the 17th century, were prohibited a number of writings appearing outside of France and the Netherlands, which, while not classed directly as Jansenist, were concerned with the doctrine of Grace. In 1673, a treatise by the Augustine Noris (who was made a cardinal in 1695, and who died in 1704) on Pelagianism and the doctrine of Grace, was repeatedly condemned by the Jesuits and the Franciscans as containing Jansenist heresies. The volume was brought to Rome for investigation three times, and each time was declared to be sound in its orthodoxy. A number of other works which were denounced before the Roman authorities by the Jesuit leaders, on the ground of containing Jansenist heresies, the Congregation refused to condemn. The authors were in large part Dominicans and Augustinians who had brought into print the traditional doctrine of Grace as taught in their own schools. Cardinal Bona complained that during these years every one who was not a Molinist was denounced by the Jesuits as a Jansenist. The Spanish Dominican, Gonzalez de Rosende, and the French Oratorian Jeunin, are the only theologians of note who come into the Roman Index during this period. The Congregation condemned, in 1722, a censure of the faculty of Douay in which the Dominicans, Contenso and Massoulié, had been accused of being Jansenists. The edition of the work of St. Augustine, edited by the Benedictines of St. Maur, was accused of being

tainted with Jansenism, but the work succeeded in securing the approval of the Roman authorities. In 1704, a brief of Clement XI condemned a volume by Launoy, printed after the author's death, in which the Augustinian doctrine of Grace was sharply opposed. A brief of Clement IX, in 1668, condemned the edition of the New Testament printed in Mons, the editors of which were charged with Jansenism.

La Bibliothèque Janséniste. In 1722, the Jesuit Dominique de Colonia, published under the title *Bibliothèque Janséniste* a schedule of writings which the Jesuits classed as Jansenist in doctrine. The list includes the titles of a number of works which had not been prohibited in the Roman Indexes. In the Spanish Index of 1747, is included as an appendix this schedule of De Colonia reprinted from the second edition of his work. In both lists is included the title of a treatise by Cardinal Noris which, while more than once denounced in Rome, had, after repeated examinations, secured from the authorities a final approval. Application was made in 1748 by Benedict XIV to the inquisitor-general of Spain to cancel the condemnation of the treatise by Noris. This request received at the outset no consideration, but in connection with a later personal appeal from the Pope to the King of Spain, the condemnation was rescinded in 1758.

The *Bibliothèque Janséniste* was, in 1749, prohibited by the Congregation of the Index. In 1750, were prohibited the *Pasquille* written by the Jesuit, Ricchini, secretary of the Congregation. In 1752, Patouillet published a largely extended edition of the *Bibliothèque* under the title *Dictionnaire des Livres Jansénistes*. In this edition, the name of Noris was omitted, but there were included a number of works which, after examina-

tion had been approved in Rome, such as for instance the treatises by the Augustinians, Bellelli and Berti. This *Dictionnaire* was prohibited in 1754.

Pascal and Arnauld concerning the Morality of the Jesuits. The famous *Letters* of Pascal, which were issued in 1656 without the name of the author, were promptly prohibited by the Inquisition in 1657. The title of the book has been continued in later Indexes in the class of anonymous writings. Certain defences of their doctrines against the assaults of Pascal published by the Jesuits, were themselves prohibited. The most noteworthy of this group of Jesuit replies were the treatises by Piro and Daniel. A Latin edition of the *Pascal Letters*, published a year or two later under the name of Wendrockius, was not prohibited, while a reply to the same, published under the name of Stubockius, was placed on the Index. The essay by Arnauld, printed in 1643 under the title of *Théologie Morale du Jesuit*, can be considered as a precursor of the *Pascal Letters*. In 1669 and 1683, were printed the first two volumes of a work entitled *Le Morale pratique des Jesuits*, which was written by the Abbé de Pont Château. During the years 1689–1695, five additional volumes were issued under the same title, which were the work of Arnauld. The first two were prohibited but the last five escaped condemnation. In 1700, was prohibited the *Teatro Jesuitico*, a monograph written against the Jesuits by Le Tellier, which had been published forty-six years earlier. One matter which receives in these volumes of Arnauld a large measure of attention, the contest between the Jesuits and Bishop Palafox, was the subject during both the 17th and 18th centuries of a large amount of controversial writing, and plays an im-

portant part in the Spanish Index. A decree in the Roman Index of 1656 orders eliminated from one volume of the Lyons edition of the Bellarmin six pages which give the Jesuitical view of the decision presented in the brief of Innocent X concerning this matter of Palafox. Palafox, who was a Dominican, had been a bishop in Mexico, but in 1653, became Bishop of Osma where he died in 1659. It was in Osma that he came into issue with the Spanish Jesuits and, in 1649, he presented to Innocent X a formidable brief or complaint against Jesuit theory and practice. In 1648, the Pope gave a decision in favour of the Bishop.

Contests in the Netherlands, 1690-1712. The contest in the Netherlands between the Jansenist and the Jesuit parties in the Church became active after Precipiano, heretofore Bishop of Bruges, had, in 1690, become Archbishop of Mechlin. In 1690, he attempted in union with the other bishops, to put into shape a formula or declaration which went far in advance of that issued by Alexander VII. Innocent XII, in a brief issued in February, 1695, ordered that subscriptions should be required only for the formula of Alexander VII and that demand should be made, on the part of those giving this subscription, for the condemnation of the famous propositions taken from the book of Jansen in their obvious or essential meaning (*in sensu obvio*) without reference to the sense that may have been intended by the author (*in sensu ab auctore intento*). At the same time, the Pope ordered that no further references should be made in regard to the interpretation of the formula or the matter of the five propositions, and the bishops were prohibited from making such question or requirement of inter-

pretation a ground for the exclusion from office or from functions of any ecclesiastics, or that on the same ground any ecclesiastic should be classed as a Jansenist. This decision may be considered as a confirmation of the "Peace of Clement IX." At this time were prohibited a number of writings containing denunciations of Belgian Jansenists, and a number of other controversial writings, including a treatise by the Jesuit, Jacques de la Fontaine, who was the confessor of Archbishop Precipiano. Precipiano on his part, in a decree of January, 1695 undertook to prohibit Jansenist writings, and he secured in this year orders from the King of Spain (Charles II) under which all those suspected of Jansenist doctrines were to be ruled out of office whether ecclesiastical or civil. As a result of fresh complaints presented in Rome, Innocent XII issues in July, 1696, a second brief confirming the earlier one and declaring specifically that no modifications should be made in the terms of the Bull or of the formula of Alexander VII. In the years succeeding, there continued to be placed in the Index, apparently for the purpose of checking the controversy, a number of writings against the Jansenists. The list of writers includes Palazol and Desirant. In 1703, Precipiano took fresh action against the Jansenists—Gerberon and Quesnel who, since the death of Arnauld (in August, 1694) were held as the leaders among the French Jansenists in Belgium, were arrested under the authority of the Roman Inquisition and of the Spanish Government, were tried and were declared to have fallen under excommunication. There came into the Index lists, in connection with this later outbreak, controversial writings by Opstraet, Henricus a. S., Ignatio, and Fr. Martin. In January,

1695, Bishop Precipiano published, in the form of a diocesan decree, a small Index of his own which was devoted entirely to Jansenist writings. The sixty titles in the lists include various treatises of Arnauld, Huygens, Quesnel, Gilles de Witte, and a number of anonymous controversial monographs. In Rome, no attention was paid to this Index, and a remonstrance printed by Quesnel was not even prohibited. Precipiano prohibits the reading, copying, or distribution of a letter addressed to him in February, 1694, by Hennevel, which letter concerned itself with the matter of the formula. The Inquisition condemned this letter on the ground of the disobedience of the instructions of the pope for silence in regard to the subject and also because of certain ill-advised expressions, and Hennevel was a few months later compelled to retract his utterance. A letter of Precipiano, addressed to the court at Madrid, and written in 1695, says:

“ It is impossible to rout out Jansenists from the Netherlands unless the King accomplishes this through his own authority. From Rome under the present Pope nothing is to be hoped. He himself will do nothing and he leaves the responsibility to the Congregations which were demanded by Cardinal Casanoti and Bernini who are protectors of the Jansenist heresies.”¹

Arnauld, who may be classed as among the most important of the defenders of Jansenism, died in 1694. Very few of his writings had escaped the prohibition of the Index but the Memoirs of him written by Quesnel, *Histoire de la vie et des ouvrages de Monsieur Arnauld*, printed in 1695, escaped condemnation. As late as 1704, however, was prohibited the treatise by Arnauld entitled *Instructions sur la Grâce selon l'écriture et les*

¹ Gachard, *Histoire de la Belgique*, i, 99.

pères, avec l'exposition de la foire de l'Eglise Romaine touchant la Grâce et la predestination.

The Church of Utrecht. The issues between the two great divisions of Church opinion which were classed, speaking briefly, as Jansenist and Jesuit, were active also in Holland, although in that country the Catholic Church had a comparatively small group of followers and the direct Jesuit influence was itself inconsiderable. In Holland as in England, the question arose as to whether Catholics residing in Protestant lands were properly subject to local bishops or to Apostolic vicars. In England, during a series of centuries, Apostolic vicars had exercised the control over the faithful and the larger number of the English Catholics did not come into relations with any local bishops. In Holland, however, the hierarchy of the Church had never been entirely destroyed. There remained, for instance, in active existence chapters by which were elected archbishops of Utrecht who exercised control over the Catholics in the five suffragan bishoprics for which, since the Reformation, no suffragan had been appointed. It was contended on the one hand that these archbishops retained the full authority of the office, even in the cases in which the office was held not by the Archbishop of Utrecht but by an official taking his title from a foreign bishopric or archbishopric; on the other hand, the view was maintained that since the Reformation, Holland possessed the character of a mission land and that the archbishop possessed the functions only of an Apostolic vicar. These issues brought about a formal breach between those holding the two sets of opinions, when, in 1702, Clement XI deposed the Archbishop, Peter Codde, and named as Apostolic-vicar Theodor Cock. The latter

was not permitted by the Government of Holland to make his residence in the country and the supervision of the "Dutch Mission" was therefore transferred to the nuncius in Cologne. The chapters in Holland protested against this measure and, after 1724, they elected in unbroken succession archbishops of Utrecht who, between 1742 and 1758, made appointments of bishops for the dioceses of Haarlem and Deventer. The breach was still further widened because the Chapters of Utrecht and Haarlem and the ecclesiastics belonging to these dioceses appealed for a decision of a general council of the Church, not only in regard to the particular papal measures above specified, but also on the ground of the Bull *Unigenitus*. In 1707, were prohibited in a brief of Clement XI a long series of works by Dutch writers having to do with the deposition of Archbishop Codde and, later in the year, came also into the Index a number of further treatises written in defence of the claim of the Church of Utrecht. The most important works of this group were those of the Louvain jurist, van Espen, whose *Jus ecclesiasticum* was prohibited in 1704 and whose name came into the Index in 1734 connected with his entire series of writings.

2. **The Bull *Unigenitus*.**—Pasquier Quesnel (1634–1719) published in 1671, the first part of his *Commentary in the New Testament*. The completed work was prohibited in 1708, in a brief of Clement XI. In 1675, Quesnel published an edition of the works of Leo the Great, the notes to which he utilised for a defence of Gallican liberties. This work was placed on the Index in 1676. In 1685, finding himself unable to subscribe to a document in condemnation of Jansenism, Quesnel retired from Orleans to Brussels. There, as a result

in part of his association with Arnauld, he completed, in 1695, under the title of *Reflexions Morales sur le Nouveau Testament*, the *Commentary*, the first part of which had been issued in 1671.

At the instance of Louis XIV, Clement issued in September, 1713, the Bull *Unigenitus* in which the condemnation of the *Commentary* of Quesnel is confirmed and a hundred and one propositions selected from the *Commentary* are specifically condemned. In the case of a number of these propositions, no specification is given in the Bull for the ground of their disapproval, and it was contended by the supporters of Quesnel that it was not possible to point out in these any utterance of heresy or of unsound doctrine.

The following propositions may be cited as representing the character of the series:

79. *Utile, et necessarium est omni tempore, omni loco, et omni personarum generi studere, et cognoscere spiritum, pietatem, et mysteria Sacrae Scripturae* (It is useful and necessary at all times, in every place, and for every sort of person, to study and know the spirit, the piety, and the mysteries of Holy Scripture).

80. *Lectis Sacrae Scripturae est pro omnibus* (The reading of Holy Scripture is for all).

81. *Obscuritas sancta Verbi Dei non est laicis ratio dispensandi se ipsos ab ejus lectione* (The sacred obscurity of the Word of God is no reason for the laity to absolve themselves from the reading of it).

82. *Dies Dominicus a Christianis debet sanctificari lectionibus pietatis, et super omnia Sanctarum Scripturarum. Damnosum est velle Christianum ab hac lectione retrahere.* (The Lord's day should be kept holy by Christians by pious reading, and above all

by the reading of Holy Scripture. It is hurtful for a Christian to wish to withdraw from such readings).

83. *Est illusio, sibi persuadere, quod notitia Mysteriorum Religionis non debeat communicari foeminis, lectione sacrorum librorum. Non ex foeminarum simplicitate, sed ex superba Virorum scientia, ortus est Scripturarum abusus, et natae sunt haereses.* (It is a mistake to believe that knowledge of the mysteries of religion ought not to be communicated to women by the reading of the holy books. Not from the simplicity of women, but from the haughty science of men has the abuse of the Scriptures arisen and have heresies been born.)

84. *Abripere e Christianorum manibus Novum Testamentum, seu eis illud clausum tenere, auferendo eis modum illud intelligendi, est illis Christi os obturare* (To tear the New Testament from the hands of Christians or to keep it closed to them by depriving them of this mode of understanding, is to stop for them the mouth of Christ).

85. *Interdicere Christianis lectionem Sacrae Scripturae, praesertim Evangelii, est interdicere usum luminis filiis lucis, et facere ut patiantur speciem quondam excommunicationis* (To forbid Christians the reading of Holy Scripture, especially of the Gospel, is to forbid the use of light to the children of light, and to make them suffer a certain form of excommunication).¹

The Bull was accepted and published by the Parliament of Paris and by a majority of the faculty of the Sorbonne, and it was also published in the dioceses in the greater number of the bishoprics. The Cardinal Noailles, Archbishop of Paris, in making publication of the Bull, gives his general approval with certain

¹ Mendham, 192.

reservations which were held by the Holy See to be invidious and as tending to schism. The Cardinal's brief was itself condemned by the Inquisition. After the death of Louis XIV (September, 1715), the theological faculties of the Sorbonne and of the French universities made open declaration against the Bull, and no less than thirty bishops declared that they had accepted the Bull only on condition of certain reservations and explanations. The bishops made applications to the Regent to secure from the pope an interpretation of the full purport of the hundred and one propositions and an explanation of the precise grounds for the condemnation of these. In 1717, four of the French bishops made appeal to the general council for a decision in the matter. Later, other bishops, including Cardinal Noailles and a number of ecclesiastics and laymen, united in this appeal. This group were given the name of Appellants and their opponents were called Acceptants or constitutionals. The question as to whether the hundred and one propositions were or were not heretical or erroneous, fell more and more into the background and the issue finally took the shape as to whether a dogmatic Bull was to be accepted as a final decision of questions of doctrine, and whether such Bull was to be obeyed as an infallible and final judgment. The pope, however, so far from modifying in any way the decision presented in the original Bull, re-emphasised his position in a second Bull issued in 1719. In this, he presents the conclusion that the condemnation of the propositions was in itself final and authoritative and demanded from the Church unquestioning obedience. In 1720, an understanding was arrived at under which certain of the Appellants recalled their signatures to the

original application while others repeated the first contention. These latter came to be known as Re-appellants.

In 1722, seven French bishops appealed to Innocent XIII to revoke the Bull and to summon a general council. Their letter was formally condemned by the Inquisition. Benedict XIII, in a Bull issued in 1724, declares that the doctrines of St. Augustine and St. Thomas Aquinas are not affected by the Bull *Unigenitus*. The Pope was personally inclined to enter into further explanations or definitions of the purport of the Bull, but a provincial council, held in Rome in 1725, had taken the ground that the Bull was to be accepted as a rule of faith, and, in 1727, the Pope confirmed the proceedings of a provincial council held at Embrunn, at which council Bishop Soanen of Sénez, one of the most active of the Appellants, had been suspended. As a result of this action of the council and of the approval given to the same by the Pope, the open opposition to the Bull on the part of the French bishops was for the time brought to a close, and in 1730, the faculty of the Sorbonne also gave in its submission. In 1734, the Dominican, Serry, published anonymously, under the title *Theologia Supplex*, an analysis of the purport of the Bull, with reference more particularly to the condemnation of certain of the one hundred and one propositions in which it had not proved practicable to indicate any heretical teaching. This treatise was promptly prohibited, as had been done with Serry's previous volume on papal infallibility.

A letter of the Duchess of Orleans (Elizabeth Charlotte of the Palatinate) written during the last years of Louis XIV, contains the following reference to the Bull:

*“On avait fait au Roi une telle peur de l'enfer, qu'il croyait que tout ceux qui n'avaient pas été instruits par les Jesuites étaient damnés, et qu'il cragnait d'être damné aussi s'il les fréquentait. Quand on voulait perdre quel qu'un, on n'avait qu'à dire: il est Huguenot ou Janséniste; alors l'affaire était faite. The Maréchal d'Harcourt says that a Jansenist is nothing else than a man that one desires to hang as quickly as possible.”*¹

After 1731, the Parliament of Paris took action antagonistic to the position of the so-called Curialist bishops (the bishops who had given their adhesion to the full contentions of the Holy See) more particularly with reference to the policy pursued by these bishops in refusing to the Appellants the privilege of the sacraments and of burial in consecrated ground. The bishops had question among themselves in regard to the recognition of the authority of the Parliament to take action in a matter so purely ecclesiastical, and they made application to Rome for instructions. In a brief issued in October, 1756, Benedict XIV decided that the sacraments should be denied only to the more strenuous and noteworthy of the opponents of the Bull. This decision caused no little dissatisfaction to the more bitter of the antagonists of the Appellants, particularly because the Pope had referred to the Bull not as expressing a final and immutable conclusion of the Church, but simply as a papal utterance which was entitled to respectful acceptance.

The Indexes of Innocent XIII and Clement XII contain the titles of about one hundred works which had come into print as a result of the controversies concerning the Bull. The list includes twenty-two official publications (decrees, pastoral letters, appeals

¹ d'Aguesseau, *Mémoires*, 13, 123.

to Rome, etc.) of the French bishops, and four edicts of the Parliament of Paris. These official documents were for the greater part condemned under the authority of the Inquisition, but in a few instances, the condemnation was arrived at by a papal brief. In the case of Colbert, Bishop of Montpellier, and of Caylus, Bishop of Auxerre, the entire works were prohibited, on the ground, apparently, of certain utterances in sympathy with the Appellants. The hundred prohibited works comprised but a small proportion of the mass of literature in regard to the controversy that came into print. For the purpose of meeting the risk of the omission of controversial writings of importance, the Inquisition had, as early as February, 1717, prohibited all writings in which the Bull might be in any manner opposed or criticised, directly or indirectly. This prohibition, as worded, appears to cover not only works at that time in existence, but all others of the character specified which might later be printed or written.

This general prohibition was incorporated by Benedict XIV in the *Decreta Generalia*, ii., 61, with the addition of the following classes: all books written in support of the conclusions presented in the writings of Quesnel; all appeals from the authority of the Bull to a general council; all resolutions and decisions coming from the theological faculties or individual theologians or academies, in which were presented any criticisms of the papal authority or of the policy indicated in the Bull; all acts, decrees, letters, declarations and statements of any kind in which, under the pretence of the explanation of doctrines or of the analysis of the relations between the authority of the pope and that of civil government, or under any pre-

tence whatsoever, the validity and conclusive authority of the Bull were in any way brought into question. This prohibition, as worded, was made to apply not only to writings at that time in existence but to any future writings of the character specified.

In the Spanish Index of 1747, the Bull *Unigenitus* is printed in full, and all the writings of Quesnel are prohibited. The Spanish Index contains, however, but a small portion of the long series of works produced by the controversy which had been condemned in Rome. The Spanish compilers added the titles of some few works which had escaped the attention of the Roman Inquisition.

The Bull bearing the title *Unigenitus Dei Filius* was signed by the Pope (Innocent XII) on the 8th of September, 1713. It begins with the statement that a work had been brought into print in Paris in 1699, which it had been found necessary to condemn.

This work is entered in the Index under the title *Abrégé et Testament* (no reference is made by name to Quesnel). "On a first examination, the earnest reader may easily be attracted by the appearance of piety and of scholarship, but the volumes present in fact, intermingled with accepted Catholic doctrines, a series of lies and of pernicious errors." The insidious teachings in these volumes had misled not a few of the faithful and had even secured the approval of certain of the French bishops. "It had therefore seemed to the Holy See to be essential to make clear to the Church the serious and pernicious nature of the doctrines that the writer of these volumes was attempting to maintain; and to this end would be presented, with the necessary interpretations, a series of propositions selected from the text." The Pope felt assured

“that a thorough exposition of the errors contained in these propositions should prove of service to the faithful throughout the world and ought to be of particular service in bringing to a close the unprofitable contests that had arisen in France. Such an authoritative exposition had in fact been applied for by the French bishops and by King Louis.” This statement is followed by the citation (given in both French and Latin) of one hundred and one propositions, with references in the margin to the pages of the original text from which they had been cited. These propositions are there described as “false, deceitful, injurious for pious ears, as tending to undermine the beliefs of the faithful, the creed of the Church, and the foundations of the civil power, as godless, blasphemous, and schismatic. They have for their purpose the strengthening of the influence of damnable heresies, and especially of those which have emanated from the Jansenists.”

The specific condemnation of these particular propositions is not to be understood as an approval by implication of the remaining text of the book. The whole work is pernicious and the reading of it is prohibited. The text itself of the New Testament that has been printed in connection with the commentary has been corrupted in the most abominable fashion. The reading, printing, or distribution of the book brings upon the delinquent the penalty of the *excommunicatio latae sententiae* and the same penalty is made to apply, without further specification, to all works in existence or hereafter produced which may undertake the defence of the Quesnel volumes.

The Jesuit Daubenton, writing from Rome to Fénelon, says:

“No work has ever received a more thorough, compre-

hensive, and conscientious examination. During a term of three years, a group of the most able theologians in Rome, representatives of the several schools of doctrine and of ecclesiastical thought, gave their labour to this examination. The examiners included Le Drou from the Augustinians, the master of the palace and the secretary of the Index Congregation from the Thomists, Palermo Santelia from the Scotists, Alfaro, for the Jesuits, the Bishop of Lipari, a Benedictine, for the school of Anselm, Castelli for the mission orders, etc. ”

Writing to Fénelon after the publication of the Bull, Daubenton says:

“Everybody appears to have taken action to prevent this Bull from being given out. A number of the cardinals have represented that there was risk of serious dissension in the Church. The Pope remained firm in his decision to meet the wishes of the King. The Bull is finally accepted by the cardinals only after a bitter contest. The Dominican cardinal, Ferrari, felt at one time assured that he would be able to prevent the publication.”¹

Gieseler points out² that the one hundred and one propositions include a number for which conclusive authority can be found in the Scriptures themselves, while others are taken directly from the writings of St. Augustine and of others of the Fathers. The Bull fails to make clear, he says, the sense in which these are erroneous or the grounds on which they are to be condemned. Fénelon, who was much pleased at the publication of the Bull, writes that “the fear of a possibly unjust excommunication ought not to be permitted to deter us from doing our direct duty; but if the

¹ *Corr. de Fénelon*, iv, 325-370.

² *Kirchengesch.*, iv, 49.

excommunication constitutes an injustice only in the conception of the person concerned and the duty is but putative or imaginary, or there is at least good ground for doubt in regard to it, then is the proposition false, and all the more dangerous because it bears the appearance of truth."

The Jesuit Yves André († 1764) writes¹:

"I perceive here propositions which are bad in purpose and in conclusion, grouped together with others which represent manifest truths. These two classes are condemned together with a long string of invectives and no explanation is vouchsafed to us as to the varying grounds for the condemnation of statements which differ materially from each other."

The Bull was referred by Louis XIV to a commission of bishops which decided that it should be published accompanied by a pastoral letter presenting explanations of the essential matters in question.

In March, 1714, the Sorbonne, after some stirring discussions, accepted the Bull by a bare majority. In 1714, at the special instance of the pope, the Congregation condemned the *Lettre Pastorale et Mandement* of Cardinal Noailles, Archbishop of Paris, as heretical and tending to schism. Louis XIV had previously, in indignation at the "Jansenist views" of the Cardinal, indicated by his opposition to the Bull, forbidden him approach to the court.

In 1714, the King suggested to the pope the desirability of calling a national council of the French Church, for the general object of bringing to a close the remnants of the Jansenist dissensions, and with the special purpose of bringing discipline to bear on Cardinal Noailles. The pope gave favourable con-

¹ *Epp.*, 163.

sideration to the plan, but the death of the King, in September, 1715, prevented its being carried out. The Duke of Orleans, who became Regent, was less sharply opposed to the Jansenist group. He prohibited, in 1716, the printing of certain censures that had been ordered by the Assembly of the Clergy for treatises by du Fouillon on the Bull *Unigenitus*, and on the Evidence of the True Faith. The Sorbonne, in modification of its previous conclusions, made in December, 1715, a renewed protest against the Bull, which protest was supported by the other theological faculties of the kingdom. Thirty bishops declared to the Regent that they had given their acceptance of the Bull only on condition that it should be published with explanations and specifications.

Clement XI demanded the immediate submission, under penalty of deposition, of Noailles and the protesting bishops. He declared that the bishops named by the Regent would be confirmed only after they had given in their assent to the publication and execution of the Bull; and he suspended, in November, 1716, by a brief, the privileges that had been conveyed by the Holy See to the Sorbonne. These briefs were, however, refused confirmation and publication by the Regent and the Parliament. During 1717, the Inquisition condemned, at the instance of the pope, a series of statements and letters from the French ecclesiastics, and of acts of the Parliament, and also certain decrees of the Sorbonne. In October, 1717, the Regent commanded that there should thereafter be absolute silence concerning these ecclesiastical issues, and the Parliament condemned and prohibited certain writings, including an appeal from Noailles and the decree of the Inquisition. Under Innocent XIII, who, in 1721,

succeeded Clement XI, the contest and the controversies continued, and the lists of the Index were swelled with the titles of the controversial monographs, letters, etc.

In the Netherlands, the opposition to the Bull *Unigenitus* was even stronger than in France, representing in fact a substantial unanimity on the part of the clergy. Under the direction of De Bossu, the successor of Precipiano as Archbishop of Mechlin, the Church of Utrecht took the lead in the contest. A series of the writings of the Netherland divines, which were important only in connection with the pending question, were placed on the Index promptly after publication.

In Italy, the Bishop of Orvieto was, in 1719, denounced as an opponent of the Bull, and was imprisoned. After he had formally recanted his declaration, he was confined for the remainder of his life in a monastery. In 1724, Innocent XIII was succeeded by Benedict XIII, a Dominican and a Thomist. The new Pope took steps to allay, through a more liberal interpretation of the Bull, the antagonisms that had arisen. A Roman provincial council, called in 1725, arrived, however, at the conclusion that the Bull must be respected by all the faithful.

In 1728, Noailles, at that time seventy-seven years old, apparently wearied of the long struggle, recalled his previous protests and accepted the Bull. He received from the Pope a jubilee Bull and letter of congratulation. He died the year following. In 1730, the Government secured the acceptance of the Bull on the part of the Sorbonne by means of the deprivation, for forty-eight of its antagonists, of the right to vote. This appears to have brought the

matter to a close as far as France was concerned.

In 1727, died François Paris, a deacon of Paris, who was credited with having worked a series of miracles. Paris had been known in Rome as an active opponent of the Bull *Unigenitus*. The Inquisition took prompt action therefore in condemning, in 1731, the *Memoirs of Paris*, and various records of his miracles. He was described as a stubborn Jansenist, a schismatic, and a heretic, and his "false miracles" as calculated to injure the faith of believers, and to render them disobedient to the See.

Under Clement XII, were prohibited later a long series of writings on the miracles. Under Benedict XIV, were placed upon the Index, among other works on the same subject, a record of the life of Jean Soanen and his *Testament Spirituel*; a narrative of the miracles produced in the person of Marianne Pollet; the posthumous works of the Bishop of Babylon, on the ground of the consideration given in these to certain miracles that had been worked against the Archbishop of Sens. In 1755, a convention of the French clergy gave consideration to the question of the treatment to be given to the opponents of the Bull, more particularly with reference to the administration of the sacraments. The majority opinion was in favour of mild measures. The conclusions were submitted to Rome, and the decision given by Benedict XIV confirmed the policy of the mildest possible treatment of the minority party.

In connection with the controversies concerning the Bull *Unigenitus*, there arose in France further issues in regard to the relations between the several orders of the clergy. Writers like Nicholas le Gros (1675-1751) took the ground that the bishops had authority to give binding decisions in regard to such matters as the

acceptance of a Bull, etc., only in connection with conclusions arrived at by the whole body of the clergy. Another writer took the ground that between bishops and priests there was no essential difference. A number of these writings were formally censured by the Sorbonne and by diocesan conventions, but no one of them found its way into the Index.

3. **Controversial Writings between 1665 and 1730 in Regard to Theological Morality.**—In September of 1665 and May of 1666, under edicts of Alexander VII, a long series (forty-five in all) of propositions of the Casuists were condemned without specification of the books in which these propositions had appeared. Similar edicts were published later under Innocent XI and Alexander VIII. Matthæus de Moya, writing first under the name of Giumenus, undertook the defence of the Jesuit Casuists against the doctrines of Spanish theologians, chiefly Dominicans. This *Apologia* of de Moya was, in 1665, sharply censured by the Sorbonne and was prohibited in 1666 by the Index Congregation, in 1675 by the Inquisition, and in 1680 by a special brief of Innocent XI. In Spain, the work of De Moya, so far from being prohibited, was held in general favour. In 1670 and 1672, under Clement X, were prohibited writings by Fabri and Baron. Fabri was one of the most noteworthy of the Dominican critics of the Jesuits, and Baron was one of the most learned of the Jesuit Casuists of his day. Neither of these volumes appears in the Spanish Index. One of the more important of the works on theological morality by a Jesuit, was printed in 1694 by Thyrsus Gonzalez, General of the Order, under the title of *Probabilissimus*. This treatise is described as taking strong ground against a number of the Jesuit contentions and theories. Gonzalez had

apparently undertaken to correct certain moral principles maintained by his Order, principles which were in his judgment erroneous. In 1705, a treatise of the Jesuit Balthazar Francolinus, under the title of *Rigorismus*, was printed in Rome with the approval of Clement XI; a number of replies to this were prohibited.

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THE CENSORSHIP OF THE CHURCH

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THE CENSORSHIP OF THE CHURCH OF ROME

AND ITS INFLUENCE UPON THE PRODUCTION AND
DISTRIBUTION OF LITERATURE

A STUDY OF THE HISTORY OF THE PROHIBITORY AND EXPURGATORY
INDEXES, TOGETHER WITH SOME CONSIDERATION OF THE EFFECTS
OF PROTESTANT CENSORSHIP AND OF CENSORSHIP BY THE STATE

BY

GEORGE HAVEN PUTNAM, LITT. D.

Author of

"AUTHORS AND THEIR PUBLIC IN ANCIENT TIMES," "BOOKS AND THEIR MAKERS IN
THE MIDDLE AGES," "THE QUESTION OF COPYRIGHT," "AUTHORS
AND PUBLISHERS," ETC.

IN TWO VOLUMES

VOLUME II

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CENSORSHIP

CENSORSHIP

CHAPTER I

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5. The Protestant Theologians of Germany.....1600-1750.

1. The Protestant Theologians of France, 1654-1700.—

The Protestant theological literature of France and of French Switzerland is more fully represented in the Index than are the corresponding groups of Holland and Germany; but in the case of the French authors also the selection is rather haphazard, the names of important authors being omitted, while of others only single books, and of these the least characteristic, have been included. Certain works also which escaped condemnation at the time of the first publication secure attention from the censors only a number of years later. Such Protestant writers in the first half of the 17th century as Chamier, Pictet, Capel, and Bochart were overlooked altogether.

Jacques Abbadie (1654-1727) comes into the Index

in connection with his *Traité de la Vérité de la Religion Chrétienne*. The edition prohibited was that of 1688, the entry finding place in the list of 1703. Remond's treatise, *L'Antichrist Romain opposé à l'Antichrist Juif, du Bellarmin*, secured naturally fairly prompt attention, being condemned in 1609, the year after its appearance.

La Bastide's monograph, *Exposition de la Doctrine de l'Église Catholique sur les Matières de Controverse*, was prohibited in 1693, twenty years after its publication. This is the only one of the series of replies to the treatise of Bossuet which secured condemnation.

Isaac la Peyrère published in Holland, in 1655, a treatise entitled *Praeadamitae s. Exercitatio super V. 12-14, cap. 5. epistolae ad Romanos item Systema theologicum ex Praeadamitarum Hypothesi*. The book was censured by the Bishop of Namur, and copies were publicly burned in Paris. In 1656, Peyrère was imprisoned in the Spanish Netherlands, but, on his application, was sent to Rome for trial. In advance of his trial, he became Catholic and retracted the utterances in his book. Later, he wrote a second treatise in confutation of the first. Notwithstanding the emphasis given to the earlier book, it is not included in the Index lists.

2. Theological Contests in the Netherlands, 1654-1690.—The issues that arose in the Netherlands during the second half of the 17th century between the Jesuits and the Franciscans on the one side, and the theologians of the University of Louvain and the leaders of the other orders and of the clergy on the other, had to do not only with the doctrine of Grace but also with questions of theological morality and pastoral theology (the administration, for instance, of confession and

communion), and, after 1682, were also concerned with some of the contentions that had been brought up by the Gallican Church. As a result of a long series of controversies that arose concerning these issues, a very considerable number of the works of theological writers of the Low Countries came into the Index. It was the practice of the leaders on either side to make application to Rome to have condemned the works brought into print by their adversaries. The authorities in Rome appear to have condemned with a fair measure of impartiality the controversial writings on both sides. In 1677, the University of Louvain sent to Rome, with the approval of the Spanish King (Charles II), four professors who were charged with the duty of securing the condemnation of a series of propositions described as adverse to sound morality, and at the same time to defend against the assaults of the Jesuits the true doctrine of Grace. In response to this application, Innocent XI, in March, 1679, caused to be condemned by a decree of the Inquisition sixty-five propositions. The decree followed the lines of that issued in 1665 for forty-five propositions then defined as unorthodox. In regard to the doctrine of Grace, the Holy See decided that the teaching presented in the censures promulgated in 1558 by the faculties of Louvain and Douay, was sound and was to be upheld. As was the case with the decrees in 1665 and 1666, the particular works from which the condemned propositions had been cited were not specified. A number of monographs in which the question was brought up as to the authors who were responsible for these condemned propositions, and particularly as to whether these authors were or were not Jesuits, were themselves condemned. After the publication

of the decree of 1679, the Inquisition gave attention to the investigation of certain propositions which had been denounced by the opponents of the Louvain divines as contained in the writings of these, and as also contained in certain other works classed as Jansenist. In 1690, was published by Alexander VIII a decree which had been framed under the instructions of Innocent XI, condemning as unorthodox thirty-one propositions which had been found in this group of writings. The propositions condemned had to do in part with what may be called the moralities and in part with the doctrine of Grace. The proposition bearing in this series the number twenty-nine, took the ground that the claim for the superiority of the pope over the general council of the Church, and for the infallibility of the pope in the decision of questions of dogma, was a claim for which there was no foundation (*Futilis et toties convulsa assertio*). Certain monographs written to criticise and oppose this decree were promptly prohibited. The action taken during these years gives evidence of the development of the policy of the Church in the matter of defining or of approving or condemning doctrinal assertions, or propositions having to do with theology or morality, apart from the condemnation by title of any works in which such propositions may have been contained. A condemnation of this kind freely interpreted constitutes, of course, a condemnation not only of all books which had been brought into print up to that time containing such propositions or doctrines, but (without the necessity of specific prohibition by title) a condemnation which may serve as a prohibition of all books coming into print at a later date containing similar doctrines. On the other hand, the fact that the

propositions as specified were often found open to different interpretations (as in the case of the famous five propositions of Jansen), and the further fact that it was not always easy to determine whether the statements or expressions in certain works brought into question were actually identical with propositions, classed as heretical, had the result of bringing into print after every such condemnation of propositions, a group of writings undertaking either to analyse the propositions themselves or to confirm or to deny the application of the condemnation to works with which they had been connected. The necessity for analysing, and in large part for condemning, the writings of this class, involved probably in the end a larger amount of detailed labour for the Index authorities than would have been required if, in place of condemning general propositions, the original condemnation had been connected with specific writings. The thirty-one propositions condemned in the decree of Alexander VIII of 1690 were described as *temerariae, scandalosae, male sonantes, injuriosae, haeresi proximae, . . . schismaticae et haereticae*, etc. Certain of the propositions were taken from the writings of Lupus, Huygens, Havermans, Gabrielis; *La Fréquente Communion* of Arnauld, and the *Monita* of Widenfeld. Arnauld speaks of this as *un décret pitoyable*,¹ and Gerberon says: *Cette censure ambiguë est le scandale de la Cour Romaine, la honte du Saint Office et la confusion du Pontificat d'Alexandre VIII.*²

3. **The Protestant Theologians of Holland in the 17th Century.**—The compilers of the Index selected from the Dutch writings of this period only such books as

¹ III, 350.

² *Procès*, ii, 10.

were issued in Latin or as were printed later in French versions. It appears that the Dutch language constituted a sufficient barrier to secure a practical protection against the condemnation of the Church. It is noteworthy to remember, however, that this condemnation would in any case not have been likely to influence those readers who took their literature in the Dutch form, and it is quite probable that the majority of these Dutch readers never even knew that their authors had the distinction of being prohibited. Even in the case of those authors whose books did appear in the world language of Latin, the selections of the Index compilers were made at haphazard and omitted a number of the most noteworthy names. Arminius, Voetius, Gomarus, Coccejus, and a number of other leaders of thought in Holland are not found in the Index. The Congregation did succeed in getting into their lists the names of a number of obscure authors whose books had been printed originally in Latin, but who were forgotten excepting in connection with this record. The treatise by Grotius, *De Jure Belli et Pacis*, and a few of the writings of Heinsius, Fossius, and Horne were prohibited.

4. **The Protestant Theologians of England, 1676–1732.**—Up to the time of Benedict XIV, none of the English theological writings which had been printed in the vernacular received attention at the hands of the compilers of the Indexes. Certain works were condemned which had been originally issued in Latin or of which French translations had been printed. The English writers begin to receive attention after 1676, although even in these later Indexes the selections, as in the case of the writers of Germany and Holland, are curiously incidental and have apparently been

made with no consistent principle. The list for the 17th century includes among the more noteworthy titles the following: *Reformatio Ecclesiae Anglicanae quibus gradibus inchoata et perfecta sit*, London, 1603; the writings of Bishop Hall († 1656); the works of the scientist Robert Boyle, founder of the Boyle lectures (1627–91); the Polyglot Bible of Walton; the *Synopsis Criticorum* of Reginald Pole; the *Cantabrigensis tributa* of Thomas James; the *Gravissimae Quaestiones de Christ. Ecclesiarum*, of James Usher, Archbishop of Armagh; certain works of Isaac Casaubon (1559–1614) (Casaubon was by birth a Swiss, but in connection with his long residence and the place of publication of the greater portion of his books, he came to be classed with English scholars); the latest work of Casaubon to be condemned, the title of which has been continued in modern Indexes, is the *Corona Regia*, a panegyric of James I; the *Regii sanguinis clamor ad coelum adversus parricidas Anglicanos* (This was first printed in The Hague in 1652, and later in London in 1655. It constituted an answer to Milton's essay *Pro populo Anglicano defensio*. The author was later identified as Pierre du Moulin, a canon in Canterbury); *The History of the Reformation of England* of Burnet (1643–1715) and the same author's *History of his Own Times* (These two books are described in the Index in the French editions. Burnet's other writings escaped condemnation); Robert Baillie († 1662), *Operis historici et chronologici a creatione mundi ad Constantinum magnum*, printed in Amsterdam in 1668; Pearson's *Exposition of the Creed*; the sermons of Bishop Sherlock (in the French version) and those of Archbishop Tillotson; a treatise on *Christian Perfection* by Lucas; Bartley's *Apology for the True*

Christian (printed in the French version in 1702, prohibited in 1712); Andrew Marvelle's († 1678) *An Account of the Growth of Popery and Absolute Government in England* (1675-76). (This was prohibited in its French edition; the Parliament had, shortly after its first prohibition, offered a reward of £50 for the identification of the author.) Williams, Bishop of Chester, finds place in the Index in connection with his treatise on the *Discovery of a New World*, in which the author undertakes to prove that the moon is inhabited. This had been first printed in 1638; the condemnation in 1703 had to do with the French edition printed in Rouen in 1655. Selden's *De jure naturali et gentium*, together with a number of his later treatises which had appeared between the years 1640 and 1679, were prohibited in 1714. Prideaux's *The Old and the New Testament connected in the History of the Jews and Neighbouring Nations*, printed in 1716, was prohibited in the French edition in 1732.

5. **The Protestant Theologians of Germany, 1600-1750.**—The cancellation of Class I of the Index may be considered as constituting one of the more distinctive modifications of the activity or assertions of authority on the part of the Congregation of the Index. Through the 16th century, the view had obtained that in this class should be brought together practically all of the heretical authors who had ventured to treat of religious matters. After the Index of 1596, however, the attempt had been abandoned to specify in full the names of all of the works which on the ground of their heretical character came under the proscription of Rule II. After that time, it was considered sufficient to place under a general condemnation all

works on religious subjects which came from writers outside of the Church. To this general principle, however, certain noteworthy exceptions were made. There continued to be a separate prohibition, by title, of books which had, on one ground or another, been brought to the attention of the Congregation. The decrees of 1686-1700, 1703-1709, included, in addition to certain lists of Protestant theological writings, a series of the works of jurists of which the treatise by Grotius above cited is a good example. The works so selected were for the most part concerned with questions as to the sources of authority, whether of Church or of State.

One peculiarity of the condemnation of this particular group of books is the fact that their pernicious character came to the attention of the Congregation or of the examiners in many cases only a number of years after the publication of the books themselves, and, as has been pointed out, there are commemorated in this manner, as deserving of attention, not a few books which had gone out of print and had been practically forgotten in the communities in which they had been published. Of the works on exegesis and in Church history published in Germany during the 17th century and the first half of the 18th, a number of the most important never found their way into the Index. The titles selected covered in the majority of cases comparatively insignificant books. There is, for instance, a long list of the controversial German writings directed against Bellarmin, Becanus, and Grester, which escaped attention altogether in Italy. Among the better known names which did come under condemnation during this period are those of Joh. L. Mosheim, for his *Ecclesiastical History* and his treatise

on the *Institutions of Christianity*, and Swedenborg for the *Opera philosophica et mineralia*, published in Dresden in 1734 and prohibited in 1737. In the Index of Benedict, the *Opera philosophica* is omitted and in its place is given the *Principia rerum naturalium*. The other treatises of this voluminous author escaped condemnation. The prohibition of Mosheim's Church History was not sufficiently conclusive to prevent the book from being read in Italy. In 1769, an Italian translation by Roselli was published in Naples in ten volumes. This particular edition was never listed in the Indexes.

CHAPTER II

THE TREATMENT OF THE SCRIPTURES UNDER CENSORSHIP

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|-----------------|----------------------------------|
| 1. Germany. | 4. Spain. |
| 2. France. | 5. England. |
| 3. Netherlands. | 6. Scriptures in the Vernacular. |

1. **Germany.**—The cordial co-operation extended by the Church to the work of the printers continued until the Humanists, more than a generation before the protest of Luther, began to assail the authority of the Church and the infallibility of the pope. The ecclesiastics now took the ground that errors and heresies arose through a wrongful understanding of the Scriptures, and from the beginning of the 16th century, took measures to discourage, and finally to prohibit, the circulation of the Scriptures.

In 1479, was printed in Cologne a fine edition of the Scriptures in Latin which bears record of the approval of the University of Cologne. The term is *admissum et approbatum ab alma Universitate Coloniensi*. This appears to be the earliest instance of the exercise of censorship by a university in connection with a printed book. Cologne had extended early hospitality to the printing art and it was there that Colard Mansion, the associate of Caxton, secured his training. It was only through the oppressive censorship of the faculty of theology in the University

that during the succeeding century the business of book production became seriously burdened and the city lost its relative importance as a publishing centre.

The first Hebrew Bible printed in Europe was issued in Soncino, in 1461, from the press of Abraham Colonto. In 1462, Fust brought to Paris from Mayence a supply of his folio Bible, copies of which he was able to sell for fifty crowns. The usual price for manuscripts of this compass had heretofore been four to five hundred crowns. The first Bible printed in the vernacular was issued, in 1466, in Strasbourg by Heinrick Eggestein.

Among the earlier printers of Zurich (in which the work of printing began in 1504) was Christ Froschauer, who is known chiefly through his association with Zwingli. Froschauer, who devoted himself earnestly to the cause of the Calvinists, had a religious as well as a business interest in securing a wide circulation for the works of Zwingli and his associates, and together with these he printed editions of the Bible not only in German but in French, Italian, Flemish, and English. Froschauer's editions were the first Bibles printed on the Continent in the English tongue. For these Bibles, which were distributed at what to-day would be called popular prices, very considerable sales were secured and the presses of Froschauer were thus made an important adjunct to the work of the Reformation.

Anthoni Koberger of Nuremberg, at that time one of the greatest publishers of Europe, brought into print, in 1481, an edition in eight volumes folio, of the Bible of Cardinal Hugo. This work had been produced about 1240, the editor having been made a cardinal by Innocent IV. It was used for two centuries (of course in manuscript form) as one of the theological

text-books of the Sorbonne. The text of the Scriptures as revised by Hugo, together with his notes, were utilised by Luther and by a number of the later editors and translators of the Scriptures. Koberger's publishing catalogue included in all no less than fifteen impressions of this *Biblia Latina*. In the year 1483, the year in which Luther was born, Koberger published his German Bible. The text was translated from the Latin of the Vulgate and was illustrated with wood-cuts. It is not clear who was responsible for the version or what was the German idiom utilised for it, but it was a form that never took any permanent place in the literature of the country. Luther, referring to this Nuremberg Bible, declares that "no one could speak German of this outlandish kind." The catalogue of Koberger constituted a very good representation of the foundations of scholarly Catholicism. The Catholic teachers who rested their contention for the supremacy of the Roman Church upon the Scriptures as interpreted for fourteen centuries by the scholars of the Church, depended for the material of their teachings upon such folios as those produced by Koberger. Weighty as were these folios, and assured as appeared to be the foundations upon which had been raised the great structure of ecclesiasticism, their instruction and their authority were undermined, at least for a large portion of the community, by the influence of the widely circulated pamphlets and sheets, the *Flugschriften*, which brought to the people the teachings of the reformers. A series of Latin Bibles were printed by Froben of Basel between 1500 and 1528. His undertakings, like those of Koberger, were addressed almost exclusively to scholars. He added later a series of works of the Fathers and an edition

of the New Testament in Greek edited by Erasmus. The Testament included, printed in parallel columns, an improved Latin version. This was the first edition of the Greek text and it was utilised by Luther in the preparation of his German version. The text as shaped by Erasmus was based in part upon the previous issue of Laurentius Valla, to whom must be given the honour of having been the first scholar to attempt a revision of the Scripture text by a comparison of authorities.

Notwithstanding the approval given to the book by the pope, its publication brought out many and bitter criticisms. Accusations were heard of heresy and Arianism. Erasmus had departed from the version of the Vulgate and in his Latin text had substituted pure Latin for the monastic barbarisms; he had even, it was said, charged the Apostles with writing bad Greek. He had had the temerity to correct a number of texts in such a way as materially to alter their meaning, and in the first Epistle of John had ventured to omit altogether the testimony of the "Three Witnesses." This unfortunate verse, after being accepted by the Protestants on the strength of its retention by Luther and of the later and more scholarly authority of the editors of the King James version, was finally condemned, as an interpolation, by the revisers under Victoria, who were thus in a position, after an interval of three and a half centuries, to bear testimony to the scholarship and the editorial boldness of Erasmus. That Erasmus did possess the courage of his convictions was evidenced by the character of the notes throughout the volume; for instance, in commenting upon the famous text, Matt. xvi, 18, "Upon this rock will I build my

church," he takes occasion to deny altogether the primacy of Peter and to express his surprise that words undoubtedly meant to apply to all Christians should have been interpreted as applying exclusively to the Roman pontiff; and this is said, it should be remembered, in a volume dedicated to the Pope.¹ The paraphrase of the New Testament, printed by Erasmus in Basel in 1524 was reprinted in an English version in London, and the work was so highly appreciated in England that a copy was ordered to be placed in every parish church beside the Bible.

It was the influence of Erasmus (who was at the time in good favour with the Pope, Leo X) that secured for Froben, in 1514, a papal privilege for a term of five years for the works of St. Jerome.

2. **France.**—Up to the close of the 12th century, the Church appears to have issued no regulations in regard to the use of the Bible in the vernacular or to the reading of the Bible in any form by laymen. In the 13th century, several of the synods in France prohibited the use of French versions of the Bible, and forbade the laity from reading theological writings or the Scriptures in any form (excepting the Psalms).² These regulations failed, however, to secure any uniform or enduring obedience.

In 1522, Robert Estienne of Paris, working as the assistant of his stepfather Colines, undertook the preparation of an edition in Latin of the New Testament. The text followed, in the main, the version of the Vulgate, but the youthful editor found occasion for certain corrections. The textual changes ventured upon at once called forth criticism from the divines of the Sorbonne, and Robert found himself classed

¹ Drummond, i, 412.

² Reusch, i, 43.

with the group of heretical persons. It appears from his correspondence that he held himself ready to justify on critical grounds the corrections that he had ventured to make in the text of the Vulgate. The divines, while continuing their invectives, took pains to avoid any direct controversy on the points at issue.¹ In 1540, Robert was brought into special jeopardy through an impression of the Decalogue executed in large characters and printed in the form of a hanging map for placing on the walls of schoolrooms. Such an undertaking seems to our present understanding innocent enough, whether considered from a Romanist or a Protestant point of view, but in this publication of the Ten Commandments, the divines discovered little less mischief than in the heresies of Luther. The censors caused to be put into print a counter-impression of the Decalogue in which the first two commandments were combined into one, with the omission of the prohibition of making and worshipping images, while the tenth commandment was divided into two in order to make up the complete number. During the same year, various proceedings were taken against Estienne on the part of the Sorbonne, and on more than one occasion he was compelled to leave his home and to betake himself for safety to the King's court. The fact that a publisher, in order to protect himself against the violence of officials who were (at least nominally) the King's censors, should take refuge at court, throws a curious light on both the strength and the weakness of the Crown. With all the authority of the kingdom at his command, Francis was evidently unable to control the operations of the ecclesiastical censors who, in their dogmatic and unruly zeal, did

¹ Greswell, i, 191.

what was in their power to throw the influence of the university against the literary development of France and Europe. On the other hand, the doctors of the Sorbonne, although backed by the authority of Rome, were not strong enough, at least for a number of years, to put a stop to the publication in Catholic Paris of works stigmatised by them as dangerously heretical.

Fénelon takes the ground in regard to the use of the Scriptures, that originally the Church permitted such reading without restrictions; that with increasing degeneracy, restraint was found to be necessary; that the necessity became increasingly manifest when the Vaudois, the Albigenses, and the later heretics, Wyclif, Luther, Calvin, and their associates, utilised the Scriptures as the basis of attacks upon the true Faith and the authority of the Church; Fénelon's conclusion is: *Enfin, il ne faut donner l'écriture qu' à ceux qui, ne la recevant que des mains de l'Église, ne veulent y chercher que le sens de l'Église même.*

In 1686, an edition of the New Testament in French was printed at Bordeaux. The edition is described in a tract by Bishop Kidder, printed in London in 1690, entitled *Reflections on a French Testament*. This tract was reprinted in 1827 by Doctor H. Cotton in connection with a Memoir of Bishop Kidder. The Bordeaux Testament is described as rare; but five copies are recorded as having been in existence in Great Britain in 1827. The immediate occasion of the production of this special version of the Testament was the revocation, in 1685, of the Edict of Nantes. Strenuous efforts were made after the revocation, by the Church, and by the State acting in co-operation with the Church, for the recall to the fold of the various groups of Protestants who still remained in the king-

dom. The publication, under the authority of the State, of the volume in question has been referred by Catholic writers (including among others Mr. Butler in his *Book of the Roman Catholic Church*¹) as a contradiction to the charge that the Church was averse to the dissemination of the Scriptures. Mr. Butler reminds his readers, on the authority of Bausset in his *Life of Bossuet* that, under the orders of Louis XIV, no less than fifty thousand copies of the French translation of the New Testament were, "at the recommendation of Bossuet, distributed among the converted Protestants." Bausset refers to this version as being the work of Père Amelotte, and says that with the Testament were distributed copies of a translated missal. Mendham points out that among the several peculiarities specified by Kidder in the Bordeaux version, the more noteworthy have to do with references of a special character to the Mass, to Purgatory, and to the Roman Faith, which have been made to find place in the text of the Testament. Among the examples cited are the following:

Acts xiii, 2, given in the King James version "As they ministered to the Lord," is given in the French version *Comme ils offraient au Seigneur leurs sacrifices de la Messe*, or "They rendered unto the Lord the sacrifice of the Mass."

1 Cor. ii, 15, where the Apostle writes they shall be saved as "by fire," this version has *par le feu de Purgatoire*, "by the fire of Purgatory."

1 Tim. iv, 1, "In the latter times," says St. Paul, "some shall depart from the faith," is rendered *de la Foy Romaine*, "from the Roman faith."

These instances will serve as examples of the char-

¹ Mendham, 183.

acter of the accusations brought by Kidder, Cotton, and Mendham,¹ against the trustworthiness and good faith of the Catholic censors who undertook to present to the Protestants who were to be recalled to the true Faith the doctrine of the Scriptures. It would certainly appear as if the zeal of these editors had outrun their standard of accurate scholarship.

3. **The Netherlands.**—In 1559, Plantin printed a French edition of the New Testament and found sale within the year for nearly twenty-five hundred copies. In 1568, Plantin completed the publication of the most important of his undertakings, *La Bible Royale*, or *Bible Polyglotte*, which was produced under the editorship of the great scholar Arias Montanus. This was the most scholarly edition of the Scriptures that had thus far been put into print. A polyglot Bible had been planned by Aldus but he had not lived to complete it. In 1517, the Cardinal Ximenes had had printed at Alcala a polyglot edition of the Old Testament, and in 1547, an edition of the Pentateuch, prepared under the supervision of certain Jewish editors, was printed in Constantinople in Hebrew, Latin, Greek, and Syrian. Plantin secured for his Bible from King Philip II a subvention (or at least the promise of a subvention) of twenty-one thousand florins, which amount was to be repaid to the King in copies of the book. The editor Montanus had himself been appointed by the King, and he selected as his associates members of the theological faculty of the University of Louvain. The enterprise received also the co-operation and support of Cardinal Granvelle.

One of the most important, and also one of the

¹ Mendham, 146.

most difficult, parts of the undertaking was the securing of the various privileges required to authorise the sale of the work, and to protect it from infringement in the several countries in which a demand for it was expected. A general privilege was first obtained from the governor of the Netherlands acting in behalf of the King, and this secular authorisation was supplemented by a certificate of orthodoxy issued by the theological faculty of Louvain, which was naturally prepared to approve of its own work. The Pope, Pius V, or his advisers, took the ground, however, that any general circulation of the Scriptures might prove dangerous, and in spite of the approval given to the work by Louvain, he refused to sanction its publication. This refusal blocked the undertaking for some years and brought upon the publisher Plantin serious financial difficulties. The history of this work presents a convenient example of the special difficulties attending the publishing enterprises of the time. The examiners or censors, whether political or ecclesiastical, were prepared to make their examinations and to arrive at decisions only when the book in question was already in printed form. It was necessary, therefore, that the outlays for the editing, the typesetting, and the printing should be incurred before the publisher could ascertain whether or not the publication could be permitted. It was quite possible also that the plan of the publication might be approved by one authority, while the work, when completed, might fail to secure the sanction required on the part of some other or succeeding authority. With Plantin's Bible, the history took a different course. Pope Gregory XIII, who succeeded Pius V, was finally persuaded to give his approval to the work and, in

1572 (that is to say four years after the book was in readiness), he issued a privilege for it which gave to the publisher exclusive control for the term of twenty years, and which brought upon any reprinter excommunication and a fine of two thousand livres. The editor, Montanus, after finishing his editorial labours and supervising the printing of the final sheets of the Bible, was obliged to devote some years to travelling from court to court and to a long sojourn in Rome, before he could secure the privileges required for its sale. Even after the work had secured the approval of Gregory, it was vigorously attacked by a group of the stricter Romanists, led by Leon de Castro, professor of Salamanca. De Castro took the ground that the Vulgate had been accepted by the Church as the authoritative text, and that all attempts to go back to the original Hebrew, Greek, or Syriac must, therefore, be sacrilegious. As early as 1520, Noël Beda, Dean of the Sorbonne, had taken similar ground in connection with the editions of the Bible printed by Henry Estienne. Beda contended that the study of Greek and Hebrew would bring religion into peril, as it would tend to undermine the authority of the Vulgate. When Montanus, after completing his work in Antwerp, returned to Spain, he was accused of being a partisan of the Jews and an enemy to the Church, and was threatened with a trial for heresy. He was able, however, through his own scholarship and with the backing of the Pope, to hold his own against his accusers, and no formal trial ever took place.

4. Spain.—The earliest censorship in Spain was undertaken in Aragon and was directed against vernacular versions of the Scriptures. In 1234, the

Cortes of Tarragona adopted a decree of King Jayme I forbidding the possession by any one of any portion of the Old or New Testament in Romance.¹ The Church in the 13th century, as later, was satisfied with the Latin Vulgate. It authorised no translation into modern tongues and preferred that popular instruction should come from learned priests who could explain obscurities in orthodox fashion. The sects of the Cathari and the Waldenses, whose growth was for a time a real danger to the establishment, were ardent students of Scripture and found in it a potent instrument of propagandism. The Cathari, who rejected nearly the whole of the Old Testament, had translations of the New. The Waldenses had versions of the whole Bible.² In Castile, literature remained until the 15th century without interference on the part of either Church or State. The first instance of general censorship of which I find record in Spain was exercised on the library of the Marquis of Villena, after his death in 1434. The marquis had dabbled in occult arts and had won the reputation of a magician. At the command of Juan II, his books were examined by Lope de Barrientos, who by a royal order publicly burned such as were deemed objectionable.

In 1479, Pedro de Osma, a professor of Salamanca, was condemned by the Council of Alcalá for certain heresies. The professor was required to make public recantation holding a lighted candle, and the book in which his errors were set forth was burned by the secular authorities. In 1316, the inquisitor, Juan de Llotger, on the report of an assembly of experts,

¹ *Constitut. Apostt.*, Lib. I, c. vii.

² Lea, *Religious History of Spain*, 17.

assembled at Tarragona, condemned the works on spiritual Franciscanism by Arnaldo de Villanneva. The sentence in which the tracts were condemned formed the model of a long series of similar prohibitions. Towards the close of the 14th century, Nicholas Eymerich, who won fame as a strenuous inquisitor, secured the condemnation of a long series of books including some twenty works by Raymond Lully and several of Ramon de Tarraga.¹ In Castile, during the latter part of the 13th century, the censorship of the Scriptures was evidently relaxed. In 1267, Alfonso X caused a Castilian translation to be made of the Bible, a copy of which, in five folio volumes, is preserved in the Escorial.² In 1430, Rabbi Moyses aben Ragel completed the work of translating the Old Testament which had been undertaken in 1422, under the instructions of the Master of Calatrava. He secured for his task the aid of certain Franciscans and Dominicans who supplied the Catholic glosses. An illuminated manuscript of this version still exists in the collection of Condé, Duke de Olivares.³ During the 14th and 15th centuries, a number of versions of different portions of the Scriptures were executed in Catalan. One of these was prepared by the Carthusian, Bonifacio Ferrer. Of this, an edition was printed in 1478 at Valencia, which edition had been revised by the Jesuit, Jayme Borell. This volume was issued on the eve of a general proscription of the Scriptures in the vernacular.

Excepting for the instance of censorship in Aragon, there appears to have been up to the close of the 15th century, no obstacle to the printing or the distribution in Spain of versions of the Scriptures in the

¹ Lea, 19.

² *Ibid.*, 19.

³ *Ibid.*, 19.

vernacular. Carranza, Archbishop of Toledo, writing in 1557, says that before Lutheran heresies emerged from hell he knew of no prohibition of the Bible in the vulgar tongue.¹

Cardinal Ximenes at first took strong ground against the circulation of all versions of the Scriptures, and even stopped the work that had been begun by the Archbishop of Granada, in translating into Arabic the Scripture text used at the matins and in the mass. In 1519, however, the Cardinal had printed at Alcala a polyglot edition of the Old Testament, known in bibliographies as the Ximenes Bible. In this edition, the text of the Vulgate was placed in a column between the text in Greek and that in Hebrew. Mendham quotes the Cardinal as saying that the arrangement recalled the crucifixion where Christ was placed between two thieves.²

In 1533, Maria Cazalla, when on trial before the Inquisition, speaks of its being customary for Catholic women to read portions of the Scriptures in Castilian, and Carranza in his *Comentarios* complains of the "number of female expounders of Scripture who abounded everywhere," as an evil to be suppressed.³ Alfonso de Castro takes the ground that from the misinterpretation of the Scriptures spring all heresies; as the keenest intellect and widest learning are required for their interpretation, they must be sedulously kept from the people; reverence for the Scriptures would be destroyed if they were allowed to become common.⁴ The Spanish Index of 1551 includes among books prohibited, Bibles translated into Spanish or other vulgar tongue. In this year, Valdes issued an

¹ Lea, 45.

² 134.

³ *Comentarios, Prologo al Lector.*

⁴ *Haereses*, Lib. I, c. xiii.

edict directed particularly against the importation of heretical Bibles. In 1554, Valdes issued a special expurgatory Index in which were examined fifty-four editions of the Scriptures and lists of the objectionable passages were given. The owners of these Bibles were required to present them to the inquisitors within sixty days in order that the objectionable passages might be obliterated. In 1554, was printed at Salamanca the edition of the Bible of Vatable which had been thoroughly expurgated, but this expurgated edition was prohibited in the Index of 1559. A further expurgation was undertaken and the second revised edition appeared in 1584. Even this contained additional expurgations inserted with the pen. In 1613, and 1632, the much revised book endured two further series of expurgations. Its circulation appears thereafter to have been permitted without further interference. The Bible edited by Montanus and printed in Antwerp by Plantin, was denounced by de Castro and others as full of heresies, but the charges do not appear to have been adequately supported. The Index of 1583 contains in its general rules a sweeping prohibition of vernacular Bibles and of all portions thereof. An Edict of Denunciations, published annually after 1580, classes among works absolutely prohibited, the writings of the Lutherans, the Alcoran, and Bibles in the vernacular. It appears to have been the conclusion of the Spanish censors that the effect of the Bible on the popular mind was on the whole more to be dreaded than that of the Koran.¹

The Spanish writer Villanueva has endeavoured to show by extracts from religious authors whose writings were issued between 1550 and 1620, that there was

a large body of educated opinion which favoured the study of the Scriptures. He finds such utterances from Carmelites, Franciscans, Benedictines, and even Dominicans. Lea points out, however, that, with the first quarter of the 17th century, the authorities of Villanueva come to an end. The generation which had witnessed the prohibition of the Scriptures had died out and the Scriptures themselves were forgotten in the intellectual gymnastics of casuistry. The work of the Inquisition had been accomplished among both priests and people.¹ Villanueva, himself a *calificador* (councillor) of the Inquisition, writing in 1791, says that the people are now practically ignorant of the existence of the Scriptures and those who have knowledge of such existence regard the Scriptures with horror and detestation.²

In the fifth of the series of the rules in the Index of 1790, the Inquisitor announces that the Church authorities have become sensible of the benefits to be secured from the perusal of the Scriptures and that they are prepared to repeat the declaration given in the Index of Benedict and to permit, under similar restrictions, the reading of the Bible in the vernacular. This Index repeats the condemnation first published in the preceding Index of 1747, and withdrawn under the protest of Pope Benedict, of the *History of Pelagianism* by Cardinal Noris.

The Protestants had little success in getting into Spain their great weapon of attack, a vernacular Bible, little I mean compared with their success in Italy. The Spanish Bible upon which they chiefly relied is the one of 1602 which was prepared by

¹ MS. of David Fergusson, cited by Lea, 87.

² Villanueva, 29.

Cypriano de Valera, but which, in fact, is a second edition, much improved, of that of Cassiodoro de Reyna, printed in 1559, which in its turn used for the Old Testament the Jewish Bible in Spanish, printed at Ferrara in 1553. De Reyna was a native of Seville and had been educated at the university there. Becoming a heretic, he escaped from Spain about 1557 and went first to London and then to Basel, where, with the aid of the Senate, he published his Bible in 1559.

In 1836-37, the Cortes made an attempt to reconcile the liberty of the press with the repression of certain abuses. It was at this time that George Borrow undertook to test the censorship conditions in Spain, by printing and circulating the New Testament. Lea points out¹ that he utilised for his work a version prepared from the Vulgate by Father Scio and that he was, therefore, presenting Scriptures which were entirely orthodox. Borrow succeeded in having an edition of his New Testament printed in Madrid and in opening a shop for its sale. With a change of ministry, the sale was blocked and Borrow was for a few weeks placed in prison. Later, his supplies of books were seized and cancelled.² The later issues of the Bible Society for circulation in Spain are reprints of the translation by de Valera. The constitution of 1876 gives to all Spaniards the right to express freely in speech or in print their ideas and opinions without subjection to a preliminary censorship. Article XI concedes liberty of thought and belief.³

¹ Equizabal, 162, cited by Lea, 179.

² *Bible in Spain*, c. xix.

³ Lea, 128.

In an encyclical letter of Leo XII, written to Spain in 1824, occur the following passages:

“A certain sect not unknown certainly to you, usurping to itself undeservedly the name of Philosophy, has raked from the ashes disorderly crowds of almost every error. This sect, exhibiting the meek appearance of piety and liberality, professes Latitudinarianism or Indifferentism. . . . You are aware, venerable Brothers, that a certain society, commonly called the Bible Society, strolls with effrontery throughout the world; which society, contemning the traditions of the Holy Fathers and contrary to the well-known decree of the Council of Trent, labours with all its might and by every means, to translate—or rather to pervert—the Holy Bible into the vulgar languages of every nation; from which proceeding it is greatly to be feared that what is ascertained to have happened as to some passages may occur with regard to others; to wit that, by a perverse interpretation, the Gospel of Christ be turned into a human Gospel, or, which is still worse, into the Gospel of the Devil (Hier. Cap. I, *Ep. ad. Gal.*). To avert this plague, our predecessors published many ordinances. . . . We also, venerable Brothers, in conformity with our Apostolic duty, exhort you to turn away your flock, by all means, from these poisonous pastures. Reprove, beseech, be instant in season and out of season, in all patience and doctrine, that the faithful entrusted to you (adhering strictly to the rules of our Congregation of the Index) be persuaded that if the Sacred Scriptures be everywhere indiscriminately public, more evil than advantage will arise thence, on account of the rashness of men. . . . Behold then the tendency of this Society, which, to attain its ends, leaves nothing untried. Not only does it print its translations, but wandering through the towns and cities, it delights in distributing these among the crowd. Nay, to allure the minds of the simple, at one it sells them, at another with an insidious liberality it

bestows them. Again, therefore, we exhort you that your courage fail not. The power of temporal princes, will, we trust in the Lord, come to your assistance, whose interest, as reason and experience show, is concerned when the authority of the Church is questioned."¹

5. **England.** The Synod of Canterbury, held at Oxford in 1408, forbids the translation into English under individual authority (*auctoritate sua*) of any portion of the Scriptures. It further forbids, under penalty of the greater excommunication, the reading or the possession (except with the approval of the bishop or provincial council) of any versions of the Scriptures which had been issued since the time of Wyclif, or which might thereafter be issued.² This prohibition appears not to have been very thoroughly enforced. Sir Thomas More speaks of seeing old versions of the Bible in the hands of the laity, without criticism from the bishops.³ It is the case, however, that, between 1408 and 1525, the date of Tyndale's Bible, no English version of the Scriptures was printed.

The first Bible published in England was Tyndale's English version of the New Testament. This was, however, printed not in England but in Cologne at the press of Quentell. Tyndale was by birth a Welshman. After studying in Oxford and in Cambridge, he sojourned in Antwerp and in that city he completed, in the year 1525, with the assistance of John Fryth and Joseph Royes, his translation of the New Testament. The supplies of the book when forwarded to London, came into immediate demand, but as soon as

¹ Printed in a volume of *Pastoral Instructions* issued by Richard Coyne in Dublin, 1824, cited by Mendham, 353.

² Wilkins, iii, 317.

³ Blunt, *Reformation of the Ch. of Eng.*, i, 505.

the ecclesiastical authorities had an opportunity of examining the text, the book was put under ban and all copies that could be found were seized and destroyed. At the instance of Catholic ecclesiastics in England, Tyndale was, in 1536, arrested at Antwerp, under the authority of the Emperor Charles V and after being imprisoned for eighteen months, was burned. In 1535, a complete English Bible, comprising Tyndale's version of the New Testament and the Pentateuch and a translation, prepared by Coverdale and others, of the remaining books of the Old Testament, was printed somewhere on the Continent, probably at Zurich by Trochsover.

Fortunately for the freedom of the English press and for the spread of religious belief through the instruction of the Scriptures, it happened that shortly after the completion of the Coverdale Bible, Henry VIII wanted to marry Anne Boleyn. With the close of the supremacy of the papal power in England, and with the addition of Great Britain to the list of the countries accepting the principles of the Reformation, the printing and the distribution of the English versions of the Scriptures became practicable. It would not be correct to say that from this date the printing-press of England was free, but it was the case that it became free for the production of the Protestant Scriptures and of other Protestant literature, while it was also the case that the censorship put in force by the English ecclesiastics, or by the authority of the State, never proved as severe or as serious an obstacle to publishing as had been the case with the ecclesiastical censorship of the Catholics.

The first English Bible printed in England was the translation of John Hollybushe, which was issued in 1538 by John Nicholson, in Southwark. The great Cranmer Bible was printed between 1539 and 1541, the funds for its publication being supplied by Cranmer and Cromwell. The magnificent illustrations are ascribed to Holbein.

When the Scriptures were no longer interdicted in England, the printers themselves began at once to supply reasons why certain of their editions should be suppressed. In the year 1631, in a Bible and Prayer Book printed in London by R. Barker, the word "not" was omitted in the seventh commandment. This discovery led to a further examination of the edition and it was stated by Laud that no less than one thousand mistakes were found in this and in another edition issued by the same printers. The impressions of both books were destroyed and the printers were condemned by the High Commission to be fined two thousand pounds, a condemnation which naturally ruined their business.

6. The Reading of the Scriptures in the Vernacular.—The various Protestant versions of the Scriptures were prohibited in so far as they came to the knowledge of the Inquisition or the Congregation. The same course was taken with a number of translations into the language of the people, which were the work of good Catholics. In 1668, the New Testament of Mons was condemned by a brief of Clement IX; and in addition to the New Testament text with the commentaries of Quesnel, were prohibited French versions that had been prepared by Sinori and by Hure and a Dutch translation by Schurius. A number of edi-

tions for popular use escaped prohibition and some of these secured a very wide circulation; but in Italy, in Spain, and in Portugal, a general regulation was kept in force prohibiting any reading of the Scriptures in the language of the people. In the last decade of the 17th century, the question of the use of the Scriptures by the unlearned brought about some active controversies. The Jansenists maintained from the outset that the fourth of the Ten Rules of the Index of Trent was not to be accepted as binding. This question brought into the Index a number of controversial writings of the time, and in the Bull *Unigenitus* were condemned a series of specific propositions, a condemnation which carried with it the prohibition of any works in which could be identified the doctrines contained in the propositions.

In the Index of Benedict XIV, Rule IV, cited from the Trent Index, is printed, with an addition based upon a decree issued by the Congregation of the Index in June, 1757:

Permission can be given for the use of versions of the Scriptures or of portions of the Scriptures printed in the language of the people, when these versions have been prepared by devout and learned Catholics or have been issued with commentaries or annotations selected from the writings of the Fathers of the Church, and when said editions have been specifically approved by the Holy See. For the reading of all editions not carrying such specific approval, permission must be secured in each individual case.

This modification of Rule IV was, however, itself

revoked under Gregory XVI through a *Monitum* issued by the Congregation of the Index in January, 1836, which *Monitum* has, since 1841, been printed in the successive issues of the Index.

“It has come to the knowledge of the authorities of the Congregation that, in certain places, editions of the Scriptures, printed in the language of the people, have been brought into circulation without reference to the restrictions and regulations imposed by the Church. The Congregation recalls therefore to believers that, according to the decree of 1757, only such versions of the Scriptures can be permitted which have secured the specific approval of the Holy See. For all other editions of the Scriptures the provisions of Rule IV must be enforced.”

In 1699, a provincial synod of Naples had declared that editions of the Scriptures in the vernacular were not to be possessed or read, even with the authorisation of the bishops, because an Apostolic mandate had taken from the bishops the authority to grant such permission. The editions of the Scriptures prepared by the Catholic divines for the use of the faithful appear for the great part to have been made up with carefully selected citations, the selections being restricted to the portions which were not doctrinal. Care was taken also to omit certain of the stories and historical episodes in the Old Testament which were considered to be not edifying or wholesome in their teaching. Hilgers contends that under the present policy of the Church, each Catholic is, as far as the Church is concerned, at liberty to utilise in his home reading the text of the entire Bible. The spiritual protectors

of the faithful emphasise, however, the importance of securing for each division of the Scriptures the interpretation of the Church and the guidance of those who are made responsible for the shaping of sound doctrine.

CHAPTER III

THE MONASTIC ORDERS AND CENSORSHIP, 1600-1800

1. The Monastic Orders..... 1600-1800.
2. The Jesuits..... 1650-1800.
3. The Dominicans..... 1510-1600.
4. The Casuists..... 1600-1610.
5. The Seculars and the Regulars..... 1600-1700.

1. **Writings on the Monastic Orders.**—The Index contains the titles of a long series of writings having to do with the Orders of the Church. Certain of these are controversial in character, raising contentions against the whole system of the Orders or against the work or the character of particular Orders. The larger portion of the number are, however, the work of members of the Orders who have undertaken, in an exaggerated and improper manner, to maintain unfounded claims for their own Orders or to point out the defects of their rivals, or which are devoted to petty differences and strifes that have arisen between the Orders. The *Decreta Gen.*, ii, 12, contain a prohibition, dated 1568, of the printing or of the distribution in written form of any works that have not secured the approval of the Index Congregation, which have to do with the controversy concerning the actual succession of the Sons of St. Francis, or concerning the detail of the true form of the hood worn by the saint. The *Decreta Gen.*, iii, 8, print the prohibition, issued in 1663, of all reproductions of the inscriptions on the

pictures of St. Francis and St. Antonio of Padua, which inscriptions may undertake to specify the form of the garments worn by the saints or in which any reference may be made to the true and legitimate succession from these saints.

The Index also contains the series of works having to do with the long contests between the Franciscans and the Dominicans, the Augustine hermits and the Augustine choristers, the Augustine choristers and the Benedictines, the Benedictines and the Hieronymites (followers of St. Jerome), the Mercedarians and the Trinitarians. The list also includes certain writings presenting the traditions or records of the Carmelites. In 1698, Innocent XII issued a general prohibition in regard to the printing or the distribution of the whole group of writings concerning the controversies of the Orders.¹

The long contest carried on between the Carmelites and the Jesuits brought about the condemnation in Spain, in 1695, of the *Acta Sanctorum* of the Bollandists, printed in fourteen volumes. This prohibition was recalled in 1715. In Rome only one volume was prohibited and this on another ground. In 1755, was prohibited a work issued under the title of *Ordres Monastiques; Histoires extraites de tous les auteurs qui ont conservé à la postérité ce qu'il y a de plus curieux dans chaque ordre*. The work, printed in 1751 in seven volumes, bears the imprint of Berlin but was supposed as a matter of fact to have been issued in Paris. It was ascribed to the Abbé Musson. The *Pragmatische Geschichte der vornehmsten Mönchsorden*, printed in Leipsic in 1774, in ten volumes, was based upon the *Histoires* of Musson.

¹ Reusch, ii, 260 ff.

2. **The Jesuits, 1650-1800.**—Books written by, and books concerning, the Jesuits make a considerable group among the dogmatic and controversial works in the Index. In 1659, Alexander VII issues a decree condemning a treatise which had been issued anonymously, in Paris, under the title, *Apologie pour les Casuistes contre les calomnies des Jansénistes*. In 1689, Innocent XI condemns forty-five propositions, cited from Jesuit works; and in 1690, he issues a decree against the Jesuit doctrine of philosophical sin. Of the books written against the doctrines and the practices of the Order, the most important are those by Mariana, Scotti, Pasquelin, and other ex-Jesuits, by the Capucin, Valerianus Magni, by Arnauld (the elder), Pasquier, and Scioppius. The great mass of Protestant writings against the Order are hardly represented. Scotti, whose catalogue name is Julius Clemens Scotus, had become a Jesuit in 1616. In 1664, he abandoned the Order and later secured a chair in Padua as professor of philosophy and of ecclesiastical law. The treatise which was condemned in 1651, was issued under the title of *De potestate pontificia in societatem Jesu . . . ad Innocentium X, etc.* Scioppius comes into the Index in connection with a volume entitled *Infamia Famiani*, prohibited in 1687. The following treatises which were also his work but which were published anonymously, were condemned in 1682: *Actio perduellis in Jesuitas S. Rom. Imperii juratos hostes*, *Anatomia Soc. Jesu seu probatio spiritus Jesuitarum*. A third book in the list was also attributed to Scioppius, *Mysteria Patrum Jesuitarum*. In 1725, was forbidden a treatise bearing the rather vague title *Cura Salutis, sive de statu vitæ mature ac prudenter deliberandi methodus*. It had been published in Vienna in 1712, and had been utilised as a proselyting

tract in behalf of the Jesuit Order. In 1646, was forbidden in Spain a volume by the Jesuit Solier, printed in Poitiers, under the title of *Trois très excellentes prédications prononcées au jour et fête de la béatification du glorieux patriarche le bien-heureux Ignace*. The volume had been denounced before the Sorbonne by the Spanish Dominican Gallardo as scandalous, blasphemous, and heretical. As an example of the blasphemy, Gallardo cites a sentence in which the author claims that Ignatius had, with a piece of paper bearing his written name, worked more miracles than Moses and as many as the Apostles. In 1752, was placed upon the Index a volume by Marcus Fridl, presenting a record of the miraculous life of Mary Ward, founder of the English Society of the *Jesuitissae*. With this, were condemned another biography of Mary Ward by Unterberg, printed in Tübingen in 1735, and an account of the Order by Khamms. The Order had been founded in England early in the 17th century on the model of the Order of the Jesuits. The counsellor of Mary Ward's *Jesuitissae* was the Jesuit Roger Lee. The Order never secured an authorisation or confirmation from the Pope, but houses of it were established in Belgium, Germany, and Italy. In 1636, the principal and her chief assistants were arrested and brought to Rome where, after a trial, their Order was formally condemned and they were then released. New houses were, however, shortly after instituted in England and one in Munich, and, in 1703, the rules of the Order were approved and confirmed by Clement XI at the instance of the Elector of Bavaria.

Twenty years after the condemnation of the teachings of Michael Bajus, arose in Spain the controversy between the Jesuits and the Dominicans concerning the doctrine

of Grace. The leading representative of the latter was Domingo Bañez of Salamanca (†1604) and of the Jesuits, Luis Molina, professor at Evera (†1600). The issues were referred to Rome more immediately in connection with the treatise by Molina, *Concordia liberi arbitrii cum gratiae donis*, which had been denounced by the Dominicans, and, between 1602 and 1606, a series of disputations were carried on under the direction of Clement VIII and of Paul V at the sessions of the Congregation *de Auxiliis*. In December, 1611, a decree of Paul V prohibits the printing thereafter, without the specific authorisation of the Inquisition, of any writing having to do with the contest. This decree was confirmed by Urban VIII in 1625 and 1641, and again by Alexander VII in 1657. The latter added a prohibition for the printing, without the approval of the Inquisition, of any writings which were concerned with the *materia auxiliorum divinorum ex professo*, or which brought this subject-matter into print in connection with commentaries on the writings of Thomas Aquinas. This general prohibition is entered in Alexander's Index under the term *libri* and, since the time of Benedict, finds place in the *Decreta Gen.*, ii, 1. Under the terms of the *Decreta*, all writings under this heading, printed since 1657 without a specific approval, are to be held as condemned. The Index contains, however, but three specific titles and these of comparatively insignificant monographs. Reusch points out that the bitter controversial treatises of the Dominican, Hyacinth Serry, and of the Jesuit, Livinus de Meyer, failed to be recorded in the Index.¹

Among the Jesuits whose writings secured special attention on the part of the Index authorities were J. B. Poza (†1660) and Théophile Raynaud (†1663).

¹ Reusch, ii, 294.

Poza, who was a native of Bilboa, printed in 1626 at Alcala, under the title of *Elucidarium Dei parae*, a treatise that is described as one of the very worst among the many books concerning the Virgin. This volume was prohibited by the Congregation of the Index in 1628, and as a result of Poza's bitter protests against the action of the Congregation, a prohibition was issued in 1632 covering all of his writings. In Poza's contentions against the judgment of the Roman authorities, he had the support of the Spanish Inquisition, which refused to confirm both the individual and the general Roman prohibition. Raynaud, born in 1583 near Nizza, became a Jesuit in 1602. He was a scholar and an active writer. He first came into conflict with the Congregation in connection with a bitter satire against the Dominican theories of the doctrine of Grace. Shortly thereafter, was condemned a monograph of his written to oppose the view that those who died of pestilence were to be held as martyrs. In 1659, was prohibited a monograph of Raynaud on the ecclesiastical system of censorship. Thereupon he published, under a pseudonym, a satire treating of the control exercised by the Dominicans over the Inquisition, which was promptly placed on the Index.

Clement X, who is classed as favouring the Jesuits, found occasion to condemn a number of treatises written in defence of Berruyer's *Historia Populi Dei*. This work was prohibited in Spain, 1759 (see also p. 42). Under Benedict XIV and during the first years of Clement XIII, were placed upon the Index a long series of publications written in opposition to the Jesuits.

Among the works antagonistic to the Jesuits which were prohibited during the decade after 1750 may be mentioned the following: Quesnel, *Histoire des*

Religieux de la Compagnie de Jésus, Utrecht, 1741; Procès contre les Jesuites, pour servir de suite aux causes Célèbres, Brest, 1750; Mesnier (†1761), Problème Historique, qui des Jésuites ou de Luther ou de Calvin ont le plus nui à l'Église Chrétienne, Utrecht, 1758; de Silva, Histoire de l'Admirable Don Inigo de Guipuscoa, Chevalier de la Vierge, The Hague, 1738.

The author of the *History of the Jesuits* (published in London in 1816, and ascribed to John Poynder) writes: "The doctrine of probability, our ignorance of the law of nature, and the necessity of actual reflection upon the quality of an action in order to its becoming sinful, are the foundations upon which the moral corruption of the Jesuits is built."¹

In 1610, the treatise of Mariana, already referred to, was burned in Paris under the command of the Parliament. The condemnation was on **The Jesuits** the ground of the doctrine maintained by **in France,** Mariana that, under certain conditions, there **1610-1625** rested with the people the right to slay a tyrant. During the succeeding fifteen years, a number of the works by leading Jesuit writers, such as Bellarmin, Suarez, Santarelli, etc., were prohibited by the Parliament or by the Sorbonne or by both. The ground for the condemnation of this group of books was the assertion of the right of the pope to depose princes and generally to control the authority of the State. In 1613, Paul V directed the Index Congregation to prohibit with a *d.c.* a treatise by Becanus, in order, as was stated, to prevent the total condemnation of this treatise by the authorities in Paris. Curiously enough, however, the volume by Becanus is not included in the Index of Paul or in any later lists. The decree itself

¹ Mendham, 184

appears to have been cancelled. In 1612, was placed in the Index a treatise entitled *Anti-Coton* which had been written to oppose the writings of the Jesuit Coton. The latter had undertaken, after the condemnation of the work of Mariana, a fresh defence of the doctrines of his Order. In 1603, Clement VIII ordered the condemnation of a treatise by the Italian Carerius, a writer who had undertaken to oppose the teaching of Bellarmin in regard to the authority of the pope in matters of State. The same Pope caused to be removed from the Index the treatise of Bellarmin which had been condemned under Sixtus V.

In 1665, was published in Lyons a collected edition of Raynaud's works comprising no less than nineteen folio volumes. This set does not include the prohibited writings; but, in 1669, the Jesuits issued, with a false imprint, a twentieth volume bearing the title *Apopom-paeus* (scape-goat, see Levit. xvi., 10). In this volume are presented the several prohibited writings together with certain others. The book was duly prohibited in 1672.

In 1739, the Congregation prohibits the *Opera Electa* and *Opera Varia* of the learned Jesuit Hardouin (1646-1729), and, in 1742, his Commentary on the New Testament. The *Opera Electa* had been published as far back as 1709, and had been promptly condemned by the authorities of the Jesuit Order. The *Opera Varia* appeared after the death of the author; for these also the Jesuit rulers disavowed responsibility. The works of Hardouin do not appear in the Spanish Index. In 1734, the Congregation prohibited a *History of the People of God* which was the work of Berruyer (1681-1758), a pupil of Hardouin. The first part of this history had been issued in 1728 with the approval

of the French rulers of the Order, but under the decision of the general of the Order, it was recalled for revision. The second part, published in 1753, was disavowed by the Jesuit rulers as having been issued without their permission, and Berruyer was obliged, under the condemnatory decision of the Archbishop of Paris, given in 1754, and of the Parliament, given in 1756, to make recantation of certain of the statements contained in the volume and to promise to cancel the original issue and to correct the text. The third division of the history was issued in 1757, and this secured condemnation through a brief of Clement XIII.

After the middle of the 16th century, the most important influence working against the freedom of the press and the undertakings of the publishers was that of the Jesuits. Members of the Order secured positions as councillors with the imperial Government in Vienna, with the Elector of Bavaria, and in other Catholic States, and promptly brought their influence to bear to strengthen the censorship regulations. The publication of books lessened or became active almost in direct proportion to the extent of the Jesuit influence in one State or another.

Under the reign of Clement XIII (1758-1769), there came into print a long series of controversial writings directed against the Order of the Jesuits, but of these only a small number of titles were placed upon the Clementine Indexes. In a brief issued in September, 1762, the Pope says that he has caused to be condemned as invalid the edicts and orders issued by the Parliament of Paris against the Jesuits; but these orders do not find place in Index lists. Under Clement XIV (1769-1774), no single one of the writings against the Jesuits was prohibited. Under

Pius VI (1775-1799), was prohibited but a single and comparatively unimportant monograph of the long series of memorials written by Jesuits concerning the suppression of their Order.

3. **The Dominicans.**—As stated in an earlier chapter, the work of the Congregation of the Index had, from the outset, been left very largely under the direction of the Dominicans. After the beginning of the 16th century, the Dominicans came into practical control of the censorship operations in Germany, excepting only in Vienna where the influence of the Jesuits prevailed. In 1510, under the direction of these Dominican censors, a strenuous attempt was made to suppress altogether the literature of the Jews. The influence of the censors was directed not merely against instruction in Hebrew in the university centres, but against the printing, for the use of the Jews themselves, of editions of the Jewish Scriptures, the Jewish commentaries, or of any works by Jewish writers. The fight led by Reuchlin in behalf of Hebrew literature was really a fight for the freedom of the press. Reuchlin, with the all-valuable aid of Erasmus, had in view more particularly the interests of scholarship, but the principles asserted by him and in the end successfully maintained, were those upon which depended the intellectual freedom of the people, of the more common folk as well as scholars. The fight of Reuchlin against the Dominicans led by Pfefferkorn was a hundred and thirty years in advance of the publication of Milton's *Areopagitica*, but the arguments shaped by Reuchlin and by Erasmus were substantially identical with those presented so eloquently by Milton. In 1512, Reuchlin's treatise entitled *Augenspiegel* was prohibited by the emperor and this prohibition was confirmed in 1520

by the pope (Leo X). In 1515, *Epistolae obscurorum virorum*, a work which exerted an important influence in the Protestant contest, secured the honour of prohibition both from the emperor and from the pope.

4. **The Casuists.**—In 1602, under the direction of Clement VIII, the Inquisition formally condemned the opinion that under any circumstances confession could be made other than in person, that is to say by letter or by messenger, and that a confession other than in person could secure absolution. The publication of this conclusion appears to constitute the first example of a decision by the Roman Inquisition securing general distribution and enforcement. As a result of this decree, were placed upon the Index treatises by the Jesuits Henriquez and Sa (books which contained, to be sure, other opinions that called forth disapproval) and a work by Vivaldus. The latter came under the *d.c.* class. Certain writings of F. Suarez, one of the most noted theologians of the Jesuits, were thoroughly discussed and, according to report, escaped the Index only by a close vote. During the following ten years, a considerable series of writings by Jesuits found their way into the Index, in part, however, with the *d.c.* addition. Among names to be noted are those of St. Bauny and Fra. Amico, who rank with the more important of the advocates of the Jesuit morality, and with these a number of treatises by the Theatins, Vidal, Verricelli, and Pasqualigo. Suarez had defended strongly the contention that there was authority for accepting confession from one absent and for giving to the same absolution. He based his argument in part upon an interpretation of Thomas Aquinas. A series of investigations were held in Spain concerning these teachings of Suarez and it was ordered by the

Inquisition (which was under the control of the Dominicans) that he should be suspended from his functions and that the distribution of the books should be stopped until they had been amended. In 1604, Suarez came to Rome and presented, first before Clement VIII and later before Paul V, the defence of his opinions. The Inquisition of Rome decided that the opinions of Suarez were unsound and ordered him to have his treatise corrected. The book escaped therefore being entered in the Index. The treatise by Sa was condemned not merely on account of its teachings concerning the confession but on other grounds. The title reads *Aphorisma conf. hactenus impressa*, etc. An expurgated edition, approved by Brasichelli, was printed in Rome in 1608. The condemnation of the original work was never confirmed in the Spanish Indexes.

5. **Contests between the "Seculars" and the "Regulars," 1600-1700.**—With the beginning of the 17th century, fierce contests arose concerning the relation of the regular Orders to the bishops. The authorities of the Orders claimed that they held their responsibilities directly from the pope and that the work of their Orders was to be carried on free from the interference of the bishops. A number of the bishops, on the other hand, took the ground that they were themselves the territorial representatives of the central authority of the Church in their own dioceses and that, without direct authorisation from the bishop, no member of an Order could be permitted to exercise in the diocese clerical functions. Dr. Richard Smith, who, under the title of Bishop of Chalcedon, had been appointed Apostolic Vicar for England, took active part in a controversy with certain Jesuit writers in maintaining

the authority of the bishops. As a result of the antagonisms raised by his writings, he was obliged, in 1628, to leave England, and until his death in 1655, he remained in France. Among the French writers who took part in the controversy were François Hallier and Jean du Vergier de Hauranne, later abbé of Saint-Cyran. In 1633, the Index Congregation condemned all the controversial writings that had come into print concerning the issues between the Bishop of Chalcedon and the English Regulars. To this condemnation was added the specification that the Congregation had not undertaken to express any decision in regard to the issues involved. The continuance of the controversy was, however, considered undesirable and a general prohibition, under the penalty of the excommunication *latae sententiae*, was made of any further writing in regard to the matter. This prohibition did not succeed, however, in preventing the publication of a number of further treatises on the subject, and was itself placed in the Index, and, since Benedict XIV, remains in the *Decreta Gen.*, ii, 4. In 1642, a special prohibition with a *d.c.* was issued for the volume by the Jesuit Cellot. In 1659, the Inquisition formally condemned the writings of a number of the French representatives of the Regulars, including certain treatises of Bishop Arnauld of Angers. At the same time, were condemned the replies to these writings. Shortly afterwards, were placed on the Index a treatise by Chassaing written in behalf of the Regulars and one by de Launoy maintaining the claims of the Seculars. In 1664, the Sorbonne censured a monograph that had been printed under the name of Jacques Vernant, in which large claims were made not only for the privileges of the Regulars but also for the general

authority of the Papacy; in 1665, this censorship of the Sorbonne was itself separately condemned in a brief issued by Alexander VII. In 1693, was prohibited a treatise by the magistrate Karg, dedicated to the Bishop of Bamberg and Wurzburg, which took ground against the privileges of the Orders.

CHAPTER IV

ROMAN INDEXES, 1758-1899

1. Index of Benedict XIV 1758.
2. Issues of the Roman Index 1763-1899.

1. **Index of Benedict XIV, 1758.**—In 1758, an Index was compiled under the direction of Benedict XIV which is of importance as marking a new departure in the censorship policy of the Church. The accompanying papal brief, which bears date December 23, 1757, states that the Indexes heretofore issued are in various respects incorrect, and that the present work has been prepared in order to place at the service of the faithful trustworthy lists of the books prohibited. In a Bull, issued as far back as July, 1753, the Index Congregation had been charged with the duty of the compilation, and five years had been devoted to the task. The Index was printed at once in two editions, one containing pp. xxxix-268, and the other pp. xxxvi-304. The title-page reads:

Index Librorum prohibitorum SSmi D.N. Benedicti XIV, Pontificis Maximi, jussu Recognitus atque editus. Romae 1758, ex typographia reverendae Camerae Apostolicae. cum summi Pontificis privilegio.

Both editions contain a copper plate vignette. The papal brief is followed by an introduction by Thomas Augustus Ricchini, Secretary of the Congregation; the

Tridentine Rules with the commentaries of Clement VIII and Alexander VII, together with a new note on Rule IV (on the reading of the Scriptures); the Instruction of Clement; the Bull of 1753, and a summary (peculiar to this Index) entitled: *Decreta de libris prohibitis nec in Indice expressis*. Such summaries are in later Indexes entitled *Decreta Generalia*. In the preface to the *Decreta*, it is explained that as, on account of the increasing mass of printed books, it is no longer possible to present all the titles in the lists, it has seemed best to classify these into certain general divisions or categories, and to shape general regulations based upon the subjects treated or on the general character of the literature, which shall serve as guides to the faithful, who with this aid need have no difficulty in determining for a book not specifically catalogued, whether or not it belongs to one of the prohibited classes. In the editor's introduction, Ricchini says: "In the arrangement of the lists, the family names rather than the forenames of the writers have been followed as far as practicable. In the previous Indexes, the forenames were utilised for the main entry, with occasional cross-references to the family name. We have accepted as family names names that have been adopted by the writers. Theses and disputations stand under the names not of the students but of the instructors. Anonymous works are alphabeted under their titles." Against the entries of books which were condemned in the Tridentine Index, is noted *Ind. Trid.*, and for those condemned under Clement, *Append. Ind. Trid.* For the prohibitions after 1696, the year is specified, and occasionally the Bull itself. In the cases in which the entry includes the place and date of publication, the prohibition applies not to the work as a whole, but only to the

particular edition cited ; but in the absence of such specification, the condemnation applies to the work in all its issues. The addition of the term *donec corrigatur* or *donec expurgetur* indicates that the responsibility for the corrections rests with the Index Congregation. Reusch points out that the lists in this Index, while presenting corrections of many of the errors contained in the Tridentine and Clementine, are themselves by no means either correct or complete. A number of the names of the Clementine lists have been omitted simply through the oversight of the transcribers.

The *Decreta Generalia* have the sub-heading: "Prohibited books which have been written or published by heretics or which have to do with heresies or with creeds of unbelievers." This part of the work contains the following subdivisions:

1. The prayers and offices of the heretics.
2. *Apologia* in which their errors are defended or favoured.
3. Editions of the Scriptures edited or printed by heretics, or containing notes, *scholia*, or commentaries prepared by unbelieving writers.
4. Any portions of the Scriptures put into verse by heretics.
5. Heretical editions of calendars, martyrologies, and necrologies.
6. Poems, narrations, addresses, pictures, or compositions of any kind in which heretical beliefs are commended.
7. Catechisms, A.B.C. primers, commentaries on the Apostles' Creed or the Ten Commandments, instructions in doctrine.
8. Colloquies, conferences, disputations, synodical

proceedings concerning the creeds, edited or printed by heretics.

9. Articles of Faith, confessions, or creeds of heretics.
10. Dictionaries, vocabularies, glossaries, and thesauri compiled or printed by heretics (as examples are specified the works of the class bearing the names of the Stephani, Scapula, and Hoffman); these books may, however, be permitted when they have been purged of heretical passages or of entries that could be utilised against the Catholic faith.
11. Works presenting or defending the creeds of any of the Mohammedan sects.

Certain of the above specifications of classes are entered in the alphabeted lists under the headings: *Apologia*, *Catechesis*, *Colloquium*, *Confessio*, *Disputatio*, etc. The titles of individual works belonging to such classes, titles which had found place in many preceding Indexes, are then omitted. In some instances a specific work is entered as an example or type of the class to be prohibited, as *Apologia Confessionis Augustinae*, with the *addendum*, *et caeterae omnes haereticorum apologiae*; *vide Decreta*.

Under the heading of "Prohibited Books on Special Subjects," are classed together works condemned under certain prohibitions of the last half of the 16th century and the first half of the 17th; for instance, works on duelling, and letters or pamphlets in which the so-called laws and rules of duelling are presented. Forbidden also are *Pasquilles* (broadsides or tractates), printed or written, which make citations from the Scriptures, or which in any fashion "approach too near" to God or to the saints, or to the sacraments or other holy things of the Church.

In certain letters addressed to the Inquisitor-General of Spain, Benedict XIV names a number of writers whose works had, on the ground of special consideration for the authors, been spared from the insertion in the Index, although they had fully deserved such measure of condemnation. Among the books so specified are those of the Pope's friend, Ludovico Antonio Muratori (1672-1750). When this letter of the Pope with reference to Muratori was made public, the latter wrote to the Pope for some specification of the grounds for the condemnation of his writings. The Pope replied that he had had in view in this reference, not the theological writings of his friend, but the treatise on the civil jurisdiction of the Pope in the papal States. A number of the writings of Muratori came into sharp criticism and were the subject of controversy, but although these were thoroughly investigated and formally denounced in Rome, no one of them finds place in the Index.

In the list of authors is retained the name of Poza for his complete works, in continued antagonism to the approval of these works by the framers of the Spanish Indexes. Another noteworthy entry is that of the *Bibliothèque Janséniste, ou Catalogue Alphabétique des Livres Jansénistes, Quesnellistes, Baganistes ou Suspects de ces Erreurs* (Decr., September 20, 1749). This is the work that supplies the material for the anti-Jansenist appendix in the latest Spanish Index. Its condemnation here constitutes a fresh instance of the antagonism which continued in regard to literature and in regard to certain points of doctrine as presented in literature, between the Church of Rome and the Church of Spain.

Raynaud, whose work had been prohibited in the

preceding Index, had added his protest to that of Poza at the injustice of being condemned unheard. In his *Genitus Columbae*, is printed as a parody on the methods of the censors, a critique on the Apostles' Creed in every article of which is discovered some latent and insidious heresy. The work was itself, naturally enough, promptly condemned.¹

This Index of Benedict represents the beginning of what may be called the modern policy of the Catholic Church in regard to the censorship of literary production and the control or supervision of the reading of the faithful. By the middle of the 18th century, the Church authorities were finally prepared to admit the impracticability, with any such commissions or examining bodies as could be maintained, of making an individual examination of each work produced from the printing-press. Such a conclusion might with better wisdom have been arrived at a century earlier. The most direct evidence of the futility of the attempts on the part of the Congregation of the Index, of the Roman Inquisition, and of the local inquisitors to inform themselves intelligently concerning the nature, the orthodoxy, and the probable influence for good or for bad of the increasing mass of books brought into print from year to year, is presented by the Indexes themselves. The work of the compilation of these successive Indexes was placed in the hands of scholarly men, and, in the large majority of cases, of men whose integrity of purpose and devotion to the higher interests of the Church need not be brought into question. These devout and scholarly compilers were, however, willing to put into print, under the authority of an infallible Church, instructions for the reading of believers which

¹ Cited by Mendham, 243.

the most faithful of Catholics must have found difficulty in obeying with any consistency.

The Index lists are marvels of bibliographical inaccuracy. The names of the authors, frequently misspelled, are entered almost at random, at times under their surnames or locality-names, sometimes in the vernacular, sometimes in the Latin forms. This method, or lack of method, necessarily resulted in duplicate entries, while the copyists, instructed to transfer for printer's copy for a later Index the titles from an earlier, succeeded not infrequently (possibly in the desire to avoid duplications) in omitting altogether writers and books of unquestioned heresy. More serious, however, than these bibliographical blunders, the responsibility for which rested in part at least with copyists or with compositors, were the errors which were undoubtedly due to editorial ignorance. It was increasingly impossible for the compilers to secure personal knowledge of the contents of more than a very small proportion of the books which were to be passed upon and classed as either safe or pernicious. Descriptions or impressions of current publications such as are available to-day through reviews were, prior at least to the middle of the 18th century, non-existent. The judgment arrived at concerning an unfamiliar book depended in part on the name of the author, and in part on that of the printer or the place of publication. Certain printing offices and certain publishing centres came to be associated in the minds of the Roman censors with heretical opinions. The general policy seems to have been that it was safer to condemn a few books not assuredly either pernicious or heretical, than to run the risk of omitting from the lists any single work which might constitute an influence against the authority of the Church.

The selections were also largely influenced by the doctrinal issues and by the party prejudices that arose between the great Orders of the Church. The direction of the censorship work in Rome, both of the Inquisition and of the Congregation, has, since their institution, remained in the hands of the Dominicans. The natural result was a strong bias of opinion and of action against the writings of the Jesuits and of the Franciscans. When, as occasionally happened, the two latter Orders secured representation on the boards of examiners, opportunity was taken to pay off literary scores against the Dominican writers. Of these three great bodies in the Church, the Jesuits included by far the larger proportion of scholarly workers and were responsible for the larger mass of dogmatic and theological literature. It is the books of the Jesuits, therefore, that furnish the largest number of titles to the lists of prohibited doctrinal works by Catholic writers.

Up to the time of Benedict, the authorities who had directed the work of the compilers had thought it necessary to give consideration to the literature produced by Protestant writers, as far as they could secure knowledge concerning the character of the books, or could secure at least information as to their existence. Such knowledge and information were at best but imperfect and fragmentary. The selections from Protestant writers that appear in the Indexes of Pius IV, Paul IV, and Clement VIII impress one as curiously haphazard. It is difficult to understand under what instructions the work of the compilers was done. The names of the larger heretics of the Reformation period, such as Luther, Calvin, Zwingli, Oecolampadius, find place in the greater number of the Indexes, although even with these larger names there are occasional curious

omissions. In no one of these earlier Indexes, however, in which the attempt was made to present a complete list of the doctrinal writings of these leaders of the Reformation, have the compilers been successful in making a list that was either complete or correct. It is possibly on the ground of some consciousness of probable omissions that, after having inserted in the alphabeted lists the titles (more or less correctly worded) of certain books, it was thought safer to make a second entry by the name of the author, followed by the term "*Opera omnia.*" With the second and third groups (considered in the order of their relative importance) of the Protestant doctrinal writers, the selection both of the writers themselves and of their books becomes much more incidental or accidental. In certain instances, the most important controversial production of such an author is left uncondemned, while for some comparatively insignificant tract space is made in the catalogue.

While the selections from writers other than Catholic are devoted in the main to doctrinal and controversial literature, and were probably made up as the result of a general instruction to place on the list of prohibitions all works inimical to the true Faith, the Indexes include also a curious sprinkling of titles of what may be called miscellaneous literature, that is, of books having nothing to do with matters of doctrine, theology, or religion.

The attempt to have some consideration given in the Indexes to the literature of the whole of Europe, caused the compilers to depend for their titles upon catalogues which, in many cases, they could not have had an opportunity of verifying. The Italian editors transcribed for these Roman Indexes titles of books which

appeared from year to year in the announcement-lists of the Frankfort Book-Fair. Their opinions or guesses as to the pernicious character of a book so announced could be based only upon the name of the author, if this happened to be a well-known name, or upon the imprint and general character of the publisher whose name indicated of course the place of production. It was the case, however, with the publishing catalogues of Frankfort in the 16th and 17th centuries, as with similar catalogues in later centuries, that a certain proportion of the books announced never came into print at all. Either no sufficient subscriptions were secured, or there was a change in the plans of the publisher, or the author did not secure the necessary resources to ensure the undertaking, or the author died before the completion of his work. As a result, distinction and commemoration were secured in the Index for a number of books which never came into existence.

In the Index of Benedict, while no specific statement to such effect is made, the compilers had evidently been instructed to concentrate their censorship labours upon books which, bearing the names of Catholic writers, and printed, for the most part, within Catholic territory, were likely to have influence with readers among the faithful. The authorities of the Church had finally recognised, after a series of experiments continuing during two centuries, that it was not practicable for a group of Italian priests, working in Rome, to keep themselves adequately informed concerning the productions of the printing-press throughout the civilised world. It was not only a physical impossibility to secure knowledge of the contents of these books, printed no longer in one universal language of literature and scholarship but in all the languages of

civilisation; it was even impracticable to obtain and to utilise for Index purposes any fairly complete bibliographies of their titles. From the time of Benedict to the present day, the censorship of the Church has therefore restricted its efforts in the main to the supervision of Catholic literature. It is necessary, however, to use the term "in the main" because the Index of Benedict and the succeeding Indexes, including even the two promulgated by Leo XIII, include, in connection with the long lists of doctrinal works by Catholic writers, a curious sprinkling of books written by Protestants for Protestant communities, the majority of which books have no concern whatsoever with doctrinal matter. It is very difficult to arrive at any understanding of the policy on which these selections, comprising a few dozen volumes out of many thousands, have been arrived at. It does not seem to have been based on the relative importance, as hundreds of productions which secured a world-wide reputation, and the influence of which has been decidedly adverse to the contentions of the Church, have received no attention, while volumes of lesser significance have been found worthy of condemnation.

The lists of the Catholic books have also, under the system pursued by the editors of Benedict and their successors, been largely reduced. The method pursued by the Benedictine compilers of condemning *in toto* certain classes of literature and all books relating to certain specified subjects, saves the editors from the necessity of presenting long lists of titles. In no other manner, in fact, could the conclusions of the censors of the 18th and 19th centuries in regard to the current productions of the printing-press have been brought within reasonable compass. The Index

60 The Compilation of the Index Lists

of Benedict marks the beginning of the modern policy of the Church in the matter of censorship.

Hilgers lays stress on the wise toleration of Benedict, as expressed in these regulations of 1758, in insisting that in all cases of doubt, and particularly when the book under examination was a work of a Catholic of repute, the advantage of the doubt should be given to the author; that the author should, if within reach, be given an opportunity, before the decision concerning his book was reached, of being heard before the examiners; that the examination of any book the subject of which might not be one for general understanding should be committed to "consultors" or "qualifiers," one or more of whom must have expert knowledge of the subject-matter; that the judgment should be based upon, not the view of any one Order or group or school, but upon the whole policy of the Christian Church and with reference purely to the welfare and instruction of believers. Hilgers also commends the wise liberality of Benedict in regard to works of science. He adds: "So valuable for the influence of the people is the example of men of science, that it is not too much to say that even in the work of scientific investigation, it is their duty, irrespective of the regulations of the Church, to secure a dispensation for the reading of prohibited books or doubtful books."¹

The Constitution of Benedict, issued under the title *Sollicita ac provida*, was considered to be so wisely framed that Leo XIII, while repealing all the earlier regulations, found it desirable to confirm and to republish this in the Index of 1900.

2. **Issues of the Roman Index, 1763-1899.**—The Index of 1758 constitutes the foundation of all later

¹ Hilgers, 138.

issues of the Roman Index. A series of appendices were compiled at irregular intervals (from five to ten years) in such form that they could be bound in with the Benedictine Index. At longer intervals (from twenty-five to fifty years), the lists were consolidated into one alphabet and the Index, so printed, constituted a legitimate new edition. The responsibility for the compilation of these additional lists rested with the successive secretaries of the Congregation of the Index. The introduction, written by the secretary to each new appendix, follows pretty closely the wording of that of Ricchini, printed in 1758.

Appendices issued in 1763, 1770, and 1779 were printed in the printing-office of the Holy See. A number of the better printed editions which, according to the title-page, were the work of this office, were, as Reusch points out, actually printed in places other than Rome. Certain of these have been identified with the typography of offices in Parma, Venice, and Florence. The Index issued in 1786 was continued with five appendices; and, in 1806, was reprinted with the six lists in one alphabet. The first Roman Index of the 19th century was issued in 1819, with an introduction from Alex. Aug. Bardani. The second Index of the century was published under Gregory XVI in 1835, and the third under the same Pope in 1841. Both issues contained prefaces by Thomas Ant. Degola. These three Indexes were reprinted in a number of impressions, and the practice had now obtained of recording correctly the place of issue. Italian issues, printed with the papal privilege, were published at Monza, Monreale (in Sicily), and Naples; and an edition printed in Mechlin also carries a papal privilege. Editions for which no such privilege was secured appeared in Paris

and in Brussels. Under Pius IX, were published two editions of the Index, one in 1865 and the second in 1877. Under Leo XIII, were also published two, one in 1881 and the second in 1900 (the preface bears date 1899). This latter is at the present date (January, 1907) the latest issue in the papal series. It is described in detail in Chapter XI. These two Indexes contain each an introduction by the same editor, Hieronymus Pius Saccheri. The second Index of Leo represents a higher standard of bookmaking than had been reached by any previous Index either papal or Spanish. The lists are remarkably free from bibliographical or typographical errors and the printed page is not only readable but artistic. The previous issues of the 19th century, and those of the 18th and 17th, present but very little advance in the matter of consistent and uniform bibliography or in freedom from misprints. According to the routine obtaining after the accession of Benedict, all the more important of the changes which took shape in the successive Indexes were decided upon in sessions of the Congregation at which the Pope himself presided. Such was the case, for instance, with the elimination of the general prohibition of the Copernican writings, with the cancellation of the series of entries connected with the issues between Paul V and Venice, and with the recall of the prohibition of the writings of Cardinal Noailles.

What may be called the editorial division (that is to say, the introduction and official entries) in the Index of Benedict is repeated without change in all the later Indexes through the 19th century. In the Index of 1835, are added to this division two papers. The first is a *mandatum* of Leo XII, issued under a decree

of the Congregation of March 26, 1825, which reads in substance as follows:

“His Holiness has ordered that all patriarchs, archbishops, bishops, and other ecclesiastical dignitaries shall carefully bear in mind their responsibilities under the Rules as promulgated by the Council of Trent, together with the additions to the same which were published by Clement VIII, Alexander VIII, and Benedict XIV. It is evidently impossible to bring into the Index the titles of all publications appearing from year to year which are pernicious in character or dangerous in doctrine. It is no longer practicable to apply the authority of the Church through prohibitions of specific books or cautions as to these, to prevent the faithful from being injured by such pernicious literature. The Church authorities must therefore issue general instructions based upon the Index Rules, by means of which instructions, the faith of believers can be protected against heresy and demoralisation.”

The second is a *monitum* of the Congregation of the Index, dated March 4, 1828. The Congregation enjoins upon all patriarchs, archbishops, bishops, confessors, and local inquisitors the importance of making thorough application of the provision of the second of the Tridentine Rules: “Works by heretics which have to do with religious or theological subjects are prohibited without reservation.” The *monitum* makes reference also to the instruction of Clement VIII: “All works which are prohibited by the Holy See in the original text are also forbidden in all translations of the same.”

In the Index of 1841, was included a *monitum* concerning translations into the vernacular of the Scriptures. In the Index of 1877, was included a statement concerning the modification of the penalties that had been prescribed under the Bull of 1869, and

also a declaration concerning books on the doctrine of the Immaculate Conception.

In May, 1844, Gregory XVI had included in an encyclical a *monitum* cautioning all believers to guard themselves not only against the reading of all books prohibited by title, but against the use or the influence of any literature belonging to the classes which are condemned and prohibited under the general instructions of the Index. This *monitum* of Gregory's was, however, not itself reprinted in any of the succeeding Indexes.

The *Decreta Generalia* have received no additions since the time of Benedict. A number of general prohibitions have, however, been issued which are analogous in their character and authority to the *Decreta*. These are printed in the text of the Index proper and, in certain cases, under headings where they would hardly be looked for. Some of them are entered under *libri (omnes incredulorum)*; the prohibition of books on spiritualism is entered under the term "matter." Some of these general prohibitions, such as that of the writings of the Carbonari, escaped being repeated in any of the Indexes.

A formula which finds place in the Index first under Benedict reads: *Auctor laudabiliter se subjecit et opus suum reprobavit.*

When a work has been condemned by the Inquisition or by the Congregation on the ground of heretical propositions, the determination of such propositions is based upon certain general principles laid down by the Inquisition. The author has the alternative of cancelling the book altogether or of agreeing to reprint it with the elimination of the propositions condemned as heretical.

In later years, it has been the practice of the Congregation in the case of authors to whom, on one ground or another, it is thought desirable to extend consideration, to give to such authors, in advance of the publication of any condemnation, the opportunity of making the eliminations or corrections required. If the author promptly assents to such a course, his work is not included in any of the official lists of condemnation. Catholics who learn first through the publication of the official reports that their writings have come into condemnation and who thereupon make submission and promise of correction, are recorded in a supplementary decree of the Congregation. Such decree makes announcement of the fact of the submission and gives approval to the text as corrected, of the work in question. The form of announcement is as follows: *Auctor laudabiliter se subjecit et opus reprobavit*. In the case of works which have been prohibited with a *d.c.* the formula reads: *Auctor laudabiliter se subjecit et reprobanda reprobavit* or *et opus amendavit*. There are various examples of the use of this formula between the years 1873 and 1881.

In a decree of Pius IX, issued in June, 1848, the censorship concerning material of a religious or doctrinal character, printed either in books or periodicals, was restricted to the territory of the States of the Church. A decree of the inquisitor-general, issued in September, 1851, states :

“It is become known to us that either on the ground of malice, of wilful disobedience, or of ignorance, certain persons fail to give information to the Holy See concerning the undertakings of heretics and the spread of Protestant contentions, or concerning the publication of attacks or satires against the Pope or against ecclesiastical Orders,

or as to the distribution of writings in which the Holy Scriptures have been misused or misquoted, or the distribution of works printed without the official permit, or the reading, printing or possession of such works. It is hereby ordered that all such delinquents shall incur the penalty of excommunication *latae sententiae*. This edict is to be placed in every sacristy. It is further ordered that all printers, booksellers, collectors of customs, janitors, landlords, and shopkeepers of any kind shall place copies of this edict in their premises in such manner that it shall be read by all."

In an instruction given in July, 1878, by the cardinal vicar of Rome, which has to do particularly with the regulation of divine service, of the sermons, and of the schools of heretics, "whose operations are carried on under the very eyes of the Teacher of Infallible Youth," is printed the announcement:

"The typesetters who, in order to prevent themselves from losing their work, put into type the writings of heretics, come into grievous sin. This is essentially the case with those who lend themselves to the production of works maintaining or defending heretical doctrines for which works the Pope has ordered the larger excommunication."

1806. Rome. *Index Prohibitorius*. This Index, issued under Pius VII, is a reprint of the Index of 1786 with continuations of the lists up to the year of its publication.

1819. Rome. *Index Prohibitorius. Index Librorum Prohibitorum, Sanctissimi Domini Nostri Pii Septimi Pontificis Maximi jussu editus*. The only article in this volume which is distinctive is the "Address to the Catholic Reader" by the editor, Alex. Angelicus Bardani, of the Order of St. Dominic and Secretary of the Congregation of the Index. This ad-

dress refers, with congratulation, to the pious interest of the faithful which had exhausted the edition of the Index of 1786 (making, curiously enough, no reference to the intervening Index of 1806). The volume was reprinted in 1822 with two appendices and two decrees. The closing portion of the second decree is devoted to a denunciation of five works in English relating to papal controversies in North America, as follows:

“An Address to the Congregation of St. Mary’s Church, Philadelphia.”

“Continuation of an Address,” etc.

“The Opinion of the Right Reverend John Rico on the Address.”

“Address of the Committee.”

“Address of the Right Reverend Bishop of Pennsylvania,” etc.

A further edition of this Index with some revisions was printed in Paris in 1825—*Le Catalogue des Ouvrages mis à l’Index, contenant les noms de tous les Livres condamnés par la Cour de Rome, depuis l’invention de l’Imprimerie jusqu’ à 1825, avec les dates des Décrets de leur condamnation*. The lists are preceded by an *Avis de l’Éditeur* in which an account is given of the Congregation of the Index at Rome with reference to the work of Catalani. It proceeds to say that the works comprehended in this Index are those which had been prohibited by Pius VI and Pius VII, together with all which are known to have been since censured *sous l’heureux gouvernement de l’Église Universelle par N.T.S. Père le Pape Léon XII*. It is not clear what authority this general Index may have been held to possess in France as, under various preceding utterances, the Gallican Church had taken the position

that the Indexes of Rome were not to have authority in France unless re-issued with the specific approval of the rulers of the French Church.

This Index contains a condemnation of the "Defence of the Ancient Faith," by the Rev. Peter Gandolphy, published in 1816, a work which had secured the approbation of the master of the sacred palace and of Damiani, master of theology. The appendix includes also Lady Morgan's volume on Italy, and a special decree in regard to the New Testament.

A reprint of the Index of 1819 was issued in Brussels in 1828.

1835. Rome. Gregory XVI. *Prohibitorius*.

1841. Rome. Gregory XVI. *Prohibitorius*. Reprints of these two Indexes were issued (with papal privileges) in Mechlin, Monza, Monreale, and Naples.

1855. Rome. Pius IX. *Prohibitorius*.

1871. Rome. Pius IX. Reissue, with an appendix, of the Index of 1841.

1877. Rome. Pius IX. *Prohibitorius*. Each of these Indexes contains an introduction by Hieronymus Pius Saccheri. The lists of titles in both present a number of errors, bibliographical and typographical, and are in fact much less correct than those of Benedict.

1881. Rome. Leo XIII. *Index Prohibitorius*, reprinted with appendix in 1884.

1896. Rome. Leo XIII. *Index Prohibitorius*. A reprint of the Index of 1884, with appendix carrying the titles to 1895.

1899-1900. Rome. Leo XIII. *Index Prohibitorius*: for specification of contents, see Chapter XI.

CHAPTER V

METHODS OF PROHIBITION AND THE CONTINUATION OF CLASS I

1. Papal Prohibitions in the 17th and 18th Centuries.
2. Prohibitions by Bishops.
3. Publication of the Book Prohibitions.
4. The Continuation of Class I.
5. Catalogues of Books Approved.

1. Papal Prohibitions in the 17th and 18th Centuries.

—As in previous periods, there are in the 17th century numerous examples of papal prohibitions, through constitutions, bulls, or briefs, of individual books which were held to be sufficiently important to call for such special action. In 1602, Clement VIII condemns the works of Carolus Molinaeus; in 1642, Urban VIII condemns the writings of Jansen together with a number of treatises by the followers of Jansen; in 1661, Alexander VII condemns a French version of the missal. The formula generally utilised for these individual prohibitions was as follows:

“We condemn this work after mature consideration, on our personal judgment (*motu proprio*) and with assured knowledge (of its pernicious character), on the Apostolic authority (vested in us); and we prohibit to all persons, whatever may be their rank or position, the printing, reading, or possession of the same. The penalty for disobedience shall be the *excommunicatio latae sententiae*. We direct that the existing copies of said work be delivered to the

bishop or to the inquisitor of the diocese, by whom such copies shall be promptly burned. This order shall be placed on the doors of the Basilica of the Church of the Apostles and on the doors of the Apostolic Chancery, and on the gateway of the Campus Florae, and when so published, shall be held to have been delivered in person to each individual affected by it."

In the case of a Bull, the wording of the first paragraph was:

"Through this Constitution, which shall remain in force for ever, and under the authority of the blessed Apostles Peter and Paul, and of ourselves."

After the time of Alexander VII, 1665, the condemnation is made to follow the decisions arrived at by theological examiners appointed for the purpose, or by the cardinals of the Inquisition. The greater number of the prohibitions continued, however, to emanate from the Congregation of the Index, while for a few, the responsibility rested with the Inquisition.

In 1753, Benedict XIV in the Bull *Sollicita* (printed later in connection with the Index of 1758) gives consideration to the regulation of the proceedings of the two bodies. The substance of Benedict's ruling is as follows:

In the case of a book which is denounced by the Inquisition as deserving of condemnation, and the prohibition of which has not been confirmed by the Index Congregation, the following measures shall be taken. The book shall be examined by a commission appointed for the purpose; and the written report of these examiners shall be submitted (with the book itself) to the cardinals. The conclusion of the cardinals shall be referred to the pope, who will give the final judgment in the matter. In the case of a book by a Catholic author, the condemnation shall not be permitted to rest on the decision of one examiner. His

adverse report must secure the confirmation of a second censor appointed by the Congregation. If the judgments of the two differ, the matter must be passed upon by the cardinals. The Congregation of the Index is always to include several cardinals. The *Magister* of the papal palace is a member *ex officio*. The secretary shall be a Dominican selected by the pope. The Congregation has the assistance of a number of counsellors selected from the clergy and from the Orders and from the judicial class (*Relatores*). The sessions of the Congregation are not regular, as are those of the Inquisition, but are called in response to the report of the secretary that there is business requiring action. This leaves to the secretary a large discretion in the initiating of action and in the selection of matters to be passed upon. In the case of a book by a Catholic author of good repute (*integrae famae*) in which pernicious material is found, the prohibition shall, if practicable, be made not general, but conditional, under the heading of *donec corrigatur* or *donec expurgetur*. The decree shall not be made public at once, but opportunity shall be given to the author or to some representative of the author to make the required corrections. If the author shall agree to withdraw from sale the original edition, replacing this with the corrected text, no public prohibition need be made. If the original edition has come into general circulation, the condemnation shall be so worded as to apply only to such uncorrected text. The loss incurred through such cancellation and reprinting appears to have fallen upon the publisher unless the edition were the property of the author, or the publishing agreement made the author responsible for losses incurred on the ground of heresies. In reply to the complaint that books had from time to time been prohibited without an opportunity being given to the author to defend his production against the charge of heresy, the Bull takes the ground that the purpose of the action of the Church is not to pronounce judgment on authors, but to protect the faithful against

injury through heretical doctrine. Any detriment caused to the repute of the author is an incidental result which cannot be avoided. In any case, the judgment on the character of the production is to be arrived at with due deliberation and full knowledge.

The Pope expresses his intention to be present at sessions of the Congregation when matters of first importance are to be considered. Decisions concerning the works of unquestioned heretics, in regard to books containing direct attacks on the doctrines of the Church, can, however, be disposed of without his counsel and under the Rules of the Index of Trent. The members of the Congregation bind themselves to secrecy as to its proceedings. The secretary is, however, at liberty to give information to the author or the publisher of the book condemned.

“The counsellors and examiners of the Congregation are cautioned to proceed with their work with due conservatism. They are by no means to assume that a work submitted is certainly to be condemned but are to assure themselves by diligent investigation whether it may not be possible to declare it fitting for circulation, either in its original form or with certain omissions or emendations. Care is to be taken to place each book in the hands of examiners having expert and scholarly knowledge of the subject-matter. The examiners must free themselves from prejudices of race, native school of thought, or ecclesiastical order. They must keep before them that the essential purpose of their work is the defence of the faith, and the preservation of the doctrines of the Church as set forth by the decrees of the general councils, the constitutions of the popes, and by the teachings of the Fathers and of their learned successors, and the maintenance of the authority of the Church universal. The examiners must bear in mind that it is not possible to judge fairly of the character

of a book without reading the entire text, and that the statements in the different divisions of the work must be carefully collated one with another. It is frequently the case that a sentence taken apart from its context may give a wrong impression of the author's meaning, or that a sentence which taken alone may seem of doubtful purport, will have the thought made clear by comparison with other portions of the text. (Conservative counsel which was by no means always followed by the censors.) In the case of the work of a Catholic author whose orthodoxy is of good repute, it is proper, if a sentence or statement may be open to more than one interpretation, to give to it the most favourable (*i.e.* the most orthodox). There are books which, while quite sound and orthodox in their purpose and teachings, contain references to pernicious writings, or extracts from such writings. The knowledge of the heresies thus referred to may do injury to the faith of innocent readers. Such books call, therefore, for very careful consideration, and if the quoted material is sufficient in amount and in character to exert a pernicious influence, the work must be expurgated or placed upon the Index. Authors are cautioned against the wrongdoing of abusing each other whatever may be the difference of opinion, or of using harsh and condemnatory language against other writers whose works have not been condemned by the Church. These instructions and counsels are to be accepted as carrying the full Apostolic authority and as binding upon the Congregations, the examiners, and all others concerned."

Certain of the other Congregations, such as those on confession, on the rites of the Church, and on propaganda, assumed the right to prohibit books having to do with their particular subjects, but their prohibitions had to be confirmed by, and promulgated through, the Congregation of the Index.

The *Magister* of the palace had authority to issue in his own name prohibitions which were valid for the

city of Rome. The individual edicts published by him in the name of the pope were of course general in their effect. From the time of Clement XI, 1700-1721, the prohibitions of individual works through bulls and briefs became much more frequent. After Benedict XIV, 1756, such prohibitions are to be found in allocations and in encyclicals. In 1664, Alexander VII ordered that the injunctions and penalties of Pius IV, as specified in the Index of Trent, should remain in force, but that all the other constitutions and decrees in regard to books, excepting only the *Bulla Coenae*, be revoked.

In the introduction to the Index of 1758, Benedict XIV presents certain principles as controlling, from that time, the work of the censors. Books by heretics are to receive consideration only in the instances in which they treat of the Catholic faith, or teach heresies. The task of examining and supervising the entire literature of the world was at last recognised as one beyond the powers of the Church authorities.

In 1869, a Bull of Pius IX restricts the penalty of the excommunication *latae sententiae* to the reading, possession, etc., of books written by heretics, only when these not only contain heresies, but make a formal defence of the same, or when they have been specifically prohibited by title.

In the case of a writer who had already been condemned for uttering heretical opinions, his later books were likely to be placed on the Index irrespective of the character of their contents. In 1615, for instance, the opinions of Copernicus were condemned by the Inquisition, and, a year later, his astronomical treatises were duly prohibited.

The condemnation of a book by the Inquisition

carried as a rule more weight than a prohibition by the Congregation. On the other hand, the Inquisition found difficulty in keeping up with its work.

In 1711, the Jesuit Daubenton writes to Fénelon: "The Inquisition has such a mass of business on its hands, and has available for its consideration so few men who are capable and who are ready to give attention to it, that a period of years may be required to secure the condemnation of a book, particularly if it is of considerable compass." The control of the Inquisition, as of the Congregation, rested with the Dominicans. The commissary of the former and the secretary of the latter, always Dominicans, retained in their hands the continuity and the general direction of the business of their respective bodies.

In 1633, Lucas Holstenius (a "consultor" appointed by Alexander XII) writes from Rome to Peiresc:

"We have here a few learned men who would be glad to be of service to scholarly literature if there were any possibility of securing for their views any recognition. . . . But the opinions of scholars have no weight with these ignorant censors. . . . One of the cardinals who thinks of himself as an intelligent man and who has a large control of the business, says openly that he is in favour of condemning and burning practically all works of a humanistic character (*qui de literis humanioribus et de liberali eruditione agunt*) and of leaving in existence only the theological treatises, and the writings of a few jurists. . . . You will have heard of the recent condemnation of the scholarly works of Scaliger, Heinsius, Rivius, and Godenius. . . . My indignation grows and I find myself unwilling to attend any more sittings of the Congregation. . . . I speak thus, for your ear only, as here, it is perilous to make any complaint or opposition to such proceedings."¹

¹ Epp., ed. Boissonade, 1817, 252.

In 1686, the learned Benedictine Mabillon, being in Rome, was asked by the Congregation to give a report on the writings of Vossius, and later he was appointed a "consultor."

In the compilation of the Roman Indexes of the 16th century, the announcement catalogues of the Frankfort Fair were largely utilised. As before pointed out, one result of this practice was to bring into the Index lists the titles of not a few books of but trifling importance (which otherwise would have been entirely lost sight of), of others which contained no doctrinal material and in fact nothing pernicious or objectionable, and of still others which, while announced as in preparation or in plan, never came into print at all. After 1600, the Fair catalogues appear to have been but little used, but information concerning published books was secured from the *Acta Eruditorum*, the *Journal des Savants*, and similar periodicals. Bourgeois is authority for the statement that after 1650, it was the routine, with both Inquisition and Congregation, to take up for consideration only such books as had been specifically denounced.

In 1690, Cardinal Ciampini proposed the establishment of a seminar or commission of ten or twelve scholars, selected from different countries, who should be charged with the task of examining the books issued from the different publishing centres and of making reports upon which could be based the selections of the Congregation of the Index. He proposed to bequeath to such a seminar his library and a capital sufficient to secure for each member an annual payment of one hundred scudi. The foundation never, however, came into existence. At the time of Benedict XIV, Cardinal Querini submitted a plea for the better

organisation of the Congregation and offered an endowment to be utilised for the printing of the censorship opinions, but the offer appears not to have been taken advantage of. In 1622, Gregory XV instituted the *Congregatio de Propaganda Fide*, and to this body was confided the task of examining, and when necessary of prohibiting, books in oriental and other "exotic" tongues. In 1674, Clement X issued a brief prohibiting the printing, "even by Jesuits or other Orders," of any works relating to the missions except with the authority of the Congregation. The penalty was cancellation of the edition and excommunication of those responsible for its production.

After 1610, the edicts of the *Magister* prohibiting individual books are infrequent. In 1690, we have an example of such an edict in the case of a treatise on the Immaculate Conception by the Jesuit Saliceti, which was printed in Rome with the censored passages duly cancelled in the text. It continued, however, to be the practice for each *Magister*, in taking office, to issue a general edict setting forth the regulations controlling the production of books. One of the most important of these required the comparison page by page, by examiners appointed by the censor, of the text of the book as printed with that of the manuscript which had been approved (and possibly corrected). Until this comparison had been made, no copies of the edition could be offered for sale.

Certain general prohibitions are included in the Clementine Index. In the earlier years of the 17th century, further similar prohibitions or decrees are published. In 1621, for instance, is printed the series of decisions of the Congregation of the Council of Trent. The Pope had prohibited the publication of

any unauthorised translations of the decrees of Trent, but the above work, carrying with it no authorisation, does not find place in the Index lists. In 1601, appears a prohibition of all litanies with the exception of the Laurentian and that bearing the name of All Saints. In 1603, appears a general prohibition of all writings concerning the Mohammedan religion. In 1633, a decree of the *Magister S. Palatii* prohibits all *Elogia Haereticorum*. With this prohibition, is included a condemnation of all pictures or medals in honour of heretics. This general prohibition was interpreted to bring into condemnation a long series of important bibliographical works in which had been printed, either with approval or without condemnation, the names of heretical writers. In April, 1621, an announcement was made, on the part of the Congregation of the Council of Trent, protesting against the publication, nominally under the authority of the council, of so-called collections of the declarations of the council, and pointing out that such publications had been specifically condemned under the Bull of Pius IV. With the authority of Gregory XV, all such collections or reports of the decisions and conclusions of the council, issued without specific authority of the council, which had thus far been printed or which should later come into print, were condemned and prohibited. Among the works included under this condemnation, were a number which had been prepared by orthodox Catholic theologians and canonists, such as Prosper Farinaccius, Vincenzo de Marzilla, etc.

In the course of the 17th century, the Congregation of Rites condemned a series of prayers and litanies. Reusch states that "up to the present day" (he is writing in 1884) only one such litany, that described

as "In the name of Jesus" had secured approbation. The general decree of 1601 prohibiting litanies has never been recalled; and under this decree stand condemned and prohibited all books of service which contain other than the two, or at this time, the three brief litanies. This decree, would, according to Reusch, prohibit nine tenths of the service books in use in the Catholic Church.

The prohibition issued by Alexander in decree number IV with the title: *Instructionum et rituum sectae Mahumetanae libri omnes*, seems to have had for its immediate text a work entitled: *Liber de Russorum, Moscovitarum, et Tartarorum religione*, which was printed at Spire. In the Index of Benedict, the title was for the first time given complete with the name of the author, Lasitzki, Jo., *de Russorum rel. sacrificiis, nuptiarum et funerum ritu e diversis scriptoribus*. Under the general prohibition of bibliographical works in which any terms of approval are connected with the names of heretical writers, is included (in 1687) the following English work: Crowaei Guil, *Elenchus scriptorum in s. scripturam tam graecorum quam latinorum*, London, 1672. A work of similar character, compiled by Thomas Pope Blount, under the title *Censura celebrium auctorum*, printed in London in 1690, escaped the attention of the compilers.

2. **Book Prohibitions by the Bishops.**—During the 17th and 18th centuries, were published no lists of books condemned under the authority of the bishops which compare in importance or in influence with the Indexes issued during the 17th century from Louvain and from Paris. During the 17th century, however, there are a number of instances of individual books condemned by the divines of the

Sorbonne, of Louvain, and of other theological faculties. One Index of some comprehensiveness was issued by the Archbishop of Paris, but the work was undertaken at the instance of the Parliament. Two Indexes were issued by the Archbishops of Prague, and the decree of Precipiano, Archbishop of Utrecht, has already been referred to. As late as the last half of the 18th century, the bishops have utilised the form of pastoral letters and pastoral instructions for the condemnation of individual books and, occasionally, of lists of books. A pastoral letter, for instance, of the Vicar-General of Augsburg, issued in 1758, presents a list of fifty-five works which are condemned on the ground of their association with the "new sects and new teachings of mystics and fanatics." In 1752, similar lists were connected with a decree of the Bishop of Turenne and a pastoral instruction of the Bishop of Luçon.

Clement XIII (1758-1769) condemned, in briefs issued in January and in September, 1759, the treatise by Helvetius, *De l'Esprit*, and the encyclopaedia compiled by the same author, both of which had been published anonymously. For the encyclopaedia, the specification was added that it belonged to the class of books permission for the reading of which could be given only by the pope himself. In a brief addressed in November, 1765, to the Archbishop of Rheims, Clement praises the assembly of the clergy for the condemnation of pernicious writings, and in an encyclical issued in November, 1766, he reminds the bishops of their responsibility for the repression of irreligious works, and reminds them further that they are to secure in this work the aid of the State authorities.

In an encyclical issued in 1769, Clement XIV repeats

to the bishops the injunction of his predecessor in regard to the essential importance of maintaining the fight for the stamping out of wicked books. In the decade succeeding 1758, the Inquisition and the Congregation of the Index condemn and prohibit the works of Voltaire, Rousseau, La Mettrie, d'Holbach, Marmontel, Raynal, and others. The list includes also a treatise by Helvetius, in addition to his work *De l'Esprit*, and single monographs of Diderot and d'Alembert in addition to their contributions to the Encyclopaedia.

In 1864, the Congregation of the Index issues, under the authority of Pius IX, a circular letter to the bishops authorising and instructing them to carry out the prohibitions of the Congregation. Reference is made to the Edict of Leo XII, of 1825, and emphasis is laid on the importance of checking the irreligious influence of the newspapers.

3. Publication of the Book Prohibitions.—During the earlier years of the 17th century, the lists of the books condemned by the Congregation or the Inquisition were published by the *Magister*. After 1613, the lists passed upon by the Congregation were prepared for the press by the secretary, printed in the papal printing-office, and distributed through the local inquisitors and the nuncios. This was the course taken, for instance, with the condemnation, in 1616, of the books of Copernicus, and in 1633, with the writings of Galileo. Later, the practice obtained of printing the special lists on the annual lists in the *format* of the latest edition of the Index, so that they could be bound in with this. After 1624, the secretaries of the Congregation brought into print a number of collections of the various decrees.

In the reprint, in 1667, of the Index issued by Alexander VII in 1664, are included no less than ninety-two of the separate decrees. Of the later decrees there is no official or complete collection. According to the contention of the Curia, the publication of a decree in Rome rendered it binding on Catholics throughout the world, but this view was by no means generally accepted. In Spain as in France, it was held that the papal bulls and decrees were in force only after they had been formally confirmed and published under national authority, but in Spain this authority was delegated to the Inquisition. Francis I refused altogether to recognise the decrees of the Congregation or of the Roman Inquisition. In Venice, Naples, and Belgium, these decrees became authoritative only when confirmed by the State authorities. The circulation outside of Italy of copies of the Roman Indexes was very trifling, and (with the exception of that of Trent) the reprinting of these occurred but seldom. If the work of the papal printing-office is to be judged by the Roman Indexes and decrees of the 16th and 17th centuries, the standard was by no means high. The bibliographical lists abound in errors, the responsibility for which must be divided between the compilers and the type-setters. In not a few instances, the names and titles have been so seriously twisted that it is often not easy to identify the work condemned. The Index of Benedict XIV was the first of the Roman series in which any serious attempt appears to have been made to secure any measure of bibliographical accuracy.

An *Abrégé du Recueil des Actes du Clergé*, first issued in 1762, divides the bulls and briefs of the popes into two classes: those which have been con-

firmed and accepted in France; and those which have been rejected and which are, therefore, not binding on the French Church.¹ The chronicler explains that it is the general rule to accept the Roman rescripts which may prove useful for Church or for State, even although it is often necessary to repudiate certain formulas and expressions contained in them. In certain cases, however, the formulas are so repugnant that they cause the rejection of the Bull itself, as for instance when the king is threatened with excommunication or deposition. The French authorities, ecclesiastical as well as political, refused from the outset to accept the Roman formula that publication of a decree in Rome made it binding throughout the realms of the Church, and they refused also to accept the authority of any general penalty of excommunication which might be made to include the head of the State.²

The Advocate-General Omer Talon, in an address delivered in 1647 before the Parliament of Paris, says: "We are prepared to recognise and to accept the authority of the pope but neither the authority nor the jurisdiction of the Congregation or of the Curia." The Chancellor d'Aguesseau writes in 1710: "It is well understood that the Roman Index carries no authority in France where, while the primacy of the pope is accepted, the authority of the Congregation of cardinals is not in force."³

Bossuet writes in regard to such a papal brief:⁴ "We hold that these constitutions are not binding in a French diocese until (and unless) they have been published by the bishop." Fénelon says: "We are not

¹ 2d edtn., Paris, 1764, 186.

² Reusch, ii, 20.

³ *Oeuvres*, xiii, 409.

⁴ *Oeuvres*, 37, 75.

willing through the acceptance of a papal brief to acknowledge the authority (for France) of either the Index or Inquisition.”

As before stated, within the dominions of Spain, the Spanish Indexes alone were accepted as authoritative, and the Spanish authorities very frequently refused to condemn books that had been prohibited by the editors of Rome. In other of the States classed as Catholic, the authority of the Roman censorship was in like manner contested. In 1759, Charles Alexander, Stadtholder of Lorraine, prohibited the printing or sale of certain theological treatises by Dens, on the ground that these asserted the authority of the *Bulla Coenae*, and of the Roman censorship and the immunity of the bishops, and that this constituted an assault on the authority of the emperor and on the general policy of the Netherlands.

4. **The Continuation of Class I, 1603-1876.**—The list of heretical authors of the first class, all of whose works (past and future) were condemned, were, in the first group of Roman Indexes, printed without change or additions.

Later
Heresiarchs.

The authorities do not appear to have considered the later heretical writers to be entitled to the dignity of being classed as heresiarchs. In the Decree of 1603, the name of Frac. Guicciardini and that of Peter Frider are added by the Roman editors to Class I; but these constitute the only additions for the series of years given. On the other hand, new Spanish Indexes of this class receive from decade to decade continued additions.

Among the authors, all of whose writings were prohibited in Indexes printed prior to Alexander VII (1664), may be noted Hugo Broughton (of Oxford),

Thomas White (of London), Ludwig de Dieu, Gregorius Richter, Giordano Bruno, Claudius Salmasius, J. B. Poza. Between 1664 and 1756, the list includes among the more noteworthy names, the German writers J. H. Buddaeus, Georg. Calixtus, J. H. Heidigger; the Hollanders Jo. Clericus, Simon Episcopus, Jac. Laurentius, and Lambert Velthuysen; the Frenchmen J. Daillé, Ch. Drelincourt, Jean d'Espagne; the Englishmen G. Bull (Bishop of St. Davids), W. Cave, J. Lightfoot, Henricus Morus, J. Prideaux, and Thomas Hobbes.

To these may be added the names of Molinos van Espen and Colbert, Bishop of Montpellier. It is difficult, in an examination of the complete lists, to arrive at any principle or basis on which the compilers made their selections. Of forty-one Protestant writers whose names were placed on the Index during one sitting of the Index Congregation in May, 1757, sixteen were Germans, ten, Hollanders, eleven, Frenchmen, and four, Englishmen. At the same session, were prohibited the entire series of the theological writings of Hugo Grotius. Between 1757 and 1821, there is no instance in the Roman Indexes of the use in connection with the name of an author of the term *Opera omnia*, although as a fact in a number of cases every book produced by some particular author was included under its own title. Between the years 1821 and 1827, the authors whose complete works were thus specifically condemned by title include G. Mordai, David Hume, and Colin de Plancy. In 1852, were added, among other names, those of V. Giorberti, Proudhon, and Sue. In 1862, the prohibition included Dumas father and son, Georges Sand, Murger, Stendhal, Balzac, Champfleury, Feydeau, and Soulié. In 1876, three

names are to be noted, Vera, Spavente, and Ferrari. The works of John Locke called for special attention in two of the Indexes of the first half of the 18th century. The reading or possession of these books is forbidden under penalty of excommunication, *sub anathemate*.

In 1610, was prohibited the treatise that had been published in the previous year by Hugo Grotius, *Mare liberum S. de jure quod Batavis competit ad Indicana commercia*. The entry was alphabeted under *H*. The title has been preserved in the later Indexes of the 19th century under the proper heading, Grotius. The purpose of the treatise was to contest, on the ground of natural right and of the *Jus gentium*, the monopoly, which had secured the support of Alexander VI, of the Spaniards and Portuguese over certain lines of sea trade. The Pope had taken the ground that his authority was sufficient to institute trade monopolies either by land or by sea. If the Pope were in a position to grant ownership of territories and of peoples, the smaller matter of the connecting trade might naturally be assumed as the conclusion. Grotius, however, asserts that no authority vested in the Pope had given to the Spaniards the control of the Indies (of the West) and that such control as had come to the Spaniards had been secured through force of arms and not through the papal diploma.

5. Catalogues of Books Approved.—There is ground for surprise that while in the four and a half centuries since the publication of the first papal Index, the Church has promulgated such a long series of lists of books condemned and prohibited, the authorities have not been interested in giving a larger measure of attention to the selection of books which could safely be recommended for the reading of the faithful, and

which to some extent at least might be suggested as taking the place of the literature that was to be cancelled as pernicious. I can find record of but four or five lists, issued under the authority of the Church, of books recommended for the reading of the faithful, and no one of these recommendation catalogues was prepared in Rome or was published under direct authority from Rome. The first Index in the Church series, that published in Louvain in 1546, contains a short list of books recommended. This list is referred to in the description of the Index itself (see Volume I); a similar recommendation list, including in part the same titles, is connected with the second Louvain Index of 1550. In 1549, a provincial synod was held in Cologne under the direction of the Archbishop Adolf of Schauenburg. A decree was issued by this synod addressed to "the simple and unlearned priests who might not be qualified to distinguish the sound from the unsound doctrine, and who had therefore from time to time been misled by books that were placed in the market with misleading titles." These pastors and their followers were particularly charged against any books, whatsoever might be their titles, which contain writings of Luther, Calvin, Melanchthon, Oecolampadius, or of their followers. The decree of the synod was connected with a brief list of the heretical authors whose works were particularly to be guarded against, and the statement was made that this would be followed by a general and comprehensive catalogue or Index. No such general Index was, however, prepared. In 1550, however, the diocesan synod issued a list of books recommended for the use of the instructors and teachers in the Church schools.

The third recommendation list of which I find record

was issued in Munich in 1566, under an edict of Albert V. This is a comprehensive catalogue of books which have secured privilege for publication throughout the duchy, and which, having been selected under the direct supervision of the Church authorities, can be safely recommended for the use of students and readers.

The heads of convents and Church libraries are cautioned to cleanse their collections from the books which have been condemned under the previous prohibitory Index, and to replace these books with the works now recommended by the authority of the Church. In the second issue of this recommendation catalogue are presented, curiously enough, the titles of certain works which had been prohibited in the Index of Trent. Examples of these are the writings of Bohemus, J. P., of Geiler Kaisersperg, Conrad Klingius, Jo. Ferus, F. Guicciardinus.¹ Between the years 1606 and 1619, there came into annual publication in Mayence, as a result apparently of the recommendation of Peter Canisius, the energetic head of the Jesuits in Germany, a catalogue, prepared more particularly for the use of booksellers in Catholic countries, of books recommended for the reading of the faithful. This annual catalogue bore the following titles: *Index novus librorum imprimis Catholicorum, theologorum, aliorumque celebrium auctorum quarumcunque facultatum et linguarum, causas religionis tamen non tractantium . . . pro Italia ceterisque nationibus confectus*. On the back of the title-page of the issue for 1606, is presented a preface bearing the signature Valentinus Leuchtius. *S. Sedis Apost. librorum revisor, imp. Rodolphi II*, etc. In this preface, the reviser undertakes to lay down the principle for the elimination of

¹ Reusch, i, 467.

pernicious literature and for the selection of books of wholesome doctrine and sound influence.

The above series describes the few fragmentary efforts made in any formal fashion by the Church authorities during the centuries of censorship to guide with any positive advice the reading of the faithful. The dependence for counsel in regard to the books to be read seems to have been left to the individual action of the confessors or other ecclesiastical advisers.

CHAPTER VI

ISSUES BETWEEN CHURCH AND STATE

1559-1870

1. Venice and the Papacy.....1606-1696.
2. Spain and the Papacy.....1559-1770.
3. Controversies concerning the Gallican Church.....1600-1758.
4. Ecclesiastical-Political Contests.....1700-1750.
5. England and the Papacy.....1606-1853.
6. The Gallicans and the Liberal Catholics.....1845-1870.

1. **Venice and the Papacy, 1606-1696.**—The contest that arose between Paul V and the Venetian Republic caused to the Pope a larger measure of trouble than had arisen in connection with the controversy *De Auxiliis*. The Venetian Senate, in laws enacted in 1603 and 1605, had brought under its direct control the building of new churches, monasteries, and hospitals; it had prohibited the transfer, either by sale or by gift, of real estate to any ecclesiastical bodies, and it had brought for trial before the civil court two ecclesiastics who were charged with common crimes. In December, 1605, Paul writes a brief to the Doge and a second brief to the Senate in which he declares these laws to be annulled and demands the delivery to the papal nuncio of the two clerical delinquents. The Venetians refused obedience to the demand in the briefs; thereupon the Pope transmits to the ecclesi-

astical bodies of Venice in April, 1606, a *monitorium* in which he places under excommunication the Doge and the members of the Senate unless, within twenty-four days after the publication of this *monitorium*, the demand of the brief be complied with. The Doge, Leonardo Donato, prohibits the publication of the papal decree. The Jesuits, the Capucins, and the Theatins, the only bodies who were affected by the interdict placed upon the territory of the Republic, were expelled. The Pope now threatened the Venetians with war, but in the course of a few months, through the intervention of the French Ambassador and of Cardinal Joyeuse, the two priests were delivered to the French Ambassador, with the declaration that the Republic reserved for itself the right to punish ecclesiastics for civil offences. The laws in regard to such procedure were not recalled, but the Senate agreed to have the same administered with due reserve. The Senate also recalled its manifesto against censorship. The Cardinal, in the name of the Pope, thereupon recalled the several decrees issued against the Republic. The Venetians refused, however, to take back the order expelling the Jesuits, and it was not until fifty years later, in 1657, that the latter again found place for themselves within the Republic.

In 1606, were included in the Index a number of controversial treatises which had been written for the defence of the contentions of the Republic or which concerned themselves with the interdict issued by the Inquisition. During the time of Alexander VII, was placed upon the Index a general prohibition of the record of the interdict issued by Paul V against the Venetian Republic. This entry was cancelled by Benedict XIV. During this contest, were placed upon

the Index certain treatises by Suarez and by Sanchez, both leaders among the Jesuits, on the ground that editions of their works, printed by Venetian printers, had omitted passages which sustained the authority of the Holy See. The printers had been able to secure from the Senate a privilege for the printing of these volumes only on condition of the elimination of these passages. The most famous of the representatives of Venice in this contest was Paolo Sarpi (1552-1626). Sarpi was, in 1626, ordered by the Inquisition to report to Rome, but he refused obedience and made a formal protest against the order. Sarpi's *History of the Council of Trent* was prohibited promptly after its publication in 1619, and later, several other writings of his found their way also into the Index lists. There is, however, no condemnation under the name of Sarpi of his *Opera omnia*. In 1656, was published the official *History of the Council of Trent*, compiled by Pallavicini. The Index contains the titles of a number of writings which were written in criticism of this history.

In the *Discorso* concerning the Inquisition in Venice (printed in 1639), Sarpi (in a reference to certain decrees issued in 1609 and 1610 by Yotella, master of the palace) complains of the attempt on the part of the papacy to undermine and violate the Concordat made in the year 1596, between the Republic and the pope, which among other obligations stipulated that no other Index than that of Clement VIII should be enforced or allowed. In contravention of this stipulation, new decrees were year after year being imposed, "chiefly through confessors, which were to be enforced in all cities, territories, and places of whatever kingdom or nation, and which were to have authority even without publication."

In the latter part of 1607, Sarpi was set upon by three assassins (two of whom were monks) and was very nearly killed. He was in fact stabbed in fifteen places. The attempt was (not unnaturally) charged to the papal representatives in Venice and did not a little to embitter the contest between the city and the pope.¹

Sir Henry Wotton, writing from Venice to the Earl of Salisbury in September, 1607, says of Sarpi:

“Now to say yet a little more of this man upon whom and his seedes there lyeth so great a work, he seemeth as in countenance as in spirit liker to Philip Melanchthon than to Luther, and peradventure a fitter instrument to overthrow the falsehood by degrees than by a sodayne, which accordeth with a frequent saying of his own: That in these operations *non bisogna far salti*. He is by birth a Venetian, and well-skilled in the humour of his own country. For learning, I think I may justly call him the most deep and general scholar of the world, and above other parts of knowledge he seemeth to have looked very far into the subtelties of the Canonists, which part of skill gave him introduction into the Senate. His power of speech consisteth rather in the soundness of reason than in any other natural habilitie. He is much frequented and much intellegenced of all things that passe, and lastly, his life is the most irreprehensible and exemplar that hath ever been known.”—Public Record Office, State Papers, Venice, Misc. 12, f. 805.

In November 1607 the Earl writes to Wotton:

“SIR HENRY WOTTON,—His Majesty hath well approved your care and industry, and he hath commanded me to return you thanks for it, being much pleased in the constant and magnanimous proceedings of that State upon all occasions offered, and particularly in the carriage of the

¹ Robertson, 118.

matter concerning il Padre Paolo, of whose escape from so foule an assassinate his Majesty is right glad, as he expressed himself to the Venetian Ambassador here at his last audience, to whom he did also make known his particular good declination towards il Padre Paolo, for his learning, modesty and zeale in the defence of so good a cause as is the sovereign power of an estate which hath dependence of none but of God against the usurpations of the Pope of Rome, who being not only contented to have intruded himself into the sole power and authoritie for matters belonging to religion, doth seek also cunningly to wynd himself, by little and little into the civil government and lift himself up above all the Monarchs of the Earth, as the examples in that State and elsewhere to make manifest; for which also his Breve against the oath of obedience here may serve for an instance, whereof I do send you a copy here enclosed, together with another Breve, which for better explication of the former hath since been published at Rome, to prevent all exceptions that might be conceived against it, both which you may impart to the partie you wrote of, for his better satisfaction and encouragement in the course he hath begun, to which His Majesty wishes all good success, for the propagation of God's glory."

In 1892, a Monument to Sarpi was erected in Venice with funds secured by public subscription. This monument commemorates not only the life and work of a high-minded, far-seeing patriot, but the successful issue of the long contest waged by Venice against Rome in behalf of the freedom of the press.

2. **Spain and the Papacy, 1559-1770.**—From the beginning of the policy of censorship down to the date of the issue of the latest Index, the Papacy maintained its claims as the sole authority to make definitions of faith or of morals and to the exclusive control of the supervision of literature. The record shows, however,

that outside of certain divisions of Italy, the papal decrees in the matter of censorship secured scant obedience. Spain, which continued through the centuries to be the most orthodox of States, proved the least willing to recognise, in the matter of censorship, the authority of Rome. Montanus is authority for the statement that the issue in 1559, of the first Roman Index of Paul IV excited the indignation of scholars throughout the world, and that in Spain the Index was not permitted to be published. Valdés, the Inquisitor-General, announced that a catalogue of books had been issued in Rome and further lists in Louvain and in Portugal, and that the Inquisition would itself prepare an Index or catalogue based upon these. This first Spanish Index was, however, framed with little respect for the papal decisions, and this policy was followed in the whole succeeding series. Books prohibited in Rome were permitted in Spain, and certain books were condemned in Spain which had secured the approval of the papal authorities. After the Index of Trent (published in 1564) had given evidence of a more liberal policy on the part of the Roman Church, the Spanish authorities declined to accept the modifications. Valdés, the Inquisitor-General, actually suspended the publication of the decree of Pius IV and remonstrated with Philip II for permitting currency to these lax papal regulations. The decree in question had permitted the reading of Bibles in the vernacular and also works written by heretics which had to do with matters outside of the domain of theology and religion. The Spanish authorities thereafter asserted the right of issuing Indexes under their own name and authority.¹ Condemnation of a book in

¹ Llorente, i, 492. Ticknor, ii, 96.

Rome carried no weight in Spain unless such condemnation was itself confirmed by the Inquisition. When a book had been examined by the Inquisition, it was forbidden to make any appeal in the matter to Rome.

In 1599, Juan de Mariana published in Valladolid a Latin treatise on the *Institution of Royalty* and dedicated it to Philip III. The work was liberal in its general political tone and even intimated that there are cases in which it may be lawful to put a monarch to death; but it sustained with great acuteness the power of the Church and it tended to the establishment of a theocracy. The work was regularly approved by the censors of the press and is said to have been favoured by the policy of the Government which, in the time of Philip II, had sent assassins to cut off Elizabeth of England and the Prince of Orange. In France, where Henry III had been thus put to death a few years before, and where Henry IV suffered a similar fate a few years afterward, the book excited a great sensation. Indeed, the sixth chapter of the first volume directly mentions, and by implication countenances, the murder of the former of these monarchs and was claimed, although without foundation, to have been among the causes that stimulated Ravallac to the assassination of the latter. . . . Among the papers found after the death of Mariana was one on the errors in the government of the Society of Jesuits. It would appear that, notwithstanding the strong support of the authority of the Church, the learned author had incurred the enmity of the great Order which directed the Inquisition.

The Congregation of the Index was instituted by Pius V in 1571. Gregory XIII, in 1572, issued letters stating that the operations of the Congregation were in no way to interfere with the powers and jurisdiction

of the Holy Office in Spain. This utterance was in line with that made by Paul III in 1544, in which the Pope declared, in reference to the Roman Inquisition that had been instituted in 1542, that this was not to come into conflict in any way with the powers and the jurisdiction of the Inquisition in Spain. A similar statement was made in 1587 by Sixtus V, and in 1595, Clement VIII specifically committed to the inquisitor in Spain cognizance in the matter of prohibiting books. There were, however, notwithstanding this series of papal briefs, occasional protests from Rome concerning the independent action of the Spanish Inquisition. Catalani, writing in 1680, pronounces it "ridiculous to suppose that any one could confer on the Spanish Inquisition the power to rescind the judgments of Rome."¹ A letter written by the secretary of the Congregation of the Index to the Bishop of Malaga, takes the ground that the decrees of the Congregation were binding on all Christians, and that the bishops were under obligations, in virtue of their episcopal authority, to punish those who transgressed their decrees. Lea is of the opinion, however, that few Spanish bishops would have ventured to put themselves in opposition to the Inquisition.¹ This conflict of authority produced a series of issues in regard to certain authors, among whom the most noteworthy were Poza, Sa, and Moya. There is not space here to give the details of these issues. It may simply be said that, in the larger number of instances, the Spanish Inquisition succeeded in maintaining, at least for Spain, its own authority.

The contentions for the independent control of the national Church were maintained with no less vigour

¹ Lea, 102.

in Spain than in France although a somewhat different ground was taken by the Spanish writers. Whatever success may have been secured in the claim of the Kings of Spain to control the affairs of the Spanish Church, this control never took the secular character which characterised much of the action of the administration of France on ecclesiastical matters. The throne of Spain was so directly and so completely under the influence of the Spanish Inquisition that the direction of the affairs of the Spanish Church, while often entirely independent of Rome, was, with hardly an exception, kept within complete ecclesiastical control. Under Urban VIII, were placed in the Index certain Spanish writers who had been prominent in maintaining the authority of the Crown in the control of the Spanish Church. The writers of this group came to be known as Regalists. The most noteworthy among them were Cevallos and Salgado. The condemnation of these authors was, however, by no means accepted in Spain and was vigorously protested against by Philip III and by Philip IV. Later, there came into the Roman Index a long series of treatises by Spanish, Portuguese, Neapolitan, and Sicilian Regalists who were maintaining the views originally presented by Cevallos and Salgado. In 1610, a treatise by Cardinal Baronius, in which strong ground was taken for the authority of the pope to control Church appointments and Church property in Sicily, was, under an edict of Philip III, prohibited for Sicily and also for Spain, and the printing or circulation of copies was forbidden under heavy penalty.

The Spanish kings had in practice usually been able to maintain the *regalias* or rights which they held to be inherent in the Crown, but there were still questions

left to be debated by publicists and canon lawyers. The advocates of the royal prerogative were known as Regalists and came naturally into antagonism with the authority of Rome and with the contentions of the Ultramontanists. The issue was complicated by the determination of the Inquisition to maintain at any cost the supremacy of its jurisdiction over that of all secular tribunals.¹ The Inquisition was able to utilise its powers of censorship to sustain its aggressions upon the other departments of government. In the Index of Clement VIII, published in 1596, the instructions that had been reprinted in the successive Indexes ordered the expurgation of all propositions which were antagonistic to ecclesiastical liberty, immunity, and jurisdiction. In 1606, the Jesuit Henriquez, in his treatise entitled *De Clavibus Romani Pontificis*, defended the right of appeal from the ecclesiastical courts to the Royal Council (of Spain). By order of the papal nuncio, the edition was cancelled so successfully that only three or four copies survived. In 1618, in a treatise by Cevallos, a similar contention was maintained on behalf of the authority of the State. In 1624, this work was prohibited by a separate decree, notwithstanding the application made by the King (Philip III) through his ambassador at Rome, to prevent the condemnation of a book that maintained the rights inherent in the sovereign. The censorship authorities of Spain declined to ratify the papal decree. In a case such as this, the Inquisition and the Crown had interests in common. If the Crown had failed to vindicate its independence, the Inquisition would have been reduced to subjection to the Roman Congregations.² When the Inquisition

¹ Lea, 125.

² *Ibid.* 130.

failed in its duties in regard to the examination of books before publication, the State assumed for itself the direct exercise of the functions of condemnation and suppression. In 1694, a treatise attributed to Barambio was issued under the title of *Casos reservados a su Santidad*, in which the royal prerogative was impugned. The book was never placed upon the Index, but it was formally condemned under royal decree, and the edition was ordered cancelled. In 1760, King Carlos III issued regulations prescribing the rules respecting papal briefs, and prescribing further the system under which the censorship functions of the Inquisition were to be kept under subordination to the State. The decree was recalled in 1763, but was reissued in 1768 with an appeal to the spirit of the *Constitution* of Benedict XIV, issued in 1753, under which *Constitution* the proceedings of the Roman Congregations had been reformed. No edict concerning censorship was thereafter to be published until it had been submitted to and approved by the King. The Inquisition was thus placed under wholesome restrictions, but, although it could not openly resist the royal prerogative, in practice it continued to condemn books in secret without giving a hearing to the authors, and to a great extent rendered the submission to the King a mere formality after the publication of the edict of prohibition. It is Lea's conclusion that, as a result of the long series of contests, the State gradually succeeded in asserting for its own protection the power of sovereignty, and did not hesitate to exercise the function which had at first been relegated exclusively to the Inquisition.

In 1751, an issue arose between Spain and Rome over the Catechism of Mesengui. In this case the

Spanish and Roman censors were in accord. The contest represented an attempt on the part of King Carlos III to free the throne from the domination of the Inquisition. The catechism in question was contained in six volumes entitled *Exposition de la Doctrine Chrétienne*. It was published in 1744 and was placed on the Index in 1757. It proved particularly obnoxious to the Jesuits and, at the instance of their general, Ricci, it was again condemned under a formal Bull. The main ground for the antagonism to the book was its utterances in regard to the claim of the popes to supremacy over sovereigns. Its condemnation was virtually a challenge to all the monarchs of Europe. King Carlos forbade the publication of the Bull in Spain; the inquisitor-general, in defiance of the royal authority, caused the Bull to be distributed throughout the churches and convents of Spain.¹ A royal edict of 1762 ordered that no Bull or papal letter issued from Rome should be published without having been first presented to the King by the nuncio and having been approved. This edict was withdrawn in 1763 under pressure brought to bear upon the King by his confessor, but it was reissued in 1768. With the close of the reign of Carlos, the royal edict fell, however, into abeyance, and the Inquisition again secured for itself full control of the matter of censorship.

3. Controversies concerning the Gallican Church, 1600-1758.—While there was an increasing tendency on the part, not only of the civil authorities in Paris but also on that of the divines of the Sorbonne, to bring into condemnation the works of the more extreme of the Ultramontane writers, this policy had as one result the directing of the attention of the authorities

¹ Lea, 136.

in Rome to the series of treatises by French jurists and theologians in which was contested the claim of the pope to authority in civil matters, and in which was upheld the claim to independent authority on the part of the Gallic Church and the right of the king to control the appointments in the Church. The French writers gave special attention to the responsibilities of the French bishops in regard to the control of the Church property of their dioceses, responsibilities which, according to the French view, were to be discharged not to Rome but to the State authorities. Among the writers of this Gallican school of thought whose names came into the Index during the 17th century may be noted the jurists, Simon Vigor, Louis Servin, and Pithon Du Puy; the theologians Edmond Richer, Véron, de Marca, Gerbais, and Boileau. The treatise of the latter had been written under the instructions of Richelieu. These censorships of the Holy See secured as a series no recognition in France. The condemnation of the treatise of Rabardeau was, however, confirmed by an assembly of the French clergy. In one way or another, the authority of the Holy See made itself felt in France. Richer, for instance, even before the formal prohibition in Rome of his writings, was, at the instance of the authorities in Rome, dispossessed by the French Government from his post as syndic of the Sorbonne. De Marca, who in 1642 had been nominated as bishop, was refused confirmation by the Holy See on the ground of the condemnation of his treatise *De concordia sacerdotii et imperii*, and it was only in 1647, when after long negotiations he had made retractation of the doctrine presented in this thesis, that he was given authority to take charge of his diocese. In the Spanish Index, are entered a few

only of the titles of these French defenders of the authority of the State which had been condemned in Rome.

In May, 1663, the divines of the Sorbonne, on the ground of the development of extreme Ultramontane views, published the following declaration: I. It is the contention of this faculty that the pope possesses no authority whatsoever concerning matters belonging to the State or affecting the control on the part of the most Christian King over matters of State. This faculty has, in fact, always opposed the contentions of those who hold for even an indirect authority on the part of the Church in State matters. II. It is the doctrine of this faculty that the Christian King recognises in matters of State no higher authority than God himself. III. It is the doctrine of this faculty that the subjects of the king can, under no pretext or suggestion, be freed from their obligation of loyalty and obedience to the monarch. IV. The faculty can approve no propositions or theories which are opposed to the complete freedom of the Gallican Church or to the full authority for this kingdom of the canon law of France. The faculty denies that the pope has the authority to issue instructions that are contrary to the authority of these canons. This faculty holds that the authority of the pope does not take precedence of that of a general council of the Church. V. This faculty holds that without the collaboration of the Church as expressed in a general council, the pope does not possess infallibility. This declaration was the view which was later confirmed, first by the Parliament of Paris, and later by the King (Louis XIV). The King at the same time prohibited the printing or distribution of any writings

Declaration of
the Sorbonne,
1663

maintaining contrary doctrine. In 1664 and 1665, the Sorbonne published a censure of certain Ultramontane propositions which had been found in books by de Vernant and Guimenius. These censures were themselves condemned in very sharp terms in a Bull issued in 1665 by Alexander VII. The Parliament of Paris promptly prohibits the publication of the Bull and confirms the censures of the Sorbonne. Diplomatic negotiations followed but did not succeed in bringing any satisfactory conclusion for the issue. In 1671, was published the *Exposition de la Doctrine de l'Église Catholique*, by Bossuet, a treatise which, while it by no means supported the contentions of the Holy See, found in Rome a favourable reception and secured the individual commendation of Innocent XI.

In 1673, Louis XIV made claim for a material extension of the rights of the Crown over the appointments in the French dioceses and for the control of the property of the French Church. This declaration of the King brought about a sharp conflict with Innocent XI, which continued until 1682. In that year, a statement of principles arrived at by the Gallican Church and presented in four articles brought the earlier issue to a close. As a result of this first contest, one or two French publications came into the Index. Among these was a treatise by the Jesuit Rapin (published anonymously), prohibited in 1680. As late as 1710, was prohibited, by a brief of Clement XI, a volume by Andoul on the matter of the Regalia rights. This papal brief the Parliament of Paris refused to confirm and, in 1712, the Inquisition therefore condemned the declaration that had been issued by

**The Rights of
the Crown in
Ecclesiastical
Matters**

the Parliament. A similar course of condemnations had taken shape in 1680, in which year a previous letter or enactment of the Parliament had been in like manner condemned by the Inquisition of Rome. In 1682, the assembly of the French clergy presented a conclusion in support of the contention of the Crown in regard to the Regalia rights, which conclusion was expressed in the following declaration:

I. To the pope has been given by God no authority over civil matters of State. In these matters, kings and princes are subject to no ecclesiastical authority, and they cannot either directly or indirectly be brought under the control of the Church, nor can their subjects be freed through any ecclesiastical intervention from the loyalty and obedience due from them to their civil rulers.

II. The pope possesses full control in spiritual affairs, as specified in the conclusions arrived at during the fourth and fifth sessions of the Council of Constance. The Church of France takes the ground that these conclusions arrived at in the council did not apply only to the time of the schism but remained of binding authority.

III. The Apostolic authority is always to be exercised subject to the restrictions of the canon law; and as far as France is concerned, the laws of the monarchy and the old customs and regulations of the French Church are not to be interfered with.

IV. It is the case that in matters of faith, the decision of the pope retains a controlling influence and his decrees are rightly to be issued to all the churches of the world. The papal judgment is, however, not to be held as infallible, final, or not open to modification unless and until it has secured the assent of the Church

universal, such assent as is expressed through the conclusions of the general council.

This declaration was, in March, 1682, confirmed under the edict of Louis XIV, duly registered by the Parliament of Paris. The declaration brought out not a little antagonism and criticism in Rome but was not at once condemned. In 1691, however, a brief of Alexander VIII declared that the conclusions of this convention of 1682, and the edicts in which the same were represented, were to be considered as null and void. Through the prohibition of various writings in which the opinions of this declaration were defended, the papal view in regard to the same was also made clearly evident. In 1684, was prohibited, under a special brief of Innocent XI, a treatise from Natalis, in 1685, one from Neimburg, in 1688, one from Dupin. During the same period, the Index Congregation condemned writings to the same purpose by Choiseul, Borjon, Fleury, Févret, Arnauld, and others. The defence of the French position made by Bossuet was also under consideration for condemnation but was never formally prohibited.

The following statement from the historian Dejob, while referring to issues that were under discussion at the Council of Trent, is equally applicable to opinion in France on ecclesiastical organisation in the succeeding century:

“Frenchmen of the sixteenth century found as a rule no attraction in puritanism, in mysticism, or in epicureanism. They approved of the conclusions of the Council of Trent in maintaining against the Protestants the invocation of the Saints, the use (as symbols) of images, the feeling for the ceremonials of religious observance. Feeling assured that all homage was actually and finally addressed to God,

they approved the action of the Council in maintaining for the government Church a monarchical hierarchy, always provided that the national clergy should lose none of its privileges, and that the prerogatives of the King should not be assailed. Finally, they realised that Catholicism had the advantage of being in accord with the feeling of the people and with justice and common sense, in defending against the partisans of predestination the belief in the freedom of the will and in justification by works; for, while concerning themselves little with equality under the law, they held stoutly to equality before God. It may, in fact, be said that their theory of relations of man before God could be summed up in the three famous words that were adopted by their descendants in expressing a political ideal: liberty, equality, fraternity. . . .

“They believed further that while it was not the duty of believers to abandon the joys of this world, their salvation in the world to come could be assured only through self-denial and penitence. In accepting the aims and the ideals of the Counter-reformation, France was, therefore, called upon for no sacrifice of convictions or of practice.”¹

In 1684, 1685, and 1687, Innocent XI prohibited in special briefs the Church history of Alexander; in 1685, an historical treatise by Neimburg; **The Gallican** in 1687, the same author's biography of **Church** Gregory I, and in 1689 a group of other **Historians** of his writings. Between 1662 and 1693, a series of treatises by de Launoy on Church history and Church law were prohibited. In 1688, a brief of Innocent XI prohibits the treatise on Church law of Dupin, and in 1693, the Inquisition prohibits the *Bibliothèque* of the same author. Later, the remainder of his works came into the Index. In 1707, the writings of Tillemont were denounced, but were saved from prohibition

¹ Dejob, 342

through a protest on the part of certain Roman scholars. The Church history of Fleury escaped the Index and of his works on Church law, only the *Catéchisme Historique* was prohibited and with a *d.c.* The learned Mabillon came under consideration with the Index authorities more than once. In 1703, a treatise of Mabillon, which had to do with the misuse and misinterpretation of certain relics taken from the Roman catacombs, was sharply criticised but escaped formal prohibition with the instruction that Mabillon must produce an improved edition. His *Traité des Études Monastiques* was prohibited in the Italian edition. The Church history of the French Jesuit Avrigny, covering the period of 1600–1718, was prohibited on the ground of its Gallican views. Through a special brief was condemned, in 1740, the translation by Le Courayer of Sarpi's *History of the Council of Trent*. Benedict XIV decided to recall the prohibition of the Church history of Alexander, but at the same time placed on the Index a series of treatises of Roncaglia the conclusions in which were practically identical with those of Alexander.

Among the works condemned by the State may be cited:

Bellarmin, *Tractatus de potestate summi Pontificis in temporalibus*, Rome, 1610, condemned under a decree of the Parliament of Paris in November, 1610, on the following ground: *Contenant une fausse et détestable proposition, tendante à l'éversion des puissances souveraines ordonnées et établies de Dieu, soulèvement des sujets contre leurs princes, soustraction de leur obéissance, induction d'attenter à leurs personnes et états, troubler le repos et la tranquillité publique.*

Casaubon, Isaac, *De libertate ecclesiastica*. This book was condemned by Henry IV, who undertook

to have collected and destroyed all the copies that had been brought into print.

Charron, Pierre, *Traité sur la sagesse*, Bordeaux, 1661. The first edition was condemned by the Sorbonne until it should have been expurgated. The later revised editions secured approval.

In 1729, Benedict XIII wrote a monograph which was to be read before the Church universal on the commemoration of the feast of Gregory VII, and in this paper he gave particular emphasis to the statement that Gregory had deposed the Emperor Henry IV. This papal utterance brought out protests on the part of a number of the parliaments and bishops of France. In four briefs, Benedict condemned and ordered cancelled pastoral letters of three bishops which contained animadversions on his monograph, and he included at the same time in a general condemnation all resolutions, decrees, or protests which had emanated from civil authorities concerning the same matter. The *Officium* containing the objectionable statement which Benedict had ordered to be read on the feast-day, was itself prohibited throughout the Austrian dominions.

Under Benedict XIV, were prohibited a series of writings which undertook to defend certain measures attempted in 1749 by the Government of France for the taxation of the clergy. The *Decr. Generalia*, ii, 9, contain a general prohibition of all works which bring into question the immunity (from taxation) of the property of the Church. Shortly after the death of Benedict XIV, a group of six monographs came into the Index which had to do with the question whether a converted Jew, by name Barach Levi, was to be

Works Connected with the Gallican Church

permitted to take to himself another wife during the lifetime of the original wife, who had decided to remain in the Jewish faith. The same question had arisen a little earlier in France and had been decided in the affirmative by Benedict XIV. The authority for the contention that the convert was free so to act rests upon 1 Corinthians vii, 15.

4. **Ecclesiastical-Political Contests, 1700-1750.**—Clement XI (1700-1721) plays an important part in the history of the Index. He is the author of the Bull *Unigenitus*, of the Bull *Vineam Domini Sabaoth*, and of the Bull concerning Chinese usages, and he was responsible for the schism of Utrecht. He issued a longer series of briefs than are to be credited to any other pope for the prohibition of particular works, and to these are to be added a great number of decrees published under his orders by the Inquisition and by the Congregation of the Index, which carried general prohibitions of whole classes of publications. Clement found himself involved, during the twenty years of his rule, in serious contests and complications with the several States of Europe, contests which had as one result the swelling of the Index lists with a great number of controversial writings. Under the Index policy of this period, were condemned not only works which took ground antagonistic to the claims of the pope, or in defence of the claims of civil authority, but a great series of civil enactments, State decrees, and court decisions, with the purport of which the Holy See found reason for dissatisfaction. Public documents and official records of this general character could of course be formally condemned, and could in form be prohibited; but it was not practicable, under any authority possessed by the pope, to do anything to

prevent such enactments, court decisions, etc., from becoming known and from remaining in force in the territories in which they applied. The so-called prohibition on the part of the pope may be considered as simply the expression of a pious opinion, and differs therefore in its purpose and in its application from the prohibitions previously attempted by means of the Index. Among the decisions of magistrates which came into the Index during this period, were a long series taken from the Neapolitan courts, decisions which indicated strained relations between the Government of Sicily and the Holy See.

The most important book of the time having to do with these Sicilian complications was the *Political History of the Kingdom of Naples*, by Pietro Giannone. This was published just after the death of Clement and was promptly prohibited under the general policy that had been in force. By the time of Benedict XIV, the complications between the Holy See and the Governments of the Catholic States had been pretty well straightened out and the Index of Benedict contains therefore the titles of but very few political works. Through a special decree of the Congregation of January, 1729, was prohibited a history written by Count Franc. Maria Ottieri, and published in Rome in 1728, of the *War of the Spanish Succession, 1696-1725*. The book was condemned on the ground that it contained expressions injurious, if not libellous, concerning certain princes and political leaders. There seems in this case to have been no objection on theological or ecclesiastical grounds. The decree states that the condemnation had received the personal approval of Benedict XIII. Under the instructions of Benedict XIV, however, the title was taken out of the Index.

In 1746, Benedict XIV ordered the prohibition of a treatise by Garrido, general of the Spanish Congregation of the Benedictines, which had been printed in Madrid in 1745 under the title: *Concordia prelatorum: Tractatus duplex de unione ecclesiarum et beneficiorum*, etc. This work was also condemned by the Spanish Inquisition, which was as heretofore under the control of the Dominicans.

It is the contention of those upholding the reasonableness of the claims of the Church that there need be no conflict of authority between the powers spiritual and the powers temporal; that the allegiance and obedience should be entire towards the sovereign in matters temporal and entire towards the pope in matters spiritual. In the application of this apparently simple principle, it was inevitable that there should arise differences of interpretation. From the ecclesiastical point of view, it was claimed that all ecclesiastical property was to be classed with the matters spiritual; to the same class belonged of necessity ecclesiastical persons, thus securing for such persons immunities, both personal and real; while from these two claims arises the jurisdiction of the Church in matters both civil and criminal. In marriage, for instance, the sacrament is the essential thing, from which arises the inference that marriage is to be regulated by ecclesiastical law. Finally, every human act may be the subject of sin, and on this ground the Church has received divine precepts and has instituted ecclesiastical laws for the regulation of all actions.

It is evident that, if these assumptions be accepted, there are very few human activities the regulation of which belongs outside of the authority of the Church. This is in substance the view presented by an Austrian

Romanist previously quoted, who was writing on behalf of the liberties of the Austrian Church.¹

The Rev. Joseph Berington, writing in 1760, uses, in describing the ecclesiastical polity, the following language:

“The mode of government which Rome maintains in this kingdom (England) and from which in no kingdom it ever departed but when driven by hard necessity, draws very near to that feudal system of polity, to which the nations of Europe were once subject. It contained one sovereign as suzerain monarch in whose hands was lodged the *supremum dominium*, and this he apportioned out to a descending series of vassals who, all holding of him *in capite*, returned him service for the benefits they received in honours, jurisdiction on lands; and to this service they were bound by gratitude, which was strengthened by an oath of fealty. The application of the system to the sovereign power of the pontiff and to a chain of descending vassalage in archbishops, bishops, and the inferior orders in the ministry, is direct and inevitable.”²

Catalani, writing in 1738, contends that the oath of allegiance to the pope expresses not only a profession of canonical obedience, but an oath of fealty not unlike that which vassals took to their direct lords.³ He cites as an example, the first oath of the kind, that taken by the Patriarch of Aquileia to Gregory VII, in 1079.

Mendham concludes, after reference to other authorities, that allegiance and obedience are divided in the most unfavourable sense and degree (particularly in

¹ Dal Pozzo, *Catholicism in Austria*, 182.

² *The Decline and Fall of the Roman Catholic Religion in England*, London, 1760, 275.

³ *Commentary on the Roman Pontificate*, i, 178.

the case of heretical rulers) when the soul and conscience are to be given to a foreign (so-called) spiritual sovereign, while the actual temporal ruler can claim only what remains of his subject.¹

A long series of works came into print during the last half of the 18th century having to do with the issues that had arisen between the Papacy, under Clement XIII and Pius VI and the Governments of Venice and of Naples. With a few exceptions, doubtless accidental, these works were duly prohibited, either by the Inquisition or the Congregation. The similar contests between Clement XIII and the Duke of Parma did not bring into the Index any fresh titles. A series of Spanish works written against the claims and contentions of the Holy See, printed during the same period, also escaped the attention of the editors of the Roman Indexes. The Indexes of this period contain the titles of a number of treatises on Church and State issued by the French author, Richet, and also of a series of monographs on the reform of the religious orders and on the policy to be pursued by the State with its non-Catholic citizens. The list also includes a monograph on the authority of the pope, published in Amsterdam in connection with the controversy concerning the Church at Utrecht.

In 1764, were prohibited under a separate decree of the Congregation, a treatise by Bishop Frevorius, published in 1763, together with a series of less important works, all of which were concerned with the issues that had arisen between the Holy See and certain of the German bishoprics. In 1784, the Congregation prohibits the Introduction to Ecclesiastical Law written by Eybel; and in the following year was condemned,

¹ Mendham, 217.

by a brief of Pius VI, the treatise by the same author on Confession. In 1786, the monograph by Eybel, issued under the title of *Was ist der Papst?*, was also prohibited in a separate brief. The editors of the Index evidently found it impracticable, however, to make place for the long series of similar publications by the controversial writers of Germany which came into print during the same period. The two or three titles selected cover some of the least important of the series. The selection was apparently made without any adequate knowledge of the material to be considered.

5. England and the Papacy.—On the 25th of February, 1570, Sixtus V issues his Bull against Queen Elizabeth, a copy of which Bull was, on May 15th, nailed on the door of the palace of the Bishop of London. The Pope describes Elizabeth as “a bastard and usurper,” the “persecutor of God’s saints.” He declares that it would be “an act of virtue to be repaid with plenary indulgence and forgiveness of all sins, to lay violent hands upon Elizabeth and to deliver her into the hands of her enemies.” He declares Philip of Spain to be the rightful King of England and the Defender of the Faith. In the same year, Cardinal Allen, an Englishman, printed in Antwerp a pamphlet entitled *An Admonition to the Nobility and People of England and Ireland*, in which, says Motley, Queen Elizabeth is “accused of every crime and vice that can pollute humanity.” These charges are set forth with “foul details unfit for the public eye in these more decent days.”

An important question in the relations between the Papacy and England that called for attention under Paul V, was the issue that arose with James I of

England after the discovery of the Gunpowder Plot. An order had been issued by King James in July, 1606, for a fresh oath of allegiance to be taken by English Catholics. The Pope forbade the Catholics to take this oath because it included the statement that the claim of the Pope to have the right to depose kings and princes and to absolve their subjects from allegiance was godless, infamous, and heretical. The several statements brought into print on behalf of King James in defence of the wording of the oath, were themselves condemned by the Inquisition. The treatises of the English Catholics, William and John Barclay and Thomas Preston ("Roger Widdrington"), in reply to the defence by Bellarmin of the papal contentions, were promptly placed upon the Index in connection with a long series of later monographs on the same subject. The oath of allegiance was, under Urban VIII in 1626, and later under Innocent X and Alexander VII, again declared to be invalid. Towards the end of the 18th century, an oath of allegiance substantially identical was, however, approved by six theological faculties in England and by the Apostolic vicar in England and this decision was accepted without protest by Rome. In the oath of allegiance (which is not to be confused with the oath of supremacy, the latter not being required from his Catholic subjects) James required the Catholics to acknowledge that he was the rightful King of England, that the pope had no authority to dispossess him or to incite a foreign prince to war against him or to pardon his subjects for disobedience to British law. They were further called upon to swear that, irrespective of any papal decrees of deposition or any threat of excommunication, they would remain loyal to the King,

and further they were to declare as godless and as damnable the theory that the pope could release any subject from obedience to his rightful sovereign. Finally, they were called upon to declare the belief that neither the pope nor any other authority could release them from this oath. In 1608, James wrote a defence of the oath, which was printed in a Latin version prepared by Henry Savile. In 1609, this treatise was prohibited by Paul V under the penalty of *excommunicatio latae*, etc. A further prohibition was issued by the Inquisition some months later. A treatise by William Barclay, a Scotch Catholic, printed in 1609 (after the death of the author), presents the arguments against the authority, either direct or indirect, of the pope in secular matters. This was duly condemned in Rome in 1610 and in Paris in 1612. It formed the text for the famous treatise by Bellarmine, *Tractatus de potestate summi Pont. in rebus temporalibus*. The treatise written by the Benedictine, Thomas Preston, under the nom-de-plume of Roger Widdrington, *Apologia Card. Bellarmini pro jure principum adv. suas ipsius rationes pro auctoritate papali*, etc., printed in London in 1611, was prohibited in Rome in 1613 in a general decree. In 1614, the Index of the Congregation issued a special decree prohibiting this work together with a second treatise of the same author. Later, were placed on the Index a further group of essays by Widdrington. Sarpi published in April, 1614, an analysis of the two earlier books of Widdrington, giving high praise to the scholarly authority of the author's conclusions. These had an immediate bearing upon the contention of the Venetian Republic to control, without interference from the pope, its own civil affairs. In 1680, sixty

divines of the Sorbonne rendered a judgment to the effect that the Catholics in England could with a safe conscience swear loyalty to King James and accept the oath of allegiance. A monograph making record of this judgment, printed in London, in 1681, under the title of *English Loyalty Vindicated by the Divines*, or a *Declaration of Three-score Persons of the Sorbonne for the Oath of Allegiance*, was, in 1682, prohibited by the Inquisition. A monograph that secured a wide circulation, being printed in fact thirty-five times in fifteen years, under the title of *An Abuse Misrepresented and Represented*, escaped formal condemnation, although it took strong ground in behalf of the English contention. In 1760, the theological faculties of Paris, Louvain, Douay, Valladolid, Salamanca, and Alcalá united in a declaration to the effect that the pope possessed in England no authority over civil affairs and had no power to release the subjects of the English king from the oath of allegiance, and that no Catholic was under obligation to accept instructions from the authorities of the Church that would interfere with this allegiance. In 1853, Professors Russell, Patrick Murray, and others of the Catholic College of Maynooth declared, in connection with a Parliamentary investigation, that, according to their own opinion and to the purport of their teachings to their students, the pope possessed neither direct nor indirect authority in the United Kingdom in secular matters. They stated further that the contrary doctrine was now considered as practically obsolete.

6. The Gallicans and Liberal Catholics, 1845-1870.

—The contest of the Congregation of the Index against theological Gallicanism began in 1851 under Pius IX. Certain books of instruction utilised in the seminaries

of France were, for the purpose of maintaining them in use against the criticisms of the Ultramontane press, revised with the elimination of material that could be classed as Gallican. Among the works belonging to this period which were condemned on the ground of their Gallican or Liberal Catholic views may be noted the following:

Dupin, André M. J. J., *Manuel du Droit Publicque-ecclesiastique Français*, printed in 1844, prohibited 1845. This manual presents in eighty-three articles the "Liberties" of the Gallican Church, the declaration of the clergy made in 1682 on the limits of ecclesiastical power, and the text of the Concordat.

Bailly, Louis, Canon of Dijon, *Theologia Dogmatica et Moralis, ad usum Seminariorum*, completed in eight volumes in 1789, reprinted with the revision by Receveur in 1842, prohibited in 1852 with a *d.c.*

Lequeux, J. F. M., *Manuale Compendium Juris Canonici ad usum Seminariorum*, printed in 1839, prohibited in 1851. The work had been denounced by five of the French bishops. A decree of the Congregation issued in 1852 states that the author had "submitted himself."

Guettée, l'Abbé, *L'Histoire de l'Église de France*, volumes i to vii, printed in Paris, 1847, condemned in 1852. The work had secured the specific approval of no less than forty-two of the French bishops.

Thions, C., *Adresse au Pape Pie IX sur la Nécessité d'une Réforme Religieuse*, printed in 1848, prohibited in 1852.

Montalembert, *Les Intérêts Catholiques au XIX^{me} Siècle*, published in 1852, received very sharp criticisms from the Ultramontane journals and from a number of the bishops, but escaped the Index. In fact

no work of this author was formally condemned in Rome.

A number of the dioceses of France had, on the authority of a Bull of Pius V, issued in 1568, retained their individual mass books and breviaries. In 1848, Pius IX issues a Bull recalling the permission given three centuries earlier by his predecessor and directing the use in all the dioceses of the Roman liturgy. One or two of the long series of writings which the Bull brought out were placed upon the Index. From 1852 on, there came into print a number of controversial writings concerning the use in the schools of the heathen classics. No one of these was placed upon the Index, but Pius IX, in an encyclical issued in March, 1853, emphasises the importance of a very careful selection of the heathen texts to be so utilised and the necessity, in the case of certain authors, of providing expurgated texts.

Bellarmin, in his treatise *De Summo Pontifice*, condemned pure monarchy in the name of a limited monarchy. By the former he appears to have understood a government (hardly to be conceived as practicable) in which the king would have ruled entirely by himself, while under the second he was describing a restricting body made up of delegates who, having been drawn from the ranks of the people, were invested by the prince with an absolute authority and were made responsible to him alone. He denied for the pope the right to exercise a direct control over the states of the world, but claimed for the Papacy the privilege of interfering at will.

CHAPTER VII

EXAMPLES OF CONDEMNED LITERATURE

1. Writings of the 17th Century concerning the Papacy and the Inquisition. 2. Writings concerning the Churches of the East. 3. Patristic Writings and Pagan Classics. 4. Jewish Literature. 5. Historical Writings of the 17th Century. 6. Protestant Jurists of the 17th Century. 7. Writings of Italian Protestants. 8. Writings in Philosophy, Natural Science, and Medicine. 9. Books on Magic and Astrology. 10. Cyclopaedias, Text-Books, Facetiae, etc. 11. Secret Societies. 12. Manuals for Exorcising. 13. Fraudulent Indulgences. 14. Works on the Saints. 15. Forms of Prayer. 16. Mariology. 17. Revelations by Nuns. 18. The Chinese and Malabar Usages. 19. Fraudulent Literature. 20. Quietism. 21. Fénelon. 22. The Doctrine of Probability. 23. Usury. 24. Philosophy and Literature, 1750-1800. 25. Philosophy and Science, 1800-1880. 26. The Synod of Pistoja, 1786. 27. The Festival of the Heart of Jesus, 1697-1765. 28. French, German, and English Catholic Theologians, 1758-1800. 29. The French Revolution, 1790-1806. 30. The French Concordat of 1801, 1801-1822. 31. Protestant Theologians, 1750-1884. 32. The Eastern Church, 1810-1873. 33. The Theologians of Pavia, 1774-1790. 34. French, English, and Dutch Literature, 1817-1880. 35. German Catholic Writings, 1814-1870. 36. La Mennais, 1830-1846. 37. The Roman Revolution of 1848, 1848-1852. 38. Traditionalism and Ontology, 1833-1880. 39. *Attritio* and the *Peccatum Philosophicum*, 1667-1690. 40. Communism and Socialism 1825-1860. 41. Magnetism and Spiritualism, 1840-1874. 42. French Authors, 1835-1884. 43. Italian Authors, 1840-1876. 44. American Writings, 1822-1876. 45. Periodicals, 1832-1900. 46. The Roman Question, 1859-1870. 47. The Council of the Vatican, 1867-1876. 48. Example of a License.

1. **Writings concerning the Papacy and the Inquisition, 1600-1757.**—The Index contains but few of the polemic writings of this period against the Papacy. A few

however of the historical works on the Papacy, both by Protestants and Catholics, were prohibited. The lists include a treatise of the Jesuit Riccioli on the infallibility of the pope, but this is entered with a *d.c.* The lists include also a group of writings on the Inquisition, on the Index itself, on the finance system of the papal chancellery, etc. Among these are some monographs by Gregorio Leti (1630-1701), whose entire works secured condemnation in 1686. Reusch points out that the history of the Papacy by Archibald Bower, which was first published in 1748 in seven volumes, and of which a number of editions appeared later, was overlooked by the Index compilers. Bower was born in Scotland, but, becoming a Jesuit, had held a professor's chair in Italy in Fermo and in Macerata. In 1726, he left Italy and became a member of the Church of England. His treatise was of a character that might naturally have met criticism on the part of the Congregation. The *History of the Inquisition* by Limborch, printed in Brussels, in 1693, was promptly prohibited in 1694. In the same list, are included the titles of a number of less important treatises on the Inquisition.

2. **Writings concerning the Churches of the East.**—The Index lists of the 17th and 18th centuries contain but few of the works of the Greek theologians. Among the authors of this group are to be noted the names Lukaris, Nektarius, Philippus Cyprius, Catum Syrittus, and Sylvester Syropoli. Robert Creighton, professor in Cambridge, later Bishop of Bath, had printed in The Hague in 1660 the *Vera Historia* of Syropoli, a record of the relations between the Greek and the Latin Church, which includes an account of the Council of Florence. This was prohibited in 1682.

3. **Patristic Writings and Pagan Classics.**—During the 17th century, a number of editions of the writings of the Fathers are placed on the Index on the ground of the notes and commentaries of the heretical editors. It was the case in the 17th as in the 16th century that the editors who had interested themselves in producing the editions of these works of the Fathers were in large part men whose orthodoxy had come into question. There were, in fact, but very few editions of the Fathers of the Church the editorial work in which had been in the hands of orthodox or conservative believers. Among the editions so prohibited, were the works of Cyprian with the notes of the Frenchman Maran, and the Letters of Chrysostom in the edition printed in Basel. Prohibited also was a work by Erigena in a German edition and the history of the Council of Constance by von Hardt. In the list of classics are to be found Italian editions of the works of Caesar, Ovid, Anacreon, and Lucretius.

4. **Jewish Literature.**—In 1703, prohibitions were issued covering a series of rabbinical writings, selected, as Reusch points out, with hardly any apparent policy or plan from a great mass of literature of the same kind. The compilers had utilised in making up their titles the *bibliotheca rabbinica* of Bartolucci and Imbonati, which had been published between the years 1675-1694. In 1755-1766, was printed a supplementary Index with additional titles of the same character. A further list, printed separately, covered certain rabbinical writings which had been printed in Latin and in Spanish versions. In 1776, was prohibited a treatise by the Italian monk Vincenti, which was strongly anti-Semitic, and a little later a response to this treatise also secured condemnation.

5. **Historical Writings of the 17th Century.**—The list of historical writings prohibited during the 17th century is very considerable but, as has been indicated for the lists of other groups of literature, is by no means comprehensive nor does it give evidence of any consistent scholarly selection. The prohibitions are by no means confined to works by Protestants. A number of Catholic historians succeeded in getting into their texts phrases or statements that aroused opposition. In the Index of Alexander VII, are given in the class of history only works in Latin; the later Indexes include a series of French and Italian titles and two English works, but nothing from the German writers. Reusch points out that during the 17th and 18th centuries there were produced in Italy no works deserving of preservation having to do with general history. A translation of the *History of the World* by Dupin and an Italian version of a condensed history published in London were both prohibited. The larger number of the titles comprise monographs on the various issues that arose in Italy and throughout Europe between the ecclesiastical and the civil authorities. Among the historical names to be noted is that of de Thou, whose *History of his Own Times* was prohibited in 1609. In 1610, in connection with certain applications made to the authorities, the prohibition was modified to an instruction for an expurgation of the work, but no expurgated edition ever came into print. The work continued in circulation not only in France and other European States but in Venice. The *Histoire du Gouvernement de Venise*, by Houssaye, was prohibited in 1667. The miscellaneous works of Francis Osborne, published in 1673, secured the honour of a prohibition in the list of Benedict in 1757. Johnson is quoted as

saying of Osborne: "A conceited fellow; were a man to write so now, the boys would throw stones at him." The Italian historian, Pietro della Valle, on returning in 1626 from a series of journeys, had a favourable reception from Urban VIII, and his account of Persia, printed in Venice in 1628, was issued with a license and with a special privilege. It was, however, in 1629, prohibited with the specification *cum auctor at suum tantum agnoscat librum qui Romae impressus est*. As a fact, however, no edition of this work was ever printed in Rome.

6. **Protestant Jurists.**—During the first decade of the 17th century, the Index includes the names of a group of Protestant jurists, chiefly Germans and Hollanders. The titles specified cover, in the main, books which had no material importance and which never even reached the honour of a second printing. The subjects include not only books having to do with canon law or ecclesiastical relations but works of purely political importance. In the Spanish lists, the compilers have taken the pains to add after the number of the book the term *d.c.*, and for a few works they themselves presented the expurgations required. In editions of the pandects and in the treatises having to do with the pandects, the prohibitions cover a number of books on such subjects as *de summa trinitate de fide Catholica* and *de haereticis et paganis*. The Spanish Indexes include also certain treatises on usury (the authorities taking the Church ground that interest was indefensible) and two essays having to do with the requirement of the permission of parents for marrying. A number of books which in the Roman Index are prohibited altogether, are presented by the Spanish compilers with the term *d.c.* The noteworthy treatise of Puffendorf,

De statu Germanici Imperii, first published in 1667, did not come to the attention of the Index compilers as a pernicious work until 1754. Other works by the same author which secured condemnation are the French edition of his introduction to the history of the great States, published in 1687 and prohibited in 1693; the *De jure naturae et gentium*, published in 1672 and prohibited in 1714; the *Introductio ad historiam Europaeam*, published in 1704, prohibited in 1737; the *De officio hominis et civis*, published in 1743, prohibited in 1752.

7. **Italian Protestant Writings.**—During the 17th and 18th centuries, Protestant writings printed in Italian were published chiefly in Switzerland. The only author of this group whose work came into any general circulation was Pincenino, a preacher in Soglio. Four of his controversial treatises were prohibited by the Inquisition between the years 1704–1714, and the publication of these brought out a number of replies from Catholic theologians. The name of Vicenzo Paravicino came into the Index in connection with a number of translations of French Protestant writings, and also with editions of the Scriptures printed in the vernacular. Edwin Sandys, a son of the Archbishop of York (who is himself listed in Class I), printed, without his name, in 1605, and with his name in 1629, a treatise entitled *A View of the State of Religion in the Western Part of the World, wherein the Roman Religion and the pregnant Policies of the Church of Rome to support the same are notably displayed, with other memorable Discoveries and Commemorations*. The French and German translations of the book, printed in Geneva in 1625 and 1626, were both condemned.

In 1621, was prohibited a history, printed in 1620, by Luglio (or Paravicino) of the persecution and

massacre by the Papists of the Protestants of Valtellina. This has to do with one division of the long series of persecutions of the Waldenses.

8. Philosophical Writings, Natural Science, and Medicine, 1660-1750.—In 1663, the Congregation of the Index prohibits with a *d.c.* the chief writings of Descartes (1596-1650); and in 1722 prohibits with no restriction his *Meditationes*. This second prohibition was issued some eighty years after the publication of the work. Reusch¹ explains that the prohibition of 1663 was intended to cover only specific divisions or propositions contained in these writings, but no specification was made by the Congregation as to the passages charged with heresy nor was any expurgated edition ever brought into print. The commentators on Descartes point out that in any case it would not have been practicable, without practically destroying the entire statement of his system, to modify or correct the statements that had evoked criticism. The chief objection raised by the Roman critics was the view taken by Descartes of the philosophy of Aristotle. It seems probable that in the case of this particular work the use of the term *d.c.* did not indicate any expectation that the work would be issued in an expurgated edition, but was intended simply to express the condemnation in somewhat milder form. The works of Nicholas Malebranche (1638-1715) were, with hardly an exception (although not under the term *Opera omnia*), prohibited; but the philosophical writings of Gassendi, Mersenne, and Maignan, writings expressing the same general school of thought, escaped the Index. In 1772, the writings of the Neapolitan Grimaldi, in reply to the treatise issued in 1694 by the Jesuit de Benedictis,

¹ II, 598.

opposing the views of Descartes, were prohibited with a special condemnation. In 1679, nine years after its publication, was prohibited the treatise by Spinoza entitled *Tractatus theologico-politicus*. This remains on the later Indexes, but as an anonymous work. In the same year were prohibited the *Opera postuma* of Spinoza which had been printed in Amsterdam, in 1667. The works of Protestant philosophical writers are but sparsely represented in the Index and were probably but little known to the examiners of the Roman Congregation. The names of Leibnitz and Christian Wolff, for instance, do not appear in the Index lists. The Spanish authorities declined to place in their Indexes the works of Descartes, of Malebranche, or of Spinoza.

Under the heading of Philosophy, the Indexes of the 17th century contain the names of Montaigne, Charron, Ramus, Bacon, Hobbes, Fludd, and Herbert of Cherbury. In 1709, Hobbes secured the distinction of condemnation in the Roman list for his complete works, of which in the earlier lists only single books had been prohibited. His writings escaped the attention, however, of the Spanish compilers. Julius Caesar Vanini, who was in 1619 burned in Toulouse as a propagator of atheism, and whose name stands in the Spanish Index in Class I, with the specification *Impiissimus atheus*, finds place in the Spanish Index of 1623 only in connection with one work and that with the restriction *d.c.* In the Index of Benedict XIV, the title was repeated but the *d.c.* was cancelled.

In the Index of Alexander VII, the natural scientists are, with the noteworthy exception of Galileo, represented only by a few alchemists and a group of phy-

sicians. Among the names here to be noted is that of Lionardo di Capua, on the ground of certain sharp criticisms by him of the accepted scholastic philosophy.

The name of the mystic Jacob Boehme is not included in any Roman Index but finds place in Class I of the Spanish lists.

The prohibition in 1676 of the essays of Montaigne is connected with the specification "in whatever language they may be printed." The essays of Bacon that received attention from the Roman compilers are the *De dignitate et augmentis scientiarum* and the *De sapientia veterum*. Sotomayor has entered Franc. Baconus and Franc. Verulam in his first class as two distinct authors. The Spanish Index of 1707 condemns of Bacon *Opera omnia*. The full name, Baron Verulam, appears first correctly in the Spanish Index of 1790. Of the many writings of Robert Fludd (†1637) only one, *Utriusque Cosmi*, etc., appears in the Index. The first work of Thomas Hobbes to receive attention was the *Leviathan*, prohibited in 1703, about forty years after its publication. In 1709, however, thirty years after the author's death, the prohibition was made to include the *Opera omnia*.

9. Books on Magic and Astrology.—The lists of the 17th century include the titles of a number of works on magic and astrology, books which apart from this record would long since have been entirely forgotten. The *Steganographie* of the Abbé Trithenius was included among the books so prohibited, evidently under the impression that it had to do with magic. In April, 1631, Pope Urban VIII issued a Bull against the astrologists, that is to say against those who undertook to produce calculations concerning the future of Christendom or of the Roman Curia or in regard to

the life of the pope. In 1732, the Inquisition issued a prohibition of the reading of any books having to do with fortune telling, the interpretation of dreams, or the art of numbers. The books referred to under the latter designation were those that undertook to prophesy the successful numbers for lotteries.

10. **Poems, Facetiae, Text-books, Periodicals, and Cyclopaedias.**—A number of works of no intrinsic importance, belonging under the class of *facetiae* and text-books, were condemned during the 17th century on the ground of certain references, characterised as disrespectful, concerning Church matters. Certain text-books also found their way into the list because they were reproducing the texts of classic authors who were classed by the ecclesiastics as obscene or immoral. The action of the authorities in regard to literature of this kind was curiously varied and it does not seem to be possible to find for it any consistent policy or principle. The German satirical literature of this period appears to have escaped attention on the part of the examiners. The only German book of this character prohibited during the latter part of the 17th century was the *Visiones de don Quevedo, die Wunderliche Satyrische und Warhafftige Geschichte Philanders v. Sittewald*, by Moscherosch, printed in 1645 and prohibited in 1662. The next German work of this special character to find place on the Index was Heine's *Reisebilder*, published a century and a half later. The prohibition of cyclopaedias on the ground of objection to certain entries or references, proved of special inconvenience to Catholic students and instructors. The greater publishing activity of the Protestant communities and the keener scholarship of heretical editors had caused the production of works of reference of this kind

to be much more considerable and important in the territories outside of those controlled by the Church. It not infrequently happened that the condemnation of a work of this class left the scholars of the Church without the use of any equivalent work. As late even as Benedict XIV, the Congregation found occasion to add to the list of prohibited cyclopaedias.

The English titles of the first half of the 18th century include the *Tale of a Tub* by Swift, *Pamela* by Richardson, and *Robinson Crusoe* by Defoe. The latter came to the attention of the indexers through a French edition printed in 1750 and prohibited in 1756. The French names of the same period include the *Contes et Nouvelles* of La Fontaine; the *Vie de Jacqueline, Comtesse de Hainaut*, of Mlle. de La Roche-Guilhem, printed in 1702 and prohibited in 1727; *Lettres Historiques et Galantes de deux Dames de Condition*, by Mme. Dunoyer, printed in 1704 in seven volumes, prohibited in 1725 and again by Benedict in 1758; *Les Emportements Amoureux de la Religieuse Étrangère*, printed anonymously in 1707, prohibited in Rome 1727, and in Spain in 1790. Molière escapes condemnation in Rome as well as in Spain. The *Don Quixote*, of Cervantes was marked by Sotomayor for correction but only in the case of a single sentence. The Lisbon Index of 1624 finds occasion for the cancellation in the same work of a number of paragraphs.

11. Secret Societies.—Clement XII and Benedict XIV condemned, in Bulls issued in April, 1738, and March, 1751, the associations of *Libri Muratori*, or freemasons. The members of these societies were rendered liable to the excommunication *latae sententiae*, and bishops and inquisitors were instructed to take measures against them as heretics. In September,

1821, Pius VII issued a similar Bull against the *Carbonari*. A Bull issued in March, 1825, by Leo XII repeats the text of the three Bulls above specified and confirms their instructions. In the Bull of Pius VII, is prohibited the possession or the reading of all catechisms of the *Carbonari*, of the minutes of their meetings, of their statutes and statements of purposes, and of all works written in their defence, whether these be in print or in manuscript. Through some oversight, this important general prohibition did not find its way into the Index. It is also the case that but very few titles of works on freemasonry are included in the Index lists after Clement XII. The Church seems to have relied, for the suppression of this literature, on its general prohibitions. In May, 1829, Pius VIII issued an encyclical condemning the teachings of the freemasons and of kindred secret societies. Pius IX takes similar ground in an encyclical of November, 1846, and in the allocution of September, 1865. In April, 1884, Leo XIII devotes an encyclical to the injurious teachings of the sect "*masonum*." With this encyclical, is connected an instruction of the Inquisition under which the faithful are forbidden to have any dealings with such societies. In January, 1870, the Inquisition declared, in response (apparently) to some formal application for instructions, that the Irish and American Fenians had placed themselves under the general condemnation.¹

In 1739, after the publication of the Bull of Clement XII, the Inquisition prohibited the *Relation apologétique et historique de la société des Francs-Maçons*, by J. G. D., F. D., Dublin, 1738. In the same year, Crudeli was imprisoned by the Inquisition on the

¹ *Acta SS.*, i, 290, v, 369.

charge that he was a freemason, that he had ridiculed or scoffed at the Madonna of Saint Cresci, and that he had read prohibited books. He was sentenced to confinement for one year with the penance of praying from day to day the seven Penitential Psalms.

In 1789, the necromancer, Cagliostro, was imprisoned under the orders of the Inquisition. In April, 1791, the Inquisition issued a judgment arrived at in a session at which the pope presided, declaring that Cagliostro had fallen under the penalties adjudged by canon law, and also by municipal law, against heretics, heresiarchs, astrologers, magicians, and freemasons. The pope decided, as a special grace, to restrict the punishment to a life-long imprisonment, under the condition however that he should abjure his heresies. Cagliostro died in prison in 1795. His collection of books and instruments was publicly burned. The destruction included a manuscript in which the Inquisition was declared to have made the Christian religion superstitious, godless, and degrading. A work of Cagliostro's, apparently also left only in the form of manuscript, bearing the title *Maçonnerie Egyptienne*, was in April, 1791, placed in the Index. The Spanish Index of 1789 prohibits the *Mémoires Authentiques de Cagliostro* by Beam, published in Hamburg, in 1786.

In 1836, the Congregation prohibits various histories and treatises on freemasonry published during the preceding three years in Paris and in Brussels. In 1820, was prohibited a treatise published in Madrid giving an account of the persecution of the freemasons under Clement XII and Benedict XIV. In 1846, was prohibited by the Inquisition a history of freemasonry published anonymously, in Madrid.

In 1880, the Congregation prohibited a treatise by

Falcioni, *Coup d'oeil sur le Christianisme, par un Franc-Maçon, Disciple de la Philosophie Positive*. Falcioni had been secretary of the Pontifical chapel. His book had been published in Paris in 1879.

12. **Manuals for Exorcising.**—In 1604, was issued an edition of the Roman ritual containing a brief of Paul V, in which brief, bishops, abbots, and pastors are instructed to secure the exclusive use of this particular ritual. There continued in use, nevertheless, a number of rituals varying to some extent from the text of this official Roman ritual. There were also in use a number of companion volumes which contained collections of blessings, forms of oaths, etc. In a decree of March, 1709, five exorcising manuals were prohibited which had been in print for more than a century with proper ecclesiastical approval and privilege. After the prohibition had been issued, it appeared that a certain Daniel Francus had printed a collection of so-called scandalous passages taken from these books, and had then pointed out that there was no prohibition in any of the Indexes of these passages or of the collections containing them, nor any instruction in any of the Indexes for the expurgation of the books containing these passages. Francus stated further that the worst of the five books, that bearing the name of Hieronymus Mengus, had been printed in Frankfort, in 1708, for the express purpose of bringing the Catholics to ridicule. During the following decade, a number of similar books of exorcising ritual were prohibited and a decree of December, 1725, makes a general prohibition of all rituals printed after the Reformation without the specific authorisation and approval of the Congregation of Rites. This prohibition includes a condemnation of all forms of exorcising and even of benedictions

which had not secured such approval. The bishops are instructed to say that no such forms are permitted. As late as 1832, the Congregation of Rites was asked to take into consideration a collection of forms of absolution, benedictions, forms of exorcising, etc., bearing the name Bern. Sannig, which had been first printed in 1733 and had been in general use for a century. The Sannig collection was declared to be prohibited under the general regulation above specified. The work finds, however, no place in any of the Indexes either under the name of Sannig or under its own title. In the middle of the 18th century, were prohibited certain books for exorcising which had been in use among the faithful for a long series of years and which contained such formulas as the following: *Hel, Heloym, Heloa, Eheye, Totramaton, Adonay, Saday, Sabaoth, Sota, Emanuel, Alpha et Omega, Primus et Novissimus, Principimus et Finis, Hagios, Ischyros, Ho Theos, Athanatos, Agla, Ichona, Homousion, Ya, Messias, Esereheye*, etc. Before each term of ejaculation was to be made the sign of the cross. Capellis, in some treatise or manual for the use of exorcisms, explains that in order to ascertain whether or not the suspected person is certainly under possession, this series of names should be written out on a strip of consecrated paper and the paper should be placed somewhere on the person of the patient without his knowledge. If the patient becomes restless after the placing of the paper, it is evidence that he is possessed. Capellis maintains stoutly that a test of this kind is not to be considered as superstitious. Mengus¹ gives a series of similar formulas with the same specification that before each utterance should be made the sign of

¹ *Flag.*, 86.

the cross. Mengus also gives the instruction for the burning of a picture or representation of the demon through whom the patient is supposed to have become possessed. Upon the picture is to be written one of the several series of magic names. In the fire in which the picture is to be placed should be cast, after the imposition of a blessing, portions of sulphur, galbanus, assafoetida, aristolochia, hypericon, and ruta. Mengus gives further a list of formulas for the blessing of oil which is to be bestowed upon the possessed person, both inwardly and outwardly; one of these formulas is ascribed to St. Cyprian. In regard to this particular group of publications, which, as stated, were in very extended use among the faithful, a use that in many cases at least was approved by their spiritual advisers, the censorship of the Church may be considered as having come into action rather late and with not too much effectiveness. In 1752, Benedict XIV publishes a new edition of the official Roman ritual. This contains but few new forms of benedictions. In 1874, the Benedictine ritual was reprinted in Rome with a supplement containing forms of benedictions for railroads, telegraphs, springs, foundries, and brick-yards, and also for the production of beer, cheese, butter, medicine, for the care of cattle, of horses, of birds, and of bees; in this appendix are also presented special forms of prayer against mice, grasshoppers, and other destructive creatures.

13. Fraudulent Indulgences.—After 1603, prohibition was made, first by the Inquisition and the Congregation of the Index, and later by the Congregation of Indulgences, of a number of books, monographs, and sheets in which indulgences are recorded which either had never been granted or which had been garbled

from their original text. Many of the false indulgences owe their existence to the general superstition and stupidity of the people, and it is to be noted that it has been necessary, from the beginning of the 17th century until the present day, to continue to make disavowal of certain of the most fabulous and absurd of the series. Cardinal Baronius writes January 20, 1601, to Antonio Talpa¹: "Last evening I had occasion to apply to the Pope for a general indulgence. I found to my surprise that the Pope had decided thereafter to give no general indulgences for a single person or for a specific place. I praised him for this conclusion; for it is the case that many wrong uses have crept into the general use of indulgences. I have had occasion more than once to call the attention of the Congregations to these abuses and in so doing have had the support of many of the more thoughtful of my associates."

In the *Decreta Generalia* of Benedict XIV, there are four specifications concerning indulgences. In the Index of Benedict are forbidden, under the term *compendio*, four Italian indulgence records, and under the term *indulgentiae*, eleven similar publications. Under the term *sommario*, the entries include twelve Italian works, and under the term *ablass*, one German issue. Indulgence publications are also recorded under such terms as: *diario*, *dovizie*, *folium*, *giornali*, *notizia*, and *orazioni*. The entries are also sometimes made under the names of the publishers or editors, as, for instance, in the names of Dumensis and Lorenzo. It is the conclusion of Reusch, however, that but a very small proportion of the literature of this class finds place in the Index. In the *Decreta Generalia* (iii)

¹ *Epp.*, ed. Albericius, 3, 125.

are recorded for instance all indulgences which had been issued before the decree of Clement VIII of 1598, *de forma indulgentiarum pro corona, grana seu calculi, cruces, et imagines sacrae*; all indulgences which had been issued before the Bulls of Clement VIII in December, 1604, and of Paul V, May, 1605, and November, 1610, to orders, brotherhoods, etc. As late as 1856, a decree of the Congregation of Indulgences was communicated to the bishops in which attention is called to a long series of fraudulent indulgence announcements which had been issued in comparatively recent years in Italy, for the most part in Florence and which are ordered to be condemned. Of the false indulgences so specified, is one credited to Pius V in which, in consideration of a certain prayer, the beneficiary was to have as many indulgences as would be equal "to the stars in the Heaven, the grains of sand in the sea, and the blades of grass in the fields"; another specification is that of nine prayers in consideration of which Gregory (it is not clear which of the Gregories) and his successors, extend indulgences during a period of eighty thousand and a hundred and forty-nine years for each Friday, and for Good Friday eight additional indulgences; on a picture somewhere in Poland is printed a prayer ascribed to the Madonna, spoken as she held in her arms the body of Christ. It is stated that to the believer uttering this prayer, Innocent XII had promised that he should be able to save fifteen souls from the eternal fire or to convert fifteen sinners whose names he was to specify.

14. Works on the Saints and Pictures of the Saints.—Under the decrees of Urban VIII of 1625 and of 1634, it was forbidden to publish or to distribute writings concerning the lives and the miracles of persons

classed as holy until such writings had secured the specific authorisation of the Congregation or of the Inquisition. It was also forbidden to select for honour or worship as saints any persons not announced as such by the authority of the Church; and, finally, it was forbidden to place upon pictures of any persons not officially saints the insignia of saintliness (*cum laureolis aut radiis sive splendoribus*). In the *Decreta Gen.*, iii, 1, production of such unauthorised pictures is forbidden. In the Index stand also, in addition to the prohibitions of writings concerning unauthorised or unofficial saints, works on the saints duly recognised as such, unless and until such works have been, page by page, examined and approved. Such a prohibition became necessary in connection with the increasing mass of absurdly superstitious legends and stories which (in spite of the watchfulness of authorities) continued to get into print and to secure a wide circulation. The lives of Joseph and of Anna proved to be a tempting subject for the writers of these stories.

The decrees of Urban VIII were in the beginning carried out with full thoroughness. Janus Nicius Erythraeus, writing in 1642,¹ says that he had had in plan the publication of a life of Ancina of Saltuzzo, but that the permission to print had been withheld because in his narrative he had found occasion to record wonderful or miraculous things done by persons who had not been canonised. He had proposed to reshape his biography, omitting the separate passages concerning persons other than the bishop himself, but giving some fuller measure of consideration to the virtues of Ancina; but even then had not been able to secure the authority to print. He complains bitterly

¹ *Epp. ad. Tyrhh.*, 70.

that writers are permitted to bring into print stories of shameful deeds and words of wicked men but that the devout authors who desire to record for the elevation of the faithful the virtues of pious men are discouraged. In 1648, the Congregation of Rites instructed the Archbishop of Naples to confiscate a book presenting the life and the miracles of Ursula Benincasa (†1618), the founder of the Order of the Theatins. The author of the book, Maria Maggio, a Theatin, was ordered to be brought to trial. Ursula is described on the title-page as *beata* and as she had not been canonised, this was apparently the main difficulty with the volume. In the decree of 1625, it is stated that the prohibition of the use of the term "saint" or "blessed" in connection with uncanonised persons is not in itself to be considered as any reflection on the piety or orthodoxy of such persons. It is also not to be considered as bringing into question persons who on the ground of the general consensus of the faithful or from time immemorial, in the writings of the Church Fathers and of the earlier writers, or through the personal knowledge extending over a series of years on the part of the local bishops, have been deservedly honoured. This reservation was not unnaturally the cause of a series of controversies in regard to the standing in the Church of holy persons who had secured what may be called a local repute for saintliness but whose claims were not sufficiently assured to have obtained universal recognition.

15. Forms of Prayer.—In 1626, Urban VIII confirmed the earlier prohibition of all breviaries or mass-books printed without the approval of the Congregation of Rites. The same prohibition was made to apply to unauthorised editions of the offices, of the litanies, or of

the saints. The Index includes in addition to these general prohibitions the titles of a series of prayers mainly superstitious in their character. In the *Decreta Gen.*, iv, 8, are prohibited all rosaries other than those which have been specifically authorised by the Curia.

16. Mariology.—In the *Decreta Gen.*, ii, 4, are prohibited (in 1617) all works in which the contention is maintained that Mary had partaken of any earthly sin. It is the conclusion of the Church that those who maintain that Mary had any part in such sin are heretics and godless ones (*impii*). This prohibition stands in the Index of Alexander VII under the term *libri*. It is cited from a Bull of this Pope issued in 1661. In 1617, Paul V caused the Inquisition to prohibit the presentation in sermons, lectures, or theses of any suggestion concerning the possible sinfulness of Mary. Paul takes pains to add, however, that his prohibition is not to be considered as undertaking itself to present a final conclusion on the question. It is the case that the several Indexes include the titles of a long series of books in which the doctrine of the Immaculate Conception is defended. The ground for the prohibition of books presenting this doctrine has been the tendency to misapprehensions and misstatements in the form of presentation. It appears that the Dominicans, who have controlled the policy of the Inquisition and largely that also of the Congregation of the Index, have had the chief responsibility for the condemnation of all doctrinal treatises which did not present precisely according to the Dominican theories the doctrine of the Immaculate Conception. A number of other works on Mariology are forbidden on the ground of exaggerations of statement, of bad taste in expression, and of confusion in the analyses of doctrinal

issues. Among the worst of these is a treatise of Maria of Agreda and one by J. B. Poza. There are also in the Index a group of writings condemned on the ground of their exaggeration of the worship of Mary.

In 1439, the Council of Basel decreed that the doctrine of the Immaculate Conception must be held by all orthodox Catholics. The divines of the Sorbonne, in 1497, issued an order referring to the above decree and instructing that each candidate for the doctorate must be prepared to maintain this doctrine. The decree of the council was naturally not confirmed in Rome, but in 1483, a Bull of Sixtus IV condemned the contention that the doctrine of the Immaculate Conception is heretical and that the observance of the festival instituted under this name is in itself sinful. At the same time, however, he prohibits the declaring of the contrary doctrine as in itself heretical. In 1661, a Bull of Alexander VII says, while confirming the approval given by his predecessors to the doctrine, that it is not to be permitted to charge with heresy or with mortal sin those who have not accepted this doctrine, as the Church universal and the Holy Chair are not yet prepared to decide all the difficulties involved. In 1708, Clement XI declares that the festival of the Immaculate Conception is to be universally observed, but in the same year he orders to be confiscated and prohibited a reprint of the Bull in which this festival was first instituted. Gregory VII was the first Pope who permitted the term Immaculate Conception to find place in the Book of the Mass and to have included in the Laurentian Litany the words *Regina sine labe originali concepta*. In 1854, the doctrine of the Immaculate Conception is confirmed by Pius IX as a dogma of the Church. Through some

oversight, the *Decretum Gen.*, ii, 2, continued, however, to find place in the Index that was published in 1854. In December, 1854, is printed in connection with the publication of the *Decreta* a declaration in substance as follows: "As the dogma of Immaculate Conception has now been authoritatively defined, works which treat of the same and which have in previous years been placed in the Index, are now to be eliminated from the Index, unless it may be that certain of these works are entitled to condemnation on grounds other than their conclusions in regard to this doctrine." It appears therefore that no prohibition now rests upon books, whether placed on the earlier Indexes or not, which make defence of the doctrine.

The first important book written in defence of the doctrine of the Immaculate Conception which was formally condemned, was the work of the Italian Capucin, J. O. Maria Zamora, *De eminentissimae Deiparae V. M. perfectione*, published in Venice in 1629 and placed on the Index in 1636. The list of prohibitions of the works of this group during the succeeding half-century is very considerable. I will note here but one additional title, *Quatres Sonnets à l'honneur de la très-pure et très-immaculée conception de la Vierge Marie*, by le Père Anne Joachim de Jésus-Marie.

In 1667, there came into controversy questions in regard to the bodily ascension of Mary into heaven. These controversies brought into the Index a number of treatises written on either side of the issue. Benedict XIV (in the decree *De Festis*, ii, 8, 18) says that the bodily assumption of Mary may be held as a pious and probable belief which it would be rash to contest; it is not, however, to be accepted formally as a dogma of the Church. The passages from the Scriptures

which are cited to sustain the belief can be otherwise interpreted. The text of the announcement proceeds: *Nec est ejusmodi traditio, quae satis sit ad evehendam hanc sententiam ad gradum articulorum fidei.* Reusch is of opinion that the tendency during the 19th century has been to develop this pious belief into a dogma. Dom. Arnaldi, in a treatise entitled *Super transitu B. M.*, printed in Genoa in 1879, undertook to prove that Mary had never suffered death.¹ Several monographs, written in honour of the Madonna of Loreto, found their way into the Index on the ground not of the substance of their teachings but of the extravagance of their language. In 1654, a work by Vincenzo Caraffa (later general of the Jesuits) was prohibited (with a *d.c.*) which had been published under a pseudonym in Naples and later reprinted in Rome under the title *Camino del cielo overo pratiche spirituali, del P. Luigi Sidereo.* The book was brought into the Index under the instructions of the general of the Dominicans on the ground that it maintained the theory of the Immaculate Conception. An examination of the text showed that this was not the case, whereupon the following new grounds for condemnation were presented: first, the author claims that the Virgin during her sojourn in the temple had been fed by the angels with heavenly nectar; second, the author says that the grace of Mary from the first moment of her life was greater than that of any created being; the author states with approval the opinion of Bernardino of Siena that Mary is to be worshipped as a goddess.

Scheeben points out² that, during these later years,

¹ Scheeben, *Dogm.*, iii, 281.

² *Ibid.* iii, 516.

the teaching of the Church holds that the power of the grace of Mary, at least after the birth of Christ, must be held as being greater not only than the heavenly grace given to the highest of mankind but even than that possessed by the highest among the angels. In 1700, was prohibited, twenty-seven years after its publication, a volume by Zepherin de Somèire, a French Franciscan, printed in Narbonne under the title of *La dévotion à la mère de Dieu dans le très-saint Sacrement de l'autel, fondé sur les unions qui sont entre son fils et elle en ce divin mystère*. The list of books on Mariology condemned in the Indexes is, as stated, very considerable, but the larger number of the more important works treating upon different phases of the worship of Mary escaped attention.

In 1854, under the authority of Pius IX, the belief in the Immaculate Conception of Mary was elevated into a dogma. A number of treatises written against the new dogma were placed on the Index and the authors, in so far as they were ecclesiastics, were excommunicated. The list of these includes Thomas Braun of Germany, J. J. Laborde of France, Braulio Morgaez of Spain, and Grignani of Italy. A pastoral brief on the subject, signed by the three bishops of the Church of Utrecht, was prohibited by the Inquisition. A German treatise by H. Oswald, professor at Paderborn, was condemned on the ground of extravagance of utterance in defence of the dogma.

17. Revelations by Nuns.—For a long series of visions and of so-called revelations the imagination of the nuns is responsible. Many of these revelations from the convents have called for the attention of the Roman censors, but the writer whose productions received the largest measure of consideration was

Maria of Agreda (†1665). Her monograph on the mystical nature of God, first printed in 1670, was condemned by the Inquisition in 1681. The prohibition was, however, suspended by Innocent XI at the instance of the court of Spain. Up to the close of the century, there continued to be conflicting utterances and instructions in regard to the book. The judgment of the Inquisition was neither formally published nor recalled, and there was therefore continued question as to whether or not the book of Agreda belonged to the list of prohibited works. The title never found place in the Index, while a number of editions of the volume were actually issued with the privilege and approval of the Church authorities. Towards the end of the 17th century, there came into the Index titles of a number of writings of a similar character by another Spanish nun, Hippolyta Rocaberti, and the Index of Benedict contains a prohibition of another thesis of the same general character by the nun Clarissa, which had been printed in Munich.

18. Controversies concerning the Chinese and Malabar Usages.—Under Clement XI, was decided, adversely to the contentions of the Jesuits, through a decree of the Inquisition in 1710 and a Bull of 1715, an issue that had continued during a series of years between the missionaries of the Jesuits and those of the rival Orders, concerning the propriety of permitting the Chinese converts to retain certain special usages. The Inquisition prohibited the publication, unless with the special authorisation of the pope, of all writings which were concerned with these Chinese usages or with the controversies that had arisen concerning them. This prohibition was entered by Benedict XIV in the *Decreta Gen.*, iv, 6, and, in 1722,

the division of the great history of the Jesuits by Juvenius, which treated of this matter, was condemned separately. This action aroused fresh controversies and, in 1742, Benedict found occasion for a further Bull devoted to them. In 1744, another Bull was issued, in which decision was given in an analogous issue that had arisen with the Malabars; and, in 1745, Benedict caused the Inquisition to prohibit, on the ground of some antagonistic opinions expressed in it in regard to this decision, a comprehensive history by the Capucin Norbert. The two controversies continued during a long term of years and produced a mass of controversial publications, but few separate titles of these writings came into the Index; the See appears to have considered the general prohibitions above specified sufficient to meet the requirements.

19. Fraudulent Literature.—In the *Decreta Gen.*, ii, 10, are prohibited all books, pamphlets, criticisms, and commentaries, whether written or printed, which had to do with certain lead tablets (*Laminae plumbeae*) which had been dug up in Granada and which bore ancient Arabic characters; with these were condemned certain manuscripts which had been unearthed in the foundations of an old tower in Granada. The condemnation covers also works not devoted to this subject-matter but in which references are made to said tablets or writings, until and unless such references have been eliminated. The fragments of tablets and of manuscripts, which, according to their text, had been inscribed in the time of the Apostles, were discovered between the years 1588 and 1597; but it was not until 1682 that they were officially pronounced by the authorities in Rome to be fraudulent. The false monographs of Flavius Lucius Dexter which belonged

to the same group of manufactured documents, were never forbidden either in Rome or in Spain. Of the long series of treatises written concerning the letter said to have been addressed by the Madonna to the residents of Messina, two only have come into the Index.

In the *Decreta Gen.*, ii, 8, are forbidden all books, codexes, and sheets, whether printed or written, which had to do with the visions and utterances, the alleged saintliness, etc., of the Anchorite Johannes Cala; later, were also forbidden all pictures or representations presenting Cala as a saint. This prohibition has to do with an alleged discovery made in 1660, by one of the ecclesiastics in Naples, of Johannes Cala as a saint of the 12th century. Cala secured saintly honour for a term of twenty years but his saintliness was finally discredited in 1680.

20. Works on Quietism.—In 1680, the Jesuit Segneri brought to the consideration of the Index authorities two ascetic writings of the Spaniard Molinos, on the ground that they were maintaining, under the doctrinal name of Quietism, a fraudulent holiness. In 1685, the Inquisition of Rome initiated proceedings against Molinos on the ground both of his life and of his instruction. He was condemned to imprisonment for life, and, under a special Bull of Innocent XI confirming a decree of the Inquisition, his doctrine was condemned, and all of his writings, whether printed or written, were prohibited. Shortly thereafter, the Inquisition prohibited also the ascetic writings of the friend of Molinos, the Cardinal Petrucci, together with certain French writings presenting similar doctrine. Among the latter were works by Mallavel, Boudon, Lacombe and Madame Guyon. Towards the close of the 17th

century, the Inquisition found occasion to condemn a long series of ascetic writings including a number which had been published many years back, but which had apparently only at that time been brought to the attention of the examiners. Some of these books had been printed in Rome and had been distributed for many years without check. In this group may be mentioned the works of Falconi, Canfeld, Bernières-Louvigny, etc. As early as 1675, the Inquisition had prohibited the *Opera omnia* of the Italian writer Lambardi, who is described as in his doctrinal views a predecessor of Molinos.

21. **Fénelon.**—In 1697, Fénelon, who had with Bossuet interested himself some years earlier in the protection of Madame Guyon, published his volume on the Saints and the Inner Life. The doctrines therein presented on contemplation as distinguished from meditation, and in regard to the pure and unselfish love of God, which, as he contended, caused to be put to one side selfishness and the demand for individual salvation, were sharply criticised by Bossuet and other of his fellow bishops. The volume was by Fénelon himself forwarded to Rome for a decision as to its orthodoxy. Louis XIV demanded from Innocent XII, in July, 1697, the condemnation of the book. It was placed for examination in the hands of the censorship committee of the Inquisition. The reports of the representatives who had been sent to Rome in regard to the business, represented that the votes of the Inquisitors would have decided in favour of Fénelon's treatise if it had not been for the requirement of Louis XIV. In a brief of March, 1699, the book was prohibited under the penalty of excommunication, and twenty-three propositions cited from it were specifically

censured. In this brief, pains had been taken to avoid the use of any expressions which would be likely to cause annoyance in France and in fact no reference was made in it to the Inquisition. The brief was confirmed by the French Church and was formally published, and Fénelon submitted himself to the judgment. The earlier prohibition of the writings of Lacombe and Madame Guyon (the opinions in which were substantially at one with those presented by Fénelon) appears hardly to have become known in France, where it certainly never was acted upon. Fénelon's correspondence from Rome states that the influence of the Jesuits there had been exercised in his favour. The Jesuits were, at the moment, in connection with some conditions in China, in opposition to the Pope and were willing on this ground to support the contentions even of a Jansenist. Chanterac, who was Fénelon's representative in Rome, suggested to the bishop that ground could be found for denouncing before the Inquisition the writings of his opponent Bossuet, but Fénelon appears to have been unwilling to have any such matter brought into question in connection with the pending issue. The brief of the Pope was published in France under the direct authority of the King by means of letters patent. The Maxims of Fénelon (in which had been found the larger number of the propositions condemned) were never placed in the Spanish Index. An edition of the *Télémaque* which had been printed in London was, however, under an edict of 1771, expurgated before being authorised for circulation in Spain.

22. Contest concerning the Doctrine of Probability.—During the rule of Benedict XIV, a sharp controversy arose between the Dominicans and the Jesuits in

regard to the doctrine of Probability, the immediate cause being the publication of a treatise on morality by the Jesuit Benzi, which is described as "shameless." The leading representative of the Dominicans was Concina (1687-1756), and of the Jesuits, Faure (1702-1779). Benedict XIV brought into his Index certain of the monographs by both authors, but the principal treatise of Concina, sharply condemned by the Jesuits, was not prohibited. Benedict took occasion, however, to instruct Concina to publish, over his signature, a comprehensive explanation of his treatise. Clement XIII prohibited the sermons of the German Jesuit, Neumayr, and, at the same time, a biography of Concina. Concina's teachings against the doctrine of Probability were continued and developed by his associate Patuzzi (1700-1769). Patuzzi was replied to by Liguori (1696-1787), founder, in 1732, of the Congregation of the Redemptorists. Benedict XIV appears to have given his official acceptance to the doctrine of Probability as expounded by Liguori, the later edition of his treatise having been issued with a specific approval from the Pope. This approval secured, later, confirmation on the part of the Church as a whole, as, in 1839, Concina secured canonisation, and, in 1871, his name was included in the list of doctors of the Church, being, through this act, associated with St. Athanasius, St. Augustine, St. Bernard, St. Thomas, and other pillars of the Church. After the giving of this honour, the Jesuits, under the lead of Ballerini, took the ground that certain of the conclusions of Liguori had been too rigorous and that the doctrine termed by him *Regni probabilismus* must in order to be maintained, be interpreted in the sense of "ordinary probability." The

Jesuits came in this contention into controversy with the Redemptorists, who insisted upon the distinctive importance of the differentiation expressed by their founder. The treatise of Ballerini was however reprinted in Rome with a special privilege from the master of the palace.

23. The Controversy concerning Usury, 1600-1800.—In a long series of decrees from popes and from councils, the Church has announced its conclusion that the taking of interest, even although the rate should not be extortionate, comes under the head of the sin of usury. This contention was maintained constantly throughout the 17th and 18th centuries, and the several classes of trade in which the taking of interest was a necessary factor, were condemned as not to be permitted by the Church. As a result of this policy, a number of legal treatises which undertook the defence of interest that was not exaggerated into extortion, were prohibited. There were also placed upon the Index certain other monographs in which the question had been treated from a purely academic standpoint. Under Benedict XIV, the controversy came to the front in connection with the publication of monographs by Broedersen, an ecclesiastic of Utrecht, and by the Marquis Sipio Maffei, in which ground was taken against the theories of the Church. Benedict XIV published, in 1745, an encyclical in which he confirms as the present utterance of the Church the old contention. The two treatises which had formed the text for the utterance of the Pope were, however, not prohibited. In fact that by Maffei was, in 1746, reprinted in Rome contemporaneously with a monograph by the Dominican Concina, in which Maffei's conclusions were stigmatised as heretical.

It is the conclusion of Reusch that the earlier Church view, while in theory confirmed by Benedict, had practically been abandoned. The controversy continued throughout the 19th century, and several of the later popes have taken the ground that the practice of taking interest that was not extortionate could be permitted until the question had received a final decision from the Holy See. During this latter period, only one work on the subject was placed on the Index, a monograph by Laborde, who was a sharp opponent of the earlier Church theory. No final conclusion of the issue has, however, ever been reached by the Church. It has probably been withheld because it would be difficult to frame a conclusion that would not either directly or indirectly constitute a reflection on the good judgment and wisdom of the earlier papal utterances.

In July, 1745, Benedict XIV instituted a special Congregation comprising four cardinals and clever theologians to give consideration to the subject of usury. The theologians included two Jesuits, one Dominican (Concina), and one Observant. The Pope himself presided over the sessions. The conclusions arrived at were published on the first of August in the form of three propositions. These were utilised by Benedict as the basis of the encyclical to the Italian bishops issued in November, 1745.

1. All return for the use of money given in the form of interest is to be classed as usury and characterised as unlawful.

2. One may not say that it is unlawful only to receive extortionate interest or to take interest from the poor.

3. It may be permitted for the lender to receive

some return or compensation for his service from some person other than the borrower or person benefited; but it may not be permitted to make provision that such second person or guarantor should always be at hand.

In 1746, the year following the publication of the encyclical, Maffei had published a second edition of his treatise, which bears the imprint of the master of the palace. In a letter printed in this edition, Maffei writes that he had not as yet learned what had been the precise subject of condemnation in the encyclical. He was, however, of the opinion that he had been able in his treatise to anticipate the doctrine of the encyclical.

In the same year, Concina brought into print three essays in which he makes sharp criticism of the heresies of Broedersen and Maffei. These essays are dedicated to the pope. Muratori, writing in February, 1747, says: "A curious history is this! The Holy Father accepts dedication on the one hand from Concina and on the other from Maffei and yet neither the one nor the other is to be classed as unsound or heretical."

After 1820, there arose also in France an active controversy on the question of interest. The earlier orthodox opinion adverse to the use of interest was maintained by Abbé Pages in his treatise *Dissertation sur le prêt à intérêt*, published in 1821. The contrary view was maintained by La Luzerne, Bishop of Langres, in his *Dissertations sur le Prêt de Commerce*, published in 1823 in five volumes, and by the Abbé Baronnat in *Le Prétendu Mystère de l'Usure Dévoilé*, published in 1822. In the course of the following half-century, the question was repeatedly brought

from France and from Italy to the attention of the Inquisition. In 1873, the Congregation of Propaganda printed together the decisions that had been issued by the Inquisition on this subject between 1780 and 1872. The conclusion presented in 1873 is in substance as follows: Those who, under the authority of the law of the land, may take interest at a moderate rate (up to five per cent.), whether laymen or ecclesiastics, are not to be called to account in the confessional or otherwise for so doing until it has seemed wise to the Holy See to present a final conclusion in the matter. They must, however, hold themselves prepared at any time to accept and to abide by the final instruction of the Church.

24. Philosophical Writings, between 1750 and 1800, Condemned as Irreligious.—In the Spanish Index, are prohibited all the writings of Voltaire and Rousseau. The Roman Index of 1824 includes the name of David Hume.

In February, 1778, Pius VI issues a general prohibition as follows: *Libri omnes incredulorum, sive anonymi sive contra, in quibus contra religionem agitur.* This prohibition, instead of being included in the *Decreta Generalia*, where similar decrees had heretofore been printed, is placed under the term *libri*. Connected with the decree, is the specification that the permission to read books of this class can be granted only by the pope himself. It is probable that this general prohibition did not prove particularly effective, as it was hardly possible for the average reader to be able at once to identify a work as irreligious in tendency or to have knowledge by name of all of the writers who were to be classed as unbelievers. The difficulty was naturally greater in the case of anonymous works.

In the Spanish Indexes of 1747 and 1790, the editors have indicated by a mark the books the reading of which is prohibited even to those who have secured permission for the use of works included in the general Index lists.

There was published in Paris an encyclopaedia under the title *L'Encyclopédie ou Dictionnaire raisonné des Sciences, des Arts, et des Métiers, par la Société des Gens de Lettres*. It bore the names, as editors, of Diderot and d'Alembert. In 1759, at the time of the prohibition, seven volumes only had been published. The first two volumes, printed in 1751, had been condemned in 1752, under an order of the Council of the King; but two years later, the king issued a privilege for the continuation of the work. The papal brief states that the volumes first issued had been condemned and that the later issues, described as a revised edition, had been carefully examined by the Inquisition and again condemned on the ground that the teachings and propositions contained in them were false and pernicious and tended to the destruction of morality; and further that these teachings promoted godlessness and the undermining of religion. In 1759, the royal privilege under which the publication was being continued, was withdrawn. The editors and printers succeeded, however, in carrying on the work without coming into open conflict with the authorities, and by 1772, twenty-eight volumes had come into print.

In April, 1757, a decree of Louis XV prohibits, under penalty of death, the production and distribution of any writings against religion. There does not appear, however, to be on record any instance of the carrying out of this penalty.

The papal brief issued in 1759 in regard to the treatise of Helvétius, *De l'Esprit*, describes the book as "anta-

gonistic to the Christian religion and to natural morality, and as maintaining the pernicious and damnable views of the Materialists and of the Epicureans," and further, "as maintaining many godless and heretical propositions."

In 1762, a prohibition of the Inquisition contains the title of *La petite Encyclopédie ou Dictionnaire des Philosophes, oeuvre posthume d'un de ces Messieurs*. The entry is followed by the remark "*Ridiculum acri fortius et malius plerumque secat res*. Anvers, 1761." This title probably refers to a reprint of some portions of the encyclopaedia. Between 1758 and 1800, were placed upon the Index at intervals practically all of the works of Voltaire, but, excepting in Spanish Indexes, the term *Opera omnia* does not appear. In 1762, the treatise by Rousseau on education, entitled *Émile*, was prohibited by the Inquisition; and in the same year, the book was ordered by the Parliament of Paris to be burned. It was also censured by the Sorbonne and prohibited for France by the Archbishop of Paris. The work was also condemned by the Protestant authorities in Geneva.

In 1784, was prohibited, by a brief of Pius VI, a work issued under the title of *Recherches Philosophiques sur les Américains ou Mémoires intéressants pour servir à l'Histoire de l'Humanité*. The author was Cornelius de Paw, a canon in Zante.

In 1761, the Congregation prohibits the French version of the essay by David Hume, *A Treatise on the Human Understanding*. This edition had been printed in Amsterdam in 1758, twenty years after the appearance of the original.

Gibbon's *Decline and Fall of the Roman Empire*, printed in an Italian edition in 1776, was prohibited

in 1783. The writings of Thomas Paine and Joseph Priestly escaped the attention of the compilers of the Roman Index, but the name of the latter author appears in the Spanish Index of 1806.

The writings of Frederick the Great of Prussia, as printed in Berlin, in 1750, under the title of *Oeuvres du Philosophe de Sans-Souci*, receive the compliment of prohibition by the Inquisition in 1760. The Spanish Index does not include the works but does find place for the *Mémoires pour servir à l'Histoire de la Maison de Brandebourg*.

25. Works on Philosophy and Natural Science, 1800–1880.

—Among the works prohibited during the period in question in the department of philosophy and natural science, may be noted the following:

Villiers, Ch. de, *A Treatise on Kant*, printed in Paris in 1801, prohibited in 1817. An Italian edition of Kant's *Critique of Pure Reason*, printed (in Rome) in 1821, prohibited in the same year.

Buhle, J. G., *Geschichte der neuern Philosophie*, printed in Leipsic, 1800–1805, prohibited (in the French and Italian versions) in 1828.

Tennemann, *Grundriss der Gesch. der Philosophie*, printed in Leipsic in 1812, prohibited (in the Italian version) in 1837, prohibited again (in a Polish version) in 1865.

Bentham, Jeremy. Of this author practically all the works find place sooner or later in the Index, but the term *Opera omnia* has not been used.

Whately, Richard, *Elements of Logic*, printed in 1822, prohibited in 1851.

Mill, John Stuart, *Treatise on Liberty*, prohibited in 1851; *Principles of Political Economy*, printed in 1848, prohibited in 1850.

Darwin, Erasmus, *Zoöonomy*, printed in 1794, prohibited in 1817. (*The Origin of Species* and the other treatises by Charles Darwin, the grandson of Erasmus, have, curiously enough, escaped the attention of the Index authorities.)

Draper, J. W., *History of the Conflict between Religion and Science*, printed (in New York) in 1874, prohibited (in a Spanish version) in 1876.

Condorcet, the Marquis, *Esquisse d'un Tableau historique du Progrès de l'Esprit humain*, printed in 1804 as a division in a series of works comprising in all twenty-one volumes, prohibited 1827.

Condillac, Abbé de, *Cours d'Étude*, printed (in Paris) in 1773, prohibited in 1836.

Ahrens, Henri, *Cours du Droit Naturel*, printed in 1838, prohibited 1868.

Cousin, *Cours d'Histoire de la Philosophie*, printed in 1827, prohibited in 1844. This is the only one of the long series of works by this author that finds place in the Index. Cousin was induced by his friends Sibour and Maret, for the purpose of preventing the threatened condemnation of his works by the Congregation of the Index, to write a letter to the Pope. He writes, under date of April 30, 1836, in substance as follows: "As Your Holiness has already been informed, I am myself a devout upholder of the Christian faith and I place all my hopes for the future of mankind upon the maintenance and extension of Christianity. I can but be troubled that my views have been placed in a false light and I have attempted to produce a philosophical treatise which should be entirely free from the possibility of reproach and in the preparation of which I have secured the counsel of scholarly divines. If it may be the case that, notwithstanding my own

watchful care and the aid of these scholarly advisers, certain passages which could cause concern to Your Holiness have escaped attention, I will ask that these may be indicated to me. I am more than anxious to correct or to eliminate any expressions or statements that may be open to criticism from the point of view of the Church. My sole purpose is to do all that may be practicable to perfect the text of these modest writings of mine."

Comte, Auguste (†1857), *Cours de Philosophie Positive*, printed in Paris in 1864 with an introduction by Littré, prohibited in the same year. No one of the other works by Comte finds place in the Index. Littré had sharp controversies with Dupanloup in 1863, and was characterised by the Archbishop as an atheist, but no one of Littré's writings was formally condemned.

Taine, Hippolyte Adolphe, *Histoire de la Littérature Anglaise*, printed (in Paris) in 1863, prohibited in 1866. This work had, in 1864, been condemned by the French Academy as tending to undermine the belief in the freedom of the will, the sense of personal responsibility, and morality in general.

Legrand, Jacques, *Recherche des Bases d'une Philosophie Pratique*, printed in 1864, prohibited the same year.

Mangin, Arthur, *L'Homme et la Bête*, printed in 1872, prohibited the same year.

Figuier, Louis, *Le Lendemain de la Mort ou la Vie Future selon la Science*, printed 1871, prohibited 1872.

A collection of essays by Tyndall, Owen, Huxley, Hooker, and Lubbock, translated into French, together with certain papers by Raymond, edited by the Abbé Moigno, on the general subject-matter of science and faith, was printed in Paris in 1875 and prohibited in

the same year. Connected with the prohibition is a statement that the notes of Moigno on Tyndall and the other naturalists meet the approval of the Congregation.

Leopardi, Giacomo, *Operetti Morali*, printed 1827, prohibited, with a *donec emendatum*, in 1850.

Spaventa, Bernardo, *Opera omnia*, printed between the years 1861 and 1874.

Vera, Auguste, *Opera omnia* in each and every version. These two writers had given instruction in the Hegelian philosophy. Vera's works had appeared in Italian, French, and English editions.

Ferrari, Gius., *Opera omnia*, prohibited 1877. The chief work of this author, *Essai sur le Principe et la Limite de la Philosophie d'Histoire*, had been printed as early as 1837 and had for forty years escaped condemnation.

Settembrini, Luigi (a third Neapolitan Hegelian) *Lezioni di Letteratura Italiana*, printed in 1868, prohibited in 1874.

Sicilinoni, Pietro (professor of philosophy in Bologna), a series of works printed between the years 1878 and 1887, placed upon the Index from year to year immediately after their publication.

Ranke, L., *Die Römischen Päpste, ihre Kirche und ihr Staat, im XVI^{ten} und XVII^{ten} Jahrhundert*, printed in 1835, prohibited in 1841. Historical
Works

Hume, David, *History of England*, printed in 1761, prohibited in 1823.

Robertson, William, *History of Charles the Fifth*, printed in 1762, prohibited (in a French edition) in 1777.

Goldsmith, Oliver, *History of England*, printed in 1770, prohibited (in an Italian edition), with a *d.c.*, 1823.

Roscoe, William, *Biography of Leo X*, printed 1805, prohibited, in both the English and Italian versions, in 1825.

Hallam, Henry, *View of the State of Europe during the Middle Ages*, printed in 1818, prohibited (in the Italian edition) in 1833. *Constitutional History of England*, printed in 1824, prohibited 1827.

Beugnot, A., *Histoire de la Destruction du Paganisme en Occident*, printed in 1835, prohibited in 1837.

Sismondi, J. C. L. S. de, *Histoire du Moyen-Age*, printed in 1812, prohibited in 1817. The prohibition covers, however, only the first eleven volumes. The sixteenth volume, which contains the noteworthy chapter on the pernicious effects produced on Italy by the casuistical morality of the Church of Rome, escaped condemnation.

Gregorovius, *Geschichte der Stadt Rom im Mittelalter*, printed in 1859-1873, condemned in 1874, both in the German original and in the Italian version.

Mignet, F. A., *Histoire de la Révolution Française*, printed in 1824, prohibited 1825.

Ségur, Comte de, *Galerie Morale et Politique*, printed in 1817-1823, prohibited 1826.

Jobez, Alph., *La France sous Louis XV*, printed 1865-1867, prohibited 1868.

Le Bas, Phil., *L'Univers Pittoresque*, printed in 1851, prohibited in 1853. The reprehensible chapters in this descriptive work were those giving an account of the religions of the world.

Munks, *La Palestine, Description géographique, historique, et archéologique*, printed 1845, prohibited in 1853.

Dictionnaire Encyclopédique de la France, edited by Le Bas and Rénier, printed, in twelve volumes, 1840-1845, prohibited (in a separate decree) in 1853.

The prohibitions of this period include a long series of French, German, and Italian encyclopaedias, universal dictionaries, gazetteers, etc., in addition to those specified.

Lalande, J. L. de, *Voyage en Italie*, printed in 1769, prohibited in 1820. It is possible that one reason for placing on the Index, so many years after the date of its appearance, this particular book was the association at a later date by the author with the *Dictionnaire des Athées* which was compiled by Maréchal. This latter work, however, curiously escapes the attention of the Index compilers.

Didier, Ch., *Rome souterraine*, printed in 1833, prohibited in 1835. It is proper to point out that this work has to do, not with the Catacombs, but with the secret societies of Rome.

Viardot, Louis, *Les Musées d'Italie*, printed in 1842, prohibited in 1865. A later work by this author on the Jesuits, the bishops, and the pope, apparently much more serious in its subject-matter, escapes attention.

Ciocchi, Raffaella, *A Narrative of Iniquities and Barbarities practised at Rome in the 19th Century*, printed (in a French version) in 1841, prohibited in 1845. The author was formerly a Cistercian and had been librarian of the papal College of San Bernardo. It is not surprising that his work failed to secure the approval of the Roman authorities.

La Châtre, Maurice, *Histoire des Papes; Les Crimes, Meurtres . . . des Pontifes Romains, depuis S. Pierre jusqu' à Gregoire XVI*, printed in 1842-1845, prohibited in 1848.

Among the noteworthy works under the heading of general literature may be cited the following:

Sue, Eugene, *Mystères de Paris*, printed in 1843,

prohibited in 1852; *Le Juif Errant*, printed in 1845, prohibited in 1852. Later in the same year, Sue's **General** name was placed upon the Index con-
Literature nected with the term *Opera omnia*. In 1864, the list of French authors all of whose works were prohibited includes the following names: Balzac, Champfleury, Dumas the elder and Dumas the younger, Feydeau, Murger, Sand, Soulié, and Stendhal. The name of Flaubert appears in the same year in connection with two only of his romances. The volume of the Abbé Michon, published anonymously under the title *Le Maudit*, was prohibited in the year of its publication, 1864, and the later volumes issued as by the author of *Le Maudit* were prohibited as they appeared. Since 1864, the compilers of the Index have given comparatively little attention to French fiction.

In 1834, the *Chansons* of Béranger were prohibited. Some of these had been printed as far back as 1815. Additional titles from French literature are as follows:

Lamartine, Alph. de, *Souvenirs d'un Voyage en Orient*, printed in 1835, prohibited in 1836.

Hugo, Victor, *Notre Dame de Paris*, printed in 1831, prohibited in 1834; *Les Misérables*, printed in 1836, prohibited in 1864.

The famous volumes by Ferd. Fabre, *Lucifer* and *L'Abbé Grand*, curiously enough escape condemnation.

The selections of this period from German literature are inconsiderable. They include:

Lessing, *Erziehung des Menschen-geschlechts*, prohibited 1835.

Heine, H., *Reisebilder*, printed in 1834, prohibited in 1836; *De la France*, printed in 1833, prohibited in 1836; *De l'Allemagne*, printed in 1835, pro-

hibited 1836; *Gedichte*, printed in 1844, prohibited in 1845.

In 1855, Mrs. Stowe's *Uncle Tom's Cabin* was prohibited, under some special instruction, as far as its sale in the papal States was concerned. The title does not find place in the Index.

The small group of Spanish and Portuguese works includes the following titles:

Torres, *Quentos en verso Castilano del Remédo de la Melencholia*, prohibited 1824.

Tressera, *El Judío Errante*, prohibited 1864.

The long series of anti-clerical romances by Benito, Perez, and Galdós escape condemnation.

Stockler, *Poezias Liricas*, printed in 1820, prohibited in 1836.

The Italian list includes:

Foscolo, Ugo, translation of Sterne's *Sentimental Journey*, printed in 1817, prohibited in 1819; *La Commedia di Dante*, illustrated, printed in 1830, prohibited in 1845.

Zaccheroni, G., an edition of Dante's *Inferno* with notes, printed in 1838, prohibited (as far as the introduction and the notes are concerned) by the Inquisition in 1840. The larger number of the commentaries on Dante are condemned as printed.

Guerrazzi, Dom., *L'Assedio di Firenze*, printed in 1830, prohibited in 1837. His later romances, *Isabella Orsini* and *Beatrice Cenci*, were prohibited promptly on publication, the former in 1844, the latter in 1854.

Niccolini, G. B., *Arnaldo da Brescia*, printed in 1844, prohibited the same year.

Bossie, Conte Luigi, *Della Istoria d'Italia Antica e Moderna*, printed in Milan, 1819-1822, in nineteen volumes, prohibited in 1824. The same author

produced a translation of Roscoe's *Life of Leo X*, which was promptly condemned some twenty years after the prohibition of the same work in the original.

Botta, Carlo, *Storia d'Italia del 1729 al 1814*, ten volumes, printed in 1824, prohibited in 1826. Botta had gained the name of "the Italian Tacitus." His son, Vincenzo Botta, was well known in New York as a man of letters, between the years 1850 (he was one of the exiles of '48) and 1880.

Rossetti, Gabrielle, *Sullo Spirito anti-Papale*, etc., printed in 1832, prohibited 1833; *Iddio a l'Uomo*, printed in 1836, prohibited 1837.

The Spanish and Portuguese group of general literature of this period includes the following titles:

Llorente, J. A., *Histoire Critique de l'Inquisition de l'Espagne*, printed in Paris in 1820, prohibited in 1822. The author, who was the Secretary-General of the Inquisition, had been banished from Spain in 1812. His history, written in Spanish, was translated under his own supervision.

Historia Completa des Inquisiçoes de Italia, Hispagnia e Portugal, printed (anonymously) in 1822, prohibited in 1825. This is probably a translation of the *Histoire de l'Inquisition* of Lavalée printed in Paris in 1809, and prohibited in 1819. The histories of the Inquisition, whether written from the Dominican point of view or from that of their opponents, found their way in great part into the Index.

26. The Synod of Pistoja, 1786.—In 1794, the conclusions arrived at by the Diocesan Synod held at Pistoja at the instance of Bishop Ricci, were condemned by the Bull *Auctorem Fidei* of Pius VI. In this Bull, were censured specifically eighty-five propositions. The Pope condemns and prohibits, under penalty of

excommunication, the printing, distribution, or reading of any editions or translations of the acts of the synod and of all works written in defence of these acts. It is doubtless through oversight that this very sweeping condemnation does not find place in the Index. Certain publications reporting the conclusions of the synod had been already specifically prohibited; while certain further works, the subjects of which were connected with the issues raised by the synod, were prohibited in later years, in certain instances as late as 1817. For these later prohibitions, the statement was added that the works were already condemned under the Bull *Auctorem Fidei*.

27. The Festival of the Heart of Jesus.—In 1697 and again in 1729, the Congregation of Rites recalled the authorisation for a specific office for the Sacred Heart of Jesus; and in 1704, was prohibited the treatise by the Jesuit Croiset, written in defence of this office. Under Clement XIII in 1765, the office was again authorised, and under Pius IX, the festival in honour of the Heart of Jesus was made a general usage. This special act of adoration had originated with the Jesuits; those who opposed it were classed as Jansenists. The office came, however, into question with a good many Churchmen other than Ricci and his friends; and a number of the most important of the treatises written against it were published under Clement XIV in Rome.

28. Theological Writings of French, German, and English Catholics, 1758–1800.—But one important work of theology printed in France, *Theologia Lugdunensis*, came upon the Index during the last decade of the 18th century. From England, the single title of the same period covers a book of worship, and from Germany,

were prohibited, in addition to the writings already referred to, a volume by Isenbiehl and several treatises by Stättler, Meyer, and Oberrauch. During these years, were published in England a number of works by Catholic authors which had to do with the controversies of the time, such as the Oath of Allegiance, the re-institution of the hierarchy of bishops, etc., but no one of these writings is recorded in the Index. The single English work above referred to was published in London, in 1767, under the title *The Catholic Christians' New Universal Manual, being a true spiritual guide for those who ardently aspire to salvation*. The book contains the entry, *Permissu superiorum*, which did not prevent its prohibition in 1770. On the other hand, the writings of Charles Dodd, J. Berington, Alexander Geddes, George Cooper, and Bishop Butler, the teachings of which would hardly have met the approval of the Holy See, escaped condemnation.

29. The French Revolution.—The *Constitution Civile* of the clergy, framed in 1780, and the Defence of the same issued a year later by the so-called Constitutional Bishops, were promptly condemned by briefs of Pius VI, but they do not find place in the Index. The acts of the national councils of 1797 and 1801 were condemned in like manner but these titles also escaped the attention of the Index compilers. The practice on the part of the Index editors in regard to the recording of legislative acts appears not to have been consistent. In 1817, for instance, a collection of the acts and declarations of the Italian bishops and chapters, which had been printed in 1811, was placed upon the Index although the subscribers and compilers of the same had made recantation of the opinions expressed.

The long series of revolutionary writings and of anti-Church writings which came into print in France after 1789 were in large part recorded by the Spanish Inquisition but in the Roman Indexes are represented by only a few titles.

In July, 1797, the Congregation of the Index publishes its last decree for the century. The authors whose books are condemned include Stättler, Oberrauch, Tamburini, and Zola; in addition to these, there is a series of German theological and juristical theses which the students of Freiburg had defended between the years 1786 and 1794. The last work prohibited by the Inquisition during the 18th century is a treatise by Guadagnini.

The first prohibition of the 19th century condemns a monograph by a Greek theologian, printed in Corfu in 1800. The Congregation of the Index resumed its activities in 1804 after a suspension of more than seven years. In decrees issued in 1804, 1805, 1806, and 1808 were condemned a number of French and Italian writings that had to do with the Revolution. The imprisonment in June, 1809, of Pius VII again brought to a close the operations of the Roman Congregations. The Pope returned to Rome in May, 1814, and in August, 1815, the Inquisition resumed its supervision of literature. The work of the Congregation of the Index was, however, not taken up till January, 1817. In this year, a list of prohibitions was issued covering a number of works that had been published in France and in Italy between 1796 and 1815.

The two briefs that Pius VI had issued in March and in April, 1781, for the condemnation of the so-called Civil Constitution of the French clergy, were declared by the "constitutional" party in the Church

to be apocryphal. It was pointed out that the second brief, while dated in Rome, April 13th, was distributed in Paris April 14th, from which detail, it came to be known as the "Miraculous Brief." In a brief issued in 1792, the Pope calls attention to this statement as one of the insults coming from France. The Index of 1806 contains, printed as an appendix, a list of the books prohibited from 1804 to 1806. The more important names in this list are those of Voltaire, Rousseau, Diderot, Mirabeau, Dulaurens, and La Fontaine.

30. The French Concordat of 1801.—In August, 1801, a Bull of Pius VII records the provisions of the Concordat that had been arrived at between Napoleon and himself. Under the Concordat, the number of the French bishoprics was reduced from a hundred and fifty-six to sixty and a new division of the dioceses was provided for. In a brief bearing the same date, the Pope calls for the resignation of all the French bishops, and in November of 1801, he issues a second Bull, declaring those bishops who had not resigned to be deposed, and fixing the limits of the new bishoprics. In 1803, thirty-six bishops present a protest against these regulations. This protest was widely circulated and served as the text for a long series of monographs in which were brought into discussion various questions relating to the Concordat. In 1817, a second Concordat was put into force between the Papacy and Louis XVIII. In 1822, a long series of writings which took ground against the authority of this Concordat were placed upon the Index.

31. Protestant Theological Writings, 1750-1884.—The selections for condemnation, in the last years of the 18th century and during the first half of the 19th

century, of works by Protestant theologians appears to have been made with no greater consistency and with no more assured principles than had been apparent in the selection of Protestant writings of an earlier date. The following titles may be noted:

Michaelis, J. D., *Introduction to the New Testament*, published in 1750, condemned in 1827.

Strauss, *The Life of Jesus (Das Leben Jesu)*, published in 1835, prohibited 1838.

Bauer, *Streit der Kritik mit Kirche und Staat*, published in 1844, prohibited in 1845.

Bunsen, *Hippolytus and his Age*, published 1852, prohibited 1854.

Maurice, F. D., *Theological Essays*, published 1854, prohibited 1854 (the entry in the Index is under the word "Denison").

Stroud, *The Physical Causes of the Death of Christ*, published 1847, prohibited 1878.

Morgan, Lady, *Italy*, prohibited 1822.

Waldie, *Rome in the Nineteenth Century*, published 1820, prohibited 1826.

Blunt, James, *Vestiges of Ancient Manners and Customs in Modern Italy and Sicily*, published 1823, prohibited 1827. The difficulty with Mr. Blunt's treatise was the connection made by him between certain ceremonies and practices of the Roman Church and the earlier Pagan usages.

Seymour, Hobart, *A Pilgrimage to Rome*, printed 1851, prohibited 1851. The title is entered under "Pilgrimage."

Whately, Archbishop, *Introductory Lessons on Christian Evidences*, an Italian version printed in 1850 and prohibited in the same year.

The treatise by John Poynde, *Popery in Alliance with*

Heathenism, the publication of which (in 1835) brought out some sharp controversial letters from Wiseman, escaped the attention of the Index compilers.

The more noteworthy of the French titles in the Indexes of this period are the following:

Bruitte, Edouard, abbé and professor of philosophy, *Mes Adieux à Rome*, published in 1844, prohibited in 1844.

Mourette, *Le Pape et l'Évangile*, published in 1844, prohibited in 1845. This latter was also prohibited in Paris.

Coquerel, Athanase, (†1868), *Le Christianisme experimental*, published in 1847, prohibited in 1850. No other of the series of writings by this famous Protestant preacher nor any of those of his son, Athanase Josue, find place in the Index.

Bugnoin, T. R., *Catéchisme de l'Église du Seigneur*, published in 1862, prohibited in 1863.

Martig, Emm., *Manuel d'Histoire religieuse a l'Usage des Écoles*, published at Geneva in 1877, prohibited in 1878.

D'Aubigné, *L'Histoire de la Réforme du Seizième Siècle*, printed, in an Italian edition, in 1847, prohibited in 1852.

The list of Italian and Spanish publications contains few names that would be familiar to English readers.

Bianchi, Angiolo, *Biographia di Fra Paolo Sarpi*, printed (in Brussels) in 1836, prohibited in 1844; *Del Pontificato di S. Gregorio il grande*, printed (in Milan) in 1844, prohibited in 1853.

Boni, Filippo de, *Del Papato*, printed in 1850, prohibited in 1852.

Castro, Adolpho de, *Historia des los Protestantas Españoles*, printed in 1851, prohibited in the same year.

32. **Writings concerning the Eastern Church.**—The larger number of the works under this heading the titles of which come into the Index of the 19th century, are the production of the "United Armenians." The addition of a group of monographs by Polish writers is doubtless due to the fact that during the reign of Pius IX, the consultor of the Congregation was a Pole, Peter Semenenko. The Bull issued by Pius IX in July, 1867, under the title of *Reversurus*, in which it had been ordered that the procedure of worship of the Armenians should be reconstituted, resulted in a schism in this division of the Church. Between the years 1872 and 1873, three monographs by Ormanian and one by Casangian, written in opposition to this Bull, are placed upon the Index. The list also includes the following:

Pichler, A., *Die kirchliche Trennung zwischen Orient und Occident*.

The Greek Church of Russia is represented in the Index of this time by but one or two titles:

Tolstoy, Dimitri, *Le Catholicisme Romain ou Russe*, published in 1864, prohibited in 1866. This work stands in the Index under the entry "Dimitri." The entry is connected with the reference *Opus praedamnatum ex reg. II. ind.* This entry indicates that, prior to 1870, the Russians were already classed as heretics.

Pocie, Joh. (Chancellor of the Cathedral at Chelm), *O Jezusie Chrystusie* (a study of the record of the early Christians), printed in 1852 (with the approval of the Church authorities at Warsaw), prohibited in 1857.

The record of the proceedings of a Synod of Melchites, held in 1810, in Beyrout, with the approval of the papal delegate, Gandolfi, was condemned in 1835 by a brief of Gregory XVI. The record had

been printed in Arabic and was not likely therefore to have secured an extended circulation in Catholic States.

In 1851, was prohibited an Italian version of the *Critical History of the Greek and Russian Church* by Josef Schmitt, which had been published in Mayence in 1840. In 1868, was prohibited a work by the English writer, Edmund S. Ffoulkes, which had been published in London in 1865 under the title, *Christendom's Divisions; a Philosophical Sketch of the Divisions of the Christian Family in East and West*. The work had been sharply criticised by Manning, but it does not appear that Manning had made any formal denunciation of the same to Rome.

33. The Theologians of Pavia, 1774-1790.—In 1774, the Austrian Government instituted a theological faculty in the University of Pavia. In 1783, the Emperor Joseph II transferred to Pavia, for use in the newly instituted *Collegium Germanicum et Hungaricum*, the collections belonging to the old *Collegium Germanicum* of Milan. The divines of the theological faculty of Pavia came to be classed as Jansenists. The classification appears to have been based not so much upon their teaching of the Augustinian doctrine of Grace as upon their own sharp antagonism to the theories and practices of the Jesuits. These divines contended openly that the so-called Jansenist heresy was a phantom, and they also undertook the defence of the Church of Utrecht. They were, further, opponents of the doctrines taught by the Jesuits in regard to morality; they were in sympathy with the claims of the Gallican Church, and, finally, they maintained stoutly the necessity for reforms within the Catholic Church on the lines indicated by the Synod of Pistoja.

In the years succeeding 1781, were placed upon the Index the titles of a number of writings by these theologians and by others who had accepted their views. Among these writers may be mentioned the following: Pietro Tamburini, Giuseppe Zola, Count Th. Trautmannsdorf, Canon Litta, and G. B. Guadagnini. The treatise by Trautmannsdorf on Toleration, condemned in 1783, the author found desirable to disavow in order to secure his appointment as bishop.

34. French, Dutch, and English Writings, 1817-1880.—In 1825, a report was laid before the French Minister of the Interior concerning certain writings classed as irreligious or immoral which had been published between the years 1817 and 1824. The list included various editions of the complete works of Voltaire and of Rousseau, together with a number of issues of their separate volumes. There were no less than eight editions of the *Système de la Nature*, by d' Holbach, and four of the *Lettres Persanes*. It was complained that these pernicious books were being sold so cheaply that they were brought within the reach of the masses of the people and were bringing about widespread evil. The *Tartuffe* of Molière, sold for five sous, had at once reached a sale of one hundred thousand copies. In 1821, Étienne Antoine, Bishop of Troyes, in a pastoral letter writes: "We renew all the censorship orders issued, between the years 1782 and 1785, by the clergy of France, and the individual orders issued by the archbishops of Paris, in which these works were condemned as godless and sacrilegious, and as tending to undermine morals and the State. We prohibit, under the canonical law, the printing or sale of these books within the territory of this diocese, and we charge the vicar-generals to enforce this regulation

and to see to the carrying out of the necessary penances for all who make confession of disobedience to these regulations." The authority of the Church of France appears to have been considered as sufficient for the control of the matter. No application was made to have these books again placed upon the Index.

Dupuis, Ch. Fr., *Origine de tous les Cultes*, printed 1794, prohibited, 1818. An abridgment of this work, printed in 1798 and reprinted in a number of editions thereafter, escaped condemnation.

Volney, J. F., *Les Ruines ou Méditations sur les Révolutions des Empires*, printed in 1799, prohibited in 1821. This book was also strongly condemned in the Spanish Indexes. An Italian translation, printed in 1849, escaped the Index.

Pigault, Le Brun, *Le Citateur*, printed in 1803, prohibited in 1820. This work contains some bitter assaults on the Bible and on the dogmas of Christianity. Reiffenberg states that, in 1811, Napoleon, in a state of irritation with a brief of Pius VII, gave instructions for the distribution to the public, free or at a nominal price, of ten thousand copies of *Le Citateur*, but there is no record that these instructions were carried out. A Spanish version of the book, printed in London in 1816, was prohibited in Spain in 1819.

Essai historique sur la Puissance temporelle des Papes, printed in Paris in 1818, prohibited in 1823. No author's name is connected with any of the several editions of this treatise, but the introduction to the original issue states that the work was translated from a Spanish manuscript found at Saragossa.

After the Restoration, negotiations were in train during a series of years for a modification of the provisions of the Concordat of 1801. A series of contro-

versial publications bearing upon the Concordat were placed upon the Index as they appeared.

Constant, Benjamin, *De la Religion Considerée dans sa Source*, etc., printed in 1824-1831, in five volumes, prohibited in 1827.

Gandolphy, Peter, *A Defence of the Ancient Faith, or Exposition of the Christian Religion*, printed (in London) in 1813, prohibited in 1818. Gandolphy was a priest of the Catholic Church and at the time of this publication had charge of the Spanish Chapel in London. The book had been promptly condemned by Pointer, Apostolic Vicar in London. Gandolphy journeyed to Rome and succeeded in securing for his book the approval of the master of the palace and a certificate giving him the authority to state that his book had been approved by the Holy See. On the strength of this certificate, he placed copies again on sale. Pointer secured from the Inquisition instructions to confirm the prohibition; and as this was still ignored by Gandolphy, the latter was suspended. After some years of controversy, the difficulty was finally adjusted by the correction of the text according to the specifications of Pointer.

Earle, Charles J., *The Forty Days, or Christ between His Resurrection and Ascension* and *The Spiritual Body*. These were printed in 1876 and 1878 and were prohibited in 1880. Earle had in 1851 been converted to Romanism.

In 1857, an association was instituted in England "for the promotion of the unity of Christendom." Its special purpose was to bring together the members of the Catholic, the Greek, and the English Churches. The members of the society accepted the obligation to make a daily prayer to this end. Cardinal Patrizzi

declared in the name of the Inquisition, in a letter addressed, September, 1864, to the English bishops, that Catholics were forbidden to take part in this association. In 1866, Archbishop Manning confirmed this prohibition. Patrizzi had condemned in his first letter the *Union Review*, which was the organ of the society, but the *Review* was not placed on the Index. A series of essays on the reunion of Christendom, written by members of the society, and edited by F. G. Lee, was placed on the Index in 1867.

35. Writings of German Catholics, 1814-1870.—During the 19th century, were placed upon the Index a larger proportion than in the earlier period of the writings of the Catholics of Germany, but the selection of the works so distinguished appears as heretofore to have been arrived at with no very definite policy or principle. It is evident that the books were not selected on the ground either of their relative heresy, of their scholarly importance, or of their popular influence. It seems probable that the condemnation of any particular work was dependent upon the accident of its title being brought to the attention of the Congregation. The names of a few of the more noteworthy authors in the list are specified below.

Wessenberg, Vicar-General of Constance, *Die deutsche Kirche*, printed in 1806, condemned by a brief of Pius VII, in 1814.

Dannemayer, *Institutiones Historiae Ecclesiasticae*, printed (in Vienna) in 1780, prohibited in 1820.

Rechberger, *Enchiridion Juris Eccles. Austriaci*, printed in 1809, prohibited in 1819.

Reyberger, *Institutiones Ethicae Christ.*, printed in 1805-9, prohibited 1834.

Bolzano Bernhard (professor of geology in Prague),

Stunden der Andacht, printed in 1813, prohibited in 1828. It was largely on the ground of this work, which was published anonymously, that Bolzano was deposed from his professorship. *Lehrbuch der Religions-Wissenschaft*, printed in 1813, prohibited 1838.

Brendel, Sabold, professor of law in Würzburg, *Handbuch des kath. und protest. Kirchenrechts*, etc., printed in 1823, prohibited in 1824. Brendel retained his professorship but was later ordered to give up instruction in canon law.

Theiner, Anton., *Die katholische Kirche in Schlesien* (published anonymously), printed in 1826, prohibited the same year.

Müller, Alexander, *Handbuch des kath. und protest. Kirchenrechts*, printed 1829-1832, prohibited in 1833. It would appear that very few of the treatises on canon law or ecclesiastical jurisprudence were so written as to meet the approval of the Index authorities.

Hirscher, J. B., a treatise on the mass, entitled *Missae Genuinam Notionem Eruere*, etc., printed in 1821, prohibited in 1823.

Drey, G. S. von, a treatise on confession, entitled *Diss. Hist. theol. Originem et Vicissitudinem*, etc., printed, in 1815, prohibited in 1823.

Gehring, *Liturgik und Theorie der Seelsorge*, printed in 1848, prohibited in 1850.

Hermes, George, *Die philosophische Einleitung in die christ. katholische Theologie*, printed in 1819, prohibited in 1831. The other writings by this author, together with a long series of treatises by his followers, were for the most part prohibited. It was contended by the Hermessians, as it had formerly been contended by the Jansenists, that the specific errors on the ground of which the condemnations had been arrived at did

not as a matter of fact exist in the writings of Hermes. In May, 1837, six years after the death of Hermes, Professors Braun and Elvenich journeyed to Rome for the purpose of securing a fresh examination of the works of Hermes and of establishing their orthodoxy, but after a series of conferences, they failed to secure the recall of condemnation.

Günther, A., *Peregrins Gastmahl, Janusköpfe für Philosophie und Theologie*, and a group of similar writings published between 1830 and 1843, were condemned together in 1857. The Congregation of the Index began in 1851 to give special attention to Günther. In 1852, instructions were given by Pius IX to the bishop of Würzburg to prohibit the teaching of the theories that had become known as the philosophy of Günther.

Trebisch, Leop. (classed as a follower of Günther), *Die christliche Weltanschauung in ihrer Bedeutung für Wissenschaft und Leben*, printed in 1858, prohibited in 1859.

Frohschammer, J., *Ueber den Ursprung der menschlichen Seelen*, printed in 1854, prohibited in 1857. The work of Frohschammer was brought upon the Index by the influence of the Jesuit Kleutgen. It is recorded that the secretary of the Congregation asked Dr. Döllinger, who was at the time in Rome, to induce Frohschammer to submit himself and to recall his treatise, but no such action was taken by the author. His later treatises, *Einleitung in die Philosophie*, *Der Grundriss der Metaphysik*, and *Ueber die Freiheit der Wissenschaft*, were prohibited together in 1862. He was suspended from his functions in 1863, and in 1871, placed under excommunication. In the introduction to the papal brief of 1863, Pius writes that he had learned with great sorrow that a number of the theo-

logians and instructors in philosophy having chairs in the Catholic institutions of Germany had permitted themselves to bring into their teachings an unwarranted license of thought and of expression. The works through which these teachings were distributed to the general public were in many cases carrying most pernicious errors. These works, in so far as they had been examined and reported upon, the Pope had therefore ordered to be placed on the Index.

Oischinger, Paul J. N., who appears to have belonged to the same theological group with Frohschammer, is recorded as the author of a long series of philosophical works, only one of which was placed upon the Index: *Die spekulative Theologie des H. Thomas von Aquin*, printed in 1859, prohibited in 1859. Oischinger maintains that Thomas had wrongly comprehended a number of the most important divisions of the dogma of the Church.

Pichler, Aloys, *Geschichte der kirklichen Trennung zwischen dem Orient und Occident*, printed in 1865, prohibited in 1866. *Die Theologie des Leibnitz*, printed in 1869, prohibited in 1870.

36. La Mennais.—The writings of Abbé La Mennais had, even before 1830, brought out in France some measure of criticism. They had, however, secured the approval of Leo XII. After the Revolution of July, 1830, the opinions of La Mennais and his associates were condemned in Rome as in more ways than one pernicious. In August, 1832, Gregory XVI, in the encyclical entitled *Mirari*, condemned the ecclesiastical and political opinions presented in the journal issued by La Mennais and his associates under the title *L'Avenir*. No one of the writers was mentioned by name, but in a letter by Cardinal Pacca accompany-

ing the encyclical, they were informed that the condemnation applied to their work. They all submitted themselves to the authority of the Church. After some negotiations, La Mennais, in December, 1833, gave his signature to a formula which had been sent from Rome for the purpose. A few months later, however, he brought into print a monograph entitled *Paroles d'un Croyant*, through the declarations in which he made a direct breach with Rome. In June, 1834, he received, through a separate encyclical, sharp condemnation. A year later, the Congregation placed on the Index the treatise *Affaires de Rome* and the subsequent writings were prohibited promptly on their appearance. The earliest publication of La Mennais, issued in 1809 under the title *Réflexions sur l'État de l'Église en France pendant le XVIII^{me} Siècle et sur la Situation actuelle*, was promptly suppressed by the imperial police, but was not placed upon the Index. The *Essai sur l'Indifférence en matières de Religion*, published in 1817-1820, was sharply criticised in France but was not condemned in Rome. The monograph *De la Religion Considérée dans ses Rapports avec l'Ordre Politique et Civile*, printed in 1826, was condemned by a number of the bishops and the author was sentenced by the courts to the payment of a large fine.

The journal *L'Avenir*, previously referred to, had for its purpose the maintenance of the independence of the Gallican Church against the encroachments of the Ultramontanes, and also the final separation of Church and State. The publication of the journal was suspended by the Government in 1831, and Lacordaire and Montalembert journeyed to Rome to present the case of its editors. A *Mémoire* written by Lacordaire was delivered in February, 1832, to Cardinal Pacca. In

this, the memorialists asked the pope to have thorough investigation made of their purpose and actions and to give permission for the continuation of their work. After some weeks, Pacca gave decision on behalf of the pope that, while the good service rendered in the past by the memorialists was fully acknowledged, he found ground for grave disapproval of their later actions in stirring up controversies which tended to bring the authority of the Church into disrepute. While the matter was under consideration, an appeal came to Rome from thirteen of the bishops of France, asking the pope to confirm the condemnation of *L'Avenir* and specifying fifty-six propositions which were in themselves sufficient ground for its condemnation. This memorial secured later the support of fifty further French bishops. In September, 1832, La Mennais and his associates sent to Rome an acknowledgment of the decision of the pope and made promise that the journal *L'Avenir* should no longer be printed. In May, 1833, the pope sent to the Archbishop of Toulouse a brief in which he made reply to the memorial of the bishops. He pointed out that in the encyclical he had presented the sound and final doctrine of the Church and that he had taken measures to prevent the further circulation of the pernicious opinions complained of by the bishops.

In August, 1833, La Mennais sent to the pope through the Bishop of Rheims a letter in which he protests against the strictures expressed in the papal brief. He professes himself prepared to give the fullest possible acceptance to all provisions of the Holy See which have to do with matters of doctrine and of morals. He asks the pope to indicate the expressions occurring in his writings which are open to condemnation. In October, 1833, the pope replies to the Bishop of Rheims,

pointing out certain statements by La Mennais the purport of which tends to undermine the authority of the Church. La Mennais had taken the ground that he was not undertaking to interfere with purely ecclesiastical questions. While in such matters he gave the fullest acceptance to the authority of the pope, he was not prepared to accept the judgment of the pope in matters that seemed to him to be outside of the proper authority of the Holy See.

In 1834, La Mennais published, under the title of *Affaires de Rome*, a report concerning his correspondence and relations with the Holy See. This was duly prohibited by the Congregation in 1835. *Le Livre du Peuple*, printed in 1837, was prohibited in 1838. The same course was taken with his later writings, appearing between 1841 and 1846. La Mennais died in February, 1854. The set of his works in five volumes, published after his death, 1855-1858, does not appear in the Index.

37. The Roman Revolution of 1848.—The operations of the Index Congregation were not intermitted on the ground of the absence of Pius IX from Rome, from November 25, 1848, to April 12, 1850. During this period, three sessions were held in Rome and two in Naples, and judgment was passed upon a number of the more important of the publications of the day. Among those condemned the following titles may be noted:

Rosmini, Antonio, *Die fünf Wunder der h. Kirche*, and *Die Verfassung gemäss der socialen Gerechtigkeit*.

Gisberti, V., *Der moderne Jesuit*.

Ventura, G., *Discorso funebre dei morti di Vienna*, etc. (The three titles in German are recorded in Italian.)

A few months before the condemnation of the two

treatises of Rosmini, his name had been under consideration with the pope for appointment as cardinal. His theological and philosophical writings had been denounced by his theological opponents as early as 1841, but, in 1843, Gregory XVI had ordered the controversies concerning the doctrines of Rosmini to be brought to a close. In 1850, the denunciation of the writings of Rosmini was renewed. The Congregation of the Index caused an examination of the works to be made by a number of consultors and, in 1854, the judgment was given that they were not to be disapproved, *dimittantur opera*. This continued controversy concerning the philosophical and theological teachings of Rosmini brought about, in 1880, an authoritative definition of the formula *dimittantur*.

In November, 1848, Pius IX took refuge in Gaeta. Rosmini followed the Pope thither, but finding that the influence of his opponent, Cardinal Antonelli, was still controlling, he returned without securing any personal consideration. A series of negotiations, controversies, and correspondence followed, but it was not until 1854 that his works finally secured quittance. The question then placed before the Congregation was whether, as the writings of Rosmini had been thoroughly examined and had been shown to be free from errors in matters both of doctrine and morality, the prohibition that had been placed upon them ought not to be cancelled. The Jesuits were still unwilling to give up their contest against the teachings of Rosmini. They pointed out that the Inquisition held higher authority than that of the Congregation, and that in a number of instances books which had been passed with approval by the Congregation had been condemned by the Inquisition. Cornaldi, in a treatise printed in

1882, contended that the philosophy of Rosmini was distinctly opposed to the doctrines of St. Thomas. Leo XIII, in a brief addressed, in January, 1882, to the Bishops of Milan and Turin, reproves the attempts to renew the controversies concerning Rosmini and calls attention to his encyclical in which he had indicated the way by which all devout philosophers could arrive at a harmony of conclusion.

38. Traditionalism and Ontology, 1833-1880.—In 1833, Abbé Bautain of Strasburg was responsible for the initiating of certain controversies, in part philosophical and in part theological, which appear to have turned upon the proper interpretation of the doctrines so-called of Traditionalism and Ontologism. In 1870, these controversies were revived in Louvain and in Paris with the result of bringing out certain condemnations from the Congregation and from the Inquisition. In 1840, Bautain was compelled to subscribe to certain propositions formulated by the Congregation, and in 1855 his associate Bonnetty took the same course. In 1861, the Inquisition declared seven propositions, selected from the writings of Ubagh and other French Ontologists, to be heretical. Ubagh was compelled to correct certain treatises of his own according to specifications laid down by the Index; and, in 1866, after lengthy negotiations, his friends in Louvain were obliged to declare their acceptance of the reproof and of the conclusions of the Congregation and of the Inquisition. Ubagh held in the University of Louvain the chair of philosophy and logic.

39. Attritio and the Peccatum Philosophicum.—In addition to the Inquisition's decrees in which whole series of propositions were condemned, certain decrees were issued in which consideration was given to one

or two propositions. In May, 1667, Alexander VII issued a decree in which, while not undertaking to decide the issue that had arisen concerning the sufficiency of incomplete repentance to secure absolution, he prohibited any writings which maintained that one view or the other of the matter was in itself heretical. In August, 1690, a decree of Alexander VIII condemns the two propositions, first, that the love of God is not requisite for the leading of a proper life, and, second, the theory that a sin which has been committed by some one who does not know God, or committed during a moment in which the sinner is not thinking of God, (the so-called philosophical sin as distinguished from the theological sin) is not to be classed as a mortal sin. These two definitions of the Inquisition resulted in the prohibition of a number of writings upon the questions. The most important of these was the *Amor poenitens* by Johannes Mercassel, Bishop of Castro, which, after a long series of investigations, was finally condemned in 1690, with a *d.c.*

The Council of Trent¹ had declared that the perfect repentance which has its motive in the love of God (*contritio caritate perfecta*) can secure reconciliation with God before the sacrament of confession may be received, but it does not free the believer from the requirement for this sacrament. The instruction says, further, that the incomplete repentance, the so-called *attritio*, which arises from a consideration of the shamefulness of the sin or is produced by a fear of the punishment of hell and which is therefore connected with the will to refrain from sin with the hope for forgiveness, can not of itself and without the sacrament of confession, bring about a reconciliation with God. Such a con-

¹ S. 14 sec. Poen., c.

dition in the believer places him, however, by means of the sacrament of confession, in a position to secure grace. The doctrines presented in these instructions were, as above indicated, the texts for a long series of writings, many of which failed to secure with the Index authorities approval as orthodox.

40. Communism and Socialism, 1825-1860.—The selections from the long lists of works of those classed as socialists are but inconsiderable and, as in the case of certain other important divisions of literature, it is difficult to trace any plan or principle upon which they have been based. Proudhon is distinguished by having his entire series of works included in the Index, while of Saint-Simon (†1825) not a single volume has been condemned. Of the works of Charles Fourier (1768-1837), one book only has been selected for prohibition, *Le Nouveau Monde, Industriel et Sociétaire*, printed in 1829, prohibited in 1835.

Étienne Cabet (1788-1856) is represented in the Index by one only of his long series of treatises, *Le Vrai Christianisme*, printed in 1846, prohibited in 1848.

Esquiros, H. A. (†1876), has, next to Proudhon, the longest list in the Index of works belonging to this class. Of these the most important is *L'Évangile du Peuple*, printed in 1840, prohibited in 1841. This is followed by three socialist tracts entitled *Les Vierges Martyres*, *Les Vierges Folles*, *Les Vierges Sages*, printed in 1841, prohibited in 1842.

Further titles in this group are:

Constant, L. A., *La Bible de la Liberté*, printed in 1841, prohibited in the same year. The author was condemned to imprisonment for his works.

Chevé, Ch. Fr., *Le Dernier Mot du Socialisme, par un Catholique*, printed in 1848, prohibited in 1852.

41. Magnetism and Spiritualism, 1840-1874.—From the year 1840, the Inquisition published a series of decrees or opinions in regard to the theory of animal magnetism, but did not undertake to lay down any final conclusions. Certain expressions of opinion were also given in regard to the theories grouped under the name of spiritualism, but for this subject also there is wanting from the censorship authorities any authoritative or final word of counsel. From the long list of writings by the spiritualists of the time, only about a dozen were formally condemned. The list includes:

Kardec, Allan, *Revue Spirite, Journal d'Études Psychologiques*, 1858-1864; *Le Spiritisme à sa plus simple Expression*, printed in 1862, prohibited in 1864; *Le Livre des Esprits*, printed in 1863, prohibited in 1864.

Guldenstubbe, L. V., *Positive Pneumatologie*, printed in 1870, prohibited in 1874.

Under magnetism may be noted:

Cahagnet, L. A., *Guide du Magnétiseur; Le Magnétisme Spiritualiste*.

With this group may also be classed the Memoir of Swedenborg by the Protestant theologian, J. Matter of Strasbourg, *Swedenborg, Sa Vie, ses Écrits et sa Doctrine*, printed in 1863, prohibited in 1864.

42. French Authors, 1835-1884.—Among the more important of the books by French authors which are represented in the Index during this half-century may be noted the following:

Séguir, Mgr. L. G. de (1881), *La Piété et la Vie Intérieure*, printed in 1864, prohibited in 1869. The name of the author is not recorded in the Index and it is stated that the omission was due to personal consideration for him. Séguir states, in an article printed in 1869, that the monograph, before being

brought into print, had been passed upon with approval by a number of devout scholars. He said, further, that seventeen thousand copies had been distributed and that during the five years since the publication no criticism concerning it had come to him. He yields himself now to the authority of the Holy See and recalls the work from circulation.

Cloquet, Abbé. This author comes into the Index in 1864, on the ground of a series of monographs having to do with the subject of indulgences.

Alletz, P. A. (†1785), *Dictionnaire Portatif des Conciles*, printed in 1758 and re-issued in 1822, first prohibited (with a *d.c.*) in 1859.

Caron, L. H., Abbé, *La Vraie Doctrine de la Sainte-Église*, printed in 1852, prohibited in 1856.

Siguiet, Aug., *Christ et le Peuple*, printed in 1835, prohibited in 1836.

Marne, M. G. de la, *La Religion Défendue contre les Préjugés et la Superstition*, printed in 1823, prohibited in 1843.

Quinet, Edgar (1803-1875), *Ahasuérus*, printed in 1833, prohibited in 1835; *La Génie de Religion*, printed in 1842, prohibited in 1844; *L'Allemagne et l'Italie*, printed in 1839, prohibited in 1848; *La Révolution*, printed in 1865, prohibited in 1866.

Michelet, J., *Mémoires de Luther* (a translation from the German), printed in 1835, prohibited in 1840; *Du Prêtre, De la Femme, De la Famille, L'Amour, La Sorcière, La Bible, De l'Humanité*, printed between 1845 and 1864, prohibited promptly after publication.

Mickiewicz, Adam (1798-1855), *L'Église Officielle et le Messianisme*, printed in 1843, prohibited in 1848.

Renan, E. The writings of this author ought properly to have come into the Index under the specification

Opera omnia. The Congregation appears to have taken prompt action concerning each book as soon as information of the publication came to hand, but a few titles escaped attention. The more important of those recorded are the following: *Le Livre de Job, Étude d'Histoire Religieuse, Origine du Langage, Histoire des Langues Sémitiques, Averroés et l'Averroïsme, Vie de Jésus, L'Antéchrist, Les Évangiles, La Mort de Jésus.* (These books appeared between the years 1858 and 1884.)

Péyrat, Alphonse, *Histoire Élémentaire de Jésus*, printed in 1864, prohibited the same year.

Soury, Jules, *Jésus et les Évangiles*, printed 1878, prohibited 1878.

Scholl, *Le Procès de Jésus*, printed in 1878, prohibited 1878.

Havet, E., *Le Christianisme et ses Origines*, printed 1873, prohibited 1878.

Aube, B., *Histoire des Persécutions de l'Église; Histoire de l'Église; La Polémique Paienne à la fin du deuxième siècle; Le Christianisme dans l'Empire Romain*, printed 1876-1880, prohibited as published.

Larroque, P., *Examen des Doctrines de la Religion Chrétienne; L'Esclavage chez les Nations Chrétiennes*, printed in 1859-1864, prohibited as published. Later writings by this author were also placed on the Index, apparently in so far as their titles were brought to the attention of the Congregation.

Jaccoliot, L., *La Bible dans l'Inde; Vie de Jezeus Chrishna*, an identification of Christ with the Chrishna of the Hindus, printed in 1869, prohibited the same year. A group of later writings by this author were also promptly condemned.

Rodrigues, H., *Les trois Filles de la Bible*, printed in

1865; *Les Origines du Sermon de la Montagne*, printed in 1868; *La Justice de Dieu*, printed in 1869; *Histoire du Premier Christianisme*, printed in 1873. The above books were prohibited together in 1877 with the specification: "these works are condemned in accordance with the Constitution of Clement VIII, issued in 1592, on the ground of their presenting Jewish writings which contain heresies and errors tending to undermine Christian doctrine."

Lajollais, Mlle. Nathalie de, *Le Livre des Mères des Familles sur l'Éducation Pratique des Femmes*, printed in 1845, prohibited (with a *d.c.*) in 1846.

Gréville, Mme. Henri, *Instruction Morale et Civile des Jeunes Filles*, printed in 1882, prohibited the same year.

Bert, Paul, *L'Instruction Civile à l'École*, printed in 1883, prohibited the same year. The volume of Bert had been officially adopted for use in the schools of Paris and also in certain other of the large cities. The decree of the Index was published by the Archbishop of Albi and by the Bishops of Annécý, Viviers, Langres, and Valence. The ecclesiastical authorities were sharply reproved by the magistracy for their interference in the matter and for their undertaking to criticise the action of the Government in a matter which, as it was claimed, belonged to the temporalities. In May, 1883, Minister Ferry, speaking in the Senate, says:

"We will never recognise as binding in a matter of this kind the conclusions or judgments of the Congregation of the Index. We propose to maintain free from interference the Gallican and the French tradition of the independence of the civil power. How is it possible to conceive that a Frenchman would be prepared to accept conclusions of a body like the Congregation which has in past years seen fit to condemn and to attempt to repress

great spirits of humanity like Descartes, Malebranche, Kant, Renan, Bouillet? . . . I understand that a manual by Compayré was condemned because the author says that it is more important for a child to know the names of the Kings of France than those of the Kings of Judea. . . . This Index decree is sent out over the heads of our ambassador in Rome and of the Papal Nuncio in Paris in such manner as to arouse needless antagonism in France."

43. **Italian Writings, 1840-1876.**—Of the works by Italian authors condemned during this period, the following may be noted as indicating the policy of the Congregation.

Lazzeretti, David, *Opuscula omnia quocumque Idiomate edita*, printed in 1876, prohibited in 1878. Lazzeretti represented a mystic school of thought. He had for a time been in favour with Pius IX.

Gravina, D. B., *Su l'Origine dell' Anima*, printed in 1870, prohibited in 1875.

Nuytz, G. N., *Juris ecclesiastici Institutiones*, printed in 1844, prohibited in 1851. In this condemnation, the critics have taken the pains to specify certain propositions which are considered pernicious.

Zobi, Ant., *Storia civile della Toscana*, 1737-1848, prohibited in 1856.

Amari, Mich., *Storia dei Musulmani in Sicilia*, volume one, printed in 1845, prohibited in the same year. The following volumes of this work escaped condemnation.

Rusconi, Carlo, *La Repubblica Romana del 1849*, printed in 1849, prohibited in 1850.

Leva, Jus. de, *I Jesuiti e la Repubblica di Venezia*, printed in 1866, prohibited in 1873.

Cantu, E., *Storia Universale*, printed in 1858, prohibited in 1860.

Torti, Giov., *Un Abisso in Roma*, printed in 1864, prohibited (by the Inquisition) in 1865.

44. **American Writings, 1822-1876.**—The first work by an American author which finds place in the Index is a monograph by W. Hogan, a priest in Philadelphia, having to do with a controversy that had arisen concerning the Church of Saint Mary which Bishop Henry Conwell proposed to have consecrated as a cathedral. The action of the Bishop was contested in some fashion by the trustees acting on behalf of Hogan who wanted to retain his pastorate. Hogan's pamphlet was condemned in 1822. Hogan finally gave up the contest and at the same time left the Catholic Church and married. In 1864, was placed upon the Index a translation, printed in New York, of a monograph by Fr. Hollick, entitled *Guia de los Cassados o Historia Natural de la Generacion*.

Draper, J. W., *History of the Conflict between Religion and Science*, printed (in New York) in 1874, prohibited (in a Spanish version) in 1876.

Canada is represented in the Index of this period by the titles of two year-books issued by a literary association in Montreal, which, printed in 1858-9, were prohibited in 1864. In the year 1858, at which time the association contained seven hundred members, a proposition, submitted at the instance of certain ecclesiastics in the membership, was brought up for consideration, under which all non-Catholic members were to be excluded and two Protestant journals were to be removed from the reading-room. This proposal was voted down, and on that ground and also on the further complaint that the library contained pernicious literature, the Catholic members were called upon to leave the association. One hundred and fifty left and instituted

or remaining in the institute had come into mortal sin and must be refused the sacraments. Later in the year, a second memorial was addressed to the prefect of the Propaganda by the Catholic members of the institute, in which they stated that they accepted without question the condemnation of the year-book. To this memorial no reply was received. The Bishop, however, declared in a report to the vicar-general that the submission rendered in this memorial was inadequate because the writers remained members of an institute in which was maintained the righteousness of religious toleration. In November, 1869, died a distinguished Catholic member of the institute named Guibord, a man whose life had been above reproach. The pastor and the other authorities refused to make burial of the body even without religious ceremonies. The widow secured a provisional interment in unconsecrated ground. She then instituted a suit demanding the right of burial in consecrated ground. The suit continued until after her death in 1873. In November, 1874, the judicial committee of the priory council in London decided that the body was entitled to burial in the consecrated ground of his pastoral church and decided further that the Church authorities must provide for the very considerable expenses of the suit. The re-burial took place in November, 1875, after the Church authorities had filed a protest and had ordered faithful Catholics to take no part in the ceremonies. The record is of value in the history of censorship proceedings as an example of the overriding by the authority of the State of a decision of the Church, in regard to a matter which had heretofore been held as belonging strictly within ecclesiastical control, namely the right of burial in consecrated

ground. In 1870, a later annual giving the record of the conclusion of the process, was condemned by the Inquisition.¹

The contributions to the Index from the literature of South America are for this period more considerable than those from the United States and Canada. The following titles indicate the direction of the censorship.

Vidaurre, Manuel Lorenzo de, *Proyecto del codigo eclesiastico*, printed (in Paris) in 1830, condemned in 1833. The author, a doctor of law of the University of Lima, was Chief Justice of the Supreme Court of Peru. His "project" proposed certain rather radical changes in ecclesiastical regulations. *Tratado sobre Denaciones*, printed (in Madrid) in 1820, prohibited in 1833. In the same year were placed upon the Index three monographs by Vidaurre, one on the Bishop of Rome and the condition of the Church, the second on Celibacy, and the third on Confession.

Vigil, Francisco P. G. de, *Defensa de la Autoridad de los Gobiernos y de los Obispos contra las Pretenciones de la Curia Romana*, printed (in Lima) in 1848, prohibited in 1851. The author was a priest and at the time of his death Curator of the National Museum at Lima. The work, issued in six volumes, octavo, gives consideration to almost every detail of the organisation of the Church. *Manual de Derecho Publico Eclesiastico, and Dialogos sobre la Existencia de Dios y la Vida futura, á la Juventud Americana*, printed (in Lima) in 1863, prohibited in 1864. Vigil died in June, 1875. He had declined to submit himself to the condemnation of the Church and he was therefore refused the last sacraments. The Congress of Peru directed, however, that he should have the honour of a public funeral.

¹ Reusch iii., 1201.

La Riva, J. F., *El Espiritu del Evangelio comparado con las Practicas de la Iglesia Catolica*, printed (in Lima) in 1867, prohibited in the same year.

Fotvárád, Carlos H. de, *O Casamento civil*, etc., printed (in Rio Janeiro) in 1858, prohibited in 1859. This monograph was written in reply to a treatise, published in Rio in 1858, by Canon de Campo. The author undertook to maintain the exclusive authority of the Church (as against the State) in all matters connected with marriage. *Las Biblias falsificadas*, etc., printed (in Rio) in 1867, prohibited in 1869. This was a further criticism of the utterances of de Campo.

D'Aranjo, M. R. (Bishop of Rio), *Elementos de direito Ecclesiastico publico*, etc., printed (in Rio) in 1857, prohibited in 1869. *Compendio de Theologia Moral*, printed (in Oporto) in 1858, prohibited in 1869.

Monte, Carmelo J. de, *O Brazil Mystificado na Questao religiosa*, printed in 1875, prohibited in 1876.

Mexico is represented in the Index of the period by a treatise entitled *Conducta*, the work of D. J. C. Portugal, Bishop of Michoachon, printed (in Mexico) in 1835, prohibited in 1840; and by two treatises of N. Pizarro, *Catecismo Politico Constitucional*, and *Catecismo de Moral*, printed in 1867, prohibited in 1869.

45. **Periodicals, 1832-1900.**—In 1832, the Congregation of the Index issued a declaration stating that the regulations of the Index of Trent (renewed in the succeeding Indexes) concerning ecclesiastical censorship, covered material printed in journals as well as that published in books. After the year 1848, however, the attempt to enforce in Rome ecclesiastical censorship, over the contents of journals as given up was impracticable. It was pointed out that no advantage could be secured in placing upon the Index journal

issues of a back date, the reading of which had already been completed.

During the 18th century, however, various attempts were made to control the literary policy of journals the managers of which were within reach of ecclesiastical authority, and during the 19th century, censorship decrees were issued in regard to a number of journals which concerned themselves with ecclesiastical subjects. The only practicable measure to take against journals the articles in which are judged to be pernicious in their influence is to prohibit the faithful from reading or from possessing copies of the same. It has, however, been found convenient, in the cases in which such prohibitions appeared to be called for, to have the same issued and enforced, not by the Congregation, but by the local authorities.

After 1850, the Minister of the Interior in the papal States printed lists of the foreign journals the reading of which was forbidden.

1862. December. Adames, Apostolic Vicar of Luxemburg, declared in a pastoral letter that the publisher of the *Courier de Luxemburg* and his editors were excommunicated. The subscribers and readers of the journal were to be excluded from the sacraments on the ground that they were helping to support a work of Satan. The publisher took the matter into the courts, but the judges dismissed the complaint against Adames, taking the ground that his action was within his ecclesiastical and legal rights. (Vering, *Archiv*, X, 422, XII, 172.)

In 1863, the Patriarch of Venice and the ten Venetian bishops, in a pastoral letter, prohibited the reading of three journals specified.

1870. Melchers, Archbishop of Cologne, published

an instruction against the *Rheinische Merkur*, with which instruction the Bishop of Mayence and the Capitular-Vicar of Münster concurred. The Bishop of Paderborn issued an edict forbidding, as a mortal sin, the possession of a copy of the journal. No action appears to have been taken by the publishers, possibly because the circulation of the *Merkur* was not seriously affected by these episcopal fulminations.

1871. Under instructions of Pius IX, a circular letter was issued by Cardinal Vicar Patrizzi to the pastors or parish priests directing them to forbid to their parishioners the reading of certain Roman journals. The list included *La Libertà*, *Il Capital*, *Il Tempo*, *La nuova Roma*, *La Vita Nuova*, and six others. Disobedience to this order was to be classed as a grievous sin. In 1873, a papal brief gave certain general instructions in regard to journals. It pointed out that these were covered by rules 2 and 7 of the Index. Papers were to be considered sheet by sheet, simply as open books. Permission might be accorded to a person to whom the information was necessary, to read in heretical or dangerous papers the political or financial articles, but the permission should be strictly limited to these portions of the journal.

In 1882, September, the Patriarch of Venice prohibited in like manner the reading of *Il Veneto Cristiano*, and of *Fra Paolo Sarpi*, as "godless, blasphemous, and heretical productions." The Patriarch declared that the publisher and those who read these journals with belief were excommunicated.

1885. February. The Archbishop Magnasco, of Geneva, condemned the *Epoca*. Editor, publisher, distributor, and readers were alike condemned to

excommunication. Whoever buys or reads a number, or gives it to another, has committed mortal sin.

46. **The Roman Question, 1859-1870.**—Between the years 1859-1861, a number of monographs and volumes, chiefly by French writers, were brought into print that had to do with the question of the political authority of the Papacy. These French theories brought out a full measure of criticism and condemnation. Among the works thus reprovèd was a treatise by La Guéronnière, *La France, Rome et l'Italie*, printed in 1861, in regard to which Cardinal Antonelli issued a specific condemnation. No single title of the group is, however, to be found in the Index. The monograph by La Guéronnière expressed, as was well understood, the views of the Emperor Napoleon III, and had probably been written at the Emperor's suggestion. A companion volume was published about the same time by Edmund About and this also was sharply condemned not only by Cardinal Antonelli but also by a number of the French bishops, including Dupanloup. The list of the Italian controversial publications on this question is also considerable. The earlier works had to do simply with the political authority of the pope, but since 1870, a number of writers have given attention to the desirability, on the ground of the welfare of Italy and also of that of the Church universal, of the reconciliation of the Papacy with the Government of the United Italy. These writings were met with sharp condemnation on the part of Pius IX and Leo XIII and of the supporters of the civil authority of the Papacy, but in only few instances was action taken in regard to them by the Congregation of the Index.

47. The Council of the Vatican, 1867-1876.—The conclusions reached by the council held in the Vatican in 1867 resulted in the publication of a number of controversial works of which certain titles found their way into the Index. The more important of these are the following:

Michelis, Fr., *Fünfzig Thesen über die Gestaltung der kirchlichen Verhältnisse der Gegenwart*, printed in 1867, condemned in 1868.

Renouf, Le Page, *La Condamnation du Pape Honorius*, printed in 1868, prohibited in the same year.

“Janus” (the name adopted for the moment by Döllinger) *Der Papst und das Concilium*, printed in 1869, prohibited in the same year.

Wallon, Jean, *La Vérité sur le Concile*, printed in 1872, prohibited in 1873.

Dupanloup, Archbishop, *Testament Spirituel de Montalembert*, and *La Cour de Rome et la France*, printed in 1871, prohibited in 1872.

Pressensé, *Le Concile du Vatican*, printed in 1872, prohibited in 1876.

In 1870, the general Congregation published a protest, signed by a number of members of the council, calling for the specific condemnation of a series of newspapers, articles, and pamphlets in which the work of the council had been criticised. The secretary of the Congregation of the Index reported, however, that it did not seem wise to take action. During the years 1871 and 1872, were, however, condemned by the Inquisition a number of periodical articles on the work of the council by such authors as Lord Acton, Berchtold, Friedrich, Ruckgaber, Schulte, Zirngiebl, and others.

48. Example of a License.—A license given by the inquisitor-general of Spain to Dr. Andrew Sall in June,

1652, states that he was permitted to keep and to read prohibited books for use in connection with the writing of any doctrinal or devotional books or treatises. The holder of the license was charged with the duty of giving information to his Grace of any censurable propositions that he might find in books, ancient or modern, which might not already have been comprehended in the expurgatory Index. The license was marked as duly entered in the record of licenses, the page (Number 138) giving indication of a considerable series of licenses outstanding. These instruments were renewed from year to year. Dr. Sall relates that with the second grant came a complaint that he had reported no censurable propositions. He had excused himself by saying that he had not had in his hands any Protestant books; but he gave specification of some perverse and apparently heretical doctrines he had found in certain books which were approved and were much in use with themselves. He gave as an example citations from the Commentaries on Esther by de Murcia:

Etiam Deus Op. Max. proposita ante oculos morte in meliora contendat; and

*Etiam demon morte ante oculos constituta contendit in meliora.*¹

Sleumer gives the following example of the form in force to-day (1906) for an application for the permission to read forbidden books.

“To the very reverend Vicar-General of the diocese: The undersigned respectfully request permission for the reading of certain books which have been specifically forbidden in the Index or which in their class come under the general provisions of the Index. The requirement is based upon the following grounds: . . .

¹ Cited by Mendham, 138.

“The undersigned feels assured that the proposed use of this forbidden literature may be made by him on these grounds without any undermining of his faith or any interference with his conscientious duty to the Holy Church.”¹

¹ Sleumer, 39.

CHAPTER VIII

THE CENSORSHIP OF THE STATE AND CENSORSHIP BY PROTESTANTS

1. General.
2. Catholic States: Catholic Germany, France, Spain and Portugal.
3. Protestant States: Switzerland, Protestant Germany, Holland, Scandinavia, England.
4. Summary.

1. **General.**—In this chapter, I am undertaking to present, not any comprehensive summary of political censorship, a task which would in fact require many volumes, but merely certain noteworthy examples of regulations issued under civil authority which will serve to indicate the general character of the censorship supervision of literature that was attempted by the State.

I have grouped together here instances of Catholic censorship in which the ecclesiastics carried out their prohibitions under the authority of the State, or in which the State censorship regulations had been put into shape by the ecclesiastics. In the record of the so-called Protestant censorship, that is to say of the regulations adopted in Protestant States for the control of theological or religious literature, it is not practicable to separate the acts and utterances of the theologians from those emanating from the civil authorities, whether municipal or national. The larger number of the

prohibitions of books having to do with theology or religion were naturally initiated by the divines, although even for this class of literature the civil authorities frequently did not hesitate to take into their own hands the responsibility of selecting the works to be condemned.

The chief distinction, however, between the censorship methods of Protestant communities and those which came into force in Catholic States was the fact that for the former the censorship authorities were dependent for the enforcement of the prohibitions and penalties upon the machinery of the civil authority. The Protestant divines had at their command no such dread penalty as the ban of excommunication by means of which the Catholic ecclesiastics were able to enforce upon the faithful obedience to the commands of the Church. In the Protestant States, it was necessary for the divines, first, to convince the rulers of the essential importance of their particular creeds or forms of "orthodoxy," in order to secure the enactment of the necessary laws or the issue of censorship edicts; and, secondly, to keep the magistrates up to the mark in the enforcing of the penalties prescribed.

It is true that in Catholic States, such as France, Austria, or Bavaria, the authority of the Crown and the machinery of the civil power were frequently utilised to carry out censorship regulations that had been framed by the ecclesiastics; but even with the citizens of those States (as far at least as they were Catholics) the most pertinent influence in insuring obedience for the prohibitions of the Index was the dread of being deprived of the rites of the Church. Excommunication meant that the adults were prohibited from marriage and their children were deprived

of baptism; it meant that for the living there was no communion, for the dying, no absolution, and for the dead, no burial in consecrated ground. Life without the sacraments was full of fears, and with the deprivation of absolution and of Church burial, death took on new terrors. These same influences were, of course, all-important also in securing the active co-operation even of the most worldly and most skeptical of the civil rulers in creating and in maintaining the machinery for controlling the operations of the printers and booksellers and for enforcing adequate civil or criminal penalties against heretical delinquents who were not amenable to the authority of the Church.

In the States in which in this fashion the co-operation of Catholic rulers could be secured in support of the censorship policy of the Church universal, the administration of such censorship was, of course, more consistent, and it is fair to say less arbitrary (at least outside of Spain) than in the Protestant States in which the principles of prohibition changed from decade to decade with the changes of administration or as one theological faction or another secured influence with the rulers.

In 1904, the Jesuit Father, Joseph Hilgers, published, under the title *Der Index der verbotenen Bücher*, a treatise presenting, from the point of view of an earnest upholder of the authority of the Roman Church, an historical study of the Roman Index. The immediate text for the production of this treatise of the learned Father was the publication, in 1900, of the second Index of Leo XIII, of which Index the Father gives a comprehensive description and analysis. Father Hilgers takes the ground that it was impossible for the Church, without neglecting its manifest duty,

to avoid accepting the responsibility for the supervision and control of literary production and of the reading of the faithful. The pope, says the Father, is, as the head of the Church on earth, the direct representative of God. It is through him that God makes known his wishes and the principles upon which the life of the faithful is to be guided. It is for the shepherd of the flock to preserve the flock from poison. The shepherd is charged not merely with the right living of his sheep during their earthly career, but with the much larger responsibility of seeing that their lives are so shaped that they shall secure a blessed hereafter.

In the historical sketch of the operations of the Index, Hilgers touches but lightly upon the examples of inconsistencies or difficulties in the enforcement by the Church of the control over literature. He makes no mention of the many contests that arose between the different ecclesiastical bodies. He hardly touches upon the fact that the Index came to be from time to time an expression of theological differences between the great Church bodies or Orders such as, for instance, the Jesuits and the Dominicans or the Jesuits and the Franciscans. He has nothing to say about the instances in which the utterances of successive popes came into conflict with each other. He also barely makes mention of the contentions, maintained in Spain as in France, of the right of the national Church, acting in co-operation with the national Government, to decide what principles should be maintained for the supervision of the literature of the nation. His big treatise, comprehensive in many respects, is very curious in its omissions. In dwelling upon the beneficent influence of this Church censorship, he omits altogether the record of the control of this censorship by the In-

quisition in Spain. He has nothing to say about the imprisonment or execution of Spanish heretics whose crime had consisted in the production, the selling, or the reading of books classed as heretical. If the reader had no other knowledge of the Index than that which came to him by the history as presented by Hilgers, he would have before him simply a record of an administration of fatherly beneficence on the part of wise advisers, of a pleading with the perverse that they should be saved from the consequences of their own perversity; of actions furthering all scholarship that was in itself wholesome and sound, and of the discouragement simply of such perverted intellectual efforts as tended to lead men away from their duty to their Creator and to undermine the moral conduct of their own lives.

Hilgers is not prepared to admit that any of the works repressed by the Church, or the repression of which was undertaken by the Church, could have constituted, if permitted free circulation, or do actually constitute as far as, in spite of the opposition of the Church, they secure such circulation, any additions of value to the intellectual life of mankind. He would probably, if the question had been put to him directly, have taken the ground that no intellectual gain could sufficiently offset the moral or spiritual loss. In maintaining the contention that any properly ruled community must accept a supervision of its literary activities, he naturally lays stress upon the long series of censorship systems which were undertaken by ecclesiastics or by the civil rulers of Protestant States. He calls attention to the series of so-called Protestant (theological) Indexes, and he adds a very considerable list of instances of political censorship. He is able to point out that the number of books which have come

under condemnation through this Protestant censorship (including the censorship undertaken directly by the civil authorities) very much exceeds the books condemned in the whole series of Roman Indexes, although in this comparison he omits all Indexes which came into publication outside of Rome.

He does not take pains to present any results of the effectiveness of these Protestant Indexes. In omitting the record of the censorship of the Spanish Inquisition, he is able to avoid any reference to the fact that the censorship machinery put into force by the Inquisition was, for the territory controlled by it, thoroughly effective; so that if a book was condemned in Spain, it was the case, for the centuries in question, that, as far as Spanish territory was concerned, the editions were thoroughly suppressed and the production or distribution of copies was rendered impossible. He speaks of each of the censorship edicts of the German States as if they had effect throughout the whole of the territory of Germany. He omits to point out that the books condemned in one city or in one State promptly came into print and into circulation in adjacent territory in such manner that the circulation was practically unchecked.

He is able, however, fairly to make out his main contention, that for the century succeeding the Protestant Reformation, the will or desire on the part of the Protestants to establish a censorship of literature was just as emphatic as that of the authorities of Rome; and that if their efforts were only partially successful, it was through no want of conviction on their part that such efforts were required for the maintenance of what they considered to be the true Faith. He is able to make good the further contention that these examples

of Protestant censorship present a much larger series of inconsistencies than could be found in the record of the Index of the Church of Rome; even though one should for the purpose of the comparison include under the Church Index, in addition to those printed in Rome, the Indexes that emanated from Madrid, Louvain, and Paris. He also makes his point good in regard to the political Index. He is able to show that, as far at least as the edicts of the State were concerned, these were more bitter, more comprehensive, and more regardless of literary interests than those of the Church. What he does not emphasise is that these political edicts were very much more spasmodic and temporary in their influence, and that, as a fact, they had very little continued effect on the literary development of the communities which were responsible for them.

A political censorship becomes of necessity the football of political parties and is therefore not to be maintained with any measure of consistency or justice. The multiplicity and changeableness of the religious doctrines of the reformers gave to the so-called Protestant censorship an inconsistent and contradictory character which is not to be paralleled under any epoch of Roman supervision of literature. A censorship of this kind is the natural product of the fissure of creeds. Hermann Wagener, writing in Berlin in 1864, remarks that all the measures of the State thus far attempted to protect the public against pernicious influences from the printing-press, are open to the criticism that their action is purely negative. On the other hand, as he points out, the censorship policy of the Catholic Church, while on the one hand prohibitory, on the other asserts positive and constructive principles for the literary and

intellectual development of the community by wholesome and wise methods.

It is true, says Hilgers, that the works of great writers like Tasso, Molière, Châteaubriand, Vondel, Goethe, Schiller, Grotius, and other leaders of thought have come under the ban of censorship and that the publication or use of their works had been permitted only after certain eliminations or purgations had been made. The censorship regulations in regard to these authors emanated however not from Rome but from the authorities of France, Holland, Germany, and Denmark. It was the case even with *Faust* that its production could not be permitted on the stage of Berlin until certain "dangerous" passages had been eliminated.

2. **Catholic States.**—The Edict of Worms of 1521, which committed the Emperor Charles V to the support of the contentions of the Papacy, and threw the great weight of the Holy Roman Empire against the cause of the Protestant reformers, constituted the beginning of an imperial censorship, a censorship which was confirmed and extended by the Edict of Nuremberg of 1524. In the regions under Lutheran influence, the only effect of the imperial and ecclesiastical prohibition was, as noted, to increase largely the circulation of the writings of the reformers. In the districts into which the reform doctrines had only begun to penetrate, the ecclesiastics were able, in great part at least, to stop the further circulation of the pamphlets, by taking prompt and harsh measures against the colporteurs. From this time and until the close of the Thirty Years' War, Church and State (the imperial State) worked together (although not always in harmony) against the freedom of the press, on the broad ground that such freedom necessarily

resulted in heresy and in treason. In 1529, the persecution of the printers and of the Protestants in Austria was for the time relaxed because of the peril of Vienna from the Turks, an exigency which absorbed the full attention of the imperial authorities.

The Church and the Holy Roman Emperor finally took the ground that every writing that came from the pen of a Protestant author, even though it had nothing whatsoever to do with religion or politics, must be classed as libellous. In 1548, the Emperor issued a new series of most strenuous laws for the control of the press. The penalties were brought to bear at one point or another with full severity, but it proved to be impracticable to secure in the Germany of the time any uniformity of obedience. In Austria and in Bavaria, the penalties included the use of the rack for authors, printers, and sellers of publications that came under condemnation. In 1567, a *Flugschrift* was printed in Frankfort under the title of *Nachtigall*, which was at once interpreted as a libel on the Emperor. Fourteen hundred copies were sold within a few hours of its issue and there were various reprints within the next few weeks. The Emperor ordered the punishment not only of the printer, but of the magistrates of Frankfort. The former was placed in prison for two years and the magistrates were fined thirty thousand gulden, an enormous sum for those days.¹

The Emperor Ferdinand was a more faithful, that is to say, a more bigoted, son of the Church than Charles, but he refused to admit that the control of the press was a Church matter. He took the ground that censorship was a matter pertaining to the State, that is, to the Crown, and that the bishops could

¹ Kapp, 548.

take part in it only as delegates of the authority of the State. This was the contention asserted, and finally maintained, in France by Francis I and his successors.

In an official document of 1580, occurs the phrase, "The regulation of books (*das Bücher-regal*) which has for many years been within the control of the emperor." Schurmann is of opinion that the authority for the regulation of books was derived from, or connected with, the rights reserved to the imperial authority under the Golden Bull. A century after the issue of the Golden Bull, at the time namely of the invention of printing, the reserved powers (*Reserva-rechte*) of the empire had become materially weakened, and were being in large part exercised by the local authorities, and the attempt of the emperor to enforce control over literary production and distribution was from the outset met by antagonism and protest on the part of princes and of the municipal magistrates, and was also opposed by the contention of the Church that such supervision properly belonged to her. The question was raised as to whether the decrees of the imperial Diet contained any references to the imperial control of book publishing. The omission was explained on the ground that such control was exercised as a personal right of the emperor. It was under such imperial authority, for instance, that an approval or privilege was given to the *Germania* of Aeneas Sylvius (afterwards Pius II), originally issued in Italy in 1464 and printed in Germany in 1515.

In 1530, there came to Vienna a group of Jesuits who did much to strengthen the machinery of censorship. The undertakings of the printers and of the booksellers decreased in direct proportion with the

growth of the influence of the Jesuit advisers of the emperor. In 1523, the production and sale throughout the empire of the German Bible is prohibited. In 1564, the Elector of Bavaria orders that the work of the publishers must be restricted to printers whose Catholic orthodoxy has been duly tested. In this year, the Elector begins the issue of an annual list of books that were to be permitted. In 1569, the use in the schools of Bavaria of certain Latin classics, including the works of Virgil, Horace, and Ovid, was prohibited. In 1616, the Elector appointed Catholic commissioners of censorship for each town in Bavaria. The University of Ingolstadt became the centre of the work of the Jesuits, who, in Bavaria as in Vienna, had secured the direction of censorship.

In 1579, under Rudolf II, the Jesuits were called upon to put into shape a more effective censorship for the empire. Under the régime thus established, the standard of thought for the political action and for the religious belief of Germany was to be fixed in Rome and in Madrid. Under the direction of the Jesuit censors in the year 1579, no less than twelve thousand books in German and two thousand in Bohemian were burned by the public hangman in the town of Gratz.¹

In the same year, an imperial commission was appointed, with headquarters at Frankfort, which was charged with the supervision of the book production of the empire. The operations of this commission were very largely controlled by the interests, real or imaginary, of the Catholic Church, and the personal supervision and arbitrary censorship of the ecclesiastics, had not a little to do with the disintegrating of publishing under-

¹ Kapp, 551.

takings in Frankfort and with the transfer, some years later, to Leipsic of the leadership in the business of book production and book distribution.

Hilgers, while admitting the influence of the Jesuits in the direction of State censorship in South Germany, denies that the results of their work were adverse to the development of literature ("sound literature") or to intellectual activity. Hilgers writes: "It may at once be admitted that the Jesuit Fathers were, during the 16th century, active in securing in Austria, Bavaria, and other States a censorship of literature. The Holy Ignatius, Father of the Order, had from the beginning of his active work insisted upon the responsibility resting with the Church and with the active workers of the Church for preserving the faithful from the poison of literature."¹ In 1550, and in the years following, Peter Canisius, at that time the head of the Order in Germany, took active measures for the enforcement throughout the empire of the regulations of the Index of Paul IV, and after the publication, in 1564, of the Index of Trent, the Jesuit Fathers in Germany had a large part in bringing about the enforcement of the regulations therein presented. Hilgers points out that, under Jesuit influence, there were issued in Bavaria during the years succeeding 1565 not only lists of books condemned and prohibited, but further lists of books commended for the reading of the faithful. These catalogues had been prepared by the Jesuit Fathers at the instance of Canisius and under the authority of Duke William V. They were distributed chiefly through the parish priests. Against the contention made by German historians that the influence of the Jesuits, particularly in South Germany, had

¹ Hilgers, 192.

served to restrict, and in certain instances practically to repress, literary production and publishing activity, Hilgers insists that in Germany, as throughout Europe, the influence of the Order had always been an intellectual influence; and that its efforts had furthered education and had advanced the interests of scholarly literature, of printing, and of publishing. He contends with some ingenuity that the elimination from literary production of activity in undesirable productions and the concentration of literary force in the channels in which such force could be directed to the best service of humanity, far from lessening intellectual or literary force, could but serve to strengthen this and to render it more effective.¹

During the first half of the 16th century, there may well have been ground for a censorship of literature in Germany in connection with the long series of lampoons and libellous tractates and volumes that came into print. Even leaders of thought such as Luther and Reuchlin, were tempted into language that became not only unscholarly, but coarsely abusive. The more earnestly the community interested itself in religious convictions, the more bitter became the expression of hate and scorn for other earnest believers who had arrived at different convictions.

It is certainly not in order to hold the Jesuits responsible for the general censorship policy of Rome. The direction of the Roman censorship has never been in Jesuit hands. The first secretary of the Congregation of the Index was a Franciscan, while all the succeeding secretaries have been Dominicans. Hilgers does not mention one detail in regard to which this Dominican control of the Congregation has doubtless been import-

¹ Hilgers, 205.

ant: of the books on the Index which were the work of members of the great Catholic Orders, those of the Jesuits equal in number all of the others together. One cause for this was probably the fact that this Order included a larger proportion of educated workers. The literary interests of the Jesuits were greater and so also was the number of books produced by them.

During the second half of the 18th century, the censorship commissions instituted by the State were given powers under which the authority of the censorship bodies of the Church was materially modified and restricted. In Austria, a number of Indexes were compiled by these civil commissions, and in Bavaria one such Index was published. These Indexes have importance chiefly because they represent a claim made on the part of the State to control certain matters which, according to the ecclesiastics, properly belonged within the exclusive domain of the Church.

In 1752, Maria Theresa, for the purpose of checking the distribution throughout the Austrian dominions of Protestant writings, issued an edict ordering all Catholics to submit to their confessors the copies of religious books in their possession. The confessors were to retain all doubtful works and to return the others duly certified with their signatures and with an ecclesiastical seal. In 1756, the bookbinders were instructed to deliver to the parish priests copies of any Protestant writings placed in their hands for binding.

In 1753, the examination of books that were already in print, together with the censorship of works submitted for the purpose of securing a printing permit, was transferred from the University of Vienna to a censorship commission which was charged with the work both of censorship and revision. This commis-

sion was appointed under the imperial authority and remained in existence until 1848. It issued from time to time catalogues of prohibited books. Books were in part prohibited unconditionally, and in part with the restriction that they should be placed only in the hands of scholars who had secured from the police authorities a special permission for their use.

In 1754, was published the first Austrian Index. It bears the title *Catalogus librorum rejelectorum per Concessum censurae*. After 1758, the lists bore the title of *Catalogus librorum a Commissione Aulica prohibitorum*.

Between the years 1758 and 1780, were issued continuations of the Aulic catalogues. Later, the system obtained of printing fortnightly lists of books which had failed to secure an *Imprimatur* or *Admittetur*, these lists being distributed to police magistrates, libraries, and booksellers. Every two months the same were classified and reprinted.

In 1768, was published in one volume the series of catalogues covering the prohibitions of the preceding seven years. The title reads: *Catalogus Librorum a Commissione Caes. Reg. Aulica Prohibitorum. Vienna mdccclxviii. Prostat. in officiana Libraria Kaliwodiana*. With this volume, are bound in supplements to a preceding Austrian Index, numbered from I to VI, comprising annual lists for the six years succeeding 1761. The work was reprinted in Vienna in 1774 with further annual lists. Similar issues were made, with annual supplements, in 1776, 1777, and 1778. These volumes contain lists only, with no prefatory matter and no reference to the authority under which the condemnations are made. The selections presented a much larger proportion of English books (including plays

and novels) than have received attention in any other Continental Indexes. Of Melanchthon only two works are condemned. Mendham points out that the Aulic Council, which was undoubtedly the authority for the preparation of these lists of prohibitions, was at the time composed of an equal number of Romanists and Protestants. The Aulic Indexes are probably the only examples of prohibitions arrived at by the judgment of Catholics and Protestants working together under the authority of the State.

In 1788, was published in Brussels an Index for use in the Austrian Netherlands, under the title *Catalogue des livres défendus par la Commission Impériale et Royale*.

The *Enchiridion Juris Ecclesiastici Austriaci*, edited by Rechberger and printed in Vienna, in 1808, presents the ecclesiastical law of Austria at that date in force. Rechberger declares in his preface that the "Index of Trent has no force in the Austrian dominions."¹

In 1816, was published in Vienna a general Index of German books under the title *Neues durchgesehenes Verzeichniss der verbotenen deutschen Bücher*.

In the earlier Vienna Indexes, are included the titles of certain works selected from the Roman Index, but it is difficult to arrive at the principle on which the selection has been made.

In 1769, under Max Joseph III, was instituted in Bavaria a "College of Censorship" comprising, in addition to the president, eight councillors. The subjects of theology and of ecclesiastical procedure were placed in the hands of three divines selected from the

¹ See also Appendix to the report from the Select Committee concerning the laws in foreign States respecting Roman Catholic subjects, 1816, cited by Mendham, 247.

theological faculty of the University of Munich and the other councillors included representatives from the philosophical faculty.

Municipal Censorship.—An early instance of the exercise of a city censorship occurred in Nuremberg, in 1527, in the case of a volume containing woodcuts illustrating the history of the Tower of Babel, for which cuts a rhyming text had been supplied by the cobbler-poet, Hans Sachs. The book had been printed without a license or permission from the magistracy. The magistrates decided that the book must be suppressed. They further cautioned Sachs that the writing of verses was not his proper business, and that he should keep to his own trade of shoemaking. The edict was simply an emphatic reiteration of the old proverb, "Shoemaker, stick to your last." The difficulty in this case appears to have been due not to the Lutheran tendencies of Sachs's rhymes, but to the lack of respect shown to the magistrates in issuing a book without a permit: and to the further breach of authority on the part of a man licensed only as a shoemaker undertaking also to carry on the avocation of a poet.

In France, the first State regulations for the control of the press date from 1521, and were directed against the works of the writers of the Protestant Reformation. While it was the case that the France theologians of the University and the bishops put into action certain measures against works of heresy, the larger proportion of the censorship regulations came directly from the Crown or from the Parliament. In 1735, Duplessis d'Argentré published, in three volumes, a *collectio judiciorum* which contained the most important of the acts and edicts in regard to censorship from

the faculty of the Sorbonne, from the bishops, from the Parliament, and from the king up to the year 1735.

In 1757, the King (Louis XV) issues an edict prohibiting, under penalty of death, the publication and distribution of writings against religion.¹ There appears to be no record of the enforcement of this penalty. The policy of Malesherbes, who was director of censorship from 1750 to 1768, was lenient. One of the first acts of the revolutionary Government of 1789 was the repeal of the censorship laws of the old monarchy, but the new regulations, established by the revolutionists themselves for the control of the press, were still more severe and exacting than those that they replaced. It may be remembered, however, that these regulations, while in form universal, were as a matter of fact in force only in Paris and one or two other of the larger cities. Dupont, in his *History of Printing*, published in Paris in 1854, says that the press had been less seriously burdened under the persecutions of monarchical government than when it came under the control of the so-called "liberty" accorded to the community by the revolutionists of 1789. In form at least these revolutionists had shown themselves keenly interested in freeing the press from all burdens or restrictions. Under the Act of August, 1789, it was decreed as follows: "Article Two. Full exchange of thought and of opinion is one of the rights most precious to mankind. Every citizen is to be at liberty to speak, write, and print as he will, with the sole restriction that if the liberty be abused, he will be liable for any injury caused through such abuse." It appears that certain inconveniences resulted from this cancellation of all restrictions. In March, 1793, the convention

¹ R., ii, 908.

decrees as follows: "Whoever shall be convicted of having written or brought into print books or writings of any kind that assail the authority of the national representatives or that shall advocate the reestablishment of royalty or that attempt to antagonise in any way the sovereignty of the people, shall be brought to trial before the special tribunal and shall, if convicted, be punished by death." As a result of this decree, there were brought to the scaffold within the next year twenty journalists and fifty other writers.

The "rights of man" continued, however, to be maintained, at least by decree, as unassailable. The constitution of the Jacobins, published in September, 1793, declares that there must be no interference with the right of expression of thought and of opinion whether by word of mouth or in printed documents. In the constitution of the year III (1795) it is ordered that no censorship shall be imposed on writings before publication and that no author shall be hindered from bringing into print what he will. By September, 1797, the pendulum had again swung in the other direction. Under a decree issued in the name of the Senate and of the Five Hundred it was ordered that sixty journalists and other writers and printers who had been charged with conspiracy against the Republic should be brought to trial. Bailleul, speaking in the name of the Council of the Five Hundred, declared that "the mere existence of writers of this class is a crime against Nature. . . . they constitute a disgrace for mankind. The star of freedom must be freed from their presence. Not only these writers but the printers who have aided them in bringing their infamies into print must be banished into the penal colonies." Fifty-five writers and

printers were so banished.¹ In 1799, a new press law was enacted which brought the printing-press formally under the control of the police department. This system remained in force until the régime of the First Consul, when it was strengthened and the regulations were carried out more thoroughly. The censorship established under the empire is a part of the history of Europe. Fouché carried out with full measure of thoroughness the policy of Napoleon in regard to the operations not only of the journalists but of the printers, the book publishers, and the booksellers. The shops of the latter were placed under reiterated examination in order to avoid the risk that they might bring into the territory of France pernicious literature. The policy of the imperial censors concerned itself almost exclusively with works of a political character or which might, through criticisms of persons, by any possibility exert a political influence. The production and distribution of works in theology and religion had in any case been very much lessened, and during the consulate and the empire, there was but very little ecclesiastical censorship. But little attention seems during these years to have been paid to the protection of the morals of the community. Criticism of a book as *contra bonos mores* does not find place in any of the French censorship lists of the time. In June, 1806, it was ordered by an imperial edict that the director-general should instruct all the booksellers and printers to place with the minister, in advance of any sales, a copy of every book whether it was printed in France or was an importation. They were at liberty to accept books which belonged without question to the divisions of science and art. This was the time in which the

¹ Welschinger, 232.

battle of Jena was being fought and one might perhaps suppose that the attention of the Emperor would have been sufficiently engaged with affairs in Germany.

Under the imperial censorship, occurred instances of expurgations which recall the expurgatory Indexes of the Spanish Inquisition. In the *Athalie* of Racine, before a new edition was permitted to be printed, certain passages had to be cancelled because they contained allusions to "tyranny." Chénier had permitted himself in his drama *Cyrus* to present the following lines:

" *Je ne commande point, j'obéis à la loi;*
Et je suis à l'État, l'État n'est point à moi."

These lines had to be cancelled before the performance of the play was permitted.¹ Kotzebue's *Souvenir d'un Voyage* was prohibited because the author had permitted himself certain favourable references to the late Queen of Naples and to the English Admiral, Sidney Smith ("that pirate," said Napoleon). Madame de Staël's *Corinne* was prohibited in 1807 and a bitter criticism of the work, printed in the *Moniteur*, is ascribed to the pen of Napoleon himself. Chateaubriand's *Les Martyrs* was, before being published, severely handled by the censors. After suffering a large amount of elimination, it was brought into print, but even then proved unacceptable and was prohibited. A reference to the court of Diocletian was held by the police to constitute a *lèse Majesté*. In November, 1809, Napoleon specified as the responsibilities of censorship, *Le droit d'empêcher la manifestation d'idées qui troublent la paix de l'État, ses intérêts et le bon ordre*. In the same year, Napoleon says: *Qu'on laisse donc écrire librement sur la religion, pourvu qu'on n'abuse pas de cette*

¹ Hilgers, 261.

*liberté pour écrire contre l'État.*¹ In 1810, the Emperor instituted the post of *directeur general de l'imprimerie et de la librairie*, with Portalis as the first incumbent. The system of inspection and repression established under this bureau continued until the close of the empire and was, in fact, renewed with no great change after the return of the Bourbons.

Peignot, writing in 1806, during the "strenuous" years of the First Empire and at a time when political censorship in France and in the great territories outside of France that were under Napoleonic control was most severe, is prepared to speak with full measure of respect of the importance and the necessity of censorship. He finds ground for criticism, however, in the cases in which the Roman Church has undertaken to interfere with the control over French literature which properly belonged to the bishops and to the civil government of France, but he is quite prepared to accept the judgments of the Church in regard to pernicious books provided that these judgments are kept subordinated to the authority of the State.

Peignot speaks of "the happy Europe of his time" (the Europe controlled by Napoleon),

"in which governments now rest on foundations conformed to natural law. Individual liberty maintains itself through nearly all the civilised world. The princes recognise that they command not themselves but men and that their own authority is so much more to be respected when they submit themselves to the laws of their State. The rapid progress of science and art has developed the human spirit and has freed it from the prejudices and from the immorality, the tyranny and anarchy which had in

¹ Welschinger, 307.

the last years of the preceding century shaken and confused Europe." ¹

Peignot includes in his lists of books condemned to be burnt not only the books which he finds recorded as condemned but certain further works which in his judgment ought to have been suppressed.

The Results of Jansenism in France.—The Jesuit Hilgers places upon the Jansenists the responsibility for the wave of heresy, of free thought, and of unrestricted passion which at the close of the 18th century undermined in France, Church, State, and the foundations of society. Hilgers writes (in substance) as follows:

During the 18th century, through the Jansenism which affected a large part of the community in France, place was being made for the free thought philosophy which later became responsible for the great Revolution, and the result was the burst of a storm of public opinion against the Jesuits. In 1761, the Parliament of Paris prohibited twenty-four works by Jesuit writers and a year later, in a fresh prohibition, condemned a hundred and sixty-three Jesuit treatises. The contention was made in these edicts that the prohibited works had had an exciting and pernicious effect, had served to undermine Christian morality, and had tended to demoralise the life and to impair the safety of the citizens; and it was further contended that the opinions presented in these writings constituted an assault against the persons of the princes. These pernicious and godless heresies of the Jansenists continued to gain strength; the Jesuit Order in France became one of the first victims of the heresy; the Revolution gathered strength and the Parliament issued a fresh series of orders; the

¹ Peignot, xxii.

sacred persons of the king and queen fell victims on the scaffold and the best of the citizens lost property and in many cases life; the moral law of Christianity was replaced by the law of man and the goddess of Reason was accepted as the divinity of the community, and at her feet were burned as sacrifices the books of religion and the pictures of the saints. History has recorded how extreme became the tyranny of this world of so-called reason under the laws of men. This tyranny naturally extended itself to the censorship of all literature. The Jacobins controlled with an iron hand journals and journalists; the censorship instituted by them enforced the strictest supervision over their printed and spoken words; and when the rule of the mob was replaced by that of the despot Napoleon, the regulations controlling the press became still more burdensome and the penalties still more severe. Under the rule of Napoleon, it was not only the press of France of which the freedom was crushed, but throughout the broad territories of Germany and Italy, under the hand of the despot, every utterance of the people was checked and repressed. No censorship ever attempted or established by the Church had equalled in severity, in arbitrariness, in its crushing influence that instituted first by the so-called people of France (or to speak more accurately, by the mob of Paris) and later that continued and developed by the product of the mob revolution, Napoleon the despot.

The above is a summary of the forcibly presented contention of the Jesuit Hilgers. He traces back to the unrestrained utterances of the Jansenists what he terms the free-will riot of opinion that took possession of France. He makes this the natural causation of the excesses of the Revolution and of the oppressions of Napoleon. It is easy to point out that the causation

is not adequate. The fact that the teachings of Port Royal preceded the Revolution is not in itself sufficient to make Port Royal responsible not only for the Revolution but for Napoleon. As the response of a disputant to the criticism of Church censorship, the parallel presented by Hilgers is, however, deserving of consideration if only as indicating the state of mind under which a loyal Romanist interprets history.

"If," says Hilgers, "there is to be a sound and safe rule for the community, it is not possible to permit for men, whose understanding is at best but limited, an unrestricted freedom of investigation or of expression. To God alone, whose understanding is unrestricted and unlimited, can there be absolute freedom from limit for thought or for action. For man the sole safety lies in control." ¹

Voltaire was obliged in 1716 to make sojourn for a number of weeks in the Bastille on the ground of certain of his ribald *pasquilles*. Before this experience, he had already endured banishment on the ground of other rash utterances. Rousseau's *Émile*, which finds place in successive Indexes, was prohibited also by the civil authorities in Paris in 1762. The condemnation in Geneva was somewhat more serious; the book was burned by the hangman and the author was condemned to imprisonment.

In 1827, was printed in Paris (under Charles X) a State Index, under the title: *Catalogue des Ouvrages condamnés depuis 1814 jusqu'à Septembre, 1827, suivi du texte des jugemens et arrêts insérés au Moniteur*. The censures are specified as *conformément à l'article 26 de la Loi du 26 Mai, 1819*. The books condemned are for the most part classed as immoral.

Hilgers refers to the name of Mirabeau which stands

¹ Hilgers, 16, 17

on the Roman Index connected with the godless and immoral essay on the Bible that was printed anonymously, but the authorship of which was identified. He points out that this same book, when later reprinted in Paris, was condemned in 1829, and again in 1868, and on these two occasions not by Rome, but by the censorship of the State.

Among the books which secured the distinction of condemnation by the civil authorities, may be cited the following:

d'Aubigné, Sieur, *Histoire Universelle*. This book was condemned and burned in 1667 immediately after its publication, under a decree of the Parliament and a sentence of the Provost of Paris. The ground for the condemnation was certain satirical references contained in the history concerning Charles IX, Henry III, and Henry IV.

Beaumarchais, Pierre Augustin Caron de, *Mémoire*. The book was condemned and ordered to be burned by the public hangman under a decree of the Parliament of Paris, February, 1774. It was described as containing scandalous charges against the magistracy and the members of the Parliament.¹

To France had been accorded, since the time of Pepin, the title of "eldest son of the Church." It is France, however (or perhaps one should say consequently), that has found occasion to repudiate or to annul the greatest number of papal Bulls. I cite as follows certain of the more noteworthy of these acts of protest or of rebellion against the authority of Rome.

Papal Bulls Repudiated in France.—1300. Boniface VIII. A Bull was issued by the Pope against

¹ Peignot.

Philip the Fair in connection with the injunction imposed by the Pope upon the King to make a pilgrimage to the Holy Land, and more immediately as a result of the treatment accorded by Philip to the papal emissary, who had been imprisoned for threatening interdict against the King. The Bull of excommunication was replied to with a decree from the King headed: *Philippe, par le grâce de Dieu roi des Français, à Boniface prétendu pape, peu ou point de salut.*

1407. Benedict XIII (classed as an anti-pope). In this Bull the Pope excommunicates all those who undertake to prevent the peaceable settlement for which he was working and who opposed themselves to his designs as the University of Paris had already done. The Pope places under interdict the kingdom of France and the domains of the empire.

Charles II, the Parliament, the clergy, and the University of Paris issued in general council a decree stating that Benedict was not only a schismatic but a heretic.

1510. Julius II excommunicates Louis XII because the King had refused to deliver to the Pope certain cities over which the Curia claimed to have rights. Louis is reported to have said when learning of his excommunication: *Saint Pierre avait bien autres choses à faire que se mêler des affaires des empereurs sous lesquels il vivait.* The King appealed to the General Council of Pisa. The Pope, in confirming the interdict on the kingdom, relieved the subjects of Louis from their oath of allegiance. Louis in his turn excommunicated the Pope and caused to be struck certain pieces of money which bore on the reverse *perdam Baby-*

lonis nomen. The Council of Pisa refused to confirm the interdict of the Pope, who thereupon called the Council of the Lateran, but he died before this council had given a decision.

1580. The Bull *In Coena Domini*, issued by Gregory XIII, was publicly burned in Paris under decree of Parliament. This burning was the result of an attempt of the Pope to have the Bull published in France.

1585. Sixtus V issues a Bull against the King of Navarre, later Henry IV. The Pope declares the King, together with the Prince of Condé, to have been convicted of heresy and to be enemies of God and of religion. He decrees that the King shall be deposed from all rights in the kingdom of Navarre and in the principality of Berne, and shall forfeit his claim to the throne of France. This Bull gave satisfaction to the League in France, but had no political effect. The reply of Henry, copies of which were placed on the doors of the palace of the cardinals in Rome and even on the door of the Vatican, takes the ground that the declaration and excommunication on the part of Sixtus V, *soi-disant* Pope of Rome, are false and are based on falsehood. The Pope is declared to be anti-Christ.

1591. Gregory XIV publishes in Rome two Bulls by the first of which he declares Henry IV to be a heretic and to be excommunicated and deposed from his kingdom; by the second, he places under interdict all ecclesiastics who may render homage to the King. Henry replies by ordering the Bull of Gregory to be burned before the gate of his palace and declares this *soi-disant* Pope to be an enemy of the King,

an enemy of France, and an enemy of peace and Christianity.

March, 1809. Pius VII issued a Bull of excommunication against his adversaries, this Bull being directed more particularly at Napoleon. Napoleon forbids the publication of the Bull in France and in the territories controlled by the French Empire and causes the Pope to be seized and taken from Rome to Savona and later to Fontainebleau. For a term of four years, during which he was practically a prisoner, the Pope refused to accept the instruction of the Emperor to cancel the Bull, but in January, 1813, he yielded, the Bull was recalled, and the *Concordat* was signed. This *Concordat* remained in force, at least in substance, up to 1906, in which year it was cancelled by the French Republic.

January, 1860. Pius IX issued a Bull (also described as an anathema) against those who had abetted the invasion of his dominions. This Bull was directed at Victor Emmanuel, who had, after the successful conclusion of the war with Austria, annexed the papal States, and at Napoleon III, through whose co-operation this annexation had proved possible. The Bull was, as far as France was concerned, suppressed by Napoleon III, who also suppressed the Paris journal (*Le Monde*) in which the Bull had been published.

The law of 1558, which continued in force until the publication, in 1812, of the Constitution of Cadiz, rendered the supervision of the press Spain and a process as cumbrous as it was thorough. Portugal Every manuscript for which a license was desired had to be passed upon by an examiner appointed by the Royal Council. After such examination,

it was delivered to the corrector general, and when it had passed through the press, the manuscript as annotated by this official was returned to him with the printed copy for comparison. If the author was an ecclesiastic, a preliminary examination and approbation by his superior were also required. The book as printed carried on its front page a long series of official certificates, and the same process had to be repeated for each succeeding edition. The fees were provided by the author or printer and constituted, of necessity, an additional charge on the actual cost of production. As the system grew more complex, the fees and the fines were multiplied so that the total charge became for each publication a very serious matter indeed. The interests of the readers were guarded by accompanying the license with a *tassa* or specification of the price at which the book was to be sold, which price was determined by the Royal Council. This *tassa* was not abandoned until 1762, when it was taken off all books excepting what are called books of necessity, that is to say books of instruction, either secular or religious.¹ The charge assumed by the Spanish censors brought upon them, as was the case with the censors of other countries, an unavoidable responsibility for the soundness, orthodoxy, and morality of everything that, having succeeded in passing the official examination, was permitted to come into print.

In 1682, it was ordered that books on the several subjects "affecting the interests of the State" (a definition which was of course capable of a very wide range of application) should be submitted to a special

¹ Lea, 142.

council or the department to whose affairs they related. The approbation of such department must be secured before the license could be issued. For instance, a book in regard to the colonies called for the approval of the Colonial Department, and one in regard to commerce or metals had to be submitted to the Department of Commerce. As late as 1757, a law issued by Ferdinand VI, and repeated in 1778 by Carlos III, ordered that all books on medical science must, before being published, secure the approval of a physician selected by the president of the *Protomedicato*. Printers and publishers, under the close supervision of the host of officials who had charge of the printing-offices and bookshops, were practically outlawed. The only printers who had any measure of freedom of action were those who carried on the printing-offices in the religious houses. The Crown could deprive its subjects of their civil rights, but it dared not meddle with ecclesiastical privileges. In 1752, under a royal decree, it is prohibited to import or to sell any books in Spanish written by Spaniards and printed abroad without special royal license; the penalty is death and confiscation. The death penalty could, however, be commuted to four years of *presidio*. With this varied series of obstacles in the way of printing and burdensome charges increasing the cost of publication, it is by no means surprising that the production of books in Spain was, for the three centuries after 1560, inconsiderable as compared with that of the other States of Europe. As Lea says, Spain fell absolutely behind in the development of literature, science, arts, and industry, when human thought seeking expression was surrounded and rendered ineffectual by so many im-

pediments. Carlos III, realising the disadvantage to the community of the hampering of the work of the printing-press, undertook, in 1769, to remove certain of the restrictions. In 1778, he was able to congratulate himself on the increased prosperity of the printing business.

In 1782, the Inquisitor-General Bertram, following the instructions given in the Index of Benedict in 1756, recalled the prohibition of the printing and reading of Spanish versions of the Bible, a prohibition which had endured for two hundred and fifty years. This action brought out sharp antagonism on the part of many of the ecclesiastics and after the revolutionary events of 1789, the Inquisition re-established the larger number of the old-time prohibitions and included in these a fresh prohibition for the reading of the Scriptures. The censorship activity of the five years succeeding 1789 was, however, particularly directed against the importation of political and so-called philosophical publications from France. After the restoration of the Spanish monarchy under Ferdinand VII, the old regulations of the Index were again confirmed under an edict of July 22, 1815. There were, later, certain modifications in these regulations, but in June, 1830, an elaborate law re-established the entire censorship system with its cumbrous machinery; every work contrary to the Catholic Faith or to the royal prerogative was forbidden under pain of death, and provision was made for the most elaborate supervision of books imported from abroad.

In 1768, Joseph I of Portugal declared that the *Bulla Coena* and the other Bulls of the Church having to do with censorship, and the series of Roman Indexes were not to be held as binding upon his subjects ex-

cepting in so far as they had been specifically confirmed by the State Government. Joseph instituted a commission to take charge of the matter of censorship; but this body did not produce any Index. In 1771, however, it issued a list of sixty books prohibited under the authority of the Church, this list being made up chiefly of treatises by Jesuits, Escobar, Mariana, Saintarella, etc. Fourteen further works were to be sold only when containing a printed notice in which were to be specified the condemned passages.

3. Protestant States.—The Roman procedure in censorship in Switzerland, and particularly in Geneva, presents close analogies to the **Switzerland** methods in force in Rome.

In 1525, the magistracy of Zurich established a so-called State Church. Under the regulations of this Church, no preaching could be permitted within the territory of the city other than the pure Gospel of Zwingli and his associates. The books of worship of the Catholics were ordered to be delivered and burned and a similar course was taken with the Lutheran Bibles and the Lutheran works of instruction of Melancthon. A similar action was taken in Geneva under the direction of Calvin. The altars and altar pictures were destroyed and the Catholics were ordered to deliver for like destruction their books of worship, of song, and their catechism. The Inquisition established in Geneva assumed the authority to visit houses and shops and to confiscate for destruction all heretical books. In 1539, the magistrates ordered that no book should be printed until it had received a license from the authorities. This decree was renewed in 1556 and in 1560. The burning of Servetus, under the authority of the court instituted by Calvin, occurred in 1553.

In 1554, Calvin published his *Defensio Orthodoxi et Fidei de S. Trinitate contra Prodigiosos Errores Mich. Serveti Hispanii*, etc. This "Defence" bears, in addition to the name of the author, the subscriptions of fifteen of the divines of the Geneva Church. Later, Calvin called the theologians of Basel to account for permitting the publication of an anonymous monograph written as an answer to his "Defence," and demanded that the publishers of the same should be duly punished. Even after the death of Calvin (1564), the censorship system was renewed and continued.¹

In 1580, Henricus Stephanus (whose father Robert had migrated to Geneva in order to free his printing-press from the censorship of the Catholic divines) was brought before the city council and formally reprimanded because, in a certain volume of *Dialogues du Nouveau Langage Français*, he had made additions to the text after this had been passed upon by the censors. He was reminded that he was already under reprimand in connection with his *Apologia Herodoti*, and was cautioned that, if he did further printing without securing a permit for the text as finally worded, he would lose his license. It was decided finally by the Consistorium that Stephanus was not obeying the regulations, and he was declared to be excommunicated, while the magistrates condemned him to a week's imprisonment. In 1559, knowledge came to the Church authorities in Basel that a certain heretical writer named David Joris had for some little time lived in the city unrecognised, and had died there in 1556. A formal process was entered into against the disinterred remains of Joris, and he was duly condemned (we may say *in absentia*)

¹ Stähelin, *Calvin*, ii, 316.

for heresy. His portrait and his books were burned by the public hangman. In 1563, in the process held in Zürich against Ochinus, it was made a charge that, without first securing permission from the city censors, he had brought into print, in Basel, a monograph on the Lord's Supper.¹ In 1562, Beza brought before the Synod of Geneva a book of Morelli de Villiers which he described as heretical. The synod, accepting Beza's view, orders the book to be prohibited and existing copies to be burned. One copy was burned in public by the hangman.

In 1566, Jo. Val. Gentilis was, in consideration of his repentance, spared from death but sentenced to walk through the street of Geneva in his shirt, bare-footed, and with a burning candle in his hand, and, after doing penance in the church, he was, with his own hands, to burn his books. His march was to be preceded by trumpeters who were to specify his crime. Afterwards he was to be confined in Geneva for an apparently indefinite period. He escaped but was recaptured and was decapitated and burned.

In Basel, the first decree having to do with censorship emanated from no less an authority than Erasmus. In 1542, the magistrates issued an order prohibiting, under a penalty of a hundred dollars, the printing of any book until it had been examined and approved by the municipal censors.

An example is presented in Geneva, in 1645, of a prohibition or suppression of a book with a payment made to the author as consideration for his loss. The name of the author was Brios; the book was entitled *L'homme hardi à la France*. The amount paid was ten crowns. I do not find record of another instance of com-

¹ Hilgers, 232.

pensation in connection with the cancelling of a book.¹

In certain of the States which had accepted Protestantism, attempts were made at an early date to institute a censorship over the productions of the printing-press. There was, however, no central authority through which a permanent censorship organisation could be maintained and it was not practicable to enforce any penalties for the possession or the reading of condemned books that could be considered the equivalent of excommunication. No Protestant rulers took the ground that the reading of false or of erroneous doctrine constituted a mortal sin. The responsible authority for such censorship as came into existence rested with the State. Action was taken by the State most frequently at the instance of the theological faculties of the universities, and it was to these bodies that was as a rule committed the task of supervising and examining the books that came into question. In the case, however, of works that were charged with assailing the rulers of the State or with any utterances *contra bonos mores*, the civil officials were accustomed to take the direction of the matter into their own hands. The German princes sometimes also assumed the authority to supervise matters of theology, a weakness that has been paralleled as late as the 20th century by a German Emperor. Duke Ludwig of Würtemberg, in 1585, announced for instance that in his duchy no work of theology should come into print that had not been passed upon and approved by himself. He made no exception even for the writings of the divines of his own principality, the soundness of whose orthodoxy might, one should suppose, have been already tested.

¹ Heppe, *Beza*, 196.

In 1561, the Duke of Weimar appointed a consistorium, comprising four divines and four laymen, which was charged with the duty of examining all books offered for sale in the duchy, whether these were printed within the confines of Weimar or were importations. A book offered for sale without the approval of the consistorium (whose meetings took place only four times a year) was ordered to be confiscated. For a serious offence, such as a repeated disregard of the regulation, the printer or dealer was subject to a fine. The theologians of Jena promptly made protest against such a censorship, particularly in the case of imported books. They took the broad ground that the writing of books was a necessary responsibility of learning or of knowledge, and that any attempt to restrict the use of men's thinking power or the expression of their opinions was an attempt to place restrictions upon the Holy Ghost himself.¹

The chief difficulty in the application of any censorship regulation within the Lutheran States was the existence of different schools of belief, the controversies between which soon became active. The control of the censorship machinery for any one State fell into the hands first of one set of controversialists and then of another, according to the activity of the respective leaders and to the influence brought to bear upon the local ruler. In the Lutheran States, such as Saxony, the prohibition against papistical writings was accompanied by an equally sweeping condemnation of the writings of the Calvinists; while the Calvinistic authorities of States like Brandenburg were prompt on their side to take similar measures for the protection of their own special tenets. This continued conflict

¹ Reusch, i, 422.

between the several groups of reformers had the necessary effect of bringing into disrepute and ineffectiveness the larger portion of the attempts at censorship control. Some attempts were made towards a more tolerant and a more practicable policy. Zwingli, for instance, insisted that his fellow-believers in Essling should follow the Christian example of the church in Zürich, which refused to interfere with the sale even of Anabaptist writings; but in Zürich itself this tolerant spirit was not long permitted to control.

The Elector of Saxony¹ prohibited, under a penalty of three thousand gulden, the printing of the *Corpus Doctrinae* of Melancthon, and Frederick II of Denmark prohibited preachers and instructors, under penalty of the loss of their positions and (for persistency in misdoing) of further punishments, the use of the formula of the *Concordia*. Again, in 1574, the Elector of Saxony compelled the members of the University of Wittenberg to subscribe to an oath that they would neither purchase nor read the writings of the Sacramentists or of the Vermigli.

In 1439, Nicholas Wohlrab, who had, under the instructions of Duke George of Saxony and the Magistracy of Leipsic, brought into print the *Postille* of Wicels, was put into prison by Duke Henry, acting at the instance of the Elector John Frederick. Before he could secure his release, Wohlrab was obliged to take oath to bring no further works into print or into sale until these had received the censorship and the approval of the magistrates. The three other book-dealers of Leipsic were forbidden to print or to sell any books that had not secured approval of the censor appointed by the magistrates, and two deputy magistrates were de-

¹ Schmidt, P., *Vermigli*, 292.

tached to make a weekly inspection of the printing-offices and assure themselves that nothing was printed antagonistic to the teachings of the Gospel.¹

There were from time to time schemes for a Protestant Index. In 1579, Duke Julius of Brunswick brought out a scheme for charging a general synod with the duty of compiling an Index of heretical books and of instituting measures for the censorship of the press; but the plan was not put into execution.

In 1593, Duke Louis of Württemberg issued an instruction to the University of Tübingen which reads as follows:

“Book-dealers must be cautioned under sufficient penalties, neither to print, to possess, nor to sell, heretical or pernicious books, such as the abominable writings of the Jesuits. The preachers are directed to warn their hearers against the unclean literature. In order, however, that the instructors and preachers should be able to secure knowledge of the arguments of their adversaries and of the nature of their calumnies, printer George Gruppenbach is ordered to secure two copies of each of such books as are available and to deliver the same to the university. The preachers whose erudition and good judgment can be trusted to keep them from being led astray by pernicious doctrines, are to be permitted to read these heretical and sectarian writings, in order that they may be in a position to defend the true Faith. The superintendent appointed for the purpose is to keep a record of the pernicious books so distributed and is to secure reports as to the use made of them. The copies themselves are in any case to be returned to the university authorities, so that they may not be used to pervert the people. All this is done ‘In order that the assaults of the hateful Satan (who in these last days has been permitted to work much evil upon the

¹ *Archiv des Deutsch. Buchh.*, i, 22, 52.

Church of God) shall be withstood, and that for the people in this principality the true Faith shall be preserved and their souls shall be kept clean.'"¹

Luther was, it should be remembered, thoroughly in accord with pope and with emperor in the belief that it was the duty of the faithful to destroy heresy. He only differed from the pope as to what constituted heresy. In 1525, we find him invoking the aid of the censorship regulations of Saxony and of Brandenburg for the purpose of stamping out the "pernicious doctrines" of the Anabaptists and of the followers of Zwingli. The Protestant princes were for the most part more than willing to establish and to maintain a censorship for the presses of their several localities, as such a system served in more ways than one to strengthen their authority, while it could be utilised also to head off undesirable criticism.

In 1525, Luther decides that a censorship ought to be established in the Protestant States. He asks the Protestant princes to co-operate in instituting the machinery for the purpose. The regulations established by the princes interfered seriously with the operations of the printers in the larger places, but proved ineffectual for securing any uniformity of religious publishing throughout the States of North Germany.

In 1532, Luther calls upon Duke Heinrich of Mecklenburg, for the sake of the Gospel of Christ and for the saving of souls, to prevent from coming into print a translation of the Gospels that had been prepared by the Catholic priest Emser. Melanchthon was fully in accord with Luther as to the necessity of repressing with sharpest and most effective censorship all books

¹ Hilgers, 287.

that were not in accord with the Protestant faith.

Zwingli and Calvin, acting each from his own point of view, established in their respective cities a censorship that was much more bitter and strenuous than anything as yet attempted under the authority of Rome. Hilgers points out that the Lutherans with their schools and their cliques, the Zwinglians, the Calvinists, the Anabaptists, the Mennonites, the Schwenckfeldians, the Weigelians, and the Socinians, contended with each other with full use of the weapon of censorship, and in censorship as in religion it was always the brutal power of the strongest that came into control. The princes, establishing with readiness a censorship machinery, changed the application of their penalties as they changed their faith, but the penalties themselves became, with each change, more severe.¹

According to Gretser, the first article of the Calvinistic theologian stated that "the writings of Luther must be stamped out from the Church of God."² In Saxony, in the Palatinate, in Baden, in Würtemberg, in Brandenburg, and in Prussia after 1550, we find in full force a series of Protestant censorships directed sometimes spasmodically, but usually with no little bitterness, under the authority of the political power.³

The Jesuit Hilgers, who naturally makes use of Luther as a characteristic example of Protestant intolerance in censorship, writes:

"Luther, who characteristically enough began his notorious career with the burning of books, was by no means prepared to accept with patience any Catholic

¹ Hilgers, 289.

² Cited by Hilgers, 290.

³ *Ibid.*, 297.

literature that stood in his way. What, nevertheless, made the Lutheran movement a radical revolution was the acceptance of the right of individual freedom of inquiry, a right that was to make each man the authority for his individual views of faith and doctrine against the accepted Catholic principle that the authority for the interpretation of doctrine and for the guidance of faith must rest with the Church. . . . Luther accepted as authoritative the teaching of the Scriptures, but it was his contention that this teaching could be ascertained by the individual understanding and without the guidance of the Holy Church. This very principle, however, of individual interpretation was almost immediately set to one side by Luther himself. He found that what he propounded as the true Faith could be maintained only through the protection of his faithful from the influence of pernicious literature; and he instituted promptly, to the extent of his own power, a censorship against not only the writings of the Catholics from whom he had broken away, but still more sharply against those of fellow-Protestants whose views of interpretation differed in any manner from his own. Luther became himself the first censor of the Word of God, and set up his individual understanding as a guide not merely for himself but for the misguided who were ready to accept the word of a single man rather than the authority of the Church universal. . . . Under the divine government, men have been placed in dependence upon each other. It is only through full recognition of this interdependent relation that State and Church can come into existence and can be maintained. No reasonable man will deny for a father the right and the duty to preserve son and daughter from the influence of pernicious companionship. One could more reasonably contend against the authority of the Lord in Heaven to impose upon Adam and Eve in Paradise certain prohibitions. That a still more seriously pernicious influence can be brought about by bad books than even by evil companionship can be denied by no thoughtful

man. The evil is none the less because it may be brought about under the name of freedom and enlightenment. No father, with a proper consciousness of his own responsibilities, will permit a son who is still a youth to receive without restriction teachings, whether religious, philosophical, medical, or scientific, which have been shaped for the understanding only of older men. . . . The father must on his own authority restrict, direct, and select the literature upon which is based the instruction of his children. The authority of the State makes necessary a supervision of the action and influence of the printing-press. The Church includes in its responsibilities the relation of the father to the child and of the Government to the citizen. Its rulers must watch not only the matter of morality but that of sound doctrine and wholesome influence. If the ruler of a modern State finds it impossible to permit the circulation of writings which assail the character or the person of king or emperor, how much less is it possible for those who direct the government of the Church to permit the circulation of writings which assail the wisdom and the authority of the Lord of Hosts or of his Son. The realm of the Church is that of faith and of conduct, a realm which is of necessity directly influenced by the spoken word and still more by the word circulated in print. It is this realm that must be defended and protected against the invasion of the poison of pernicious and unsound writings. As in the modern State, a special system is required for the organisation of the defensive power represented by such bodies as the army and the police, so is it necessary for the Church, with the organisation of its own ecclesiastical army of bishops, priests, deacons, and soldiers of the Faith, to establish regulations for discipline, for defence, and, when the time comes, for assault upon the powers of evil. This system of the Church is expressed most logically through its control of thought and of literature, for the Church works through the mind with spiritual forces. The authorities of a city are prepared to prohibit, under the severest

penalties, miscellaneous disturbances or a careless handling of dynamite; such precautions in regard to personal harm as the mayor finds necessary for the safety of his community, the bishop is under similar necessity of adopting for the preserving of his flock against spiritual assaults.”¹

In 1595, the astronomer, Johann Kepler, completed his first astronomical treatise, the *Mysterium Cosmographicum*, which was to be printed in Tübingen. Before the book could come into print, it was necessary to secure the approval of the senate of the university. The theological faculty gave permission for the printing only after cancelling the chapter in which the author undertook to bring the Copernican system into accord with the Scriptures. In Leipsic, the printing of the book was prohibited.

The great Elector of Brandenburg, in 1670, ordered that, for the purpose of avoiding religious strife and controversy, there should be a thorough censorship of all books, whether printed within his territory or imported from without, which were concerned with matters of theology or religion.

An order issued in Cologne in 1662 prescribes that the preachers shall engage in no disputations or conferences and shall bring into print no controversial writings, without the specific permission of the Elector himself.

In 1772, a Cabinet order prescribes that theological books for which privileges are demanded must be examined and, if necessary, revised by a consistorial commission comprised of certain Protestant ecclesiastics. The penalties imposed upon an ecclesiastic for printing any volume for which special permission had not been secured were particularly severe.

¹ Hilgers, 17 ff.

The persecution of Christian Wolff, who held for a series of years a professorship in Halle, is cited as a characteristic example of Protestant censorship and intolerance. The philosophic doctrines taught by the professor excited the indignation of Frederick II and in 1773, under a Cabinet order, Wolff was deprived of his post and was ordered to leave Prussian territory within forty-eight hours. Other instructors who had accepted the so-called Wolffian philosophy, such as Gabriel Fischer of Königsberg, were in like manner deprived of their offices and banished from the country. The various operations of royal censorship under the great Elector and his several successors, up to and including Frederick the Great, present examples of tyrannical inconsistency, inconsequence, unreasonableness, ignorance, and narrowness which have not been surpassed, and have possibly hardly been equalled, under any of the regulations of the Roman Index.

Frederick the Great developed the political censorship of Prussia into a system the influence of which persists under the German Empire of to-day. His censorship was directed more particularly against literature affecting the interests of the State, but it included the full control of theological utterances.

After the occupation of Silesia, an order was issued directing the Bishop of Breslau to submit for the approval of the royal censors, before publication, all edicts or utterances on the part of the Catholic Church.

In 1775, the King prohibited the publication in his dominions of the Bull of Clement XIV.

In 1784, Frederick the Great issued an edict prohibiting under serious penalties the acceptance by any of his subjects of Catholic doctrines. This edict being con-

trary to the conventions in force, he was obliged, however, to withdraw it.

In 1792, Frederick William issues an order for the systematising of the censorship of the kingdom. It is directed that all printing-offices, publishing concerns, and bookshops be placed under the strictest supervision, that no work shall come into print until it has secured the approval of the royal censors. The penalties included, in addition to fines, the cancellation of the editions, and in case of a persistent disobedience, the banishment of the delinquent. The university professors are also brought under close supervision for their utterances in lectures.

In 1794, in which year censorship in England was practically abandoned, the censorship system in Prussia under Frederick William II. became more severe and exacting than ever before.

In 1794, the *Allgemeine deutsche Bibliothek* is prohibited in Prussian dominions as constituting an influence against the Christian religion. This is an example of a long series of similar prohibitions. In 1816, the *Rheinische Merkur* of the poet Görres, who had done so much to arouse public opinion against Napoleon, was suppressed under a Cabinet order. The royal censorship was ameliorated under Frederick William but was again strengthened in 1848 and during the years immediately succeeding.

In 1844-5 was published at Jena a catalogue entitled *Index Librorum Prohibitorum*, giving the titles only of books prohibited in Germany.

In 1882, was published in Berlin what is probably the latest of the State Indexes. It is devoted to a list of works maintaining the principles of the Social Democrats, which works had been condemned and

prohibited under the authority of an act of the Reichsrath of 1878. The list includes several hundred publications, chiefly pamphlets.

The political censorship existing to-day throughout Prussia and the German Empire under the imperial control is of course familiar to all readers of the 20th century. Between 1878 and the close of the century, a very long list of Social Democratic writings, pamphlets, books, and journals came under condemnation and suppression. This policy was continued into the 20th century, although under present conditions its thorough enforcement is a matter of increasing difficulty.

Hilgers points out that the instances of Protestant political censorship against works which are purely literary or intellectual in their character, that is to say, which had no direct concern with either religion or politics, are far more numerous than under the action of the censorship authorities of Rome. Among other examples, he points out the action of Luther against the works of Erasmus and the writings of a number of the Humanists; the decree of the Duke of Weimar (acting at the initiative of Goethe) against *Isis*, and for the suppression of the epoch-making writings of the philosopher Fichte; the acts of Frederick the Great against Voltaire, and the measures taken by Bismarck against a long series of writings that came into print during the *Kulturkampf*.

An order issued in January, 1903, by the rector of the University of Berlin, prohibits the delivery of a lecture on Proudhon and Lasalle on the ground that it was necessary to take "all possible precautions for the protection of young souls from the pernicious and poisonous influence of sociological errors."¹

¹ Hilgers, 93.

In November, 1902, in a convention held at Hamburg of the teachers of Germany, it was proposed to prohibit the use in schools of the catechism of Luther and of the Protestant Scriptures.¹

The German *Goethe-bund* finds occasion to make protest, in 1903, against the *lex Heinze*: "In Berlin, we are not only under the burden of dramatic censorship which never sleeps and which causes perpetual irritation, but we have to endure the exacting regulations of the general press law under which are controlled not merely journals but publications of all kinds. For instance, in the three months from October to December, 1902, no less than seventy-seven works were condemned and their further publication prohibited; that is to say, in these three months the civil authority condemned more books than had been placed in the prohibitory Index of Rome during the ten years preceding." With such experience under the State control of the press, it is, claims Hilgers, absurd to make reference to "the pernicious interference with literature on the part of the Church censors."

Kant's *Critique of Pure Reason*, prohibited, in its Italian translation, in the Roman Index since 1827, had, years before that date, come under the condemnation of the royal authority of Prussia. In October, 1792, a Cabinet order contains a bitter characterisation of the work: "Our sacred person you have with your so-called philosophy attempted to bring into contempt . . . and you have at the same time assailed the truth of Scriptures and the foundations of Creed belief (*mich und Gott*). . . . We order that henceforth you shall employ your talents to better purpose and that you shall keep silence on matters which are outside of your

¹ Hilgers, 94.

proper functions." The further circulation of the book was prohibited, but it is fair to remember that this prohibition proved entirely ineffective to suppress the book, even in Prussia.

The States General of Holland issued in 1581, and again in 1588, edicts prohibiting the printing, the reading, and the possession of certain condemned books, the lists of which were given with the **Holland** edicts. These books were described as presenting "papistical superstitions." In 1598, certain Socinian books which had been printed in Amsterdam were condemned as heretical by the theological professors of Leyden. The editions were confiscated and the books were publicly burned in The Hague.

Among the noteworthy names included in the list of condemned authors may be cited those of Vondel, Grotius (who was certainly not to be ranked either as a Socinian or as an unbeliever, but whose form of Calvinism was not in accord with that of the authorities), Hobbes, and Spinoza. The poet Vondel, in 1641, went back into the Catholic Church and thereupon came under the proscription of the Synod of Delft as well as of the State. Before he accepted the Catholic Faith, he was accused of being an Arminian and a supporter of Olden-Barneveld. Later, his tragedy *Maria Stuart*, in which he declaimed against the murder of the Catholic queen, brought him again into trouble with the authorities.

Grotius suffered much more severely from the persecution of his fellow-historians than from any action on the part of censors of the Roman Church. His friend Olden-Barneveld had lost his life largely because of differences on theological matters with certain of his fellow-Calvinists. The same fate would probably

have befallen Grotius if he had not succeeded in escaping from prison.

Hobbes, when instructor in the University of Cambridge, having undertaken to defend certain propositions concerning the law of nature, was prohibited from further teaching and was driven from the university. He betook himself to Amsterdam, but even here, the *Leviathan*, (printed in London, in 1651,) came under condemnation. The Roman censors are criticised (and with justice) for their prohibition of the writings of Spinoza, but the condemnation of Spinoza was much more severe among his own people than anything that had been proposed by the authorities of Rome. The ban uttered in the Jewish temple on the 27th of July, 1656, closes with the words:

“We order hereafter that no one shall have communication with Baruch Espinoza either by word of mouth or in writing, that no one shall render him any service, that no one shall remain under the same roof with or even accost him, that no one shall in any manner have communication with him.”

The works of Spinoza and the *Leviathan* of Hobbes were brought under a series of condemnations under the authority of the Prince of Orange, the States of Holland, the synods of the Church, the local magistrates, the university authorities, and the Burgomaster of Leyden.

In 1668, Adrian Coerbach, a doctor of medicine of Amsterdam, was charged with having accepted the opinions of Spinoza and with having defended these before others. He gave evidence that he had never spoken with Spinoza and had not spoken publicly of his theories. He was, however, sentenced to be imprisoned for ten years and thereafter to be banished from

Holland for ten years. In 1678, the Synod of South Holland, in session at Leyden, gave fresh judgment concerning the pernicious writings of Spinoza. Between the years 1650-1680, there were in all no less than fifty similar edicts or judgments, in some instances accompanied by severe punishments, against the reading or circulation of the works of Spinoza. In many cases, under the same judgment was placed the *Leviathan* of Hobbes.

In Denmark, between the years 1537 and 1770, a severe censorship was maintained not only against works upholding the Catholic Faith, but against all books which were not in accord with the Lutheran doctrines that the Crown had established as the orthodox faith of the kingdom. Among books other than theological which came under condemnation, may be noted the *Werther* of Goethe, condemned in 1776. The severe prohibitions of the censorship law were not repealed until 1849 and 1866. In Sweden also, where the Lutheran creed had been established as the faith of the kingdom, a censorship was maintained against publications which were not in accord with the creed of Luther. In 1667, under a royal ordinance, the booksellers were directed to present from year to year to the censors a precise catalogue of all the books carried in stock and to secure permission for the sale of such books. The penalty was loss of license.

In 1764, was printed, at Upsala, an Index presenting a list of certain books which are held as prohibited in Sweden. It is to be classed as an historical tract and not strictly as an Index. The title reads as follows: *Historia librorum prohibitorum in Suecia; cujus specimen primum, consensu Ampl. Senat. Philos.*

Upsal. publica disputatione, submitunt Samuel J. Alnander, Philos. Magister, et Petrus Kendal, Stipend. Reg. Ostrogothi, Anno mdclxiii, Upsaliae. The thesis recognises three sources of the power of prohibiting books, the royal Senate, specified in the title-page; the royal authority by edict; and the theological faculty of the University of Upsala. The lists are devoted mainly to works of the 17th century but there are a few titles from the 16th century. The books condemned are chiefly political. The volume has value chiefly as an indication of a system of censorship in a Protestant country and also (in connection with the meagreness of the lists) of the fact that such system was apparently neither comprehensive nor exacting.

In 1856, was printed in Gothenburg, in an edition comprising but sixteen copies, an Index bearing the title, *Elenchus Librorum in Suecia prohibitorum, saeculorum XVII et XVIII.*

The first censorship in England appears to have been made as a matter of Church discipline; the bishops assumed in these earlier cases the sole jurisdiction and the punishments were ecclesiastical—penance and excommunication. In 1382, the State began to take action in matters of censorship. The occasion arose from the circulation of the doctrines of Wyclif, which, together with the teachings of the Lollards, were assumed to have had influence in bringing about the insurrection of Wat Tyler. The authorities decided that the bishops did not have the power required to suppress the inflammatory doctrines, because the preachers kept moving from one diocese to another and denied at the same time the jurisdiction of the ecclesiastical courts. In 1382, therefore, the Parliament passed an act directing

the civil authorities to arrest all such preachers and to "hold them in arrest and strong prison until they will justify themselves to the law and reason of Holy Church." The mischief, however, continued and, in 1401, the more severe act known as "*de haeretico comburendo*" was passed. Dr. Shirley says that the first victim of this statute was W. Sawtree, preacher at St. Osyth's in the City of London. Sawtree was convicted of denying transubstantiation. Milman points out that the writ for the execution of Sawtree appears on the Rolls of Parliament before the act itself. It is possible, therefore, says Milman, that Sawtree suffered under a special act which had perhaps been proposed for the purpose of ascertaining, in advance of the consideration of the larger measure, the feeling of Parliament.

The last instances of execution for heresy in England occurred in 1612, in which year Bartholomew Legate was burned at Smithfield for holding Unitarian opinions, and Edward Wightman was burned at Litchfield for holding no less than nine "damnable heresies."

The papal Bull issued on June 19, 1520, for the destruction of the publications of Luther, Wolsey declined to enforce in England. It is probable that if the Cardinal had been left to himself, the cruel proceedings which characterised the reign of Henry VIII would not have been instituted. It is the opinion of Froude that with Wolsey, heresy was an error, while with More it was a crime.

A prohibitory Index was published in England in 1526, nearly twenty-five years before the issue of the first Index on the Continent, and thirty-three years before the first issue in the series of the Roman Indexes. In March, 1527, Tunstal, Bishop of London, gave to

Thomas More a privilege for the reading of heretical books in order that, following the example of the King (Henry VIII), More might be enabled to make good defence of the Catholic Faith against the new heresies. In June, 1539, the King gave his approval to an act of Parliament which was concerned particularly with the articles of faith. The first of these articles had to do with the real presence of Christ in the Sacrament. The act reads: "If any person writes, preaches, or disputes against this first article, he shall be punished with death as a heretic and his property shall be confiscated to the Crown."

In 1564, Queen Elizabeth issued an instruction to the Bishop of London to provide for an examination of the cargoes of all the vessels arriving, in order that pernicious and heretical books should be secured and destroyed. In 1571, an act of Parliament provided the punishment of treason against all who should secure from the Bishop of Rome any bull, brief, or other instrument or should undertake to make distribution of copies of the same. Under Elizabeth, it was ordered that any person should be treated as guilty of high treason and should be liable to sentence of death if he had in his possession a Catholic book in which was taught the doctrine of the supremacy of the pope. In 1582, an act of Parliament declared it to be felony to write, print, sell, distribute, or possess books, rhymes, ballads, letters, or writings of any kind which contained matter against the fame of the Queen or in any way injurious to the repute of the Government. Under this law, two ministers belonging to the sect of the Brownists, Thacher and Copping, were tried and executed. In 1575, Elizabeth approved a new act directed against the Anabaptists, the Puritans, the

Brownists, and the Catholics, under the provisions of which act a number of people were condemned and burned. Among the books prohibited under the same law, were certain writings of Henry Nicholas of Leyden which had been translated from the German. It was ordered that any persons possessing or distributing these writings should be punished. In 1583, a proclamation was issued by the Queen against the publishers, booksellers, or possessors of pernicious and schismatic literature. The Star Chamber, under the law of 1585, prescribed that each university should keep in activity but one press and prescribed from year to year the number of presses permitted for London. In 1593, Barrow and Greenwood, both Brownists, were executed as heretics. It is the view of the Jesuit historian Hilgers that throughout the whole of the reign of Elizabeth there was a persistent and bloody persecution against freedom of thought of any kind. In 1594, Adfield and Carter suffered death because the former had brought into England a Catholic book and the latter had had the same in his possession.

A sect that fell under the displeasure of Queen Elizabeth was the "Family of Love." The founder was a Dutch Anabaptist, born at Delft, called David George, but the leader whose influence was of the most importance was Henry Nicolai of Münster. Nicolai gave out that his writings were of equal authority with Holy Scripture. "Moses," he says, "taught mankind to hope, Christ to believe, but Nicolai taught man to love, which last is of more worth than both the former." The Queen ordered (in 1575) that all books and writings maintaining this doctrine should be destroyed and burned and that possessors of such books should be duly punished. In 1608, James I, in a proclamation

concerning the supervision of literature, says: "For better oversight of books of all sortes before they come to the presse, we have resolved to make choice of commissioners that shall looke more narrowly into the nature of all those things that shall be put to the presse, either concerning our authoritie royall or concerning our government, or the lawes of our Kingdom."¹

In July, 1637, the Star Chamber published an act for the regulation of literature which in the severity of its censorship can be compared only with a procedure under Napoleon. It was prohibited to import or make sale of any books the influence of which was opposed to sound faith or to the authority of the Church or to the authority of government or to any rulers or to the interests of the community, or in which there should be libels or attacks against any corporation or any individual person. The penalties prescribed included fines, imprisonment, and bodily punishment, the decision to be made under the authority of the Chamber. The printing of any book which had not secured the approval of the Chamber was forbidden under heavy penalties. Books in the department of jurisprudence must be approved by the Chief Justice or by some authority appointed by him; books on history and statecraft were to be approved by the Secretary of State; those on morals by the Lord Marshal; works on theology, philosophy, natural science, poetry, and general literature, by the Archbishop of Canterbury or Bishop of London or by the chancellor of one of the two universities. Licenses were to be issued for but twenty master printers outside of those appointed directly by the Crown and those allotted to the universities. No printer was to operate more

¹ Villers, 290 *seq.*

than two presses or was to have more than two apprentices. Should anybody undertake to operate a press without securing a license from the Chamber, he was liable to be placed in the stocks, to be flogged through the city, and, after judgment, to further penalties.

In 1638, Alexander Leighton was, under a judgment of the Star Chamber, condemned in connection with a book entitled: *An Appeal to the Parliament or Sion's Plea against the Prelacie*. He was sentenced to a fine of ten thousand pounds, to degradation from the ministry, and to be publicly whipped in the palace yard; he was made to stand two hours in the pillory, one ear was cut off, a nostril slit open, and one of his cheeks branded with the letters S.S. (Sower of Sedition). A week later, he underwent a second whipping and a repetition of the mutilation. He was then left in prison for three years but, in 1641, had the satisfaction of having his sentence reversed by the House of Commons. The book had declared the institution of Episcopacy to be anti-Christian and satanical and it accused the king with having been corrupted by the bishops to the undoing of himself and his people.

In 1633, Prynne was condemned by the Star Chamber to be fined five thousand pounds, to be placed in the pillory, to be deprived of his ears, and to perpetual imprisonment. The book on the ground of which this punishment was administered was entitled: *The Histriomastix, the player's scourge or actor's tragedies*. Lord Cottington, the Chancellor of the Exchequer, says in his judgment: "I do in the first place begin censure with Prynne's book. I condemn it to be burned by the hangman," etc. This is said to be the first instance in England in which a condemned publication was

burned by the hangman. Prynne came again under condemnation, in 1637, in connection with a book called the *Flagellum Pontificis et Episcoporum Latinorum*, which was said to have been written in co-operation with J. Bastwick and H. Burton. I do not find the record of Prynne's punishment in this case, but Bastwick was condemned by the High Commission court to pay a fine of one thousand pounds, to be excommunicated, to be debarred from the practice of his profession (medicine), and to remain in prison until he recanted (and that is, he says, "until domesday in the afternoone").

The practice of burning books was continued by the Puritans, who also utilised for the purpose the services of the common hangman. One book so burned (in 1619) was the King's *Book of Sports*, issued by James in 1618, on the advice of Morton, Bishop of Chester. It had been ordered to be read in all churches throughout England. Copies were publicly burned in a number of the Puritan counties.

The regulations for the control of the press in England were more strenuous under the Commonwealth and the later Stuarts than before the death of Charles I. Between the years 1637-1681, more than two hundred books came upon the condemnation lists. Among the works condemned and prohibited by Cromwell was the *Areopagitica* of Milton, published in 1644. In 1646, was condemned the book by John Biddle (known as the father of modern Unitarianism) which bore the title: *Twelve Arguments from Scripture in regard to the Divinity of the Holy Ghost*. The author was imprisoned and the copies of the book burned. The censor of the press under the last two Stuarts was Roger L'Estrange. The penalties in force at the time he assumed the office

providing for the destruction of books, the imprisonment and in certain cases the death of the authors and printers, were, in his judgment, not sufficiently severe. He beseeched Parliament to give him authority to add to these penalties stocks, public whipping, the cutting off of the hand, the cutting out of the tongue, etc. A printer named Trogan, who came under the disapproval of the censor, was executed in 1686, with various revolting details.

In 1642, the Parliament condemned and ordered burned by the hangman five publications written by Royalists. In each succeeding year, similar action was taken with publications (mainly pamphlets) written in opposition to the control of Parliament. A more serious matter for the authors than the burning of the books was that of the fines. Joseph Primatt, for instance, in 1652, was fined five thousand pounds for the publication of a petition to Parliament, and Lilburne was in the same year fined seven thousand pounds. The first theological work dealt with by Parliament was a treatise by John Archer entitled *Comfort for believers about their Sinnes and Troubles*. This was published in 1645 and in the same year was, under the order of Parliament, publicly burned in four places. In September, 1650, a monograph by Lawrence Clarkson entitled *Single Eye, All light, no darkness*, was condemned to be burned by the hangman and Clarkson, after being imprisoned for a month, was sentenced to banishment for life. These instances are selected from a long series of similar condemnations merely in order to make clear that the theory of the Parliament in regard to the right and the duty of the Government to prevent the circulation of pernicious literature (that is to say, literature the opinions of

which were not in accord with those of the existing authorities) differed in no way from that of the supporters of royalty. A similar series of condemnations, with burning of the books and fining of the authors, together with an occasional exposure in the pillory, was continued through the Restoration. In the year 1690, a treatise by Arthur Bury, rector of Exeter College, Oxford, issued under the title of the *Naked Gospels*, was ordered burned under the authority of the University of Oxford.

In 1698, a Scotchman named Aikenhead, who was at the time a student of but eighteen years of age, was hanged at Edinburgh, not on account of any heresies brought into print, but simply because in some wild talk he had referred to Christianity as a delusion. Under one of the statutes of Scotland, it was a capital crime to revile or to curse the Supreme Being or any person of the Trinity. The words used by the young man were not strictly within the definition of the statute, but this statute was, under the direction of James Stuart, Lord Advocate of Scotland, used to bring the boy to execution.¹

The censorship laws were not repealed as an immediate result of the Revolution of 1688 but endured until 1695. The regulations then established maintained for the Crown the full authority to control the operations of the press, but the penalties were made much less severe. Among the books condemned under the new legislation were *Christianity not Mysterious*, by John Toland, *Thoughts concerning Human Souls*, by William Coward, and the *Fable of the Bees*, by Mandeville, in 1723. (The last had been published as far back as 1706). Mandeville's volume was made

¹ Macaulay's *England*, ix, 286.

the subject of a presentment by the Grand Jury of Middlesex. The book was described as "a public nuisance, having a tendency to the subversion of all religion, the undermining of civil government, and the impairment of our duty to the Almighty." No penalty was inflicted, or ordered, upon the author, nor was the book itself suppressed.¹

Among the books condemned in the succeeding years were *The Doctrine of the Trinity*, by Samuel Clark, and the *Miracle of Our Saviour*, by Thomas Woolston. The author of the latter was fined twenty-five pounds and was then imprisoned until he could raise two thousand pounds. He died after four years' imprisonment.

In 1701, a treatise by John Asgill on the *Covenant of Eternal Life* was burned by the order of two Parliaments, English and Irish. In 1702, the famous essay by Defoe, *The Shortest Way with the Dissenters*, was burned by the hangman under order of Parliament and Defoe was sentenced to three days' punishment in the pillory, to a ruinous fine, and to a long imprisonment. The trial of Saccheverell brought about the burning, in 1710, of a long series of books, including his own sermons and works by both his supporters and adversaries. In 1707, the Grand Jury of Middlesex made a presentment characterising as a public nuisance the essay by Matthew Tyndale entitled the *Rights of the Christian Church*. Tyndale reflects that this proceeding will further "the wider circulation of one of the best books that have been published in our age among many people that would not otherwise have heard of it." It was burned by the hangman in 1710. In 1722, the Commons agreed with the resolution of the Peers to have burned at the Royal Exchange the declaration

¹ Stephen, *Free Thinking and Plain Speaking*, 279.

of the Pretender issued as the declaration of James III. In 1763, numbers of the *North Briton*, of John Wilkes, who was then himself a member of the House, were, under an order of the two Houses, condemned to be burned at the Royal Exchange. The author was expelled from the House, but secured, after a long contest, a re-election. A volume issued without name in 1775, under the title of *The present Crisis in regard to America considered*, was burned on the 24th of February of that year and is referred to as the last book which the English Parliament has condemned to the flames.

In 1795, Sheridan proposes to have publicly burned a treatise by Reeve entitled *Thoughts on English Government*, but his proposal was not supported. The press law, passed as late as December, 1819, imposed a penalty of transportation on the writers or printers of godless and revolutionary works. This law was repealed in 1837, and the legislation of 1869 finally secured an assured freedom for the press. It is the conclusion of Catholic writers, in summing up the history of what they call the exceptionally fierce and brutal censorship of England, that the responsibility for this rests with the original crime committed by the State against the Church universal; and with the continued and demoralising wrong caused by transferring the control of the Church to the civil authorities.

The history of political censorship, or of censorship by the State in England, is a large and complex subject to which in a work like this it is of course, possible only to make reference.

In 1877 was printed (privately) in London a catalogue which from the title has been classed with the Indexes: *Index librorum prohibitorum*; being notes bio-, biblio-,

and icono-graphical and critical on curious and uncommon books, compiled by Pisanus Fraxi. This is, however, simply a list, probably prepared for commercial purposes, of obscene books.

4. **Summary.**—The instances cited are sufficient to show that the spirit of Protestantism, in each and all of the sects that came into power or influence in the State, has through the past centuries held it to be the right and duty of the Church, and of the State under the influence of the Church, to supervise and to control the productions of the printing-press and the reading of the people. The fact, however, that within the Protestant communion there were so many points of view, rendered it not only difficult but impossible to establish any consistent and continuing policy of censorship. There was also a lack of any effective machinery for carrying out, within these Protestant territories, such regulations as the censors of the Church might establish. In certain places and at certain times the civil authorities, like the magistrates of Geneva or the Elector of Saxony, were ready to utilise the force of the State for carrying out the decrees of the Church, but such co-operation and support were at best (or at worst) but intermittent and spasmodic. In Germany or in Switzerland, the authority of the State covered but a limited territory. If the censorship pressure became burdensome in one city, there was no essential difficulty in moving the composing-room and the press to some other place where the faith of the magistrates was not so "orthodox" or so strenuous. As a result, the Protestant writers, representing all schools of protest, found no continued difficulty in bringing their productions into print and in circulating these among sympathetic readers.

The Jesuit historian, while admitting that the condemnation of the Catholic Church has fallen upon certain works of unquestioned scholarly value, insists that the Protestant censorship of authors and books of similar standing has been, to say the least, no less severe. He maintains, further, that the Catholic policy and methods have been more consistent, more discriminating, more intelligent, and more moral in purpose and in effect than those of the Protestants. He emphasises the importance of distinguishing between the circles of readers for which different books are fitted, either to do service or to work injury. He writes: "The works of Grotius, Gibbon, and Guicciardini have a deserved repute with the scholars. We may admit, that scholars can derive from such works valuable instruction, but this does not make them suitable for the reading of the untrained or the half trained. The Church undertakes always to maintain this distinction."

The Father sums up his arraignment of the censorship of the State by a bitter reference to the methods pursued by the Protestant Government of Prussia with its Catholic subjects in Poland. What answer can an instructor make in a school in Posen when a child asks why he is forbidden to read the Polish Catechism? The instructor can only say that the modern State is all powerful, and that in the execution of its self-imposed task of crushing out nationality, it is willing to take the responsibility not only for the interpretation of science, but for the shaping of belief.¹

"Whence," says Hilgers, "do the civil authorities secure the right to compel Catholic children to accept

¹ Hilgers, 192

instruction from heretical books; and to prohibit the use in Catholic families, outside even of the walls of the official institutions, the use of Catholic books and documents? Here is a censorship tyranny with which in the history of Rome there is nothing to be compared.”

CHAPTER IX

THE BOOK PRODUCTION OF EUROPE AS AFFECTED BY CENSORSHIP

1. General. 2. The Universities. 3. Italy. 4. Spain. 5. France. 6. Germany. 7. The Netherlands. 8. England. 9. The *Index Generalis* of Thomas James, 1627.

1. **General.**—Four men, Columbus, Luther, Copernicus, and Gutenberg, stand at the dividing line of the Middle Ages, and serve as boundary stones marking the entrance of mankind into the higher and finer epoch of its development.¹ It would be difficult to say which one of the four has made the larger contribution to this development or has done the most to lift up the spirit of mankind and to open for man the doors to the new realms that were awaiting him. The Genoese discoverer opens new regions to our knowledge and imagination, leads Europe from the narrow restrictions of the Middle Ages out into the vast space of Western oceans, and, in adding to the material realm controlled by civilisation, widens still more largely the range of its thought, and fancy. The reformer of Wittenberg, in breaking the bonds that had chained the spirits of his fellow-men and in securing for them again their rights as individual Christians, conquers for them a spiritual realm and brings them into direct relations with their Creator. The great astronomer shatters,

¹ Kapp, *Gesch.*, 231.

through his discoveries, the fixed and petty conceptions of the universe that had ruled the minds of mankind, and in bringing to men fresh light on the nature and extent of created things, widens at the same time their whole understanding of themselves and of duty. The citizen of Mayence may claim to have unchained intelligence and given to it wings. He utilised lead no longer as a death-bringing ball, but in the form of life-quickenings letters which were to bring before thousands of minds the teachings of the world's thinkers. Each one of the four had his part in bringing to the world light, knowledge, and development.

Before the beginning of the Reformation, the business of printing books, which had originated among Germans, had secured in the so-called Latin countries, Italy, France, and Spain, larger development than in the German lands. It is certainly the case that, irrespective of the facilities afforded by the printing-press, the intellectual development in Italy was, during the 15th and the first portion of the 16th century, far in advance of Germany and for that matter of the rest of Europe. If the Reformation was not in itself an important factor in the transfer of the centre of literary activity, this period certainly coincided with such transfer. After 1518, the centres of literary production and intellectual activities are to be sought rather in Germany and in Holland than in Italy or Spain. France, on the other hand, appears to have been able, while accepting a rather burdensome measure of censorship, to have retained an important intellectual position, the influence of which is, of course, most closely associated with the university of Paris.

During the years immediately following the invention of printing, the Church gave to the new art a cordial

welcome. The scholarly ecclesiastics were among the first to recognise the service that could be rendered by the printers in multiplying for general distribution the books of doctrine and of devotion. The Church felt secure in its hold upon the minds of the people and for three quarters of a century, at least, there was no apprehension that the people could be diverted from their allegiance to the true Faith. Many of the monasteries made space for printing-presses, while others placed funds at the disposal of printers who were needing co-operation. It was not only in the scholarly circles of the Church that the new art secured prompt recognition. The Brothers of Common Life, who for a century or more had taken upon themselves the work of teaching the people and who had utilised in this work manuscript copies of books of devotion, were among the first to make use of the printing-press in the work of education for the distribution of their books of devotion. Within eighteen years after the production of Gutenberg's Bible, the Brothers had printing-presses at work in Deventer (Holland) and in a number of their monasteries in North Germany. In Strasburg, Magdeburg, Nuremberg, and elsewhere before 1470, the monasteries of the Carthusians had established printing-presses.

The work of publishing material for popular circulation begins practically with the Reformation. It was with the great popular demand for instruction and information which had been developed through the work of the reformers, that there came to the people at large the realisation of the value to them of the invention of Gutenberg, and an understanding of its importance for the work of educating and of organising the people and for the securing the right of individual

thought production against the oppression of Church and State. The system of censorship, ecclesiastical and political, a system which was to do much to hamper the development of literature and of publishing, dates in substance from the Reformation.

The effect of the censorship of the Church on the activities of publishers and on the production of books varied very materially, even in those States in which the regulations of the Church were, in form at least, accepted as authoritative. The States in which, during the 16th and 17th centuries, the work of the printer-publishers came into conflict, in one way or another, with the censorship edicts, and in which literary production and activity were influenced by censorship policy, were: Italy, France, South Germany, North Germany, Switzerland, England, Spain, the Spanish Netherlands, and Holland.

In Italy, the edicts of the Roman Inquisition and of the Congregation of the Index having to do with the prohibition or the expurgation of books were of course, at least in form, binding equally upon all the States and cities in which printing-presses were at work. As a fact, however, at no time, not even after the labours of the Council of Trent, did it prove practicable to secure any uniformity of procedure or of result in the enforcement of the censorship decrees throughout the territory of the Italian peninsula. The printers of Rome were under obligation to take immediate action in regard to the cancellation or withdrawal from sale of books condemned. Outside of Rome, or at least outside of the States of the Church, periods of from thirty to ninety days were allowed within which the printers were expected to secure knowledge of the prohibitory edicts. The Church authorities assumed

that these edicts were binding throughout the entire Catholic world, but, outside of Italy, the printers, booksellers, or readers were not under obligation to have knowledge of the prohibitions until the edicts had been published by the local bishops or the local inquisitors. It was the case that from time to time the local bishops were not in sympathetic accord with the literary policy of Rome, and delayed indefinitely, or declined altogether, to make publication of the edicts. In certain of the Italian cities, of which Venice is the most noteworthy example, the civil authorities took the ground that no regulations concerning printing and bookselling could be considered as in force unless and until such regulations had been confirmed by the civil authorities. The Church claimed not only the right to prohibit pernicious literature, but to authorise and to protect for sale throughout the world the works which secured its approval. The papal privileges conceded, in form at least, to the printers to whom they were issued, exclusive control not only within the States of the Church, but in all the States of the world that acknowledged the authority of the Church. There was, however, practically no machinery for enforcing the authority of the papal privileges. The material advantage belonging to such a privilege was that it carried with it the assurance of the approval of the Church concerning the character of the book. It constituted, namely, evidence that the book had secured the approval of the Church censors and (with an occasional exception) it preserved the book from interference on the part of local ecclesiastical censors, whose prejudices were usually more bitter and whose ignorant dread of heretical scholarship was greater than was the case with the censors appointed directly

by the Congregation. The fact that, during the 16th and 17th centuries, Latin was the official language of scholarship and nearly universal as the language of literature, and that the great majority of publications of importance came into print in Latin, served to maintain a certain universality of learning, of literature, and of science and to build up a body of scholars who belonged not to any one State, least of all possible to the "country of origin," but to Europe as a whole, to the world of literature and learning. The detail of smallest importance that occurs in thinking of the career of a Casaubon, Scaliger, or an Erasmus is the place of his birth. This universality of language furthered also, however, during the same centuries, the operations of the ecclesiastical censors and the enforcement of the policy of censorship. When there came to be a development of national literatures brought into print in the national languages, the difficulties of a standard of censorship and of a general enforcement of such standard, even through the States recognising the authority of the Church, became very much greater. It is evident, in fact, from the fragmentary additions of the lists of the later Indexes that the examiners, acting on behalf of the Congregation or of the Inquisition, had very little familiarity with literature that came into print in language other than Latin or Italian.

The art of printing was one which evidently could not long be restricted to any one locality. It was speedily carried from Mayence to other communities in which literary interests or educational facilities could be furthered by its use.

In 1462, on the 28th of October, Archbishop Adolph of Nassau captured the city of Mayence and gave it over to his soldiers for plunder. The typesetters and

printers, with all the other artisans whose work depended upon the commerce of the city, were driven to flight and it appeared for the moment as if the newly instituted printing business had been crushed. The result of the scattering of the printers was, however, the introduction of the new art into a number of other centres where the influences were favourable for its development. The typesetters of Mayence, driven from their printing offices by the heavy hand of the Church, journeyed throughout the world and proceeded to give to many communities the means of education and enlightenment through which the great revolt against the Church was finally instituted.

An important influence in securing for the work of the early printer-publishers of Germany a greater freedom from restriction than was enjoyed by their contemporaries in France was the fact that, in Germany, the beginning of printing, or at least its development, took place, not in a university centre but in a commercial town and was from the outset carried on not by scholars but by workers of the people. This brought the whole business of the production and the distribution of books in Germany into closer relations with the mass of the people than was the case in France. The direct association with the university of the first printers in France (who were themselves the immediate successors of the official university scribes) brought the printing-press under the direct control of the university and rendered easy the establishment by the university authorities, and particularly by the theologians, of a continued censorship.

Hegel, in his *Philosophy of History*, refers to the renewed interest in the writings of the ancients which was brought about through the service of the printing-

press. He points out, further, that the Church felt at the outset no anxiety concerning the influence of the pagan literature and that the ecclesiastical authorities evidently had no understanding of the new elements of suggestion and enquiry that this literature was introducing into the minds of men. It may be considered as one of the fortunate circumstances attending the introduction of the art of printing that the popes of the time were largely men of liberal education and intellectual tastes, while one or two, such as Nicholas V, Julius II, and Leo X, had a keen personal interest in literature and were themselves creators of books. The fact that Leo X was a luxury-loving, free-thinking prince rather than a devoted Christian leader or teacher, may very probably have been a favourable influence for the enlightenment and development of his own generation and of the generations that were to come. An earnest and narrow-minded head of the Church could, during the first years of the 16th century, have retarded not a little the development of the work of producing books for the community at large.

It was a number of years before the dread of the use of the printing-press for the spread of heretical doctrines, and of a consequent undermining of the authority of the Church, assumed such proportions in the minds of the popes in Rome and with the bishops elsewhere as to cause the influence of the Church to be used against the interests of the world of literature. As a result of this early acceptance by the Church of the printing-press as a useful ally and servant, the first Italian presses were supported by bishops and cardinals in the work of producing classics for scholarly readers, while at the other extremity of the Church organisation, and at a distance of a thousand miles or more from

Rome, the Brothers of Common Life in the Low Countries were using their presses for the distribution of cheap books among the people. Many citations could be made of the approval with which the scholarly ecclesiastics of the time regarded the new art. Felix Fabri, prior of the Dominican monastery in Ulm, says in his *Historia Suevorum*, issued in the year 1459, that "no art that the world has known can be considered so useful, so much to be esteemed, indeed so divine as that which has now, through the Grace of God, been discovered in Mayence." Johannes Rauchler,¹ the first rector of the Tübingen School, rejoices that through the new art so many authors can now be brought within the reach of students in Latin, Greek, and Hebrew, authors who are witnesses for the Christian faith, and the service of whose writings to the Church and to the world is so great that he can but consider "this art as a gift directly from God himself."

The favourable relations between the Church and the printers were checked by the Humanistic movement, which, a generation or more before the Reformation, began to bring into question the authority of the Church and the infallibility of the Papacy. The influence of the Humanistic teachers was so largely furthered by the co-operation of the printers that the jealousy and dread of the ecclesiastical authorities were promptly aroused, and they began to utter fulminations against the wicked and ignorant men who were using the art of printing for misleading the community and for the circulation of error. Ecclesiastics who had at first favoured the widest possible circulation of the Scriptures, now contended that much of the spread of heresy was due to the misunderstanding of the Scriptures

¹ Kapp, 62.

on the part of readers who were acting without the guidance of their spiritual advisers. The Church now took the ground that the reading of the Scriptures by individuals was not to be permitted and that the Bible was to be given to the community only through the interpretations of the Church. At the same time, the authority of the Church was exerted to repress or at least to restrict the operations of the printing-press and to bring printers and publishers under a close ecclesiastical supervision and censorship. It was, however, already too late to stand between the printing-press and the people. Large portions of the community had become accustomed to a general circulation of books and to the use without restriction of such reading matter as might be brought within their reach, and this privilege they were no longer willing to forego. In Spain, in Italy, and in France, the censorship of the Church soon became sufficiently burdensome to hamper and to interfere with publishing undertakings and to check the natural development of literary production. Even in Italy, however, the critical spirit was found to be too strong to be crushed out, and from Venice, which became the most important of the Italian publishing centres (because it was the freest from papal control) it proved possible to secure for the productions of the printing press a circulation that was practically independent of the censorship of Rome.

The importance of Frankfort as a centre of the trade in books began with the first years of the 15th century, when the dealers in manuscripts were present with booths at the Frankfort Fair. The manuscript dealers came together once a year also at the fairs of Salzburg, Ulm, and Nordlingen, but the book-trade at Frankfort soon assumed a pre-eminence that it did

not lose for two centuries. The earliest date at which is chronicled the sale at the Frankfort Fair of printed books was 1480. For these earlier sales of manuscripts and printed books, there was apparently no censorship or official supervision.

The manuscript trade in the Netherlands was more important both in character and in extent than that carried on in Germany, and it appears to have exerted a larger influence upon the general education of the people than the book-trade of the time in either France or Italy. In France and in Italy, the earlier book-trade, first in manuscripts, later in printed volumes, was connected with the work of the universities. In the Low Countries, on the other hand, and particularly in such centres as Ghent, Antwerp, and Bruges, there came into existence during the first half of the 15th century an active and intelligently conducted business in the production of books, both of a scholarly and of a popular character, the sale of which was made among citizens who were for the greater part outside of university circles. One reason why the trade in books found a larger development in Belgium than in Germany was the greater wealth of the working classes in the Low Countries. With the wealth, came cultivation and a taste for luxuries and among luxuries soon came to be included art and literature. Another factor in the early development of the book-trade was the freedom from the university censorship control which in Paris, Bologna, and other book-producing centres restricted the undertakings of the dealers.

A special characteristic of the literary undertakings of the 16th century is the practice of collaboration. Such works as the great dictionary of the Academy and the *Corpus inscriptionum latinarum* are instances

of undertakings which would have been impossible for individual authorship. The Catholic reformation was also contemporary with an important development in literary form and in literary expression. It is fair to remember, however, that for this development the influence of the Italian writers of the Renaissance may be considered as chiefly responsible.

The Renaissance, the influence of which in Germany had been so large a factor in bringing about the Protestant Reformation, had not succeeded in Italy in revitalising paganism, but the Italian writers of the time broke away from the traditions of Christianity. Their Deity was no longer the sombre avenger invoked by Dante; or the consoler who, in the verse of Petrarch, reunites the souls that have been purified under suffering and have endured the separation of death. It was Art. The religion of Ariosto may be summed up as the development of literary perfection coupled with an indifference to moral ideas.¹

The rule of Alexander VI (Borgia), 1492-1503, coincided with the beginning of the active work of the printing-presses in Venice, Florence, and in Rome. The influence of the Pope was, however, promptly brought to bear to discourage the undertakings of the printer-publishers. Venice was practically outside of his control, while even in Florence the printers were not prepared to accept dictation from the papal representatives. In Rome, however, the subjection of the press to ecclesiastical censorship, for the initiation of which the responsibility rested with Alexander, proved at once a serious limitation to its activities. It was undoubtedly this restriction which gave to the printers of Venice their great advantage over their early

¹ De Sanctis, *Storia della letteratura italiana*, ii, Chap. 13.

competitors in Rome. Venice was the leader among the cities of Italy in resisting the censorship of the Church, although even in Venice the Church succeeded in the end in gaining the more important of its contentions. In Spain, the control over the printing-presses on the part of the censors of the Church was hardly questioned, but these censors represented the authority not of Rome but of the local Inquisition. The Spanish Inquisition was, for the longer period of its existence under the direction of the Dominicans, and it was frequently the case that the decisions of the Spanish inquisitors, in regard both to the literature to be condemned and to that to be approved, were in direct opposition to the conclusions of the Papacy. In France, after a century of contest, the ecclesiastical control of the printing-press became practically merged in the censorship exercised by the Crown, a censorship which was in itself as much as the publishing trade could bear and continue to exist. In Austria and in South Germany, after the crushing out of the various Reformation movements, the Church and the State worked in practical accord in maintaining a close supervision of the printing-presses. In North Germany, on the other hand, the ecclesiastical censorship never became important. The evils produced by it were, however, serious and long-enduring over a large portion of the territory of Europe, and the papal Borgia, although by no means a considerable personage, must be held responsible for bringing into existence an evil which assumed enormous proportions in the intellectual history of Europe.

2. **The Universities and the Book-trade.** The book-dealers of Paris, beginning their work as part of the organisation of the university, had their first quarters

in the immediate vicinity of the college buildings. The foundation of the College of the Sorbonne dates from 1257. The college had been instituted by Robert de Sorbon, chaplain to Louis IX, from whom it took its name. It was at once affiliated to the university, the work of which had begun about half a century earlier. The college assumed the control of the theological instruction in the university and the divines of the Sorbonne exercised from the outset a controlling influence over the general policy of the university. The theological faculty took charge, on behalf of the university, of the censorship of the Paris book-trade and of the productions of the Paris press. It based its authority for this censorship in part on the fact that the book-dealers had from the earliest manuscript period been under the direction of the university, and in part on the authority of the Church. The dealers who did not secure a license from the university occupied as their locality the precincts of Notre Dame on the island of La Cité. Throughout Europe, in fact, the earlier book-dealers carried on their business very frequently under the immediate shadow of the cathedral if not within its portals. In Cologne, for instance, the manuscript-dealers in the early part of the 15th century took possession for their shops or booths of various corners or angles of the cathedral building; while in Münster was allotted to them the court immediately in front of the cathedral. There is a reference as early as 1408, in one of the Strasburg chronicles, to the scribes who sold books on the steps of the Cathedral of Our Lady.

With the invention of printing, the universities (with the exception of Paris) lost their control over the business of book production, and there resulted neces-

sarily a decrease in their influence and relative importance in the community. They continued to lay claim to the control of censorship but this claim could not be supported in the face of the direct action of the Church on the one hand, and that of the civil authorities on the other. Paulsen¹ writes: "The tradition of the universities, and, in particular, their method of instruction in the arts and in theology, were rejected with scorn by the new educator through its representatives, the poets and the orators," to whom the form and the substance of this teaching seemed alike to be barbarism. The *Epistolae obscurorum virorum*, published in 1516, was the work of a band of youthful poets working under the leadership of Mutianus at Erfurt; it expressed the hatred and detestation felt by the Humanists for the ancient university system. Within a few years from the publication of the *Epistolae*, the influence of the Humanists had so far extended itself as to have effected a large modification in the systems of study in all the larger universities. The ecclesiastical Latin was replaced by classical Latin; and the old translations of the Aristotelian texts were driven out by new versions representing more exact scholarship. Greek was taken up in the faculty of arts, and courses in its language and literature were established in nearly all the universities. This change was coincident with the shifting of the authority for censorship from the hands of the university theologians to those of the direct representatives of the pope or of the State.

The strifes and contentions of the Reformation checked for a time the development in the universities of the studies connected with the intellectual movement of the Renaissance, and lessened the demand for the

¹ Paulsen, 41.

literature of these studies. The active-minded were absorbed in theological controversy, while those who could not understand the questions at issue could still shout the shibboleths of the leaders. As Erasmus puts it, rather bitterly: *ubi regnat Lutheranismus, ibi interitus litterarum*. The literature of the Reformation, however, itself did much to make good for the printing-presses the lessened demand for the classics, while, a few years later, the organisation in Germany of the Protestant schools and universities aroused intellectual activities in new regions and created fresh requirements for printed books. Within half a century of the Diet of Worms, the centre of the book-absorbing population of Germany had been transferred from the Catholic States of the south to the Protestant territories of the north and the literary preponderance of the latter has continued to increase during the succeeding generations.

Mark Pattison says¹:

“ If we ask why Italy did not continue to be the centre of the Humanist movement which she had so brilliantly encouraged, the answer is that the intelligence was crushed by the reviviscence of ecclesiastical ideas. Learning is the result of research, and research must be free and cannot co-exist with the claim of the Catholic religion to be superior to enquiry. The French school, it will be observed, was wholly, in fact or in intention, Protestant. As soon as it was decided (as it was before 1600) that France was to be a Catholic country and the University of Paris a Catholic University, learning was extinguished in France. France saw without regret and without repentance the expatriation of her unrivalled scholars. With Scaliger and Saumaise, the seat of learning was transferred from France to Holland.

¹ Casaubon, 453.

The third period of classical learning thus coincides with the Dutch school. From 1593, the date of Scaliger's removal to Leyden, the supremacy in the republic of learning was possessed by the Dutch. In the course of the 18th century, the Dutch school was gradually supplanted by the North German, which from that time forward has taken, and still possesses, the lead in philological science."

As early as 1323, the University of Paris was the most important in Europe for theological studies, as that of Bologna was the authority on jurisprudence, and that of Padua for medicine. The early development of theological studies in Paris was one of the influences that brought about the authority of the College of the Sorbonne in the censorship of the book productions of the kingdom.

An anonymous author of a polemical tract, written in the previous century for the purpose of pointing out the errors of some heretical production, says: *Is autem erroneus liber positus fuit publice ad exemplandum Parisiis anno Domini 1254. Unde certum est quod jam publice predicaretur nisi boni prelati et predicatorum impedirent.* ("This heretical tract was openly given to the scribes to be copied in Paris in the year of our Lord, 1254. Whence it is evident what manner of doctrine would now be set forth to the public had not good priests and preachers interfered.")¹ By the beginning of the 16th century, the University of Vienna had taken a leading place among the centres of education in Europe. It is said to have contained at this time no less than seven thousand students and the work of the Humanists in furthering the revival of interest in the classic authors was in Vienna at this

¹ *Gesch. der Prager Universität*, viii, 8.

time particularly active. Within a quarter of a century after Luther had begun his protests, the Jesuits secured the controlling influence in matters in Vienna and from this time the relative importance of the university steadily declined.¹

The jurist Scheurl writes from Nuremberg to Cardinal Campeggi, March 15, 1524: "Every common man is now asking for books or pamphlets and more reading is being done in a day than heretofore in a year."² In Nuremberg, as in other towns, it became the practice to read the books of Luther out loud in the market place. Erasmus complains, in 1523, that since the publication of the German New Testament, the whole book-trade seems to be absorbed with the writings of Luther, and to be interested in giving attention to nothing else. He says, further, that it is very difficult to find in Germany publishers willing to place their imprint upon books written in behalf of the Papacy. As an example of the kind of interest caused by the writings of Luther, it is recorded that the magistrates of Bremen sent a bookseller to Wittenberg for the purpose of purchasing for their official use a set of Luther's works. The citizens of Speyer are described as having the books read to them at supper, and as making transcripts of the texts. In hundreds of towns throughout Germany, Luther's writings were brought to the notice of the people by means of the very edict which had for its purpose their final suppression, and after the Diet of Worms, the demand for them rapidly increased. The preacher Matthaeus Zell writes from Strasburg, in 1523: "The Lutheran books are for sale here in the market-place immediately

¹ *Gesch. der Präger Universität*, viii, 8.

² *Kapp*, 417.

beneath the edicts of the emperor and of the pope declaring them to be prohibited."

With the beginning of the 13th century, it was realised that the newly organised universities had become the centres of intellectual activity. The popes undertook promptly the institution of machinery for the supervision of the work done in the universities and of the literary productions that came from the instructors. It was the contention of the papal representatives that the appointments of the university officials having to do directly with the work of multiplying books, must rest with the theological faculty, that is to say with the immediate representatives of the Church. This contention was, in the main, sustained in such university centres as Bologna, Paris, Prague, Vienna, and Cologne. A brief, issued in 1479 by Sixtus IV, charges the rectors and the deacons of the university with the responsibility of censorship. The edict in 1486 by Berthold, Archbishop of Mayence, is to be classed not as an ecclesiastical act but as an expression of authority of a German prince. The Archbishop asserted the right on behalf not of the Roman Church but of his State. The censorship exercised by the University of Cologne terminated with the close of the 15th century. The representative of the Archbishop claimed authority, on the strength of the Bull issued in 1486 by Innocent VIII, directed against the printers of pernicious books, to take into his own hands the direction of censorship of the entire principality.

3. *Italy.*—The introduction of the printing-press into Italy was brought about under the initiative of Juan Turrecremata, who was Abbot of Subiaco, and who later became Cardinal. The Cardinal was a Spaniard by birth and his family name (in the Spanish form

Torquemada) was, later, associated with some of the most strenuous of the persecutions which the Inquisition brought to bear upon the printers. The great Spanish inquisitor was a nephew of the Cardinal. The Cardinal had been one of the confessors of Queen Isabella and is said to have made to her the first suggestion of the necessity of establishing the Inquisition in order to check the rising spirit of heresy. He did not realise what a Trojan horse, full of heretical possibilities, he was introducing into Italy in bringing in the Germans and their printing-press.

Turrecremata was a man of scholarly interests, and he felt assured that the new art could be made of large service to the Church. He provided funds for the establishment in Subiaco, in 1464, of the first printing-press in Italy, which was placed in charge of the Germans Schweinheim and Pannartz who had learned their art directly from Gutenberg. The two Germans later migrated to Rome and within a few years there was a large invasion of German printers into the capital. The first books printed in Subiaco under the instructions of the Cardinal were a *Donatus*, an edition of Lactantius, and an edition of the *De Oratore* of Cicero. Until towards the close of the century, when the Church authorities began to realise the risks that were to be incurred by the Church through the popular distribution of printed literature, the German printers found opportunities in Italy for successful and remunerative business.

In 1492, the printing art was introduced into Venice, where it speedily developed into one of the most important of the industries of the city. For nearly a century thereafter, Venice took place among the most

influential of the European centres of publishing and literary activity. There were various grounds on which

Venice the productions of the Venetian presses aroused criticism and antagonism in Rome.

After the beginning of the work of Aldus in 1495, the Venetian publishing lists included a number of productions by Greek scholars. The majority of these books being editions of Greek classics, had of course nothing whatever to do with matters of doctrine or Church policy. The Roman censors of the time had no knowledge of Greek, an ignorance for which they were hardly to be criticised, as, until the books of the Aldine press began to reach the university centres, it was an ignorance that was shared by all the scholars of Europe. These ecclesiastics were, however, very apprehensive of the influence of the doctrines of the Greek Church. They appear to have imagined that the text of Homer or of Aristotle, or the accompanying notes, might be made to carry the contentions of the Greek Church in regard to the old-time issues which had divided Constantinople and Rome. As the censors were unable themselves to examine the texts, and were unwilling to accept the conclusions of any examiners who understood Greek, their only means of defence against this insidious attack on the orthodoxy of Italy was to prohibit the production and the circulation of any volumes printed in this heretical language.

The presses of Venice were dangerous not only because they were being utilised by the scholars of Greece, but because they were bringing into print also works in Arabic, in Hebrew, in Persian, and in Chaldean. In the Index lists as printed in Rome, the term "Chaldean" is utilised to cover the entire group of Oriental tongues which came into print in one form or another

from the presses of Venice. The censors who were ignorant of Greek were not likely to have any knowledge of Hebrew, while there was still less chance that they would be able to secure an understanding of the character of the literature presented in other Oriental tongues. The first Hebrew books issued in Venice were editions of the Hebrew Scriptures, of the *Talmud* and of the *Targum*, which were printed under the directions of the rabbins and at the cost of a publication fund, collected for the purpose from Hebrew congregations throughout South Europe. The doctrines presented in the long series of Talmudic commentaries might very possibly, if they could have been read by the censors in Rome, have been interpreted as antagonistic, at least by implication, to the authority of the Church of Rome. It would have been difficult, however, to point out any measure of doctrinal antagonism in the Arabic books selected for production in Venice. These comprised treatises on mathematics, treatises on medicine, and Arabic versions, with commentaries by Arab philosophers, of certain of the texts of Aristotle. The two or three Persian volumes printed in Venice during the first years of the 16th century included an exposition of the faith of Zoroaster, a memoir of Haroun-al-Raschid, and some specimens of the poets of the 14th century. The actual Chaldean volumes, but one or two in all, were devoted to astrology. It was the repute that came to these volumes that brought about the application of the term Chaldean as a description of any works of divination or magic. Each of the Roman Indexes, from 1559, down, reiterates the prohibition of "Chaldean books of magic." The date of the publication of the first of the Roman Indexes happened to coincide with the time of the greatest

activity of the publishers of Venice. If the censorship policy of Rome could be enforced in Venice, the Venetian printers would be driven out of business. The issue was one that had to be fought out. The victory finally secured by the printers was due, in the main, to the courage and the intellectual force of a priest, Paolo Sarpi.

In 1479, Pope Sixtus IV makes Jenson, printer-publisher of Venice, Count Palatine, the first nobleman among publishers. In 1503, the Venetian Senate charged Musurus (the friend and literary associate of Aldus and professor of Greek in Padua) with the censorship of all Greek books printed in Venice, with reference particularly to the suppression of anything inimical to the Roman Church. This constitutes one of the earliest attempts made in Italy to supervise the work of the printing-press. The action of the Senate was doubtless instigated by the authorities of the Inquisition. It was natural that the ecclesiastics should have dreaded the influence of the introduction into Italy of the doctrines of the Greek Church, while it was doubtless the case that the refugees from Constantinople brought with them no very cordial feeling towards Rome. The belief was very general that if the Papacy had not felt a greater enmity against the Greek Church than against the Turk, the Catholic States of Europe would have saved Constantinople. The sacking of Constantinople by the armies of the Fourth Crusade was still remembered by the Christians of the East as a crime of the Western Church. There were, therefore, reasons enough why the authorities of Rome should think it necessary to keep a close watch over the new literature coming in from the East, and should do what was practicable to exclude all doctrinal writings, and the censor-

ship instituted in 1503 was but the beginning of a long series of rigorous enactments.

The censorship measures undertaken by the Government of Venice (as was true of the measures of other States in which the business of publishing became of importance) were more largely concerned with the supervision of the press for the safety of the State than for the interests of the Church. For the century between 1407-1528, this censorship in Venice was carried on without the aid of any general law, and was based simply upon a series of precedents evolved from the individual action taken by the Government in each instance as it arose. The responsibility for the censorship of the press rested with the Council of Ten, which, in its capacity of a standing committee, assumed a general charge of the morals of the community. An application from a printer for a privilege must, according to the usual routine, be accompanied by a certificate or *testamur* from the examiners who were willing to certify as to the soundness and the importance of the work in question.

In the year 1508, we have the first example of an ecclesiastical *testamur* being required by the Council of Ten as a condition for their own *imprimatur*. The work was the *Universalis animae traditionis liber quintus* of Gregoriis, and the ecclesiastical censor reported that he found in it nothing opposed to Catholic verity.¹ This is the first instance of a religious censorship exercised by the secular government. The case indicates the position the Government of Venice proposed to take in regard to supervision of books touching upon theological matters. The State had a personal interest in protecting the Church against

¹ Brown, 63.

the attacks of books likely to be subversive of the Faith, and the authorities were glad to secure the opinion of the Church in regard to the character or tendency of a doubtful work; it intended, however, to retain in its own hands the final decision as to the permission to print; and it contended that the interests of Church and State could be best protected by the State taking action for both. It was the conclusion that, while there should be a religious censorship, the censor should act only through powers delegated to him by the secular government.

In 1515, an order was issued by the Council of Ten which established a general censorship for the literature of the Humanists. It was worded as follows:

“In all parts of the world and in the famous cities not only of Italy but also of barbarous countries, that the honour of the nation may be preserved, it is not allowed to publish works until they shall have been examined by the most learned person available. But in this our city, so famous and so worthy, no attention has as yet been given to this matter; whence it comes to pass that the most incorrect editions which appear before the world are those issued in Venice, to the dishonour of the city. Be it, therefore, charged upon our noble Andrea Navagero to examine all works in Humanity which for the future may be printed; and without his signature in the volumes they shall not be printed, under pain of being confiscated and burned, and a fine of three hundred ducats for him who disobeys this order.”¹

This is the first Italian example of a general or prevention censorship, applied to a whole class of literature. The third class of censorship concerns itself with the morals of literature, political morality,

¹ Brown. 65.

the attitude of the writer or of the publisher towards the State, and the probable influence of the book upon decency and *bonos mores*. The political censorship was apparently more effective than the censorship of morals. It was certainly the case that the *imprimatur* was given to not a few books of a scandalous character. In 1526, the Council of Ten issued a general order decreeing that for future publications, the *imprimatur* should be given only to works which had been examined and approved by two censors who should make a sworn report that its character was satisfactory.

In 1544, the commissioners of the University of Padua were constituted the permanent censors of Venetian books submitted for the *imprimatur* of the council. The censorship of the commissioners covered all points excepting those relating to religion or theology, which were still left to be passed upon by the ecclesiastical censors. In 1548, the first catalogue of prohibited books was issued in Venice. In this year were instituted, as an addition to the regular executive, three commissioners on heresy, the *Savii sopra l'Eresia*, who were charged with the new publications having to do with matters of religion or doctrine and also with the examination of imported books. The Lutheran heresy was now being promulgated by means of the press, and the ecclesiastical authorities were especially suspicious of literature coming from Germany. The organisation in this same year, 1548, of the Venetian guild of printers and publishers had for an important part of its responsibilities the checking of the production or the importation of heretical books.

In September, 1573, the History of Venice, written by Justiniani, which had been examined and, to a considerable extent, corrected by the local inquisitor,

having been brought into print, was required to submit to a further censorship on the part of the Roman examiners. Fra Marco, the first examiner, writes to Sirleto that he has already written so frequently in regard to this book that he is mortified to trouble him further. He points out, however, that the Venetians are in a state of irritation that the promised papal permission has not been secured, and he asks for a decision in a matter that has already been held up for a long period of months.

In 1547, occurred the first instance of a trial undertaken in Venice by the Holy Office for offence committed through the printing-press. The list is closed in 1730, with the trial of Giovanni Checcazzi. In the 16th century, there were one hundred and thirty-two trials by the Inquisition; in the 17th, fifty-five; in the 18th, but four. It is not clear whether the diminished activity of the Inquisition during the later years was due to the increasingly hostile attitude taken by the Government of Venice towards the Church of Rome after 1596, or to the fact that the vigour of the press prosecutions during the last half of the 16th century had effectively stamped out the publication in Venice of heretical and immoral publications.

It is in connection with the Index of Pope Clement VIII and the Concordat that the history of publishing in Venice comes for the first time into touch with general history. The claim of the Church to the control of all publishing undertakings soon became involved in the larger question of the relations between Venice and Rome. Paolo Sarpi, who became the champion of the cause of the independence of the State against ecclesiastical domination, comes into the history of literature as the upholder

of the rights of authors and of publishers against the crushing censorship of the Inquisition. The problem presented to the Venetian Government was whether the Venetian press, supported in its liberty by the Government, should continue to maintain its character as one of the freest presses in Europe (and therefore one with the most active production); or whether it should be permitted, for want of the support of the Government, to fall under the repressive influence of the Inquisition and the Index. As early as 1491, Franco, Bishop of Treviso and Papal Legate, had issued a decree prohibiting any one from printing in Venetian territory or from causing or permitting, to be printed, any books treating of the Catholic faith or of matters ecclesiastical without the express permission of the bishop or of the vicar-general of the diocese. The Legate named at once two works, Rosselli's *Monarchia* and Mirandola's *Theses*, which were absolutely prohibited, and all existing copies of which were to be burned in the cathedral or in the parish churches within fifteen days from the publication of the decree. There was no charge that these works were in any way immoral or scandalous. They were condemned simply on the ground of the unsoundness of their doctrine. The contention raised in this order on behalf of the Church was far-reaching. If it were heretical to discuss, in a sense at all hostile to the Curia, the relative powers of the pope and the emperor, there would be an implied right in the Church to censure and to condemn any political writings in which reference was made to the authority of the pope or to the responsibilities of the emperor. It became in fact the keystone of the ecclesiastical position that in the case of the Church no separation was possible between politics and ec-

clesiastical dogma. In July, 1693, Paruta, the ambassador of Venice at the Vatican, submitted to the pope a vigorous protest against the publication of the Clementine Index, which was then in readiness. Paruta pointed out that the commercial importance of the book-trade in Venice at that time exceeded that of any city in Europe; that the book-trade was in itself deserving of protection and consideration; that a sufficient censorship was already exercised by the *imprimaturs* of the Council of Ten, who utilised among their examiners the inquisitor; that the publication of this Index would destroy the property, and might cause the ruin, of many who, believing themselves to be safe as long as they kept within the regulations of the Council of Trent, had published books which were now to be prohibited in the Clementine Index; that the new Index not only made many additions to the lists of prohibited books, but proposed a radical change in the standard of prohibition—a great number of books were now, on the ground of some trivial expressions, to be condemned although they were not at all concerned with ecclesiastical or religious questions; that it was important for the Church to keep well affected men of learning throughout the world and that such men would certainly be very much troubled with any measures that interfered with scholarly undertakings and the distribution of the world's literature. The arguments of Paruta and similar protests that came to Rome from Germany and from Paris had the effect of convincing the pope that some modification of his Index was necessary. The Index, as finally published four years later, was very much altered and diminished. Among the omissions from the first lists were the titles of the whole class of non-religious books printed in Venice,

in behalf of which Paruta had spoken. In 1596, the printers and publishers of Venice again found occasion to appeal to the Senate for support against the regulations of the Clementine Index. They found that the works that remained prohibited in the Clementine lists, in addition to those on previous lists the prohibitions of which were still in force, included many that had constituted an important staple in their trade and that this trade, particularly for export, was suffering severely. The Clementine regulations also undertook to take away from the Venetian printers the right to print Bibles and missals and to restrict the printing of such books to Rome. Negotiations between the Senate and the Papacy lasted for some months but in the end the pope gave way on the more important points complained of, and a declaration or Concordat was agreed upon which lessened as far as Venice was concerned the stringency of the most objectionable features of the Index. When this Concordat had been signed, the Senate authorised the publication of the Index. The most important clause in the Concordat was the seventh, which provided that the right of the bishops and inquisitors to prohibit books not on the present Index should refer only to books which attacked religion, or which were printed outside of Venice, or which were issued with a false imprint. This limitation of the ecclesiastical Inquisition to purely religious or theological questions constituted a most valuable precedent in the long fight between the Church and the secular authorities for the control of the press. The Concordat was the last arrangement arrived at until the year 1766 between Rome and Venice in regard to the supervision of the press. During the century and a half following the Concordat,

the Venetian republic persistently refused to authorise the publication within its territory of an augmented Index. A list of later prohibitions was, however, finally accepted in 1766, *juxta formam concordatorum*.

The most prominent figure in this long struggle between Venice and the Papacy was Fra Paolo Sarpi. Cleric though he was, he contended vigorously that the Church was embarking upon a wrong course, and he held that the State was justified in resisting, in secular matters, ecclesiastical encroachments upon the rights of the sovereign. The fight made by Sarpi on behalf of the independence of the State, and particularly of the right of the State to supervise and control literary productions, was of first importance for the intellectual activities of Europe. The arguments used in Venice were repeated in Madrid, Paris, Zürich, and Oxford. Time was gained for authors and for printers, until, largely by means of the presses which the Church was endeavouring to throttle, the spirit of resistance to the domination of the Papacy, and the feeling of national independence against the right of Rome to lay down the law for Europe, had gathered so much strength that the claims of the Church had to be withdrawn or very much moderated.

In 1613, two books by the Englishman Thomas Preston, who wrote under the name of Roger Widdrington, *Apologia Cardinalis Bellarmini* and *Disputatio Theologica*, were placed on the Index by the Congregation. The Government of Venice, acting under the advice of Sarpi, refused to allow the provision to take effect in Venice on the two grounds that the theological doctrines taught by Widdrington were sound and orthodox, and that his arguments against the pernicious doctrine

of the temporal authority of the pope over princes were eminently worthy of dissemination.

There were also instances of books that were approved by the Church but the publication of which was considered detrimental to the interests of the State, and their sale in Venice was accordingly prohibited. An example of this class was the *Recantation* of the Archbishop of Spalato, printed in Rome in 1623. The republic objected to the contention of the Archbishop that the pope had power in things temporal as well as in things spiritual. The republic also prohibited the *History of the Council of Trent*, by Cardinal Palavicini, written in answer to the *History* by Sarpi, on the ground that the work contained sentiments obnoxious to the Government of the republic. In a report written to the Government by Sarpi, he takes the ground that the course of action of the Church during the past few years had produced a series of books whose doctrines were entirely subversive of secular government. The writers taught that no government but the ecclesiastical had the divine origin; that secular government is a thing profane and tyrannical which God permits to be imposed upon his people as a kind of trial or persecution; that the people are not in conscience bound to obey the secular law or to pay taxes; that the imposts and subventions are for the most part iniquitous and unjust, and that the princes who impose these have in many cases been excommunicated. In short, princes and rulers are held up to view as impious and unjust; subjects may have to obey them perforce, but in conscience they are free to do all that in them lies to break their yoke. Sarpi emphasises the importance on the part of the republic in retaining in their own hands the control of

literary censorship. He pointed out that unless the burden of papal censorship could be lessened, literary production in Venice and elsewhere must cease. He contended that in the correction of books which are open to censure, it is not advisable to follow the practice of the Church of "raking through the entrails of an author" and altering the sense and the intention of a whole sentence so that the writer is made to say the reverse of what he had desired to say; first, because all the world stigmatises such action as falsification; secondly, because such conduct would bring upon Venice the infamous charge of castrating books; thirdly, because the court of Rome assumes for itself the sole right to alter passages in books. He submitted ten propositions upon which he recommended the Government to take action. The purpose aimed at in these propositions was the retention in the hands of the State of the final decision as to prohibition or expurgation, admitting that the civil authorities could very properly utilise in matters of doctrine the service of ecclesiastical censors. Sarpi insisted that in all Venetian editions of the Index, the Concordat should itself be printed.

It was evident in the course of the controversy that Venice was, ostensibly at least, as anxious as the Church could be for the purity of the press. In fact, judging from the Indexes, this point had not caused the Church any particular anxiety. The unsettled question was, which authority should exercise the censorship over the offences of libel, scandal, and obscenity—the Church or the State? It was the opinion of Sarpi that all such books should be absolutely prohibited. The risk, as emphasised by him, was that the Concordat might fall into desuetude, leaving the Venetian press, deprived of the bulwark which the

State had secured for its defence, placed completely under the control of the Inquisition. The future justified Sarpi's dread. The heat of the argument died away, and the Concordat was substantially forgotten. The Inquisition secured full control of the censorship. The press of Venice came under the influence of the Index and the Rules. Its losses were greater than those of the other presses that the Council of Trent had undertaken to regulate, for the reason that it had so much more to lose. From the middle of the 17th century, the printing-press of Venice, though not destroyed, ceases to hold pre-eminence in Europe. The last contest of Venice with Rome occurred in August, 1765, when the Senate issued a decree instructing the *Riformatori* to publish and to circulate the Index of Clement and the Concordat, and providing further that the *Riformatori* should appoint as an equal associate with the inquisitor an ecclesiastic who should be a subject of Venice, and whose *testamur* as to matters of faith and doctrine should have equal weight with that of the inquisitor.

A decree was at once issued by the papal court prohibiting the sale or circulation of all books licensed by the newly appointed Venetian officers and the nuncio demanded the withdrawal of the Venetian decree. The issue between the republic and the Papacy turned simply upon the selection of the authority that should decide what was heretical or dangerous. The republic was prepared to make use of ecclesiastical censors but insisted that these must be appointed by the civil government. The Papacy, on the other hand, maintained that the entire responsibility of keeping the faithful from poisonous food had been entrusted to the Church. The Venetian decree of 1765 was never with-

drawn and the place of inquisitor as censor of books upon matters of faith was thereafter held by persons appointed by the *Riformatori* of the university. As late as 1794, the commissioners of heresy secured an opinion from these university censors upon the *Institutiones Theologicae* of De Montazet, Archbishop of Lyons, which had been condemned at Rome in 1792. As a result of their report, the Government refused to sanction the decree of the Congregation of the Index. Such an instance can be accepted as an evidence that the press of Venice had at last secured freedom from the censorship of Rome. The revolutionary spirit which was agitating all Europe, and which in France had for the time completely overthrown both Church and monarchy, must have seriously weakened the control of the Papacy over the Italian States, and doubtless exercised no little influence in this final contest between the ecclesiastical censorship and the printing-press. The Venetian press possessed a greater measure of freedom than had been secured by the printer-publishers of any other Italian State and this was an important factor in its long-continued pre-eminence. The general course, however, of the legislation for the supervision of the press was similar in character to that of the other Italian cities in which attention was given to printing.

The city which undertook the task of at once purifying and revitalising the literature of the Christian world, has itself been curiously barren of literary producers. In examining the lists of the writers of Italy whose names and whose works have survived through the centuries, one is surprised to note how few are to be credited to Rome. It is Florence, Venice, Bologna, Ferrara, Milan, and Naples that are

recorded as the birthplaces of the most illustrious of the writers of Italy, and it was also largely in these smaller cities rather than in the capital that their important work was carried on.

In artistic productions, the record of Rome is more important. There was, during the 16th and 17th centuries, a Roman school of art that had influence, while in Rome were produced many of the famous works by artists who were natives of Tuscany, of Venice, or of other regions outside of the States of the Church.

The vision of the cardinal's hat or of the tiara must have had a powerful effect in attracting to the papal capital the talent of the Christian world, and particularly, of course, of Italy; but the concentration of energies upon ecclesiastical aims and dignities may easily have had a depressing and restricting influence on general intellectual development, at least as expressed in literature or art.

Dejob suggests that the possession of the throne of St. Peter, held as the chief wealth of the country, may possibly have brought intellectual poverty to Italy as the mines of America had caused ruin to Spain.

It is the conclusion of Dejob that the crushing surveillance of ecclesiasticism, in connection with the demoralising influences that opulence had brought upon a society already corrupt, has been the chief reason why the States of the Church produced fewer writers and artists of note than are to be credited to the other Italian States; while the Roman writers whose names are known, such as Leopardi and Caporali, have in their work manifested an aversion rather than a patriotic sympathy for the spirit of their home government.¹

¹ Dejob, 336.

An examination of the list of the popes shows how seldom the choice has fallen on any one not a native of Italy. Since Adrian VI, who died in 1523, no "foreigner" has been called to the headship of the "World's Church," while of the forty-one popes who have ruled the Church since Adrian, no less than twenty were born within the territory of the States of the Church. Dejob (writing in the time of Pius IX) is willing to ascribe greatness to but one pope since the 16th century, namely Sixtus V.¹

This impresses me as too sweepingly pessimistic, at least if we are to consider the term greatness by the standard attained by the other monarchs of Europe. I should suppose for instance that Benedict XIV was entitled to a high relative position among the rulers of the 18th century for wisdom and for capacity.

In 1561, Pius IV calls to Rome Paul Manutius, son of Aldus, to take charge of the publication of the writings of the Fathers of the Church and of such other works as might be selected. Pius was impressed with the belief that the printing-press, under scholarly management, could be made of service to the cause of the Church in withstanding the pernicious influence of the increasing mass of the publications of the German heretics. These Protestant pamphlets and books were not merely undermining the authority of the Church in Germany, in Switzerland, and in France, but were making their way into Italy itself. The first issues of the Aldine press in Rome were the decrees of the Council of Trent, the writings of Cyprian, and the letters of St. Jerome. The press secured the continued support of Pius V and of Gregory XII.

Pius V, when he was Inquisitor of Como, had made

¹ Dejob, 335

one seizure of twelve bales of books characterised by him as heretical, which had been sent from the Valtelina to Como for distribution in Lombardy and Romagna. The books were detained at the office of the Inquisition, but the application for their release on the part of the bookseller to whom they were consigned, being backed up by the vicar and the chapter, the too zealous inquisitor was compelled to release the books, and escaped only with difficulty payment of damages to the importer whose business had been interfered with.¹ The same inquisitor, when stationed at Bergamo, made seizure of two chests of prohibited books, which were in the possession of a priest who was waiting for a favourable opportunity for their distribution. The inquisitor reports that the priest had become depraved by the reading of heretical literature.²

In 1614, the Milan guild of printers and booksellers secured a fresh edict confirming its authority and enjoined, under heavy penalties, strict obedience to its regulations. In the application for this decree, the guild no longer lays stress upon the necessity of upholding the dignity and honourable standard of the book-trade, but emphasises the risk to the Church and to the community of believers if permission to print or to sell books should be given to uneducated and irresponsible persons who could not be familiar with the lists of forbidden works. Experience had evidently made clear to the publishers that with a government like that of Spain (which might be described as a despotism tempered by the Inquisition) this class of considerations would be more influential than any thought of upholding the dignity of the

Milan

¹ Fuenmayer, *Vida de Pio V*, 89.

² Gabutius, *De Reb. et Gest. Pii V*, Rome, 1605, 12.

business of making and selling books. The confirmation of the authority of the guild under the direct control of ecclesiastics representing the Spanish Inquisition, had the effect of checking its business in publications outside of the classes of jurisprudence and medicine. These subjects were naturally less affected by ecclesiastical censorship.

A factor to be taken into account in considering the selections of books ordered to be condemned, was the patriotism of the Italian clergy, in whose hands rested the control of the operations of the Congregation. They were as unwilling to characterise as pernicious noteworthy and representative books by Italian writers, as they were to place any one but an Italian on the throne of St. Peter. This partisan zeal for the literary glory of Italy must frequently have seriously interfered with the aim of securing a consistent and effective Index and have brought upon a conscientious pope not a little embarrassment. An example of the difficulty experienced by Rome in enforcing a consistent censorship in the face of Italian patriotism, on the part of ecclesiastics, no less than of laymen, is afforded by Dante and Petrarch. Of the former, was prohibited the *De Monarchia*, but the *Divine Comedy*, with all its bitter strictures of things ecclesiastical, escaped condemnation and even expurgation.

The *Canzoniere* of Petrarch were also left untouched by Rome, although the Inquisition of Spain had characterised them most severely in the Indexes of 1612 and 1667. It was not until 1667 that the *Satires* of Ariosto were placed upon the Index, while the *Comedies* of the same poet were never condemned although in these the poet had assailed fiercely the

trade in indulgences, and had painted a vivid picture of the traffic carried on by the capital of the Christian world with the blood of the apostles and martyrs.

The example of independence set by Venice in its series of contests with the Church for the freedom of the press had a natural influence in other cities of Italy where conditions were favourable for publishing activity. In Florence, Pisa, Ferrara, Milan, and other cities in which scholarship had flourished during the manuscript period, the productions of the printing-press became, during the 15th and 16th centuries, of increasing importance. This work was frequently interfered with and sometimes seriously hampered by the censorship regulations of Rome and by the operations of the local inquisitors, but it was never entirely blocked even in any one city. The feeling of State and municipal independence and the individuality of the people were too strong to be crushed out by Roman edicts or by the threats of the Inquisition. In Italy as in Germany, the fact that there was not one government in the peninsula, but a number of independent States, helped to secure for the work of the printers some degree of opportunity, notwithstanding the censorship edicts of the Church and the repressive measures of the State. The presses of the day were small and in case of trouble in one city, they could easily be moved to another.

An instance of a book the censorship of which caused no little difficulty to the authorities of the Index is afforded by the *Decameron* of Boccaccio. The book had, under the instructions of Paul IV, been placed upon the Index of 1559, and the prohibition was confirmed in that of 1564. In response to an urgent requirement from the public, an expurgated edi-

tion was printed for the needs of the faithful by the Giunti in Florence in 1573, under a special privilege from the Duke of Tuscany and from Gregory XIII, who himself contributed a prefatory word. The volume includes further an authorisation from Manrique, Grand Inquisitor, and one from de Pise, Inquisitor-General of Florence. The introduction states that the work has been purged of its obnoxious passages. It appears, however, that the eliminations were confined almost exclusively to the passages which were tainted with heresy, and to the uncomplimentary references to the clergy and to monastic institutions. The amorous incidents are left untouched, but in all cases in which a monk or a cleric, an abess or a nun is made by Boccaccio to play an undignified or unworthy rôle, the character is replaced by a citizen, a nobleman, or a bourgeoisie.

The edition of the *Decameron*, revised under the instructions of Gregory XIII, did not prove satisfactory to Sixtus V, and the book was therefore replaced on the Index. The demand for copies on the part of readers, ecclesiastics and others, who were prepared to respect the prohibition of the Index, continued urgent, and the Pope authorised the production of a further expurgated edition, which was printed in Florence in 1582 and reprinted in Venice in 1588. The task of expurgation had been confided to two laymen, Salviati, known as a linguist, and Groto, a poet. This further revision still failed to satisfy the Pope and the book remained on the Index, but it continued in general reading, and the authorities appear finally to have decided to close their eyes to this particular instance of disobedience. The record presents a curious example of a book the vitality of which, persisting

through the centuries, defied all efforts for its suppression. It is referred to by the historians as the first *chef d'oeuvre* in prose that had as yet been produced in Italy, whose literature was so rich in great poems.

One would suppose that the authority of the head of the Church ought to have been accepted in all cases as adequate to cover the permission required for the printing and continued circulation of a book. It appears, however, that from time to time even the papal authorisations were disregarded or failed to receive continued consideration. Dejob refers to a history of Bologna by Sigone, the publication of which was suspended, owing to the malignancy of certain Bolognese, after the approval had been secured from the examiners appointed by the pope. Baronius, the defender of the most extreme claims for the supremacy of the Papacy, secured for his monograph on Sixtus V the approbation of the papal examiner and of the master of the palace. Notwithstanding this approval, the printing of the book was blocked through some cabal and the work was held up until Cardinal Caraffa intervened to secure its publication.¹

In the year 1600, was completed, in thirteen folio volumes, the *Annales Ecclesiastici* of Baronius, the most comprehensive work which the controversies of the Protestant revolt had as yet produced. The series was continued by various writers until, in the edition issued at Lucca in 1738-1786, it had grown to thirty-eight folio volumes, a work of which purchase was difficult and perusal impossible.

A reply to Baronius was undertaken by Casaubon, who published in London in 1604 (as a fragment of the work originally planned) his *Exercitationes*, a volume

¹ Dejob, 57.

of eight hundred folio pages. For the great work of Baronius, the authorities of the Church interested themselves in securing through the Church machinery channels of distribution and such reading public as was practicable considering its compass and scholastic character.

The Roman idea of reforming and developing the intellectual life of the State was to follow a policy of official supervision with prohibitions and penalties. Ecclesiastical censors undertook to bring authors under a system of religious and theological obligations, and were willing to give their official approval only to works complying with their standards. Certain writers accept with docility the regulations imposed, but it is not those whose productions will live or will retain influence. The books that have not conformed to the ecclesiastical restrictions must be either reshaped or suppressed. It is not under such conditions, says Dejob, that a great literature can be produced.¹ And yet in spite of an ecclesiastical policy of restriction and repression enforced, or at least attempted, through centuries, the intellectual vitality of Italy was so great that it proved impossible to crush out its independence of thought, or even seriously to limit the expression of its spiritual and literary ideals. A scholarly Catholic of France writing in 1883 says (in substance) :

The peculiar conception, that from the earliest times Italy had formed, of the Kingdom of God and of the way in which this Kingdom was to be reached, the astounding freedom of spirit with which (during the middle ages) it handled matters of dogma and of discipline, the serenity that it was able to maintain in the face of the great mystery of life and death, the mar-

¹ Dejob, 339.

vellous way with which it brought into accord faith and rationalism, its indifference for heresies and for the temerities of its mystical imagination, the ardent affection with which it accepted the highest ideals of Christianity, and finally, the indignation with which from time to time it denounced the feebleness, the violence, the corruption of the Church of Rome,—this is the religion of Italy, the faith of Peter Damien, of Arnold of Brescia, of St. Francis, of John of Parma, of St. Catherine of Siena, of Savonarola, and of Ochino; but it was also the faith of Dante and of Petrarch, of Giotto, of Fra Angelico, and of Raphael, of Vittoria Colonna and of Michael Angelo.¹

4. **Spain.**—In Spain as in Italy, the Church did not at once realise the risks to orthodoxy that were to be associated with the work of the printers. German printers coming to Spain as early as 1474 were received with favour and found opportunities for profitable work. Even Hebrew printers were at the outset welcomed. Between the years 1499–1510, Cardinal Ximenes (following in the footsteps of Turrecremata) paid fifty thousand crowns for the production of a series of classics. It was not until 1510 that the Church began, through the organisation of its censorship, to hamper the work of the printers. Pütter is authority for the statement² that for a term of two years (1484–1486) Christopher Columbus served as a bookseller's apprentice and as a colporteur. An ecclesiastic named Bernaldes writes in 1487: "I have recently seen a man named Christofero Colombo who comes from Genoa and who is a dealer in printed books

¹ Gebhart, *Introduction à l'histoire du sentiment religieux en Italie*, etc., p. 2.

² Pütter, 23.

that he has brought to this city (Cogolludo) from Andalusia.”

The destruction of books classed as pernicious appears to have been, during the 15th century, within the province of any person of position and influence.¹ In 1490, Torquemada burned, under order of Ferdinand and Isabella, a number of Hebrew Bibles, and, later, he made at Salamanca an *auto-da-fé* of more than six thousand volumes described as books of magic or as infected with Jewish errors. Ximenes, while yet merely Archbishop, burned in the public square of Granada no less than five thousand Arabic books, many of them splendidly ornamented and illuminated. The only books spared from the collection were those on the subject of medicine, which were deposited in the University of Alcalá.² In 1502, Ferdinand and Isabella enacted an elaborate law, which is referred to as the first of the kind in Europe, establishing a general censorship of the press. In this law, were laid down the principles on which were based nearly all subsequent enactments. To Spain thus belongs the honour of organising the system which was to exercise an influence so incomputable on the development of human intelligence.

“The Spanish people strove earnestly for the maintenance of the faith but it understood by this not the reform of methods of life and the correction of immorality, but the extirpation of heresy.”³

“The uncompromising character of the Spanish temperament, which pursued its object regardless of consequences, saw at once what was elsewhere only

¹ Lea, 21.

² Gomez, Lib. ii, fol. 30, b.

³ Dejob, 339.

perceived by degrees, that any endeavours to set bounds to the multiplying products of the press could be successful only under a thorough system of minute surveillance.”¹ It was ordered that no book should be printed or imported or exposed for sale without examination and license. In some places, this duty was imposed upon judges of the royal courts and in others on the archbishops or bishops. The examiners, men of good repute and learning, were to be appointed by these authorities and were to be adequately paid for their work. After a work in manuscript had been licensed for printing, the printed sheets were to be carefully compared with the original to insure that no alteration had been made on the press. Any book printed or imported or offered for sale without such license was to be seized and burned and the printer or vendor was declared incapable of longer carrying on the business.² In this first enactment, no reference is made to the Inquisition as having any concern either with the investigation of books for heresies or with the punishment of delinquents; but the Inquisition had not long to wait before its jurisdiction over literature was established on an impregnable basis.

After the beginning of the Reformation in Germany, the operations of the censorship in Spain were carried on with renewed vigour. Special efforts were naturally made to protect the faithful in Spain from contamination through the importation of heretical books from Germany. A letter of June 25, 1524, written by Martin de Salinas, mentions that a ship from Holland bound for Valencia had been captured by the French and then recaptured and brought into San Sebastian.

¹ Lea, 22.

² *Nueva Recop.*, Lib. i, tit. vii.

In discharging the vessel, there were found two casks of Lutheran books which were publicly burned. Salinas writes, some months later, that three Venetian galleasses had arrived at a port in Granada, bringing large quantities of Lutheran books. The books were burned and the captains and crews arrested. An edict of the Supreme Council of the Inquisition, issued in August, 1530, urged the inquisitors to increased vigilance in connection particularly with the destruction of certain Lutheran writings that had been introduced under false titles or under the names of Catholic authors. The inquisitors were ordered to add to the Edict of Denunciations, published annually, a clause requiring the denunciation of all who possessed such books or of all who had read them.¹ In spite of the watchfulness of the inquisitors and of the customs officials, it is reported that, in 1570, no less than thirty thousand copies of a Spanish version of the *Institutes* of Calvin were brought over the frontier.²

It is the conclusion of Ticknor that by the end of the 16th century, bookselling in Spain, in the sense in which the term was used elsewhere in the world, was practically unknown, and the Inquisition and the confessional had often made most rare what was most desirable. In March, 1521, papal briefs were sent to Spain, warning the Spanish Government to prevent the further introduction of books written by Luther and his followers, copies of which had, it was believed, been penetrating into the country for about a year. These papal briefs were addressed to the civil administration, which still, in form at least, retained in its own hands the control of such matters. It was,

¹ Llorente, i, 457.

² Böhmer, *op. cit.*, ii, 78.

however, more natural and more in accordance with the ideas then prevalent, not only in Spain but in other countries, to look to the ecclesiastical power for remedies in a matter connected with religion. This was certainly the attitude of the great body of the Spanish people. In less than a month (as is evident from the date of the briefs in question) and possibly even before these briefs were received in Spain, the grand inquisitor addressed an order to the tribunals under his jurisdiction, requiring them to search for, and to seize, all books supposed to contain the doctrines of the new heresy. The measure was bold and proved successful.

In the meantime, the Supreme Council of the Inquisition proceeded with this work with a firm and consistent step. By successive decrees issued between 1521 and 1553, it was ordained that all persons who had in their possession books infected with the doctrines of Luther, and all persons also who failed to denounce the holders of such books, should be excommunicated and subject to severe punishments. These decrees gave to the Inquisition the right to inquire into the contents and the character of whatever books were sold and printed. They also relegated to itself the power to determine what books might be sent to the press. This assumption was made gradually and with little noise, but effectually.

While at first there was no direct authority for such action from either the pope or the Kingdom of Spain, it necessarily implied the assent of both, and was carried into effect by means furnished by one or the other. In certain works printed before 1550, the Inquisition began quietly and without any formal authority to take cognisance and control of books that were about to

be printed. A curious treatise on exchange, by de Villalon, entitled *Tratado de Cambios*, was printed at Valladolid in 1541. The title-page declared that the book had been "*Visto por los señores Inquisidores.*" In the *Silva de Varia Leccion*, of Pero, printed at Seville, in 1543, the title gives the imperial license for printing, while the colophon adds that of the Apostolical inquisitor. The author was evidently anxious to secure, in addition to a permission resting on law, one which rested on the still more formidable authority of the Church.

A system which should effectually preserve the faithful from the contamination of evil by keeping from them the knowledge of its existence comprised two functions; the first was the examination of all books prior to publication, permitting only the innocent to be printed; the second was the scrutiny of the books that had come from the press and the condemnation or expurgation of those containing errors which had escaped the vigilance of the first examiners. Under the rigid institution of censorship in Spain, the first of these duties was assumed by the State and the second was confided to the Inquisition. The first law in regard to Spanish censorship was enacted in 1502 and forbade the printing or importation of any book without an examination and license. The chancellor Gattinara, writing in 1527 to Erasmus, says that in Spain no book could see the light without a careful preliminary inspection which was rigidly enforced. This statement is confirmed in 1540 by Hugo de Celso. The Inquisition had no legal status in the matter of preliminary licensing, but its growing influence caused its judgment to be frequently appealed to in advance. Ticknor makes reference to books of 1536, 1541, and 1546 as bearing records of examination by the Inquisition.

In 1554, an edict of Charles V confines to the royal council the function of issuing licenses for the printing of books of all descriptions. In the case of works of importance, the original manuscript was to be deposited with the council to ensure detection of any alterations made while the book was going through the press. In 1558, it is ordered under royal edict that no bookseller or other person shall sell or possess any books printed or to be printed which have been condemned by the Inquisition and that such books should be publicly burned. The penalty is death and confiscation of all property. The same penalties apply to the importing of any books in Romance which do not bear a printed license from the council. A later regulation specifies that, in order to prevent any alterations in the printing, the original manuscript shall be signed on every leaf by a secretary of the royal chamber, who shall mark and rubricate every correction or alteration in it and shall state at the end the number of leaves and of alterations. When the printing has been completed, these corrected leaves are to be compared with the printed sheets. The infection of heresy could be communicated by manuscript, and therefore the penalty of death and confiscation is decreed for all who own or show to others manuscripts on any religious subject without first submitting these to the council.¹ Lea goes on to say: "I am not aware that any human being was actually put to death for violating its provisions, unless the offence was complicated with heresy express or implied, but such violation remained to the end a capital crime. The only modification of this ferocious penalty occurs in a revision of the press law in 1752."²

¹ Lea, 61.

² *Ibid.*, 62.

It is not surprising that under restrictions of this character, the work of the Spanish printer-publishers during the 16th century was seriously hampered. As an example of the enforcement of the regulations of the Valdes Index of 1559, may be named the case of a French priest named Jean Fesque. He had handed to a bookseller named Trechel a volume without imprint, asking Trechel if he could say where it was printed. The book belonged to the condemned list, being a French version of the Psalms of David, translated by Marot and Bèza. Fesque stated that he had purchased the book from a boy in the street without knowledge of its character. He was brought before the Inquisition, and after five months' imprisonment and various examinations, he was put to the torture but was unable to give further evidence as to the history of the book. He was finally released after six months' incarceration, seriously disabled by the torture.¹

The machinery of the Inquisition was effective even in the farther parts of the empire. In 1795, a priest in the settlement of Hopelcheen in Yucatan published a prohibition of the Inquisition warning his congregation not to read a certain book which had been described by the Inquisition as dangerous and to surrender at once all copies in their possession. The book was entitled *Disengaño del Hombre*, by Puglia, and bore the imprint (possibly fictitious) of Philadelphia. The congregation of Indians and half-breeds was hardly likely to have had knowledge of the book or to have been able to read it even if copies had reached Hopelcheen.²

The *Index expurgatorius* in its literal sense may be

¹ Lea, 70.

² *Ibid.*, 73.

described as peculiarly a Spanish institution. In the Roman series, there is record of the publication of but one expurgatory Index, that of Brasichelli, and this was never republished and was in fact promptly recalled by the authorities. The inquisitors of Spain took upon themselves the task of preserving the faithful from contamination, and the successive expurgatory Indexes give evidence of the enormous labour expended by the examiners in the correction of the text of books which they were not prepared absolutely to prohibit, but the circulation of which they were ready to permit if the heresies could be expunged or corrected. The Roman prohibitory Index contained against many works the restriction *donec corrigatur*. This indicated that the book when corrected was to be permitted; the objectionable passages were, however, not specified, although the author could ascertain these on application. As an actual result, it was very rarely the case that it proved practicable to bring into publication an edition in which the corrections in question, having been ascertained from the authorities, could be made. The Spanish censors took credit to themselves for their liberality in securing the use of heretical works of value through the expurgation of the offensive passages. It is true that, under this system, permission was given for the production of the writings of authors like Erasmus, Casaubon, Bertram, and others who were absolutely prohibited in Rome. It does not appear, however, that as far as the publishers of Spain were concerned, this permission brought about for the greater portion of the books in question the production of corrected editions. It is in fact easy to understand how the heavy loss that must be incurred through the suppression of the original edi-

tion would have discouraged both author and printer from the task of risking a further investment in a second edition which might itself in like manner be prohibited until again revised. It may safely be concluded that the restricted prohibition in Spain had as far as the production and distribution of books were concerned practically the same result as the absolute prohibition in Rome. In fact, in Spain, the result was more effective simply because the regulations of the Spanish Inquisition were enforced, while for the similar orders of the Inquisition of Rome or of the Congregation of the Index, the enforcement throughout the States of Italy or outside of Italy was but vacillating and fragmentary. An example of the watchfulness of the Spanish examiners is given in the expurgation of a passage from the Second Part of *Don Quixote*. But a single sentence is cancelled. It reads: "Works of charity negligently performed are of no worth." In the *Divine Comedy* of Dante, the censors found but three passages for excision. Lea points out that for this work at least the examination can hardly be described as thorough.¹ In 1790, the history of the monastery of Sixena, by Varon, which had been published with the approval of the royal examiners in 1776, was prohibited until the following sentence had been expurgated: "When Philip the Second was despoiling the world to enrich his monastery of the Escorial." The Inquisition of Spain even assumed for itself the authority to revise and correct the utterances of the popes. The State utilised the censorship of the Inquisition not only for matters theological but for the suppression of writings that were purely political. Instructions of Clement VIII were accepted as the authority for

¹ Lea, 81.

the expurgation of teachings that were derogatory to princes and to ecclesiastics and contrary to good morals. In 1612, for instance, the works of Antonio Perez were placed on the Index because they were critical of Philip II.¹ In 1640, the Inquisition suppressed a manifesto addressed by the authorities of Barcelona to Philip IV, and, in 1642, it prohibited a further manifesto in which the Catalans accused the favourite, Olivares, of causing the misfortunes of Spain. In 1643, on the other hand, after the dismissal of Olivares, the Inquisition prohibited a pamphlet which had been issued in his defence.

Under an edict of 1602, commissioners of the Inquisition were stationed at all the ports with instructions to seize all books by new authors and all new and enlarged editions of new books as they arrived and to allow no one to handle these until they had been inspected by representatives of the supreme council. Prohibited books were detained and burned. The regulations of the Inquisition had at this time rendered very difficult the carrying on of the printing and publishing business in Spain, with the result of very much decreasing the annual production of books. The requirements of scholars and readers could therefore be met only through the importation of books produced in France, Italy, or the Netherlands. The necessity, however, of securing for imported books, in addition to the inspection (onerous enough in itself) on the part of customs officials, an examination, volume by volume, by the representatives of the Inquisition, brought such serious burdens, expenses, and risks upon the business of the importers as to render this unprofitable. It is

**Book - trade
and the In-
quisition**

¹ Lea, 83.

certainly the case that the circulation of books in Spain during the 17th century became very inconsiderable. An order issued in 1597 gives evidence of some consideration for the property of foreigners. When heretics came to trade, bringing books for their own use, the commissioner was instructed to examine these and to mark conspicuously and indelibly such as belonged to the prohibited list, so that they could be recognised by the faithful. The owners were warned, under heavy penalties, not to bring such books to the shore. In 1631, it was directed that "ships of England should be treated with gentleness so as not to cause offence."¹ The instructions for the examination of vessels, whether Spanish or foreign, to guard against the introduction not only of prohibited books but of heretics, and to punish any infractions of the faith that might during the voyage have been committed either by the crew or passengers, were very precise and exacting.

Under the fourth article of these instructions, a report is to be given as to what Christian doctrine and prayers of the Church have been recited at sea and what saints have been advocated and invoked in their necessities and perils. Under article six, it is ordered that all boxes and chests of the sailors and passengers were to be opened for evidence of heresy.

Henry C. Lea, in a letter to the writer (under date of October 31, 1898) in regard to the effect of censorship on the literary interests of Spain, says:

"I was chiefly interested in tracing the influence of censorship on the intellectual and political development of Spain, but in many instances a side light is thrown upon the

¹ Lea, 86.

resultant injury to the commercial interests involved,—as for instance the ruin of Portonares, the greatest Spanish printer, as a result of the censorship (*i. e.* the condemnation of the Vatable Bible.) The business of bookselling was in fact crippled in every way. I have met with one case in which a bookseller humbly petitions the Inquisition to come to a decision in regard to certain books which he had imported and which had been in the hands of the *Calificadores* (examiners) for four years.

“ The *prima facies* was against all books; their innocence had to be proved before their circulation could be allowed and even after this they were still liable at any time to an adverse judgment. Under these circumstances, commerce in books was necessarily crippled and the diffusion of intelligence was reduced to a minimum.”

The books that were published during the 16th century, and indeed for a century later, bore everywhere marks of the subjection to which the press and those who wrote for the press were alike reduced. From the abject title-pages and dedications of the authors themselves through the series of certificates collected from their friends to establish the orthodoxy of works that were often as little connected with religion as fairy tales, down to the colophon supplicating pardon for any unconscious neglect of the authority of the Church or for any too free use of classical mythology, we are continually impressed with painful proofs, not only how completely the human mind was enslaved in Spain, but how grievously it had become cramped and crippled by what it had so long borne.¹ Of the few dramatic pieces written in the earlier part of the reign of Charles V, nearly all except those on strictly religious subjects were laid under the

¹ Ticknor, i, 504.

ban of the Church; several in fact being now known to have existed only because their names appear in the *Index expurgatorius*; and others, like the *Amadis de Gaula* of Gil Vicente, though printed and published, being subsequently forbidden to be represented.¹

Ticknor writes (with reference to the trial of Luis de Leon, in December, 1576):

“The very loyalty with which Luis bowed himself down before the dark and unrelenting tribunal into whose presence he had been summoned, sincerely acknowledging its right to all the powers it claimed, and submitting faithfully to all its decrees, is the saddest proof that can be given of the subjection to which intellects the most lofty and the most cultivated had been reduced by sinful tyranny, and the most discouraging augury of the degradation of the national character that was sure to follow.”²

In 1676, was born Benito Feyjoo, who later became a Benedictine monk. While his life was spent in strict retirement (for forty-seven years he remained in the convent at Oviedo), the activity of his thought made him a fire in the community. He wrote a series of papers published, in 1726, under the title of the *Critical Theatre*. In these, he openly attacked the dialectics and metaphysics then taught everywhere in Spain. Few persons at the beginning of the 18th century were so well informed as not to believe in astrology, and fewer still doubted the disastrous influence of comets and of eclipses. The study of Copernicus was forbidden to be taught on the ground that it was contrary to Scripture. The philosophy of Bacon, with all the consequences that followed it, were unknown. In spite of the opposition of the Inquisition, before which

¹ Ticknor, ii, 49. ² *Ibid.*, ii, 96.

Feyjoo was more than once summoned, it proved to be impracticable to suppress his investigations or his publications. In 1742, he began a series of discussions published under the title *Learned and Enquiring Souls*. The series was finished in 1760. It was impossible for the Inquisition to assail the soundness of his faith. Fifteen editions of his principal works were printed in half a century. It is the conclusion of Ticknor that the quiet monk had done more for the intellectual life of his country than had been done in a century.¹

Ticknor calculates that the number of *auto-da-fés* during the reign of Philip V exceeded seven hundred and eighty. It is believed that more than twelve thousand persons were, in different ways, subjected, under the authority of the Inquisition, to be punished and disgraced and that more than one thousand were burned alive. Charles III, with the assistance of his liberal ministers; was able so far to abridge the papal power that no rescript or edict from Rome could have force in Spain without the express consent of the throne. He restrained the Inquisition from exercising any authority whatever except in cases of obstinate heresy or apostasy. He forbade the condemnation of any book until its author or those interested in it had had an opportunity to be heard in its defence. Finally, deeming the Jesuits the most active opponents of the reforms he was intending to enforce, he expelled their whole body from his dominions all over the world, breaking up their schools and confiscating their great revenues. Certain abuses were, however, beyond his reach. When he appealed to the universities, urging them to change their ancient habits and to teach the truths of the physical and exact sciences, Salamanca answered

¹ Ticknor, ii, 73.

in 1771: "Newton teaches nothing that would make a good logician or metaphysician and Gassendi and Descartes do not agree so well with revealed truth as does Aristotle."¹ The other universities showed little more of the spirit of advancement. Under Charles IV, in 1805, the Inquisition, grown forcible in the hands of the Government as a political machine but still renouncing none of its religious pretensions, came forth with its last *Index expurgatorius* to meet the invasion of French philosophy and insubordination. Acting under express instructions from the powers of the State, it instituted against men of letters, and especially against those connected with the universities, an immense number of denunciations which, though rarely prosecuted to conviction and to punishment, were still formidable enough to prevent the public expression of opinions on any subject that could endanger the social condition of the individual who ventured to entertain them.

5. **France.**—Duke Philip Augustus in an edict issued in 1200, confirmed by St. Louis in 1229 and by Philip the Fair in 1302, directed that the cases of university members be brought before the Bishop of Paris. The university found disadvantages in being under the jurisdiction of the bishop (whose censorship later proved particularly troublesome for the publishers) and applications were made to replace the authority of the ecclesiastical courts with that of the royal courts. In 1334, letters patent of Philip of Valois directed the Provost of Paris, who was at that time considered as the *conservateur* of the royal privileges, to take the university under his special protection, and in 1341, the members of the university were

University
of Paris

¹ Ticknor, ii, 431 (note).

forbidden to enter proceedings before any other authority. This action brought the control of literary production in the university directly under the authority of the Crown and constituted a precedent for the contention, maintained through the 15th and 16th centuries, for the direct control by the Crown of the printing-presses. The claim on the part of the university, however, to control as a portion of the work of higher education the business of the makers and the sellers of books, while sharply attacked and materially undermined during the 17th century, was not formally abandoned until the beginning of the 18th. At this time, the Crown took to itself all authority to regulate the press, an authority which terminated only with the Revolution of 1789.

The first printing-office in France was established in 1469 by Gering, Krantz, and Friburger from Constance. At the request of two of the divines of the Sorbonne, space was given for the printing-office in one of the halls of the college. An edict of Louis XII, issued April 9, 1513, confirms and extends the privileges previously acquired by booksellers as officials of the university. In this edict, Louis speaks with appreciation and admiration of the printing art, "the discovery of which appears to be rather divine than human." He congratulates his kingdom that in the development of this art "France takes precedence of all other realms."¹ A year later, the King places on record his opinion that dramatic productions and representations should be left free from any restrictions. In 1512, the King writes to the university requesting the theological faculty to examine a book that had been condemned as heretical by the Council of Pisa.

¹ Renouard, i, 25.

In place, however, of demanding that measures of severity should be taken against the writer, the King proposed that the professors should go over the book chapter by chapter and should present a refutation of any of its conclusions that seemed to them to be contrary to the truth. It was hardly possible that so fair a spirit of toleration should long continue. The spirit of the time was stronger than the power of any one king and it was impossible in the 16th century that the Church and the State could permit the free development and the unrestricted expression of thought.

In 1500, the publisher Badius, who had been selected by the theological faculty for printing certain of its censorial works, issued an edition of the *Regula S. Benedicti*, the famous Rule which had exercised so important and so abiding an influence on the literature and the intellectual development of Europe. The leading publisher in Paris between the years 1496 and 1520 was Henry Estienne. The so-called heretical opinions of Estienne rendered him obnoxious to the doctors of the Sorbonne and if it had not been for the special interference of Francis I, by whom his learning and his merits were held in high esteem, his life would more than once have been in jeopardy. His opponents succeeded, however, in procuring his expulsion from the university, and, driven from Paris, he was compelled to seek the protection of the Queen of Navarre. The case is one of a long series of instances in which the liberal views and scholarly interests of King Francis brought him into conflict with the doctors of the Sorbonne. In the end, however, the theological faculty, backed by the majority of the ecclesiastics of France and by the influence of the Papacy, proved too strong for the liberal tendencies of the Crown. With

the triumph of Catholic orthodoxy in France, the leading publishers and their scholarly editors found so many difficulties placed in the way of their undertakings that these could no longer be carried on to advantage in Paris. The chief trouble was due to the ignorance and suspiciousness of the doctors of the Sorbonne. These doctors possessed at this period little or no knowledge of Greek and were inclined to imagine that any Greek sentence must contain or might contain some dangerous heresy.¹ Any critical analysis of Latin texts which, in some earlier, and usually imperfect or defective, form, had received the approval of the Church, also seemed to the divines likely to prove dangerous, and in any case, constituted a reflection upon the orthodox scholarship of the previously accepted versions. Their apprehensions became most keen and their indignation most active when the "new criticism" (as they probably called it) was applied to the text of the Scriptures, whether for the purpose of correcting the early clumsy Latinised versions of the New Testament or of securing more accurate rendering of the texts of the Hebrew books. During the first half-century of printing, however, the production of editions of the Scriptures constituted the most important division of publishing undertakings. It is not surprising, therefore, that the printers who were giving their time and their capital to the preparation of these editions, and who found themselves hampered and harassed by ignorant and bigoted censorship, came to the conclusion that the advantages of Paris as a literary and commercial centre were not sufficient to offset the continued difficulties and annoyances of such antagonism.

* By 1540, the ecclesiastical control of the printing-

¹ Greswell, i, 172.

press (exercised through the authority of the university) had become an established and an obstructive fact. A necessary result of the antagonism of the Church to critical scholarship was to drive into the ranks of sympathisers with the reformers, if not into Protestantism itself, very many of the scholars who at the outset were not reformers and who were not keenly interested in the theological issues of the period, but who felt a natural indignation at the reiterated interference with scholarly undertakings on the part of very ignorant men. The scholars engaged in preparing for the public critical editions of the world's literature asked to be let alone, but they asked in vain.

In 1546, the doctors of the Sorbonne secured the insertion in the prohibitory Index of Louvain of the edition of the Bible that had just been printed by Robert Estienne; but later in the same year, the King prohibited the printing or the circulation in France of the Index of Louvain. The King also issued a brief ordering the divines to withdraw their strictures upon the Estienne Bible. With the death of the King in 1547, the prohibition of the Bible was, however, renewed. In 1552, Estienne, deprived of the protection of King Francis, is finally compelled to close his printing office and to remove to Geneva. Estienne did not, however, find Protestant Geneva a place of liberal toleration. The year after his arrival, he witnesses the burning, under the authority of Calvin, of the heretical scholar Servetus, and more than once during the later years of his work in Geneva, the Estienne publications came under the condemnation of the Calvinistic censorship. Henry Estienne (the second) completed, in 1562, the publication of certain theological works which had been left unfinished in Geneva at the time

of his father's death. Among these, were an Exposition of the New Testament and an Exposition of the Psalms. The editor, a certain Marloratus, a Huguenot minister at Rouen, was unfortunately, before the printing was completed, hanged as a heretic, under the direction of the Duke of Guise, but the books themselves were not suppressed nor was the publisher interfered with. The faculty of the Sorbonne appears for the time to have suspended its censorious watchfulness over heretical publications, perhaps because it found its hands sufficiently full with the active work of suppressing, by fire, gibbet, and sword, the heretics themselves. Henry found it later, however, good policy to divide his publishing undertakings, executing at Paris reprints of the classics and works in general literature, and reserving for his press at Geneva theological works which were likely to give offence in a period of "religious irritation." This term is, I may mention, Maittaire's, and it is perhaps not too strong a description of a period in which a divine who had taken no part in politics could be hanged simply for editing a Protestant commentary.

In 1589, the city of Geneva was being besieged by the Duke of Savoy. The city contained at the time a population of about 12,000 and was able to muster for its defence 2186 men capable of bearing arms. Against this little force, the Duke brought up an army of 18,000 regular troops with the determination of destroying once for all this "nest of heretics." The destruction of the city was earnestly urged by St. Francis de Sales. The schools and the printing-presses were particularly pointed out by St. Francis as instruments of mischief. The powers that determine events were this time not in accord with the saint. The city

survived a siege lasting for nine years, although at its close it had lost out of its little levy nearly three fourths. Casaubon tells us that in his time (he is writing in 1595) the ministers of Geneva exercised a strict surveillance over both the work of teaching and that of publishing. A professor in the academy was not permitted to publish until his book had passed through the censorship of the divines. It seems probable that the Calvinistic scrutiny in Geneva, during the last ten years of the 16th century, may easily have proved in its narrowness and persistency a more serious obstacle in the way of publishing undertakings and of scholarship than the censorship of the Catholic theologians of Paris.

Casaubon secured, in 1600, at the instance of his friend De Vic, appointment as Keeper of the Royal Library. This library contained at the time about nine hundred works, a large proportion of which were in manuscript. The collection of Greek manuscripts was said to be second only to that of the Vatican.¹ The new librarian found favour with the King although Henry IV was by no means a scholar. Scaliger says of him that he could not keep his countenance and could not read a book. The great minister Sully was, however, critical of any expenditure for literature. "You cost the King too much, sir," said Sully to Casaubon; "your pay exceeds that of two good captains, and you are of no use to the country."²

A letter from the papal nuncio at Paris, written in 1562 to Pius IV, makes reference to a statement made to the nuncio by Monsieur de Bourbon, to the effect that a few days earlier he had confiscated from

¹ Pattison, 182.

² Frith, *Life of Bruno*, 71.

a vessel a quantity of heretical books "of the most distressing character that can be conceived." These books were packed in wine casks and had been sent from Geneva. He had consigned them to the flames. No reference is made to the importer.¹

Sacchino, historian of the Jesuits, writing in 1526, refers to the heretical city of Geneva as responsible for the introduction into Lyons of *vim infinitam librorum pestiferorum* ("a great mass of pestiferous literature,") prepared for circulation not only in France but in Constantinople. He states further, however, that owing to the efforts of the zealous Possevinus, the books were seized and burned (*Ut pestilentium illa farrago voluminum flammis aboliretur*).²

The interest of Francis in scholarship and the influence of Budaeus and other scholars led him to approve the scheme for a Royal College to be devoted more particularly to instruction in the ancient languages. The authorities of the university were, with hardly an exception, bitterly opposed to the plan of the new college. The argument on the part of the university was presented before the Parliament of Paris by Galliard. He urged that "to propagate the knowledge of the Greek and Hebrew languages would operate to the absolute destruction of all religion." "Were these professors theologians," he asked, "that they should pretend to explain the Bible? Were not, indeed, the very Bibles of which they made use, in large part printed in Germany, the region of heresy? Or at least were they not indebted for them to the Jews?" The rejoinder on the part of the new professors was made through Marillac. "We make no

¹ *Letters from the Nuncio of Pius IV at Paris*, i, iii.

² *Hist. Jesuit.*, vi, 44.

pretensions," said the professors, "to the name or the function of theologians. It is as philologists or grammarians only that we undertake to explain the Greek and Hebrew Scriptures. If you, who are criticising our teachings, possess any knowledge of Greek or Hebrew, you are at liberty to attend our lectures and, if you find any heresy in our instruction, to denounce us. If, however, you are yet ignorant of Greek and Hebrew, on what grounds can you base your fitness as censors or your claims to forbid us to teach in these tongues?" The victory rested with the scholars and the Collège Royal maintained its ground and increased in influence and importance.¹ Maittaire quotes in this connection the testimony of Heresbach, who says that, in 1540, he heard in a sermon delivered in Paris the following statement: "A new language has been discovered which they call Greek. Against this you must be carefully on your guard for it is the infant tongue of all heresies. There is a book written in that language called the New Testament. It is *un livre plein de ronces et de vipères*. As to the Hebrew tongue, it is well known that all who learn it presently become Jews."

In 1685, a royal edict was issued by Louis XIV, ordering the destruction of all heretical books and the punishment of those who should retain copies of the same. As a result of the edict, the Parliament of Paris issued a decree appointing the Archbishop of Paris to prepare an *Index prohibitorius* of books which in his judgment ought to be suppressed, an instruction which was carried out with all promptness. The list of the archbishop comprised the names of about five hundred authors. The books condemned were those of the Lutherans, Socinians, Arminians, and Greeks. In-

¹ Greswell, i, 219.

cluded with these were all versions of the Scriptures. The Parliament published at once a decree enforcing the prohibition and commanding a strict search to be made for such books in the bookshops and printeries and also in private houses. Many books were burned, including a large number of copies of the Scriptures. The protection, or toleration, heretofore, in form at least, extended to Protestants was during the same year, 1685, withdrawn by the Edict of Fontainebleau, repealing the Edict of Nantes.

The printers of Lyons succeeded in building up, within a very few years after the introduction of printing into France, a profitable business. They had the advantage of being well out of the way of both ecclesiastical and political censorship. They were quite prepared to take up promptly editions of books which had been prohibited in Paris and in Rome, or later in Geneva. They were also among the earliest to develop the art of what may be called piratical printing. The great expense of the production of earlier editions, more particularly of the classics, was the outlay for scholarly editing. The printers of Lyons promptly discovered that they could make money by utilising the expenditures of Aldus in Venice, or of the scholarly printers in Paris, through the appropriation of editorial material. They brought out editions printed with the text that had been shaped in Venice and in some cases in direct imitation of the typography of these first and so to speak authorised editions. By the year 1495, there were no less than forty printers doing active work in Lyons, a number considerably in excess of those who were then carrying on business in Paris.

In 1526, the university of Paris had authorised the

printing of certain dissertations written by the rector Noël Bédac against Fabri and Erasmus. King Francis wrote to the Parliament directing it to cause the sale of these books to be prohibited. He added the general instruction that no books, even such as might have been written by members of the university, were to be printed or sold which had not first been examined and approved by the members of the court deliberating together. It would appear from the King's letter that he had sufficient sympathy with the reformers to be unwilling to have Erasmus attacked, and also that even in matters of theological doctrine, the final decision was entrusted, not to the faculty of theology, but to the court of Parliament. By 1531, however, the King had decided that, for theological questions at least, the responsibility for the control of literary production had better be left with the Sorbonne. In this year he gave a direct royal authorisation to the publisher Badius for the printing of the big treatise of Alberto Pio against Erasmus, which treatise had been duly approved by the divines. The fury of civil war and the bitterness of religious dissension gave a special character to the laws affecting printing and publishing and to the enforcement of these. In 1545, Etienne Polliot was sentenced for importing and selling heretical books. He was compelled to carry a bundle of his publications to the market-place, where he and his books were burned together. In 1546, the publisher Etienne Dolet, himself the author of a number of books, was burned in the Place Maubert, for his obstinate persistence in heresy. The ordinances of 1557 and 1560 punished with death, as guilty of treason, the printers, authors, sellers, and distributors of books which had been condemned as pernicious or libellous. The letters

patent of 1563 fixed the penalty of hanging or strangling for the offence of printing a book without a royal authorisation. The ordinance of Moulins, of 1566, renews the same prohibition. Vitet¹ points out that the wars of the League had influence in securing a certain freedom for publishing. The government of the League did not undertake to free from restrictions the printing-presses of Paris. It prohibited them, however, only from such undertakings as seemed likely to prove of service to the enemies of the League. On the other hand, there was at Tours a government which was hostile only to such writings as were not royalist, and at Geneva another government the censures of which affected only that literature which was not Protestant. Through these three limited censures came into existence three fragments of publishing freedom. The power of the printing-press in influencing public opinion may, as far as France is concerned, be said to date from this period. Under the provisions of the Edict of Nantes, which bears date 1598, the production and sale of Protestant books were restricted to certain specified States and districts in which the public exercise of said religion was authorised. These Protestant books, while permitted to exist, are, however, classified as "libels and as inflammatory writings." It does not appear that any provision was made for the circulation of such publications between the cities in which they were permitted to be printed, as such circulation must, of course, have taken them across the "good Catholic" territory, within the boundaries of which the Protestant books were incendiary libels. The difficulties in the way of authors and publishers of such books must, therefore, at this time have been

¹ *De la Presse au Seizième Siècle.*

very considerable. In 1624, four royal censors were instituted by letters patent. The first four were all doctors of the theological faculty, but notwithstanding this selection of the board from the members of the Sorbonne, the university was dissatisfied with losing its ancient privileges of controlling directly the examination of religious literature. In 1629, it was ordered that works submitted for publication were to be passed upon by censors particularly designated for each work by the Chancellor or Privy Seal. It is probable that the volumes had to be put into type before the examiners were willing to give the time for examination. In 1702, an issue arose between the chancellor and the higher clergy on the question of certain general privileges in regard to printing which the bishops claimed to be still in force. It was the contention of the bishops that, being themselves the final judges of the doctrines of the Church, utterances made by them or utterances accepted by them could not with propriety be passed upon by others who were not authorities on points of doctrine. Madame de Maintenon gave the weight of her influence in favour of the bishops. The King dreaded exciting the ire of the Jesuits and dreaded also, says the chronicle, the risk of putting Madame de Maintenon into a bad temper. He avoided making a decision and an adjustment was finally arrived at in which the bishops withdrew their main pretensions. Bossuet made an indignant protest against what he called the attempt of the chancellor to control the utterances of the Church. It is not to be thought of, says Bossuet, that the Holy Church of Christ shall be compelled to submit, for the examination of magistrates, its decrees, catechisms, and spiritual teachings upon matters which should be

confined strictly to the instructors of their flock. The King, influenced by the pleading of Bossuet, finally brought himself to decide that for the works which were at the moment in question, the authority should be left with the bishops.

The reports concerning the extent of the influence of censorship, from one authority or another, on the literary activities of France are, as we have seen, conflicting. The authority of the Sacred Office was, as stated, not accepted in France, and the work of the French writers of the 16th century was not seriously affected by the condemnations and expurgations, sometimes severe and sometimes indulgent, with which was supervised and restricted the literature of Italy. It is contended nevertheless (at least by French historians) that the productions of the French writers of the century, freer from the trammels of censorship as these writers were, represented a higher standard of morality and of refinement than characterised the contemporary literature of Italy.

During the 17th century, persistent attempts were made in France as in other Catholic States to enforce throughout the realm a policy of censorship. By one set of authorities, investigations are carried on in the bookshops and in public and private libraries, and copies of obnoxious or suspicious books are burned at the hands of the hangman; by another, St. Cyran is placed in prison and Arnauld and others of his group are driven into exile. The *Lettres Provinciales* of Pascal are indeed brought into print, but only by cleverly eluding the vigilance of the inspectors. It is nevertheless the case that at no time during the century did it prove to be practicable to keep in force, through the entire territory of the State, any consistent or effective

policy. The authority to order proceedings against authors or to make condemnations of books is not, as was the case in Spain, in the hands of a special tribunal, all-powerful and irresponsible. In the place of an Index which preserves the record of a condemnation that has once been pronounced, we have individual edicts or orders which easily fall into oblivion; and in place of a Congregation or of an Inquisition, we find distinct authorities, and sometimes simple local authorities, the actions of which are more or less conflicting and lack permanency of influence. There is also throughout the century, as later, among the ecclesiastics themselves, a strong national feeling of protest against the exercise within the territory of France of censorship authority directed by Italians or Spaniards.¹

While in Italy, the Church labours single-handed at the task of reforming the people, in France it is the entire nation, without distinction of ecclesiastics and laymen, that undertakes the reformation of itself. Frenchmen of the 17th century, equally assured of their devotion to the true faith and of their intention to maintain the virtues of Christianity, refuse to admit the necessity for submitting to a theocracy, a religious dictatorship, and for putting literature, so to speak, into a state of siege.

Dejob cites, on the authority of the Benedictine editors, a number of the absurdities introduced into the St. Ambrose text by the Roman editors, and concludes that "editorial methods so naïve and so unscrupulous were certainly in need of the aid of the Index in order to prevent, through the collation of their text with the work of more faithful scholars, the unmasking of their pious infidelities." "What," he

¹ Dejob, p. 89.

exclaims, "would have been the result for scholarship, for literature, and for the thought of the world, if the Inquisition had succeeded in establishing its domination throughout Europe, and in placing all the manuscripts of the Fathers under the keys of the Vatican?"¹

Dom Petra, one of the learned editors of the *Acta Sanctorum*, writes in 1649: "If Rome condemns our books, the Jansenists will have a text for saying that this is brought about by intrigue and corruption. . . . The Congregation [of the Index] appears to object to the work done by the editors of our *Acta* in the correction of errors; but the Congregation should understand that, rather than to confirm a record of impostures, we prefer to write nothing; the Congregation is giving an opportunity to the heretics to point out the unwillingness of the Papists to make corrections or to remedy abuses."²

Theophile Raynaud, in order to revenge himself for a condemnation issued against his books by certain Dominican inquisitors, undertook the defence, against the Dominicans, of the memory of Reuchlin and of Erasmus, victims, as he contends, of Dominican ignorance and calumny.³

Writing in 1661, in reference to certain copies of his books that had been seized in Italy, Raynaud says: "The sovereign pontiff gives authority, it appears, to his ministers to carry on robbery."⁴

The only portion of the writings of Rabelais that came under the ban of the French censors was the fourth book of the *Pantagruel*, which was prohibited by the divines of the Sorbonne.

¹ Dejob, 99.

² Dom Petra, cited by Dejob, 91.

³ Cited by Dejob, 92.

⁴ Raynaud's works, Cracow, 1669, xx, 267.

The writings of Montaigne were prohibited in 1576 by the Congregation of the Index but the prohibition was not confirmed in France. In 1595, an expurgated edition of the *Essays* was published at Lyons, from which was omitted, together with certain other passages, under the instructions of the censors, the fifth chapter of the third book. The twenty-ninth chapter of the first book, apparently equally reprehensible, escaped condemnation.

"I find," says Dejob, "no book of importance, excepting the *Tartuffe* of Molière, that the national authorities attempted to suppress. Molière, Racine, La Bruyère, were from time to time assailed, but there were always influences working on their behalf strong enough to prevent any serious or continued interference with their work. Once, it may be remembered, Richelieu *se ligua contre le Cid*, but the immediate protest of the public made clear to the minister that he was on a false track."¹

It is certain that the authority of the Church exercised in France a much smaller influence over literature than either in Spain or in Italy. In fact, under Louis XIV, the Church found it necessary to resort to raillery rather than to discipline in the cases in which it found ground for criticism.

The learned historian of the Benedictines, Mabillon, brought himself into criticism on the part of the Papacy through proving that the bones taken from the catacombs, which were being distributed as relics for the faithful, had belonged neither to saints nor to martyrs.

Dejob is of opinion that the acknowledged superiority of the theological writers of France during the 17th century over those of Italy and Spain was

¹ Dejob, 343.

chiefly due to the greater freedom possessed by the French scholars in carrying on their investigations and in bringing their books into print.¹

The intellectual work of the orthodox clergy owes not a little to the feeling of obligation that rested upon them to offset the influence of the Huguenot controversialists and to secure for orthodox literature a prestige to balance that of Arnaud and of Pascal. It may fairly be claimed that the Church of France showed itself equal to the task. Any nation may have been proud to produce within the term of a century five writers or scholars whose names could be compared with those of Bossuet, Fénelon, Bourdaloue, Malebranche, and Mabillon. No religion has counted among its ministers during any one generation men superior to these in intellectual force. Catholicism can refer to this group as an evidence that orthodoxy does not stifle originality of talent. It can claim further that the acceptance of dogma does not of necessity involve the renunciation of scientific and philosophical investigation. The lay writers of this famous century were hardly less influenced by the spirit of religion. It is this that inspired Corneille and Racine, not only in such creations as *Polyeucte* and *Athalie*, but in the moral conception with which they handle the subject of love; it is this which retains within wholesome limits the satirical verse of Boileau and of La Bruyère and which keeps within bounds even the bitter personalities of St.-Simon; it is this which raises far beyond the level of feminine curiosity and maternal egoism the writings of Mme. de Sévigné, and which imbues with eloquence the work of Mme. de Motteville.²

¹ Dejob, 90.

² *Ibid.* 347.

The religious spirit may be said to have influenced also the work of Molière, who uses his trenchant pen to emphasise our obligations to morality. Save in an occasional instance where the manners of the comedian get control of the pen of the poet, these obligations are set forth with the certainty of an infallible moralist, while the dramatist succeeds in securing for his readers (or hearers) full sympathy for those of his characters which show themselves faithful to wholesome ideals.

If it had been possible for the fathers who directed the work of the Council of Trent to have knowledge of this wonderful body of literature, which gave to Catholicism an incomparable intellectual éclat, they would surely have admitted that their pious expectations were surpassed.¹

The classical literature of France retained, therefore, freedom of thought and of expression. The eulogies addressed to the rulers, even when extravagant in form, bore the stamp of sincerity. It was a saying of La Bruyère that the use of satire in really great subjects was denied to writers who were at once Frenchmen and Christians. But it is fair to remember that such an interdiction is confirmed by the opinion of the public itself, and also that to one who is himself a witness of great things, the dazzle of their brilliancy may easily prevent a clear perception of their blemishes. It is certain that the record of the work done by the great writers of France does not give any evidence of serious interference by the Church either for praise or for blame. Apart from the *Lettres Provinciales* (which after all secured a wide reading and a general appreciation), no work of the first importance was

¹ Dejob, 348.

brought under condemnation by the authorities either civil or religious.¹

6. **Germany.**—Within half a century after the invention of printing in Mayence, the business of publishing was established in a number of towns, such as Frankfort, Strasburg, Basel, Cologne, and Nuremberg; and by the close of the 16th century, the work of the printers became important also in many towns of North Germany, such as Leipsic, Magdeburg, Wittenberg, etc. The development of the production of printed books followed very largely the lines of the trade in manuscripts which it superseded. The sale of manuscripts had, for the century before printing, constituted an important item in the business of the Fair at Frankfort, and after 1480, we find entries in the annual records of the Fair of sales of printed books. The organisation of the book-trade of the empire dates from about 1525. Frankfort was established as the centre or headquarters of this trade, and the Fair brought to the city twice a year representative publishers and dealers not only from the towns of Germany but from Italy, France, and the Netherlands.

The establishment of a centre or headquarters for the book-trade of Europe was, of course, of immediate advantage in furthering the knowledge and the distribution of the literature that came into print, and particularly of the books published in Latin. Latin was generally accepted throughout the world as the language not only of scholarship, but of literature, and it was therefore selected by the publishers of the time for the larger portion of the books brought into print. It is true that the work of the early printers of Germany was, unlike that of France and the Nether-

¹ Dejob, 343.

lands, carried on not in university centres, but, very largely at least, in commercial towns. The lists of these German printers contain a much larger number of books addressed to the general or unscholarly public than was the case with those of their competitors in Paris, Venice, or Leyden, but in Germany also the production of works printed in Latin, for the trade of the world, became each year of increasing importance.

For the operations of the general censorship of the Church, the organisation of the book-trade presented certain advantages or at least conveniences. The compilers of the earlier Roman Indexes utilised the bulletins and catalogues of the Book-Fair in securing for their lists information concerning new and forthcoming books of heretical writers or on controversial subjects. As is mentioned in the separate record of certain Indexes, the censors were not infrequently prepared to condemn a book without any examination whatever, simply on the repute of its author, or even on that of its publisher. It occasionally happened, as a result of this method, that a work was prohibited which never came into existence, some obstacle having prevented its completion or its publication after the title had been announced.

The first instances of books issued with *Imprimatur*s are two printed at Cologne in 1479 and sanctioned by the university, and a third printed at Heidelberg in 1480, under the authorisation of the Patriarch of Venice.

The earliest mandate of which there is record for the appointment of a censor of books was issued in 1486 by Berthold, Archbishop of Mayence. The Archbishop forbids the translation into the vernacular of any books from Latin, Greek, or other languages, or the sale of

translations brought in from without, until these have been examined and approved by censors appointed for the purpose from the university of Erfurt.¹ He instructs the Burgomaster of Frankfort to make examination of all books at the Frankfort Fair before the permit should be given for their sale. In 1524, the Archbishop of Mayence claims, on the double ground of his position as High Chancellor of the empire and as a representative of the authority of Rome, the right to supervise the book-trade of the empire, and he makes immediate application of this authority to the control of the sale of books at the Frankfort Fair.

In 1648, the year in which the Thirty Years' War came to an end, the magistrates of Frankfort gave up formally the attempts to supervise the **Frankfort** book-production of the city. In 1662, the magistrates found occasion for protests against the imperial regulations for the control of the book-trade. The emperor, in his edict of March 18, 1662, was acting under the counsel of his Jesuit advisers. The magistrates were speaking as the representatives of the publishers, and, as they contended, for the interests of the community as a whole. In 1665, under some counsel which proved to be very ill-advised, the imperial commissioners undertook to fix the prices of the books presented for sale at the Frankfort Fair. It was contended that the commissioners who had been charged with the work of censorship had no authority to take upon themselves the determination of a business detail. It was very certain that they did not have the expert knowledge required for the task, but it was, of course, the case that no commissioners could have carried out successfully any such system. This price

¹ Beckman, *History of Inventions*, i, 89.

regulation proved to be one of the most effective of the various factors which caused the replacing of Frankfort by Leipsic as the centre of the publishing and bookselling interests of Germany.

In 1488, the city of Strasburg established under the directions of the emperor a local censorship supervised by the magistracy. The first book prohibited under this regulation was the *Germania Nova* of Murner, issued in 1502.

In 1501, Alexander VI publishes a bull prohibiting the printing, within the territories in question, of any books that have not secured an approval, in the form of a privilege, from the Archbishops of Cologne, Mayence, Treves, and Magdeburg, or from their vicars-general.¹

By the year 1495, the book-trade of Leipsic had assumed very considerable proportions and was already beginning to rival that of Frankfort. The Booksellers' Association, organised (in Frankfort) in 1525, is at the present time, four centuries later, the most effective and intelligently managed trade organisation that the world has known. Leipsic publishers gave from an early period special attention to the printing of the controversial literature of the Reformation, and, as was natural from their close relations with Wittenberg, the sympathies of the larger proportion of the printers were in accord with the Lutherans. In 1524, Duke George, who was a Catholic, came to the throne and during his reign, which continued until 1533, the writings of the reformers were repressed by a rigorous censorship. The Duke utilised the machinery of the trade organisation for putting into effect the ducal regulations for supervision and

¹ Beckmann, *History of Inventions*, i, 99.

ensorship, and two ecclesiastical censors, appointed under the ducal authority, secured the aid of the city officials in making examination of all the books printed and in confiscating or cancelling all heretical works found in the shops of either Leipsic or Dresden. The immediate result of these anti-reform operations of the Church and of the Duke was the practical destruction for the time being of the book-trade of Leipsic. Many of the printers transferred their presses to Wittenberg or Magdeburg.

In 1526, occurred in Leipsic an extreme instance of the application of Catholic censorship. Under the instructions of Duke George, Johann Herrgott, a printer and colporteur, was burned, with certain of his books, for the crime of distributing Protestant literature. In the next year, Hübmayr, the leader of the Baptists in Southern Germany, was burned in Vienna for a similar offence. In 1571, the Duke of Saxony ordered that the work of the printers should be restricted to three towns, Leipsic, Dresden, and Wittenberg. The purpose of this regulation was the facilitating of censorship control.

In advance of the aggressive Protestant measures of Luther, Wittenberg had already become an important place for book-production, having secured, among other favourable influences, ^{Wittenberg} the advantage of the transfer of certain of the printers and their presses from Leipsic. After 1515, Wittenberg was the most important of the centres from which were distributed throughout Germany the books and pamphlets (*Flugschriften*) of the reformers. It was in Wittenberg also that was brought into print the great Bible of Luther.

At an early date in the period of the Reforma-

tion, Magdeburg, in which the printing business had already secured an assured foothold, had taken an important place among the centres of distribution of Protestant literature. The work of the printers was interrupted for a time in 1518 by the repressive measures of the Catholic Albert of Brandenburg, but after 1528, the presses were again left practically free from civil authority, while the ecclesiastical influence in the city was never important. The book-trade was crushed out for the time by the destruction of the city by Tilly in 1631.

The city of Münster was another centre for Protestant publications. The excesses of the Anabaptists, who, under John of Leyden and his associates, had possession of the town for a number of months in 1535-36, were, however, well-nigh destructive to its Protestantism and proved fatal to its publishing business. In 1562, an edict issued by the bishop ordered the destruction of all Protestant books in Westphalia and made it a misdemeanour to print, sell, or possess any such books.

The city of Basel secured at an early date an important position among the centres of publishing. The university, founded in 1460, brought to the city men devoted to scholarly pursuits many of whom took an early interest in the work of the printing press and were ready to give coöperation to the publishers. In 1501, Basel broke away from the imperial control. At that time, there were in the city no less than twenty-six important publishing and printing concerns.

During the most active period of its publishing interests, Basel had the advantage over the majority of the German towns in its comparative freedom from

ensorship either ecclesiastical or civil. The authority of Rome was permitted to exert practically no restrictions upon the productions of the printing-presses; while as a free imperial city, it had the right to claim exemption from any authority other than that of the emperor, whose examiners were too far distant to be able to bring their influence to bear, to any extent, upon the operations of the Basel publishers. It was this freedom that constituted the most important cause of the great development of the book-trade of the city during the 15th and 16th centuries. The leader among the great publishers of Basel, who ranked at the time with Aldus as one of the great publishers of the world, was Johann Froben, the publisher, friend, and close associate of Erasmus. It is the imprint of Froben that is associated with the most important of the volumes of Erasmus, including not only those that secured the approval of Leo X and of other of the Church authorities, but the group which brought the author into sharp criticism with the ecclesiastical censors. During the years between 1460 and 1500, the popes themselves sent to Basel for printing certain books which required more trustworthy work than could be secured in Rome.¹

In 1523, the first application for censorship in the city of Basel was made by Erasmus in connection with the reprinting of certain French writings which he claimed to be libels of himself. The censorship of the city was under the direction of the magistrates. The magistrates forbade the printing of books in any other languages than Latin, Greek, Hebrew, and German. In 1598 the censors of the city required that there be placed in their hands catalogues of books that were

¹ Kapp, 125.

forthcoming in order that they might designate those calling for special attention.

Between the years 1520 and 1580, the presses of Zürich were busied with the production of the works of the Calvinist reformers. Froschauer, who was one of the first of the Zürich printers, was a close friend of Zwingli, whose special tenets he had adopted, and he placed at the disposal of the Zwinglians the machinery of his printing concern for the production and distribution of the Zwinglian treatises and tracts. Zürich presents also an example of early and strenuous Protestant censorship. Zwingli brought about a prohibition on the part of the civil authorities of Zürich for the sale within the city of the Lutheran publications.

The city of Augsburg occupied a similar place among the centres of Catholic book-production to that held by Basel and Zürich for the works of the Protestants. The presses of the great publisher Koberger and his associates were devoted during the last third of the 15th and the first half of the 16th century to the production of editions of the works of the more scholarly of the Catholic theologians. The books were addressed to scholars and were comparatively high in price. The work of the German reformers had as one result the checking of the activities of the Augsburg publishers. In 1520, the civil authorities of Augsburg, at the instance of the local ecclesiastics, issued prohibitions for the sale in the city of the works of Luther and of Zwingli. It was the multiplicity of prohibitory authorities in the book centres of Germany that actually worked against the influence of the prohibitory system. There was also in these German cities a lack of any effective censorship machinery such

as existed in Spain either for the examination of texts in advance of printing, or for the seizure of books and the punishment of printers after publication. There were, during the century after the Reformation, instances (aggregating a considerable number) of writers who on the ground of their heretical utterances had been punished in one way or another and some of whom had even suffered death, but there was no general or effective repression of literary production and distribution throughout Germany, either on the part of the Catholic censors working against Protestant writings or under the influence of the Protestant divines utilising for the prohibition of Catholic books the civil authority.

In Nuremberg, under a regulation of 1513, the printers were to be sworn each year as holding the orthodox Catholic faith and as agreeing to print no books contrary to that faith.¹ The magistrates **Nuremberg** issued in 1518 a special prohibition against the printing of the writings of the Hussites, and in 1521, a similar prohibition against the writings of Luther, Calvin, and Zwingli. This edict was withdrawn in 1535 when the magistracy of the city had become Lutheran. In 1527, the poet-cobbler, Hans Sachs, came under censorship for certain rhymes attached to an illustrated record of the Tower of Babel. In this case, the trouble appears, however, to have been not religious, but a matter of guild prejudice. Sachs, being licensed only as a cobbler, had no authority to do work as a poet. After 1535, when the control of Nuremberg had passed into the hands of the Protestants, there is a rapid development of the activity of its printing-presses and book-trade.

The works of Melanchthon were first printed in

¹ Kapp, 126.

Tübingen in 1511. Later, Melanchthon used for his theological treatises and also for his long series of text-books the presses of Wittenberg. The statutes of the University of Tübingen in regard to the *Libelli famosi* were, in 1500, made binding throughout the electorate of Württemberg. In 1557, an edict of the Duke called for an annual visitation of the bookshops for the search for heretical publications. In 1593, a ducal permission was given to one bookseller in Tübingen, Gruppenbach, to buy for the use of the professors two copies of any heretical books called for. In 1601, an ordinance was published in Tübingen prohibiting the sale of all sectarian or controversial books, Catholic as well as Protestant. In the three ecclesiastical principalities of Mayence, Cologne, and Trier, the ecclesiastical censorship became, after 1525, particularly rigorous with the result of a material checking in the business of the printers and booksellers. In Silesia, Breslau became the centre of Catholic influence and the Protestant printers were, after 1577, largely driven out of business.

In Heidelberg, under an edict of the Elector of Baden, the censorship control was, in 1651, placed in the hands of the university and came under the direction of the theological faculty.

The printing business in Vienna had during the first years of the 16th century made a good start, but with the beginning of imperial censorship under the edict of Ferdinand, in 1523, the work of the printers received a check. In this edict the printing, sale, and possession of the books of Luther is prohibited under heavy penalties. Ferdinand permitted the ecclesiastics to exercise directly (that is to say without reference of individual cases to the civil authorities) the

supervision of the work of the printers. These censors made effective opposition against scientific education and their repressive measures for literature other than theological was so far effective that, after the year 1560, the printing in Vienna of editions of the classics was brought to a close. In the year 1572, the printing-office and bookshop of Creutzer, who had for some years acted as the publisher of the university, was closed. In the year 1587, the book stock of Necker, who was at that time the leading bookseller in the city, was confiscated and in large part burned. By 1600, the control of the book business was placed almost exclusively in the hands of the Jesuits and as a result of their "supervision," the business practically came to a close.

Kapp points out that the prohibitory lists issued in Germany contained, in addition to the titles of the Protestant controversial writings and religious writings other than controversial, the titles of a number of books which were really in character *contra bonos mores*. The advantage of the advertisement given to the books deserving of existence was unfortunately shared by not a few volumes which were really scandalous in character.

The Thirty Years' War in Germany (1618-1648) may be considered as an extreme application of the principle of censorship. The power of the emperor and that of the Catholic princes who associated themselves with the emperor, was directed to the suppression of Protestantism in Germany and with this to the control under the direction of the Roman Church of German thought and of German intellectual development. This was, of course, an attempt to do something much wider than to control and restrict the printing-

press, but the control and restriction of the operations of the printers constituted an essential part of the purpose of the pope, the emperor, and their allies the Jesuits and Dominicans. In so far as the Catholics held their own, succeeding in maintaining their control in the States of South Germany, the printers had to accept the continued authority of the ecclesiastics backed by the power of the State. The States of North Germany, on the other hand, with the all-powerful aid of Gustavus Adolphus and his sturdy Swedes, were able to maintain by force of arms their independence as citizens, and secured also the right to think and to speak, to print and to read for themselves, free from decisions to be arrived at by the Dominican Congregation of Italy or the Jesuit censors of Vienna. The waste of life and of treasure brought upon Germany through the thirty years' strife was enormous, but even as a matter of material advantage, the contest was for North Germany worth all that it had cost.

7. The Netherlands. The work of the printers in Holland was begun in Utrecht in 1473. The Dutch printers had from the outset the enormous advantage in their business of a practical freedom from interference by censorship, whether ecclesiastical or political. This was also true for a quarter of a century or more with the printing centres of Flanders, where, under the initiative of Mansion, Caxton, and their successors, the work of printing was begun, in 1474, in Bruges and in Louvain. In 1476, Caxton migrated from Bruges to London, setting up his first press in the courtyard of Westminster Abbey. The Dukes of Burgundy had, for several generations prior to the introduction of printing, been noted for their liberal interest in literature, and for their great collections of manuscripts, and this sympa-

thetic relation of the Burgundian rulers to literature continued through the first half-century of printing.

During the first three fourths of the 16th century, the Netherlands, with Antwerp as a centre, present the type of a most enlightened community. At the time of the great siege of 1585, Antwerp was at the height of its prosperity, and in the extent and the varied character of its commercial relations it was possibly the leading city of Europe. Antwerp possessed exceptional advantages as a centre of book-production and by the close of the 16th century, out of the sixty-five printers who were at work in the Netherlands, no less than thirteen were in Antwerp. The neighbouring University of Louvain supplied scholarly coöperation which was essential for all the publishing undertakings of the age, while not a few scholars, who, some years later, found themselves with the exiles in Leyden or in Amsterdam, were at this time resident in Antwerp, and were already largely associated with the work of the printing-press. In 1556, at the time of the beginning of the work of the great publisher Plantin, an entire quarter of the city was devoted to the making of books, a circumstance without a parallel among the cities of Europe. The result of the censorship of the Spanish Government was practically to crush out the book business of Antwerp. The presses were largely destroyed and the scholars and printers alike were scattered among the towns of Holland. Plantin placed his imprint upon a number of books of theology, for all of which it was necessary to secure the approval, with the "royal privilege," of the Duke of Alva and of the successors of the Duke who represented the Spanish Throne.

The ordinances issued by Philip II concerning books

were for the most part merely a confirmation, with some increase in severity, of the edicts of Charles V. The modifications in these ordinances brought about by the States-General in 1566 provided that those books only should be prohibited that contained heretical or pernicious opinions; and that the responsibility for the examination and decision should be shared with the theologians by the scholars of the other university faculties; that instructors should be at liberty to utilise all books not on the prohibited lists; and that the visitation to the bookshops should be made only under the direct authority of the magistrates. Under Alva, the routine for such a visitation was to instruct the magistrates on a specific day (not announced in advance) to place seals on the doors of all printing-offices and bookshops; the examination of the books was then carried out by the suffragan bishop and the local head of the Franciscans. In the years 1566 and 1567, four printers were sentenced to banishment for from four to six years, one was sent to the galleys, and one was hanged.¹

In 1570, Philip II instituted the office of "proto-typographer" or supervisor of printing for the Netherlands, and appointed as the first occupant of the office the printer Plantin. Master-printers applying to the supervisor for authorisation for a work to be printed must show the certificate of approval of the diocesan bishop or of his vicar, and also of the local magistrate. Printers were required to take an oath of conformity to the doctrines of the Church as set forth by the Council of Trent. No remuneration was attached to the office of proto-typographer, but the incumbent was freed from the duty of lodging soldiers. The im-

¹ Gachard, *Corr. de Philippe II*, ii, 9, 565.

portant service of the post for Plantin was, of course, the increased facility it secured for him in obtaining approvals and privileges for his own publications. The theologians of Louvain (through whom the ecclesiastical censorship for Antwerp was, in the main, carried on) were not likely to raise question concerning the undertakings of the literary representative of the King. It was suggested that one ground for his selection was the wish of the King to make good to Plantin the loss that had been caused to his business by his arrest in 1562 on a charge of heretical publishing, a charge which proved to be unfounded. It may also be recalled that Philip had promised, in 1568, to pay to Plantin the sum of 21,000 florins as a subvention for the polyglot Bible, edited by Montanus. This payment was, however, never made, and the failure to receive it was one of the causes that had, in 1570, brought Plantin into financial difficulties.¹

Under the ordinance of 1570, the censorship is lodged with the council, the bishop, and the inquisitor. Each book that may secure their approval is to be referred to the stadtholder, by whom its selling price shall be fixed. Inspection of the printing-offices must be made from time to time by the bishop, the inquisitor, and the proto-typographer, and not less than twice a year by the magistrates. The booksellers must take oath that without permit from the censors they will bring in no book from abroad; that they will sell, except to a buyer with a written permit, no copies, printed in the vernacular, of the Scriptures or of controversial writings; and that they will faithfully obey all the regulations of these ordinances and of the Roman Index (that of Trent, printed as an appendix

¹ Putnam, *Books and Their Makers*, ii, 255.

to the ordinances); all packages of imported books are to be opened only in the presence of the bishop or of the inquisitor.

In 1573, it was ordered that of all the books printed in the Netherlands, one copy should be delivered to the royal library at Antwerp, and a second (to be paid for) to the Escorial.

Henricus Hovius printed in Liège, in 1569, an edition of the Index of Trent in which (without any reference or specification) certain additional names and titles have been inserted in the alphabetical lists. The title-page states that the Index has been prepared under the authority of King Philip, and in accordance with a decree of the Duke of Alva. The new titles, probably added at the instance of the divines of Louvain, are for the most part repeated in the Antwerp Index of 1570. Reusch points out that this Liège Index is very carelessly printed and is full of errors.

The prohibitions of the Trent Index were confirmed under the authority of the diocesan synods of the Spanish Netherlands. One of the diocesan edicts required the printers and booksellers each year to take an oath of fidelity to the faith of the Church, in default of which the license to print was to be forfeited. In 1589, the Synod of Tournai prohibited the booksellers from possessing a copy of the *Index librorum haereticorum*, a catalogue printed yearly for the use of the Frankfort Book-Fair, which was based upon the lists of the Index of Trent, but the titles in which were from year to year brought down to date. The book-dealers were already beginning to realise the value for their business of the labour expended by the Church in the preparation of bibliographies of the books which

were most likely to prove of interest to the active minded people of the world. This Frankfort catalogue of heretical books was the beginning of a series of such catalogues in which the work of the Congregation of the Index and of the Inquisition was taken advantage of (with material improvements in the accuracy of the bibliography) to emphasise the value and to further the circulation of the books which had been condemned by the Church. The edict of the bishops who met at Tournai in 1589 appears to have been the first expression of doubt on the part of ecclesiastical authorities as to the effectiveness of the condemnations of the Index in lessening the circulation and the influence of heretical literature.

In 1585, through the recognition of the independence of the Dutch Republic, the long contests in the Netherlands were brought to a close. The authority of the Spanish King was restored in Antwerp but the city was impoverished as to both men and resources. Irrespective of the loss of life in the great city, Antwerp had suffered the loss of some of the best and most enterprising of its citizens who had preferred to make their home in the Protestant communities of Holland. The departing Protestants took with them much of the intellectual life and literary activity in the city, while Amsterdam and Leyden, free from the hampering restrictions of Catholic censorship, presented many advantages for publishing undertakings. In 1585, there was but one book printing-press in activity in the city in which a few years earlier there had been no less than forty. Plantin's first publication for the new year was an official list of the books at that time under prohibition, the list comprising some six hundred titles.

It is not surprising, in view of the hampering regulations and restrictions above specified, that the book-trade of the Spanish Netherlands should have become demoralised and that the centres of publishing activities should have been transferred from Antwerp and Louvain to Amsterdam, Utrecht, and Leyden.

Among the Protestants who during this war period migrated from Flanders was Louis Elzevir, who removed from Louvain to Leyden and began there the business which developed later into one of the greatest publishing houses of the world. The coöperation of the scholars of the university, together with an absolute freedom from any censorship restrictions, gave to the new publishing concern advantages which were at that time possessed by no printer-publishers outside of Holland. The development of the book-trade of Holland was furthered thirty years later through the influence of the Thirty Years' War in Germany. During this period, 1618-1648, the territory of the Seven United Provinces was free alike from invaders and from civil strife. Much of the work of the scholars of Europe that had heretofore been brought into print through the presses of Frankfort or of Leipsic was now transferred to Amsterdam and Leyden. The theological discussions which became active in Holland, more particularly after the time of the Synod of Dort in 1618, furthered the work of the printing-presses. The Hollanders were also shrewd enough to realise the opportunity given to them for bringing into print the books which had been prohibited or cancelled in Spain, in France, or in Italy. With a few exceptions, these books had been written in Latin and the editions printed in Leyden or in Amsterdam were, therefore, available for the use of scholarly readers throughout Europe.

Andrea Schurius writes¹ that he has been told that the Amsterdam publisher of the *Bibliotheca Fratrum Polonorum* took special pains to secure the formal prohibition of his work, considering this to be the most effective means of bringing it into active sale.

During the 17th century, the press of the Dutch Republic continued this work free from restrictions which hampered publishing in all other States of Europe. The censorship measures in Holland were restricted to certain edicts and regulations issued by the States-General prohibiting the printing of libellous material or of works directed against princes or governments which were allied with the Republic. There is also an occasional edict against the circulation of publications classed as "irreligious" or "obscene." The machinery for the enforcement of these regulations appears, however, to have been very inconsiderable; and there is no record of any general inspection for the purpose of censorship of the productions of the printing-press. Among the earlier noteworthy publications of the Elzevirs were certain books that could not at that time easily have come into print elsewhere, such as *The System of the Universe* by Galileo and the *Defensio Populi Anglicani* of Milton. Galileo, writing in 1638, gave testimony to the excellence of the work done for him by his Dutch publishers. The list of scholars under censorship either ecclesiastical or political in their persons or in their books who had been exiled from their own countries and whose names are brought together on the catalogues of the Elzevir house is a long one. We may mention, in addition to Galileo, Scaliger, Hobbes, Pascal, Descartes, More, etc.

The Roman, Spanish, and French Indexes served as

¹ Epp., iii, 19.

guides to the Dutch printers for the selection of books likely to prove of interest and to secure circulation. In not a few instances, the scholarly writers themselves who had been banished from Spain or from France in connection with their so-called heretical teachings, or who, irrespective of banishment, had decided that they could carry on their work to better advantage in a territory which was outside of the control of the Catholic Church, had taken up their residence in Holland. The influx of these scholars made Holland for a century or more the centre of scholarly activity in Europe and gave to the Dutch publishers, in the use of these scholarly pens for original work and for editorial work, an enormous advantage. The ethics of publishing were at this time not recognised or certainly at least not recognised outside of national boundaries. The Dutch publishers were quite ready, therefore, in the case even of books which had not been prohibited in the country of origin, to utilise texts that had been edited or shaped by competitors in Venice, in Paris, or in Frankfort, for the production of competing editions. The printers of Holland secured for themselves a final advantage in developing after 1525 a better standard of typography, both for accuracy and for beauty, than had as yet been known in Europe excepting with certain of the issues of Aldus and of Froben. The preëminence obtained under these several influences by the printers of Holland continued until the middle of the 18th century.

8. England.—The work of printing in England began with Caxton, in 1476. His catalogue speaks of his books as being “printed in the Abbey of Westminster.” His presses were as a fact placed in the almonry, a space within the Abbey precincts. Sir Thomas More

has shown why Caxton could not venture to print a Bible in the vernacular, although the people would have greedily bought the Wyclif translation. Wyclif's translation was interdicted and More says: "On account of the penalties ordered by Archbishop Arundel's constitution, though the old translations that were before Wyclif's days remained lawful and were in some folks' hands, yet he thought no printer would likely be so hot to put any Bible in print at his own charge, and then hang upon a doubtful trial whether the first copy of his translation was made before Wyclif's days or since. For if it were made since Wyclif, it must be approved before the printing." This was a dilemma that Caxton was too prudent to encounter.¹

In England, during the first half of the century, the printers, while having various other difficulties to contend with, such as lack of communication with a public, the small extent of the public that was ready to be interested in the printed book, and the serious interference that was caused to all trade by the events of the Civil War, were practically free from any burdens of censorship. Even if the ecclesiastics in England had been in a position to make their censorship troublesome, they would have had small occasion for interference with the first literary undertakings of the English printers. The lists included hardly any works having to do with theology, religion, or controversial subjects of any kind. Caxton and his immediate successors realised that at this period the interest of English readers could be depended upon much more safely for books of romance and for chronicles. It was nearly a century after the introduction of printing into England before any attempt was made to produce

¹ Knight, *The Old Printer*, 113.

English editions of the Scriptures. It was in Germany that during this period the attention of the printers was given largely to the production of Bibles, theological treatises, and controversial tracts. The lists of the printers of France were devoted mainly to classics, with some titles under the headings of romance and poetry, while in Italy the earlier lists were made up chiefly of classics and science.

The Stationers' Company received its charter by royal decree in 1566, two years after the marriage of Queen Mary (to Philip of Spain). It constituted an organisation of the publishing and printing trade of London which assumed to represent the publishing interests of the country. The basis of the authority of the Stationers' Company was the theory that all printing was the prerogative of the king. The Stationers' Company had, under its charter, summary rights of search, seizure, and imprisonment, and these powers were confirmed or renewed by the licensing acts. It seems probable that the purpose of the institution of the Company was not so much the furthering of the business of book-production, as the organisation of this business in such shape that it could be reached effectively and promptly by the censorship authorities of the Crown. No question appears to have arisen in England in regard to any conflicting authority on the part of the Church to control such censorship. The Crown utilised the services of bishops and of other ecclesiastics for the examination of works in the division of theology which came under the suspicion of heresy. The selection of the examiners and the decision concerning the disposition of the books so examined was reserved, however, for the direct action of the Crown or of the representatives of the Crown. Such censor-

ship as came into action in England proved to be more important in connection with political literature than with works on religion or theology. In 1644, the Long Parliament enacted certain regulations for the control of printing which provided that “No book, pamphlet, or paper shall be henceforth printed unless the same be first approved and licensed by censors that shall be thereto appointed.” Milton had been a persistent opponent of the policy of censorship and of licensing, and one result of the enactment was the publication of the famous *Areopagitica*, an oration in the form of a pamphlet, which presented with fierce eloquence a protest against the whole theory of the exercise by Government licensers of a supervision and control of literature, or of the delegation of such control to a commercial company (the Stationers’ Company) which was the creation of Government.

9. **Oxford. Index Generalis. James. 1627.**—In 1627, Thomas James, the librarian of the Bodleian Library in Oxford, brought into print, under the title of an *Index Generalis*, a summary or catalogue which had been made up from the Church Indexes that had thus far come into print and of which James had been able to secure copies. It was his purpose to present in this general catalogue the titles of the more important of the books condemned under the censorship of the Church, copies of which books it was, as he pointed out, important to secure for the Bodleian collection. The so-called James Index came to be a working guide for book-buyers and its publication had a direct effect upon the circulation in England of the books specified. It has, therefore, seemed in order to make reference to it in this chapter on the influence of censorship on the book-trade of England.

This catalogue of James was utilised during the succeeding years by English scholars generally, as a convenient guide to the literature condemned by the Church and which on the very ground of its condemnation might be assumed to possess interest and value for scholars who were not troubled by the dread of ecclesiastical penalties. The recommendation of James that copies of these works should be secured for the Bodleian has been carried out quite effectively. The copy of the James Index which has been preserved for the reference library of the Bodleian has been checked by successive librarians as copies of the books recommended have been secured and the list is now very nearly complete. The copies secured for the Bodleian represent in large part editions printed in Holland; as before pointed out, the publishers of Amsterdam, Leyden, and Utrecht had, from the date of publication in 1546 of the Index of Louvain, interested themselves in bringing promptly into print works condemned by Roman authorities and in furthering the distribution of these books throughout Europe.

The full title of James's Index reads as follows: *Index Generalis Librorum Prohibitorum a Pontificiis; una cum editionibus expurgatis vel expurgandis juxta serium literarum et triplicem classem. In usum Bibliothecæ Bodleianæ et Curatoribus ejusdem specialiter designatus. Per Tho. James, S. Theol. D. Coll. B. Mariæ. Winton. In Oxon. Vulgo. Novi dicti quondam Socium Oxonæ Excudebat Gulielmus Turner. An. D. 1627.*

I add a rendering of his preface (the original of which, according to the custom of the time, is in Latin) which is interesting as indicating the attitude of the Protestant scholar of the day towards the censorship of Rome. James includes in the volume of his Index an announce-

ment (addressed to students of theology) of another work that he had in preparation which he entitles *A Universal Index of the Sacred Fathers of the Church*. He speaks of having published a sample of this and goes on to say,

“If my friends tell me that this sample which I have published is not displeasing to them, there will shortly after follow the other books of Scripture, if not in their own order, at least in a series which has the support of other authorities. My method of procedure will be as follows: The text before us will be the Vulgate, and no one who has read any of the works of Cyprian or Tertullian or of the other ancient Fathers of the Church, has ventured to say that this text is Hieronymian, and thus the various readings which do not agree with this Vulgate edition will be added, and the passages which have been disputed by Bellarmin and his school (of which there are more in this fifth chapter than in any other) carefully noted in the margin. By these means, the younger students to whom God has given the necessary leisure and inclination, may see whether the Fathers take the side of the Pontifical writers with their shrill unseemly clamour, or are ranged under our banners: for a careful inspection of the Company here drawn up will support opinions of the Eastern as well as the Western Churches one after another,—a support which is claimed falsely by the Papists, in direct opposition to the rules laid down by the Council of Trent, as they would see if they would but face the facts.

“If the opinion of those who have declared that these Books ought not to be published, or ought to be suppressed, wins the day, I shall not fall claiming to have championed in the struggle the fortunes of the Church or any great issue. No! but relying on conscience and on the conviction that I must promote the cause of God to the best of my poor ability,

Bull appended to the oath at the Council of Trent.—“I will never accept or interpret Holy Scripture except according to the unanimous opinion of the Fathers.”

I shall preserve my writings of whatsoever sort in my own house under my own roof; with the hope that if I can but present a willing and ready spirit I shall be not unworthy to serve the world, even though opportunities and resources fail; for has not the Poet said,

'In magnis est voluisse satis.'

"In everything I have tried to follow the counsel of S. Paul,—neglecting my own conscience, taking no care for my bodily health, not seeking your money, but yourselves, not trying to profit myself but to benefit the world.

"Finally, that there be no mistake as to the editions which I have used in the compilation, I have appended the following Index. Lest you experience difficulty in perusing it or strike upon the rock which has proved fatal to others, I would have you remember (being desirous of removing the obstacle which has long troubled many readers) that I have devised a way by which all future Editions may be referred to my pages, thus saving readers the expense and trouble of buying Edition after Edition. With these words of instruction, learned Reader, I would bid you farewell. May God direct and preserve us and our studies to the glory of His name and to the advancement of His Church.

"For the State and the Catholic Church of God these labours.

TH. JAMES, D.D.

"OXFORD, 1627."

The preface to the Index itself reads as follows:

TO BE NOTED IN THIS CATALOGUE

"First, as regards the numerals 1, 2, 3, occurring throughout the book.

"1. Denotes condemned authors, that is, authors whose religious opinions are orthodox and pious, but whose books are prohibited.

"2. Denotes pontifical authors, in whose case caution or expurgation is prescribed.

“3. Denotes works of doubtful authorship which are prohibited.

“But it must be understood that the inquisitors (if one may say so) made a rather imperfect classification under these heads. For the authors Aventinus, Erasmus, Palingenius, Bruciolus, etc., were placed in the first class, whereas they belong rightly in the second; and on the other hand, Adolphus Metkerchus, Lavinus Lemnius, and others, who ought to be in the first class, are placed in the second. And the third class, which should consist of doubtful works, contains a good many known authors whose names and surnames are clear as day to any one looking at the title-pages with one eye. This appears plainly, for example, in the case of two books, *Bello Papali*, and another of which the title is, *Beliae, sive consolatio peccatorum*.

“Secondly, it ought to be clear to everybody that books prohibited by the *pontificii* (*i. e.* the Congregation of the Index, acting as the representatives of the Pope) ought to be sought with the more zeal and read with the greater avidity. For what the papists prohibit, God grants for our use and benefit, and the memory of those condemned by our adversaries is and should be blessed, since their names are doubtless inscribed in the Book of Life.

“Thirdly, a star(*) indicates editions or authors hitherto contained in the *Bibliotheca Oxoniensis*, which is to be set down as our gain since we need take no further trouble to make them known.

“Fourthly, the Greek letter denotes authors of the second class (almost all *pontificii*) who (unless they are emended and expurgated as the Indexes direct) set forth more clearly than the noonday sun the very doctrine of the Protestants, so that the *pontificii* do not venture even to mutter against it. This is doubtless the work of God’s finger and of the inspiration of the Holy Ghost, who armed Midianite against Midianite, to their mutual slaughter.

“Fifthly, we have arranged all authors of whatever class in strict alphabetical order. Their names cannot be found

so easily in the *Sandovillian* or *Roman* Index, in comparison with which other Indexes are rubbish.

"Sixthly, in this alphabetical revision are included books, written whether in Latin or in French, Italian or Spanish, chiefly on religious subjects, by men who were in their own day not subject to condemnation at the hands of either God or men, but who, if they were now alive, could hardly, or not at all, escape the Inquisition and damnation to the shades of deeper hell. Moreover (to speak more plainly and to make the thing clear by examples taken from this book) the *pontificii* are so far from being consistent that books hitherto praised and approved by worthy men are now transformed into prohibited books of the second or third class. In this way was treated even the *Evangelium Romanum prout a Clementis octavi manu Jacobs Davis Episcopo traditum est*; for after the book had (if the stories may be believed) worked miracles on the return of Perron to France, it was not only left neglected, but the possession of a copy was prohibited under penalty of excommunication.¹ Capucinus, inquisitor in the diocese of Naples, has his doubts about the Index of Quirogus (Madrid, 4vo, 1584), and for this reason he incurs censure in the *Sandovillian* Index, p. 365 (consult our catalogue) and the *Enchiridion Ecclesiasticum*, Ven., 1588 (see our catalogue) is by no means to be read unless *corrigatur*. In the same way, Gabriel Pentherbeus' book on The Destruction of Evil Books is not always free from the censure of others. What need of more examples? The Defence against the Re-

¹ The *Evangelium Romanum* was a Protestant satire on indulgences, printed in Leipsic, without the name of the author, in 1600. The book was as a joke ascribed to Jacques Davy, Bishop of Evreux. Davy was better known under the name of Du Perron. He was a convert from Protestantism and was the Bishop selected to bring King Henry IV into the Catholic fold. The *Evangelium Romanum* was reprinted more than once and appears to have secured a wide circulation. Curiously enough, it did not find place upon the Index (Reusch, ii, 213).

formers, according to the principles of S. Francis, S.D.N., by Manfred (and, good God, what a man) is altogether prohibited, unless I have overlooked something. If so many and such men do not escape the hands, or rather the claws of their own party, who can guarantee safety to a book composed by any author whatever? Not Aesculapius himself, their God, their lord Pope, ventured to promise this, since Clement VIII changed the books of his predecessor, Sixtus V, with no consideration for the industry involved, on the ground of typographical errors, a most glorious lie. There are many more cases of this sort worthy of notice, but it has seemed best to mention but these few facts at present. Let the rest be left in the hands of the intelligent reader, or postponed to another time.

“ Finally, it must be carefully noted that the censures sometimes recoil upon the censors themselves, for no law is juster than that the very inquisitors should be revised, corrected, and altered, under the rod. The complete works of Beatus Arias Montanus for one were most severely castigated by the first inquisitors and expurgators. This is done (strange but true) on page 55 of the Index Sando-villiano and on page 39 of the Roman Index, to say nothing of the Indexes named above. Are more instances wanted?”

CHAPTER X

EXAMPLES OF CENSORSHIP OF THE STAGE IN THE SIXTEENTH CENTURY

1. In Italy
2. In Spain
3. In France

THE scope and plan of this treatise do not permit any general consideration of so complex a subject as the censorship of the stage. In the present chapter, I am submitting merely certain examples of attempts at such censorship in Italy, Spain, and France in the 16th century, which it may be interesting to compare with the supervision that was being exercised in these countries at the same time over the production and distribution of literature.

1. **The Theatre in Italy, 16th Century.**—The action taken in regard to the censorship of the stage varied materially in the different localities. St. Charles Borromeo prohibited in Florence, in 1565, theatrical performances during the time of religious fêtes. Later, he secured the suppression altogether of the presentation of the drama of the Passion. Gregory XIII, as the result of an appeal made to him by St. Charles, prohibited dramatic performances in Rome on holy days. The influence of the saint secured similar action in Verona and in Bologna, and, in 1577, Venice banished the comedians altogether.

The Church as a whole, however, avoided being drawn into the consideration of the control of the drama; it made absolute prohibition of but two things: the presentation on the stage of ecclesiastical dress and the use of female actors.¹

The Jesuit Ottonelli, writing in 1640, condemns "immodest" dramatic representations, of which he demands the complete suppression. He contends that there should be on the stage no scenes of love between a man and a woman left alone. He is willing to concede the communication, in connection with a proposition of marriage, by the father of the lover to the father of the girl, of the sentiments of the young man.²

2. **The Theatre in Spain.**—In Spain and in Italy the clergy undertook during the 16th century to repress or to restrict the license of the stage, and in Spain, at least, the clerical control of the drama was complete. The seven centuries of contest against the Moors had, among other results, served to associate indissolubly the Catholic faith with the cause of patriotism and nationality, and with the daily life of the people; and yet in Spain a large respect and an ardent devotion for the Church were not felt to be incompatible with a large indecency on the stage.

In Spain, the Inquisition, in place of being detested as in France, or dreaded as in Italy, was really a popular institution. Lope de Vega, who entered the priesthood after the birth of two illegitimate children which had come to him during his second widowhood, displayed at the head of his most indecent comedies his title of "Familiar of the Sacred Office." His

¹ See an edict of the Inquisition dated 1611, cited by Dejob p. 216.

² Ottonelli, *Memoriali*, etc., cited by Dejob, 218.

plays present alternate examples of passages of real piety and of verses the most obscene.

In 1548, however, as a result of a petition of the Cortes to Charles V, vigorous measures were taken against indecent performances; and between 1587 and 1600, such effective destruction was made by the clerical commissioners of dramatic productions that of a series of forty-three volumes, there remained copies of but ten.¹

3. **The Theatre in France, 16th Century.**—The French Church of the 16th century did not manifest antagonism to the stage. The edict of 1548, which, for the purpose of protecting religion against indignities, ordered that dramatic performances should be restricted to subjects that were “profane, decent, and free from scandal,” emanated not from the divines, but from the Parliament of Paris. The Church councils of the provinces restricted their interference to the prohibition of the use for such performances of consecrated buildings.²

¹ Ticknor, vol. ii, Appendix.

² Migne, *Nouvelle Encyclop. Théologique*, vol. 43.

CHAPTER XI

THE LITERARY POLICY OF THE MODERN CHURCH

1. The Indexes of Leo XIII.....1881-1900.
2. Index Revision and Reform.....1868-1880.
3. The Index and the Liberal Catholics, "Romanus"
and the "Tablet".....1897.
4. The Present Methods of Roman Censorship

1. The Indexes of Leo XIII, 1881-1900.

Rome, 1881, 1884, 1896.—*Index Librorum Prohibitorum sanctissimi Domini nostri Leonis XIII, Pont. Max. Jussu editus, cum appendice usque 1895, Augustae Taurinorum. Typog. pontif. 1896.*

Rome, 1900.—*Index Librorum Prohibitorum SSMI D. N. Leonis XIII, jussu et auctoritate recognitus et editus; praemittuntur Constitutiones Apostolicae de examine et prohibitione Librorum. Romae, Typis Vaticanis, 1900.*

The two Indexes issued by Leo XIII, the first compiled in 1881 and reprinted in 1884 and 1896 with supplements, and the second in 1900, constitute at the date of this writing (December, 1906) the latest expression of the censorship policy of the Church of Rome. It remains to be seen whether Pius X (who is not credited with any such measure of literary interests as characterised his scholarly predecessor) will undertake the production of any addition to the long series of Roman prohibitory Indexes. The first of the two Indexes of Leo is, bibliographically speaking, a fairly

creditable piece of work. The titles are, with few exceptions, correctly presented, and in this respect it makes a noteworthy exception to all the preceding Roman Indexes, excepting only that of Benedict, issued in 1758. Its typography is, however, undignified. The volume contains in all about 6800 entries. The number of separate works considered is, however, very much smaller, as in a large number of instances each book is entered twice in the alphabetical list, once under its own title, and again under the name of the author.

The volume of 1896 presents as front matter :

I. The Preface (signed by Cajetan Amatus) to the Index of Benedict.....	1758
II. The Address to the Reader, signed by Saccheri	
III. The Ten Rules of the Index of Pius IV (Trent)	1564
IV. Observations on the Rules, from the Index of Clement VIII.....	1585
V. Observations on the Rules from the Index of Alexander VII.....	1664
VI. The Instruction of Clement VIII.....	
VII. The Constitution of Benedict XIV.	
VIII. The Decree <i>de libris prohibitis</i> , from the Index of Benedict	1758
IX. The <i>Mandatum</i> from the Index of Leo XII	1825
X. The <i>Monitum</i> of the Congregation of the Index	1828
XI. The <i>Monitum</i> of the Congregation of the Index	1836
XII. The Constitution of Pius IX	1869
XIII. The Declaration of Pius IX (in regard to the dogma of the Immaculate Conception) ...	1854

The Index of 1900 is very attractively printed, and is a credit to the work of the papal printing-office. It is the first of the Roman issues that can be so described. This second Index repeats, with a few omissions, the

lists of the volumes of 1896, with the addition of certain titles selected from the publications of the intervening four years.

The prefatory matter of the volume of 1900 is made up as follows:

- I. The Papal Brief, which bears the signature of Cardinal Macchi.
- II. A Preface, with the signature of Esser, Secretary to the Congregation.
- III. The Constitution of Leo XII.
- IV. The *Decreta Generalia*.
- V. The Constitution of Benedict.

I have thought it in order to present the full text of the first four of these documents as fairly representative of the literary policy of the Church at the close of the 19th century.

BRIEF OF LEO XIII

“ The Roman pontiffs, to whom, in the person of S. Peter the chief of the Apostles, that great duty was committed of feeding the universal flock of Christ, have all been constant in preserving whole and inviolate the most precious deposit of the Faith, and in nourishing the Christian peoples of the world with the food of sound doctrine. Hence the fervent and provident care continually taken by them that, as good grain from tares, so sound and excellent books may be separated from the alloyed, the apocryphal, and the hurtful, lest Christian men, by using them incautiously or daringly, may injure the integrity of their faith and morals. Under this head, the pontiffs themselves or the councils have been ever careful to provide remedies suitable to the evils, changing these to suit the changes of time. When the invention, in the 15th century, of the new art of printing caused a great increase in the number

of books and also a great spread of the pest of evil heresies, it was everywhere deemed necessary to take severe notice of evil writings, both to forestall danger and to repair evil already done. Therefore the Fathers of the Council of Trent, to whom our predecessor Pius IV had entrusted the matter, deemed that the great contagion of heretical books, or of books suspected of the crime of heresy, or of books hurtful to piety and morals, should be attacked in two ways: First, the scholars and theologians, chosen for this purpose by the authority of the same synod, made certain general rules so that it might be easier to decide of what books in general the faithful should beware; and secondly, they compiled an accurate and absolute exposition or Index of books of improper contents. When the synod adjourned, by its own decree, this Index, with the rules above mentioned, was shown to our predecessor, Pius IV, that it might, before publication, receive the support of the Apostolic sanction. The pontiff approved it after it had been worked over again with great diligence, and ordered its observance by all.

“ In the nature of the case, his Index required additions as in the course of time new wicked and hurtful books appeared, and every one knows that the Apostolic Chair has attended to this again and again with zealous care. Thus Clement VIII and later Alexander VII and Benedict XIV, our predecessors, by the specification of those books which the popes had proscribed, by Apostolic letters, by the Roman Congregations, and chiefly by the Congregations of the Inquisition and the Index, revised and reshaped the Index proper so that it constituted practically a new compilation. Since (the issue of Benedict) there has been a long interval, almost a hundred and forty years, and the conditions seemed to call for something more comprehensive and more efficient for the present needs. . . .

“ (Signed),

“ ALOIS. CARD. MACCHI.

“ ROME, Sept. 17, 1900.”

“ PREFACE

“ Behold, worthy reader, a new Index of the prohibited books, revised and published with the greatest care, by direction of His Holiness Leo XIII, P. M.; together with a syllabus of books to be avoided, there are published also the Constitutions of the Apostolic Chair by which the examination and proscription of bad books are at present governed: viz.: the Constitution ‘of Offices and Duties,’ promulgated by Leo, Jan. 25, 1897, and the Constitution ‘*Solicita ac Provida*’ by which Benedict XIV, on July 9, 1753, established clear and firm rules for the use of the Roman and universal Inquisition, and also of the Holy Congregation of the Index, in examining and judging books.

“ As to the Constitution of Benedict XIV, it does not apply so much to the faithful in general as to those who are entrusted by the Holy See with the task of examining books. The Constitution of the present Pope has another object, since, revoking the rules of the holy Synod of Trent, ‘it sets forth certain new general Decretals, which are to be obeyed religiously by Catholics everywhere.’

Furthermore, these general Decretals and the Index have this in common, that both exist for the purpose of teaching what books to avoid reading and owning. The Decretals, however, serve this end in one way, the Index in another. For the Decretals prohibit the greatest possible number, indeed almost all, of noxious and tainted books, the reading of which is strongly forbidden by the natural law itself; while the Index reviews and notes but a small part of these. By the Decretals, *genera* and classes only of bad books are proscribed; by the Index, individual books, each with its title and even the author’s name. Hence it is plain how greatly they err who suppose the whole question of improper books to be decided by the Index alone, as though of the innumerable perverse and pernicious books which have appeared in the course of centuries, those only are prohibited which have been condemned by special decrees

and noticed in the catalogue of prohibited books. In fact, any given book can only be safely declared lawful reading when these two conditions are satisfied: it must not occur in the Index nor be contained in any of those classes which are as a whole reprobated and condemned by the Decretals.

“ It remains to consider what the character of the Index is and what the object was in planning and compiling it. For a catalogue of prohibited books does not go as far as to note each and every bad book. Obviously this would not be done, nor, if the principle of the Decretals be grasped, does it appear necessary. There must, therefore, be some special reason why the Roman Congregations black-list by special decree a book already included in those classes noted by the Decretals. This reason is furnished in most cases by denunciations, from a bishop or other of the persons specified in *Const. Off. ac Mun.*, vv. 27, 28, 29, recommending a given book to the Holy See for examination as destructive or dangerous. Following this clue, and not of set purpose choosing the worst among all the books in existence, the Holy See is very often led to examine other books not included by the Decretals. Therefore, it would be vain to seek in the Index either all noxious and wicked books or those distinguished as it were for wickedness in any department, or to demand that the books in the Index be dealt with in a fixed order based on either the argument or the matter. The only basis of the Index is then this, that it notes those works which for any reason have been prohibited by special decree during the last three centuries, whether by popes in Apostolic letters or by Roman Congregations, and especially the Congregation of the Index, so that neither oblivion nor ignorance may obscure the dangerous character of their contents.

“ A few words are needed to explain the principle of the new edition and its chief points of difference from the earlier ones. The intention of the Pope in ordering a thorough revision of the Index was not only to temper

the severity of the old rules but also, on behalf of the maternal kindness of the Church, to accommodate the whole spirit of the Index to the times. In the actual compilation of the list of prohibited books some material modification has been shown and the number of books formerly prohibited has been diminished. This can be seen in the first Decretal, by which all books prohibited before the year 1600 are declared to be henceforth expunged from the Index, although they are to be considered as much condemned to-day as they ever were, with the exception of those permitted by the new Decretal. Hence in the case of condemned authors hitherto described in Class I, all of whose works were prohibited, by the present Index those of their works are permitted which either *ex professo* do not treat of religion, or, if they do treat of it, contain nothing contrary to the Faith, unless they happen to have been prohibited by some general or special decree. And this mitigation may properly be extended to the case of non-Catholic authors whose complete works are expressly prohibited in the Index. This prohibition will not apply in future to those books which touch the Faith either not at all or only incidentally by the way, if these have not been noted by any general or special decree. Therefore the old distinction between 'all works' simply and 'all works treating of religion' might be cancelled as superfluous. For whenever the complete works of an author are prohibited, those works only are understood which either treat of religion or are proscribed by some general or special decree.

"Moreover, certain books, not a few in number, have been dropped from the Index, which, although they labour under certain defects or have some slight taint, yet have such a reputation for learning or such documentary value that their errors or views seem to be compensated by their usefulness.

"It was also thought best to delete a good many works which deal with the Immaculate Conception, soundly, it

is true, but too intemperately or with some offence to adversaries. Again, a number in which domestic controversies and private quarrels were agitated with improper acrimony, to the injury of good feeling and with hardly any gain to truth; and some which deserved prohibition not by defective doctrine nor failure in charity, but by the indiscretion of the author in failing to obey the public injunction to silence for the sake of extinguishing private quarrels. These controversies having become extinct and the injunction to silence having been long ago removed, these books could be dismissed.

“Since certain books, otherwise harmless, had been placed on the Index because they contained offices and litanies of the Church which were disapproved and published contrary to prohibition, it seemed good to expunge these also, since to-day the power is entrusted to Ordinaries to publish litanies and prayers of this kind for the private use of the faithful.

“Certain minor works, frivolous, or absurd or superstitious, and such as cite false and apocryphal indulgences, are omitted. For superstitions and magic are sufficiently excluded by *Dec.* 12, 13, 16, and 17; while for the elimination of apocryphal indulgences, there is at hand for all the authoritative ‘decree of the Holy Congregation in charge of Indulgences and Holy Relics,’ published by command and authority of the Pope, and the decree ‘concerning the discrimination between regular or normal indulgences and apocryphal,’ published by the same Congregation on the 10th of Aug., 1899.

“It happened often that there were placed on the Index works of slight bulk, sometimes of only a few pages, which were full of venom and danger, but which have been so dispersed by the passage of time (as by the wind) that to-day copies are hardly to be found. These have not been placed on the new Index. Under this head are included a series of pamphlets, for the most part scholastic, which were transferred to the Index proper from the appen-

dices to the Indexes of Innocent XI and of Clement XI. Theses, also, which were prepared for public academic discussion, although not free from error and rightly and justly placed on the Index on their first appearance, have been thought fit for omission, the more as oblivion has long ago blotted out most of them. But those prohibited writings, however small in compass, which claim any part in the historic evolution of Catholic theological doctrine, are for this very cause retained in the Index.

“ All those works were struck off which had been condemned only by the edicts of the *Magister Palatii* early in the 17th century, and those in regard to which the Congregation itself decreed that they might or should be omitted by the next decree, as well as certain old collections of declarations, decisions, and interpretations of the Council of the Congregation, which this body proscribed by its decree of April 29, 1621. For although the decrees in these collections are not to be considered authentic simply on the ground of inclusion there, the collections are nevertheless believed to be of some value to-day. Besides, the making of such collections in future has been sufficiently guarded against by *Dec. gen.* 33.

“ It happened sometimes that the first volume or volumes of a work were placed in the Index, the later volumes of which followed the publication of the prohibition; or that periodicals were proscribed which continued afterwards to be published; also that all the works of an author were proscribed, who, after the publication of the decree, produced other works. In all these cases, the volumes or numbers published after the latest special decree, although not mentioned in that special decree, are nevertheless held suspicious and are justly presumed to fall under the prohibition of some general decree, unless there is evidence of the author's change of heart.

“ It remains to indicate in a few words, for the reader's use of the Index, the method used in arranging and describing books. In order that the issue of Leo might be more correct

than its predecessors, and that all corruptions might be eliminated which, in the course of so many editions, (some of them prepared by private authority) had crept in, much zealous labour has been given to the investigation of the records of the Congregation of the Index and of the Inquisition, both Roman and general; and of libraries in Rome and abroad. Books whose authorship is declared in their titles are entered under their titles in alphabetical order, the author's name being subjoined when possible. These names are always entered in full, lest the omission of a syllable should lead to the confusion of similar ones. Assumed or fraudulent names included in titles are treated on the same basis as real names.

"Italian names prefixed by the syllable *De, Del, Di, etc.*, which appears to be part of the name, always begin with that syllable in this catalogue. The same applies to *Van* etc., in Dutch names, and to *Des, etc.*, and *St.* in French names; but names beginning with the two syllables *De la* are entered under *La*. When the syllable *De* alone begins a French name, it is placed after the name in this catalogue unless the name begins with a vowel.¹ . . ."

There follow certain further bibliographical details. The Preface bears the signature of "Fr. Thomas Esser, Ord. Praed. S. Indicis Congregationis a Secretis."

THE CONSTITUTION OF POPE LEO XIII, CONCERNING THE PROHIBITION AND CENSORSHIP OF BOOKS

"Of the duties and obligations which ought to be most carefully and faithfully performed in this Apostolic Office, this is the chief and most important matter, namely,—to watch zealously and make every effort that the integrity of the faith and morals of Christians shall not be impaired. If this were ever necessary, it is especially so in this age—when, in the midst of unbounded license of character and

¹ This detail is deserving of attention because the Index of Leo is the first which makes any attempt at bibliographical consistency or accuracy.

morals, almost all the teaching which Jesus Christ, the Saviour of Mankind, entrusted to the care of his Church for the salvation of the human race is attacked, with daily criticism and discussion.

“ In this criticism, our opponents use various and innumerable stratagems and artifices for the purpose of causing injury; but especially dangerous is the lack of moderation in their writings and the influence of these pernicious writings among the people. For nothing worse can be imagined for contaminating the minds of men, both by making them despise religion and by suggesting many incentives to sin. Wherefore the Church, the guardian and protector of the integrity of faith and morals, in fear of this great evil, long ago came to the conclusion that measures must be adopted to guard against the danger. To this end, it made continued efforts to prohibit men, as far as practicable, from the reading of pernicious books, which are the worst kind of poison. Even the very remote age of St. Paul saw an eager zeal in this matter. And in like manner, every subsequent generation has witnessed the watchful care of the holy Fathers, the instructions of the bishops, and the decrees of the Church councils.

“ Especially do the records of literature bear witness to the care and diligence shown by the Roman pontiffs to prevent the writings of heretics, a constant menace to the community, from making their way unnoticed into circulation. The earlier years are full of examples of this. Anastasius I condemned by a solemn edict the more dangerous writings of Origen; Innocent I did the same with all the works of Pelagius, and Leo the Great with those of the Manichaeans. There are known to be decretal letters about the same matter concerning the acceptance and the non-acceptance of certain books. For one of these letters Gelasius is responsible. Likewise, in the course of years, the decree of the Holy See has condemned the pestilent books of the Monothelites, of Abélard, Marsilius of Padua, of Wyclif, and of Huss.

“ But in the 15th century, with the invention of the new art of printing, not only were prohibitions made against wicked books that had actually appeared, but efforts were also made to prevent the publication of any further such books. This foresight was demanded for that age not on any trivial grounds, but by the necessity for the preservation of the public integrity and safety; because an art, most excellent in itself, and the source of very great advantages, which had come into existence originally for the purpose of propagating Christian civilisation, had been speedily perverted by the action of many into a powerful instrument of evil. The great and pernicious influence of wicked writers had more serious and more rapid results because of this very increase in the extent of the circulation of literature. Therefore, by a most wise policy, both Alexander VI and Leo X, my predecessors, made regulations, adapted to the character of the times, to keep publishers in the path of duty.

“ Later, as the evil was recognised as more serious, it became necessary to use strict and more strenuous measures to check the contagious spread of wicked heresies. To this end, the same Leo X, and afterwards Clement VII, positively forbade any one to read or to possess the books of Luther. But when, in accordance with the calamities of the age, the foul collection of dangerous books had increased beyond all bounds and had penetrated in every direction, the need of a more far-reaching and more immediate remedy was recognised. This remedy was first opportunely suggested by our predecessor Paul IV, namely, the publication of a list of writers and books, from the perusal of which the faithful were to abstain. Not long afterwards, the Fathers of the Synod of Trent took further measures for checking the increasing license of writing and of reading. In accordance with their wish and instructions, directors and theologians chosen for this purpose took great pains not only in amplifying and perfecting the Index which Paul IV had published, but also in framing rules to be observed

in the publishing, reading, and possessing of books. To these rules, Pius IV added the weight of the Apostolic authority.

“ But the needs of the public welfare, which in the beginning had caused to be framed the Rules of Trent, promulgated from the council, came in later years to call for further action. Therefore, the Roman pontiffs, and especially Clement VIII, Alexander VII, and Benedict XIV, with full understanding of the requirements and with thoughtful discretion, framed further decrees to explain these rules and to adapt their instruction to the later generations.

“ This record shows plainly that the Roman pontiffs have always taken exceptional pains to protect human society from errors of opinion and from influences inimical to morality, and to combat those causes of disaster and ruin to the community which are engendered and distributed from pernicious literature. Good results attended this action as long as, in the administration of public affairs, the Divine law had control of the directing and the prohibiting, and as long as the temporal Rulers of States were in accord with the sacred Authority.

“ As to what followed, no one is ignorant. When, in the progress of the ages, the conditions of society had gradually changed, the Church modified with discretion the application of its authority, because, with full understanding of the character of the times, it saw that these regulations were of assistance and service for the guidance of mankind. Several of the rules of the Index, which appeared no longer to be pertinent, were either abolished by decree, or the books therein forbidden were permitted under conditions and with wise judgment on the ground of the increasing importance of antiquarian researches. Of more recent occurrence is the action of Pius IX instructing the archbishops and bishops to modify materially the strictures of Rule V. In addition, in view of the approaching important Vatican Council, Pius IX confided to a group of learned men the task of making a fresh examination of all the rules of

the Index with instructions to report as to what action might be necessary in regard to them. They unanimously agreed that certain changes ought to be made. The majority of the Fathers frankly avowed that they were of the same opinion and they submitted to the council a similar recommendation. There are extant letters concerning this matter from the bishops of France, whose opinion was unanimous as to the necessity for immediate action in order that these rules and the entire Index should be framed in an entirely different manner, which would render the regulations better suited to our age and easier to observe. Similar counsel was received from the bishops of Germany, who united in recommending that the rules of the Index should be submitted to a new examination and revision. A great number of the bishops in Italy and in other countries were in accord with this conclusion.

“ If one considers the character of the times, and the condition of civil institutions and of popular morals, we must admit that these demands are just and reasonable, and are not out of accord with the purposes or the material affection of the Holy Church. In the rapid development of intellectual activity, there is no field of knowledge in which literature is not produced too freely, with the result of a daily accumulation of foul and of dangerous books. What is still more serious is that this great evil is not only connived at by the civil laws, but even secures under these a great freedom. As a result, therefore, unrestricted license is assured for reading anything whatever, and the minds of many are filled with religious doubts.

“ Concluding, therefore, that we must now take measures to remedy these evils, we have decided that there are two things to be done in order that there should be a fixed rule of action in this class of matter, a rule that should be plain to every one. The Index of books forbidden to be read has been gone over again with the utmost care and this revised list shall be published as soon as it is in readiness. Furthermore, we have directed our attention to the rules

themselves and have decided, without changing their general character, to make them more lenient, in order that unless a man be really depraved, he shall not find it a difficult matter to obey them. In this we not only follow the examples of our predecessors, but we also imitate the zeal of the Mother Church, which, with loving zeal, takes pains to spare the infirmities of her children.

“Therefore, after mature deliberation and after summoning the cardinals and a holy council to go over the lists of books, we have decided to publish the following general decrees, which are made part of this Constitution. The holy council will in the future make use of these rules only, and Catholics all over the world must obey them scrupulously. We decree that these only shall have the authority of law, and we abrogate the ‘Rules’ published by the order of the very holy Council of Trent, and the ‘observations,’ ‘instructions,’ ‘decrees,’ and ‘precepts,’ and every other statute or law concerning this matter which have been made by our predecessors, except only the ‘Constitution’ of Benedict XIV, which we decree shall remain in force in the future as it has done hitherto.”

GENERAL DECREES CONCERNING THE PROHIBITION AND CENSORSHIP OF BOOKS

ARTICLE I

OF THE PROHIBITION OF BOOKS

I. OF THE PROHIBITED BOOKS OF APOSTATES, HERETICS, SCHISMATICS, AND OTHER WRITERS

I. All books condemned before the year 1600 by the Sovereign Pontiffs, or by Oecumenical Councils, and which are not recorded in the new Index, must be considered as condemned in the same manner as formerly: with the exception of such as are permitted by the present General Decrees.

2. The books of apostates, heretics, schismatics, and all writers whatsoever, defending heresy or schism, or in any way attacking the foundations of religion, are altogether prohibited.

3. Moreover, the books of non-Catholics, *ex professo* treating of religion, are prohibited, unless they clearly contain nothing contrary to Catholic Faith.

4. The books of the above-mentioned writers, not treating *ex professo* of religion, but only touching incidentally upon the truths of Faith, are not to be considered as prohibited by ecclesiastical law, unless proscribed by special decree.

II. OF EDITIONS OF THE ORIGINAL TEXT OF HOLY SCRIPTURE AND OF VERSIONS NOT IN THE VERNACULAR

5. Editions of the original text and of the ancient Catholic versions of Holy Scripture, as well as those of the Eastern Church, if published by non-Catholics, even though apparently edited in a faithful and complete manner, are allowed only to those engaged in theological and biblical studies, provided also that the dogmas of Catholic Faith are not impugned in the prolegomena or annotations.

6. In the same manner, and under the same conditions, other versions of the Holy Bible, whether in Latin, or in any other dead language, published by non-Catholics, are permitted.

III. OF VERNACULAR VERSIONS OF HOLY SCRIPTURE

7. As it has been clearly shown by experience that, if the Holy Bible in the vernacular is generally permitted without any distinction, more harm than utility is thereby caused, owing to human temerity: all versions in the vernacular, even by Catholics, are altogether prohibited, unless approved by the Holy See, or published, under the vigilant care of the Bishops, with annotations taken

from the Fathers of the Church and learned Catholic writers.

8. All versions of the Holy Bible, in any vernacular language, made by non-Catholics, are prohibited; and especially those published by the Bible Societies, which have been more than once condemned by the Roman Pontiffs, because in them the wise laws of the Church concerning the publication of the sacred books are entirely disregarded.

Nevertheless, these versions are permitted to students of theological or biblical science, under the conditions laid down above (No. 5).

IV. OF OBSCENE BOOKS

9. Books which professedly treat of, narrate, or teach lewd or obscene subjects are entirely prohibited, since care must be taken, not only of faith, but also of morals, which are easily corrupted by the reading of such books.

10. The books of classical authors, whether ancient or modern, if disfigured with the same stain of indecency, are, on account of the elegance and beauty of their diction, permitted only to those who are justified on account of their duty or the function of teaching; but on no account may they be placed in the hands of, or taught to, boys or youths, unless carefully expurgated.

V. OF CERTAIN SPECIAL KINDS OF BOOKS

11. Those books are condemned which are derogatory to Almighty God, or to the Blessed Virgin Mary or the Saints, or to the Catholic Church and her worship, or to the Sacraments, or to the Holy See. To the same condemnation are subject those works in which the idea of the inspiration of Holy Scripture is perverted, or its extension too narrowly limited. Those books, moreover, are prohibited which professedly revile the Ecclesiastical Hierarchy, or the clerical or religious state.

12. It is forbidden to publish, read, or keep books in which sorcery, divination, magic, the evocation of spirits, and other superstitions of this kind are taught or commended.

13. Books or other writings which narrate new apparitions, revelations, visions, prophecies, miracles, or which introduce new devotions, even under the pretext of being private ones, if published without the legitimate permission of ecclesiastical superiors, are prohibited.

14. Those books, moreover, are prohibited which defend as lawful duelling, suicide, or divorce; which treat of Freemasonry, or other societies of the kind, teaching them to be useful; and not injurious to the Church and to Society; and those which defend errors proscribed by the Apostolic See.

VI. OF SACRED PICTURES AND INDULGENCES

15. Pictures, in any style of printing, of our Lord Jesus Christ, the Blessed Virgin Mary, the Angels and Saints, or other Servants of God, which are not conformable to the sense and decrees of the Church, are entirely forbidden. New pictures, whether produced with or without prayers annexed, may not be published without permission of ecclesiastical authority.

16. It is forbidden to all to give publicity in any way to apocryphal indulgences, and to such as have been proscribed or revoked by the Apostolic See. Those which have already been published must be withdrawn from the hands of the faithful.

17. No books of indulgences, or compendiums, pamphlets, leaflets, etc., containing grants of indulgences, may be published without permission of competent authority.

VII. OF LITURGICAL BOOKS AND PRAYER BOOKS

18. In authentic editions of the Missal, Breviary, Ritual, Ceremonial of Bishops, Roman Pontifical, and other

liturgical books approved by the Holy Apostolic See, no one shall presume to make any change whatsoever; otherwise such new editions are prohibited.

19. No Litanies—except the ancient and common Litanies contained in the Breviaries, Missals, Pontificals, and Rituals, as well as the Litany of Loreto, and the Litany of the Most Holy Name of Jesus, already approved by the Holy See—may be published without the examination and approbation of the Ordinary.

20. No one, without license of legitimate authority, may publish books or pamphlets of prayers, devotions, or of religious, moral, ascetic, or mystic doctrine and instruction, or others of like nature, even though apparently conducive to the fostering of piety among Christian people; unless issued under license, they are to be considered as prohibited.

VIII. OF NEWSPAPERS AND PERIODICALS

21. Newspapers and periodicals which designedly attack religion or morality are to be held as prohibited, not only by the natural, but also by the ecclesiastical law.

Ordinaries shall take care, whenever it be necessary, that the faithful shall be warned against the danger and injury of reading of this kind.

22. No Catholics, particularly ecclesiastics, shall publish anything in newspapers or periodicals of this character, unless for some just and reasonable cause.

IX. OF PERMISSION TO READ AND KEEP PROHIBITED BOOKS

23. Those only shall be allowed to read and keep books prohibited, either by special decrees, or by these General Decrees, who shall have obtained the necessary permission, either from the Apostolic See or from its delegates.

24. The Roman Pontiffs have placed the power of granting licenses for the reading and keeping of prohibited books in the hands of the Sacred Congregation of the Index. Nevertheless the same power is enjoyed both by

the Supreme Congregation of the Holy Office, and by the Sacred Congregation of Propaganda for the regions subject to its administration. For the city of Rome this power belongs also to the Master of the Sacred Apostolic Palace.

25. Bishops and other prelates with quasi-episcopal jurisdiction may grant such license for individual books, and in urgent cases only. But if they have obtained from the Apostolic See a general faculty to grant permission to the faithful to read and keep prohibited books, they must grant this only with discretion and for a just and reasonable cause.

26. Those who have obtained Apostolic faculties to read and keep prohibited books may not on this account read and keep any books whatsoever or periodicals condemned by the local Ordinaries, unless by the Apostolic favour express permission be given to read and keep books by whomsoever prohibited. And those who have obtained permission to read prohibited books must remember that they are bound by grave precept to keep books of this kind in such a manner that they may not fall into the hands of others.

X. OF THE DENUNCIATION OF BAD BOOKS

27. Although all Catholics, especially the more learned, ought to denounce pernicious books either to the Bishops or to the Holy See, this duty belongs more especially to Apostolic Nuncios and Delegates, local Ordinaries, and Rectors of Universities.

28. It is expedient, in denouncing bad books, that not only the title of the book be expressed, but also, as far as possible, the reasons be explained why the book is considered worthy of censure. Those to whom the denunciation is made will remember that it is their duty to keep secret the names of the denouncers.

29. Ordinaries, even as Delegates of the Apostolic See, must be careful to prohibit evil books or other writings published or circulated in their dioceses, and to withdraw

them from the hands of the faithful. Such works and writings should be referred by them to the judgment of the Apostolic See as appear to require a more careful examination, or concerning which a decision of the Supreme Authority may seem desirable in order to procure a more salutary effect.

ARTICLE II

OF THE CENSORSHIP OF BOOKS

I. OF THE PRELATES INTRUSTED WITH THE CENSORSHIP OF BOOKS

30. From what has been laid down above (No. 7), it is sufficiently clear what persons have authority to approve or permit editions and translations of the Holy Bible.

31. No one shall venture to republish books condemned by the Apostolic See. If, for a grave and reasonable cause, any particular exception appears desirable in this respect, this can only be allowed on obtaining beforehand a license from the Sacred Congregation of the Index and observing the conditions prescribed by it.

32. Whatsoever pertains in any way to Causes of Beatification and Canonisation of the Servants of God may not be published without the approval of the Congregation of Sacred Rites.

33. The same must be said of Collections of Decrees of the various Roman Congregations: such Collections may not be published without first obtaining the license of the authorities of each Congregation, and observing the conditions by them prescribed.

34. Vicars Apostolic and Missionaries Apostolic shall faithfully observe the decrees of the Sacred Congregation of Propaganda concerning the publication of books.

35. The approbation of books, of which the censorship is not reserved by the present Decrees either to the Holy See or to the Roman Congregations, belongs to the Ordinary of the place where they are published.

36. Regulars must remember that, in addition to the license of the Bishop, they are bound by a decree of the Sacred Council of Trent to obtain leave for publishing any work from their own Superior. Both permissions must be printed either at the beginning or at the end of the book.

37. If an author, living in Rome, desires to print a book, not in the city of Rome but elsewhere, no other approbation is required beyond that of the Cardinal Vicar and the Master of the Apostolic Palace.

II. OF THE DUTY OF CENSORS IN THE PRELIMINARY EXAMINATION OF BOOKS

38. Bishops, whose duty it is to grant permission for the printing of books, shall take care to employ in the examination of them men of acknowledged piety and learning, concerning whose faith and honesty they may feel sure, and that they will show neither favour nor ill-will, but, putting aside all human affections, will look only to the glory of God and the welfare of the people.

39. Censors must understand that, in the matter of various opinions and systems, they are bound to judge with a mind free from all prejudice, according to the precept of Benedict XIV. Therefore they should put away all attachment to their particular country, family, school, or institute, and lay aside all partisan spirit. They must keep before their eyes nothing but the dogmas of Holy Church, and the common Catholic doctrine, as contained in the Decrees of General Councils, the Constitutions of the Roman Pontiffs, and the unanimous teaching of the Doctors of the Church.

40. If after this examination, no objection appears to the publication of the book, the Ordinary shall grant to the author, in writing and without any fee whatsoever, a license to publish, which shall be printed either at the beginning or at the end of the work.

III. OF THE BOOKS TO BE SUBMITTED TO CENSORSHIP

41. All the faithful are bound to submit to preliminary

ecclesiastical censorship at least those books which treat of Holy Scripture, Sacred Theology, Ecclesiastical History, Canon Law, Natural Theology, Ethics, and other religious or moral subjects of this character; and in general all writings specially concerned with religion and morality.

42. The secular clergy, in order to give an example of respect towards their Ordinaries, ought not to publish books, even when treating of merely natural arts and sciences, without their knowledge.

They are also prohibited from undertaking the management of newspapers or periodicals without the previous permission of their Ordinaries.

IV. OF PRINTERS AND PUBLISHERS OF BOOKS

43. No book liable to ecclesiastical censorship may be printed unless it bear at the beginning the name and surname of both the author and the publisher, together with the place and year of printing and publishing. If in any particular case, owing to a just reason, it appears desirable to suppress the name of the author, this may be permitted by the Ordinary.

44. Printers and publishers should remember that new editions of an approved work require a new approbation; and that an approbation granted to the original text does not suffice for a translation into another language.

45. Books condemned by the Apostolic See are to be considered as prohibited all over the world, and into whatever language they may be translated.

46. Booksellers, especially Catholics, should neither sell, lend, nor keep books professedly treating of obscene subjects. They should not keep for sale other prohibited books, unless they have obtained leave through the Ordinary from the Sacred Congregation of the Index; nor sell such books to any person whom they do not prudently judge to have the right to buy them.

V. OF PENALTIES AGAINST TRANSGRESSORS OF THE
GENERAL DECREES

47. All and every one knowingly reading, without authority of the Holy See, the books of apostates and heretics, defending heresy; or books of any author which are by name prohibited by Apostolic Letters; also those keeping, printing, and in any way defending such works; incur *ipso facto* excommunication reserved in a special manner to the Roman Pontiff.

48. Those who, without the approbation of the Ordinary, print, or cause to be printed, books of Holy Scripture, or notes or commentaries on the same, incur *ipso facto* excommunication, but not reserved.

49. Those who transgress the other prescriptions of these General Decrees shall, according to the gravity of their offence, be seriously warned by the Bishop, and, if it seem expedient, may also be punished by canonical penalties.

We decree that these presents and whatsoever they contain shall at no time be questioned or impugned for any fault of subreption or obreption, or of Our intention, or for any other defect whatsoever; but are and shall be ever valid and efficacious, and to be inviolably observed, both judicially and extrajudicially, by all of whatsoever rank and preëminence. And We declare to be invalid and of no avail, whatsoever may be attempted knowingly or unknowingly contrary to these, by any one, under any authority or pretext whatsoever; all to the contrary notwithstanding.

And We will that the same authority be attributed to copies of these Letters, even if printed, provided they be signed by the hand of a Notary, and confirmed by the seal of some one in ecclesiastical dignity, as to the indication of Our will by the exhibition of these presents.

No man, therefore, may infringe or temerarily venture to contravene this document of Our constitution, ordination, limitation, derogation, and will. If any one shall so presume, let him know that he will incur the wrath of Almighty God, and of the Blessed Apostles Peter and Paul.

Given at St. Peter's in Rome, in the year of the Incarnation of Our Lord one thousand eight hundred and ninety-seven, on the 25th day of January, in the nineteenth year of Our Pontificate.

A. CARD. MACCHI.

A. PANICI, Subdatary.

Visa.

De Curia: J. DE AQUILA VISCONTI.

L. † S.

Registered in the Secretariat of Briefs,

I. CUGNONI.

THE LISTS OF THE WORKS CONDEMNED

In the lists (as was the arrangement in the earlier Index of Leo) the date of the decree under which the work was condemned is connected with the title of the book. For the works (a considerable proportion of the entire series) which are entered both under the title and under the name of the author, cross references are given. The number of entries in the second Index of Leo is about 7000, practically the same as that in the earlier volume. Of the publications of the last ten years of the 19th century, 131 works, representing 82 authors, are selected for condemnation. These books of recent date comprise 60 Italian volumes, 47 French, 16 Spanish and Portuguese, 4 German, and 4 English. This selection may be considered as indicative of the lack of familiarity of the examiners with the language or with the modern literature of Germany or of England.

As these two Indexes represent the latest authoritative expression of opinion in regard to the present literary policy of the Church of Rome, it is in order to present with some detail the character of the books selected for examination.

It is with the Leonine Indexes, as with all those

that preceded, difficult to arrive at the principle that has guided this selection. The lists include no works of the heresiarchs, and in fact no titles back of the 17th century. Place has been found, however, for reprinting a number of the prohibitions of the early 17th century, as well as for those of the 18th. The Leonine decrees confirm those of the Indexes of Pius IV (Trent), 1564, of Clement VIII, 1596, and of Benedict XIV, 1758, and the lists in these cover, of course, all the important heretical literature from the earliest date of printing. It is not clear on what principle have been selected the works of the 17th century which in the judgment of the Leonine editors were important enough to warrant a reiteration, three centuries later, of the original condemnation. Still more difficult for these editors must have been the selection from the great mass of fiction and of current literature of the past century, and more particularly of the last half of the 19th century, of works that impressed them as sufficiently pernicious in character and abiding in their influence to call for specific condemnation. The result of this selection impresses the student as curiously disproportionate, and in fact as almost haphazard in its character. The fiction which has been condemned is for the most part classed under the description of *fabulae amatoriae*.

I have noted the titles of certain works which seem to be in one way or another typical or which would be likely to prove of interest to the English-speaking readers of to-day.¹ It is doubtless the case that the Italian literature (which constitutes the very large proportion of the lists) possesses for the purposes of the

¹ These titles are transcribed in the precise form in which they are printed in the Leonine schedule.

indexer a distinctive importance of its own, but these books are, I judge, less likely to be familiar to the readers who will be reached by my treatise. The dates placed against the titles are those, not of publication, but of the decrees, these decrees being in some cases as far as a century later than the date of the original issue.

- Abrégé de l'histoire ecclésiastique de Fleury.* Decr. 1769.
- ACTON, LORD. *Zur Geschichte des vaticanischen Conciles; Sendschreiben an einen deutschen Bischof.* 1871.
- ADDISON, JOS. *Remarks on Italy.* 1729.
- ALBERTUS MAGNUS. *De Secretis Mulierum.* 1604.
- Alciphron*, by Berkeley. 1742.
- Anglica, Normanica, etc., a veteribus scripta, etc. d.c.*
By Walsingham, etc., edit. Camden. 1605.
These chronicles are, it is to be noted, to be permitted when corrected; but for such corrections they have already waited for centuries.
- Apologie de Jansénius, évêque, etc.* 1654.
There are no less than sixteen entries under the term "Apology."
- ARNAULD ANTOINE (*fil*s).
Seventeen works are entered under the name of this Jansenist writer. The decrees are of date 1656-1659.
- Arrest de la cour de Parlement.*
Under this term are six entries, covering acts of the Parliament of Paris from 1680-1744, the condemnation of which it is considered important to confirm 250 years later.
- Augustinus. Janseni.* 1654.
A condemnation that recalls a long and bitter doctrinal contest.
- BALZAC, *oeuvres de.* 1841, 1842, 1864.
- BARONIUS, VINCENTIUS.
Three works. 1672.
- BAYLE, PIERRE. *Opera omnia.* 1698 to 1757.
This is followed by entries of four separate works of the same author.

BENTHAM, JEREMIE.

Four works, of which two are entered in the French editions. 1819-1835.

BÉRANGER. *Chansons*. 1834.

BERT, PAUL. *L'Instruction Civile*. 1882.

BLACKWELL, GEORGE, Archpriest of England. Letter to Clement VIII. 1614.

BOILEAU, JACOBUS. *Historia Flagellantium*. 1668.

Book of Common Prayer. London. 1714.

BOSSUET, ÉVESQUE. *Réponse à M. de Tencin*. 1745.

BROWNE, THOMAS. *Religio Medici*.

BRUNO, GIORDANO. *Opera omnia*. 1600.

BUNSEN, C. C. J. *Hippolytus and his Age*. 1853.

BURNET, GILBERT. *The Reformation of the Church of England*. 1714.

“ “ *History of his own Times*. 1731.

CAMERARIUS, JOHANNES. *Opera omnia*. 1654

CASAUBONUS, ISAACUS. *De Rebus Sacris*, etc. 1614.

“ “ *Epistolae*. 1640.

Catechisme, Catechismo, and Catechism.

Under this heading and that of Katechism there are twenty-five entries in the four languages, under dates from 1602 to 1876.

CHARRON, PIERRE. *De la Sagesse*. 1605.

COLLINS, ANTHONY. *On Free Thinking*. 1715.

COMBE, GEORGE. *Manuel de phrénologie*. 1837.

COMTE, AUGUSTE. *Cours de philosophie positive*. 1864.

CONDORCET. *Tableau historique du progrès de l'esprit humain*. 1827.

CUDWORTH, RALPH. *Intellectual System of the Universe*. 1739.

DARWIN, ERASMUS. *Zoönomia*. 1817.

DESCARTES, RENATUS. *Meditationes de prima philosophia*. 1663.

DIDEROT. *Encyclopaëdie raisonnée des sciences*. 1804.

Discovery of a New World. Wilkins, John. 1701.

- DRAPER, JNO. WM. *History of the Conflicts between Science and Religion.* 1876.
The much more comprehensive and incisive work on the same subject by Andrew D. White escapes attention.
- DUMAS, ALEXANDRE (*pater*). *Omnes fabulae amatoriae.* 1863.
- DUMAS, ALEXANDRE (*filius*). *Omnes fabulae amatoriae.*
- EARLE, JOHN C. { *The Spiritual Body.* } 1878.
 { *The Forty Days.* }
- ENFANTIN, BARTHÉLEMY P. *Science de l'homme.* 1859.
- ERIGENA, JOHANNES SCOTUS. *De divisione naturae*, etc. 1684.
- FÉNELON. *Explication des Maximes des Saintes*, etc. 1665.
- FERRI, ENRICO. *Sociologia criminale* [and four other treatises]. 1895-6.
- FERRIÈRE, ÉMILE. *Le Darwinisme* [and seven other treatises]. 1892-3.
- FEYDEAU, ERNEST. *Omnes fabulae amatoriae.* 1864.
- FONTENELLE, B. L. *La république des philosophes*, etc. 1779.
- FOURIER, CHAS. *Le Nouveau monde industriel et sociétaire.* 1835.
- FREDERIC II (of Prussia). *Oeuvres du philosophe de Sans-Souci.* 1760.
- FROHSCHAMMER, JACOB. *Ueber den Ursprung der menschlichen Seelen* [and five other treatises]. 1857-1873.
- GANDOLPHY, PETER. *A Defence of the Ancient Faith*, etc. 1818.
- GIBBON, E. *The Decline and Fall of the Roman Empire.* 1783.
- GOBLET D'ALVIELLA, E. *L'idée de Dieu d'après l'anthropologie*, etc. 1893.
- GOLDSMITH, OLIVER. *Abridged History of England*, etc. 1823.
- GREGOROVIVUS, F. *Geschichte der Stadt Rom*, etc. 1874.
- GROTIUS, HUGO. *Opera omnia theologica* [and five other works, comprising practically *Opera omnia*]. 1757.

- GUICCIARDINI, F. *Loci duo ob rerum*, etc. 1603.
 HALLAM, H. *Constitutional History of England*. 1833.
 " " *View of the State of Europe*. 1833.
 HERBERT DE CHERBURY. *De Veritate*, etc. 1633.
Histoire, Historia, De Religione, etc.

Under these terms are entered thirty-six different works.
History of the Devil, as well ancient as modern.

- Defoe, Daniel. 1743.
 HOBBS, THOMAS. *Opera omnia*. 1703.
 HUGO, VICTOR. *Notre Dame de Paris*. 1834.
 " " *Les Misérables*. 1864.
 JACOB (*filius*) *Chaviv.*, etc. By Rabbi Jehuda Arje de Mutina.

The title is reprinted in Hebrew.

- JACOBUS I. *Rex Angliæ. Βασιλικὸν δῶρον*. 1606.
 " *Meditatio in orationem dominicam* [and two other treatises]. 1619.
 JANSENIUS, C. *Augustinus*, etc. 1641, 1642, 1654.
 KANT, I. *Kritik der reinen Vernunft*. 1827.
 LAMARTINE, A. *Souvenirs, etc., d'un voyage en Orient* [and two other works]. 1836.
 LAMÉ FLEURY, J. R. *L'Histoire Ancienne* [and five other histories]. 1857.
 LAMENAIS, H. F. R. *Paroles d'un croyant* [and six other works]. 1834.
 LANFREY, PIERRE. *Histoire politique des papes*. 1875.
 LANG, ANDREW. *Myth, Ritual, and Religion*.¹ 1896.
 LAUNOY, J. *Veneranda romanæ ecclesiæ circa simoniam traditio* [and no less than twenty-six other works by this much condemned author]. 1688.
 LEIGH, EDWARD. *Annotations upon the New Testament*, 1735.
 LESSING, G. E. *Religion Saint Simonienne*, etc. 1835.

¹ The author, in a letter to the *Athenæum* (Feb. 25, 1905), states that his book is concerned solely with savage and classical beliefs, and that he had been unable to secure a reply to his inquiry (submitted through one of the English Catholic bishops) as to the grounds for the condemnation.

Lettre, Lettura, Letter, and Lettres.

Under these headings are seventy-eight titles.

- LIMBORCH, P. *Historia inquisitionis*, etc. [and two other books]. 1694.
 LIPSIUS, J. *Orationes*, etc. 1613.
 LOCKE, J. *Essay on the Human Understanding*. 1734.
 " *The Reasonableness of Christianity*. 1737.
 MACCRIB, TH. *History of the Reformation in Italy*. 1836.
 MALEBRANCHE, N. *Traité de la Nature et de la Grâce* [and six other treatises]. 1689.

Mandement.

Under this heading are fourteen entries, dating from 1667 to 1729.

- MANDEVILLE, B. DE. *The Fable of the Bees*, etc. 1744.
 " " *Thoughts on Religion*. 1732.
 MANSFELD, R. *Diatriba theologica*. 1690.
Manual, the Catholic Christian's New Universal, etc. 1770.
 MARMONTEL. *Belisaire*, etc. d.c. 1767.
 MARVELL, A. *The Growth of Popery and of Arbitrary Power in England*. 1730.
 MAURICE, F. D. *Theological Essays*. 1854.

Mémoire and Memoria.

Under this heading are thirty-four entries, dating from 1667 to 1817, including several having to do with the Bull *Unigenitus*, the Gallican Church, etc.

Under this title is entered the *Mémoires de la vie du Comte de Grammont*, which was not condemned until 1817.

- MERLE D'AUBIGNÉ, J. H. *Histoire de la Réformation*, etc. 1852.
 MICHELET, J. *Bible de l'humanité* [and five other works]. 1840-1896.
 MILL, J. S. *Principles of Political Economy*. 1856.
 MILTON, JOHN. *Literae pseudo-senatus anglicani*, etc. 1694.
 MIVART, ST. GEORGE. *Happiness in Hell*. 1892-1893.
 From "Nineteenth Century."
 MOLINOS, M. DE. *Opera omnia*. 1687.
 MONTAIGNE, M. DE. *Les Essais*. 1676.

- MONTESQUIEU, C. de S. *Esprit des lois*. 1751.
 " " *Lettres persanes*. 1751.
- MORGAN, LADY S. *Journal of Residence in Italy*. 1822.
- MURGER, H. *Omnes fabulae amatoriae*. 1864.
- PASCAL, B. *Pensées*. 1789.
- POZA, J. B. *Opera omnia*. 1628-1631.
 This condemnation represents the confirmation or re-assertion on the part of Leo of the position taken by his predecessors three and a half centuries back, against the contentions of the Spanish Jesuits and of the Spanish Church.
- PRESSENSÉ, E. de. *Le Concile du Vatican*. 1876.
- PUFFENDORF, S. VON. *De jure naturae et gentium* [and four other treatises]. 1711.
- QUESNEL, P. 1708-1720.
 A series of works comprising practically *Opera omnia*.
- QUINET, E. *Le génie des religions*. 1844.
- RANKE, L. *Die Römischen Päpste*. 1841.
- RENAN, E. *Vie de Jésus* [and nineteen other works]. 1859-1892.
 This entry could more conveniently have been made *Opera omnia*.
- RICHARDSON, S. *Pamela*. 1744.
- ROCAERTI, H. *Vida y Dottrina* [and eleven other treatises]. 1688.
- ROSCOE, WM. *Life of Leo X*. 1825.
- ROSMINI. *Enciclopedia di science e lettere*. 1889.
- ROUSSEAU, J. J. *Le Contrat Social* [and four other works]. 1766.
- SABATIER, P. *Vie de S. Francis d'Assisi*. 1894.
- SAINT-SIMON, C. H. *Science de l'homme*. 1859.
- SAND, GEORGE. *Omnes fabulae amatoriae*. 1840-1863.
- SARPI, PAOLO. *Historia sopra gli beneficii ecclesiastici*, [and three other treatises]. 1676.
- SCALIGER, J. *Epistolae. d.c.* 1633.
- SISMONDI, J. C. L. *Histoire des républiques italiennes, etc.* 1817.
- SPINOZA, B. DE. *Opera posthuma*. 1690.

- STENDHAL, H. B. DE. *Omnes fabulae amatoriae*. 1864.
 STEPHANUS, R. *Ad censuras theologorum parisiensium*, etc.
 1624.
 STERNE, L. *A Sentimental Journey*. 1819.
 STRAUSS, D. J. *Das Leben Jesu*. 1838.
 STROUD, WM. *The Physical Causes of the Death of Christ*.
 1878.
 SUE, E. *Omnes fabulae amatoriae*. 1852.
 SWEDENBORG, E. *Principia verum naturalium*, etc. 1738.
 TAINE, H. A. *Histoire de la littérature anglaise*. 1866.
Testament, le nouveau (printed at Mons), 1668, [together
 with three other editions in French, one in Dutch, and
 three in Italian, 1709-1820].
 THOMAS KEMPISIUS. *De imitando Christo*. 1723.
 TILLOTSON, JEAN. *Sermons, traduits de l'anglois*. 1725.
 VOLNEY, C. F. *Les ruines, etc., des empires*. 1821.
 VOLTAIRE, F. M. A. *Oeuvres*. 1752.
 This entry is followed by thirty-eight separate titles of
 the books of Voltaire which called for special con-
 demnation.
 WHATELY, R. *Elements of Logic*. 1851.
 WHITE, THOMAS. *Opera omnia*. 1655-1663.
 WILKINS, J. *Discovery of a New World*. 1701.
 ZOLA, É. *Opera omnia*. 1894-1898.
 ZWICHER, G. *Monks and their Doctrine*. 1898.

2. **Index Revision and Reform, 1868-1880.**—Pomponio Leto reports¹ that Pope Pius IX had instituted, in addition to the six existing commissions of the council, a seventh commission placed under the direction of Cardinal de Luca, which was to be charged with the consideration of biblical material and of the revision of the Index. It appears, however, that this commission held but one or two sessions in 1868 and after 1869 was not again called together.

From time to time suggestions have been submitted

¹ Reusch, ii, 26.

for the reform of Index proceedings. In 1870, eleven French bishops took the ground that no work by a Catholic writer should be condemned by the Congregation unless and until the author had had an opportunity of being heard in its defence and of replying to criticisms of any special passages. It seemed to these bishops outrageous that, possibly on the ground of the lack of correct understanding of certain individual passages, important books, representing the serious labour of devout scholars, should be placed under the same class of condemnation as that applied to godless and heretical writings or to books *contra bonos mores*.¹

The bishops of Germany joined in the demand for a reshaping of the rules of the Index for which in a number of territories it had not been practicable to secure obedience. They also demanded that in the future no book by a Catholic writer should be condemned until a hearing had been given by the bishops to its author. It was contended that by means of such direct action the injury of an official censorship would in a large number of cases be avoided. In a number of monographs printed in 1869 and 1870, the contention was maintained that there should be either a discontinuance of the operations of the Congregation of the Index or a thoroughgoing reform in the whole method of Church censorship.²

Segesser says, in his monograph entitled *Am Vorabende des Conciliums*: "We do not admit that the Roman Index as now carried on fulfils the purpose for which it was instituted. It seems to us that the present censorship system, together with the method of securing from repentant authors 'retractions' and

¹ Martin, *Omnium conc. Vat. documentorum, collectio*, 159, 179.

² Friedrich, *Vat. Koncil.*, ii, 288, 289.

‘submissions,’ leads only to serious misapprehensions and confusions of judgment. . . . The responsibility ought to be left to the bishops to take action, each for his own diocese, concerning the books produced within the territory for which he is responsible.” One of the editors of the *Mainzer Katholik*, writing in 1869, says¹: “We accept the view which is now being presented very generally throughout the Church, that the reconstitution of the organisation and methods of Roman censorship is essential in order to meet the very great changes in the conditions of literary production which have come about since the time of Benedict XIV.” Writing again later in the year, the same writer says:²

“It may well be doubted whether it is practicable, under the present social conditions, to enforce any prohibition in regard to the reading of books and whether, therefore, such prohibitions are not pernicious rather than helpful. . . . We are inclined to the belief that it would be wiser, in place of leaving the books to be passed upon in Rome, to place the responsibility for their examination in the hands of the bishop of the diocese. . . . We do not recommend that the Index should be abandoned, but it should certainly be revised in order to meet the new conditions of the present time. We submit with all deference the suggestion that a theological literary organ might properly be published in Bonn, and similar journals, speaking under the authority of the Church, in such centres as Munich and Tübingen. Such journals would, with their conclusions, criticisms, and recommendations, carry weight and wholesome influence among all faithful readers in the Church. A central organ of literature, speaking with all the authority of the Holy See and Church universal, should be published in Rome. In such a journal should be presented the record of theolog-

¹ i, 293.

² i, 757.

ical literary activities throughout the whole world. The conclusions and criticisms issued under the official authority of Rome would in themselves constitute a standard of theological orthodoxy and of literary form. . . . For such an undertaking, the support and the interest of devout Catholics throughout the world would be assured. Its influence would have the effect of an Index or censorship of literature. Such a journal should serve as a guide and an inspiration towards a true Catholic life."

A periodical which was in existence for a few years during the last decade of the 18th century appears to have had some such purpose as this writer considers important. The *Giornale Ecclesiastico*, a weekly journal published in Rome from July, 1785, to June, 1798, presented, together with Church news and general information, a weekly review of books. The journal included further the decrees issued, during this period of fourteen years, by the censorship authorities of Rome, against the books selected for condemnation. The first volume recorded in these decrees is a treatise entitled *Was ist der Pabst?* published anonymously but identified as the work of Eybel. It receives the honour of a condemnation, not in the ordinary form, but in an elaborate "constitution" printed over the signature of Pope Pius VI. The treatise had been issued at a critical time when the Pope found ground for alarm at the reformations announced by Joseph II. One of the works condemned in the later decrees was the *Pensées* of Pascal, with Voltaire's notes.

The criticism has been made more than once on the part of Protestant historians of the Index that the record of the conflicting decisions given by successive popes in regard to literary productions itself constitutes a substantial argument against the reasonableness of the

doctrine of infallibility. This doctrine became officially one of the dogmas of the Church at the Council of the Lateran in 1870. It is the understanding that, while the declaration of the dogma was made this year for the first time, under the necessary interpretation of such dogma, it would be held to apply to the utterances of all the popes preceding Pius IX. The orthodox interpreters of Catholic doctrine point out, however, that the claim for infallibility does not cover all classes of papal utterances. Father Searle, for instance (writing in New York, 1895), makes the following statement in regard to the orthodox interpretation of this dogma:

The Infallibility of the Pope

“ The special prerogative which Catholics now universally believe to have been conferred on the Pope by the Divine Founder of Christianity has a very special and limited range, although certainly quite complete within its proper domain. It consists in the Pope’s ability to decide questions concerning religion about which there may be room for doubt in the minds of Christians, on account either of the large number of adherents or of the apparently plausible arguments on both sides of the question. . . . It should be clearly understood that it is not the office of the Pope to act as one inspired or to receive or give to the world any new revelation. It is merely to decide what the original deposit (as we call it) of faith was, as committed by Christ to his Apostles; or in other words to repeat the decision which the Apostles themselves would have made in regard to the doctrines of Christianity. Still less is it the office of the Pope to settle matters of science or ordinary questions of fact. Not but what the domains claimed by science and the domains claimed by faith may sometimes overlap; this may be the case for instance to some extent in the matter of evolution, especially if evolution is supposed to apply to the human soul, or it may apply in the cases in which

science asserts that matter existed from all eternity. . . . And even questions of historical fact may belong to faith by being necessarily connected with some of its dogmas, or by forming part of the inspired record of Holy Scripture. There would, for instance, be a conflict of history or of geology with the Church, if it should be asserted in the name of either of these branches of learning that the account of the Deluge was simply a myth. But conflicts of this sort are rare. Practically no Catholic is impeded in any kind of study or investigation by any fear of papal condemnation. . . . The impression of Protestants that we Catholics believe the Pope to be incapable of error, no matter what he is speaking about or under what circumstances he expresses his thought, is of course without foundation. . . . The Catholics do, however, believe that the Pope is able to make infallible decisions with regard to morals as well as to faith. . . . But it by no means follows that because the Pope can solemnly instruct the faithful infallibly, he always or on all occasions holds or gives utterance to correct views with regard to right or wrong. . . . We hold simply that God assists the Pope in a special way to prevent him from making a decision at all if the way is not reasonably clear to it; or if God allows the decision to be made, to insure that this decision shall contain nothing contrary to the truth."¹

It seems probable from the position taken by Father Searle that in the cases in which the utterances of the Papacy have by later events been shown to be based upon error or have even directly been recalled or corrected by later papal utterances, the Catholic of to-day would take the ground that these erroneous utterances did not belong to the class for which infallibility was claimed. Under this class of exceptions would doubtless be placed the condemnation of Galileo, and also the

¹ Searle, 36, ff.

condemnation of certain Catholic books maintaining doctrines not accepted at the time as dogmas of the Church but which later secured official acceptance.

3. **The Index and the Liberal Catholics, in 1897. “Romanus” and “The Tablet.”**—In October, 1897, after the promulgation of the first Index of Leo XIII and at the time when announcements concerning the scheme of the second Index were being made, a writer in the *Contemporary Review* undertook to present views in regard to the literary policy of the Church of Rome and its responsibilities towards the intellectual development of the century. The writer subscribes himself “Romanus” and writes as a faithful and conscientious member of the Catholic Church. He claims to be expressing the apprehensions of a large body of educated Catholics in England and on the Continent as to the probable loss of influence on the part of the Church and of the weakening of its hold on men possessing both education and conscience, in case its present rulers should persist in maintaining a mediaeval policy in regard to intellectual matters. “Romanus” insists that the Church must accept and abide by all of the conclusions of modern science the foundations of which are shown to be thoroughly assured, and that unless the Church may make science its own, it must of necessity lose influence with conscientious students throughout the world.

I cite below some of the more noteworthy utterances in this article.

“Leo XIII,” says “Romanus,” “has inspired respect and sympathy even among men who are strongly opposed to Catholicism.” He goes on to speak of Leo as that “gentle, cultured, conciliatory pontiff, the promoter of historical research, the friend of the

French Republic." The main purpose of his article is to show that "liberal Catholicism," so far from having ceased to exist, has only been transformed into a much more "formidable movement."

"Liberal Catholics," says "Romanus," "are fully aware that the enormous power of the Church for good would be fatally impaired by an injury to its organisation, and they would regard as intrinsically absurd and unscientific any attempt to reverse the process of development. Their desire is, therefore, not to destroy, but to strengthen the authority of the Church by diverting it from proceedings detrimental to its own welfare. . . . They are profoundly convinced that the Catholic Church is the one great influence for promoting the spiritual welfare of humanity. They believe that there exists no power comparable to it for the promotion of virtue and of all that is highest, noblest, purest, and most self-denying and generous among mankind. They are convinced that it is the most complete—the only complete—organisation for bringing about among all classes, all nations, and all races, obedience to, and fulfilment of, Christ's two great commandments wherein lay all the law and the prophets—love of God and of our neighbour.

"Such Catholics also believe that the Church supplies, to our minds, as no other yet existing organisation can supply, means of access and address to their Creator through a worship such as the world has never before known—traditional, majestic, soul-satisfying, and, above all, profoundly spiritual, wherein the divine and human meet and *cor ad cor loquitur*.

"By its sacraments, every stage of human life is elevated and sanctified, the wounded conscience renovated and strengthened, the broken and contrite heart comforted and consoled, the various afflictions of life mitigated and its joys, as well as its sorrows, refined and consecrated. . . . These liberal Catholics not only look upon Catholicity as the

special home and the most effective aid to what is good, but also as an influence making for beauty and the culture of art. Its influence with respect to philosophy they regard as of priceless value, nor do they think lightly of its service to literature. Profoundly influenced by such convictions, the adherents to ‘Liberal Catholicism’ must evidently desire to maintain unimpaired that wonderful organisation of which Rome is the head. . . . Liberal Catholics declare themselves to be devoted to the discovery, the promulgation, and the establishment of truth in every field of knowledge, historical, critical, and scientific, especially in what bears upon religion. Sincere Theists, they are profoundly convinced not only that the God of truth can never be served by a lie, but that the cause of religion can never be promoted by clever dodges, by studiously ambiguous utterances, by hushing up unpleasant truths, or (when such can no longer be hidden) by misrepresenting or minimising their significance—trying by a series of clever devices to disguise the consequences which logically follow from them. As St. Paul strenuously opposed himself to the circumcision of the flesh, so would the Liberal Catholics oppose themselves to the circumcision of the intellect. These believers are not so foolish as to be blind to the fact that a body so vast and complex in structure as the Catholic Church must move slowly. It neither surprises nor shocks them that new astronomical, geological, or physiological truths should not be accepted with alacrity or that discoveries as to the Old and New Testaments and startling facts with respect to the organisation of the Church in the first two centuries should not be welcomed with enthusiasm and loudly proclaimed. . . . What liberalism does not understand, what it vehemently protests against and deems fatal to the welfare of the Church, is not reticence, but declarations hostile to and condemnatory of ascertained scientific truth. No one in authority would probably now venture to affirm in so many words that Catholics must regard as historical facts

such matters as the legend of the Serpent and the Tree, that of the formation of Eve, Noah's Ark, the destruction of Sodom, the transformation of Lot's wife, the talking ass, or Jonah and his whale; nevertheless (not only from what is popularly taught, but from what has been put forth in the name of the Supreme Pontiff) it would seem as if Reuss, Welhausen, and Keunen had never written at all, instead of having transformed our whole conception of the Hexateuch. Liberal Catholics need demand no formal disavowals. What they do most strongly deprecate are needless declarations freshly made in the full light of modern science, physical, physiological, historical, or critical, yet futilely hostile thereto. The well-known Syllabus of Pius IX afforded a memorable instance of what is thus objected to. . . . It was so worded as to make plain men believe that their reasonable liberties had been condemned, and many tender consciences were greatly troubled thereby. A year or two back, Leo XIII, in a letter concerning the Bible, afforded a most amazing example of misleading ambiguity. . . . It is understood that for this letter he was not personally to blame, his will having been overborne by the influence of the Jesuits of the *Civiltà Cattolica*. This letter contains, to be sure, a certain recognition of modern science; but it broadly declares that the Bible contains no error. . . . English Catholics have been played with of late in the matter of a new Index in a singularly inept and absurd manner, owing to the fact that the players at Rome are so densely ignorant concerning the state of things in England.

"The old Index was never supposed to be binding on English Catholics and, indeed, its provisions were such that it was practically almost a dead letter on the Continent also. . . . The new Index is, however, formally declared to be applicable to all countries, and great has been the distress which through its publication arose in the minds of a multitude of timid and scrupulous believers. . . . Pressure was brought to bear upon Rome, which was forced at last to

learn something of the condition of affairs in England, and finally supreme authority has had to draw in its horns and suffer it to be spread about in England that the new reformed Index does not apply here, and that in this happy country every condemned publication can be read, and any work on morals or religion published and circulated, without ecclesiastics having the power to prevent it. . . . Since the affair of the Index, however, a yet more monstrous act has been perpetrated. Any one who has taken any interest in Scripture knows that for many years past the text in the Epistle of St. John about ‘the three witnesses’ (the Father, Son, and Holy Ghost in heaven) has been regarded as a spurious addition. An application was lately made to Rome to know whether the authenticity of this well-known text might safely be called in question. The reply was that it might neither be denied nor called in question. Thus authority, in this last act, has shown an utter contempt for historical and critical truth, and that it desires its spiritual subjects should be left to believe that an absolutely unauthentic passage is an inspired statement written ‘by the finger of God.’ . . . We live in a critical period. Dogmatic statements require special care when, thanks to the labours of such men as Harnack and Weis-zäcker, so much light has been thrown on the genesis and history of dogma and the earliest condition of the Christian Church. But the diffusion of any such knowledge is but little perilous if only authority will refrain from self-destructive affirmations. . . . The advance of physical science necessarily carries with it changes in religious belief, as astronomy and geology unquestionably show. But changes in moral science and consequent modifications in human sentiment produce changes of far greater moment. . . . It is then above all things necessary that ecclesiastical authority should help in the elevation of popular ethical ideals, instead of trying, as the Catholic Church has in many cases already done, to retain these at a lower stage of development. . . . The scientific teaching now current about the Old and the

New Testament, the history of dogma and of the beginnings of the Church, must doubtless disturb the minds of many faithful Catholics now as future discoveries in the field of physiology will disturb the minds of persons who are to come after us. We are and we wish to remain in sympathy with the Church of centuries long gone; but surely we should also wish and strive to pave the way for the triumph of the Church in ages yet to come. We emphasise the importance of attention to past changes and the necessity of great consideration and accommodation on the part of authority at the present time and yet more in the future. We urge this because we are devoted to the cause of the Catholic Church; we urge this as humble followers of the great Apostle of the Gentiles, in the name of Him who was the first great teacher of 'accommodation' and who, as the great opponent of pharisaic narrowness, emphatically deserves the honourable title of the first 'Liberal Catholic' of the Universal Church of Christ."

The criticism of "Romanus," speaking on behalf of the Liberal Catholics, was promptly taken up by an "orthodox" Romanist, evidently a strong opponent of Liberal Catholicism, who is prepared to accept without question the authority and the policy of Pius and Leo in regard to the supervision of literature and the direction of the intellectual life of the Church. The reply of the defender of the papal policy appears in the *Tablet* (which may, I suppose, be considered as the official organ of the Church in England) in December, 1897. The following extracts will give the main conclusions of this upholder of papal authority.

"The article in the *Contemporary Review* which claims to represent the views of 'Liberal Catholicism' is not entitled to any serious attention on the part of educated Catholics. Its matter and its spirit are well known to them *ad nauseam*, and they easily recognise one and the other

as a part of the stock-in-trade of certain writers who not unnaturally conceive that they can attack the Catholic Church more plausibly by affecting to stand within her pale, and while masquerading (anonymously, of course) under the name of Catholic. The only passage in the *Contemporary* article which is deserving of any present attention is that relating to the modification of the recent Constitution of the Index. In January last, the Holy See was pleased to simplify, and in many respects to modify, the provisions of the Index, and issued a Constitution to that effect. Like all legislation of a general kind, it was issued to the Church as a whole. The Holy See, following its most wise tradition, frames its general law upon the needs of the bulk or majority of its subjects, and makes such law, for the time being, the standard of the community, knowing that if its provisions, in whole or in part, should, owing to peculiar circumstances, become inapplicable to the minority or should press unduly upon them, their case can easily be met either by local modification, or by personal dispensation where they affect an individual or a class. A good deal of cheap rhetoric is often wasted upon the narrowness and intolerance of the authorities of the Index. We are concerned with the law itself and with the principles which underlie this law and with the reasons which justify it. The measure of discretion (or of indiscretion) which characterises the action of the authorities in the administration of the law and in its application to this or that book or opinion deserves separate consideration. . . . It may safely be asserted that not a little of the ordinary criticism of the regulations of the Index is due in many cases to insularity. Probably out of every hundred Englishmen or Americans who rail against the restrictions of the Index, not a tithe has any direct acquaintance with, or takes any due account of, the flood of bitterly anti-Christian literature, often infidel, immoral, and blasphemous, and almost always insidiously polemical, which is poured over Italy and the Continent generally, by the masonic and

anti-clerical press. It is in great measure this degrading abuse of one of the noblest faculties of civilised society, and the need of duly protecting the minds of the masses that the provisions of the Index are specially designed to meet. It is simply a measure of Catholic sanitation. In fact, were a representative collection of such continental literature translated and put into the hands of the average English father, we conceive that he would promptly improvise himself into a domestic Congregation of the Index and take pains to see that all such vehicles of infection were rigidly excluded from his family. . . . That the Catholic Church, which is necessarily an authoritative and a teaching Church, should be equally solicitous about the members of her family, and that from her standpoint she should extend her solicitude, not only to manifest evils but to assaults upon the faith which she believes to be the logical sub-structure of morality, is a principle which assuredly need not excite our surprise. However much we may feel that, in times like our own, when our best triumphs promise to be gained by guiding, rather than by limiting human liberty, and when necessarily much must be left to the discretion of the conscientious, the practical application of the principle is a matter which calls for the exercise of that generous and tactful delicacy that the Catholic Church knows so well how to use in teaching her children. . . . No one who looks upon the face of Christendom to-day can fail to note that there exists a clearly marked difference between the whole set of social and political circumstances which obtain in the English-speaking lands and those which obtain in the various countries of the Continent. This difference applies particularly to the very circumstances which most affect the use and application of the provisions of the Index. . . . We maintain that in English-speaking countries there does not exist upon any large or popular scale such bitter and active propaganda against Christianity and Christian morality as are unhappily at work abroad, nor is there that widespread prevalence of aggressively anti-

Christian and pornographic literature which the infidel and anti-clerical press pours forth like a pestilential sewer in certain continental countries. The Church has wisely taken into account the special character and circumstances of Catholics in the English-speaking countries, and the significance which as expressing the more modern development of social and political life they promise to possess in the future. For centuries, the provisions of the Index in their more rigid sense have not been practically applied to these countries, and to a very large measure these provisions have been left in abeyance with the perfect knowledge of the Supreme Authority. . . . The Constitution published by the Holy See, in January last, was naturally issued to the Church at large, and when it appeared in the Catholic press of England it necessarily elicited from both clergy and laity the question whether this new Constitution was or was not intended to supplant the *status quo* which had hitherto existed among us. The reply to the enquiry addressed to Rome by the Cardinal Archbishop and bishops of England, conceded the most ample powers for dispensation, so that, owing to the ‘special circumstances of the country,’ the bishops in England were fully authorised ‘to modify the rigour of the law by their prudence and counsel according as the case might demand.’ Rome’s reply was thus as ready and as liberal as could well be desired. . . .

“ No Catholic forgets or can ever allow himself to forget that the Index is at most an institution which has been called into existence by the practical prudence of the Holy See to safeguard and to hedge around with specific regulations the observance of a moral law that is as old as Christianity itself and that, even if the regulations of the Index were abolished to-morrow, would remain in all its force in the Catholic Church. If the faithful Catholic in the course of his reading finds by experience that a given book is of a kind to undermine his faith or to work injury to his morals, he knows that he is bound by the very fact to deal with it as he would with a proximate occasion of sin, and to

cast it aside. Christianity by its very condition means discipline. In it the unbridled freedom of thinking, saying, reading, and doing what we like is exchanged for the higher and holier freedom of union with the mind and with the life of Christ. The moral law of the Church is everywhere and always with us and every good Christian carries about with him inside of his own conscience a Constitution of the Index. . . ."

This article may, I judge, while now eight years old, fairly be accepted as an authoritative utterance on the part of the thoroughly orthodox Romanists of England, that is to say, of those who accept without question the decisions and the regulations from Rome. The writer in the *Tablet* declines, or, to speak more precisely, contemptuously refuses, to meet any of the specific criticisms of "Romanus" in regard to this or that text or to the relations of the Church with the conclusions of scientists. He bases his conclusions upon a general and implicit acceptance of the final authority of the Church in all matters and he apparently holds that only in such reverent acceptance and obedience can there be a religious sanity in this world or hope for the world to come.

4. The Present Methods of Roman Censorship.—The Papal Consistory may be considered as a direct successor or at least a continuation of the chancellery of the Roman Empire. When (in 328), the Emperor Constantine moved the court to Byzantium, he left the chancellery in Rome and the authority or organisation of this chancellery came to be associated with the authority of the Bishop of Rome.

The term Curia or Holy See is used to represent the Church organisation or final authority of the Church considered more particularly in its relations with foreign States or with outside bodies.

The Congregations date in their final organisation from Sixtus V (1585). The series now comprises eighteen. These Congregations might be compared in the nature and in the exercise of their functions to the standing committees of the United States Senate; excepting that their decisions do not have to be referred to any general body for action. These decisions are final unless disapproved by the pope. The pope retains for himself the official headship of the Congregation of the Index on the ground that the work of this Congregation has to do directly with matters of doctrine. The working body of the Congregation of the Index comprises ten to twelve members with votes, including always a group of cardinals. In addition to these voting members, there is a varying number of *consultores* (advisers) who are called in as experts in different divisions of knowledge, but who have no votes in the decisions arrived at. The Congregation which bears the name Propaganda is charged with the responsibility of receiving and sifting miscellaneous business, referring each division of such business to its appropriate Congregation. The Congregation of the Index has from the outset been conducted under the influence and under the practical control of the Order of the Dominicans. The secretary, who bears the name "commissarius" and who is always a Dominican, has the general responsibility for the selecting and the shaping of the business of the Congregation. It is to the commissarius that suggestions are submitted by ecclesiastics or others concerning books which, in their judgment, call for the consideration of the Congregation. The commissarius is also himself under obligation to submit titles of doubtful books of which he has personal knowledge. The exceptional influence of the Jesuits

in statecraft and in personal relations with the popes and with other of the authorities of the Church is considered as constituting some measure of offset to the influence that the Dominicans have, in their control of the Index, been able to exert concerning the acceptance (or the reprobation) of literature presenting the special doctrines of the Jesuits. The method of thought and of reasoning of the Dominicans is, it is to be borne in mind, based upon the teachings of Thomas of Aquinas and of the Thomists. The Franciscans are described as the commemorators of the mystical spirit of Duns Scotus. The leadership in intellectual activity in the Church is said to rest to-day, as it has rested through the centuries, with the Jesuits. The great Order of the Benedictines and that of the Cistercians are still referred to as making some of the largest and most important contributions to literature that come from Catholic sources.

It is to be remembered that the bishop possesses in his own diocese a very large measure of independent authority, authority which may be considered as increasing in direct proportion to the distance of the diocese from Rome. This local authority is utilised in connection with literary censorship as for other matters affecting the action of believers. This censorship of the bishops is naturally of special importance when it has to do with books originating in languages other than Italian or Latin, as such books are less likely to be brought to the attention of the censorship authorities in Rome.

In regard to the literary policy of the Church to-day as expressed in the Index, the opinion of the Jesuit Father Hilgers is of interest. In reply to the enquiry, "What is the Index?" Hilgers presents (in the

treatise before referred to) the following statement, the text of which I have somewhat condensed: "The Index of prohibited books does not contain or undertake to present the entire regulation or body of the enactments of the Church concerning the supervision of literature and the specification of prohibited books. This body of Church law is to be found in the general Decrees or Regulations (*Decreta Generalia*) of the Constitution, known as the *Officiorum ac munerum*. It is of course to be understood that the editions of the Index are controlled by the general prohibitions (that is to say, by the prohibitions which, in place of specifying individual works, express a general literary policy) and also by what may be called the law of nature. . . . It is not safe for a believer to say, 'as this book is not found in the Index, I am at liberty to read it.' It should be understood that the book in question or any similar work may fall under the prohibition of the general rule or may under the law of nature be classed as pernicious. It is undoubtedly the case that many books which are pernicious for faith or for morals are not to be found in the Index. It would of course be a physical impossibility to include in any current lists all of the books of bad character or of bad influence which each year are being brought before the public. The Index is to be considered as itself a portion of the general Church prohibitions. It is not even to be admitted that the most dangerous or pernicious have with certainty found their way into Indexes, either the earlier or those that are now in force. The books which are undeniably bad should so reveal themselves to the conscience of the believer and are in any case clearly indicated by the law of the Church. This is the answer to the criticism that has more than once been

made that the Congregation of the Index has concerned itself with the trivial or petty things, leaving without consideration books which are of most serious moment, for instance works belonging to the emphatically bad group. Examples of such are—in literature: those of Carl Gutzkow and Conrad Ferdinand Meyer; in natural science, those of Haeckel and of Krause (Carus-sterne); in philosophy, the writings of Feuerbach and Büchner; in theology, the works of F. C. Baur and of Bruno Bauer, etc. Against names like these, the caution of specific condemnation in the Index ought not to be required by any intelligent reader. There are to-day so-called philosophers whose representative works can be recognised as dangerous by the reason of each intelligent person, and these works it has therefore not been thought necessary to place in the Index. The very fact that the total number of books appearing in the Index is so inconsiderable is to be accepted as evidence that there has been no attempt to make specific condemnation of the whole mass of pernicious literature.” According to the calculation of Hilgers, the Indexes of the last three hundred years contain an average of sixteen new titles only for each year; and these sixteen titles represent the total of the selections made from the literatures of all the countries of the world, principally of course of those of Europe.

The Index presents for us a collection of the utterances of the Church authorities concerning specific condemnations of individual books. It may be said to bear the same relation to the general censorship decrees as that borne, for instance, by a collection of the judgments of a criminal court to the provisions of criminal law. It is the business of the court to arrive at a

judgment in each individual case and in each case to determine whether the law has been broken. The Index condemnations, like the court judgments, may be accepted as representative in the one case of the general policy or principles by which the Church is guided and in the other case of the principles and of the provisions of the law. In the Constitution *Officiorum ac munerum*, section I, chapter 10, is the instruction: "While it is the duty of all believers, and particularly of the educated Catholic, to bring to the attention of the authorities of the Curia or of the bishops, books believed to be dangerous, this responsibility rests more particularly upon the nuncios, the Apostolic delegates, and the rectors and associates of the higher schools." The word denunciation has a serious sound and yet such a word may be, applied as describing the duty of any magistrate acting under the law of the land. "The Index is not, continues Hilgers, "and never has claimed to be, a systematic and comprehensive collection of the titles of each class of prohibited books. It is no more just on this ground, however, that the Index should be charged with lack of system, plan, or consistency than that the civil authority should be criticised because, under the actual working of the law, there may not be each year examples of the imposition of penalties for all the offences specified. . . . It is further to be borne in mind that the influence of any particular work is naturally not the same during different periods or under different conditions; a book which at the time when certain issues were pending might have exercised a seriously pernicious influence, could for later generations, under different conditions, be studied safely simply as an historical record. It is the purpose of the Index as of

the *Decreta Generalia* to protect and defend the true Faith, sound morality, and wholesome conduct. The censorship prohibitions constitute one means by which those to whom has been confided the care of the flock of the faithful may be enabled to fulfil their responsibilities."

"In case there may be question of the accusation of any person for heretical doctrine the examination of the matter or the control of the case is held not under the direction of the Congregation of the Index, but under that of the Roman Inquisition. The condemnation of the book does not in itself carry with it a condemnation of the individual."¹

The Reverend Spencer Jones, in his treatise *England and the Holy See*, printed in London, 1902, remarks that, in such cases, "when a teacher is silenced and his books have been placed upon the Index a large proportion of the public are apt to entertain pity for him, which is natural; but feel little concern for those on whose behalf the Church has interfered, which shows want of sympathy and contempt for the authorities, which is for the most part unjust; the assumption being that because they judge it right to stay the treatise, they therefore wish to stop the truth."²

A further criticism has been made against the Index on the ground of the indignity caused to works of science and to productions of literature of thought in associating these under condemnation with vulgar erotic romances or with the passing pamphlet of the moment. The Catholic answer is very simple: the Church is responsible for the correction of error in whatsoever form such error may take. Such action in regard to an

¹ Hilgers, 70-73.

² Cited by Hilgers, 74.

error, whether this be a thought or form of expression, does not of necessity imply that the writer is himself unworthy. The Church may properly honour and does honour a faithful believer and great thinker like Fénelon, and may at the same time, in its watchfulness over sound thought and precise expression, find it necessary to correct some single utterance of Fénelon. The true Faith has to do not only with understanding but with the preservation of the purity of the soul and of right feeling.

It may be at once admitted that the regulations of the Congregation of the Index do not claim for themselves an infallible authority concerning matters of doctrine. The book prohibitions, while approved by the pope, do not (unless with rare exceptions) emanate directly from him and do not, therefore, partake of the infallibility of his Office. The pope can of course, in the cases in which it seems to him right so to do, decide with his own infallible judgment that the doctrine of a book is heretical and such a decision must carry with it full weight. The general prohibitions of the Index are, however, to be considered as simply an expression or conclusion concerning dogma in the narrower sense of the word. Such prohibitions may be considered as coming from the ecclesiastical court before which the book in question has been under trial and through such judgment the book is either condemned or passed upon as not a subject for disapproval.¹

Hilgers calls attention to the method of procedure under which the successive Indexes collected into their lists the titles of books that had been condemned (in certain cases many years before) in specific decrees.

¹ Hilgers, 75.

The Index authorities have, he says, been criticised for bringing into condemnation books having to do with controversial questions, years after these questions have been practically adjusted or were no longer vital matters. The answer is that the literature was considered at the proper time under a separate decree and the Index merely presents a summary of such decrees. The Index of Leo XIII makes clear in its record of condemnations of earlier date the immediate source for each condemnation; whether this took the form of a papal brief or bull or whether it was arrived at through the decision of one of the papal Congregations. The books which have been condemned under a separate Apostolic edict (brief or bull) comprise in all a hundred and forty titles and these have been printed in each Leonine Index with a cross. During the three centuries between 1600 and 1900, the Congregation of the Holy Office, that is to say, the Roman Inquisition, has issued in all nine hundred book prohibitions. These are entered in the Leonine lists with the words: *Decr. S. Off.* During the same period, the Congregation of Rites has prohibited in all but three books. The Congregation of Dispensations has issued two condemnation decrees. It is clear from the above reference that each Congregation has been charged with the supervision of the literature belonging to its own special subject-matter. The Congregation of the Index, however, is concerned with the books in every division of literature because its subject is the examination and determination of works classed as suspected. The entries for which the Congregation of the Index is responsible during the three centuries in question aggregate about three thousand. As before stated, the power rests with the pope to examine and to pass

judgment upon any book without the intervention of any one of the Congregations.

The Leonine Index repeats but two prohibitions back of the date of 1600. The first, bearing date 1575, makes entry of the title of the *Chronicon* of Conrad of Lichtenau, and the second, under the date of 1580, the title of *Il Salmista secondo la Bibbia*, etc. During the above specified period, covering three centuries, the lists comprise some four thousand titles, but this number includes a hundred and eight authors whose entire writings (under the entry of *Opera omnia*) came under condemnation. If the works of these writers were added separately to the schedule, the titles would aggregate about five thousand. Of these titles, some fifteen hundred belong to the 17th century, twelve hundred to the 18th, and thirteen hundred to the 19th; while from the publications of the last decade of the 19th have been selected but one hundred and thirty-one titles. This last group includes, however, the *Opera omnia* of Zola. The writers of the 19th century who have been distinguished through the condemnation of their entire works comprise the following: Sue, 1852; Dumas (father and son), 1863; Sand (Dudévant), 1863; Balzac, 1864; Champfleury (Fleury-Husson), 1864; Feydeau, 1864; Murger, 1864; Soulié, 1864; Hume (David), 1827; Morado, 1821; Plancy, 1827; Proudhon, 1852; Spaventa, 1856; Virá, 1876; Ferrari, 1879; Zola, 1895.

The omission from the Leonine Index of a long list of names, which appeared in earlier Indexes connected with the term *Opera omnia*, is to be understood as giving permission to the faithful for the use of such books of these writers as do not appear under specific condemnation or as cannot at once be classed under the

general prohibitions. All of the books of writers of this first class which do not antagonise either the true Faith or good morality are now free for Catholic readers. This exception would of course continue to rule out the writings of the leaders of the original Reformation, Luther, Calvin, Melanchthon, and the rest, although the names of these writers do not find place in the Leonine lists. The Index of Benedict (who from the liberal character of his convictions and policy was sometimes spoken of as the free-thinking Pope) strengthened the prohibitions against some fifty authors. The names of these authors, which had previously been connected only with specific books, are entered in the Index of 1758 with *Opera omnia*. Hilgers emphasises the greater liberality of Leo XIII in recalling these authors from the *Opera omnia* classification and in leaving condemned only certain specific works. He gives as another example of the liberality of Leo the freeing from condemnation of the famous treatise by Grotius, *De Jure Belli ac Pacis*. This had previously been condemned with a *d.c.* but the objectionable portions had never been specified and no corrected edition had ever been attempted. Another work of this class, previously condemned but now left free by Leo, is the *Paradise Lost* of Milton, and a third author whose condemnation has in like manner been cancelled is Leibnitz.

The Index of Leo concerns itself, further, with the correction of certain condemnations that had been made, under general decrees, of books having to do with questions that had finally been adjusted through some later utterances of the Church. In 1661, Alexander VII had condemned in a general decree all writings having to do with (either for question or for

defence) the doctrine of the Immaculate Conception. In 1854, this doctrine was accepted by the Church as a dogma and the decree of Alexander was thereby cancelled. The Index of Leo recalls the prohibition of the books previously condemned which had defended the doctrine.

The great number of Italian books which swell, in the Leonine Index, the list of modern publications, are very largely concerned with the issues, that have been fought over and that are not yet adjusted, which arose from the development of the Kingdom of Italy. The condemnation in 1871 of two essays by Lord Acton was due to the approval given by Acton to the doctrines of the group of Catholic reformers led by Döllinger. The comparatively small selection that has been made in this Index and in those that more immediately preceded it of works from the countries outside of Italy was due to the fact that the examiners of the Congregation have felt under responsibility to pass upon only those books which were directly brought to their attention.

"The Index," says Hilgers, "has never given consideration to the person or authority of the author. The decision has always been arrived at purely on the basis of the influence, bad or good, of the book. It has not hesitated to condemn utterances of the theological faculty of the University of Paris on the one hand, or acts of the Parliament of Paris on the other. It was ready to condemn ordinances of Duke Leopold I of Lorraine, the treatises of James I of England, and the works of the 'Philosopher of Sans-Souci.' It would be difficult in fact to contend that the material contained in these last was not likely to exert a pernicious influence. The royal writer of Sans-Souci scoffs at the immortality of the soul and, with his leader Voltaire, defends a religious nihilism. He who is

concerned with maintenance whether of the throne, the altar, or the State, who feels a responsibility for the welfare of the people, will hardly guide his actions by the philosopher Voltaire." ¹

In December, 1901, a journal printed in Rome for English-speaking readers, under the title of the *Roman World*, prints the following comment on the Index of Leo, a copy of which had, as the writer of the article reports, been placed in his hands by a book collector of New York:

"One of the great book collectors of New York has recently secured from his foreign agent a copy of the new edition of the Index *Librorum prohibitorum* issued under the directions of Leo XIII. It is seldom that a copy of an official Index or record of books, the perusal of which is prohibited to Catholics, comes into the hands of an outsider. The copies printed are reserved for the use of the readers of the Church. It is necessary in order to secure a copy, to pay a high price. This particular copy, for instance, was estimated as worth from \$40 to \$50, while a little later, in connection with the greater difficulty of securing copies, it might easily have cost \$400. The history of the famous Index is interesting. Its intellectual originator was the Emperor Charles V of Spain whose production bears date about 1550. In 1554, the Pope Paul IV took into his own hands the matter of the supervision of literature. This has since been retained under the direct control of the pope. Many hundreds of books which are not specified and mentioned in the catalogue are prohibited under the general decrees, which decrees, first issued by Benedict XIV in 1744, from that date on are repeated in the succeeding Indexes. It is well known that no Catholic ventures, under penalty of excommunication, to possess or read books which are contained in the Index unless he may secure a specific

¹ Hilgers, 141.

privilege or permission. It is not so well known that the catalogue is itself three centuries old and that it contains thus far the name of no single American writer, not even Thomas Paine or Robert Ingersoll. There are, however, in the lists dozens of works of the English classics and hundreds of French books which belong to the world's classics. Here for instance are to be found Bossuet and Pascal. The latter always believed himself to be a good Catholic. Among the English names placed under the ban are Gibbon, Hume, Hallam, and Goldsmith." ¹

Hilgers amuses himself, and with justice, with the mass of errors that have been crowded into the few paragraphs cited from the article. It is his conclusion that if an American writing in the city of Rome could be so thoroughly ignorant of matters that were easily within his reach, the impressions of Americans elsewhere and of Protestants generally concerning the purpose, the history, and the nature of the Index are probably equally erroneous.

The conclusions of the German Jesuit concerning the literary policy of the Church of Rome as expressed in its latest Index, may conveniently be supplemented by a statement (written in November, 1898) by a scholarly American priest, on the present policy and methods of the Roman censorship. This statement comes in a personal letter to myself and I am, therefore, not at liberty to bring into print the name of the writer.

"The action of the Index is meant to be both preventive and repressive. Its preventive action is exercised through the diocesan censor, that is, there is in every well constituted diocese an officer known as the *censor deputatus*, to whom the bishop can hand over, before they come into print, all

¹ Hilgers, 170.

works written by Catholics which deal with religion or morals. This officer gives his opinion in writing to the bishop, who thereby issues an *imprimatur* (permission) or a *nihil obstat* (no reason to the contrary). There is, moreover, at Rome a similar censorship on a somewhat wider scale which is to-day, as through the past centuries, exercised through the master of the sacred palace. This official continues to be a Dominican friar. The greater part of the works submitted to this censor are of course books printed in the city of Rome or at least within the territory of the old papal States.

“As far as the repressive action of the Index is concerned, this is performed by the Congregation itself. I may recall, however, that at the Council of the Vatican, many bishops from France, Germany, and Italy asked that the ‘Ten Rules of the Index’ be revised. They asserted that the changed social and literary conditions in these countries made it impossible to continue to enforce these ‘Rules’ with the former strictness. The further request was made public that books should no longer be censured (condemned) at Rome until the local episcopal authorities had been heard in the matter so that the author might have his errors pointed out, and that, if he were writing in good faith, he might thus be afforded an opportunity of recalling his erroneous statements and thus save himself from the disgrace that from a Catholic point of view would of necessity have come upon him through the condemnation of his book. The text of this document may be found in the *Acta Sacrorum Conciliorum Recentiorum, Collectio Lacensis*, volume viii, 843-844. On pages 11, 79, and 780 will be found a petition of certain Catholic laymen for the abrogation of the Index.

“The application of the legislation of the Index is made by the refusal of the permission to print, or by condemnation of the printed book and the insertion of its title on the catalogue of prohibited books. This latter act is accomplished by means of special decrees in which one or more

works may be specified. . . . As far as the positive legislation of the Index goes, it may be said that this is, as a matter of principle, everywhere obligatory in that it emanates from the supreme ecclesiastical authority. Nevertheless, it may in certain places be modified by use or by non-use. Sometimes it is not strictly applied or insisted upon; still, it does not lose its binding force although the consciences of Catholics may thereby to some extent be relieved. In certain countries, and undoubtedly in English-speaking countries, the Index legislation has not been strictly observed. I must say, however, that within the last year (1898) a formal enquiry having been sent to the Roman authorities as to whether in these English-speaking countries the legislation of the Index was to be considered as in force, an affirmative reply was returned to the questioners.

“ Publishers and booksellers, if they be Catholics, are in like manner bound to the observance of this ecclesiastical legislation. Inasmuch as the legislation is preventive, it is looked upon by them as a security and moreover in general it offers a *présomption d'innocuité* [presumption of innocuousness] to the book, which is of importance for those who furnish the capital for its publication. [This remark of the American Father is, it may be pointed out, in line with the conclusion submitted sixty years earlier by the Englishman Mendham to the effect that if a book were not included in an Index of its period, those interested in its publication had a right to assume that it contained nothing considered as objectionable by the authorities of the Church.]

“ The repressive action of the Index may of course from time to time occasion losses to writers, publishers, and to booksellers. An author whose book has been placed upon the Index is under obligation to withdraw the book from circulation or to modify its text. [It is of course the case, although the Father does not mention it, that any modification of the text of the original edition calls for the cancellation of the copies of this edition and involves the outlay

of printing further copies with the revised text]. Publishers and booksellers, if they be Catholics, are bound, as is the author, by the action of the Index authorities. If they be not Catholics and do not pay any attention to ecclesiastical legislation, they may still, in case the work has been written by a Catholic and is addressed to a Catholic reading public, expect to see its sale blocked or diminished through the censorship. . . .

“It may be said in general that the Index legislation, as formulated by Leo XIII, is no longer as severe as formerly; it has been modified in the sense of mitigation. For example, a book written by an American for the purpose of education or instruction for instance in the Scriptures, is no longer *ipso facto* forbidden. As far as the Index is concerned, such books may be freely read by Catholics who may need them. . . . The famous ‘Ten Rules’ of the Index issued under the authority of Pius IV (1564) are to be interpreted to-day by the Constitution ‘*Apostolicae Sedis*’ issued by Pius IX, a Constitution which reformed considerably the well-known system of censures, excommunication, and the like, and which is to-day the juridical source of general ecclesiastical censures of all kinds. In the *Compendium Juris Ecclesiastici ad usum cleri*, written by the Austrian Bishop, Simon Archner, Bishop of Brixen, (the sixth edition of which was printed in 1887), you will find (on page 521) the following passage:

“The ecclesiastical prohibition of books, whether placed *nominatim* on the Index or forbidden by its general rules, whether forbidden by the natural law or by the positive law, remains still intact. Therefore, such prohibited books cannot be printed, read, or kept *sine peccato*. But, at the same time, certain modifications of these prohibitions remain also in force, modifications which have doubtless been introduced in various regions through legitimate custom. As to Germany, authors of authority mentioned by the Council of Vienna have maintained that profane books written by heretics, on special subjects, as law, medi-

cine, philosophy, history, etc., although they may contain one or more heresies scattered throughout the text, heresies held by the authors *obiter tantum*, do not fall under the ecclesiastical prohibition. They say the same of those writings of Catholic authors, otherwise worthy books, which contain one or more doctrines that are not entirely in accord with Catholic theology, the sacred canons, and the constitutions of the popes, and which in certain matters may exceed the proper limits in comment on subjects that the writers ought not to touch. This moderation is extended also to the rules of the Index which are scarcely anywhere received in their entirety, and which still less can be republished in this century *ex integro*. Finally, in Germany, even those writings of non-Catholics may, generally speaking, be safely read by Catholics which speak of religious matters in a manner conformable to the doctrine of the Church; and especially is this the case with the works of writers who may seem to be nearing conversion to the Catholic religion. On the other hand, no such license can be given to writings which treat of obscene matter, superstitions, magic, incantations, and the like; such works, even though written by Catholics, are forbidden in Germany, and rightly so. It is further to be noted that even bishops can issue and are under obligations to issue positive precepts by which, even under pain of censure, they may forbid the reading of books if they are satisfied that such reading would bring danger of perversion. In such case, they will declare that the reading of the works in question is forbidden under the law of nature. In regard to this point, Pius IX on the 24th of August, 1868, renewed the injunction of Leo XII, urging the bishops to proceed in this matter not only by their own episcopal rights but also as delegates of the Apostolic See.'

“ The work of the Congregation of the Index is continued at Rome practically under the same routine as in former centuries, modified only by the late legislation of Leo XIII. . . . The prohibitions of the Index are, as a rule, made known by

being published in the *Osservatore Romano*. I am not able to say how the individual author learns of the condemnation of his work and whether it is customary to write a letter to the bishop of his diocese or whether the publication in the *Osservatore* is looked upon as sufficient; nor can I say whether there is any earlier or more juridical means of promulgation than that mentioned. As a matter of fact, such condemnations are first more widely published by means of the Catholic press; but there is no law or usage compelling further publicity than that specified. Indeed, I doubt whether the fact of the condemnation of a book by a decree, or the fact that it has been placed on the Index, is always known to the Catholic world in general or even to those Catholics who speak the language in which the book is printed. . . . It may be well to remember that, in practice, the condemnations of the Index probably affect very much less than is generally imagined the actual sale or distribution of the books condemned; partly because of ignorance of the condemnation, which is often very general, partly because of the accepted and increasing modification of the legislation, and partly because the persons for whom such books were chiefly intended are often by privilege or by dispensation provided with the authority to read the same."

At the time of the completion of the proof-reading of this division of my treatise (March 1907), there does not appear to be any prospect of the production, under the direction of Pius X, of any later issue of the Index. Books that are brought to the attention of the Secretary of the Congregation, or of the Master of the Palace, are, however, condemned from time to time by separate decrees. Among other recent similar condemnations, may be cited: Schell, Hermann (of Wurzburg), *Treatise on Catholicism*, (and three other works) 1899. Loisy, the Abbé, *L'Évangile et l'Église*, 1903. Horitin, the Abbé, *La Question Biblique chez les Catholiques*, etc., 1903.

The writings of these three authors gave rise to fierce controversies during the years between 1898 and 1903. Schell and Loisy submitted themselves. The treatise by Ehrhart, *Catholicism and the Twentieth Century*, published in 1901, and that by the Protestant, Harnack, *What is Christianity*, published in 1900, escaped condemnation. In July, 1906, a condemnation was made of *The Saint (Il Santo)* by Senator Antonio Fogazzaro. The author, who is reported to be a devout Catholic, is said to have "submitted himself" in regular course, but his submission could not prevent the continued sale of the book in the Italian as well as in the foreign editions.

I am informed by the publishers of the American edition that the prohibition by the Roman authorities was duly respected by the publishers of the leading Catholic papers of America, which declined to accept advertisements of the book.

CHAPTER XII

THE AUTHORITY AND THE RESULTS OF THE CENSORSHIP OF THE CHURCH—SCHEDULE OF INDEXES, 1526-1900

IN the earlier periods of the Index, the Curia had, in form at least, taken the ground that the prohibitions and condemnations as published in Rome were, without further action, to be held as binding upon all the countries in which the Church itself was recognised. This contention, as has already been noted, failed to secure acceptance in countries like France, Spain, Germany, and Belgium. In fact even in certain divisions of Italy, and conspicuously in Venice, the regulations of the Index were put into force only if, and when, the local authorities had confirmed the same. During the latter half of the 19th century, however, there came to be a change in the nature of the consideration given in Catholic countries to the censorship regulations of Rome. A series of provincial councils and a number of theologians and divines have taken the ground that the Index decrees were entitled to general acceptance and should be enforced with uniformity throughout all Catholic States. The protests and controversial opinions in regard to the condemnation or supervision of literature which, during the 17th and 18th centuries, had been so frequent had during these later decades become more and more exceptional. These earlier protests concerning certain

individual books or individual writers developed, as we have seen, in quite a number of instances into general controversies, controversies many of which had an abiding influence on the opinions of believers and on the final policy of the Church. We may recall in this connection the results that arose through the action of the Roman authorities in regard to the works of such writers as the Jesuits Poza and Daniel, the Dominican Serry, the Jansenists Arnauld and Quesnel, the liberal Churchman Fénelon, etc.

It appears to-day to be the general practice in Catholic circles to speak of the purpose and operations of the Index with a fair measure of respect, and the authors of this later period permit themselves even to give specific commendation to the work of the Church in supervising and controlling, for the use of the faithful, the character of literary productions. Curiously enough, side by side with this increasing respect for the institution, or at least with the very considerable lessening of criticisms, protest, and antagonism against the working of the institution, there is evidence of an increasing ignorance of the details of the regulations of the later Indexes, those that are supposed at this time to be in force. The scholarly divines of the latter years of the last century had in not a few instances given evidence that they were by no means familiar with the present Index regulations or with the lists of books placed under condemnation. As late as 1890, Bishop Rass brought into print in Rome a volume by Justus Lipsius which had been condemned in two preceding Indexes; during the same period, Bishop Malou caused a new edition to be printed of a prohibited work. The vicar-general of Lorenzi printed in 1883 a treatise by Geiler von Keisersberg, oblivious of the

fact that the name of the author remains in the first class of the Index. It is probably the case that there is under present conditions no such constant reference to the Index lists as guides for reading and for study as could secure for their regulations the authority which properly belongs to them under the theory of Church control. It is a question for the casuist to decide how far ignorance of the fact of condemnation of a book may serve as an extenuation of the sin of reading a volume, for which sin the penalty has been prescribed in successive Indexes of excommunication *latae sententiae*.

In 1862, under decision of the Quinquennial faculties, it was ordered that bishops had authority to extend permission for the reading of prohibited books only to priests who were actually engaged in the care of souls. Laymen desiring to secure such permission must make application direct to the Holy See. This is in line with the order issued, in 1853, by the Congregation of the Index under which the Ultramontane bishops had authority to extend to ecclesiastics of assured scholarship and piety permission to utilise, during their lifetime, prohibited books having to do with matters of religion and doctrine; but no such permission could be given for books *contra bonos mores*. In every permission issued by a bishop it must be specifically stated that the authority comes from the Holy See.

After the middle of the 19th century, there began to be a change in the relations of the ecclesiastics of France to the authority of the Index. In *La Revue Ecclésiastique*, an article printed in 1866 says: "If, twenty years back, the question had been put as to whether the authority of the Index was recognised in

France, the answer would simply have been a laugh or a word in derision. To-day, such recognition is assented to without serious question. The formula *Index non viget in Gallia*, heretofore printed in books the titles of which had come upon the Roman Index, is now no longer to be seen." Councils of the 19th century of the French Church in which the authority of the Roman Inquisition or of the Congregation of the Index to control literature in France had been accepted in substance, as cited in this article, are these: Paris and Rennes, 1849, Lyons and Clairmont, 1850, Avignon, 1849, Albi, Toulouse, Bordeaux, and Sens, 1850, La Rochelle, 1853, and Rheims, 1857.

Among the councils of this period, outside of France, which placed themselves on record as specifically accepting the authority of the Index, are those of Prague, 1860, Colocsa, 1863, Utrecht, 1865. A council held in Venice, in 1859, orders that the Roman prohibitions are from year to year to be printed in a diocesan calendar. This is a very different attitude from that taken by Venice during the 17th and 18th centuries.

In 1852, Bishop Baillès of Luçon writes in a pastoral instruction: "The prohibition of a book by the Holy See is binding upon believers throughout the Church universal. The lists issued by the authorities of Rome of condemned and prohibited books are securing from year to year a fuller authority and a wider recognition. . . . Only heretics, schismatics, and Gallicans at this time contest the general authority of the Index."

In Germany, the world-wide authority of the Index is asserted by such critics as Heymans and Phillips in their treatise on ecclesiastical law (issued in 1872) and by the editors of the Münster *Pastoral Blatt*,

writing in 1879. A modified view is expressed by the editor of the *Katholik*, writing in 1859, who says: "The Index, considered as a moral law, is to be accepted as authoritative throughout the world. There may be ground for question, however, as to the general obligation to accept its penal regulations." A little later, however, the editor of the *Katholik*, writing in 1864, says:

"The faithful throughout the world are under obligations to accept the authority of the censorship tribunals, the Inquisition and the Congregation of the Index, not only in regard to the prohibition of the use of prohibited books but also with reference to the conclusions reached by these censors concerning the soundness of doctrine or general fitness for devout reading of the literature contained in such books. . . . The history of the Church has secured for the wisdom of the work of the censorship authorities an assured, even a brilliant confirmation." "The only utterance," continues this writer, "in which the Congregation of the Index can be convicted of a serious or decisive error of judgment is that of the decree issued in 1616 against the writings of Copernicus. . . . While the history makes clear (what in fact no one has ever denied) that the Roman Congregations are in their judgments not infallible, the evidence is overwhelming as to the wisdom and effectiveness with which the work of these scholarly and devout censors has been carried on through the centuries; and it would be an act of very gross presumption for individual believers to undertake to question the validity and substantial value of their conclusions."

In 1865, an article in the official *Civiltà Cattolica*¹ in regard to a treatise of the Bishop of Treviso, says:

"The infallibility of a prohibition or condemnation of a book which has been expressed through a papal Bull, a papal

¹ 4, I, 446.

brief, or under a decree of the Congregation which has been issued under specific instructions from the pope, cannot be questioned. The ordinary decrees of the Congregation cannot be said to possess the same full measure of infallibility as these rest not upon the direct authority of the pope but merely upon the general authority under which the Congregation has been constituted. A book that has been condemned by the Congregation must, however, be considered as having been condemned by the Church of which the Congregation is for this purpose the authorised representative."

As before pointed out, the influence of the Dominicans in the operations of the Congregation of the Index has been continuous and all powerful. As a result, the theological writers whose books have been condemned included a large proportion of Jesuits, and the literature presenting Jesuit doctrines has from the outset been handled with special severity. In the cases in which occasion has been found for reproofing the books of Dominican authors, the censorship has been comparatively mild, and if the books were prohibited, the entry was usually made with the reservation *d.c.*¹ Father Hilgers, of the Order of the Jesuits in Germany, whose treatise on the Index (issued in 1905) is referred to elsewhere, is one of the few of the scholarly Jesuits who have found it practicable to take a favourable view of the policy of the Index. The Jansenist view of the authority of the Index has not unnaturally been still less approving than that of the Jesuits. Arnauld, for instance, writing in 1656, says:

"In France we do not trouble ourselves very much concerning the censures of the Index. . . . We know on what

¹ G. Daniel, writing to Serry in 1724, *Oeuvres*, ii, 365.

grounds certain of the condemnations have been arrived at. It is assuredly true that the prohibition of a work constitutes no evidence that it is really pernicious. . . . If a pope who has such devout purposes as characterised Innocent XI, in coming under the evil practice of Rome, finds it impossible to avoid the condemnation of really devout and scholarly books, it is easy to understand what the results of censorship must be when the authority comes into the hands of popes who are less pious and less fair-minded. . . . One may await only bad results from the book censorship of Rome so long as the practice obtains of listening only to those who denounce the books and of giving no opportunity to the authors themselves to make clear the writing or precise character of their text. In this way it has come about that books of most importance for scholarship and of religion have been condemned and cancelled on the ground of two or three sentences which have failed to be understood by careless or unscholarly examiners."

Writing again in 1693, under Innocent XII, Arnould says:

" Our good Pope is labouring in praiseworthy manner for the abolition of abuses. He has, however, not yet realised that one of the reforms most called for is to avoid appointing as members of the Inquisition cardinals who have no more trustworthy knowledge of the matters there to be considered than a shoemaker has of astronomy. The 'qualificators' (the examining scholars) have only a vote for counsel. It is with the cardinals that rest the deciding votes and these unfortunately are not weighed but simply counted. How many and serious have been the blunders committed through decisions of the Inquisition (or of the Congregation) in matters of doctrine of which the majority of the cardinals are frankly ignorant !"

As an example, on the other hand, of an unques-

tioning acceptance of the wisdom and authority of the Church in this matter of censorship, may be cited St. Francis of Sales, who writes (in 1608):

“ We pray our Catholic readers, in order to protect themselves from the contagion of evil influences, to accept without question the book prohibitions of the Holy Church. We may say that we ourselves have always given the strictest obedience to the Church regulations in regard to the reading of condemned books. In no other way can we manifest the full honour in which we hold its authority and our obligations as believers to accept this authority.”¹

Macchiavelli (writing about 1500) observes that if the princes of the Christian States had maintained religion in the form in which it was delivered by its Founder, these States would be more united and happier than they are. He adds, *ne se può fare altra maggiore congettura della declinatione d'essa, quanto è vedere come quelli popoli che sono più propinqui alla Chiesa Romana, capo della Religione nostra, hanno meno Religione. Et chi considerasse i fondamenti suoi, e vedesse l'uso presente quanto è diverso da quelli, giudicherebbe esser propinquo senza dubbio, à la rovina ò il flagello. Abbiamo adunque con la Chiesa e coi Preti noi Italiani questo primo obbligo, d'essere diventati senza Religione e cattivi*, which Mendham interprets, “the more of Rome, the less of religion.”²

Sir Edwin Sandys, whose *Europae Speculum*, printed at The Hague in 1629, was translated (from English) into Latin by Francus, gives in this a summary of the literary policy of the Church of his time. He writes:

“ But the Papacy at this day, taught by woful experience

¹ Cited by Hilgers, 348.

² Cited by Mendham, 9

what damage this license of writing among themselves hath done them and that their speeches are not only weapons in the hands of their adversaries, but eyesores and stumbling blocks also to their remaining friends; under show of purging the world from the infection of all wicked and corrupt books and passages which are either against religion or against honesty and good manners, for which two purposes they have several officers who indeed do blot out much impiousness and filth, and therein well deserve both to be commended and imitated (whereto the Venetians add also a third, to let nothing pass that may be justly offensive to princes), have in truth withal pared and lopped off whatsoever in a manner their watchful eyes could observe, either free in disclosing their drifts and practices, or dishonourable to the clergy, or undutiful to the Papacy. These editions only authorised, all other are disallowed, called in, censured; with threats to whosoever shall presume to keep them; that no speech, no writing, no evidence of times past, no discourse of things present, in sum, nothing whatsoever may sound aught but holiness, honour, purity, integrity to the unspotted spouse of Christ and to his unerring Vicar; to the Mistress of Churches, to the Father of Princes. . . . and they brought forth in fine those *Indices Expurgatorii* whereof I suppose they are now not a little ashamed, they having by misfortune lit into their adversaries' hands from whom they desired by all means to conceal them."¹

D'Aguesseau, in a *Mémoire* written in 1710, says: "It is well understood that the Index possesses in France no authority. It is sad to understand that it is still permitted to control literature in certain countries which have not known, as has France, how to uphold the freedom of a national Church. The Index has in fact been so misused as a power that it makes

¹ Sandys, 127-132.

prohibition of not a few books which are by no means deserving of so much honour."

In an essay by Villers on the *Spirit and Influence of the Reformation of Luther* (which obtained the prize offered in 1802 by the French Institute for the best treatise on the question) the author finds ground for no little indignation concerning the restrictions upon books by a pope who, while issuing fulminations against Luther, gave full license to Ariosto. The writer goes on to say:

"In Spain, in Italy, and in Austria, the prohibitions and censures went much further, and in those countries heavy shackles have been imposed on the liberty of writing and of thinking." The writer complains that "in public libraries in these countries, the works of Rousseau, of Voltaire, of Helvetius, of Diderot, and of other *esprits forts*, are kept under lock and key with the order that they shall not be communicated to any persons excepting to those who shall engage to refute their doctrines."

He makes reference to the dismissal from office, in 1780, of a professor of a Bavarian university who had requested that a copy of Bayle's *Critical Dictionary* should be placed in the common library.

"In those countries is still maintained as far as possible the policy of the Middle Ages, under which the minds of men are to be kept on certain subjects in complete stupidity or in a state of emptiness so that they may later be filled with convenient doctrine or may be kept free for superstition.¹

Mendham points out that

"It is not going beyond the truth to say that an almost

¹ Villers, 290 seq.

perfect library might be formed from the books condemned by the papal Indexes, perfect indeed for all purposes of absolute and abundant utility. It would need only to have added to it a few Benedictine editions of the Fathers, histories and accounts of modern Roman affairs and the collection of the Bulls, Councils, etc. . . . It would also be somewhat lacking in English books, prolific as this island is in offensive and formidable heresy. The fact is, that the literary productions of England have come into contact or collision with the Italian only by means of translations. It is in this that we find in the Indexes the works of Swift, Tillotson, Sherlock, Robertson, Gibbon, and others. . . . There is a further detail, that these prohibitory and expurgatory instruments could only be put into execution among subjects of papal government. . . . Any attempt to enforce them in other States would have provoked hostilities with their heretical community with no prospect of advantage and with much risk of disadvantage to the Roman power."¹

Mendham contends that under the general policy of the Church, as expressed in its Indexes, the inference is legitimate that what the Indexes do not condemn they approve and sanction. It therefore follows that the authority from which those Indexes issue (an authority which is the highest in the Church) must be understood as approving and even sanctioning all doctrines or assertions presented by writers of her own communion which her condemning decrees have failed either to proscribe or to expurgate. (This contention is, it must be remembered, denied absolutely by the Jesuit Hilgers, writing in 1905.) In the examination held in 1825 on the state of Ireland, the Rev. M. O'Sullivan stated in one of his answers that in the

¹ Mendham, 270.

case of an author of authority, such as Cardinal Bellarmin, the omission of criticism on the part of the authorities amounted to an approbation. The questioner drew the immediate inference: "Then you understand by the Index, not only a negative condemnation of all the books specified, but a positive affirmation of the doctrines or principles of all the books by Catholic writers not condemned." Against this inference the witness was reported as making no protest. With respect to Bellarmin, it may be noted that his name was entered in the Index of Sixtus V because he had failed to affirm the direct power of the pope in matters temporal, an entry which may be considered as supporting the above inference.

That the works appearing under the form of Indexes, catalogues, etc., however various, still all belonging to, or coming from, Rome, are at least uncommon and extensively unknown, requires no proof more elaborate or unquestionable than the not only ready but forward declaration of ignorance by the very persons who should be presumed to be best acquainted with them, by well informed members of the ecclesiastic community which promulgates and enforces them. Charles Butler, writing in 1824, says: "Few of the Roman Catholics know of the existence of the *Index expurgatorius*." ¹ Dr. Murray, the Roman Catholic Archbishop of Dublin, states before a committee of the House of Commons, in 1825:

Ignorance
of the In-
dexes

"The *Index expurgatorius* has no authority whatever in Ireland; it has never been received in these countries [*sic*] and I doubt very much whether there be ten people in

¹ Letter to C. Blandell, prefixed to the *Vindication*, lxxxiv, cited by Mendham, 14.

Ireland who have ever seen it; it is a sort of censorship of books established in Rome and it is not even received in Spain, where they have a censorship of their own. In these countries, it has no force whatever."¹

Mendham trusts that "no equivocation lurks under the ambiguity of the epithet *expurgatorius*."

Dr. Slevin, prefect of the College of Dunboyne, says (in 1826):

"Our Catholics will respect the prohibitions of the Congregation of the Index."

In a work entitled *Church History of the English from the year 1500*, published under the name of Dod, (according to Mendham the real name of the author was Tootell), mention is made of a Council of Reformation. In chapter ix, pages 94 and 95, an extract is given from certain regulations framed by this council during the last decade of the 16th century. The wording is as follows:

"Publick and private libraries must be searched and examined for books, as also all bookbinders, stationers and booksellers' shops; and not only Heretical Books and Pamphlets but also prophane, vane, lascivious and other such hurtful and dangerous poysons, are utterly to be removed, burnt and suppressed, and severe order and punishment appointed for such as shall conceal these kind [*sic*] of Writing; and like order set down for printing of good things for the time to come."

"The earlier editions of the Index expurgatory," says Mendham, "were distributed with the utmost caution and were intended only for the possession and the inspection of those to whom they were necessary for the execution of the provisions. The reason is obvious. It certainly was little desirable that the dishonest dealings with the

¹ Mendham, x.

authors here censured should be known, either to those who were injured by them and to whom they would offer the opportunity of justifying themselves; or to the world at large whose judgment they must know would in many instances be at variance with their own. And evidently it was not to their interest to discover and to point out those very passages and writings, not only of reputed heretics but of reputed Catholics, which exposed the most vulnerable parts of their own system." ¹

"The *Indices Expurgatorii* are very good commonplace books and repertories, by help of which we may presently find, what any author (who has fallen under censure) has against them [*i.e.* the Catholics]. We are directed through the Index to the book, chapter, and line, where anything is spoken against any superstition or error of Rome; so that he who has the *Indices* cannot want for testimonies against Rome." ²

In an article printed in 1861, in the *Katholik* of Mayence, the writer says:

"We are prepared to place upon any inquirer the responsibility of determining whether the Congregation of the Index in the whole series of its operations has ever committed an essential blunder. . . . The policy and method of ecclesiastical censorship as carried out through the Index is the most moderate, the most tolerant, and the wisest that could be conceived. . . . The Congregation of the Index secures in the shaping of its judgments the service of the scholarship and of the consciences and capable labour of wise and devout counsellors; and its decisions may be accepted as the conclusions of a scientific Areopagus which is entitled to the fullest respect and the most implicit obedience; and he who does not render such obedience is a stranger to, and an opponent of, the spirit of the Church.

¹ Mendham, x.

² *Remains* of Bishop Barlow, 1693, 70, 71.

. . . It is through the Index that the Holy See exercises one of the most important of its functions." ¹

In 1868, in an article having to do with the Council of the Vatican, the *Katholik* says:

"The sting of the Index (to its critics) rests in this, that it represents a judgment exercised by the highest authority in matters of faith over individual knowledge. It is the sting of infallible truth. . . . The Index has from the beginning been the most trustworthy teacher of sound theology and defender of true Faith."

Bishop Baillès of Luçon, writing in 1864, says:

"The Index contains no single book the condemnation of which was not arrived at under general rules. . . . It may be considered as itself one great book in which are characterised with more or less precision all the errors, heresies, and schisms of the ages—a book which for all devout scholars may be accepted as a trustworthy chart on which have been marked with a skilled and trusted hand all sunken rocks and other perils of the deep. The Index is the incomparable master work of the wisdom of the Church." Baillès says further: "No bibliographical work can be considered as complete until it has been collated with the Index. . . . The date of the prohibition of a book, taken in connection with the date of its first publication, indicates the time during which it has become more pernicious. . . . The Index is to be classed as the most essential of critical bibliographies, one which no library should be without."

Bishop Plantier of Nismes, in a pastoral letter of 1857, describes the Congregation of the Index as "the throne of good sense, the magistracy of truth, and a tribunal each utterance of which constitutes an indispensable service to true philosophy." ²

¹ II, 710.

² *Rev. des Sc. eccl.*, 1866, iii, 374.

Minister Jules Ferry, speaking in the French Senate, May 31, 1882, says:

“ We will never recognise the decrees of the Congregation of the Index. We propose to maintain the traditions of the French State and of the Gallic Church. Where would the State be if the decisions of the body which has placed its interdict upon the great spirits of mankind, such as Descartes, Malebranche, Kant, Renan, and has even condemned the Dictionary of Bouillet, should be accepted as the law of the land? . . . The ground that has been assigned for the condemnation of the Handbook of Compayré was the statement contained in it ‘that it was more important for the French child to know the names of the Kings of France than those of the Kings of Judea.’ . . . The Index-decree went over the head of the Ambassador in Rome and of the Nuncius in Paris, in order to start a conflagration in our State.

“In a manual by André Berthet, published in 1882, (which did *not* find its way into the Index), stand the following questions: ‘What is God? I know not. What becomes of us after death? I know not. Are you not ashamed of your ignorance? One need not be ashamed not to know what has not yet been known to any one.’”

Father Searle (writing in 1895) maintains that the Church does not prohibit Catholics who are competent to undertake scientific investigation, from so doing. She places absolutely no obstacle in the way of their penetrating into all the facts of nature as it stands or of their considering the probable indications as to its past history or of their weighing actual historical testimony. . . . The Church forbids, as against reason, common-sense, and the welfare of man, liberty of thought on matters, whether in the material or spiritual order, which have been clearly demonstrated

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and Science**

and definitely ascertained; she refuses to abandon it on those matters which are still open to reasonable question, as is the case with certain scientific hypotheses not as yet proven.¹

Such a statement, if accepted to-day as authoritative, would make it evident that the policy of the Church in the 20th century has changed very materially from the policy that was in force, with some strenuousness, in the 16th and 17th centuries.

Hilgers points out that the Church is naturally much more concerned with the protection of the morality and of the spiritual nature of the people than with any formal intellectual development such as is to be secured from the study of the so-called classics. If a classical work, for instance, teaches that suicide is praiseworthy or is defensible, it is the duty of the Church to keep such work out of the hands of the believers. In like manner, the Church prohibits writings of any kind which make defence of the propriety of divorce or which make reference to divorce as if it were a necessary condition of society. The Church can further give its approval either formally or tacitly to no work which attacks the inspiration of the Scriptures or the binding force of scriptural doctrine, and must bring its condemnation upon any writer, however great he may be, whether Catholic or Protestant, historian or litterateur, philosopher or theologian, whose utterances tend to undermine faith in the word of God.²

There are, however, not a few expressions of opinion from Catholic sources which are by no means in accord with the conclusions reached by Father Hilgers as to the wisdom and beneficence of the literary policy of

¹ Searle, 281-297.

² Hilgers, 378.

the Church of Rome. These critics have pointed out that the censors, whether in Rome, Madrid, or Paris, had been so seriously concerned with matters of doctrine, that they had given small measure of attention to publications of a scandalous character, and the influence of which was *contra bonos mores*.

A volume published in Osnabrück (Hanover) in August, 1906, may be cited as an example of cordial support given to the present censorship policy of the Roman Church by a loyal Catholic of North Germany. The author is Albert Sleumer, Doctor of Philosophy, and his book, issued under the title of *Index Romanus*, claims to present a complete record of all the German publications which have been placed upon the Roman Index, together with the titles of books other than German which have been condemned since 1870. Dr. Sleumer's volume is issued with the approval of Hubert, Bishop of the historic diocese of Osnabrück. Sleumer's volume had been originally issued in 1901 and now appears in a later revised edition. The contentions submitted by him in regard to the necessity of the Index, and as to the wisdom with which, from the beginning, the censorship of the Church has been conducted, are substantially in line with the position taken by Father Hilgers, whose larger and more important treatise has already been referred to. Sleumer is, like Hilgers, interested in citing examples of censorship by the State which are less consistent in principle and more extreme in application than similar actions by the authorities of Rome. He quotes, for instance, Thiers (whom he describes as "a well-known free-thinking author of France") saying, in 1830, that there could be

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the Index

no danger to the community in giving unrestricted freedom to the press.

“Truth alone,” says Thiers, “can have abiding influence; that which is false can do no harm and in the end brings its own refutation and no government can ever be injured by libellous publications.”

In 1834, Thiers takes a different ground:

“The representatives of the People are having their influence impaired by the falsifications of the Press. . . . The wickedness and lack of responsibility on the part of the Press have brought grave misfortunes upon the community. . . . It is essential for the safety of the State that there should be a close supervision of the Press.

We may remember that, between 1830 and 1834, the Bourbon government of Charles X had been overthrown and that Thiers was now a leader of influence under the administration of Louis Philippe.

Sleumer has himself no doubt that the press has to-day become “the most important expression of the ‘Evil One.’”¹

“Who could,” he says, “deny to the State the right to control, with all the authority that has been confided to it, the development and the influence of a power that can undermine the authority alike of the family, of the government, and of the Church? But if such authority is necessary to maintain the foundations of the State, who shall deny an equal right and duty to those who are responsible for maintaining the foundations of the Church?”²

In presenting the lists of the German books condemned, Sleumer points out that it is of course an

¹ *Index Romanus*, 7.

² *Ibid.*, 9.

impossibility for the Congregation of the Index to compile with any measure of completeness the titles of all the books deserving condemnation. He contends however, that the books selected may be accepted as fairly typical of the classes calling for condemnation and that the Index schedules can, therefore, be utilised by the more intelligent of the faithful for their own guidance and by the confessors who have the responsibility of directing the reading of their flocks.

It is interesting to compare with the implicit acceptance given to the censorship policy of the modern Church by the scholarly Jesuit Father Hilgers and by the good Dr. Sleumer, the more discriminating and more critical analysis of this policy by a scholarly Jesuit in England, Father George Tyrrell, whose monograph entitled *A Much Abused Letter*, comes into print while this volume is passing through the press. Father Tyrrell had, it seems, been applied to for counsel by a devoted friend in the Church (since identified as St. George Mivart) who, in middle life, in connection with certain scientific pursuits and investigations, had found himself in perplexity as to the foundations of his faith. The friend had not been able to bring into accord the conclusions which he had arrived at through his scientific investigations with the latest utterances of the Church authorities having to do with the matters at issue. Seriously troubled at the thought of being forced out of relations with the Church in whose communion he had grown up, he had asked Father Tyrrell for advice as to his present duty. The Father had in his reply (which in compass and character constitutes an essay on the relations of faith with intellectual pursuits) taken the ground that there was nothing

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the Index**

in the scientific conclusions that his friend had accepted which made it necessary for him to abandon the communion of the Church. It was the Father's judgment that the spiritual relations of the believer were to be considered quite apart from his scientific opinions or intellectual development. The letter, which was intended to be purely personal and which had for its purpose the saving to the Church of a valued member, through some inadvertency came into publication, and, as a result, Father Tyrrell was dismissed from the Order of the Jesuits. The unauthorised publication of the letter had presented an incorrect, not to say a garbled, text, and the Father now felt at liberty to print the corrected text with some commentary on his own relations to the matters at issue. The document is of decided interest as an expression of the spiritual and intellectual status of a scholarly Catholic of to-day. The selection of opinions of Catholics on the present policy of the Church runs the risk of being unduly extended, but I think it in order to make one or two citations from the volume of this earnest English Jesuit.

“The express purpose of the Confidential Letter was to dissuade my friend from a breach with the Church which would mean an assertion of individualism and a denial of authority and corporate life. . . . My whole line of argument was to insist that the reasonable and moderate claims of the Church over the individual were not invalidated by any extravagant interpretation of those claims. . . . The heroes of moral romance sail serenely through life's darkest storms, cheered by the certainty of their rectitude and by the hearty applause of a thoroughly satisfied conscience. But in real life, it seems to me that such serenity, and the undoubted force and energy which it secures, are the privilege not so much of the heroic but of the un-

reflective.¹ . . . Only when we take the word 'faith' in its ethical and evangelical sense, is it true to say that loss of faith necessarily implies some moral weakness or imperfection. But the saying is palpably false when faith is made to stand for theological orthodoxy, for assent to a dogmatic system. It is admitted on all hands that such faith as this may, and often does, go with the most extreme moral depravity—with sensuality and cruelty, with injustice, with untruthfulness and hypocrisy, prejudice and superstition. Temporal and selfish interests of one sort or another, or more commonly still, an absolute lack of all sympathetic and intelligent interest in their religion, will keep the great majority of such men in the paths of orthodoxy as long as orthodoxy is in public fashion and favour.² . . . For one reason or another theologians have, for generations, been letting their accounts get into disorder; they have trusted to the one general principle of 'authority' for the quieting of all possible doubts and have paid less and less attention to particulars. They have forgotten that, by a necessary law of the mind, the claims of authority will *de facto* inevitably be called in question as soon as the reasons on which those claims rest are cancelled or outweighed by those which stand against the particular teachings of authority; that though a Catholic as such cannot consistently call this or that Catholic doctrine in question, he can consistently call his Catholicism in question.³ However unwilling a man may be to raise doubts in his own mind, he cannot live in an age and country like yours [England] without these being thrust upon his attention. In Mediaeval Spain, where index and inquisition were practically workable methods of protection, it was otherwise. There and then one needed only not to think in order to be at peace; here and now one needs also not to see or hear or read or converse or live,

¹ George Tyrrell. *A Much Abused Letter*, pp. 18, 21.

² *Ibid.*, 39.

³ *Ibid.*, 41.

There is now no educational grade so low as to be exempt entirely from the spirit of criticism, whose influence is of course still more strongly felt as we ascend to the higher grades.¹ . . . Turning to the clergy, we find a great readiness on the part of individuals to disclaim the honour [of having authoritative knowledge] and also a curious vagueness as to the precise depositaries for the final authorities [on intellectual difficulties]. Taken individually, they frankly say that they are themselves incompetent to deal with such problems, but they imply that they have an unbounded confidence in their own collectivity, or in certain persons (unknown and unknowable) whose specialty it is to adjust the claims of sacred and secular knowledge. Thus the responsibility, divided over the whole multitude of the Church's children, is shifted from shoulder to shoulder, and comes to rest nowhere in particular;² . . . The conservative positions (in the Church) are maintained by ignorance, systematic or involuntary. . . . The close historic study of Christian origin and development must undermine many of our most fundamental assumptions in regard to dogmas and institutions. . . . The sphere of the miraculous is daily limited by the growing difficulty in verifying such facts, and the growing facility of reducing either them or the belief in them to natural and recognised causes.³ . . . If the intellectual defence of Catholicism breaks down (as far as the individual is concerned) does it straightway follow that he should separate himself from the communion of the Church? Yes, if theological 'intellectualism' be right; if faith mean mental assent to a system of conceptions of the understanding; if Catholicism be primarily a theology or at most a system of practical observances regulated by that theology. No, if Catholicism be primarily a life, and the Church a spiritual organism in whose life we participate, and if theology be but an attempt of that

¹ George Tyrrell. *A Much Abused Letter*, p. 42.

² *Ibid.*, 44.

³ *Ibid.*, 48.

life to formulate and understand itself—an attempt which may fail wholly or in part without affecting the value and reality of life itself.¹ . . . Must we not distinguish between the collective subconsciousness of the 'People of God' and the consciously formulated mind and will of the governing section of the Church? May not our faith in the latter be at times weak or nil, and yet our faith in the former strong and invincible? . . . Let us recognise that, in spite of its noisy advertisements, this self-conscious, self-formulating Catholicism of the thinking, talking, and governing minority is not the whole Church, but only an element (however important) in its constitution.² . . . Faith is the very root and all-permeating inspiration of life. Not the faith of mere obedience to authoritative teaching, which is at best a condition of spiritual education . . . not the faith of merely intellectual assent to the historical and metaphysical assertions of a theology that claims to be miraculously guaranteed from errancy. After all, your quarrel is not with the Church, but with the theologians [we are to bear in mind that Tyrrell is still addressing his friend whose scholarship has brought him into doubt]; not with ecclesiastical authority, but with a certain theory as to the nature and limits and grades of that authority, and of the value, interpretation, and obligation of its decisions.³ . . . Who formulate these decisions, determine their value, interpret them to us; who have fabricated the whole present theology of authority and imposed it upon us, but the theologians? Who but the theologians themselves have taught us that the concensus of theologians cannot err? These are, however, mortal, fallible, ignorant men like ourselves."⁴

May not Catholicism, like Judaism, have to die in order that it may live again in a greater and grander form? Has not every organism its limits of develop-

¹ George Tyrrell. *A Much Abused Letter*, p. 51.

² *Ibid.*, 59.

³ *Ibid.*, 67.

⁴ *Ibid.*, 87.

ment after which it must decay, and be content to survive in its progeny? Wine-skins stretch, but only within measure; for there comes at last a bursting-point when new ones must be provided.

Another volume expressing the views of scholarly Catholic believers in regard to the present intellectual policy of the Church comes into print in 1906 while these pages are going through the press. It bears the title of *The Papal Commission and the Pentateuch* and is the work of two authors, the Reverend Charles A. Briggs, Professor of Theology and Symbolics, of the Union Theological Seminary of New York, and Baron Friedrich von Hügel, at present of Cambridge, England. The work and career of Dr. Briggs are, of course, familiar to all who have knowledge of the issues of later years between the creeds and dogmas of the Churches and of the difficulties of the great scholars of the present generation who have been investigating the texts and records upon which these creeds and dogmas have been based. Of these scholars, Dr. Briggs is known as one of the most authoritative and conscientious and also as one possessing the greatest reverence for the purposes and the spiritual power of revealed religion. Dr. Briggs, now a member of the Episcopal Church, has from time to time brought into expression certain ideals in regard to the development of the Church Universal. If one understands him aright, he looks forward to the reconstruction, under the new conditions of the twentieth century, of a world's Church or Church Universal, which was so nearly realised under the very different conditions of the fifteenth century. He is, therefore, sympathetically interested in the policy of the Church of Rome

and he is in close personal relations with not a few of the scholarly leaders of that Church. He has united with his friend Baron von Hügel in the production of a monograph made up of two letters, one from himself and one from Baron von Hügel, which have for their purpose the analysis and criticism of the conclusions arrived at by the recent Papal Commission in regard to the origin and the history of the Pentateuch. The report of the Commission (of the text of which I have no direct knowledge) appears to have taken strong ground against the results of the so-called higher scholarship, that is to say, of the latest investigations concerning the origin and the formation of the writings going to make up the Pentateuch. Dr. Briggs cites from the record of the Papal Commission the statement that

“certain faulty readings in the text of the Pentateuch may be ascribed to the error of an amanuensis concerning which it is lawful to investigate and judge according to the laws of criticism. . . . But in so doing ‘Due regard must be paid to the judgment of the Church.’ It is admitted [says Briggs], (by the Papal Commission) that investigation and judgment must be ‘according to the laws of criticism.’ If this is so, then it necessarily follows that the laws of criticism must determine the entire investigation, and not merely any definite part of it.”¹

The Baron’s division of the monograph applies, of course, more directly to the subject of the Von Hügel present chapter as an expression of the on views of a scholarly Catholic on the present Censorship intellectual policy of the Church. He writes as follows :

‘For you cannot teach whom you do not understand,

¹ Briggs and Hügel, *The Papal Commission and the Pentateuch*, p. 18.

and you cannot win the man with whom you cannot share certain presuppositions. . . . The cultivated non-Roman Catholic world is, in part unconsciously, often slowly yet everywhere surely, getting permeated and won by critical standards and methods. A system cannot claim to teach all the world and at the same time erect an impenetrable partition-wall between itself and the educated portion of that world.¹ . . . This opinion of the Biblical Commission is surely but one link in a chain of official attempts at the suppression of Science and Scholarship, beginning with Erasmus and culminating with Richard Simon and Alfred Loisy, but never entirely absent, as witness the lives of countless workers, well-known to their fellow-workers. . . . When and where has Rome finally abandoned any position however informal and late its occupation, and however demonstrated its untenableness? Where, in particular, is the case of its permission to hold critical and historical views even distantly comparable in their deviation from tradition to those here presented by us? But if no such cases can be found, then, surely, Rome stands utterly discredited. . . ”²

The Baron recalls that, on January 13th, 1897, there appeared,

“approved and confirmed by Pope Leo XIII, a Decree of the Holy Office, in the highest Roman tribunal next after the Pope himself, and which, unlike the Biblical Commission, claims directly doctrinal authority, giving a negative answer to the question, ‘Whether it is safe to deny, or at least to call in doubt, the authenticity of the text of St. John, in the First Epistle, chapter v, verse 7, “For there are three that give testimony in heaven: the Father, the Word, and the Holy Spirit, and these three are one.”’ ”³

¹ *The Papal Commission and the Pentateuch.*

² *Ibid.*, 54.

³ *Ibid.*, 59.

The Baron closes his letter (which is addressed to his friend Dr. Briggs) with the words:

“ That we can and ought, both of us, to pray, to will, and to work that the advisers of the chief Bishop of Christendom, in the manifold mixed subject-matters which they have to prepare and to bring before him, may have a vivid realisation of the difficulty and complexity, the importance and rights and duties of those other departments of life—Science and Scholarship—lest these forces, ignored or misunderstood, bring inevitable obstruction and eclipse to those direct and central interests and ideals which are the fundamental motives of all spiritual life, and the true mainspring and impregnable citadel of the Christian, Catholic, and Roman Church.”¹

I can but feel that these utterances of sane and reverent Catholic believers of to-day are expressions of a state of mind with which the Church of Rome will have to reckon in the near future unless the realm of its believers is to be restricted to those who are the less sane and less scholarly and, to those who, to put it frankly, have a smaller measure of intellectual integrity.

It may be concluded that the general regulations of the Index and the insistence on the part of the Church of the right and the obligation of supervising the output of the printing-press and of **Conclusions** controlling and directing the reading of the faithful, did exert a restrictive influence on the production and distribution of literature. This influence was, however, limited to the territories in which the machinery of the Inquisition was in active existence. In the regions north of the Alps and the Pyrenees, the Index regula-

¹ *The Papal Commission and the Pentateuch.*

tions brought about but a spasmodic and inconsiderable interference with the distribution of the works of Protestant writers. Outside of the lands of the Inquisition, the Church had no other means of hindering the reading of heretical books than to declare the same to be deadly sin and to threaten the delinquents with such penalties as excommunication. The records of applications for dispensations present, as Reusch points out,¹ evidence that scholarly Catholics made frequent opportunity for infringing the censorship prohibitions. It would in fact be difficult to specify any territory in which the Index regulations were accepted cheerfully and thoroughly. It is certain that, even in the most faithful of the Catholic communities, bitter complaints arose from time to time on the part of the scholars in regard to the destruction of valuable literature and the resulting interference with scholarly work. There were also complaints of a different kind. Those who were interested in preserving the true faith from being undermined by heretical doctrine, came to the realisation of the fact that heretical books were, through the operations of the Index, brought to the attention of many who otherwise would never have known of their existence.

In 1549, Gabriel Putherbeus, writing to Theotimus, complains that the books prohibited by the Paris divines were being read by people to whom they would never have become known excepting through the censorship lists.² Gratianus Verus writes that the Index of Paul IV had had a most pernicious influence in making known to Catholic readers a long list of Protestant writings. Protestant scholars utilised the

¹ ii, 599.

² Theotimus, 238.

catalogues in the Index very largely as recommendations of books that were deserving of consideration. The more thoughtful Catholics were ready to recognise that, as an offset to the importance of protecting the faithful from the influence of heretical doctrines, the publication of the Index-lists brought serious disadvantages. The reading of the Scriptures was rendered unduly difficult for many to whom the instruction therein contained should prove of service. The study of the Bible, of the works of the Fathers of the Church, and of much of the literature of scholarship, was seriously hampered even for devout scholars. The pursuit of scientific studies by Catholic students and instructors was placed under great disadvantages through the prohibition and cancellation even of such works of reference as lexicons, when these bore the names of Protestant compilers. The opportunity of utilising such lexicons when specific permission had been secured from bishops or from inquisitors could not sufficiently meet the difficulty. The possibility of securing expurgated editions of books the original and complete text of which had fallen under condemnation, proved in practice to be too slight a dependence. The printer-publishers, who had been subjected to loss, and often to very serious loss, through the cancellation of the original edition, were as a rule not encouraged to make the further investment required for the printing of the "corrected" and expurgated text. It was also the case that these expurgations were frequently made very heedlessly, and with a full measure of ignorance of the subject-matter of the book, and of the precise purport of the original text. As a result, if the eliminations ordered by the censors were carried out with precision, the text as it remained presented

no adequate sense. On the other hand, the insertion of any changes whatsoever, or of any new material in the expurgated text, subjected the reissue to a further censorship and to the risk of a second cancellation.

In the States in which, as in Spain and Portugal, the entire control of the censorship was left with the Inquisition, the scholars and students were practically deprived of the use of foreign literature. Writers like Pallavicini congratulate themselves that the dread of the Index (that is to say, of course, of the penalties of the Index regulations) has had the effect of checking very largely the printing and the distribution of books, and must, according to his view, have served to discourage the writing of books. It is evidently his point of view that the possible advantages from active literary production are more than offset by the resulting evils.

The difficulties for students and readers were of necessity increased by the lack of any consistency or uniformity of policy on the part of the Congregation of the Index, of the Inquisitions (whether in Rome or in Spain), or of the *Magister Palatii*. In fact, with the inevitable change in the personnel of these authorities, it is difficult to see how any absolutely consistent policy could have been maintained through a term of years. The men representing different Orders were, as Jesuits, Dominicans, Franciscans, etc., committed to differences of dogma and of interpretation which seemed to them to be vital. As the opportunity came into their hands, it was inevitable that they should do what was in their power to discourage the production and to lessen the distribution, not only of the works of avowed heretics, but of the books of writers of different schools of thought and of faith within the

communion of Rome. The contests between the Orders were carried into the work of censorship and found their expression in the varying lists of the Indexes of successive decades or of different centres of Church authority. There may be ground for wonder, not that the interference with the literature of these Catholic countries was so considerable, but that the Catholic scholars of the 16th and the first half of the 17th century were able, under such hampering restrictions, to leave any literary monuments of continued value. The results of the censorship system can of course also not be measured by what may be termed the direct action, the value of the scholarly books destroyed, the interference with the work of scholarly readers, the property losses caused to the printer-publishers and the booksellers, and, through them, to the community. We must bear in mind also the restrictive influence on literary production and on intellectual development. Many works that might have stimulated and enlightened the world were undoubtedly, after some sharp activities of the censors, destroyed in manuscript rather than, in being brought into print, to bring risk to their authors of loss of position, of banishment, or of excommunication. In other cases, writers of individuality and distinctive force decided to cancel their proposed books in the initial stage of lecture notes, rather than, in bringing the material to completion and into print, to risk loss of position, banishment, or excommunication. In the States that accepted the authority of the Index, and particularly in the territories in which this authority was exercised by the Inquisition, the existence of the Index and the machinery of the censorship acted as a blight on literary production and distribution and constituted a serious

bar to the interests of higher education and to intellectual development. Such a restriction on the natural operations of the mind, enforced through a long series of years, must have had a repressing effect also on character and individuality, besides tending to the development of deceit and the impairment of manliness.

“In concluding my summary of the influence of the Church on the literature of Europe, I find myself,” says Dejob, **Dejob on the Papacy.** result have been for the Church and for Europe, if the college of Cardinals, in place of considering the nationality only of candidates for the tiara, had made its selections purely on the basis of merit and capacity? What might have happened if, for instance, the papal throne had been filled by a series of Popes from France? . . . Imperial Rome had the wisdom to select its successive rulers from the diverse provinces that came within its rule, and in so doing, it unquestionably widened and strengthened the foundations of the Empire. Christian Rome might assuredly have secured similar results from a similar world-wide policy. A Bossuet or a Massillon selected for the pontificate would certainly have governed the Church with a spirit at once more serious and more comprehensive, and would have rendered enormous service to the interests of Catholicism and of Europe. The spirit of Popes of such calibre would have kept within bounds the continued disputes on smaller matters of doctrine which have wasted the force and narrowed the intelligence of so many excellent Christians. They would not have been able to prevent the diffusion of philosophical ideas, but I feel confident that faith, as represented and defended by them, would have been assailed with less bitterness and with less effectiveness. . . . The Church, like France itself, should have been able to remain serious without becoming Puritan; and to develop intellectual brilliancy without any compromise of the foundations of faith or of morality.

“I may admit that we have here only an hypothesis but it is fair to remember, in thinking how the influence of France might have served the highest ideals of the Church, how large an evidence during the past two centuries the French spirit has given of earnestness, of moral discipline, of wholesome force. It has preserved with a hatred of hypocrisy, an aversion for servility, a large liberality of thought, and it is such a combination of qualities that should have been made of the largest service to the Church and to the world.”¹

As has been indicated in the preceding narrative, there has been through the centuries not a little varying in the policy of Roman censorship and in the enforcement of its regulations according as one or another Order or school of thought secured the control of the Papacy, or of the machinery of the Inquisition and of the Congregation of the Index. This control, however, has remained, not only for the Papacy, but also in great measure for the Roman Inquisition and for the Congregation of the Index, in the hands of Italians. The result has been, of necessity, from generation to generation, to force into a conformity with local Italian standards the literary activities, and the intellectual development, of the faithful throughout the world. There is certainly ground for the conclusion that under this policy, the Index (including under this term the whole system of censorship) came to constitute one of the more important of the influences which have worked through the centuries towards the narrowing of the Church Universal (the magnificent ideal of the Middle Ages) into the organisation known in our twentieth century as the Church of Rome.

¹ Dejob, 351.

SCHEDULE OF INDEXES

SCHEDULE OF INDEXES WHICH WERE ISSUED UNDER THE AUTHORITY OF THE CHURCH, OR WHICH, HAVING BEEN COMPILED BY ECCLESIASTICS, WERE PUBLISHED UNDER THE AUTHORITY OF THE STATE.

- 1526, London, Henry VIII, the Archbishop of Canterbury.
- 1543, Paris, the Sorbonne.
- 1544, Paris, the Sorbonne.
- 1545, Lucca, the Inquisition.
- 1546, Louvain, Theol. Faculty, Emperor Charles V.
- 1549, Cologne, Synod.
- 1549, Venice, Casa.
- 1550, Louvain, Theol. Faculty, Emperor Charles V.
- 1551, Valentia, Inquisition.
- 1552, Florence, Inquisition.
- 1554, Milan, Arcimboldi.
- 1554, Valladolid, Inquisition.
- 1554, Venice, Inquisition.
- 1558, Louvain, Theological Faculty.
- 1559, Valladolid, Valdés.
- 1559, Rome, Paul IV.
- 1564, Trent, Pius IV.
- 1569, Antwerp, Theological Faculty of Louvain.
- 1570, Antwerp, Theological Faculty of Louvain.
- 1571, Antwerp, Theological Faculty of Louvain.
- 1580, Parma, Inquisition.
- 1583, Madrid, Quiroga.

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- 1584, Toledo, Inquisition.
1588, Naples, Gregorius.
1590, Rome, Sixtus V.
1596, Rome, Clement VIII.
1607, Rome, Brasichelli.
1612, Madrid, Sandoval.
1617, Cracow, Szyskowski.
1624, Lisbon, Mascarenhas.
1632, Rome, Capsiferro.
1632, Seville, Zapata.
1640, Madrid, Sotomayor.
1664, Rome, Alexander VII.
1670, Clement X.
1682, Innocent XI.
1704, Rome, Innocent XII.
1707, Madrid, Volladores.
1714, Namur and Liège, Hannot.
1729, Königgrätz, Bishop.
1747, Madrid, Prado.
1754, Vienna, Archbishop and Emperor.
1758, Rome, Benedict XIV.
1767, Prague, Archbishop.
1790, Madrid, Cevallos.
1815, Madrid, Inquisitor-General.
1835, Rome, Gregory XVI.
1841, Rome, Gregory XVI.
1865, Rome, Pius IX.
1877, Rome, Pius IX.
1881, Rome, Leo XIII.
1895, Rome, Leo XIII.
1900, Rome, Leo XIII.

No two schedules of Church Indexes or even of papal Indexes could be prepared that would be in precise

accord with each other. An Index of one date would be reissued some years later with a later date, but sometimes without change of text; in the majority of instances, these later issues carried with them supplements in which were summarised the prohibitions of the years succeeding the original issue. The above schedule, which may be taken as approximately complete, is intended to cover only those Indexes which were issued under the authority of the Church or under the joint authority of the Church and the State, and which, having included, in addition to the classified lists of books condemned, separate "constitutions," decrees, or briefs, may be accepted, at least for purposes of reference, as constituting each a separate Index publication.

The form at present in use for the application, to be addressed to the Pope himself, for a permission, to remain in force during the life-time of the applicant, for the reading of prohibited books is as follows :

Beatissime Pater,

N.N., magister [praeceptor, professor . . .] diocesis N. ad pedes Sanctitatis Vestrae provolutus devotissime petit, ut sibi ad conscientiae suae tranquillitatem in studiis et pro munere suo implendo (vel in honestorum studiorum subsidium) concedatur facultas legendi omnes libros a S. Sede prohibitos, etiam ex professo contra religionem tractantes.

Et Deus. x x x

Ad Sacram Congregationem Indicis,
Romae

Concillaria Apostolica

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