Early Voices for Justice

I: Justice, Peace and Dominicans 1216—1999

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Preachers often find it difficult to make themselves heard. Humbert of Romans emphasised the need for a measured delivery in a strong voice, but getting a hearing has always been more than a matter of mere audibility.[1] The first Dominican chapels were small, built on the cheap in the expectation that the friars would find a welcome and a pulpit in others' churches. They had not reckoned on the hostility of parochial clergy. It was soon discovered that they would have to build large churches of their own. From its earliest years the Order of Preachers had to adopt new ways of communicating the Gospel, or go unheard. A certain ingenuity and willingness to copy a good idea is traditional for us, where we do not decline. In Florence not only the church but also the piazza outside Santa Maria Novella would have to be enlarged after 1245 to accommodate the crowds who attended the open air sermons. And now the Dominican Family has its presence on the Internet.

In this tradition we should now place the appearance of Dominicans behind various desks. January 1998 brought news of the latest such desk in Geneva, a joint-initiative with the Franciscans, the creation of an office at the Human Rights Commission of the United Nations Organisation. And it is just 10 years since the setting up in the English Province of a Justice and Peace Commission, a copy of what others had already done. A desk has no face, no fiery speech to move the heart and mind, but it allows us to respond quickly and collectively to particular injustices, whether with a press release or with appeals to ministers. These are faint echoes in a modern key of the petitions that Dominicans like John of Darlington and Walter Winterborne handled in their role as confessors to the Plantagenet kings for almost 150 years. Our voices can be heard, however quietly, in a newsletter or at the conference table. And such actions, however faltering, amateur, or unlikely to succeed, are themselves part of what it takes to preach with authority and credibility.

To what extent, though, can we speak of a perennial Dominican vocation to preach on issues of social justice and politics, of war and peace? When the friars at the General Chapter of 1977 started to include

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expressions of "solidarity" with the poor among their legislative *acta*, and the commitment to "strive for the establishment of a more just society", when members of the Dominican family played a prominent role in the peace movement of the 1980s, it seemed to some that we had jumped on a bandwagon, adopted the latest theological fashion. The suspicion lingers that the rhetoric, the structures, with their promoters and conveners, offices and commissions, were something of a pose, talking largely to the converted, littering yet other desks with brown envelopes. Dominic was not known for preaching against injustice, but for preaching God's mercy towards sinners and recalling them to the practice of the Catholic Faith. Is it not enough for us to do the same?

The answer has to be no. Not if what is meant is a neglect of justice. Preachers, wrote Vincent McNabb in the opening issue of *Blackfriars*, must give "others their due of truth...as in kindred matter...their due of justice" and that includes the truth about justice, the significance of this cardinal virtue in any human life and in the fully human life of the saints.[2] Nor can there be an appreciation of God's mercy, where there is no appreciation of His justice and of our sins against it. If our mission is the salvation of souls, the aim stated by our fundamental constitution, we must give hope to those who long for God's justice and give warning to those whose injustice will bring misery on themselves as well as others. That first issue of *Blackfriars* contained articles on capitalism, Irish nationalism and patriotism.

In his obituary McNabb was recognised as a "pauperum propugnator," a champion of the urban poor.[3] He stood out among his generation, but he does not stand alone even in the English Province. It has been said that for "anyone who wishes to understand fully the historical roots of the Catholic peace movement in Britain" Conrad Pepler "must be seen as an essential link in the chain which goes back at least as far as the first world war and which extends forward to the present time."[4] The Sixties saw the December Group "considering social and political ideas shared by Catholics but not often given a chance of an airing."[5] In Grenada during the 1970s the brethren spoke out against police brutality. To preach in the cause of justice has been a perennial Dominican vocation. It is one that will be explored in this journal during the next year in a series of articles by various authors looking first at such well-known figures as Eckhart, Antoninus of Florence, Bartolome de Las Casas and Martin de Porres from what is not always a familiar angle. But there are other lesser known Dominicans who will also feature here, those who heard the call of *Rerum Novarum* and brought to contemporary debates about economics and social justice their Thomistic training, those who took to the streets in the various peace

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movements of this century, and those who contributed to the development of Liberation Theology.

How we remember these figures, their achievements and failings, alters how we see ourselves as their successors and approach the present in all its complexity. For, on the one hand, there is a danger that we kid ourselves, recreate the past to suit current priorities or prejudices, and in the process neglect warnings and lessons from that past. And, on the other hand, there is a perennial temptation not to get involved. Humbert observed that "there are some preachers who are so averse to taking part in the affairs of the world that they refuse to help their neighbour, even spiritually; they are like the ostrich which does not take care of its young. Their conduct does not conform to the example set by Our Lord."[6]

What, then, of Dominic himself and the first friars? Dominic's concern for justice among the brethren was certainly shown by his willingness to punish them. That we know from the testimony of Brother Ventura for the canonization process of 1233.[7] Yet much of the lives of the first brethren and their preaching in the thirteenth century is hidden from us and what we do know we must be careful not to misinterpret to fit our own slant. It is true that the brethren often numbered the poor among their neighbours. But it was scarcity of land and its high price inside the towns that determined the location of priories on the then edge of town either just within the walls, as at York, or in the suburban ring, an area into which newcomers increasingly crowded, pushing back the market-gardens, like those near the first London priory at Holborn.[8] It was among this shifting population of artisans and merchants that the battle with heresy was to be fought in the cities of Northern Italy and elsewhere.[9] The location was not determined by zeal for the poor who were found in these "working-class areas of the suburbs."[10] The friars often moved when and where larger and more central sites became available.

So, too, the voluntary poverty and mendicancy that marked Dominicans and Franciscans alike should not be misread as an act of solidarity with the oppressed poor. For the Franciscans it was first an act of solidarity with the poor Christ, an entry into His sufferings. For the Dominicans it would appear to have been a badge of apostolic authority. How they were seen affected how they were heard. That explains Dominic's insistence on the relative poverty displayed in their churches, the absence of "purple or silk vestments" or "vessels of gold or silver, except chalices."[11] Hence also the penance meeted out to the Newcastle Dominican who turned up at the London General Chapter of 1250 on horseback.[12] Poverty had a missionary purpose. Guillaume Pelhisson, a Toulouse Dominican in the mid-thirteenth century, spoke of voluntary poverty in food and dress "for the name of Christ and the implanting of

the faith."[13] We must also recognise that what we regard as wrong *and unjust* may have struck medieval men and women as wrong but vicious in some other way and *vice versa.* What we regard as an infringement of human rights might have been repugnant as an act of cruelty. What we see as selfish, they might consider a failure to give others their due. And as the friars sought the conversion and reconciliation of those to whom they preached, we should not expect from their sermons a denunciation of sins committed by others.

If we survey the early Dominicans' concern for peace and justice we see first the brethren's interest in a proper understanding of the issues. William of Moerbeke was the first to provide a complete Latin translation of Aristotle's *Politics* in c.1260. Albert lectured and wrote on Aristotle's *Ethics* and *Politics* at Cologne. Aquinas commented on the *Ethics* and *Politics* (Books I-II and part of III), the former probably in 1271-1272, the latter perhaps a few years earlier.[14] It was, on the one hand, the Biblical sense of God's good order in creation, a goodness to which we are attracted and in which we can share through our use of reason, and, on the other hand, Aristotle's understanding of our flourishing in society that set the context for Aquinas' discussion of justice in the *Summa* as a particular virtue disposing us to give others their due as God's creatures and our neighbours. Justice is served by human laws and partly determined by legislation and consent. But the laws must themselves conform to the pattern of God's justice. And the just owe worship and obedience to God. In the *De regimine principum* Aquinas argued that justice was best served by one man's rule in defence of the common good, though the injustices of a democracy were preferable to the crimes of a tyrant and tyranny was to be avoided by constitutional checks. Later works, like the 1278 *Determinatio compendiosa de iurisdictione imperii* by Ptolemy of Lucca and the treatises *De Bono Pacis* and *De iustitia* of Remigio de' Girolami, attempted to establish the proper exercise of civil and ecclesiastical authority, to sort out the competing claims of popes and emperors, and relate the demands of justice to the need for peace.

We also see how frequently the friars were involved in the practical search for a just peace, the establishment of good order. Yet that search brought with it major problems, either (i) when the justice they espoused was a Roman or novel justice disputed by their neighbours, or, where they did follow traditional forms of arbitration, (ii) when they proved unable to find impartial settlements in political disputes, especially those between regional powers. Peace seemed both to require justice and yet also to demand its subordination.

For many the arrival of the Dominicans raised questions of justice

because these newcomers were seen as acting unjustly. They appropriated revenues belonging to existing clerical and monastic institutions or to the poor dependent on alms distributed by those institutions. The Cistercians at Scarborough, who held the advowson of the parish church, long sought to expel the friars and charged them with breach of royal and ecclesiastical legislation. At Bristol the Benedictines objected. At Oxford and Dunstable it was the local canons. Appeal to papal privilege rode roughshod over local rights. It did not always work. In 1250 Innocent IV found in favour of the Cathedral chapter at Hereford in their efforts to prevent the foundation of a Dominican house in the city. Alexander IV confirmed the decision in 1254. The legal battle continued to the end of the century.[15] The secular clergy at Cologne found apt words for what many thought of these new arrivals: "they have put their sickle into another man's harvest."[16]

Questions of justice were raised by the Dominicans' early association with the newly created papal inquisition into heresy. Gregory IX established in 1233 what one historian describes as "both a new procedure, a rational inquiry by a judge, and a new institution, a papal agency designed to utilize this new procedure for uncovering and trying alleged heretics."[17] Gregory appointed individual friars in a given region to carry out the preaching which preceded an investigation and to undertake the judicial investigation itself. Medieval attitudes towards heresy defy simple generalizations. Death had long been considered the just penalty for persistent heresy imposed by secular rulers. Suspected heretics, like witches, faced in most places mob hatred and lynching, so that the inquisitors had to distinguish between true and false charges, protect against unjust accusation and punishment. In other towns, particularly those in the Languedoc and those in Northern Italy caught up in the conflicts between pope and emperor, heretics might enjoy toleration unpunished by local diocesan courts. In these places the friars had to search out heretics. But the procedures adopted by the inquisition and the new punishment of burning inflicted by the secular authorities on the guilty who relapsed into heresy after their first conviction, brought a legal justice at odds with customary rights and loyalties.[18] The friars faced much hostility. At Toulouse they were ejected forcibly from the town in November 1235 and kept out for some months. The priory at Orvieto was sacked in 1239. The Dominican inquisitor Peter Martyr was assassinated near Milan in 1252. The house at Parma was broken into in 1279. At Bologna there were ugly scenes in 1299. What the brethren saw as "the working out of God's just judgement" on the wicked, others saw as cruelty.[19] Arnaud Sans, the blacksmith, shouted to his fellow townsfolk, as he was led to the stake, "See, all of you, what wrong they

do me and this town..."[20]

As outsiders whose impartiality could be expected in local matters to which they were strangers and then as clerics educated in the scriptures and canon law, the friars were frequently asked to arbitrate in disputes. They could be called upon by secular or religious leaders to take part in sensitive negotiations. In 1226 Guala of Bergamo OP was appointed a papal negotiator at peace talks between the emperor Frederick II and the Lombard League.[21] In 1229 he negotiated a truce between Bologna and Modena.[22] The English Provincial William of Southampton served on the royal commission in 1277 that negotiated the peace with the Welsh Prince Llewelyn. The next year he was a mediator between Anthony Bek and Roger de Seiton over a church at Briggenhem.[23] Peter Martyr arranged treaties between hostile towns in the Romagna. Ambrose Sansedoni was sought out by the Sienese in 1273 both as a renowned preacher of peace and ambassador to reconcile the city with Pope Gregory X, who had placed Siena under an interdict. In 1276 Ambrose negotiated a peace between Florence and Pisa. The friars were seen to enjoy a spiritual authority to make peace. They could reconcile opponents in calling the parties to a common repentence mindful of God's judgement and so to a common acceptance of God's peace. Theobald of Albinga, whom Dominic clothed in the habit in 1220, was held to have a "special grace of healing enmities."[24]

Arbitration might prove time-consuming, however, and decisions unpopular, turning people against the preachers. The *acta* of thirteenth century chapters testify to the difficulty of reconciling potentially conflicting demands: warnings and prohibitions are balanced by exceptions in cases of grave necessity.[25] Humbert warned that the "preacher ought to shun jobs which incur men's dislike, such as arbitrating settlements, official investigations, visitations and other such judicial work, in the course of which it is frequently impossible to avoid offending many people."[26] If it is true today that "the credibility of the churches depends upon their attitudes towards institutionalised injustice, and this affects the credibility of those who claim to proclaim the good news,"[27] the medieval friars found that a reputation for giving justice was a mixed blessing. It could both enhance and compromise their status as God's preachers. It could rob them of a hearing: "For when one who is dressed in a holy habit permits himself to become immersed in worldly affairs, it is as if he were to lose caste in the eyes of men, and the respect which they had for him were to vanish."[28]

Such difficulties can be studied in the history of the renewal movement known as the Great Devotion or Alleluia that swept through the towns of Lombardy in 1233. Preachers like the Franciscan Gerard of

Modena and Dominicans, Jacopino of Reggio, John of Vicenza, and Bartholomew of Breganza, came to exercise for a few short months great political power in towns disturbed by internal factions, unstable government, rivalry with other towns, and the pursuit of vengeance in the name of honour. Crowds poured in from the countryside to take part in the colourful and noisy processions and to hear the sermons with their call for reconciliation. The friars settled all kinds of disputes, over property and inheritance, over civil and ecclesiastical jurisdiction, between individuals, families and factions. A witness at Dominic's canonization process stated that "almost all the cities of Lombardy and Marche handed over to the friars their acts and statutes for adjustment and amendment according to their will, to erase, add, subtract and change as seemed appropriate to them. And this they did to end the warfare and make and establish peace among them, and to restore usury and wrongful acquisitions..."[29] This is no exaggeration. The friars legislated in Parma, Modena, Bologna, Vercelli, Monza and many other cities. At Bologna the oaths which bound the members of each faction to vengeance were suppressed and political prisoners released from gaol. John of Vicenza preached before hostile armies drawn up on the battlefield and dispersed them. At Verona he was appointed "dux et rector" of the city with a mandate to reconcile old enemies.[30]

The high ideals that motivated the renewal proved difficult to embody in practice, especially where the disputes were political in nature. At Piacenza the peace brokered in July by the Franciscan Leo de' Valvassori of Perego broke down one month later in rioting and expulsions. Even a short-lived peace could be costly. John ordered the burning of sixty heretics in Verona, who would not swear to his settlement. The peace John proclaimed before the crowds at Paquara on the feast of Saint Augustine proved unacceptable to the Paduans and led to renewed conflict. The call to reconciliation was heard because of the spiritual authority of the preacher. It often foundered in the politics of the peace determined on when that determination, partial and imperfect, robbed the preacher of his authority. To a political theorist, Remigio de' Girolami, at the turn of the century it seemed that an answer to all these disputes required a rigorous subordination of many just claims to the overriding good of peace, of the individual to the common good, although he was careful not to ignore the claims of the poor, but those with a genuine grievance find it hard to surrender their claims and tyranny can wreak havoc in the name of security and public order. It would be a mistake, however, to write off the Great Devotion as misguided or as a total failure. Many of the agreements were being reaffirmed thirty years later.[31]

Throughout Western Europe the friars were often appointed to the specific mission of preaching the crusades, receiving the vows of would-be crusaders and collecting alms for the liberation of the Holy Land. In 1291, for example, Pope Nicholas IV requested the English Dominican provincial to preach the Crusade and appoint fifty others to the same mission.[32] This might not strike modern readers as evidence for a perennial vocation to preach justice and peace, but in their age the crusades to the Holy Land were understood as just wars for Christ's patrimony, an inheritance unjustly taken from his people, and for the liberation of Christians from oppression. Humbert of Romans in his treatise on preaching the crusades expected the preacher to know the history of infidel aggression. The crusades were also presented as a form of penance, as something owed to God. The Dominican William Peyraut in a sermon for the 4th Sunday of Lent described the crusader as doing an exemplary penance. Yet, here, too, the brethren found themselves required to advocate wars the justice of which might be disputed, especially when not every crusade was to the Holy Land. In the 1240s crusades had to be preached against the German emperor Frederick II and the General Chapters of 1246-1248 instructed the brethren to co-operate. For one Swabian Dominican it was too much. He wrote a tract in which he accused the pope of being the Anti-Christ.[33]

Dominicans have also long had a professional interest in other people's money. We know, thanks to a Parisian manuscript at Canterbury, that Jordan of Saxony preached on the text that "it is easier for a camel to pass through the eye of a needle."[34] Dominicans, like other mendicants, often preached against usury as a form of injustice and not simply of greed.[35] The *exempla* or stories for use in sermons compiled by a thirteenth-century Cambridge Dominican include graphic images of toads with coins in their mouths found in the putrid corpses of dead usurers.[36] Ambrose Sansedoni died as a result of bursting a blood vessel while condemning usury. Wealth was a danger to those who misused or hoarded their riches. The almsgiving that we might see as generous and merciful Aquinas with other, and earlier, medieval theologians saw as something owed to the poor: "whatever surplus some people possess, belongs by natural law to the relief of the poor."[37] For justice in this view involves recognition of no absolute right to the continued use or disposal of private property: "in this respect...a person should not hold things in the world as his own, but as communal, so that he is ready to share them with others in their need."[38]

We must not, however, ignore our critics. There were soon those who charged the new arrivals with a failure to preach against the sins of the powerful. Grosseteste reputedly made this complaint on his death-

bed. The friars' reliance on wealthy donors could silence them. The Franciscan chronicler, Thomas of Eccleston, tells on the authority of one Friar John, visitator of the English Dominican Province in the thirteenth century, how the king had criticised another Dominican, William of Abingdon: "Brother William, there was a time when thou couldst speak of spiritual things; now all thou canst say is, Give, give, give." These are serious charges, for it was the duty of those in power to secure peace and justice. A distinction in the margins of what is probably a Dominican collection of sermons and preaching aids from Oxford in the late thirteenth century summed up the king's duties as to "protect their subjects, defend against all-comers, re-establish peace, punish disturbers of the peace, give each their due, to attack and destroy enemies."[39] But the English friars certainly spoke out on occasion against the powerful, or the excesses of their soldiery. Matthew Paris related that Dominicans and Franciscans in October 1233 rebuked the English king for ravaging the estates of noblemen who had not been tried and convicted by their peers. The Dominican archbishop of Canterbury, Robert Kilwardby, wrote in 1277 to the Earl of Warwick and other field commanders of the troops then fighting in Wales to complain about the army's conduct.[40] The friars collected *exempla* with which to warn the powerful of the eternal punishments brought on them by their own savagery, like the story recorded by the Cambridge Dominican of the clerk who witnessed in a vision the torments of his former princely patron.[41]

The early Dominicans reveal both how much and how little can be achieved. These friars remind us of how difficult it is for the preacher to determine a disputed justice and how easily our own comforts may silence us. They remain an inspiration in their ability to integrate preaching, practical action, and personal virtue in the search for a just peace. Sansedoni was reported to have told an angry opponent of his mediation that "since God is a peace-loving king, his servants must love and wish for peace, but to find peace, one must first grant it to others..." He admitted with candour that he too was a sinner, apologised for any fault, volunteered to pray that God would not count his opponent's angry words against him, showed himself undaunted by the threat of violence. His gentle resolution so unnerved and disarmed his attacker that the man found himself on his knees begging pardon and God's peace.[42]

1 Humbert of Romans, *Treastise on Preaching*, ed. W. Conlon OP, Blackfriars Publications 1955, p.41f.
2 V. McNabb, 'Our Aim of Truth', *New Blackfriars*, Vol. 1, No. 1, April 1920, p.8.
3 *Acta Capituli Provincialis Provinciae Angliae* 1946, Oxford 1947, p.31.
4 B. Wicker, 'Making Peace at Spode', *New Blackfriars* , July/August 1981, p.314.
5 Programme of the Year's Events, Spode Conference Centre, 1964.
6 Humbert, op. cit., p.141.

7 S. Tugwell O.P., *Early Dominicans,* p.67.
8 Guillaume Pelhisson OP attributed the modest scale of building at the Toulouse priory in the early 1230s, "domos valde pauperes, parvas et humiles", to "penuriam loci et defectum expensarum", *Chronique,* ed. J. Duvernoy, Paris, 1994, p.40.
9 Lambert, *Medieval Heresy, p.* 118.
10 C. Morris, *The Papal Monarchy,* p.460. Hinnebusch argued that the poor have no particular quarter in (English) medieval towns. But a modern study of Siena by Daniel Waley describes the poor concentrated in the suburbs just beyond the walls.
11 Testimony of Br. Amizo of Milan during the canonization process of St. Dominic, trans. in S. Tugwell O.P., *Early Dominicans,* p. 71.
12 A. Emden, A *Survey of Dominicans in England,* Rome, 1967, p.18.
13 *Chronique, op.* cit., p.40.
14 There is some doubt as to whose commentary on the *Politics* came first. See the discussion in the Leonine edition of Aquinas, *Opera Omnia,* xlviii, Rome 1971, which also has a valuable appendix on Aquinas and the *Nicomachean Ethics.*
15 W. Hinnebusch O.P., *The Early English Friars Preachers,* Rome 1951, p.98 & pp. 109-113.
16 C.H. Lawrence, *The Friars,* 1994, p. 107.
17 A. C. Shannon OSA, *The Medieval Inquisition,* p.67.
18 Heresy became punishable by burning in imperial territories by a decree of 1224. Imperial laws on heresy were adopted by Italian cities over the next decade. The papal decree *Ad extirpanda* of 1252 provided for the legal torture of certain suspects, a measure already legal in certain Italian towns, but there is no clear evidence for the regular use of torture by the inquisition in this period.
19 The phrase "iusto Dei iudicio operante" describes the imprisonment and burning of Cathar heretics by Fr. Ferrarius OP in certain manuscripts of Pelhisson's *Chronique,* op. cit., p.46.
20 "Videte, omnes quam iniuriam faciunt mihi et ville..." ibid, p.60.
21 C. Maier, *Preaching the Crusades,* pp.29-30.
22 A. Thompson O.P., *Revival Preachers and Politics,* Oxford, 1992, p. 51, Hinnebusch, op. cit., p.479.
24 *Lives of the Brethren,* trans. P. Conway, London, 1955, p.194.
25 Hinnebusch, op. cit., pp. 423-424.
26 S. Tugwell, *Early Dominicans,* p.310.
27 *Acta* of the Quezon City General Chapter, cited in the 1978 *Acta of the English Province.*
28 Humbert, in S. Tugwell, *Early Dominicans,* p.143.
29 C. Morris, *The Papal Monarchy,* p.459.
30 A. Thompson, op. cit., pp. 57-58, p.60, & p.71.
31 ibid, pp.200-201.
32 Hinnebusch, op. cit., p.330.
33 C. Maier, op. cit., p.115, p.113 & p.72.
34 Fr. Morenzoni, 'Les sermons de Jourdain de Saxe', in AFP LXVI (1996), p.217.
35 "accipere usuram pro pecunia mutuata est secundum se iniustum..." ST 2,2ae, q.78, a.1.
36 Miri Rubin, *Charity and Community in Medieval Cambridge, p.* 89.
37 ST 2, 2ae q.66. a.7. For the views of earlier writers see Rubin, op. cit.
38 St 2, 2ae q.66. a.2.
39 M. O'Carroll, *A Thirteenth-Century Preacher's Handbook,* p.182.
40 Hinnebusch, op. cit., p. 64., p.467 & p. 476.
41 S. L. Forte, 'A Cambridge Dominican collector of Exempla', AFP (XXVIII) 1958, pp. 145-6.
42 *Vie des Saints et Bienheureux de l'ordre des Frères Prêcheurs,* Lyon, 1887, Vol. I, p. 495.