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## **A Right No Power Can Take Away: Religious Freedom and the Fight for Catholic Schools Among the Osage**

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*During the 1870s both Euro-American Catholics and leaders of the Osage Nation fought against federal restrictions on Catholic schools in Indian Territory. During this fight, Native and non-Native advocates argued that the Osage had a right to Catholic schools. For each group, however, the freedom to establish Catholic education in Indian Territory cohered differently; as a right it derived from different sources of authority. On both sides, these sources existed in complex relation to the sovereignty of the U.S. nation-state. Among the Osage, anger over the absence of Catholic schools, and demands for them as a treaty right, speak to Catholicism's importance to the tribe—not as a belief system, but as a site of political possibility amid the crisis provoked by U.S. colonialism.*

*Keywords:* Catholic Education, Indian Missions, Colonialism, Religious Freedom, Church and State

**I**n March 1874 a delegation of a dozen men from the Osage Nation, including the tribe's governor, Joseph Pawnee-no-pah-she, traveled twelve-hundred miles east from Indian Territory to Washington DC. Their purpose was to ask President Ulysses S. Grant to return Catholic missionaries and schools to their reservation. "Religion among the whites is a matter of conscience and voluntary choice," the delegation wrote. "It is so throughout all Christendom; and why should it not be so among the

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Osages?”<sup>1</sup> The visitors objected to the Bureau of Indian Affairs decision to maintain a Quaker agent to oversee Osage affairs, instead of Jesuit priests. During the “Peace Policy” era of U.S. Indian administration, which lasted between 1870 and the early 1880s, the federal government delegated decision-making authority over tribes to Protestant denominations. As a result, Catholic missions were restricted across much of Indian Country, including among tribes like the Osage for whom the Jesuits and other Catholic orders had historically operated schools and churches. In response, Osage tribal leadership acted throughout the 1870s, alongside other tribes like the White Earth Ojibwe, to protest the government’s actions.<sup>2</sup>

The Osage tribe’s objections to the religious effects of U.S. Indian policy happened in tandem with furious complaints from Euro-American Catholics, including missionaries, bishops, the leadership of the newly formed Bureau of Catholic Indian Missions (BCIM), and concerned laity across the United States. “Sectarian fanaticism, Protestant bigotry, and anti-Christian hatred have been called into play [through the policy],” announced an 1877 essay in *The Catholic World*. “The arm of the government has been made the instrument for the restriction, and even the abolition, of religious freedom among many of the Indian tribes.”<sup>3</sup>

This essay assesses the Osage fight to restore Catholic missionaries and schools to their territory, as it happened alongside the U.S. Catholic objections to the religious bias of the Peace Policy. This article departs from a historiography that has treated Euro-American Catholic responses to nineteenth-century U.S. Indian policy as a binary historical contest between (Catholic) church and (U.S.) state, and instead considers claims to Catholic education made by both white and Native Catholics inhabiting the frontlines of a live colonial project.<sup>4</sup> Contrary to the myth of one-to-one relationality sustained by the language of “church and state,” the United States

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1. Reprinted in *Letter from the Office of the Catholic Commissioner for Indian Missions to the Secretary of the Interior Regarding the Administration of the Osage Indians*, October 19, 1874, Series 4-3, Box 1, Folder 4, Bureau of Catholic Indian Missions Records, Special Collections and University Archives, Marquette University, 3.

2. See for e.g. Ignatius Hole-in-the-Day to Ulysses S. Grant, October 1, 1874, Series 1-1, Box 1, Folder 18, Bureau of Catholic Indian Missions Records.

3. W.T. Sherman, “Our New Indian Policy and Religious Liberty,” *Catholic World*, 26, no. 151 (October 1877), 90–108, here 90.

4. See especially Peter J. Rahall, *The Catholic Indian Missions and Grant’s Peace Policy, 1870–1884* (Washington, 1953); Francis Paul Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865–1900* (Norman, OK, 1976); Francis Paul Prucha, *The Churches and the Indian Schools, 1888–1912* (Lincoln, NE, 1979).

during the 1870s was, as it still is, a settler colony—one encompassing multiple polities, settler and Native, colonizing and colonized, suspended in devastatingly asymmetrical relations of power.<sup>5</sup> With this in mind, the following study starts with a question: How does one tell the history of Catholicism on soil claimed by the United States not as that of “American Catholicism,” but rather as a Catholicism in relation to these multiple polities, U.S. *and* Native, and in relation to these colonial relations of power?

Approaching history in this way requires abandoning the premise of a Catholicism dialectically engaged with U.S. institutions and discourses, in order to open space for other Catholic possibilities. The Osage fight for schools is a case in point. In the face of Peace Policy restrictions, Euro-American Catholics and Osage tribal leaders alike defended the right of Catholic schools and teachers to inhabit Osage territory. For each group, however, the *freedom* of and to a Catholic education cohered differently; as a right it derived from, and reinforced, different configurations of religious and political authority. On both sides, these sources existed in complex relations to the sovereignty of the U.S. nation-state. Both Euro-American and Osage appeals for Catholic schools—albeit in mutually dissonant ways—registered discomfort with U.S. sovereignty as a source for and site of freedom.

During the 1870s, the federal government was invested in an enterprise of territorial expansion and settlement, the success of which depended upon the extension of its sovereignty over non-consenting Native populations. Liberal in character, U.S. sovereignty manifests itself across the second half of the nineteenth century in paradoxical interplays of control and freedom: in the exercise of plenary power over tribes, on the one hand, and the extension of rights to individuals therein, on the other. Discussing the Canadian-First Nations context, legal scholar John Borrows (Anishinaabe/Ojibway) describes this sort of spreading colonial sovereignty as the stuff of “conjure” and “alchemy.” “Political and legal ascendancy are conveyed to those who can conjure fictions that vindicate their claims of authority,” he writes.<sup>6</sup> Sovereignty was and is the spell amid which rights—including tribal rights to land, but also freedoms enjoyed by tribal members—“crystallize.” “Sovereignty is pretty powerful stuff,” Borrows concludes. “Its mere assertion by one nation is said to bring another’s [. . .] rights to “definite and permanent form.”<sup>7</sup>

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5. Mary Louise Pratt, “Arts of the Contact Zone,” *Profession* (1991), 33–40.

6. John Borrows, “Sovereignty’s Alchemy: An Analysis of *Delgamuukw v. British Columbia*,” *Osgoode Hall Law Journal*, 37 (1999), 537–96, here 559.

7. Borrows, “Sovereignty’s Alchemy,” 558.

Across this period, Catholicism had a complicated relationship with both the U.S. nation-state and the rights it conjured for its citizens and—increasingly—its colonial subjects. John McGreevy has shown how Euro-American Catholicism existed in ambivalent relation to freedom as a value tethered to the liberal nation-state, in Europe and the United States, through the second half of the century.<sup>8</sup> During the 1870s that ambivalence inflected arguments Euro-American Catholics made against Peace Policy restrictions; while they frequently mined U.S. “religious freedom talk” to bolster their cause, they simultaneously showed unease over the U.S. government’s expanding power, including over Indian tribes, and its accompanying claims of authority to form moral as well as political citizens from them.<sup>9</sup> Euro-American Catholic appeals to religious liberty, made on behalf of church actors as well as Natives to whom the Church wanted to minister, reflected corresponding uncertainty about the source of authority that produced that right. Occasionally Catholic critics of the Peace Policy were so bold as to imagine the cogency of freedom apart from the sovereignty of the U.S. state.

If Euro-American Catholics demonstrated unease about freedom, religious or otherwise, tethered to the U.S. nation-state, the leadership of the Osage nation located its own right to Catholic schools elsewhere, within the framework of guarantees produced via nation-to-nation treaties. This made Osage claims to Catholic schools different too, in important ways, from claims to religious freedom as a right reconcilable to the sovereignty of the nation-state. Talal Asad has described how modern human rights get imagined and deployed in ways that confirm the sovereignty of secular states and legitimate their policing activities. “The universal character of the rights-bearing person is made the responsibility of sovereign states, each of which has exclusive jurisdiction over a limited group within the human family,” he writes. “This limited population is [. . .] at once the object of the state’s care and the means of securing its own power.”<sup>10</sup> By the end of the nineteenth century, religious freedom as a civil right was beginning to function in this way, as the government made early consider-

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8. John T. McGreevy, *Catholicism and American Freedom: A History* (New York, 2003).

9. Tisa Wenger uses “religious freedom talk” to describe a discourse bound up with U.S. politics of race and empire during the late nineteenth and early twentieth century—see Tisa Wenger, *Religious Freedom: The Contested History of an American Ideal* (Chapel Hill, 2017).

10. Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA, 2003), 137.

ations to extend it (however unevenly) to Native individuals, as part of the project of U.S. colonization in its “citizen-making” dimension.<sup>11</sup>

For the Osage who demanded Catholic schools, preserving tribal sovereignty in the face of a state actively dispossessing them of self-rule was paramount, and both their appeal for missions, and their invocation of rights as part of it, needs to be understood in this vein. For the Osage leadership, the right to Jesuit missions was a freedom guaranteed *not* primarily by the U.S. constitution—a document of governance internal to the colonizing state—but rather by their own nation-to-nation treaties with that state. In other words, the Osage bid for Catholic schools resembled that of their Euro-American counterparts, insofar as both pushed back against accumulating sovereignty of the nation-state. Unlike Euro-American Catholics who concerned themselves with Indian missions, however, the Osage understood the fight as one to determine their own future. Catholicism was relevant to them in that fight.

For the Osage as a tribe, as for other Native nations in the latter part of the century, the problem of self-determination was profound. It shaped not only how Osage leadership defined the right to Catholic schools, but also how it assessed Catholicism’s place, substance, and value in the community. For Joseph Pawnee-no-pah-she (Figure 1) and other prominent Osage, Catholic institutions and actors carried embedded possibilities—real and substantial, even as they were also flawed and limited—for self-rule amid the dispossessing trajectory the Peace Policy represented. Historians have described the tribe’s embrace of Catholicism, as it occurred on these terms, as strategic rather than sincere; as the Osage “wrapping themselves in the Catholic flag” as a means of protesting U.S. interference upon tribal life and governance.<sup>12</sup> Accounts like these presume belief, and by extension conversion, as standards for measuring Catholicism, and for figuring historically who has (or has not) met its threshold. As a result, the Osage fight for schools in the 1870s is legible as politics, but remains illegible as a struggle of religion. This study argues that appreciating the Osage, rather than relegating them to marginal inclusion within an “American Catholic history,”

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11. On the mixed consequences of religious freedom, as a right extended to Native communities by the U.S. government in the 1920s, and strategically invoked by those communities, see Tisa Wenger, *We Have a Religion: The 1920s Pueblo Indian Dance Controversy and American Religious Freedom* (Chapel Hill, 2009). On the long relationship between freedom, citizenship, and colonial exclusion, see Aziz Rana, *The Two Faces of American Freedom* (Cambridge, 2010).

12. James D. White, *Getting Sense: The Osages and Their Missions* (Tulsa, OK, 1997), 85.



FIGURE 1. Joseph Pawnee-no-pah-she (1837–83), Star Chief, Governor of the Osage Nation (1869–82), wearing bear-claw necklace and peace medal, and holding a pipe-tomahawk, possible photograph by Alexander Gardner, taken in 1874, produced from a glass plate negative, NAA, INV 01001203, Photo Lot 4420, National Anthropological Archives, Smithsonian Institution [[http://collections.si.edu/search/detail/edanmdm:siris\\_arc\\_38233](http://collections.si.edu/search/detail/edanmdm:siris_arc_38233)]

demands (re)consideration of Catholicism in terms that mattered to the tribe. To study the Osage fight for a Catholic education as the stuff of Catholic history will mean measuring the Catholic in that fight differently.

### **The Peace Policy and Colonial Subject-Making**

In December 1870, in his annual message to Congress, Ulysses S. Grant announced he was turning over management of all U.S. Indian agencies to “such religious denominations as had hitherto established missionaries among the Indians and perhaps to some other denominations who would undertake [. . .] missionary work.<sup>13</sup> Under the Bureau of Indian Affairs, Indian agencies were entities responsible for overseeing the day-to-

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13. Qtd. in Rahill, *Catholic Indian Missions*, 36; Francis Paul Prucha *The Great Father: The United States Government and the American Indians*, abridged edition (Lincoln, NE, 1984), 161.

day affairs of tribes on the government's behalf. Now under Grant's "Peace Policy" Christian denominations acquired authority over all agencies the government delegated to them. This gave churches enormous power, including power to select Indian agents, as well as to determine the teachers and missionaries who would, or would not, work among the tribes.<sup>14</sup> Under the policy, approximately ninety percent of agencies were soon delegated to Protestant churches and organizations.<sup>15</sup>

Writing in 1976, Catholic historian Francis Paul Prucha argued that under Grant's policy the federal government "abdicated [. . .] its responsibility in Indian administration [. . .] to church groups." "The 'peace policy' might just as properly have been labeled the 'religious policy,'" Prucha observed.<sup>16</sup> From another vantage point, however, the policy represents a transitional chapter in the expansion of the U.S. settler colonial project, and of the federal government's exercise of power over peoples it colonized. In 1831, U.S. Supreme Court Justice John Marshall had coined the term "domestic dependent nation" to describe the relation of Native peoples to the United States.<sup>17</sup> By the 1870s this legal-political model was ascendant in the United States, and had begun to set the course for Indian policy, the Peace Policy included. Across the nineteenth century, Joanne Barker (Lenape) explains, this gradual "reconceptualization of tribes [. . .] assumed a radical repositioning of Native peoples *within* a colonial order." "Outside the purview of foreign or international relations," Barker writes, "Indian tribes were said to be positioned within the domestic boundaries of a dominant nation-state as dependents."<sup>18</sup> During this same period, reservations came to be understood not as independent, if diminished, tribal land bases but rather as gifts made from "the public domain of the United States" and given to internal beneficiaries.<sup>19</sup>

By assigning Christian churches the work of managing Native peoples into good subjects, if not yet full citizens, of the United States, the Peace Policy became a means by which the state secured its governance over those people it now categorized as its "wards" or internal beneficiaries.<sup>20</sup>

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14. Prucha, *The Great Father*, 152–64.

15. Prucha, *American Indian Policy*, 53.

16. Prucha, *American Indian Policy*, 33, 32.

17. *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831).

18. Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham, NC, 2011), 32.

19. Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, reprint ed. (Boston, 2015), 11.

20. The U.S. Congress extended citizenship to all Native Americans born in the United States in 1924.

This long push toward domestic subject-making, which was also marked by the transfer of Indian affairs from the War Department to the Department of the Interior in 1849, by Congress's decision to no longer enter into treaties with tribes in 1871, and later by the General Allotment Act (or Dawes Act) of 1887, was driven by advocates inside and outside government who proposed assimilation and eventual inclusion of Native peoples into the U.S. body politic as benevolent alternatives to the violent eradication of tribes. Under Grant's policy, trustworthy churches would assist the state in the "civilizing" process necessary to achieve that settler future.<sup>21</sup> As Secretary of the Interior Columbus Delano put it in 1873, "through the instrumentality of the Christian organizations, acting in harmony with the Government" [the Peace Policy] would provide churches and schools where the Indians "would be made to understand and appreciate the comforts and benefits of civilization, and thus be prepared ultimately to assume the duties and privileges of citizenship."<sup>22</sup>

### **The U.S. Catholic Fight for Schools in Indian Territory**

Through the 1870s the U.S. Catholic Church, and its priests and religious who worked across Indian Country, maintained an ambivalent position in all of this. Although Catholic missionaries also did work they understood as "civilizing," their uneasy fit with the U.S. project of colonial subject-making was evident both in the restrictions placed upon the Catholic Church under the Indian policy, and in the Catholic outcry against those restrictions. By 1872, Protestant churches (and one Protestant missions organization) controlled sixty-six of seventy-three U.S. Indian agencies. Orthodox and Hicksite Quakers led this group with a combined sixteen agencies, Methodists followed with fourteen agencies, and Presbyterians and Episcopalians were also favorably represented in the mix. Despite their historical prevalence across much of Indian Country, Catholics were reduced under the policy to managing a mere seven agencies.<sup>23</sup>

This distribution provoked a struggle that lasted throughout the decade. Among Euro-American Catholics, the effort to restore missions was spearheaded by Charles Ewing, a Civil War general and attorney, who in 1873 became the first Catholic Commissioner for Indian Missions,

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21. See Mark Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination* (Durham, NC, 2017).

22. *Report of the Secretary of the Interior, Being Part of the Message and Documents Communicated to the Two Houses of Congress*, vol. 1 (Washington, 1873), iv.

23. Prucha, *American Indian Policy*, 53.



upon appointment by Archbishop J. Roosevelt Bayley of Baltimore.<sup>24</sup> Ewing's main job was to represent the interests of the U.S. bishops to the federal government. The bishops "feel that they have suffered great injustice at the hands of the Government in connection with [the] missions," Bayley explained.<sup>25</sup> By the year following his appointment, Ewing was directing an office in Washington specially established to "regain the agencies over which the Church once had supervision." In 1879, this Office of the Catholic Commissioner would change its name to the Bureau of Catholic Indian Missions.<sup>26</sup>

Anger over the Peace Policy's implementation fueled Catholic pamphlets, and denunciations of it peppered the Catholic press. Stories circulated about priests prohibited from carrying altar wine, and having their vestments and altar furniture removed by U.S. troops. In one frequently repeated incident, a priest working among the tribes of California refused to relinquish his position, and was beaten by the local Indian agent as a result.<sup>27</sup>

Both inside and outside the Catholic commissioner's office, the fight to fix these injustices took shape through the language of rights, and especially the right to religious freedom or liberty. In their appeals, Euro-American Catholics invoked the right of the institutional church and its missionaries to minister freely among the tribes. "Every Christian Church, wherever it is engaged in the exercise of its ministry in this country, has the constitutional right to remain their unmolested and untrammelled," argued a pamphlet published in 1874.<sup>28</sup> Sometimes, though not always, these appeals named in addition the right of Natives themselves to "the full enjoyment of liberty of conscience."<sup>29</sup>

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24. Rahill, *Catholic Indian Missions*, 85.

25. J. Roosevelt Bailey, "Indian Missions," January 2, 1874, Series 4-3, Box 1, Folder 3, Bureau of Catholic Indian Missions Records.

26. Rahill, *Catholic Indian Missions*, 119, 285.

27. Charles Ewing to unknown, September 24, 1874, Series 1-1, Box 1, Folder 9, Bureau of Catholic Indian Missions Records; John Gilmary Shea, "What Right Has the Federal Government to Mismanage the Indians?," *American Catholic Quarterly Review*, 6 (July-October 1881), 520-41, here 530.

28. "Address of the Catholic Clergy of the Province of Oregon to the Catholics of the United States on President Grant's Indian Policy, in Its Bearing upon Catholic Interests at Large (Portland, 1874), 11.

29. *Address of the Catholic Clergy- of the Province of Oregon*, 12. For other Catholic appeals to religious liberty during the Peace Policy fight, see Sherman, "Our New Indian Policy." See also Rahill, *Catholic Indian Missions*, 45, 47, 53, 99.

On one level, these appeals are episodes in a long history of American Catholics affirming religious liberty as a political value, especially at moments when to claim it has protected the interests of the Church and its institutions on U.S. soil.<sup>30</sup> But the fight to restore missions at the same time demonstrated discomfort with the power of the liberal nation-state, and corresponding hesitation at celebrating freedom as something tied to that state's governing authority. Simply put, at the same moment the United States was expanding its sovereignty over Native "wards" via its Peace Policy, the Catholic cause for missions toed the line—at least at times—to question the imperial reach of state power.

John McGreevy has traced the dynamic relationship of U.S. Catholics to the liberal concept of freedom, and to the authority of the state that has extended freedom as a political right to its citizens. McGreevy discusses the post-Civil War decades—which he considers in terms of southern Reconstruction, but not in terms of the colonial dispossessions that also characterized the era—as one marked by federal control aggrandizing under the spirit of liberal nationalism. This political climate became the backdrop for a new generation of American concern about the Catholic Church: concern that translated to articulations of Catholicism as a destabilizing threat to the "foundations of the nation-state," to that state's benevolent sovereignty, and to the liberal freedoms it extended to those whom it governed.<sup>31</sup> Across Europe during this era, the ultramontane Church seemed a competitor to liberal nationalism; one that, as an American observer put it, insisted on "a virtual share of sovereignty as a condition of its allegiance."<sup>32</sup> In the United States similar concerns distilled around the Church's interest in supporting its own institutions. "Theorists of American nationalism in the 1860s and 1870s," McGreevy writes, "instinctively mistrusted Catholicism. Both the nation and its administrative arm, the state, seemed vulnerable to attack from an international church determined to establish and control its own hospitals, orphanages, and especially, schools."<sup>33</sup>

American Catholicism *did* harbor real objections to this climate of expansive nationalism. Euro-American Catholics, who during the 1860s

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30. For a brief history of U.S. Catholics affirming religious freedom as a practical political tool, see Bernard Noone, "Expediency or Conviction? The American Catholic Acceptance of the First Amendment," *U.S. Catholic Historian*, 1, no. 3 (1981), 73–86.

31. McGreevy, *Catholicism and American Freedom*, 96, 98.

32. *Ibid.*, 102

33. *Ibid.*, 100.

had worried about “exercises of federal power” in the context of the Civil War, turned their attention in the 1870s to the implications of “an expanding federal state” in other dimensions, including both public education and Indian affairs.<sup>34</sup> Leading the charge was *New York Freeman’s Journal and Catholic Register* editor James McMaster. Throughout the 1870s McMaster used his platform to lambast developments in U.S. educational policy, and especially “the monstrous proposition” that education might transfer to the hands of the federal government versus those of the states.<sup>35</sup> He also regularly printed pieces critical of U.S. Indian policy, which he described as in violation of the rights of missionaries and Natives alike.<sup>36</sup>

In July 1881 John Gilmary Shea (Figure 2) offered his own take on federal power and Indian affairs in an essay in *American Catholic Quarterly Review*. For Shea the U.S. colonial project was a space where the liberal state revealed its tendencies toward despotism. “A monstrous and unauthorized power has grown up, mischievous, fruitful in difficulties, ruinous to the Indians,” Shea wrote. “It is monstrous in that it assumes exclusive jurisdiction over a quarter million of people, whom it has assumed to govern without laws, [. . .] without any but the most despotic system, confining people to prescribed limits.”<sup>37</sup> Under the Peace Policy, Shea went on to observe, each Indian agent is “installed as a grand lama in his little territory” and “has absolute power over the Indians.”<sup>38</sup> “If the Indians ever learn to read the Declaration of Independence,” he concluded, “they can bring heavier charges against our government than our forefathers did against George III.”<sup>39</sup>

To be clear, neither McMaster nor Shea nor any other Euro-American Catholic who publicly objected to federal power exercised over Native

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34. *Ibid.*, 75. On Catholic opposition to Reconstruction during this period see *ibid.*, 111.

35. “The Old Question of Who Can Teach Children,” *New York Freeman’s Journal and Catholic Register*, 31, no. 48 (February 18, 1871), 4.

36. In April 1871 McMaster complained that the United States had disregarded both the “indisputable right of Catholics to Indian agencies” and, in the case of Catholic Indians, “the most sacred of all rights, that of liberty of conscience” (untitled, *New York Freeman’s Journal and Catholic Register*, 32, no. 5 (April 22, 1871), 3. Rahill observes that McMaster “had long been critical of the government’s treatment of the Indians. Because they and not the white men were the original inhabitants of the United States, [he] believed that they possessed inalienable rights which were unjustly being snatched away” (*Catholic Indian Missions*, 172–73).

37. Shea, “What Right Has the Federal Government,” 524.

38. *Ibid.*, 525–26.

39. *Ibid.*, 534.

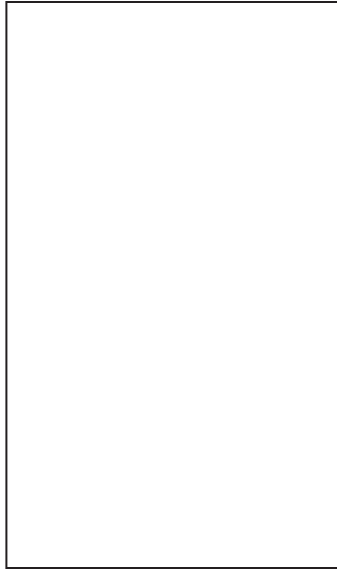


FIGURE 2. John Gilmary Shea (1824–92), taken from “Historical Picture Gallery,” *Records of the American Catholic Historical Society of Philadelphia*, Volume VIII, no. 4 (1897), 515. Inscription: “Your ob[e]d[ient] Serv[an]t, John Gilmary Shea. Courtesy of the Catholic Historical Research Center of the Archdiocese of Philadelphia.

peoples during this period was advocating for anything resembling Native self-rule; Shea concluded his essay by calling for the relinquishment of federal power “over the tribes in States and Territories to the local governments, to whom they properly belong.”<sup>40</sup> What these Catholic observers *did* share was a conviction that the state was not absolute or uncontested in its sovereignty, particularly when that sovereignty came to infringe (as it did in execution of the Peace Policy) upon the God-given authority of the Church to minister among Native communities. If the federal government had initiated policy conforming to a logic that posited Natives as future U.S. citizens, these Catholic critics held onto the knowledge that—in relation to Catholicism—even such citizenship could never be absolute. An 1886 piece in *The Catholic World* laid this out:

The government looks upon the Indian, or should look upon him, as a man with the duties of a possible if not actual citizen of the republic at no distant day. The priest does not overlook this, but considers it as not

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40. *Ibid.*, 540.

the one thing necessary nor the primary object of their civilization; for with the eyes of faith he sees in them “the citizens of a better country, even one to come.” [ . . . ] He does not endeavor to give them a distorted and exaggerated estimate of the benefits of civilization.<sup>41</sup>

The calls for freedom that went along with critiques of federal power, in Catholic objections to Indian policy during the 1870s, carried similar ambivalence about unbridled sovereignty claimed by the U.S. nation-state. While religious freedom or liberty was invoked at every turn amid the Peace Policy fight, Euro-American Catholics were less consistent about equating that liberty—as it rightfully extended to both missionaries and Natives—with a political right tied to membership in the nation. Though these settler Catholics did frequently fall back upon the logic that religious freedom was a guarantee of the U.S. Constitution, and thus something related to actual or potential citizenship (i.e., one’s political status as “an American”), at other times they moved outside U.S. political and legal frameworks to defend “the religious rights of the Catholic Indians.”<sup>42</sup>

In 1874 a pamphlet attributed to the Catholic clergy of the Province of Oregon was published for wide distribution among U.S. Catholics. The pamphlet’s authors framed the Peace Policy as first and foremost a problem of religious liberty. They discussed religious liberty as a political right of Catholics living in the United States, and they asked their readers to consider how the right’s denial to Native Catholics might come to affect their own lives. Although government administrators “have selected their field of experiment beyond the confines of civilization,” they wrote, “the Indians have a right, under the Constitution, as much as any other person in the Republic, to the full enjoyment of liberty of conscience.”<sup>43</sup> American (i.e. Euro-American) Catholics should remain vigilant of the present situation, the authors advised, lest their own rights be compromised next:

After the Indians, will come the inmates of all our public institutions; our jails, penitentiaries, insane and orphan asylums, schools of reform, and public schools. [ . . . ] Then will come laws regulating the relations of church and State and giving unlimited power to the State to control the public conscience.

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41. “A Plea for the Indian,” *The Catholic World* 42, no. 252 (March 1886): 848–53, here 849. See also “Bishop Gilmour’s Pastoral Letter—Catholics First, Citizens Next,” *New York Freeman’s Journal and Catholic Register*, 34, no. 8 (May 10, 1873), 7.

42. *Catholic Grievances in Relation to the Administration of Indian Affairs: Report to the Young Man’s National Union, Boston, MA* (Richmond, VA, 1882), 21.

43. *Address of the Catholic Clergy of the Province of Oregon*, 12.

“Is it not our own interest and that of all the Catholics of this country,” the authors pressed their reader, “to meet this scheme of State-Churchism in the Indian Country, and defeat it there at its beginning and before it has time to spread through the country and take root in the American mind?”<sup>44</sup>

The theme of U.S. Indian policy as an indicator of danger to the liberties of American Catholics was taken up too by Charles Ewing during his time as Catholic Commissioner for Indian Missions.<sup>45</sup> As Ewing worked throughout the 1870s to fight the restrictions created by the Peace Policy, he regularly invoked religious liberty to justify his arguments. His invocations, however, reveal a Catholic unease with relying on the United States as the primary framework for locating liberty. While at times Ewing indulged in the language of religious liberty as a political right, he also (and sometimes in the same sentence) invoked it as a natural right, in ways that flirted with bypassing—if not directly challenging—the sovereignty of the state in favor of a superior source of authority.

In 1874 Ewing submitted a twenty-five page petition to Secretary of the Interior Columbus Delano on behalf of the Chippewa (Anishinaabe/Ojibway) of Lake Superior to reassign the agency responsible for their affairs to the Catholic Church. As he made the tribe’s case, the commissioner described how the government had mishandled a policy that—he assured the secretary—would be a just one, were it correctly interpreted. Here Ewing moved between referencing rights the Catholic Church was entitled to, by virtue of policy and the U.S. Constitution, and what the Chippewa were entitled to by virtue of their natural rights. “If [the president’s] policy is correctly interpreted and is adhered to,” he assured the secretary, “the constitutional equality of Christian churches in the United States, and Indian’s natural right of freedom of conscience, will not be interfered with.” On the other hand, he cautioned Delano, “if [. . .] the oldest successful missions are driven from the agencies or oppressed, then there would be an interference with both natural and constitutional rights.”<sup>46</sup>

Ewing added a sentence clarifying the relationship, as he saw it, between religious freedom as a right granted under the U.S. Constitution and the Peace Policy itself, and religious freedom as a natural right derived

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44. *Address of the Catholic Clergy of the Province of Oregon*, 14.

45. See *Circular of the Catholic Commissioner for Indian Missions to the Catholics of the United States* (Baltimore, 1874), Series 4-3, Box 1, Folder 5, Bureau of Catholic Indian Missions, 14.

46. *Petition of the Catholic Church for the Agency of the Chippewas of Lake Superior* (Washington, 1873), Series 4-3, Box 1, Folder 1, Bureau of Catholic Indian Missions Records, 14.

from God. “If they [those rights extended under U.S. law] are *not* recognized and granted, other and higher rights will be taken from the churches of the United States and from the Indians.”<sup>47</sup> His hierarchical language here is telling: religious freedom as an American right was relevant and just insofar—and only insofar—as it conformed to and supported the “higher rights” of both the Church and Native peoples. Those rights had everything to do with God’s sovereignty and nothing to do with the sovereignty of the U.S. nation as such.

The Peace Policy’s restrictions persisted, and four years later Ewing found himself editing a compilation of laws applicable to Catholic missionaries serving on U.S. Indian agencies. The publication’s purpose, the commissioner explained, was pragmatic—to help Catholics “deal with the facts as they exist,” rather than to arbitrate “whether the Statutes [. . .] are in derogation of any natural or constitutional right.”<sup>48</sup> The commentary Ewing wrote to accompany the compilation mainly adhered to that purpose. In the concluding paragraph, however, Ewing could not resist returning briefly to consideration of the relationship between rights guaranteed by U.S. law and a human obligation to what he described now as “the New Law”:

It must be said that no American can admit that the Government has the right to prescribe a form of worship for any tribe or nation under the sun, no matter what its condition or relation to the Government may be, nor has it the right to prevent, directly or indirectly, any community from worshipping Almighty God according to the forms it may hold to be necessary. Under our free Government a man has one right that he cannot, under any conditions, forfeit to the law, even though by his crime he has forfeited all else, and that is, the right to receive the sacraments of the New Law according to the forms that his conscience dictates.<sup>49</sup>

Again Ewing’s language is telling; religious freedom as a right “under our free Government” is relevant because it recognizes (or should recognize) the right of humans to bypass secular law in order to conform to the contours of “the New Law.” While U.S. law has limits, this New Law applies to “any tribe or nation under the sun.”<sup>50</sup>

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47. *Petition of the Catholic Church for the Agency of the Chippewas*, 14.

48. *Compilation of Statutory Law As It Affects Indian Reservations, and Confidential Comments Thereon for the Guidance of Indian Missionaries* (n.p., 1877), Series 4-3, Box 1, Folder 7, Bureau of Catholic Indian Missions Records, 8.

49. *Compilation of Statutory Law*, 9.

50. Upon reading Ewing’s compilation, the new U.S. Commissioner of Indian Affairs Ezra A. Hayt was impressed enough that he offered to publish it under the auspices of the federal Indian Bureau, provided his Catholic counterpart remove the concluding reflection.

### The Osage Demand for Catholic Schools

The ambiguity of Catholicism vis-à-vis the expansive nationalism of the Peace Policy era is important for situating the Osage Nation's fight to restore Jesuit missionaries and Catholic schools. This ambiguity inflected the triangular relationship between Native people, U.S. Indian agents, and Catholic actors. It registered to Osage leaders, as they confronted a crisis of tribal sovereignty in the face of U.S. dispossession. For the Osage as a tribe in the nineteenth century, as for colonized peoples at other times and in other places, the problem of sovereignty—or of holding onto the authority to self-govern, and more broadly to self-determine a tribal future, over-and-against authority asserted by the state—was paramount. The tribe named and claimed this authority through its appeal for Catholic schools. The Osage asserted tribal sovereignty as a premise for the nation-to-nation treaties from which the tribe claimed its right to Catholic education. That sovereignty was also the measure by which the tribe's leaders assessed Catholicism's substance. It was a matter of ultimate concern, and it established the fundamental terms by which they knew Catholicism as present within, or painfully absent from, their community.

The Osage nation's fight for Catholic schools was also a fight for its treaties. During the early 1870s the tribe, under pressure from white squatters and a federal government hardwired to appease them, had sold the last of its lands in Kansas and removed south to Indian Territory.<sup>51</sup> When it did, the federal agent assigned to the tribe, a Quaker lay person by the name of Isaac Gibson (Figure 3), moved with the Osage and set up a new agency. At the same time, this relocation physically separated the tribe from Jesuit priests who had worked among them in Kansas. The senior member of this group, Rev. John Schoenmaker, had acted as superior of the Osage mission there for a quarter century.

When the tribe relocated to Indian Territory in 1872, Schoenmaker and his fellow Jesuits stayed in southeastern Kansas. They did so because their school there sat on land the Catholic order held by virtue of an 1865 treaty between the Osage and the U.S. government.<sup>52</sup> As a condition of that 1865 treaty, in exchange for the tribe agreeing to sell an initial portion of their Kansas lands, the Osage had stipulated "that one section of [. . .] land

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Ewing refused, and the compilation was released only by the Bureau of Catholic Indian Missions (Rahill, *Catholic Indian Missions*, 275–76).

51. Willard Hughes Rollings, *Unaffected by the Gospel: Osage Resistance to the Christian Invasion, 1673–1906* (Albuquerque, 2004), 167–68.

52. Rollings, *Unaffected by the Gospel*, 168.



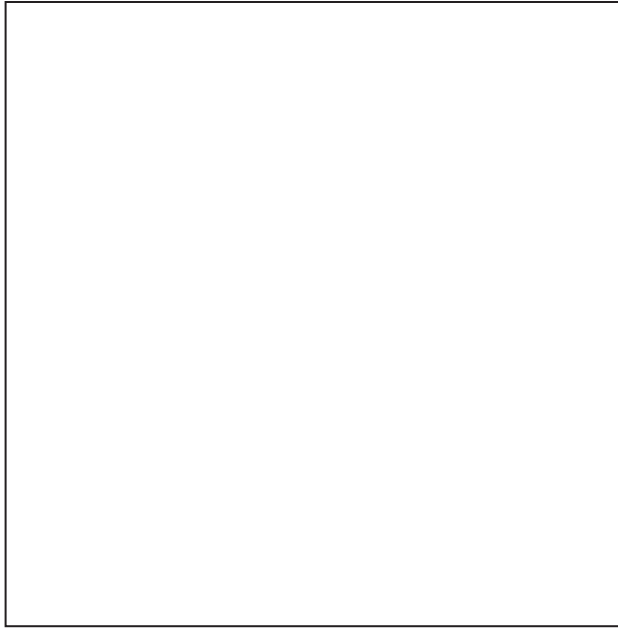


FIGURE 3. Isaac T. Gibson (1831–1915), U.S. Indian Agent (1869–76), Detail from a group photograph. Courtesy of the Oklahoma Historical Society Photograph Collection, OHS, no 6002.

[. . .] shall be granted in feesimple to John Schoenmaker, in trust, for the use and benefit of the society sustaining said mission.” In its eighth article, the treaty further “agreed and provided” that Schoenmaker might “select one section of land within their diminished reservation, [which] shall be set apart to [him] and his successors, upon condition that the same shall be used, improved and occupied for the support and education of the children of said Indians during the occupancy of said reservation by said tribe.”<sup>53</sup>

This nation-to-nation treaty became the foundation for Osage demands for Catholic schools in Indian Territory during the 1870s.<sup>54</sup> The

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53. “Treaty between the United States of America and the Great and Little Osage Indians, concluded, September 29th, 1865,” reprinted in *Treaties and Laws of the Osage Nation As Passed to November 26, 1890*, compiled by W.S. Fitzpatrick (Cedar Vale, KS, 1895), 22–24.

54. The Osage appeal of the 1870s had precedence going back to the 1840s, when the tribe first petitioned the federal government for Catholic missionaries to teach in their territory. See White, *Getting Sense*, 51.

treaty and its guarantee of Jesuit education for Osage children, the tribe argued, remained a valid governing document for Osage life in the tribe's new location. In other words, unlike Euro-American Catholics, who engaged regularly, if ambivalently, with religious freedom as a civil right—an extension of the rights due to Catholics and others as actual or potential U.S. citizens—the Osage articulated their own claim to Catholic schools and missionaries as a treaty-derived right. This distinction is important, particularly at a moment when the U.S. government was intending to strip tribal self-rule, by placing Native peoples “outside the purview of foreign or international relations as sovereign nations who could treat.”<sup>55</sup>

In the face of this trajectory, tribes continued, as they do today, to assert treaty rights. In 1965 Vine Deloria, Jr. (Standing Rock Sioux) turned to treaties to sum up the distinctive status of tribal nations in relation to a U.S. citizenry comprised of immigrants and their descendants: “We were here as independent nations, and treaties were made with us.”<sup>56</sup> Historian Nick Estes (Lower Brule Sioux) unpacks the implications of this for the character of Indigenous rights. For Deloria, Estes explains:

the difference between “civil rights” and Indigenous rights was that settlers ‘came over as individuals’ and earned citizenship by converting Indigenous lands into private property. Indigenous peoples, on the other hand, had been brought into the US constitutional framework as separate nations through treaties—not by way of individual or civil rights.<sup>57</sup>

During the 1870s, the Osage nation insisted on the relevance of its treaties, and it framed its rights—including the right to Catholic missionaries—as emerging from those treaties, rather than as civil rights.

When the Osage delegation visited Washington in 1874, its members carried with them a communication addressed to Ulysses Grant. The letter was to remind the president that he had neglected a petition, “signed by

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55. Barker, *Native Acts*, 32. By 1903, this “trust doctrine” had foothold enough that the U.S. Supreme Court would rely on it to justify its decision in *Lone Wolf v. Hitchcock* (187 U.S. 553) that Congress had the right to alter treaties without the consent of tribes (See Barker, *Native Acts*, 34).

56. Vine Deloria, Jr., “We Were Here as Independent Nations,” *Say We Are Nations: Documents of Politics and Protest in Indigenous American Since 1887*, ed. Daniel M. Cobb (Chapel Hill, 2015), 137. See also Deloria, “The United States Has No Jurisdiction in Sioux Territory,” *The Great Sioux Nation: Sitting in Judgment on America*, ed. Roxanne Dunbar-Ortiz (New York, 1977), 141–46.

57. Nick Estes, *Our History Is the Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (New York, 2019), 174.

the representatives of the entire Osage people,” the previous summer. In the 1873 petition, the tribe had asked “that their former Catholic Missionaries and school teachers be restored to them and allowed to [. . .] resume their Christian labors among the Osage people.”<sup>58</sup> The follow-up letter justified the earlier request. The right of the Osage to Catholic missionaries, it explained, was a gift from God—a “great privilege [. . .] that no earthly power has any right to take away.”<sup>59</sup>

Although Charles Ewing (Figure 4) insisted this letter had been drafted by the Native delegation “without suggestions or assistance,” its language is unusual for Osage-authored texts, in that it posits religious liberty as a God-given or natural right—using language similar to that which Ewing himself relied upon to justify Catholic schools.<sup>60</sup> More often, Osage arguments centered on treaties as the source of the tribe’s right to Jesuit missionaries and schools. An 1874 letter to James McMaster at his *Freeman’s Journal*, signed by Osage representatives Anthony Del Orier, William H. Tinker, and Louis E. Reveard, began in these terms. “When we made our treaties with the Government in 1865 and 1869, we begged the Commissioners to let us retain our Catholic schools, and missionaries,” the authors explained. “This was the expectation of the whole Osage Nation.”<sup>61</sup> Three years later in 1877, a second petition to Washington—this time addressed to President Rutherford B. Hayes, and again signed by more than a hundred Osage chiefs and counselors—similarly explained the tribe’s grievances as treaty violations. “Since our treaty with the Government [. . .] we have been treated like minors,” the tribe’s complaint began. The petition reproduced the language from the 1865 treaty relevant to the provision of Catholic education. “The Osages [. . .] adhere unanimously to their stipulation as made by the eighth article of the treaty,” the petition explained.<sup>62</sup>

The invocation of treaty rights in Osage appeals for Catholic education resonates with the character of the tribe’s dismay over the religious situation—or lack thereof—on its new reservation. Just as sovereignty was primary to the

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58. Qtd. in *Letter from the Office of the Catholic Commissioner for Indian Missions to the Secretary of the Interior*, 2.

59. *Ibid.*, 3.

60. *Ibid.*, 2.

61. Anthony Del Orier, Wm. H. Tinker, and Louis Reveard to Editor of the *Freeman’s Journal*, April 16, 1874, Series 1-1, Box 1, Folder 14, Bureau of Catholic Indian Missions Records.

62. “Petition of the Governor, Chiefs, and Counselors of the Osage Nation of Indians, Asking for Catholic Schools, Missionaries, and Teachers,” May 15, 1877, Series 4-3, Box 1, Folder 17, Bureau of Catholic Indian Missions Records, 3.

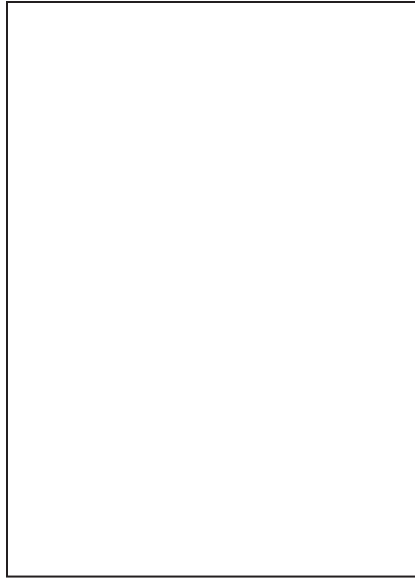


FIGURE 4. Charles Ewing (1835–83), Brigadier General, United States Army, Catholic Commissioner for Indian Missions, Courtesy of the National Archives.

Osage sense of why the tribe had a claim to Jesuit missionaries, so the problem of sovereignty also formed Osage desire for those missionaries and anger about their absence.<sup>63</sup> The lack of Catholic missionaries and schools from the reservation, as the Osage leadership presented it, was a powerful and painful problem because it was tantamount to a crisis in self-rule.

This crisis had taken shape through the early 1870s in the person of Indian Agent Isaac Gibson. Upon his appointment in 1869, the Quaker agent had, in the words of Osage historian Louis Burns, “set out to destroy” preexisting structures of Osage governance, by ensuring that the tribe’s traditional system of dual division chiefs was replaced by a single head chief along with appointed council.<sup>64</sup> “The selection of the governor and council in this manner,” Burns wrote, “broke forever the power of the *Ne ke A Shin ka* and the *Ah ke ta* (Chief Protectors). Never again would the

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63. Priests continued to visit the reservation two or three times a year during this period, but faced restrictions not only on running a school but on saying Mass (White, *Getting Sense*, 83).

64. Louis F. Burns, *A History of the Osage People* (Tuscaloosa, AL, 2004), 315.

Osages select their leaders in the traditional way, nor would they ever again govern themselves free from outside interference.”<sup>65</sup> Significantly, the new Osage head chief, selected by the Osage people but under parameters set forth by Gibson, was Joseph Pawnee-no-pah-she—the same man who would soon prove to be a fierce public critic of the Indian agent, and advocate for Catholic schools.

In addition to restructuring Osage governance, Gibson fulfilled his charge to make good future citizens of the Osage by reforming their lifestyle, including by turning the tribe from hunting to farming. Upon the creation of the agency in Indian Territory, he oversaw the cultivation of fields, and the erection of cabins and a sawmill, in addition to a new school. Gibson also reportedly began denying annuity payments, or money due to tribal members as a treaty guarantee, to “those who would not work for a living.”<sup>66</sup>

These initiatives provoked Osage leaders to fight for Gibson’s removal, and that fight was the same as their fight to return Catholic schools. Despite the fact that Pawnee-no-pah-she—or Governor Joe as he was known—held the position of sole head chief as a result of Gibson’s work to dismantle traditional governance, by 1874 he was leading the Osage offensive on both fronts. Remembered as “huge” and “better educated than the average Euro-American of his time,” Pawnee-no-pah-she (also known by the traditional name *Wa tse ke he ka* or Star Chief) was the last hereditary Grand *Hun ka* Chief of the Osage.<sup>67</sup> Like his father, he had attended Catholic schools.<sup>68</sup> Writing in 1932, Osage historian John Joseph Mathews celebrated Pawnee-no-pah-she’s ability to carry a room. “No one spoke better Osage and few orators excelled him,” Mathews recalled. “His words seemed to live when he wished to impress his audience, but at other times he was blunt, and the expression given to his thoughts were like hammer blows, smashing, merciless, unadorned by simile.”<sup>69</sup>

In August of 1875 Pawnee-no-pah-she applied his skills to explain to a group of white visitors to his territory why the Osage fought for Catholic

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65. Burns, *A History of the Osage*, 316.

66. White, *Getting Sense*, 80–81. See also Burns, *A History of the Osage*, 348.

67. Burns, *A History of the Osage*, 134, 55. Traditionally the Osage system of dual leadership was comprised of heredity chiefs from both the Grand *Tsi shu* and Grand *Hun ka* lines.

68. Burns, *A History of the Osage People*, 228.

69. John Joseph Mathews, *Wah’Kon-Tab: The Osage and the White Man’s Road* (Norman, OK, 1932), 220–21.

schools.<sup>70</sup> In his speech—preserved in eleven handwritten pages—the governor emphasized treaties as the basis for tribe’s right to have Catholic missions on their reservation. Going beyond a simple invocation of treaties, he demanded his visitors return to Washington and remind the U.S. president both of the United States’ treaty obligations to the Osage, *and* of the bilateral nature of those treaties. “Tell him we have agreed in all our treaties [. . .] that we should have Catholic schools and Catholic missionaries, and that he will not find in any of them that we have asked for Quaker missionaries or Quaker schools,” the governor instructed.<sup>71</sup> “Ask him if it is honest for the United States to make the Osages do all they agree to do in the treaty, and then itself refuse to do what it is bound to do by the same treaty.”<sup>72</sup>

Pawnee-no-pah-she devoted most of his words that day to discussing “what our troubles are and how to do us justice.” To convey why the absence of Catholic missionaries was troubling, and why their return was important to the tribe, the governor did not elaborate on the faith of tribal members, nor their need for moral or spiritual edification. Rather the governor detailed the unhappiness that his tribe felt toward its Indian agent. “It would take us many days to tell you all about the troubles we have had with this agent,” he explained, “for nearly every one in this nation has something to say.”<sup>73</sup>

For Pawnee-no-pah-she, the presence of the Quaker agent and the absence of Catholic missionaries were two parts of the same problem, and that problem was a crisis of governance. The Quaker agent’s mismanagement of money that belonged to the Osage was an especially painful theme for the governor, and he characterized that mismanagement, along with Gibson’s other missteps, as infringement upon the tribe’s ability to run its own affairs. “The Osage have always been governed by a principle chief, other chiefs, councilors and headmen,” Pawnee-no-pah-she explained.

These men are selected by the Osages to govern them, and they have always obeyed them; these leading men hold councils and decide the business of the nation, and all who belong to the nation have looked up to their councils [. . .]. No agent has ever interfered with the authority of

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70. This delegation included Charles Ewing. See Rahill, *Catholic Indian Missions*, 134 fn. 47.

71. “Speech of Joseph Paw-ne-no-pashe, Governor of the Osages, delivered before the Osage Commissioners,” August 16, 1875, Series 1-1, Box 1 Folder 14, also Box 353, Bureau of Catholic Indian Missions Records, 9.

72. *Ibid.*, 11.

73. *Ibid.*, 2.

our chiefs, disturbed their councils, or [. . .] tried to appoint chiefs or councilors, until this man came here to act as our Agent.<sup>74</sup>

Pawnee-no-pah-she explained to his visitors that Gibson had recently attempted to replace him as governor, despite the fact he had been chosen for the position by the tribe. The agent “said publicly that he would not recognize me as their Governor, and that he intended to make another man Governor in my place.” Gibson was “the worst enemy that the Osage [. . .] ever had in their country,” Pawnee-no-pah-she concluded. “He wants, himself, to have all the power in the nation and will not allow anyone to be free.”<sup>75</sup>

Other Osage who publicly advocated for the return of Catholic missionaries shared Pawnee-no-pah-she’s anger over compromised tribal governance. The authors of the 1874 *Freedman’s Journal* letter, for example, similarly explained their fight for Catholic missionaries as a fight against the “absolute authority” of their Indian agent. Agent Gibson “began to exercise Despotism,” they complained.<sup>76</sup> While in Kansas, tribal chiefs had made decisions while consulting the Jesuit priests “on all important affairs.” But in Indian Territory, the trio alleged, things had changed. “Our Osage Chiefs were no longer consulted, and their complaints [. . .] have been and are disregarded.”<sup>77</sup> Like Pawnee-no-pah-she, the authors moved back and forth between the trouble of a government agent who destabilized tribal authority, on the one hand, and the “privation of Catholic schools and missionaries,” on the other. The Osage authors assured McMaster and his Euro-American Catholic readers that the denial of these Catholic entities “surpasses all other evils.”<sup>78</sup> But like the Osage governor, the authors clearly understood the problem of religion and the problem of governance that Gibson represented as inseparable.

### “Wrapped in the Catholic Flag”

“There are 3000 Osages,” Anthony Del Orier, William Tinker, and Louis Reveard reminded McMaster. “If all are not Catholic, all have a predilection for Catholic schools for Osage children.” “The cry for

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74. *Ibid.*, 3. The full import of Pawnee-no-pah-she’s inclusion of “principle chief” in this list, which otherwise disputes the agent’s interference with the appointment of Osage leadership, is unknown.

75. *Ibid.*, 4, 5.

76. Del Orier, Tinker, and Reveard to Editor of the *Freeman’s Journal*, 4, 2.

77. *Ibid.*, 1, 2.

78. *Ibid.*, 2.

Catholic schools,” they assured him, “is universal.”<sup>79</sup> Whether or not the authors embellished Osage enthusiasm, the distinction they raise—between tribal members who asked for Catholic missions and those who “were Catholic”—would have made sense to McMaster and his Euro-American Catholic audience. It is also a distinction historians of the Osage have retained and tried to interpret, usually by positing a strategic outward acceptance of religion, coupled with disinclination of tribal members to convert. In his book *Unaffected by the Gospel: Osage Resistance to the Christian Invasion*, Willard Hughes Rollings elevated this difference to offer the Osage as an exemplar of Native refusal. “The Osage were cordial and polite to the missionaries,” Rollings noted, “but refused to participate in any meaningful way in the conversion efforts of the good Jesuit Fathers.” “While there were some sincere spiritual conversions,” he conceded, “very few Osage people became converts.”<sup>80</sup> Rollings concluded that the tribe “shared enough form with the Catholic culture to make [the Jesuits] welcome, but not enough substance to make them Roman Catholics.”<sup>81</sup>

In *Getting Sense: The Osages and Their Missions*, James D. White, historian for the Roman Catholic Diocese of Tulsa, presented the reception of the Jesuits among the tribe during the nineteenth century as a paradox of “eagerness” and “strange wariness”—the fact that “the Osages wanted missionaries, but they did not want to be converted.”<sup>82</sup> For White, Pawnee-no-pah-she’s own attitude toward Catholicism exemplified this paradox. White recalled how the governor’s fight for Catholic schools happened despite Pawnee-no-pah-she’s boast, upon finishing at the Jesuits’ school as a youth, that “it took [the missionaries] fifteen years to make a white man out of me, and it will take just fifteen minutes to make an Osage out of myself.”<sup>83</sup> According to White, Pawnee-no-pah-she and his peers demanded Catholic education, but they remained “far from being absorbed into the Catholic community of believers.”<sup>84</sup>

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79. *Ibid.*, 3–4.

80. Rollings, *Unaffected by the Gospel*, 155.

81. Rollings, *Unaffected by the Gospel*, 133.

82. White, *Getting Sense*, 2.

83. Qtd. in White, *Getting Sense*, 81. In a similar vein, priests hardly appear in John Joseph Mathews’s history of his tribe during this period, with the exception of a story about *Oh Hunka Moie* (Walks on Earth). According to Mathews, *Oh Hunka Moie* had been educated by the Jesuits in Kansas, and later dressed as a priest to avoid detection by the Wichitas after killing their chief. In addition he “sometimes went into “the States” and said mass,” Mathews recalls (Mathews, *Wah’Kon-Tab*, 242–44).

84. White, *Getting Sense*, 123.



White determined that the Osage fight for missions was not to defend religion, but to defend governance: “the Osages’ insistence that they had a right to live their own lives free from white interference.”<sup>85</sup> As further evidence that the tribe’s demand for Jesuits did not amount to endorsement of Catholicism, White recounted an observation by Isaac Gibson that the “Blanket Osage” (i.e. those members considered “full blooded”) were those who argued most strongly that their school “be occupied by Catholics.”<sup>86</sup> “It is interesting,” White pointed out, that “Gibson should fault the fullbloods [sic] for their allegiance to the Catholic faith.” “The experience of the Jesuits,” he noted, “was that the fullbloods were largely indifferent to Christianity.”<sup>87</sup> In White’s telling, indifference to Christianity coincided with the Native-led struggle to restore Catholic missions. The Osage “under Governor Joe’s leadership,” he concluded, “were wrapping themselves in the Catholic flag in order to protest the policies of the agent.”<sup>88</sup>

That the Osage wanted, above all else, to defend self-governance and self-determination is born out by Pawnee-no-pah-she’s speech, and by Osage texts in the Peace Policy fight. The suggestion that the Osage “wrapped themselves in the Catholic flag” as a tactic in this, however, would seem to suggest that, by extension, the tribe’s dealing with Catholicism remained superficial, and that Osage affinity for Catholic schools amid the Peace Policy misses the mark for serious religion.

Appreciating (rather than diminishing) the tribe’s care for Catholicism demands new ways of conceiving of the Catholic. Rather than fall back upon categories that are familiar components of religion in the United States—categories like belief and conversion, but also those like worship and practice—as essential to Catholic people and things, we should remain with sovereignty and governance. For the Osage during the 1870s, Catholicism *did* matter, and it mattered relative to problems of sovereignty, and possibilities for governance, rather than to something individual and interiorized like belief. Vincent Lloyd and Joshua Dubler write about how religion in the United States gets determined in ways that foreclose these possibilities. “Religion’s ‘concern’ may be ultimate, but religion’s sovereignty is subordinate to that of the state, and as the state would have it, to be political, to posit and actively pursue an alternative social

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85. *Ibid.*, 81.

86. *Qtd.* in *Ibid.*, 84.

87. *Ibid.*

88. *Ibid.*, 85.

order, is to be essentially not religious.”<sup>89</sup> “A life lived in ultimate fidelity [. . .] to a flag, to a political party, to a piece of land, or to a revolutionary social project,” they remind us, “is judged implicitly to be a life wanting of adequate concern.”<sup>90</sup>

Recognizing the problem of sovereignty as profound, and recognizing Catholic missions as important to the Osage as the tribe faced that problem, changes this equation. The collective desire for Catholic schools among the tribe might not have been rooted in faith, but the efforts of Pawnee-no-pah-she and others who traveled to Washington to fight for them suggest it was deeply held. The categories that register as integral to Catholicism across Euro-American Catholic contexts do not sync with the historical experiences of colonized nations like the Osage. Attention to nineteenth-century Catholicism in the United States, and also to the Catholic-ness of the Osage and other tribes living in relation to the United States—and amid the world-shaking problems created by that relationship—moves us beyond a U.S. framework for assessing Catholicism as a religion that matters in, and in relation to, communities.

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89. Joshua Dubler and Vincent Lloyd, *Break Every Yoke: Religion, Justice, and the Abolition of Prisons* (New York, 2019), 170.

90. Dubler and Lloyd, *Break Every Yoke*, 171. The authors gesture toward the broad adoption of a Tillichian definition of religion as “ultimate concern” by the U.S. state and its institutions of governance and policing. “For [Paul] Tillich,” they write, “to mistake a subordinate concern like politics for an ultimate concern is nothing less than ‘idolatry.’” A similar standard runs through scholarship assessing the “sincerity” of Catholicism performed by Indigenous communities like the Osage in the U.S. context.

# The Body of the Priest: Eunuchs in Western Canon Law and the Medieval Catholic Church

ARNAUD FOSSIER\*

*Historiography has shown great interest for many decades in eunuchs and their role in premodern societies. But scholars of medieval Europe have not paid a great deal of attention to the clerics whose genitals were amputated. Drawing upon the example of men who had mutilated themselves and sought to become deacons, priests or bishops, this paper shows how their exclusion from the sacred sphere has been shaped in medieval canon law and what were the possible exemptions to the general rule. The pope himself and more especially the Apostolic Penitentiary played an eminent role in their integration, since they granted special authorizations and dispensations to all priests or aspiring priests who were lacking their virilia. Finally, we try to explain why this prohibition addressed to eunuchs reflects the Catholic Church's broader conception of masculinity.*

*Keywords:* Eunuchs; canon law; Apostolic Penitentiary; papacy; masculinity

Historiography has shown great interest for many decades in eunuchs and their role in premodern societies. The book by German Jesuit Peter Browe about emasculation, published in 1936, was groundbreaking,<sup>1</sup> but since then, many academic works have been published on the subject,<sup>2</sup> more particularly on the eunuchs at the imperial Byzantine court.<sup>3</sup> There has also been fascinating research by Aline Rousselle on the links between chil-

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1. Peter Browe, *Zur Geschichte der Entmannung: eine Religions- und Rechtsgeschichtliche Studie* (Bresslau, 1936).

2. Susan Tichel, *Kastration im Mittelalter* (Düsseldorf, 1998); Piotr O. Scholz, *Eunuchs and Castrati: A Cultural History* (Princeton, 2001); Matthew S. Kuefler, *The Manly Eunuch. Gender Ambiguity and Christian Ideology in Late Antiquity* (Chicago, 2001).

3. Shaun F. Tougher, *The Eunuch in Byzantine History and Society* (London, 2008).

dren's sacrifices and men's castration within the framework of religious cults venerating Saturn in North Africa, during the first centuries of Christianity.<sup>4</sup> Despite the lack of material evidences for such a ritual, there is no doubt that the loss of virility was fundamental in the beliefs of ancient religions—including the Cybele and Attis cults with their self-castrated priests (the *galli*)<sup>5</sup>—and was an important component of the the social boundaries of gender and sexuality.<sup>6</sup> As recently shown by Matthew S. Kuefler, the Christians themselves who were driven by their ideal of chastity during Late Antiquity were also confronted to the problem of self-mutilation.<sup>7</sup>

Disability studies could have offered new perspectives on the phenomenon of eunuchism, but the book by Irina Metzler published fourteen years ago on disability in medieval Europe sticks to the literary, theological, medical and hagiographical representations of bodily and sensory disabilities, and does not take into account diseases like leprosy or epilepsy nor of mutilations like castration.<sup>8</sup> This choice is surprising since we know that in the Middle Ages, there is no Latin concept for what we call disability. The words “defect” (*defectus*), “disease” (*infirmitas*), “weakness” (*debilitas*) or “diformity” (*diformitas*) can all mean something akin to disability. And in canon law, castration—which only concerns testicles—and emasculation—which is the removal of penis and testicles—are qualified as “bodily deficiencies” (*defectus corporis*) since Innocent III (1198–1216), but also as “impediments” (*impedimenta*), because they can deprive an individual of the right to become a priest.

While disability studies have stressed the cultural and social impact of disability, but without considering in any detail the place of emasculated men in the Catholic Church, masculinity studies have treated eunuchs as a borderline case of masculinity which illuminates the gender norms of a society.<sup>9</sup>

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4. Aline Rousselle, *Porneia. De la maîtrise du corps à la privation sensorielle (II<sup>e</sup>–IV<sup>e</sup> siècles de l'ère chrétienne)* (Paris, 1983), 139–64.

5. Matthew S. Kuefler, “Physical and Symbolic Castration and the Holy Eunuch in Late Antiquity, third to sixth centuries CE” in *Celibate and Childless Men in Power. Ruling Eunuchs and Bishops in the Pre-Modern World*, ed. Almut Höfert, Matthew M. Mesley and Serena Tolino (London, 2018), 177–92, here 178.

6. Shaun F. Tougher ed., *Eunuchs in Antiquity and Beyond* (London, 2002).

7. Kuefler, “Physical and Symbolic Castration,” 180.

8. Irina Metzler, *Disability in Medieval Europe. Thinking about Physical Impairment during the High Middle Ages, c. 1100–1400* (New York, 2006).

9. Matthew S. Kuefler, “Castration and Eunuchism in the Middle Ages,” in *Handbook of Medieval Sexuality*, ed. Vern L. Bullough and James A. Brundage (New York, 1996), 279–306; Valeria Finucci, *The Manly Masquerade. Masculinity, Paternity and Castration in the Italian Renaissance* (Durham, 2003); Jacqueline Murray, “Sexual Mutilation and Castration Anxiety: A Medieval Perspective,” in *The Boswell Thesis. Essays on Christianity, Social Toler-*

Shaun F. Tougher for example has shown that in Byzantium, disdain for eunuchs reflected the strong misogyny of that time. As a result, the same “defects” (like slyness) were attributed to women and eunuchs alike, who also were considered effeminate.<sup>10</sup> They still could be in charge of imperial administration or carry out some prestigious court functions (such as *protovestiarios*) since they were supposed to represent an earthly manifestation of the hierarchy of angels and lead the visitors toward their master’s throne.<sup>11</sup> Therefore they have had a great political influence during the Middle Ages, to such an extent that members of the aristocracy made themselves eunuchs in order to be promoted to these honorific functions.<sup>12</sup> Kathryn M. Ringrose has stressed that

castration was [also] relatively common among monks and churchmen of the Byzantine world. The lives of Byzantine saints talk about children destined for the religious life who were castrated at their parents’ request in preparation for entering monasteries or special schools that trained them to serve as musicians or church functionaries. Several important leaders of the eastern church were eunuchs. The hagiographical writings associated with this tradition make it clear that, despite legal prohibitions, castration in preparation for a religious career had become an accepted practice by the ninth century in Byzantium.<sup>13</sup>

But scholars of medieval Europe have not paid a great deal of attention to the clerics whose genitals—*genitalia* or *virilia* in Latin—were amputated, with the exception of the famous case of Abelard who was castrated around 1117–18 because of his secret liaison with Heloïse.<sup>14</sup> Of

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*ance, and Homosexuality*, ed. Matthew S. Kuefler (Chicago, 2006), 254–72. More recently, about metaphorical castration as a foundation of Renaissance masculinity, see Kenneth Gouwens, “Emasculation as Empowerment: Lessons of Beaver Lore for Two Italian Humanists,” *European Review of History/Revue Européenne d’histoire* 22, no. 4 (2015), 536–562.

10. Shaun F. Tougher, “Images of Effeminate Men: The Case of Byzantine Eunuchs,” in *Masculinity in Medieval Europe*, ed. Dawn M. Hadley (London, 1999), 89–100.

11. Kathryn M. Ringrose, “Eunuchs in Historical Perspective,” *History Compass* 5, no. 2, (2007), 495–506, here 501–02: “Eunuchs played liminal roles in society. (. . .) At court they controlled the *regalia* that defined imperial authority, thus mediating between the physical and spiritual signs of an emperor’s ruling power. (. . .) Eunuchs inevitably served as guardians of these imperial spaces.”

12. Kathryn M. Ringrose, *The Perfect Servant: Eunuchs and the Social Construction of Gender in the Byzantine Empire* (Chicago, 2003).

13. Ringrose, “Eunuchs in Historical Perspective,” 500.

14. Martin Irvine, “Abelard and (Re)writing the Male Body: Castration, Identity and Remasculinization,” *Becoming Male in the Middle Ages*, ed. Jeffrey J. Cohen and Bonnie Wheeler (New York, 1997), 87–106; Tüchel, *Kastration*, 187–202; Larissa Tracy, “A History of Calamities: The Culture of Castration,” in *Castration and Culture in the Middle Ages*, ed. Larissa Tracy (Cambridge, 2013), 1–28, here 12–19.

course, there has been the outstanding research of Jacqueline Murray on “mystical castration”<sup>15</sup> and some other studies about the castration motif in hagiographic and literary sources,<sup>16</sup> but no scholar has studied the legal status of real eunuchs in the medieval Catholic Church, even in the recent publication from Patricia H. Cullum and Katherine J. Lewis about religious men and masculine identity,<sup>17</sup> and in the book published in 2018 by Almut Höfert, Mathew M. Mesley and Serena Tolino.<sup>18</sup> As Larissa Tracy writes: “Much has been done on medieval masculinity, but very little has been done specifically on medieval castration, except as it reflects on or carries over the ideas of Antiquity into the Renaissance.”<sup>19</sup>

Nevertheless, Robert N. Swanson argued almost twenty years ago that emasculation in the Church was “metaphorical” since the Gregorian Reform had required celibacy and chastity for all ordained as priests, in opposition to the emphasis on marriage and procreation as defining features of masculinity.<sup>20</sup> From the middle of the eleventh century on, the Church developed a new gender identity, a kind of “third gender,” which made the sacred clergy “males” (because of their genitals), but not “men.”<sup>21</sup> Not only are we inclined to believe that the question of a “third gender” or a “third sex” is not valid when studying the medieval society, but the present paper argues strongly against the idea of a clerical “asexuality.”<sup>22</sup> Draw-

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15. Jacqueline Murray, “Mystical Castration: Some Reflections on Peter Abelard, Hugh of Lincoln, and Sexual Control,” in *Conflicted Identities and Multiple Masculinities: Men in the Medieval West*, ed. Jacqueline Murray (New York, 1999), 73–91.

16. Ryan D. Giles, “The Miracle of Gerald the Pilgrim: Hagiographic Visions of Castration in the *Liber Sancti Jacobi* and *Milagros de Nuestra Señora*,” *Neophilologus* 94 (2010), 439–50; Ellen L. Friedrich, “Insinuating Indeterminate Gender: A Castration Motif in Guillaume de Lorris’s *Romans de la rose*,” in *Castration and Culture in the Middle Ages*, ed. Larissa Tracy (Cambridge, 2013), 255–79.

17. *Religious Men and Masculine Identity in the Middle Ages*, ed. Patricia H. Cullum and Katherine J. Lewis (Woodbridge, 2013).

18. *Celibate and Childless Men in Power. Ruling Eunuchs and Bishops in the Pre-Modern World*, ed. Almut Höfert, Matthew M. Mesley and Serena Tolino (London, 2018).

19. Tracy, “A History of Calamities,” 3.

20. Robert N. Swanson, “Angels Incarnate: Clergy and Masculinity from Gregorian to Reformation,” *Masculinity in Medieval Europe*, ed. Dawn M. Hadley (London, 1999), 160–78.

21. *Ibid.*, 161: “Emasculation means that all members of religious orders and secular clergy above the rank of subdeacon engaged in cross-gender behavior.” About the “third-gender” concept, see also Jo Ann McNamara, “The Herrenfrage: The Restructuring of the Gender System, 1050–1150,” in *Medieval Masculinities. Regarding Men in the Middle Ages*, ed. Clare A. Lees (Minneapolis, 1994), who asserts that chastity tended to erase differences between men and women.

22. Like Jennifer D. Thibodeaux has recently showed, even chastity was “sexualized” in the clerical and monastic world from the eleventh and twelfth centuries, see Jennifer D.

ing upon the example of real eunuchs, made such accidentally or voluntarily, who sought to become deacons, priests or bishops, we would like to show that virility was a criterion required by the Catholic Church when recruiting its servants, and from a very early date. Then, even when celibacy and continence became obligatory after the Gregorian Reform, all priests or aspiring priests who were lacking their *virilia* had to seek special authorization or a papal dispensation. What is at stake here is to understand why voluntary eunuchs were rejected from the sacred sphere, on what textual and anthropological grounds, how this exclusion then has been shaped in canon law and what were the possible exemptions to the general rule. We will finish by trying to interpret, on the one side, this rejection of eunuchs from the Church and, on the other side, the role played by the pope in their integration.

## Eunuchs in the Early Christian Church

### *Pollution or Sanctity?*

In the Book of Leviticus, which contains a compilation of the ritual prescriptions of the Hebrews, we can read that

no one (. . .) who has a blemish may approach to offer the food of his God. For no one who has a blemish shall draw near, one who is blind or lame, or (. . .) a man with a blemish in his eyes or an itching disease or scabs or crushed testicles.<sup>23</sup>

That is to say eunuchs were not allowed access to the altar nor to rise to the priesthood in Ancient Israel. This exclusion and this stigmatization are also made clear in the Book of Deuteronomy, the famous code of the civil and religious laws of the Hebrews: “No one who has been emasculated by crushing or cutting may enter the assembly of the Lord.”<sup>24</sup>

Irina Metzler recently stressed that in the Torah, disability is very often used as a metaphor for sin or even as a sign of divine punishment.<sup>25</sup> During the Middle Ages, the Catholic Church conceives disability both as

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Thibodeaux, *The Manly Priest: Clerical Celibacy, Masculinity and Reform in England and Normandy (1066–1300)* (Philadelphia, 2015), 33–34.

23. Leviticus 21:17–20: “Qui habuerit maculam non offeret panes Deo suo nec accedet ad ministerium eius si caecus fuerit, si claudus (. . .) si albuginem habens in oculo, si iugem scabiem, si inpetiginem in corpore vel hirsiosus.”

24. Deuteronomy 23:1: “Non intrabit eunuchus adtritis vel amputatis testiculis et absciso veretro ecclesiam Domini.”

25. Metzler, *Disability in Medieval Europe*, 43.

a symptom of sin and as a gift from God allowing special access to sanctity. At the time of the Fourth Lateran Council (1215), for example, disability is defined as a consequence of sin. As such, it can be cured only if the soul has been healed.<sup>26</sup> As for the bodily resurrection, it is described as a resurrection of perfect bodies, except for the saints and martyrs who will keep their difformities and disabilities.<sup>27</sup> But in the Gospels, disability is interpreted positively, since the healing of the disabled ranks among the chief miracles of Jesus Christ. That said, Jesus never heals eunuchs (nor any other amputated person), perhaps because the lack of testicles was not regarded neither as a disease nor as a grave impairment.

In the Gospels, eunuchs seem to be included within the Christian community as demonstrated by the story of an eunuch from Ethiopia who is baptized by Philip, one of the first deacons of the church of Jerusalem.<sup>28</sup> Furthermore, Jesus seems to praise those who have made themselves eunuchs to experience continence and chastity: "For some are eunuchs because they were born that way; others were made that way by men; and others have renounced marriage because of the kingdom of heaven. The one who can accept this should accept it."<sup>29</sup> This mysterious call to chastity would be interpreted too literally by some ascetics like Origen of Alexandria (c. 185–c. 254) who decided to mutilate himself when he was twenty. According to Eusebius of Caesarea in his great *Ecclesiastical History*, this priest coming from Alexandria went into exile and taught in Caesarea after facing persecutions and voluntarily enduring castration. Peter Brown has shown that this surgical operation's purpose—a "routine operation" at the time—was certainly not to make Origen immune to carnal temptation, but more likely to make his body genderless.<sup>30</sup> Yet, some of the Early Church

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26. *Conciliorum oecumenicorum generaliumque decreta, II/1. The General Councils of Latin Christendom, from Constantinople IV to Pavia-Senia (869–1424)*, ed. Antonio García y García et al. (Turnhout, 2013), 178–79, Lateran IV (1215), can. 22: "Cum infirmitas corporalis nunquam ex peccato proveniat dicente Domino languido quem sanaverat 'Vade et amplius noli peccare ne deterius aliquid tibi contingat', presenti decreto statuimus et districte precipimus medicis corporum ut cum eos ad infirmos vocari contigerit, ipsos ante omnia moneant et inducant quod medicos advocent animarum, ut postquam infirmis fuerit de spirituali salute provisum, ad corporalis medicinae remedium salubrius procedatur, cum causa cessante cesset effectus."

27. Metzler, *Disability in Medieval Europe*, 56–61.

28. Acts 8:27–40.

29. Matthew 19:12: "Sunt enim eunuchi, qui de matris utero sic nati sunt; et sunt eunuchi, qui facti sunt ab hominibus; et sunt eunuchi, qui seipsos castraverunt propter regnum caelorum." About the exegesis of this verse, see Walter Bauer, "Matt. 19, 12 und die alten Christen," in *Neutestamentliche Studien: Georg Heinrici zu seinem 70. Geburtstag* (Leipzig, 1914), 235–44.

30. Peter Brown, *The Body and Society: Men, Women and Sexual Renunciation in Early Christianity* (New York, 1988), 168–69.



Fathers will condemn the gesture of Origen, perhaps because of its similarities with pagan rituals like saturnalia whose climax was self-castration.<sup>31</sup>

*Mystical Rather Than Physical*

Even if we must not “stop with such condemnations and consider the opinions of these churchmen as reflecting broader opinion,” since “a much more positive perspective is provided by the several eunuchs revered as saints in late antiquity,”<sup>32</sup> self-injury is explicitly condemned by Christian authors such as Lactantius (c. 250–c. 325), Ambrose of Milan (c. 340–397), Jerome (347–420), Augustine of Hippo (354–420), John Cassian (c. 360–435), and above all by the first great council of the Church. In 325, the first canon of the Nicene Council says that while an accident requires mercy, self-castrating men should be refused admission to the clergy.<sup>33</sup> What comes across through this canon is the distinction between self-inflicted and involuntary “deformity” and this will remain a central point.

Even if Origen becomes a model for Abelard, who needs to refer to castrate men like him to justify his own fate and consider his horrible mutilation as a purification or as a liberation insofar as it allows him to teach to women without being suspected of fornication,<sup>34</sup> some of the most renowned theologians, preachers and canonists will warn in a very explicit way that eunuchism mentioned in the Gospels is purely metaphorical. The whole medieval hagiography, from the *Dialogi* of Gregory the Great (c. 593–594) to the *Dialogus miraculorum* of Caesarius of Heisterbach (c. 1219–1223), contributes to discredit real and physical self-castration—which could only be inspired by the devil—and to increase metaphorical amputation through mystical dreams and visions.<sup>35</sup> Canon lawyers are also very severe on self-castrated men. For example, in 1159, Rufinus, one of the first glossators and commentators of Gratian’s *Decretum*, mentions the case of Origen of Alexandria with harsh words. According to him and to the Ordinary Gloss to Gratian’s *Decretum* (c. 1210), Origen clearly misun-

31. Kuefler, “Physical and Symbolic Castration,” 78–79.

32. *Ibid.*, 180.

33. *Conciliorum oecumenicorum generaliumque decreta, I. The Oecumenical Councils from Nicaea I to Nicaea II (325–787)*, ed. Giuseppe Alberigo *et al.* (Turnhout, 2006), 20: “Si quis a medicis per languorem desectus est aut abscisus a barbaris, hic in clero permaneat. Si quis autem se sanus abscidit, hunc et in clero constitutum abstinere conveniet et deinceps nullum debere talium promoveri. Sicut autem hoc claret, quod de his qui rem hanc affectant audentque se ipsos abscidere, dictum est, sic eos quos barbari aut domini castraverunt, inveniuntur autem alias dignissimi, ad clerum regula tales admittit.”

34. Tüchel, *Kastration*, 198–202; Murray, “Mystical Castration.”

35. *Ibid.*; Giles, “The Miracle of Gerald the Pilgrim.”

derstood when he believed that the verse from the Gospel of Matthew concerning eunuchs was encouraging self-castration.<sup>36</sup>

*Enemies to the Creation of God*

A few decades after the First Nicene Council, Pope Innocent I (401–417) explains to the bishop Felix of Nocera that the involuntary amputation of a finger deserves mercy and compassion, but self-mutilation can not be forgiven.<sup>37</sup> As for the canonical texts from the fourth century that we find in Book 8 of the Apostolic Constitutions compiled in Syria at the beginning of the fifth century, they come to the same conclusion about eunuchs:

21. Let an eunuch be made a bishop, if he is such by the injury of men, or if his virilia were taken away in the persecution, or if he was born such, and yet if he is worthy of episcopacy.
22. Let not him who has disabled himself be made a clergyman; for he is a self-murderer and an enemy to the creation of God.
23. If anyone who is of the clergy disables himself, let him be deprived, for he is a murderer of himself.<sup>38</sup>

These three canons make a clear distinction between, on the one hand, emasculation caused by external aggression or defect from birth, which

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36. Rufinus, *Summa Decretorum*, ed. Heinrich Singer (Paderborn, 1902; repr. Aalen, 1963), 147, ad Grat. 55: “De Origine quoque in sexto libro ecclesiastice ystorie legitur, cum esset adhuc adolescens, quod semetipsum eunuchizavit, ut, quia persecutionis tempore tam in publico quam in secreto viris et feminis verbum Dei predicabat, omnis occasio detrahendi infidelibus excluderetur. Procedente vero tempore, dum Achaïam pro convincendis qui ibi erant hereticis pertingeret et per Palestinam necessario iter ageret, ab illius provincie episcopis apud Cesaream presbiter est ordinatus. Sed, sicut in eodem libro narratur, pro huiusmodi facto tam ipse Origenes quam illi, qui eum ordinauerunt, episcopi a Demetrio Alexandrino episcopo notantur: nec imitandum eum credimus, quem fuisse hereticum ex scriptis Ieronimi non dubitamus.” See also *Glossa ordinaria ad Decretum Gratiani* (Venice, 1487), ad Grat. 55, 4, v. *clericus*.

37. *Innocentii I Epistola et Decreta*, in *Patrologia cursus completus*, ed. Jacques-Paul Migne, *Series Latina*, 1. Series, vols. 1–79 (Paris, 1841–64), hereafter cited as PL, 20: 603–04, Ep. 37, cap. I: “Qui igitur partem cujuslibet digiti sibi ipse volens abscedit, hunc ad clerum canones non admittunt. Cui vero casu aliquo contigit, dum aut operi rustico curam impendit, aut aliquid faciens, se non sponte percussit, hos canones praecipunt et clericos fieri, et si in clero fuerint reperti, non abjici. In illis enim voluntas iudicata est, quae sibi ausa fuerit ferrum injicere, quod scilicet et alii id facere dubitare non possit: in istis vero casus veniam meruit.”

38. *The Apostolic Constitutions* 8.47.21–23, ed. James Donaldson (Edinburgh, 1880), 267: “Eunuchus, si per insidias hominum factus est, vel si in persecutione eius sunt amputata uirilia, vel si ita natus est, et est dignus, fiat episcopus. Si quis abscederit semetipsum, (id est, si quis amputauerit sibi virilia), non fiat clericus, quia suus est homicida et Dei condicionis inimicus. Si quis, cum clericus fuerit, abscederit semetipsum, omnino dampnetur, quia suus est homicida.”

does not prevent the eunuch from rising to episcopal dignity (that is, from becoming a bishop); and, on the other hand, self-inflicted injury (*si quis absciderit semetipsum*), which is likened to homicide, or even to a crime against God and nature, and, as such, is strictly condemned, even if the mutilation has happened after the priest's ordination.<sup>39</sup> As stressed by Murray, witches will also be accused at the end of the Middle Ages to go against nature (*contra naturam*) and against God (*heresis* or *crimen laesae maiestatis*) by giving men the illusion of being deprived of their genitals and rendering them "sexless."<sup>40</sup> But what is striking here is, once more, the clear distinction between self-inflicted and involuntary castration that we will find in all of the medieval canon law.

## Eunuchs in Medieval Canon Law

### *Intent and Nature*

The three Eastern canons from the fourth century, the first canon of the first Council of Nicene (325), and the letter of Pope Innocent I (402) are fundamental for legal catholic doctrine because they form the basis of the *distinctio* of the canonist Gratian (writing in the early 1140s) on the topic of physical impediments to entering major ecclesiastical orders.<sup>41</sup> And for all subsequent medieval canon law, the *distinctio* 55 from Gratian's *Decretum* will be the "heart of the matter" (*sedes materiae*) of bodily "defects" which constitute "impediments" to the priesthood, even if the two notions of *defectus* and *impedimentum* are not used by Gratian.<sup>42</sup> The

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39. Anna Ravà, "Automutilazione (diritto canonico)," in *Enciclopedia del diritto* (Milan, 1959), 4:345–349, shows that the canonists were also marked by the roman legal principle according to which "nobody is the master of his own members" (D.9.2.12: "Nemo debet esse dominus membrorum suorum").

40. Murray, "Sexual Mutilation," 266: "Through diabolical machinations, then, the victim's very humanity is threatened by the disappearance of his genitals. He is both desexed and rendered sexless, in defiance of the order of creation and the order of nature. (. . .) There was no place in this world or the next for a sexless aberration, and no possibility that a man whose genitals had been stolen by a witch might be confused with a 'eunuch for God.'"

41. Grat. 55, 4, 6, 7 and 8, in *Corpus iuris canonici*, ed. Emil Friedberg, 2 vols. (Leipzig, 1879–1881; repr. Graz, 1959), 1:216–217, hereafter cited as (ed. Friedberg, 1).

42. Since the fifth and sixth centuries, councils and popes such as Gelasius I (492–96) or Gregory I (590–604)—both quoted in Gratian's *Decretum*—referred to "*vicia corporis*" more than "*defectus corporis*." Actually, the qualification of "defect" first appears in the decretals of Pope Innocent III as a generic concept which includes several kinds or causes of defects, such as birth (*defectus natalium*, or illegitimate birth), age (*defectus aetatis*) or body (*defectus corporis*), while the notion of "impediment" (*impedimentum*) is more often used to point out obstacles to marriage than the legal impossibility of obtaining holy orders.

canon law master quotes the three canons about eunuchs which allow those whose “defect” is from birth or by accident to be ordained.

If anyone has been mutilated by barbarians or by physicians to a surgical operation, let him remain among the clergy. (. . .) As it is clear that (. . .) those who have been made eunuchs by barbarians or by their masters, and should otherwise be found worthy, should be admitted to the clergy by Catholic Church.<sup>43</sup>

On the other side, the same *distinctio* includes canons which forbid men who inflicted the injury upon themselves entrance into the clergy. We read for example in canon 9:

The one who is healthy but believed that he could resist carnal temptation by castrating himself—but by doing so, he in fact mutilated the body God gave him instead of following the discipline of religion and asceticism—, will not be authorized to enter the clergy. And if anyone already enrolled among the clergy has castrated himself, he should cease from his ministry.<sup>44</sup>

The leading criterion here, distinguishing acceptable and unacceptable cases of castration, is that of intent. If the castration had been deliberately self-inflicted, entrance to the priesthood was strictly prohibited. From this point of view, it is not surprising that Gratian, like Burchard of Worms and Ivo of Chartres before him, quotes Pope Innocent’s I letter which makes a distinction between voluntary and involuntary finger’s amputation.<sup>45</sup> A few years after Gratian, the above cited Rufinus argues that only the one whose *virilia* have been accidentally amputated may keep his clerical charge and become a bishop.<sup>46</sup> Stephen of Tournai, another commentator on Gratian writing around 1164–1165, also states that a mutilated

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43. Grat. 55, 7 (ed. Friedberg, 1:216–217): “Si quis a medicis propter languorem desecutus est aut a barbaris abscisus, hic in clero permaneat. (. . .) dictum sit, sic eos, quos aut barbari, aut domini castraverunt, inveniuntur autem alias dignissimi, tales ad clerum suscipit ecclesia.” See also Grat. 55, 8 and 9 (ed. Friedberg, 1:217).

44. Grat. 55, 9 (ed. Friedberg, 1:217): “Si quis autem sanus non per disciplinam religionis et abstinentiae sed per abscissionem a Deo plasmati corporis, existimat, posse a se carnales concupiscentias amputari, et ideo se castraverit, non eum admitti decernimus ad aliquod clericatus officium. Quod si iam ante fuerit promotus ad clerum, prohibitus a suo ministerio deponatur.” See also Grat. 55, 7 (ed. Friedberg, 1:216–217): “Si quis autem se sanus abscidit, hunc in clero constitutum abstinere conveniet, et deinceps nullum talium debere promoveri.”

45. Grat. 55, 6 (ed. Friedberg, 1:216).

46. Rufinus, *Summa*, 146, ad Grat. 55: “Cum autem casu aliquis membrorum concisionem patitur, si utique secretiora membra fuerint, tunc nec ordinatus degradabitur nec ordinandus etiam ab episcopatu prohibebitur.”

cleric is able to be promoted to major orders, “unless his mutilation is voluntary (*voluntate*)” or “unless his amputated member is essential (to liturgy) (*principale*) as are the tongue or the hand.”<sup>47</sup>

*Liturgical Matters and Visible Deformities*

The amputation of the tongue, of the fingers or an eyes’ deformity could raise problems for the ability of priests to perform their duties that canonists from the 1160–70s could not ignore: being able to see, hear, touch, and speak, was absolutely necessary to Christian liturgy. But it is more difficult to understand why voluntary eunuchs were prohibited from becoming priests and why priests who turned out to be eunuchs were dismissed, since male reproductive organs were not directly involved in Christian liturgy. . . . An answer could be found in the theological argument of the physical integrity of the priest as image of the perfect Christ’s body, but it does not explain the legal differentiation between voluntary and involuntary eunuchs. Likewise, Paolo Ostinelli is too evasive when he asserts that “such a deficiency was hardly acceptable from someone who was supposed to consecrate the Body of the Christ.”<sup>48</sup>

Among the papal decretals gathered in the title “de corpore vitiatu ordinandis vel non” from Book I of the *Liber Extra* (1234), six letters confirm that physical deformities, mutilations and serious bodily defects could bar an individual from promotion to holy orders.<sup>49</sup> One of them, written by Pope Alexander III (1159–1181), states that no one may celebrate the mass if afflicted with a visible deformity or mutilation because it would provoke a “scandal” within the Christian community.<sup>50</sup> In a decretal from

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47. Stephen of Tournai, *Die Summa über das Decretum Gratiani*, ed. Johann Friedrich von Schulte (Giessen, 1891), 83: “Si voluntate id fecerunt, siquidem ante ordinationem, non debent ordinari; si autem ordinati fuerant, debent deponi. (. . .) Qui ab aliis abscesi sunt, ut a barbaris vel a medicis; nisi principale membrum amiserint, ut linguam vel manum, poterunt ordinari.”

48. Paolo Ostinelli, “I chierici e il defectus corporis. Definizioni canonistiche, displiche, dispense,” in *Deformità fisica e identità della persona tra medioevo ed età moderna: atti del XIV Convegno di studi organizzato dal Centro di studi sulla civiltà del tardo medioevo* (San Miniato, 21–23 settembre 2012), ed. Gian Maria Varanini (Florence, 2015), 3–30, here 7: “una carenza difficilmente ammissibile in colui che è chiamato a consacrare il corpo di Cristo.”

49. X, 1, 20, 1–6, in *Corpus iuris canonici*, ed. Emil Friedberg, 2 vols. (Leipzig, 1879–81; repr. Graz, 1959), hereafter cited as (Friedberg ed., 2), 2:144–46.

50. X, 1, 20, 1 (Friedberg ed., 2:144): “. . . quum ipse non perdiderit tantum de digito quin sine scandalo possit solemnitates celebrare, satis potes (. . .) permittere eum in suo ordine ministrare.” About the meaning of “scandal” in canon law, see Arnaud Fossier, “*Propter vitandum scandalum*. Histoire d’une catégorie juridique (XII<sup>e</sup>–XV<sup>e</sup> siècle),” *Mélanges de l’École Française de Rome. Moyen Âge* 121, no. 2 (2009), 317–48.

Lucius III (1181–1185), Christians are also said to be “scandalized” by the visible symptoms of leprosy.<sup>51</sup> But eunuchs were never said to be provoking “scandal” since their deformity was neither visible nor frightening.

A few years before, Rufinus had introduced a distinction between visible members (*evidentes*) and hidden members (*occulta* or *secreta*) like *virilia*. The canonist argued that only the lack of “visible” members such as feet, eyes, hands or nose made impossible the ordination of a priest.<sup>52</sup> We can suggest that the case of eunuch priests allowed popes and canonists to strengthen the opposition between “*occultum*” (like genitals or missing genitals) and “*scandalum*” (like visible deformities or diseases).<sup>53</sup> So, in such secret cases of deformity or disability, authorizations and dispensations could be granted without any “scandal” to those who sought ordination.

### What To Do with Eunuchs?

#### *Authorizations or Dispensations?*

If canon law had become very clear about the physical requirements for ordination, the question of possible exemptions to the general rule remains unresolved until the end of the twelfth century. Neither Gratian nor his commentators mention the possibility of “dispensations” in cases of self-mutilation, although dispensations had been previously defined by Ivo of Chartres in his *Prologus* (c. 1095) as exceptions made to the law.<sup>54</sup> The term was also later used by Rufinus who proposed a more precise definition of “dispensation” as a measure that suspends a legal rule in a single

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51. X, 3, 6, 3 (Friedberg ed., 2:482): “De rectoribus ecclesiarum leprae macula usque adeo infectis, quod altari servire non possunt nec sine magno scandalo eorum qui sani sunt, ecclesias ingredi.”

52. Rufinus, *Summa*, p. 146, ad Grat. 55: “Cum autem casu aliquis membrorum concisionem patitur, si utique secretiora membra fuerint, tunc nec ordinatus degradabitur nec ordinandus etiam ab episcopatu prohibebitur (. . .). Si vero membrum evidens fuerit, aut minimum aut magnum erit; magnum autem decore vel corpulentia dicimus, ut oculus, pes, manus, nasus. Si minimum itaque membrum casu absciderit, tam poterit ordinari quam ordinatus non poterit removeri.”

53. About the “*occultum*,” see Jacques Chiffolleau, “*Ecclesia de occultis non iudicat?* L’Église, le secret et l’occulte du XII<sup>e</sup> au XV<sup>e</sup> siècle,” *Il segreto nel Medioevo*, in *Micrologus, Nature, Sciences and Medieval Societies* 13 (2006), 359–481; Wolfgang P. Müller, “The Internal Forum of the Later Middle Ages. A Modern Myth?,” *Law and History Review* 33, no. 4 (2015), 887–913.

54. The whole *Prologue* can be read as a treatise about dispensation, but we found the most precise definition of it in *Ways of Mercy. The Prologue of Ivo of Chartres*, ed. Bruce Brasington (Münster, 2004), 123–27.

instance.<sup>55</sup> It generally consisted of authorizing someone to accomplish an action or obtain a status that the law theoretically forbids him, given that individual's situation.<sup>56</sup>

In the decretals compiled by Raymond of Peñafort in his *Liber Extra* (1234) and regarding bodily defects and disabilities, we find the word *dispensatio* only once. It does not concern amputation of *virilia*, but eye's infirmity.<sup>57</sup> A simple "authorization" seems to be enough (*licentiam indulgemus*) in the decretal of Clement III (1187–1191) which stipulates that a eunuch may be promoted to episcopal dignity if he has been made such by accident or from birth.<sup>58</sup> On the contrary, if the castration was the result of a self-inflicted injury, then the cleric must ask for a "dispensation," as specified in a gloss of Bernard of Botone (c. 1245)<sup>59</sup> about a decretal which still did not mention any "dispensation."<sup>60</sup> In addition, we know thanks to an English chronicler from the thirteenth century that William of Ashby, one of the first Franciscan priests to come to England, had to beg the pope for a "dispensation" because of his self-mutilation (around 1224). He would have been unable to celebrate the mass without such a papal dispensation.<sup>61</sup>

#### *Letters Formularies*

We still have traces of the papal dispensations and authorizations which were granted to eunuchs, first of all in papal letters of the thirteenth and fourteenth centuries, and more specifically in the letters of the Apos-

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55. Rufinus, *Summa*, 234, ad dictum ante Grat. 1, 7, 6: "Est itaque dispensatio, justa causa faciente, ab eo cuius interest, canonici rigoris casualis facta derogation."

56. Johannes Brys, *De dispensatione in iure canonico praesertim apud decretistas et decretalistas usque ad medium saeculum decimum quartum* (Wetteren, 1925); Alphonse Van Hove, *De privilegiis. De dispensationibus* (Malines, 1939), 293–302; Josef Lederer, *Dispensbegriff des kanonischen Rechts* (Munich, 1957); Charles Leben, "Impératif juridique, dérogation et dispenses. Quelques observations," *Droits. Revue française de théorie juridique* 25 (1997), 33–45.

57. *X*, 1, 20, 2 (Friedberg ed., 2:145).

58. *X*, 1, 20, 3 (Friedberg ed., 2:145): "Cognoscenti itaque de substantia veritatis, si precibus eius noveris veritatem inesse, et alias dignus inveniatur, maxime quum diu in ordine perseveraverit monachali, ipsum in presbyterum promovendi licentiam auctoritate praesentium indulgemus."

59. *Decretales domini Gregorii IX cum glossis* (Lyon, 1584), ad *X*, 1, 20, 4: "Idem sancivit Innocentius in sua epistola ad Felicem Nucernianum episcopum (. . .) et concordat concilium Nicaenum (c. 1), sed hic additus dispensatio."

60. *X*, 1, 20, 4 (Friedberg ed., 2:145).

61. Thomas of Eccleston, *Tractatus fr. Thomae vulgo dicti de Eccleston, De adventu fratrum minorum in Angliam*, ed. Andrew G. Little (Paris, 1909), 6: "Hic aliquando tentatus a carne amputavit sibi genitalia zelo pudicitiae; quo facto papam petiit et ab eo graviter correptus celebrandi divina meruit dispensationem."

toxic Penitentiary. This papal office was instituted at the very beginning of the thirteenth century for the purpose of granting absolutions, dispensations and authorizations to those who applied for special grace.<sup>62</sup> The *poenitentiarius* “receive[d] confessions” from pilgrims and penitents<sup>63</sup> but also responded to supplications addressed to the pope. Unfortunately, the papacy did not register these supplications until the Council of Pisa (1409). Nor did the Penitentiary retain copies of the letters it sent out in response to the requests of supplicants.<sup>64</sup> It saved only seven letters formularies composed between the 1220s and the 1390s, which help us to understand how the Penitentiary worked and what kind of absolutions, exemptions or authorizations this office was granting.<sup>65</sup>

These formularies compiled written answers to supplicants asking for dispensations for various issues such as illegitimate birth, bigamy, consanguineous marriage, clerical homicide and so on. Once the supplicant obtained his dispensation, he could marry (or stay married to) one of his relatives or be promoted to holy orders. The first known letter formulary of the Apostolic Penitentiary has been attributed to the *magister* and papal vice-Chancellor Thomas of Capua (c. 1185–1239), but it is more likely written between 1220 and 1270. Among the letters about mutilation or disability

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62. About the origins of the Apostolic Penitentiary, see Emil Göller, *Die päpstliche Pönitentiarie von ihrem Ursprung bis zu ihrer Umgestaltung unter Pius V*, 2 vols. (Rome, 1907–11); *La Penitenzieria Apostolica e il sacramento della penitenza. Percorsi storici, giuridici, teologici e prospettive pastorali*, ed. Manlio Sodi and Johan Ickx (Vatican City, 2009); and more recently, Arnaud Fossier, *Le Bureau des âmes. Écritures et pratiques administratives de la Pénitencerie apostolique (XIII<sup>e</sup>–XIV<sup>e</sup> siècles)* (Rome, 2018), chap. 1.

63. *Giraldi Cambrensis Opera*, ed. John Sherren Brewer (London, 1861), 1:188–89, “De invectionibus,” lib. VI, c. 26: “Erat autem cardinalis, qui confessiones pro papa tunc recipiebat, responsio talis: ‘Iohannes de S. Paulo, titulo S. Prisce card., nobili viro Philippo de Barri salutem...’”

64. About the first supplications registration by the Apostolic Penitentiary, see Emil Göller, “Das alte Archiv der päpstlichen Pönitentiarie,” *Römische Quartalschrift für christliche Altertumskunde und für Kirchengeschichte*, Suppl. 20 (1913), 1–19; Filippo Tamburini, “Il primo registro di suppliche dell’Archivio della Sacra Penitenzieria Apostolica,” *Rivista di storia della Chiesa in Italia* 23 (1969), 384–427; Monique Maillard-Luypaert, *Les suppliques de la Pénitencerie Apostolique pour les diocèses de Cambrai, Liège, Théroutanne et Tournai (1410–1411)* (Bruxelles, 2003); Patrick N. R. Zutshi, “The Origins of the Registration of Petitions in the Papal Chancery in the First Half of the Fourteenth Century,” in *Suppliques et requêtes. Le gouvernement par la grâce en Occident (XII<sup>e</sup>–XV<sup>e</sup> siècle)* (Rome, 2003), 177–91; Arnaud Fossier, “Tra burocrazia papale e casi particolari: uno studio delle suppliche della Penitenzieria Apostolica al tempo del Concilio di Pisa (1410–1411),” in *L’archivio della Penitenzieria Apostolica: stato attuale e prospettive future*, ed. Krzysztof Nykiel and Ugo Taraborrelli (Vatican City, 2017), 39–55.

65. About each of these formularies and all the manuscripts in which they are contained, see Fossier, *Le Bureau des âmes*, chap. 3.



kept in this formulary, there is the case of a man who, while an infant and still being nursed by his mother, has been attacked and castrated or emasculated (perhaps by a pig). Once he become an adult, he appealed to the pope because he was afraid he would not be allowed to become a priest.<sup>66</sup>

This case brings to mind a decretal of Pope Clement III regarding Barthelemy, a monk who asked for a dispensation because he had been emasculated in his cradle by an unnamed aggressor.<sup>67</sup> In response to the supplication of Barthelemy, the pope had quoted canon one of the first Nicene Council (325) allowing involuntary eunuchs to be promoted to priesthood.<sup>68</sup> The aforementioned letter kept in the formulary of the Apostolic Penitentiary is perhaps a rewriting of the papal decretal to serve as a model for all similar cases of accidental mutilation.

*Dispensations from the Apostolic Penitentiary*

Looking beyond this example, there are two main patterns of involuntary castration in the Apostolic Penitentiary letters: first, acts of violence committed by unknown enemies (generally cases of revenge perpetrated by laymen upon fornicating clerics),<sup>69</sup> and, second, surgical emasculation

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66. *A Formulary of the Apostolic Penitentiary in the Thirteenth Century*, ed. Henry Charles Lea (Philadelphia, 1890), p. 29, 18/3: “Episcopo Bergamensi, Thomas cardinalis salutem in Domino. Habet assertion Albertini latoris presentium, quod olim, dum matris penderet ab ubere, nutricis incuria dubio relictus eventui rapide suis aggressui patuit et corporis partes inferiores amisit, in illum incidens circa pudenda pudorem quod in ipso inferior regio femine coniecturam non habet quam natura non dedit et viri probationem non exhibet quam casus ademit. Cum autem prefatus Albertinus religioni desiderium applicet, cui eum aptiorem fecit eventus, auctoritate domini pape [paternitati vestre committimus], quatenus super hoc eiusdem Albertini proposito prestat optatum manus vestra subsidium, et ad ordines sacros ascendendi, si aliud canonicum non obsistat, tribuat benigna licentia facultatem.”

67. *X*, 1, 20, 3 (Friedberg ed., 2:145): “Ex parte Bartholomaei monachi et diaconi petitorium fuit nostro apostolatu praesentatum, quod, quum ipse in cunabulis sectus fuerit, postmodum sub regula et abbate devote Deo militans in diaconatus ordinem est promotus, unde suppliciter petiit facultatem sibi a sede apostolica indulgeri, ut sit ei licitum in presbyterum ordinari.”

68. *Ibid.*: “Sane quum secundum statuta Nicaeni concilii illi ad clericatus ordinem prohibeantur accedere, et si etiam in clero fuerint, cessare debeant, qui se ipsos sani absciderint, vel affectaverint, ut ab aliis abscindantur, non credimus ei aliquod impedimentum afferre, quo minus possit provehi, qui in cunabulis sectus fuit; quia non videtur hoc eo tempore affectasse, quo iudicium animi non habebat, praesertim quum in canonibus Apostolorum sit manifeste sancitum, quod eunuchus, si per insidias hominum factus, vel ita natus sit, aut etiam in persecutione sint ei amputata virilia, et dignus est, possit in episcopum promoveri.”

69. *A Formulary of the Apostolic Penitentiary in the Thirteenth Century*, p. 30, 18/5: “Quidam Dei timore postposito irruentes in ipsum nulla culpa sua penitus precedente uasa seminaria ei ausu sacrilegio amputarunt, ipsum iurare nichilominus facientes quod ipsos de

wherein the goal was certainly therapeutic (most physicians from that time thought that such an amputation could cure a hernia or leprosy<sup>70</sup>). Sometimes, both of these two patterns feature in the same case:

We have the case of a priest named A(ndrew), whose one testicle has been crushed by an enemy and the other one by a surgeon. As he was complaining of both injury and bad surgical treatment, he humbly appealed to the Apostolic See for the authorization to keep and execute his ministry.<sup>71</sup>

As the castration here is not the result of a self-inflicted injury, dispensation is in fact not necessary. The supplicant just needs an authorization to legally remain a priest.

But when castration was voluntary, the supplicant had to justify himself if he wanted to obtain a papal dispensation. He then often argued that he was ignorant of the law (*ignorantia iuris*), in other words that he did not know that the law prohibited the self-mutilated from joining the priesthood.<sup>72</sup> We found one of these cases in a letter formulary which contains more than 500 letters composed between 1335 and 1338 by the major penitentiary Gaucelme de Jean. Unfortunately the written answer from the Penitentiary does not give any details concerning the circumstances of the self-amputation and we cannot know how the supplicant justified his request. But it seems that he amputated himself because he wanted to “eradicate lust.” He humbly asked for promotion to holy orders despite his impairment (*non obstante defectu*), and the Apostolic Peniten-

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hoc apud aliquos nullatenus accusaret, propter quod idem, sine licencia speciali, noluit officio ministrare. Super quo supplicavit etc. Nos autem etc., committimus quatenus, si dictis veritas suffragetur aliudque canonicum non obstat, ipsum in executione suorum ordinum dimittatis, ne penam quam culpa non meruit ex injuria sentiat violentie alienae.”

70. Laurence Moulinier-Broggi, “La castration dans l’Occident médiéval,” in *Corps outragés, corps ravagés de l’Antiquité au Moyen Âge*, ed. Lydie Bodiou, Véronique Mehl and Myriam Soria (Turnhout, 2011), 89–216.

71. *A Formulary of the Apostolic Penitentiary in the Thirteenth Century*, p. 29–30, 18/4: “Habet hoc casus A. presbiteri latoris presentium quod ei de genitalibus alterum viri inimica precidit et reliquum manus medici non dimisit et sic et illo injuriam et in isto curam deplorans, humiliter petiit sibi super executione officii apostolice sedis providentia subveniri. Quia vero in talibus impetus alienae malitiae vel casus ingruentia repentini aut necesserie curationis utilitas quoad susceptum officium affere non consuevit obstaculum, committimus quatenus si predicti sacerdotes suffragio veritatis innititur et aliud canonicum etc., ipsius desiderium ad exauditionis gratiam admittatis.”

72. Ninon Dubourg, “Emasculations cléricales. Itinéraires particuliers pour aborder l’identité du clerc émasculé (XII<sup>e</sup>–XV<sup>e</sup> siècle),” *Encyclo. Revue de l’école doctorale ED 382*, 4 (2014), 89–101, here 97.

tiary then charges the diocesan bishop to dispense him, if “his merits plead for him.”<sup>73</sup>

### Why Be so Hard on Eunuchs?

#### *A Playground for Papal Power*

In the letters of the Apostolic Penitentiary, accidental emasculation is rarely qualified as “defect” (*defectus*) and all the cases of castration are classified under the “mutilations” (*mutilationes*) rubric of the formularies. But they are also defined as “*casus qui inducunt irregularitatem et impediunt promotionem*”<sup>74</sup> and listed in some of the manuscripts which contain the formulary of Gaucelme de Jean (1335–38).<sup>75</sup> Such a list certainly was intended for the penitentiaries in order to make clear to them what kind of exemptions they could provide. It includes 43 cases barring promotion to holy orders which require dispensations, either from the pope himself—in some particular cases called “reserved cases”<sup>76</sup>—or from a bishop.

In the case of self-mutilation, the pope had to suspend the rule prohibiting ordination for eunuchs and remove in that way the canonical impediment caused by the defect.<sup>77</sup> The logic underlying papal dispensations was

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73. Avignon, Bibliothèque Municipale, 336, fol. 17r: “Episcopo. P. diocesis vestre [petitio monstravit] quod ipse olim affectans incentivos (...) lubricitatis extingere et conatus ipsius multiplic[is] hostis exterminare rigorem, ext[im]ans per hoc virtutum domino suum impendere famulatum, ausu sacrilego vasa seminaria sibimet ipsi propriis manibus presumpsit temere amputare. Verum quia super ceteris inferioribus de dispensationis numere sibi asserat olim esse provisum, supplicavit humiliter quod ad presbiteratus ordines huiusmodi, non obstante defectu, promoveri et in eo ministrare licite valeat per sedem apostolicam de misericordia salubriter provideri. Nos autem etc. et eius speciali mandato etc., committimus quatenus, si est ita et sibi alia merita suffragentur, ad huiusmodi dispensationis gratiam obtinendam, aliudque canonicum non obstare, secum super petitis misericorditer dispensentis.”

74. The notion of “irregularity” (*irregularitas*) denoted the status of a person who could not become a priest because of a criminal act (*ex delicto*) or because of a defect (*ex defectu*). See Paul Hinschius, *System des katholischen Kirchenrechts mit besonderer Rücksicht auf Deutschland* (Berlin, 1869), 1:7–63; Franz Gillmann, “Zur Geschichte des Gebrauchs der Ausdrücke irregularis und irregularitas,” *Archiv für katholisches Kirchenrecht* 91 (1911), 49–86, here 52–53.

75. Vatican City, Biblioteca Apostolica Vaticana, Ott. Lat. 333, fols. 98v–100r.

76. Arnaud Fossier, “Le droit d’absoudre. Concurrences juridictionnelles et communication des fors (v. 1130–v. 1320),” *Revue de droit canonique* 65, no. 2 (2015), 265–292; Véronique Beaulande-Barraud, *Les péchés les plus grand. Hiérarchie de l’Église et for de la pénitence (France, Angleterre, XIII<sup>e</sup>–XV<sup>e</sup> siècle)* (Rennes, 2019).

77. Ott. Lat. 333, fol. 99v: “Qui mutilatus sponte et sine causa parvo vel magno membro, fuerit repellatur a promotione et deicietur promotus... sed si iusta causa scilicet propter lepre periculum amputari facit sibi virilia vel aliud parvum membrum, non repellitur vel deicitur. Idem intelligatur in casu fortuito vel infantia fuit sectus nisi ut in magno membro

both that of equity—since he was “moderat[ing] the rigor of the law” (*juris rigorem temperare*)<sup>78</sup>—and exception. Granting authorizations and dispensations was one of the most important ways for the papal theocracy and the centralization of the Church, from the middle of the twelfth century onwards, to function with any success. Within that framework, *defectus corporis* turned out to be a crucial question for the papacy and dispensation became a powerful medium to assert its power. Nevertheless, the centralization of the Church and the instrumentalization of dispensation as a tool reinforcing papal power cannot explain why the ablation of testicles that some clerics inflicted upon themselves was understood as disqualifying them.

### *Infamous Men*

We may recall here that even the apparently tolerant law regarding the involuntary eunuchs who wanted to become priests most likely concealed a certain repugnance for them—exactly as they inspired a strong distaste in Byzantium<sup>79</sup>—, if not “anxiety,” insofar as manliness drew upon the fact to have and keep his genitals.<sup>80</sup> In addition, throughout the Middle Ages castration has been conceived of as an ignominious mark because it was one of the main corporal penalties that might be applied to sexual crimes such as adultery and sodomy. The story recounted by John Malalas, a famous Byzantine chronicler from Antioch (491–578), tells us how the bishops of Rhodes and Diospolis were punished by castration in 528 for being suspected of sexual intercourse with other men.<sup>81</sup> Thirty years later, the emperor Justinian will prohibit punishment by castration in a *Novella*,<sup>82</sup> but this terrible amputation

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quod difformitatem generet vel scandalum [D. 55, c. 7 and 9; X, 1, 20, 1 and 2]. Qui in membro quod generet difformitatem vel si amiserit oculum, non potest promoveri sine dispensatione pape.”

78. About the links between equity and dispensation in the doctrine of canon law, see Charles Lefebvre, *Les pouvoirs du juge en droit canonique* (Paris, 1938); Eduard M. Meijers, “Le conflit entre l’équité et la loi chez les premiers glossateurs,” *Tijdschrift voor Rechtsgeschiedenis* 17 (1941), 117–35; David L. d’Avray, *Medieval Religious Rationalities. A Weberian Analysis* (Cambridge, 2010), 27 and 155–58.

79. Kuefler, “Castration and Eunuchism in the Middle Ages.”

80. Jacqueline Murray, “‘The Law of Sin That Is in My Members’: The Problem of Male Embodiment,” in *Gender and Holiness: Men, Women, and Saints in Late Medieval Europe*, ed. Sam J. E. Riches and Sarah Salih (New York, 2005), 9–22. Gouwens, in “Emasculation as Empowerment,” shows that this masculinity paradigm comes to a turning point when some Italian humanists choose to make the beaver (*castor*) the symbol of their manliness and doing so “to gender themselves discursively as men.” (554)

81. *Ioannis Malalae Chronographia* 18.18, ed. Ioannes Thurn (Berlin, 2000), 364–65.

82. *Corpus juris civilis*, 3. *Novellae*, ed. Rudolf Schoell (Berlin, 1892–95), *Novella* 142: “Sancimus igitur ut qui in qualicumque rei publicae nostrae loco qualemcumque personam castrare audent vel ausi fuerint...”

would remain one of the main corporal and ignominious penalties during the Middle Ages in Western Christendom.<sup>83</sup> It would be inflicted both inside (and outside) the judicial courts upon men who were guilty of abduction, fornication or adultery. The underlying logic was to purify the social body from the crime by making the “instrument” of the crime disappear.<sup>84</sup>

In Germanic law (like in Alaric’s *Breviary*, at the beginning of the sixth century), castration seems to be deemed the appropriate punishment for homosexuals. Even the Church declares through canons and councils that the penalty for such sexual crimes should be castration (Braga in 572, and Toledo XVI in 693).<sup>85</sup> In thirteenth century Spain, in Portugal, in Orléans and even in the whole Kingdom of France from 1270 onward, castration is the stated punishment for those who have committed sodomy.<sup>86</sup> But in the middle of the thirteenth century, the penalty of castration was also applied to men who had committed adultery in some Italian communes like Perugia, or to the bigamists who had not paid the fines they were condemned to (in Belluno, Emilia-Romagna).<sup>87</sup>

Except for the Anglo-Norman cases of political treason punished by emasculation<sup>88</sup> and for some famous cases like the one of Hugh Despenser, the lover of King Edward II (1307–1327) who had his genitals cut and burned before his beheading, it is difficult to know how often people were actually castrated as punishment.<sup>89</sup> But what matters here is that castration was associated with the idea of punishment and with homosexuality. In this respect, eunuchs in medieval Western Europe were commonly equated to homosexuals who had been caught and punished. As castration was a corporal penalty reserved for scandalous crimes, that could also explain why Catholic Church did not so easily accept eunuchs as priests, even when their eunuchism was surgical or accidental.

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83. Tuchel, *Kastration*, 73–89; Klaus Van Eickels, “Gendered Violence: Castration and Blinding as Punishment for Treason in Normandy and Anglo-Norman England,” in *Violence, Vulnerability and Embodiment. Gender and History*, ed. Shani D’Cruze and Anupama Rao (Blackwell, 2005), 94–108; Ringrose, “Eunuchs in Historical Perspective”; Murray, “Sexual Mutilation”; Moulinier-Brogi, “La castration dans l’Occident médiéval.”

84. Moulinier-Brogi, “La castration dans l’Occident médiéval,” 210.

85. James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago, 1987), 149.

86. Moulinier-Brogi, “La castration dans l’Occident médiéval,” 208–11.

87. Brundage, *Law, Sex and Christian Society*, 540.

88. Van Eickels, “Gendered Violence,” has shown that castration was the most “political” penalty in the Anglo-Norman kingdom since it consisted in depriving those who committed treason of their masculinity and of their warrior status.

89. Tracy, “History of Calamities,” 19–24.

*Bene pendentis*

Yet, the question for us is not only the social and cultural representation of the eunuch, but also who could become a priest and under which conditions they could hold sacred power and provide the sacraments. From this point of view, the legend of the *bene pendentis* which the Church never denied before the middle of the fifteenth century is very interesting. In the thirteenth century, the Dominican Jean de Mailly invented the story of a woman named Jeanne who managed to become pope as "John," in 855.<sup>90</sup> Since then, according to this Dominican, a ritual had been set up which consisted of verifying that every pope, once elected, had his testicles (*genitalia*).

This legend suggests that sacred power in Catholic Church was seen as intrinsically masculine, and that masculinity, even virility, was expected from priests, whatever their position in the ecclesiastical hierarchy. It could be interesting to look at the bishops' letters and registers of canonical visitations to see if there were physical examinations of candidates to priesthood. In the supplications registers of the Apostolic Penitentiary from the fifteenth century, there is only five per cent of the supplicants who request a dispensation and/or an absolution because they have hidden their bodily deficiency.<sup>91</sup> It could show that physical examinations were conducted before the ordination of a priest, in order to detect any potential impediment. Besides, the "executors" of the Penitentiary letters of dispensation were responsible for giving the supplicant a test, to verify if his disability was a serious impediment to the mass or could provoke a scandal.<sup>92</sup>

But this does not explain why voluntary mutilations were canonical impediments to the priesthood, while the accidental one did not require dispensations. Beyond the conception of self-mutilation as a crime against God and nature, which was adopted in the Church law from the fourth century, we should look carefully at the legal grounds of the Gregorian Reform and more precisely at the ecclesiastical celibacy.

*Celibacy and Virility*

After a first and unsuccessful attempt during the Council of Elvira around 305, which banned priests from having sexual intercourse with

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90. Alain Boureau, *La papesse Jeanne* (Paris, 1988).

91. Ostinelli, "I chierici e il defectus corporis."

92. *Ibid.*, 18–21.

their wives and laid down the rule of continence,<sup>93</sup> the Catholic Church really began to prohibit the cohabitation and fornication of priests in conciliar decrees and canon law collections from the middle of the eleventh century to the end of the twelfth century.<sup>94</sup> We know thanks to the work of Jennifer D. Thibodeaux and others that many Anglo-Norman treatises between the first great councils of the Gregorian Reform around 1050 and the Council of Lateran I (1123) had advocated for the marriage of the priests.<sup>95</sup> Some letters, for example the famous one sent by the canons of Cambrai to those of Noyon in 1077, even used the virility of priests as an argument against the ideology of the monks who urged celibacy. Their ideal was absolutely not that of an antique ascetism grounded on continence, but on the contrary a “masculinity that incorporate[d] procreative sexuality.”<sup>96</sup> They vigorously stood up for their right to marry, all the more since they feared being deprived (metaphorically) of their virility and thus to be mocked and humiliated by laymen.

The Gregorian Reform was a legal bulldozer that definitively toppled this ideal of virile masculinity in favor of celibacy. But while ecclesiastical celibacy was promoted and required by monks and reformers in treatises or

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93. Carl Joseph Hefele, *Histoire des conciles* (Paris, 1907), 1:238, Council of Elvira (c. 305), can. 33: “Placuit in totum prohibere episcopis, presbyteris et diaconibus vel omnibus clericis positus in ministerio abstinere se a conjugibus suis et non generare filios: quicumque vero fecerit, ab honore clericatus exterminetur.” About the patristic and conciliar grounds of this rule of celibacy, see Roger Gryson, *Les origines du célibat ecclésiastique du premier au septième siècle* (Gembloux, 1970); Christian Cochini, *Origines apostoliques du célibat sacerdotal* (Paris, 1981). The two scholars do not agree about the origins of the ecclesiastical celibate: Cochini thinks that it goes back to the apostolic times, while Gryson takes the Council of Elvira as a starting point.

94. Alfons M. Stickler, “L’évolution de la discipline du célibat dans l’Eglise en Occident de la fin de l’âge patristique au Concile de Trente,” in *Sacerdoce et célibat. Etudes historiques et théologiques*, ed. Joseph Coppens et al. (n.p., 1971), 373–442; Filippo Liotta, *La continenza dei chierici nel pensiero canonistico classico da Graziano a Gregorio IX* (Milan, 1971); Jean Gaudemet, “Le célibat ecclésiastique. Le droit et la pratique du X<sup>e</sup> au XII<sup>e</sup> siècle,” *Zeitschrift der Savigny-Stiftung. Kan. Abt.*, 68 (1982), 1–31; Brundage, *Law, Sex and Christian Society*, 214–22; *Medieval Purity and Piety. Essays on Medieval Clerical Celibacy*, ed. Michael Frassetto (New York, 1998); and more recently, Uta-Renate Blumenthal, “The Prohibition of Clerical Marriage in the Eleventh Century,” in *Chastity: A Study in Perception, Ideals, Opposition*, ed. Nancy van Deusen (Leiden, 2008), 61–75.

95. Brigitte Meijns, “Opposition to Clerical Continence and the Gregorian Celibacy Legislation in the Diocese of Thérouanne: *Tractatus Pro Clericorum Conubio* (c. 1077–1078),” *Sacris Erudiri: A Journal of Late Antique and Medieval Christianity*, 47 (2008), 223–90; Elisabeth Van Houts, “The Fate of Priests’ Sons in Normandy,” *The Haskins Society Journal*, 25 (2013), 57–105; Thibodeaux, *The Manly Priest*.

96. Thibodeaux, *The Manly Priest*, 98.

conciliar texts, the Church continued to be wary of eunuchs and above all of voluntary eunuchs. The belief that a castrated man felt no sexual urgings<sup>97</sup> implied that such a man did not renounce much when he swore to live as celibate, which suggests that self-mutilation of the *genitalia* was seen as a kind of “cheating”: this mutilation artificially deprived the priest of the spiritual fight he had to undergo in his flesh.<sup>98</sup> The priesthood was based on the ability of the priests not just to be celibate, but to be able to resist their *libido*. It is because reformers believed that a priest had to be subject to and able to resist carnal temptation and that doing this was the price of achieving moral purity. In that sense, one could not agree more with Thibodeaux when she writes:

The man who chose spiritual castration was able to abstain by sheer will. He fought constantly against sexual temptation, which made him stronger and more manly than those who never experienced sexual desires. The manly eunuch, thus, became the monk who embodied the ideal of spiritual castration.<sup>99</sup>

That makes a complete difference with Byzantium and Eastern Church, where voluntary eunuchs could become priests despite the enforcement of the canon law. The idea that physical castration would be “a way of leaving the material world and accessing the power of the spiritual world,” and that eunuchs would be able “to cross the boundary between the material and spiritual worlds” was very important in the Eastern ascetic tradition, but was not a part of Catholic doctrine.<sup>100</sup> What allowed the access to the spiritual world was on the contrary a good fight against carnal desire and sexual temptation (and this is precisely why the hagiographic sources addressed to monks or priests all stress the metaphorical meaning of self-castration).

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97. Ruth Mazo Karras, *Sexuality in Medieval Europe. Doing unto Others* (New York, 2005), p. 39; Kuefler, “Castration and eunuchism in the Middle Ages,” 285 and 299.

98. Tracy, “A History of Calamities,” 11: “Autocastration was (in one sense) an easy way out because spiritual salvation came from overcoming sexual temptation through sheer force or will (. . .), whereas castrating oneself metaphorically was a constant battle.” See also Almut Höfert, “Introduction. Celibate and Childless Men Placed into a Shared Focus,” in *Celibate and Childless Men in Power. Ruling Eunuchs and Bishops in the Pre-Modern World*, ed. Almut Höfert, Matthew M. Mesley and Serena Tolino (London, 2018), 1–40, here 20: until the ninth century at least, it was believed that Byzantine priest and bishops who were also eunuchs “did not need to master their sexual appetites or strive for chastity, and as such were not afforded any further spiritual merit.”

99. Thibodeaux, *The Manly Priest*, 33.

100. Ringrose, “Eunuchs in Historical Perspective,” 504.



To conclude, the encounter of the history of the slowly obtained requirement of clerical celibacy with the history of authorizations and dispensations granted to eunuchs shows that the dialectic between chastity and virility of the priests was a founding principle of the priesthood. That is maybe the reason why it seems that the abolition of clerical celibacy in Catholic Church, which would give the priests the same rights to marry and procreate as held by laymen, is unlikely, despite the recent statements of Pope Francis calling for discussions in this matter.

# The Keys of Heaven in the Hands of Women: History, Hierarchy, and Gender in Early Modern Catholicism

KILIAN HARRER\*

*This article analyzes a legal struggle that occurred in 1745–50 between Montivilliers Abbey and the Archbishopric of Rouen. The conflict concerned rare jurisdictional privileges exercised by the abbesses of Montivilliers, but the arguments made by both sides illuminate much larger issues of gender, Gallicanism, and the ambiguities of change in the Church. The nuns successfully defended a monastic Gallicanism that has escaped scholarly attention even though it crucially informed struggles over church hierarchy in early modern France and fostered solidarity between monks and nuns. Moreover, by contesting the relationship between church discipline and doctrine, the opponents in the lawsuit laid bare a major faultline in the struggles of the religious Enlightenment.*

*Keywords:* Gallicanism; Monasticism; Episcopacy; Women in the Church; Religious Enlightenment

Posterity has drowned the name of Madeleine-Éléonore Gigault de Bellefonds in oblivion, yet she exercised greater spiritual authority than almost any other woman in eighteenth-century Europe. As abbess of Montivilliers, she governed a convent of Benedictine nuns, situated in a small town near Le Havre in Normandy, from 1741 until her death in 1763. She benefited from the unusual privileges of Montivilliers Abbey: far beyond the cloister walls, in a territory known as the Exemption of Montivilliers, she held the status of ecclesiastical superior. This exemption consisted of sixteen parishes and formed an enclave within the diocese of Rouen between the Middle Ages and the French Revolution (Figure 1). Bellefonds's predecessor had once even called herself "*la curée primitifve*" [*sic*] of the Saint-Sauveur parish of Montivilliers.<sup>1</sup> In fact, the abbess of

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1. Archives départementales de Seine-Maritime (hereafter ADSM), G 5360, *mémoire* of Abbess Kadot de Seville.

FIGURE 1. The Diocese of Rouen and the Exemption of Montivilliers in the Mid-Eighteenth Century. Map produced by the author. Diocesan boundaries based on a map published in Nadine-Josette Chaline, ed., *Le diocèse de Rouen-Le Havre* (Paris, 1976), 328. Location of exempt territories and parishes based on indications in Marc Venard, “Les visites pastorales de l’exemption de Montivilliers du XVI<sup>e</sup> au XVII<sup>e</sup> siècle,” in *Recueil de l’Association des Amis du Vieux Havre*, 46 (1988), 85–106, here 99.

Montivilliers successfully claimed to govern souls, whether directly or—outside the cloister—indirectly through her *official* (ecclesiastical judge) and vicar general. In a world of spiritual shepherds, Madame de Bellefonds was one of a few shepherdesses with what canon lawyers have called “quasi-episcopal jurisdiction.”<sup>2</sup>

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2. For the most thorough overview and exploration of cases similar to that of Montivilliers, see Michael von Fürstenberg, „*Ordinaria loci*“ oder „*Monstrum Westphaliae*“? Zur kirchlichen Rechtsstellung der Äbtissin von Herford im europäischen Vergleich (Paderborn, 1995), 206–331. Fürstenberg lists five female monastic houses with exempt parishes in the Kingdom of France: Bourbourg, Faremoutiers, Fontevraud, Jouarre, and Montivilliers (pp. 275–87). Among these five, the Exemption of Montivilliers was the second most important one after that of Fontevraud. Still a good starting point for understanding early modern and modern terminologies of “quasi-episcopal jurisdiction” is Léo Muller, “La notion canonique d’abbaye nullius,” *Revue de droit canonique*, 6 (1956), 115–44.

The special status of Montivilliers Abbey and its exempt parishes had slowly taken shape in the High and Late Middle Ages.<sup>3</sup> The monastery's founding charter granted in 1035 by Robert I, Duke of Normandy, became an origin moment to early modern practitioners of ecclesiastical erudition, but the decisive papal bull confirming the existence of the Exemption was issued centuries later, in 1384 by the Avignonese antipope Clement VII (1378–94).<sup>4</sup> Throughout the early modern period, the abbess of Montivilliers successfully claimed and exercised the right to have her own ecclesiastical court (*officialité*) whose judge, the *official*, dealt with marriage cases and crimes committed by local clergy. Under her authority, her vicar general gave canonical investiture to new *curés* in the exempt parishes. Her *official* in turn summoned the *curés* once or twice a year to participate in an ecclesiastical synod at the abbey, while her *vicaire général* regularly conducted pastoral visits. The abbess also approved extraordinary confessors and preachers for those sixteen parishes, and she issued dimissory letters attesting to the qualifications and good morals of any of her spiritual subjects who wished to receive priestly ordination. Although in the 1630s Abbess Louise de L'Hospital clashed with Archbishop François II de Harlay, one of the most vigorous Catholic reformers to occupy the see of Rouen, the Exemption of Montivilliers emerged intact even from that confrontation.<sup>5</sup>

The abbess's privileges, however, seemed outrageous to many, including most prominently a later archbishop of Rouen, Nicolas de Saulx-Tavannes (Figure 2). His family possessed great prestige, resources, and political clout—perhaps even more than Madame de Bellefonds's family, who also belonged to the high nobility.<sup>6</sup> Monseigneur de Saulx-Tavannes would eventually accede to the cardinalate (in 1756) and to the position of *grand aumônier de France* (in 1757), the king's chief ecclesiastical office-

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3. For the most recent summary of how the abbey's jurisdictional privileges developed, see Tyler Lange, *Excommunication for Debt in Late Medieval France: The Business of Salvation* (Cambridge, UK, 2016), 145–48.

4. It is worth noting that Clement VII's status as an antipope was not a prominent issue in the legal struggle analyzed in this article. This status was mentioned, but was not given much significance, especially because the Kingdom of France had, in the fourteenth century, supported Clement VII. See ADSM, G 5370, *Requête au roi et à ses conseillers de la part de l'archevêque*, April 27, 1748, [7v].

5. See Gilbert Decultot, *L'abbatit de Louise de L'Hospital, 1596–1643* (Fécamp, 1975); and on Louise de L'Hospital's own distinguished place in the Catholic Reformation, Barbara B. Diefendorf, *From Penitence to Charity: Pious Women and the Catholic Reformation in Paris* (Oxford, 2004), 99–100. Moreover, on the abbess's privileges, see ADSM, G 5370, *Requête de l'archevêque*, [16r].

6. Robert Forster, *The House of Saulx-Tavannes: Versailles and Burgundy, 1700–1830* (Baltimore, 1971).

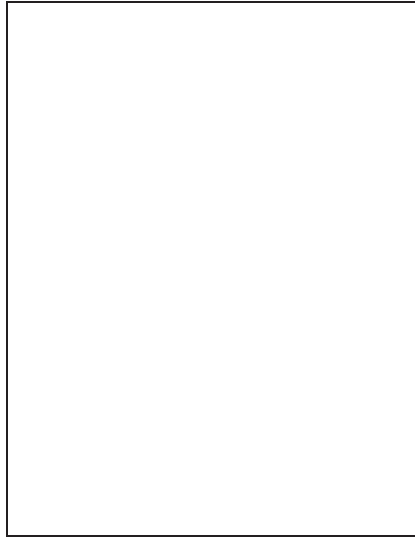


FIGURE 2. Cardinal Nicolas de Saulx de Tavannes (1690–1759), Bishop of Châlons-en-Champagne (1721–33), Archbishop of Rouen (1733–59), cardinal (1756–59). Engraving by Pietro Antonio Pazzi (1706–70), printed in Rome by the Chalcographia R. C. A. apud Pedem marmorem. Courtesy of Wikipedia.

holder. Long before then, starting in 1745, he engaged in escalating litigation to strip the abbess and convent of Montivilliers of their exceptional privileges. But he failed. Despite some initial procedural successes, Saulx-Tavannes abandoned the lawsuit in 1750, faced with the unflagging resistance of the abbess and her allies. The documents produced by that legal struggle form the main source base for this article and enable some unusual glimpses into the gendered stakes of pastoral power and church hierarchy during the early modern period.

The case of Montivilliers sheds light on three interrelated and previously neglected ways in which nuns defended their place in the post-Tridentine Church. First, they collaborated with monks and other abbesses to defend what may be called *monastic Gallicanism*. Second, faced with the gendered overtones of the archbishop's arguments, they embraced Thomist and other scholastic—rather than Jansenist—ideas to emphasize the dignity of the female monastic vocation.<sup>7</sup> Third, they deployed the ecclesiastical his-

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7. This distinction between Thomist and Jansenist arguments will further be elaborated below; see fn. 44.

toriography of their time to show that, as abbesses, women could legitimately govern parts of the Church. The first point may require some immediate conceptual clarification: monastic Gallicanism means a perspective on the Church that stressed not only the relative independence of the French clerical estate from the papal center of authority, but also the distinct and distinguished place of monks and nuns in the Church. Many protagonists of the Enlightenment worked to diminish or erase that place, and recent studies have tended to focus on episcopal, royal, and lay Jansenist rather than on monastic varieties of Gallicanism.<sup>8</sup> Such scholarly preferences may help explain why cases such as that of Montivilliers have gone unremarked.

A threefold analysis will show that the conflict between the abbey and the archbishopric occurred on the boundary between church doctrine and church discipline. Doctrine featured as the ecclesiological interpretation of eternal *divine law*, the teaching about what shape of church hierarchy was prescribed by God and who should hold the keys of heaven. Discipline, by contrast, denoted the realm regulated by *canon law*, a body of ecclesial regulations that contemporaries could recognize as the mutable work of human beings. This distinction between doctrine and discipline dates back much further than the eighteenth century. In early modern Catholicism, it already governed the difference between two types of decrees issued at the Council of Trent: on the one hand, doctrinal or *de fide* decrees that demarcated orthodoxy and heresy from a Catholic perspective, and on the other hand, disciplinary or *de reformatione* decrees that made changes to canon law.<sup>9</sup> To pick the example of the Council's thirteenth session, the doctrinal decree on the Eucharist clarified the Church's teaching on issues such as

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8. Symptomatically, Catherine Maire does not include monastic Gallicanism in her recent long list of potential or actual Gallicanisms: "gallicanisme politique, royal ou parlementaire, gallicanisme ecclésiastique, épiscopal, richériste ou presbytérien, laïciste voire multitudiniste," Catherine Maire, "Gallicanisme et sécularisation au siècle des Lumières," *Droits. Revue française de théorie, de philosophie et de culture juridiques*, 58, no. 2 (2013), 133–66, here 133. On Enlightenment criticisms of contemplative (but also mendicant) religious orders: Dale K. van Kley, "Conclusion: The Varieties of Enlightened Experience," in *God in the Enlightenment*, ed. William J. Bulman and Robert G. Ingram (New York, 2016), 278–316, esp. 303. In Bruno Neveu, *Érudition et religion aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles* (Paris, 1994), there is much first-rate analysis of the Gallican erudition pursued by monks, but little on how their position as monks shaped their agendas of learning and writing. On how, especially after 1750, enlightened Frenchmen pushed female monasticism to the margins of their country's political culture, see Mita Choudhury, *Convents and Nuns in Eighteenth-Century French Politics and Culture* (Ithaca, NY, 2004). Finally, Dale K. van Kley, *The Religious Origins of the French Revolution: From Calvin to the Civil Constitution, 1560–1791* (New Haven, 1996) on lay Jansenism and its eighteenth-century Gallican turn.

9. Jean Gaudemet, *Église et Cité: Histoire du droit canonique* (Paris, 1994), 615.

transubstantiation, while the disciplinary decree of the same session detailed the canon law rules for appealing judgments rendered by episcopal courts. This example is initially instructive because it offers a relatively clear difference between a doctrinal and a disciplinary topic.

But in the conflict between Montivilliers and Rouen, that difference was not only much less clear but even became the crux of the struggle. While the archbishop claimed that the abbey's privileges needed to be approached—and eliminated—primarily from a *doctrinal* angle, Bellefonds and her allies declared those very same privileges a matter of *discipline* and tried to prove their legitimacy on that basis. In the fierce contestation over where to place the dividing line between doctrine and discipline, the Montivilliers case reflects an essential theme of the “religious Enlightenment” and especially the Enlightenment in Catholic Europe.<sup>10</sup>

### The Lawsuit and the Archbishop's Arguments

To understand the stakes of the litigation between Montivilliers and Rouen, it will be helpful first to underline further the remarkable scope of the abbey's privileges. Montivilliers (Figure 3) falls into a category of abbeys with full-fledged quasi-episcopal jurisdiction over nearby (though usually scattered) parish territories. These monastic houses formed a select but by no means tiny group, since roughly 25 abbesses and many more abbots belonged to it at least temporarily in medieval and early modern Europe.<sup>11</sup>

The most immediate background to the conflict examined here dates to the late seventeenth century. In 1688, Archbishop François Rouxel de Médavy, a predecessor of Saulx-Tavannes, simultaneously attacked the exemptions of Montivilliers and of Fécamp, the latter of which included no less than three dozen parishes.<sup>12</sup> The Royal Council pronounced an *évoca-*

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10. David Sorkin, *The Religious Enlightenment: Protestants, Jews, and Catholics from London to Vienna* (Princeton, 2008). For a more recent scholarly landmark focused on Catholicism, see Ulrich L. Lehner, *The Catholic Enlightenment: The Forgotten History of a Global Movement* (New York, 2016).

11. An important recent contribution on female quasi-episcopal jurisdiction is Hubert Wolf, *Krypta: Unterdrückte Traditionen der Kirchengeschichte* (Munich, 2015), 45–59. A broad overview focusing mostly on male abbeys was given by Philipp Hofmeister, “Gefreite Abteien und Prälaturen,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung*, 50 (1964), 127–248. Hofmeister's long list was still far from complete, as shown, e.g., by Nikolaus Grass, “Gefreite Abteien in Tirol,” in *Ex aequo et bono: Willibald M. Plöchl zum 70. Geburtstag*, ed. Peter Leisching (Innsbruck, 1977), 67–106. See also above, fn. 2.

12. The exemption of Fécamp stretched across 36 parishes, three hospitals, and eight priories: Dominique Aubin, “Réforme catholique et privilège d'exemption: Les dépen-

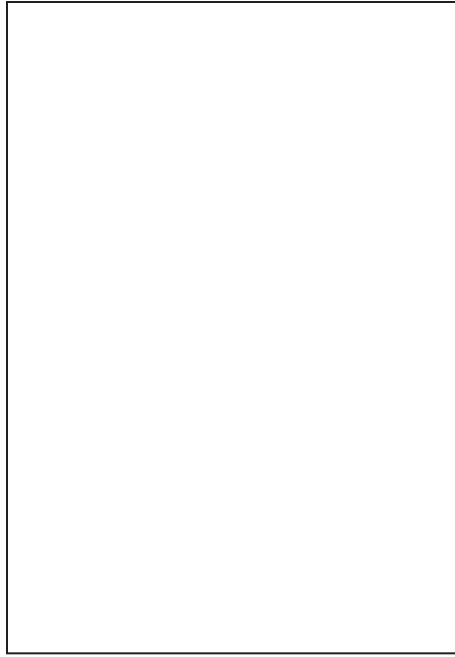


FIGURE 3. Apse of Saint-Sauveur, the church of Montivilliers Abbey until the suppression of the abbey in the French Revolution. Sketch by Alexandre Evariste Fragonard, 1821. Bibliothèque nationale de France. <https://gallica.bnf.fr/ark:/12148/btv1b77406920/f1.item>.

*tion sur requête* (or *évocation de grâce*), meaning that it decided to consider the legal complaints that Rouxel de Médavy and his coadjutor were formulating.<sup>13</sup> The monks of Fécamp mounted fierce legal resistance and eventually reached an agreement with the archbishopric that left their abbey's Exemption virtually unaltered.<sup>14</sup> Meanwhile, the conflict with Montivilliers came to a halt temporarily; apparently the royal commissioners for this

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dances de l'abbaye de Fécamp au XVII<sup>e</sup> siècle" (Mémoire de maîtrise, Université de Rouen, 1981), 103.

13. For this *requête* (petition) of 1688, see ADSM, G 5370, *Requête de l'archevêque*, [4v–5r]. The legal mechanism of *évocation* has been elucidated by Michel Antoine, *Le Conseil du Roi sous le règne de Louis XV* (Geneva, 1970), 292–96, 515–19.

14. Georges d. Beaurepaire, "Conflit entre l'archevêque de Rouen et les religieux de Fécamp au XVII<sup>e</sup> siècle sur l'Exemption et la Juridiction de l'Abbaye," in *Précis analytique des travaux de l'Académie des sciences, belles-lettres et arts de Rouen pendant l'année 1931* (Rouen, 1932), 99–118, here 114–8.



FIGURE 4. Madeleine-Laurence Kadot de Seville, Abbess of Montivilliers from 1682 to 1741. Photography and copyright: Ville de Montivilliers.

case died and Rouxel de Médavy decided not to press for the appointment of new ones. The abbess at that time was Laure-Madeleine Kadot de Sébeville (1682–1741) (Figure 4). In early 1746, however, Saulx-Tavannes revived the litigation before the Royal Council after a project of conciliation with Montivilliers had foundered in 1745. The new abbess Madame de Bellefonds had rejected this conciliation plan, presumably because it offered her few compromises and would have given the archbishop ultimate authority in all matters of spiritual jurisdiction throughout the exemption. Had his plan worked, the ecclesiastical court and synods of Montivilliers would have lost most of their institutional independence and the abbey's honorific privileges would have turned into empty shells.<sup>15</sup>

Instead of submitting to a quick and humiliating extralegal solution, Madame de Bellefonds took the risk of a prolonged lawsuit—and after

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15. For the relevant royal *arrêt* of 1746, see ADSM, 54 H 37, *Requête de production adressée au roi et à ses conseillers de la part de l'abbaye de Montivilliers*, September 12, 1747, [2v]. On the *projet de conciliation* of 1745, see ADSM, 54 H 37, *Mémoire sur le projet de conciliation entre l'archevêque de Rouen et l'abbaye de Montivilliers*.

almost five years, time would prove to be on her side. First, a new royal *arrêt* of 1746, requested by the archbishop, summoned the abbey to produce the legal titles on which it founded its exercise of quasi-episcopal jurisdiction. The abbess and nuns of Montivilliers met this obligation with their petition (*requête de production*) no earlier than on December 9, 1747. The Archbishopric of Rouen replied with an equally lengthy petition of its own. It set out to refute the validity of these privileges, targeting especially the ducal charter of 1035 and the papal bull of 1384. Although the abbey addressed an even more detailed petition to the king and his council in September 1749, striving in turn to rebut the archbishop's arguments,<sup>16</sup> Monseigneur de Saulx-Tavannes scored a preliminary victory in early June 1750: the Royal Council received him as appellant *comme d'abus* against the papal bull of 1384.<sup>17</sup> Yet he failed to pursue the case any further after the abbey sent a third petition in September 1750.<sup>18</sup> It seems the nuns, the *official* of Montivilliers, and their attorney chose the right strategy: they practiced legal foot-dragging until the royal chancellor Henri François d'Aguesseau—who happened to be the archbishop's uncle—stepped down in late 1750 (he died in 1751).<sup>19</sup> Since 1717, d'Aguesseau had led the judicial affairs of the Royal Council in the name of the king, and Saulx-Tavannes may well have counted on his uncle's influence.<sup>20</sup> Partly due to the chancellor's old age, the Abbey of Montivilliers thus won out and kept its privileges intact until the French Revolution.

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16. ADSM, 54 H 37, *Deuxième requête adressée au roi et à ses conseillers de la part de l'abbaye de Montivilliers*, September 22, 1749.

17. ADSM, G 5370, *Arrêt du Conseil d'État sur la requête adressée au Roy par le Sieur Nicolas de Saulx Tavannes*, May 6, 1750. The *appel comme d'abus* was a legal mechanism that allowed litigants to appeal to a secular court against an ecclesiastical sentence they considered abusive. On French bishops' frequent complaints about and occasional use of such appeals, see Alison Forrester, *Fathers, Pastors and Kings: Visions of Episcopacy in Seventeenth-Century France* (Manchester, 2004), 151.

18. For this petition, see ADSM, 54 H 37, *Troisième requête de l'abbesse de Montivilliers au conseil du roi*, September 26, 1750. On the archbishop's subsequent inactivity, ADSM, G 5369, *Inventaire de pièces concernant l'exemption de Montivilliers produites au Conseil du Roi*: "cette dernière pièce du 26 septembre 1750 est demeurée sans Replique de la part de M. l'archevêque qui n'est mort qu'en 1759."

19. For evidence that the Montivilliers party understood from the beginning the strategic interest of spacing out each step of the lawsuit as much as possible, see ADSM, G 5375, *Lettre de Toussaints du Plessis à Mme de Bellefonds*, Paris, October 17, 1745: "M. l'archevêque ne peut pas toujours vivre; encore moins M. le chancelier, qui certainement prendroit parti pour lui contre vous."

20. On the family connection between d'Aguesseau and Saulx-Tavannes, see Forster, *The House of Saulx-Tavannes*, xii. On d'Aguesseau's preeminent position in the Royal Council: Isabelle Brancourt, "Aguesseau, Henri François d': 1668–1751," in *Écrivains juristes et juristes écrivains: Du Moyen Âge au siècle des Lumières*, ed. Bruno Méniel (Paris, 2015), 40–46, here 42.

Yet legal strategies necessarily revolved around the substance of arguments as well as around timing, so it is important now to consider Saulx-Tavannes's main line of attack. Both sides were addressing this basic issue: what had Robert I meant in 1035 when granting the privilege of freedom and immunity "from all episcopal custom" to the Abbey of Montivilliers (*ab omni episcopali consuetudine absolutam, immunem et omnino liberam constituimus*) while including its attendant parishes?<sup>21</sup> Saulx-Tavannes gave one clear answer to this question: "consuetudo episcopalis" by no means signifies spiritual jurisdiction."<sup>22</sup> Instead, he argued, the duke had merely freed the abbey and the parishes from the temporal obligation to pay certain customary fees to the archbishop of Rouen.

In his quest to support this understanding of *consuetudo*, the archbishop focused on the articles of faith that seemed to prove his case better than anything else did. "Our principles are quite certain," his petition reads: "Jesus Christ himself has endowed the bishops with the power to bind and to loose. They are accountable to God for the care of souls He has conferred upon them and for the spiritual power He has given them, and this authority is not just acquired through custom but founded on divine law and the common law."<sup>23</sup> To be sure, according to the Gospels, Jesus had given the keys of heaven—the power to bind and to loose—to the *apostles*.<sup>24</sup> But Saulx-Tavannes drew upon the doctrine of apostolic succession to equate implicitly apostolic and episcopal powers.<sup>25</sup> Only theological aberration, he argued, could push the meaning of *consuetudo* far enough to construe the ducal charter of 1035 as a transfer of spiritual jurisdiction. When an abbess pretended that such a transfer had taken place, when she wielded pastoral power and used the keys of heaven, was she not violating divine law?

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21. A critical edition of the charter of 1035 in Jean-François Lemarignier, *Étude sur les privilèges d'exemption et de juridiction ecclésiastique des abbayes normandes, depuis les origines jusqu'en 1140* (Paris, 1937), 235–46.

22. ADMS, G 5370, *Requête de l'archevêque*, [22v]: "Consuetudo Episcopalis ne signifie point juridiction spirituelle."

23. ADMS, G 5370, *Requête de l'archevêque*, [17v]: "Nos Principes sont bien certains c'est de Jesus Christ même que les Evêques tiennent le pouvoir de lier et de delier. C'est à Dieu à qui ils doivent rendre compte du soin des ames qu'il leur a confié et de la puissance spirituelle qu'il leur a accordée, et cette autorité n'est pas seulement acquise par la Coutume, mais fondée sur le droit divin et sur le droit commun."

24. Primarily Matt. 18:18.

25. In the twenty-third session of the Council of Trent, for example, the decree on the sacrament of order described bishops as those "who have followed in the place of the apostles" (*episcopos, qui in apostolorum locum successerunt*). "Decrees of the Council of Trent. 1545–1563," in *Decrees of the Ecumenical Councils: Volume Two. Trent to Vatican II*, ed. Norman P. Tanner (Washington, DC, 1990), 657–799, here 743.

In other words, according to Saulx-Tavannes, immutable *ius divinum* demanded that the power of the keys belong to bishops alone; at any rate, it was a power “which presumably no one ever had the intention of putting in the hands of *une fille*.”<sup>26</sup> There was nothing disrespectful about a bishop talking *to* an abbess as *ma fille* (my daughter), but Saulx-Tavannes belittled Bellefonds by talking *about* her as *une fille* (a girl or a nun) and not as an abbess. To drive home the point that her pastoral oversight contradicted the doctrine of hierarchy, he asked: “Is there anything more monstrous in hierarchic order, or anything more indecent, than seeing *une fille* preside over synods and assemblies of *curés*?”<sup>27</sup> From his perspective, no woman could ever partake in the kind of spiritual jurisdiction exercised by bishops. The power of such claims resided partly in their very familiarity: throughout the seventeenth century, the bishops of France had worked to impose the notion of exclusive episcopal jurisdiction by divine right (*iure divino*) on the entire Gallican Church.<sup>28</sup>

### The Response from Montivilliers, Part One: Gallicanism

While the archbishop of Rouen thus relied overwhelmingly on ecclesiological doctrine to decide the lawsuit in his favor, the nuns of Montivilliers combined ecclesiology, canon law, and history. More specifically, to counter Saulx-Tavannes’s assertions, the Montivilliers party needed to demonstrate three interlocking claims. They needed to show first that “episcopal” jurisdiction could legitimately be exercised by persons other than bishops; second, that abbesses counted among these potentially competent other persons; and third, that the Abbess of Montivilliers had truly received that kind of jurisdictional authority in 1035. The first two points straddled the boundary between theological and legal argument, while the third called above all for historical reasoning. To explain how the nuns could make those points and move across those genres of discourse, it is helpful to have recourse to the concept of monastic Gallicanism.

This concept gives a name and clearer contours to early modern monastic concerns that the established scholarship on Gallicanism has

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26. ADSM, G 5370, *Requête de l'archevêque*, [22v]: “le droit de lier et de delier accordé aux Eveques par Jesus Christ et qu’il est à présumer que l’on n’a jamais eu intention de mettre entre les mains d’une fille.”

27. ADSM, G 5370, *Requête de l'archevêque*, [73v]: “Y a-t-il rien de plus monstrueux dans l’ordre hierarchique, ni rien de plus indécent que de voir une fille présider aux Synodes et aux assemblées des Curés.”

28. Forrestal, *Fathers, Pastors and Kings*, 118–20, 217–23.

viewed only through the prism of episcopal attempts to *marginalize* those concerns.<sup>29</sup> Such attempts typically targeted exemptions in the broadest sense—not just exempt territories like that around Montivilliers, but all privileges by virtue of which members of religious orders (the *clergé régulier*) escaped the local bishop's formal control. At first glance, this would mean that control was instead exercised directly by the Holy See, in which case it would have made sense for monks and nuns to appeal for protection to Rome, and thus to elaborate ultramontane rather than Gallican arguments. But in the early modern period, the French king as outside bishop (*évêque du dehors*) and protector of the Church of his realm played at least as important a role in the guarantee of exemption rights as did the papacy. The crown's influence played out in part through patronage, as the king nominated the abbots and abbesses of the country's more prestigious and wealthy monastic houses, the so-called *abbayes royales*.<sup>30</sup> More broadly, however, by the seventeenth century, *all* parts of the French clergy risked losing much if they failed to make their interests sound compatible with the ambitions of an increasingly powerful monarchy and hence with political Gallicanism.<sup>31</sup>

The nuns of Montivilliers tapped into this royal Gallican current to make the first of their three necessary points: that a temporal ruler could, in principle, have legitimately diminished a bishop's jurisdictional territory. Consider first how the archbishop's petition emphasized the limits of princely prerogatives: "Sovereigns, however respectable their power, have

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29. Crucial contributions in this context include Michel C. Péronnet, *Les évêques de l'ancienne France*, 2 vols. (Lille, 1977) on the supposedly overbearing alliance of episcopal and royal Gallicanism; Forrestal, *Fathers, Pastors, and Kings* as well as Joseph Bergin, *Crown, Church and Episcopate under Louis XIV* (New Haven, 2004) on how French bishops largely succeeded in imposing their view of church hierarchy on the rest of the clergy (including monastic and other orders) during the reign of Louis XIV; and Frédéric Meyer, "L'autorité du bureau épiscopal sur les réguliers en France aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles," in *Les personnes d'autorité en milieu régulier: Des origines de la vie régulière au XVIII<sup>e</sup> siècle*, ed. Jean-François Cottier, Daniel-Odon Hurel, and Benoit-Michel Tock (Saint-Étienne, 2012), 435–47, on how the framework of episcopal control developed into the eighteenth century.

30. John McManners, *Church and Society in Eighteenth-Century France. Volume 1: The Clerical Establishment and Its Social Ramifications* (Oxford, 1998), 492; Robert Lemoine, *L'époque moderne 1563–1789: Le monde des religieux*, *Histoire du droit et des institutions de l'Église en occident*, 15,2 (Paris, 1976), 2.

31. On the difference and the uneasy dance between "political" (i.e., first and foremost royal) and "ecclesiastical" Gallicanism, see the recent helpful overview by Stefania Tutino, "Ecclesiology/Church-State Relationship in Early Modern Catholicism," in *The Oxford Handbook of Early Modern Theology, 1600–1800*, ed. Ulrich L. Lehner, Richard A. Muller, and A. G. Roeber (New York, 2016), 150–64.

never had any authority over what is purely spiritual; hence it is untenable to say that Duke Robert wanted, by his charter of 1035, to grant the nuns of Montivilliers a purely spiritual right, which was not in his power at all.<sup>32</sup> By contrast, the nuns insisted “that everything that regards jurisdiction is not at all of divine law, and can therefore be ceded and even become subject to legal prescription.”<sup>33</sup> According to them, therefore, jurisdiction in the Church could have a human legal history rather than depending on the divinely instituted origin that underlay apostolic succession. As the abbey’s second petition reminded the archbishop, he, too, was turning to the king’s councilors to reclaim his “pretended spiritual rights.”<sup>34</sup> Saulx-Tavannes’s choice to interest the temporal ruler in an alleged violation of church hierarchy appeared self-defeating as the case threatened to slip from a matter of divine law to one of human law, a slippage that Bellefonds and her allies pointed out and amplified.

Insofar as the matter at hand concerned human law according to the Montivilliers party, it *could* therefore fall under the purview of the temporal sword—wielded in 1035 by Duke Robert and in the 1740s by King Louis XV. Temporal sovereigns “claim the right to limit the exercise of episcopal rights by separating from a bishop’s territory those whom they [i.e. the sovereigns] wish to exempt from episcopal jurisdiction. This maxim has been adopted and supported by several secular princes and approved by the popes.”<sup>35</sup> In this passage, the abbey’s second petition simply neglects to address episcopal consent, and even papal approval functions only as an afterthought. The nuns carefully foregrounded the *royal* Gallican aspect of their case, while shutting down any ultramontane implication their counter-attack on *episcopal* Gallicanism could have raised.

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32. ADSM, G 5370, *Requête de l'archevêque*, [17v–18r]: “Les Souverains quelque respectable que soit leur puissance n’ont jamais eu aucune autorité sur ce qui est purement spirituel, ainsy l’on ne peut donc pas soutenir que le Duc Robert ait voulu par sa Charte de 1035 accorder aux Religieuses de Montivilliers un droit purement spirituel et qui n’étoit point en son pouvoir.”

33. ADSM, 54 H 37, *Deuxième requête*, [20r]: “que tout ce qui est de jurisdiction n’étant point de droit divin, peut être cédé et même se prescrire.”

34. ADSM, 54 H 37, *Deuxième requête*, [86r]: “prétendus droits spirituels.”

35. ADSM, 54 H 37, *Deuxième requête*, [80v]: “Quoique les Souverains n’aient aucune autorité immédiate sur ce qui est purement spirituel, ils prétendent avoir droit de limiter l’exercice des droits des Evêques, en retranchant de leur territoire ceux qu’ils veulent exempter de leur jurisdiction. Cette maxime est adoptée et soutenue par plusieurs Princes Séculiers, et approuvée par les Papes.”

## The Response from Montivilliers, Part Two: Gender

They also embraced a *female monastic* perspective to make the second of the three points outlined above. In addition to demonstrating that spiritual jurisdiction could legitimately be transferred away from the episcopate, they needed to convince the royal councilors that this jurisdiction could specifically fall into an abbess's hands. In this respect, Bellefonds went far beyond seeking compatibility with royal Gallicanism and described her own pastoral power with great self-confidence. The *requête de production* from Montivilliers offered a formidable opening salvo: "If simple female religious are admitted into the *état ecclésiastique*, there can be no doubt that abbesses must enjoy a much more distinguished rank. The canons include the abbatial dignity among the prelaties. Abbesses have often even been designated by the titles of *antistita*, *archimendritissa*, *episcopa*."<sup>36</sup> These titles referred to the ancient female equivalents of *antistes* (leader of an early Christian conventicle), archimandrite (an Eastern Christian office of high abbot), and bishop.<sup>37</sup> Indeed, the petition continued, the benediction or consecration of abbesses amounted to a form of ordination, as indicated by the famous early medieval pope Gregory I and by the liturgical formulae of "the Pontifical."<sup>38</sup> Thanks to their ordination, during which abbesses received the Holy Spirit, they could wield "a full and free power to govern their monastery and everything that depends on it, whether spiritual or temporal; to instruct, edify, govern souls, use censures against their nuns; in a word, to regulate and lead the Church of God, *regere ecclesiam Dei*."<sup>39</sup> Here the abbess presented herself as a shepherdess<sup>40</sup> (Figure 5).

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36. ADSM, 54 H 37, *Requête de production*, [7r–7v]: "Si les simples religieuses sont admises dans l'état Ecclesiastique, il n'est pas douteux que les abbesses doivent y tenir un rang beaucoup plus distingué. La dignité abbatiale est mise par les canons au nombre des prélaties. Les Abbesses ont même été souvent désignées par les noms de antistita, archimendritissa, episcopa."

37. On late antique and early medieval *episcopae*, see Gary Macy, *The Hidden History of Women's Ordination: Female Clergy in the Medieval West* (Oxford, 2008), esp. 68–76. The Montivilliers party's argument illustrates a broader point made by Macy: there is a long and rich history of initiatives to define (and often defend) the dignity of women's place within the Church as a matter of Tradition.

38. ADSM, 54 H 37, *Requête de production*, [7v]. The *requête* does not specify which *Pontificale* might be meant. For an influential medieval *Pontificale* that used the expression "*Ordinatio abbatissae*" to describe the rite of installing an abbess, see Cyrille Vogel and Reinhard Elze, eds., *Le Pontificale romano-germanique du dixième siècle*, 3 vols. (Vatican City, 1963–72), here 1:76.

39. ADSM, 54 H 37, *Requête de production*, [7v–8r]: "Dans la cérémonie de cette bénédiction ou ordination, l'Évêque leur impose les mains, invoque sur elles le Saint Esprit, et suivant les expressions des prières que l'on y récite, leur donne un plein et libre pouvoir de

FIGURE 5. Portrait of Éléonore-Madeleine Gigault de Bellefonds, abbess of Montivilliers (1741–63), by an unknown painter. The abbess’s crozier—a sign of her status as a spiritual shepherdess—is visible on her left-hand side. Copyright and photography: Muses d’Art et d’Histoire de la Ville du Havre.

The Montivilliers party’s mention of *état ecclésiastique* further undercut the dichotomy between an exclusively male, ordained clergy and the laity to which all women supposedly belonged. J. Michael Hayden has insisted on the early modern ambiguity of clerical rank that offered female religious a remarkable and consequential recognition of privileged status: especially in Gallican contexts, Hayden suggests, “clergy” would often serve as a synonym of *état ecclésiastique* and thus cut across gender lines.<sup>41</sup> In this way,

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régir leur monastere et ce qui en dépend, pour le Spirituel, et le temporel, d’instruire, édifier, gouverner les ames, user de censures à l’égard de leurs religieuses, en un mot de régler et conduire l’Eglise de Dieu, regere ecclesiam Dei.”

40. Far beyond extraordinary cases such as Montivilliers, the self-understanding of early modern abbesses as true governors of their convents seems to have been rather common. Marie-Élisabeth Henneau, “Le supérieurat au féminin au temps de la Réforme catholique: Conception et exercice du pouvoir dans quelques couvents de religieuses à vœux solennels,” in *Femmes de pouvoir et pouvoir des femmes dans l’Occident médiéval et moderne*, ed. Arnel Dubois-Nayt and Emmanuelle Santinelli (Valenciennes, 2009), 341–60, here 357–60.

41. J. M. Hayden, “States, Estates and Orders: The *Qualité* of Female Clergy in Early Modern France,” *French History*, 8, no. 1 (1994), 51–76, here 53, 71.



Madame de Bellefonds could remind the king's council that she and her convent very much belonged to that Gallican church establishment on which the archbishop's argumentation also centered.

This article argues, though, that the Montivilliers party were not making a *feminist* point here, unlike the Jansenist nuns of Port-Royal, whose clashes with Louis XIV and the archbishop of Paris Daniella Kostroun has recently studied in detail.<sup>42</sup> Kostroun demonstrates that the nuns of Port-Royal acted as feminists by placing a gender paradox at the center of their self-defense: if, *as women*, they were neither allowed to engage in theological discourse nor were even supposed to understand the stakes of the Jansenist controversy, then why would the king and the archbishop try to force them explicitly to submit to anti-Jansenist theological formulae? By contrast, the nuns of Montivilliers tried to counter Saulx-Tavannes's attack not by revalorizing the female condition *per se*, but by singling themselves out *as nuns*: "By their solemn consecration, female religious are elevated above other persons of their sex and lawfully become part of the *état ecclésiastique*."<sup>43</sup> This response seems much closer to Thomism than to the neo-Augustinianism of Jansenius and his followers. Saint Thomas himself had written that woman "naturally" lived in subjection to father or husband (*in statu subiectionis*) but that nuns escaped this state in some sense, because their consecration brought them in a spousal relationship with Christ.<sup>44</sup>

More generally, to defend the abbey's privileges, the Montivilliers party relied on the cognitive resources of scholasticism more heavily than on those offered by Jansenism, despite the latter's vitality in the eighteenth century. To be sure, some of Bellefonds's collaborators during the lawsuit had a Jansenist history, most notably the Benedictine scholar-monk Toussaints Du Plessis, with whom the abbess corresponded in 1745.<sup>45</sup> He had initially supported the resistance against the papal bull *Unigenitus* (1713), the document against which eighteenth-century Jansenists defined themselves, and

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42. Daniella Kostroun, *Feminism, Absolutism, and Jansenism: Louis XIV and the Port-Royal Nuns* (Cambridge, UK, 2011).

43. ADSM, 54 H 37, *Requête de production*, [7r]: "que les Religieuses sont élevées au dessus des autres personnes de leur sexe par leur consécration solennelle, et que suivant les loix elles font partie de l'Etat Ecclesiastique."

44. On this point and its implications for the spiritual jurisdictional authority of abbesses, a seminal contribution came from Haye van der Meer, *Priestertum der Frau? Eine theologiegeschichtliche Untersuchung* (Freiburg im Breisgau, 1969), 131–58.

45. ADSM, G 5375, *Lettre de Toussaints du Plessis à Mme de Bellefonds*, Paris, September 19, 1745.

had only declared his acceptance of the bull in 1727. It was from scholastic and indeed Jesuit theology, however, that Bellefonds and her allies borrowed the major distinction with which they hoped to undercut the archbishop's position: the distinction between a power of orders and a jurisdictional power (*potestas ordinis* vs. *potestas jurisdictionis*).<sup>46</sup> Even if abbesses were ordained, their ordination could not carry the same weight as the consecration of a bishop, and Bellefonds did not claim to wield any specifiable sacramental powers as an abbess.<sup>47</sup> Yet, as the Montivilliers party argued, there existed a crucial difference between those rights of a bishop "which are essentially attached to the episcopal character, and those which are not essentially tied to it, or in other words the power of orders and the power of jurisdiction."<sup>48</sup> Consequently, as a *jurisdictional* activity, the abbess's government of her exempt territory did not impinge on the essence of episcopacy. This distinction between a rather narrowly construed episcopal *ordo* and a less exclusive domain of *jurisdictio* had roots in medieval scholasticism. But it had above all gained prominence after being skillfully defended at the Council of Trent by the Jesuit superior general Diego Laínez, whose order subsequently became the Jansenists' favorite enemy.<sup>49</sup>

Finally, the defense of Montivilliers involved solidarity across gendered boundaries—a point that applies beyond the exchange just mentioned between Bellefonds and Toussaints Du Plessis. The abbess's most active and helpful collaborator was Jacques Pinand, the ecclesiastical judge (*official*) for the Exemption of Montivilliers. As such, Pinand possessed expertise in canon law and French ecclesiastical law, and the stakes were

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46. Damien Blanchard, "Dom Toussaints Du Plessis et l'érudition mauriste," in *Dom Toussaints du Plessis (1689–1764), un érudit de la Congrégation de Saint-Maur: Actes de la table ronde de Meaux, 23 octobre 1999*, ed. Damien Blanchard (Meaux, 2002), 19–39, here 38. On Maurist erudition as an eclectic appropriation of "lights" beyond the dualism of Jesuit and Jansenist positions, see most recently the suggestive remarks in Jeffrey D. Burson, *The Culture of Enlightening: Abbé Claude Yvon and the Entangled Emergence of the Enlightenment* (Notre Dame, Ind., 2019), 19.

47. According to Mario Righetti, *Manuale di storia liturgica*, 4 vols. (Milan, 1959), IV: *I sacramenti, i sacramentali, indice generale dell'opera*, 483–84, the laying on of the bishop's hands on an abbess during the rite of her installation indeed did not imply a conferral of sacramental power.

48. ADSM, 54 H 37, *Deuxième requête*, [19v–20r]: "il falloit distinguer dans les droits spirituels des Evêques ceux qui sont essentiellement attachés au caractère épiscopal, et ceux qui n'y sont pas essentiellement liés, ou autrement la puissance d'ordre, et la puissance de jurisdiction."

49. On Laínez's Tridentine intervention and its afterlife, see Laurent Villemin, *Pouvoir d'ordre et pouvoir de juridiction: Histoire théologique de leur distinction* (Paris, 2003), 199–240, and Giuseppe Alberigo, *La Chiesa nella storia* (Brescia, 1988), 163–75, 188–90.

high for him: if the Exemption of Montivilliers disappeared, his own job as *official* would do so, too.<sup>50</sup> Moreover, both Bellefonds and Pinand received information and advice from other monks of the Benedictine Congregation of Saint-Maur. These other allies included such relatively prominent scholars of their time as Charles-François Toustain and René-Prosper Tassin.<sup>51</sup> In the fall of 1745, Bellefonds also exchanged several letters with Pierre Boucher, the Maurist prior of Fécamp—whose exempt territory formed the biggest enclave in the diocese of Rouen.<sup>52</sup> Boucher's letters indicate that Saulx-Tavannes was initially threatening both abbeys at the same time, and rather logically so, since his exclusivist interpretation of episcopal rights ultimately accommodated neither abbots nor abbesses. At some point in early September 1745, Pinand even made a trip to Fécamp to strategize with the Maurist prior, who mentioned the meeting in a letter to Bellefonds.<sup>53</sup> In fact, many endangered Exemptions in France belonged to Maurist abbeys, namely those of Saint-Florent-le-Vieil in the Loire Valley, Cerisy-la-Forêt and Saint-Étienne at Caen in Lower Normandy, Corbie in Picardy, and Saint-Germain-des-Prés and Saint-Denis near Paris.<sup>54</sup> For this reason, the Montivilliers party and the Maurists had a shared interest in pooling their resources of learning and in discussing the meaning and authenticity of the documents that undergirded their privi-

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50. The scope of Pinand's efforts is most clearly documented in his copious correspondence with Pierre Restaut, the Montivilliers party's Parisian lawyer who pled the case before the Royal Council and activated useful connections, among others with the librarian of the Sorbonne. See ADSM, G 5374, e.g. *Lettre de Restaut à Pinand*, Paris, December 24, 1747: "Je dois d'un autre côté aller dîner après ces fêtes avec M. le curé de St. Sauveur chez M. l'avocat Bibliothécaire de Sorbonne qui veut me charger de revoir un de ses ouvrages, et qui en revanche me promet de me fournir des instructions pour notre affaire."

51. See several letters in ADSM, G 5374–5375.

52. Dom Boucher was an important man within the congregation. He would go on to become prior of Saint-Germain-des-Prés, the Maurist motherhouse, in 1751 and again in 1763: Yves Chaussy, *Les bénédictins de Saint-Maur*, 2 vols. (Paris, 1989–1991), 2:113.

53. ADSM, G 5375, *Lettre de Dom Bouchet à Mme de Bellefonds*, Fécamp, September 15, 1745. Bouchet did not, however, include any discussion of what exactly had resulted from his face-to-face discussion with Pinand, relying instead on Pinand to convey these results to the abbess in another oral conversation. Gaps of this kind prevent the historian from specifying what information flowed through which channels in the collaboration between Montivilliers and the Maurists.

54. On Saint-Florent-le-Vieil, see Lemarignier, *Étude sur les privilèges*, 90–110, 288. On Cerisy-la-Forêt and Saint-Étienne, Marc Venard, "La pratique des visites pastorales dans les paroisses sous juridiction monastique," in *Moines et monastères dans les sociétés de rite grec et latin*, ed. Jean-Loup Lemaître, Michel Dmitriev, and Pierre Gonneau (Genève, 1996), 361–86, here 362–3. On Corbie and Saint-Denis: Hofmeister, "Gefreite Abteien," 189–93. Finally, Jacques Bouillart, *Histoire de l'abbaye royale de Saint-Germain-des-Prez* (Paris, 1724), c–ci, 262.

leges. Madame de Bellefonds's struggle inscribed itself in much broader early modern tensions between episcopal and monastic Gallicanism.

### The Response from Montivilliers, Part Three: History

The Maurists were—and still are—most famous for their historical scholarship, which leads to the third point addressed by Bellefonds and her collaborators: did the available documents show that the Abbess of Montivilliers had actually received in 1035 the privilege of governing an Exemption? The abbey's petitions gave two main reasons why, in Duke Robert's charter of 1035, "the term *consuetudo* here means jurisdiction and spiritual rights and can have no other signification."<sup>55</sup> First, in the eleventh to thirteenth centuries, the abbesses of Montivilliers had already understood *consuetudo* as spiritual jurisdiction. Historical context mattered because "in that time period there must have been a more precise and more certain knowledge about the nature of this exemption."<sup>56</sup> Fortunately for the abbey, this context was amply documented in medieval charters, some of which tended to confirm the convent's uninterrupted exercise of its jurisdictional privileges after 1035.<sup>57</sup>

Second, other texts from the same period likewise seemed to use *consuetudo* as a synonym of spiritual jurisdictional rights. The Montivilliers petition included many examples, but the strongest support came from the work of the Maurist Guillaume Bessin, who in his *Concilia Rotomagensis provinciae* of 1717 had annotated the acts of a council held in Rouen in 1096 as follows: "Episcopal customs are customary rights of bishops, both spiritual and temporal."<sup>58</sup> Custom, however, had long been subordinated by theologians and canon lawyers to Truth: customary right could never stand on the same level as divine law.<sup>59</sup> Thus, Bellefonds and her allies drew

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55. ADSM, 54 H 37, *Requête de production*, [16r]: "le terme *consuetudo* exprime ici la jurisdiction et les droits spirituels, et ne peut pas avoir d'autre signification."

56. ADSM, 54 H 37, *Requête de production*, [17v]: "C'etoit dans cet intervalle de tems que l'on devoit avoir une connoissance plus précise et plus certaine de la nature de cette exemption."

57. The lengthy *requête de production* presents authenticated copies of these documents in its appendix.

58. Guillaume Bessin, *Concilia Rotomagensis provinciae accedunt dioecesanæ synodi, pontificium epistolæ, regia pro Normanniæ clero diplomata, necnon alia ecclesiasticæ disciplinæ monumenta* (Rouen, 1717), 79: "Consuetudines Episcopales sunt consueta Episcoporum jura, sive spiritualia, sive temporalia." Quoted in ADSM, 54 H 37, both *Requête de production*, [19r] and *Deuxième requête*, [87r].

59. On how truth trumped custom in the Christian imaginary, requiring especially the reform of customs not in accordance with truth, see the ground-breaking work on early

quite a different boundary between church doctrine and church discipline than did Saulx-Tavannes. While the archbishop sought to ground his jurisdictional authority in doctrine, the nuns tried to expose that same authority as historically contingent—a custom, certainly endorsed by the Church’s jurists, but leaving just as much room for exemptions as did any merely human law.

Under the umbrella term “episcopal jurisdiction,” the most hotly contested specific prerogative concerned the canonical institution of priests as parish *curés*, and on this point the nuns repeated their move to de-doctrinalize the issue. They claimed that “it is necessary to distinguish two sorts of institution, the one called collative institution and which is nothing else than collation, and the other that may be called the institution of order and which is nothing else than ordination.” On the one hand, they easily conceded that, by divine right, only a bishop could ordain priests in that second sense, and that according to the current *droit commun*, bishops were responsible for collation as well. On the other hand, “since collation is not of divine right, and since in the eleventh century it was not necessary that it be given by the bishop, the Church, which has changed its discipline on this point, has also had the option of dispensing from it under certain circumstances.”<sup>60</sup> Again, by framing the matter as one of discipline rather than doctrine, the Montivilliers party tried to keep open a space that the archbishop wanted to close down—the space within which it was possible to recognize the legitimacy of historically contingent dispensations and other privileges within the Church.

Bellefonds and her collaborators thus engaged history in a quest for “the preservation of the particular,” to quote the subtitle of Simon Ditchfield’s important inquiry into early modern ecclesiastical historiography. For the Italian context, Ditchfield has shown that defenders of church par-

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Christianity by Gerhart B. Ladner, *The Idea of Reform: Its Impact on Christian Thought and Action in the Age of the Fathers* (Cambridge, MA, 1959); Jean Gaudemet, “La coutume en droit canonique,” *Revue de droit canonique*, 38 (1988), 224–51; and Christopher M. Bellitto and David Z. Flanagan, “Introduction,” in *Reassessing Reform: A Historical Investigation into Church Renewal*, ed. Christopher M. Bellitto and David Z. Flanagan (Washington, DC, 2012), 1–13, here 9.

60. ADSM, 54 H 37, *Requête de production*, [11r–11v]: “il faut distinguer deux sortes d’institution, l’une que l’on appelle institution collative et qui n’est autre chose que la collation: l’autre que l’on peut appeler institution d’ordre et qui n’est autre chose que l’ordination même. [...] Mais comme la collation n’est pas de droit divin et qu’il n’étoit pas nécessaire dans l’onzieme siecle qu’elle fût donnée par l’Evêque, l’Eglise qui a pu changer de discipline sur ce point, a pu également en dispenser dans certaines circonstances.”

ticularisms wrote hagiography and other genres of *historia sacra* to validate their cherished local traditions within a regularizing Tridentine framework. These historiographical efforts culminated in Ferdinando Ughelli's monumental *Italia sacra*, whose nine volumes first appeared in the mid-seventeenth century.<sup>61</sup> Tellingly, the Montivilliers party used Ughelli's work to learn about the most remarkable Italian example of an abbess with quasi-episcopal jurisdiction. In 1748, Bellefonds referenced the *Italia Sacra* in a letter to the Abbess of Conversano, written in hopes of obtaining further helpful information and documentation on that abbey's privileges and the history of their defense.<sup>62</sup> The Abbess of Conversano replied in 1749, sending along a notarized act that explained and confirmed the jurisdictional privileges of her convent; she and her predecessors had gathered at least as much experience as the abbesses of Montivilliers in justifying the existence of their exemption.<sup>63</sup>

The phrase "preservation of the particular" also seems worth pondering because it runs counter to a powerful historiographical current that has described the writing of ecclesiastical history as a *corrosive* rather than conservative activity in the early modern period. In his seminal intellectual history of the notion of doctrinal development, Owen Chadwick argued that Maurist scholar-monks in particular conceived the study of history "as an end in itself." They therefore developed "a practical, working recognition of change" that ended up weakening the idea of the Catholic Church as *semper eadem*. This idea expressed a claim to doctrinal continuity: in the fight against Protestantism, the Church's legitimacy needed to rest on its unwavering faithfulness to Christ's message.<sup>64</sup> Michel de Certeau similarly believed that historical scholarship had undermined such theologically grounded legitimacy in the seventeenth and eighteenth centuries: he summed up his argument in a quip on the "subtle terrorism exercised by erudition on theology or apologetics."<sup>65</sup> More recently, Brad Gregory has described eighteenth- and

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61. Simon Ditchfield, *Liturgy, Sanctity and History in Tridentine Italy: Pietro Maria Campi and the Preservation of the Particular* (Cambridge, UK, 1995), 328–60 on Ughelli.

62. ADSM, G 5372, *Lettre de Mme de Bellefonds à l'abbesse de Conversano*, Montivilliers, November 30, 1748. Bellefonds pursued a similar exchange with the abbess of Las Huelgas (letters in ADSM G 5372).

63. The response letter from Conversano is in ADSM, G 5372. On the protracted legal struggles around the privileges of that Italian abbey, see e.g. Sante Montanaro, *Vescovi, badesse e conti di Conversano a difesa del proprio potere* (Bari, 2006), 573–617.

64. Owen Chadwick, *From Bossuet to Newman: The Idea of Doctrinal Development* (Cambridge, UK, 1957), 60–66 (quotes on 62 and 66).

65. Michel de Certeau, *L'écriture de l'histoire* (Paris, 2002 [1975]), 170: "le terrorisme subtil qu'exerce l'érudition sur la théologie ou l'apologétique."

nineteenth-century “black-hole historicism” as a major factor in the “dethroning of theology” that occurred in the process of secularization.<sup>66</sup>

These analyses do not apply to cases such as that of Montivilliers: the nuns marshalled historical facts to defend themselves, not to terrorize the archbishop. Indeed, it was Saulx-Tavannes whose doctrinal—rather than historicist—framing of jurisdiction exercised a not-so-subtle terrorism on Bellefonds’s authority. What is more, in countless other early modern conflicts around privileges of exemption, bishops used the theology of episcopal jurisdiction *iure divino* against canon chapters, monasteries, and convents, often with great success.<sup>67</sup> The prominent German church historian Hubert Wolf has even suggested that, within Catholicism, theology durably marginalized church history by the nineteenth century. As Wolf puts it, “dogma defeats history” when a council enshrines a theological claim whose historical falsehood is undisputed. This happened at the First Vatican Council, which proclaimed the dogma of papal infallibility even though everyone acknowledged *historically* that at least one pope, Honorius I. (625–638), had been condemned for heretical theological statements by the Sixth Ecumenical Council at Constantinople.<sup>68</sup> In sum, the current state of scholarship poses the puzzle sharply and intriguingly: just how conservative was the respective main thrust of historical *and* theological writing among Catholics between the sixteenth and nineteenth centuries? Before concluding this article, some reflections based on the Montivilliers case might help clarify that puzzle.

### Montivilliers, Rouen, and Change in the Church

The struggle between the abbey and the archbishopric facilitates such reflections because it showcases a direct confrontation between two *modes* of arguing about what the Church should—and should not—change about itself and the world. On the one hand, Saulx-Tavannes employed a doctrinal mode. He argued that change needed to happen, that the spiritual jurisdiction exercised at Montivilliers needed to disappear, because the status quo was impossible to reconcile with the doctrine of apostolic succession:

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66. Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge, MA, 2012), 345, 348.

67. E.g. Bergin, *Crown, Church and Episcopate*, 346–52. But see also, on the limits of the episcopal *iure divino* strategy, Linda Lieheimer, “Gender, Resistance, and the Limits of Episcopal Authority: Sébastien Zamet’s Relationships with Nuns, 1615–55,” in *Episcopal Reform and Politics in Early Modern Europe*, ed. Jennifer M. DeSilva (Kirksville, MO, 2012), 147–172, here 169–70.

68. Wolf, *Krypta*, 202.

only bishops could legitimately wield the jurisdictional authority at stake. On the other hand, the petitions from Montivilliers minimized doctrinal implications and instead foregrounded the disciplinary mode: things could and should stay the same because the abbey's privileges founded an exemption from prevalent church discipline in matters of spiritual jurisdiction.

Zooming out from the Montivilliers case, however, it quickly becomes clear that there was no *consistent* affinity between the doctrinal mode and a push for change, or between the disciplinary mode and "conservative" agendas in early modern Catholicism. For instance, the Council Fathers assembled at Trent crafted a *doctrinal* statement on the Mass to justify a comparatively conservative approach to this act of worship.<sup>69</sup> Meanwhile, popes and bishops fought a centuries-long battle to change nuns' lives by enforcing strict enclosure primarily with recourse to canon law, which corresponds to the realm of church *discipline*.<sup>70</sup> On each side of the doctrine/discipline dyad, many other examples and counter-examples can be found and weighed according to how they fit into the histories of change and stasis within Catholicism. This issue deserves much scholarly inquiry. But here, the Montivilliers case can be investigated a bit further, because it illuminates three *general* differences between the doctrinal and the disciplinary mode of argument. These differences concern *diachronic flexibility*, *synchronic flexibility*, and the *locus of decision-making*.

By diachronic flexibility is meant the willingness to concede that guiding precepts of church life might legitimately change over time. In the Montivilliers case, the archbishop's doctrinal mode of argument entailed minimal flexibility in that respect: as analyzed above, his claims implied that ever since the very beginnings of the Church, bishops were *the only* legitimate successors of the apostles and, more specifically, the only persons authorized to wield the power of the keys. Hence, Saulx-Tavannes concluded, the Exemption of Montivilliers could *never* have amounted to more than an instance of abuse, and the text of the 1035 ducal charter needed to be read accordingly. By contrast, Bellefonds insisted on changes that had occurred in church discipline between the eleventh and eighteenth centuries. She hoped that the King's Council would recognize the meaning and legitimacy of the abbey's medieval privileges if knowledge of these changes informed the interpretation of the ducal charter. More generally,

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69. "Decrees of the Council," ed. Tanner, 735.

70. Literature abounds on the enclosure of nuns; the most pertinent contribution here is Elizabeth M. Makowski, *Canon Law and Cloistered Women: Periculoso and Its Commentators, 1298–1545* (Washington, DC, 1997).



because it was easy to acknowledge that canon law—a human construct after all—could undergo great change over time, the disciplinary mode allowed for much diachronic flexibility. The doctrinal mode did not, because church doctrine was (and is) supposed to convey the essentially immutable truth of divine law. Flexibility in theory remained almost completely unthinkable until the mid-nineteenth century, when John Henry Newman reconciled Catholic thought with the idea that some doctrinal development could legitimately take place over time.<sup>71</sup>

For similar reasons, a more rigid doctrinal and a suppler disciplinary mode diverged in terms of synchronic flexibility as well. From Bellefonds's perspective, synchronic flexibility on the side of church discipline meant that ecclesiastical law made it possible *at the same time* for some abbesses, such as herself, to exercise certain rights and for most others not to enjoy those rights. Dispensations and privileges, including exemptions, provided that flexibility within the medieval and early modern Church. Meanwhile, the archbishop tried to make the privileges of Montivilliers Abbey seem abusive by emphasizing the doctrine of the keys of heaven, which had to be universally true by definition—not only at all times between Christ's First and Second Coming, but also in all places at the same time. To some readers, rigidity may connote conservatism or institutional sclerosis. To forestall misunderstandings, "rigidity" here only qualifies a mode of argumentation, and the case of Montivilliers exemplifies how a "rigid" doctrinal approach could serve a push for change within the Church rather than preservation of the status quo.

The doctrinal and disciplinary modes also differed in the locus of decision-making because the official guarantors of church discipline were not identical to those of doctrinal orthodoxy. This difference points back to the contested triangle of monastic, episcopal, and royal Gallicanism. One key moment in the history of this triangle dates to 1695, when Louis XIV issued an important edict on ecclesiastical jurisdiction. The edict not only presented the king as supreme guardian of ecclesiastical discipline in France, but also reaffirmed episcopal control over the secular (parish) clergy as well as over pastoral activities of the regular clergy (mendicants, Jesuits, etc.).<sup>72</sup> On the one hand, the crown thus designated more clearly

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71. Chadwick, *From Bossuet to Newman*, 85–95.

72. "Édit du roi concernant la juridiction ecclésiastique, donné à Versailles au mois d'avril 1695," in *Documents relatifs aux rapports du clergé avec la royauté*, ed. Léon Mention, 2 vols. (Paris, 1893–1903), 2:113–34, e.g. 114 ("la Discipline Ecclésiastique, dont nous [= Louis XIV] sommes les protecteurs").

than ever before “its episcopal partners in absolutism,” to borrow a phrase from Dale van Kley.<sup>73</sup> On the other hand, as the case of Montivilliers shows, religious orders were sometimes better able than bishops to present their concerns in ways that strongly acknowledged the king’s power in all disciplinary matters concerning the Gallican Church. It is worth remembering that Saulx-Tavannes needed to foreground the *limits* of princely authority in order to minimize the scope of the privileges Duke Robert had granted the abbey in 1035. More generally, the doctrinal mode of argument exalted the Church’s teaching authority, exercised by bishops first and foremost, as the locus of decision-making. By contrast, in the disciplinary mode, the locus of decision-making depended on jurisdictional arrangements—including the *appel comme d’abus* that brought the lawsuit between Montivilliers and Rouen before the King’s Council.

Finally, by exploring the dualism between doctrine and discipline, historians may better understand an irony that characterizes the eighteenth-century trajectory of monasticism—the irony of first contributing to the Enlightenment and then becoming its favorite target. Religious orders suffered a massive crisis in the second half of the eighteenth century, from the expulsion and suppression of the Jesuits to the *commission des réguliers* under Louis XV and Louis XVI, to the radical reforms enacted in the Habsburg lands under Joseph II, to the even more radical measures taken by the French revolutionary assemblies. Except for the suppression of the Jesuits, all the relevant decisions were made by temporal authorities; thus, they derive from the “state nexus” of church reform in the religious Enlightenment.<sup>74</sup> Initially, however, monks and nuns may have willingly *strengthened* that nexus by employing and defending the disciplinary mode of argument, as Bellefonds and the Maurists did in the Montivilliers case.<sup>75</sup> On the one hand, in the doctrinal mode, there was little to work with from a monastic perspective after Trent. The Council had confirmed the principle of monastic exemption in its *disciplinary* decrees, whereas one of its *doctrinal* decrees described church hierarchy only as “consisting of bishops, priests and ministers,” omitting abbots and abbesses.<sup>76</sup> On the other hand, arguments in the disciplinary mode not only dovetailed with Maurist historical

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73. Van Kley, *The Religious Origins*, 41. For a similar assessment of the edict of 1695, see Joseph Bergin, *The Politics of Religion in Early Modern France* (New Haven, 2014), 225.

74. Sorkin, *The Religious Enlightenment*, 18.

75. On monastic contributions to the Enlightenment, see above all Ulrich L. Lehner, *Enlightened Monks: The German Benedictines, 1740–1803* (Oxford, 2011).

76. “Decrees of the Council,” ed. Tanner, 744 (hierarchy), 780 (exemption and quasi-episcopal jurisdiction).

erudition thanks to this mode's diachronic flexibility, but also facilitated alliances between monastic houses and the royal Gallican locus of decision-making. The ironic twist occurred when the dynamic of the state nexus took a sharply anti-monastic turn in the late eighteenth century. At that point, temporal authorities employed the disciplinary mode to reform the Church according to criteria of "usefulness" that marginalized most forms of monastic life.

## Conclusion

This study has approached the struggle between Montivilliers Abbey and the Archbishopric of Rouen in ways that bring together the intellectual, the religious, and the political. To defend the Exemption of Montivilliers, the nuns ventured deep into the borderlands of history, theology, and the law. They crafted sophisticated explanations for why an abbess could exercise jurisdictional rights that resembled those of bishops, and why such female authority could constitute a legitimate product of church history rather than a doctrinal monstrosity. These arguments unfolded within a Gallican monastic framework that fostered solidarity across gender lines, primarily between the Maurist monks of Fécamp and the nuns of Montivilliers. Together, nuns and monks emphasized the importance of church discipline, while their archiepiscopal opponent, Monseigneur de Saulx-Tavannes, based his claims primarily on an interpretation and assertion of doctrine. Hence, the story of Montivilliers showcases a clash between two ways of thinking about the history and hierarchy of the Catholic Church—two ways of thinking whose differences matter to scholarly narratives about Gallicanism and the religious Enlightenment.<sup>77</sup>

Today, monastic Gallicanism is long gone, and so is the phenomenon of abbesses governing exempt territories—since 1873, when the papal bull *Quae diversa* abolished the Exemption of Las Huelgas in northern Spain.<sup>78</sup> The contested boundary between doctrine and discipline continues, how-

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77. The issue of doctrine and discipline mattered beyond the Gallican context of France, too. For example, protagonists of the Italian Catholic Enlightenment and Counter-Enlightenment hotly debated the relative mutability of doctrinal and disciplinary elements throughout the eighteenth century. See Paola Vismara, "Dogma e disciplina nell'Italia del Settecento: Da Lodovico Antonio Muratori alla *Auctorem Fidei*," in *Papes, princes et savants dans l'Europe moderne: Mélanges à la mémoire de Bruno Neveu*, ed. Jean-Louis Quantin and Jean-Claude Waquet (Geneva, 2007), 123–42.

78. Colette Friedlander, "Les pouvoirs de la Supérieure dans le cloître et dans le monde du Concile de Trente à nos jours," in *Les religieuses dans le cloître et dans le monde des origines à nos jours* (Saint-Etienne, 1994), 239–47, here 246.

ever, to shape discussions on the place of women in the Church. For example, in May 2018, Luis Ladaria, the Prefect of the Congregation for the Doctrine of the Faith, reiterated the papacy's stance according to which the exclusion of women from the priesthood constitutes "not a disciplinary, but a doctrinal element," that is, "a truth belonging to the deposit of faith."<sup>79</sup> In this situation, the interest of the Montivilliers case may reside elsewhere than in its rather weak implications for the issue of ordination. The confrontation between the abbess and the archbishop points to a different arena instead: what about the roles that women could assume to participate increasingly in the governance of the Church, whether as abbesses or in other imaginable functions such as that of women cardinal-deacons?<sup>80</sup> The story of Madame de Bellefonds shows what was possible and what sophisticated arguments were available in the eighteenth century to those men and women who worked together to defend this kind of governmental female authority within the Church.

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79. Luis Francisco Ladaria Ferrer, "Il carattere definitivo della dottrina di 'Ordinatio sacerdotalis': A proposito di alcuni dubbi," *L'Osservatore Romano*, May 29, 2018. Retrieved on January 30, 2019, from <http://www.osservatoreromano.va/it/news/il-carattere-definitivo-della-dottrina-di-ordinati#>. See also Stephanie Kirchgaessner, "Pope Francis says women will never be Roman Catholic priests," *The Guardian*, November 1, 2016. Retrieved on January 30, 2019, from <https://www.theguardian.com/world/2016/nov/01/pope-francis-women-never-roman-catholic-priests-church>; John Paul II, *Ordinatio Sacerdotalis: Apostolic Letter to the Bishops of the Catholic Church on Reserving Priestly Ordination to Men Alone*, Vatican City, May 22, 1994. Retrieved on January 30, 2019, from [https://w2.vatican.va/content/john-paul-ii/en/apost\\_letters/1994/documents/hf\\_jp-ii\\_apl\\_19940522\\_ordinatio-sacerdotalis.html](https://w2.vatican.va/content/john-paul-ii/en/apost_letters/1994/documents/hf_jp-ii_apl_19940522_ordinatio-sacerdotalis.html).

80. The question of whether the Second Vatican Council has made it impossible to create female cardinals is discussed by Wolf, *Krypta*, 57–59.

# Devout Catholics, Devoted Confederates: The Evolution of Southern Catholic Bishops from Reluctant Secessionists to Ardent Confederates

GRACJAN KRASZEWSKI\*

*There remains, to the present day, a paucity of literature concerning Southern Catholics and, especially, Catholics and the Civil War. This essay treats the above in tandem. The focus is on bishops and their responses to secession and the first year of the War. Questions of allegiance are central. How did the bishops balance allegiance to the faith with secular/political issues? Could bishops—and by extension all Southern Catholics—be both devout Catholics and devoted Confederates? In addressing these questions, this essay presents the “Confederatization thesis,” providing a corrective to false assumptions concerning a lack of Catholic political and social activity in the American South, in general, and during the Civil War in particular.*

*Keywords:* Civil War, Confederacy, Southern Catholics, Bishops, Secession.

**I**n the immediate aftermath of South Carolina’s secession from the Union in December 1860, Patrick Lynch, Bishop of Charleston, declared the state to be “henceforth not only our Mother but our only Sovereign, who has sole right to our allegiance.”<sup>1</sup> South Carolinians should give a “whole, undivided loyalty” to this new nation, even to the point of taking up arms if necessary.<sup>2</sup> That same month the Archbishop of Balti-

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1. *United States Catholic Miscellany*, Charleston, South Carolina, “South Carolina,” December 22, 1860. University of Notre Dame Archives (hereafter cited as UNDA), Sisters of Charity of Nazareth, Kentucky (hereafter cited as MNEW), U.S. Catholic Miscellany collection (microfilm).

2. *United States Catholic Miscellany*, Charleston, South Carolina, “South Carolina,” December 22, 1860. UNDA, MNEW, U.S. Catholic Miscellany collection (microfilm).

more, Francis Patrick Kenrick, at the helm of the prime American see and metropolitan with jurisdiction over a variety of Southern dioceses, commented that it would be “suicidal” for the South to leave the Union.<sup>3</sup> Martin John Spalding, Bishop of Louisville, hoped the crisis might yet be resolved as late as April 1861: “God grant us peace!”<sup>4</sup> For him, this was no platitude. Spalding wanted peace even if the Southern Confederacy he supported failed to gain its independence (Figure 1).

Catholic bishops joined their voices to the growing public discourse, as did Catholic priests, soldiers, and those on the home front, all of whom proved themselves to be dedicated Southern partisans throughout the War. Nonetheless, the relationship between Roman Catholics and the Confederacy remains something of a mystery. As recently as 2001, historians expressed frustration that the study of Confederate religion has retained an almost exclusively Protestant focus.<sup>5</sup> A few books published within the last decade have begun to redress this omission.

Of notable works, Mark Noll’s 2006 *The Civil War as a Theological Crisis*, Michael Pasquier’s 2010 *Fathers on the Frontier*, and Andrew H.M. Stern’s 2012 *Southern Crucifix, Southern Cross* immediately come to mind.<sup>6</sup> So too does David T. Gleeson’s 2013 *The Green and the Gray*, David Heisser’s 2014 biography of Lynch, and William Kurtz’s 2015 *Excommunicated from the Union*, a comprehensive evaluation of Northern Catholics during the War.<sup>7</sup> And no work, to date, has rendered so complete a treatment of Civil War religion as George Rable’s 2010 *God’s Almost Chosen Peoples*.<sup>8</sup>

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3. Francis Patrick Kenrick, Archbishop of Baltimore, to John McGill, Bishop of Richmond, December 1, 1860, UNDA, Microfilm, Diocese of Richmond records (hereafter cited as MDRI), p. 2.

4. Martin John Spalding, *Civil War Journal, as Bishop of Louisville (April 5, 1860–March 27, 1864)*, April 26, 1861, UNDA, MNAZ, 3/12.

5. Michael Bedout Chesson and Leslie Jean Roberts, eds. *Exile in Richmond: The Confederate Journal of Henri Garidel* (Charlottesville, 2001), p. 6.

6. Mark Noll, *The Civil War as a Theological Crisis* (Chapel Hill, 2006); Michael Pasquier, *Fathers on the Frontier: French Missionaries and the Roman Catholic Priesthood in the United States, 1789–1870* (New York, 2010); Andrew H.M. Stern, *Southern Crucifix, Southern Cross: Catholic-Protestant Relations in the Old South* (Tuscaloosa, 2012).

7. David T. Gleeson, *The Green and the Gray* (Chapel Hill, 2013); David C.R. Heisser and Stephen J. White, Sr. *Patrick N. Lynch, 1817–1882: Third Catholic Bishop of Charleston* (Columbia, 2014); William Kurtz, *Excommunicated from the Union: How the Civil War Created a Separate Catholic America* (Fordham, 2015) and Max Longley’s *For the Union and the Catholic Church* (Jefferson, NC, 2015).

8. George C Rable, *God’s Almost Chosen Peoples: A Religious History of the American Civil War* (Chapel Hill, 2010).



FIGURE 1. Patrick Neeson Lynch (1817–82), Bishop of Charleston (1857–82). Courtesy of Wikipedia.

While all of these recent works are most welcome, none offer a truly comprehensive investigation of Southern Civil War Catholics.<sup>9</sup> Noll dedicates one chapter to Catholics, North and South. Pasquier briefly discusses Confederate Catholics, but French missionaries are the prime focus of his book, one that begins in the immediate post-Revolutionary Era. Stern’s work is set in the antebellum period. Kurtz’s book is about the North. Gleeson’s analysis is restricted to Irishmen. James Woods’ recent work, *A History of the Catholic Church in the American South*, while covering the Civil War, is too broad in scope (his analysis spanning four centuries) to be classified as a “Civil War book.”<sup>10</sup> Thanks to these scholars a more

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9. For the purpose of clarity, “Southerner” is defined by the author in this essay as anyone from the eleven Confederate States of America and, additionally, those from the often pro-Southern border states of Kentucky and Maryland (both of which remained in the Union during the War). Maryland—ancient Catholic colony—was home to the American Rome, Baltimore, whose Archdiocesan umbrella extended southward over the Dioceses of Richmond, Charleston, and Savannah, the latter covering all of Georgia and the Vicariate Apostolic of Florida. See: Michael V. Gannon, *Rebel Bishop: The Life and Era of Augustin Verot* (Milwaukee, 1964), 60.

10. James Woods, *A History of the Catholic Church in the American South, 1513–1900* (Gainesville, 2011); see pp. 289–95 for Woods’ section on Catholic bishops.

nuanced and plenary picture of Civil War religion has been and is being constructed. However, Randall Miller and John Wakelyn's assertion in *Catholics in the Old South* (1983, rev. 1999) remains in force, albeit with an addendum: "Too little has been written about [*Southern*] Catholics and the Civil War."<sup>11</sup>

Rather than attempting to tell this whole story here, this essay takes a finer focus. The bishops and the secession crisis, in a timeframe spanning an approximate one-year period from the fall of 1860 through the late summer of 1861, constitute the analytical scope, investigating how the bishops viewed the coming conflict and how they sought to balance politics and religion. The essay traces the evolution of the bishops' Confederate allegiance from a natural, although reticent, endorsement early in the secession crisis to, when the War began, ardent support.

Catholics, throughout the conflict, brazenly demonstrated their Confederate allegiance in defying Union loyalty oaths and prayer requests, authoring pamphlets defending the South's "peculiar institution," and serving as state-sponsored diplomats abroad.<sup>12</sup> The phenomenon by which Southern Catholics became involved in the Confederate nation is here termed "Confederatization." The Confederatization thesis challenges the assertion that unassimilated and outsider nineteenth-century Catholics did not join American society until long after the Civil War. The opposite is true: Southern Catholics were involved in Confederate society and politics. That Americanization had its fulfillment in the postwar (as in World War II) era should be no license to skip over the nineteenth century, assuming that Catholic social and political involvement is not to be found there. This essay clearly demonstrates that it was found in the nineteenth century and in a region long neglected by scholars of American Catholicism: the South. Confederatization provides a window into the mindset of men who, while devout Catholics and prelates first, were deeply devoted to the Confederate cause, holding their spiritual and secular allegiances in a symbiotic harmony, while prioritizing their religious duties above all else.

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11. Randall M. Miller and Jon L. Wakelyn, eds. *Catholics in the Old South: Essays on Church and Culture*, 2nd ed. (Macon, GA, 1999), xiv.

12. Chaplain James Sheeran refused to take an oath of allegiance to the U.S., stating he was a citizen of the South, and risking death from malnourishment and languishing in prison before being let go without having to comply. Bishop William Henry Elder's refusal of a prayer request for President Lincoln in 1864 was the defining "Catholic moment" of the War, North or South. The bishops Augustin Verot and Patrick Lynch each authored tracts defending domestic slavery. Lynch and Father John Bannon served as Confederate envoys to Europe and the Vatican, 1863–64. All of these events are discussed in detail in *Catholic Confederates*.



The bishops' responses to secession differed, as briefly detailed above. But all, with one debatable exception,<sup>13</sup> were sympathetic to the South. Spalding, arguably the most peace-minded bishop, was a thoroughly Southern man even if he did not express this as forcefully as Lynch or John Quinlan (Bishop of Mobile). But even Spalding had his moments of passionate Confederatism, as when, upon the issue of Lincoln's Emancipation Proclamation, he blasted the document, claiming, "Puritan hypocrisy never exhibited itself in a more horrible or detestable attitude."<sup>14</sup> Because Catholics were a part of the Southern social fabric at the start of the Civil War, not outsiders relegated to the societal fringe, it should be unsurprising that they acted in kind with the preponderance of Southerners in opting for the Confederacy.<sup>15</sup>

Catholic involvement in the Confederacy is still, to varying degrees, either misunderstood or unknown. Professional historians, and the general public alike, are well versed in the history of Catholic immigration to the Northern U.S. during the mid-nineteenth century, the establishment of ethnic Catholic neighborhoods in Northern cities, and the reciprocal picture of the U.S. South as a Protestant "Bible Belt." Yet it is important to

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13. The one exception is James Whelan (O.P, 1823–78), the Bishop of Nashville, Tennessee from February of 1860 until February of 1864. Whelan is the only member of the Southern episcopate who did not fully support the Confederacy. He was accused of Northern sympathies and even of perhaps passing along important information to the Union Army. This, presumably, was the reason why he was removed from his Nashville post later in the War. He died in Ohio. Historical opinion on Whelan is both sparse and hazy. James Woods, in his recent book *A History of the Catholic Church in the South*, labels Whelan a "Unionist," adding that his relationship with Union General William Rosencrans "damaged his relationship with Tennessee's Catholics" (291). Whether Whelan's friendship with Rosencrans was primarily because of the former's supposed "pro-Union views" or simply because the General was himself a devout Catholic is not made clear. Earlier works take a less forceful view of Whelan's supposed Unionism. Randall Miller and Jon Wakelyn, in their edited volume *Catholics in the Old South*, only say that Whelan was "at odds with his flock," see 65, while Fr. James Pillar—*The History of the Catholic Church in Mississippi, 1837–65* (New Orleans, 1964)—and Michael V. Gannon—*Rebel Bishop*—seem to exonerate him fully from charges of outright Union sympathy. They claim that Whelan did not support the Confederacy as "wholeheartedly" as the other Southern bishops (Pillar, 166) and that he was "reluctant" to support the South (Gannon, 62).

14. Spalding, *Civil War Journal*, January 1, 1863, UNDA, MNAZ, 3/12, p. 35.

15. This essay sides with Michael Pasquier and Andrew Stern concerning Catholic-Protestant cooperationism and Catholic integration into Southern culture versus the conflict theses of R. Laurence Moore and Jon Gjerde. See: Pasquier, *Fathers on the Frontier*, 187; Stern, *Southern Crucifix, Southern Cross*, 2, 37; Moore, *Religious Outsiders and the Making of America* (Oxford, 1989) 205–10; and Gjerde, *Catholicism and the Shaping of Nineteenth Century America* (Cambridge, 2012), viii, x, xv.

remember that Southern Catholicism was not an immigrant faith but a congenital one, brought to the Florida peninsula, the Gulf Coast, and up the Mississippi River by Frenchmen and Spaniards around the time Calvinist Puritans were landing at Plymouth Rock. Considered this way, Catholicism is as natural a part of the American religious landscape as any Protestant denomination, and especially so in the South.

As Southerners viewed their nascent nation as the true heir to the Constitutional principles of 1776, so too did Southern Catholics. Southern Catholics were constantly citing the past in order to defend and help develop the Confederate nation. Perhaps in its success or failure they saw the success or failure of their religion in America. This connection between Southernism and Catholicism remains, while not lost on all scholars,<sup>16</sup> underappreciated.

Many Southern Catholics saw in the South the “most Catholic” part of America, a section that while claiming but a tiny Catholic population by statistical measure, possessed values in consonance with their own and was a contrast to an increasingly materialistic, secular, and urban North. The American Civil War provided the opportunity for the fashioning of a new national identity. Southern Catholics jumped at the opportunity to become committed Confederates. This commitment began with the bishops.

### **The Bishops Confront Secession and War**

As 1860 drew to a close, the United States stood at the precipice of war. The Southern bishops shared in the nervous atmosphere. In November, Spalding wrote to Cincinnati Archbishop, and staunch Unionist, John Baptist Purcell. “The South is assuming a very menacing attitude, & this

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16. Thomas Haddox challenges the idea that Catholicism did not fit within Southern culture. He even goes beyond this, demonstrating that some believed it was the ideal Southern religion. See: Thomas F. Haddox *Fears and Fascinations: Representing Catholicism in the American South* (Bronx, 2005), 3, 10. Haddox claims that the faith was attractive to many in the South because of its immutable dogma, use of symbol and ritual, and otherworldly feel (58, 81). Southerners, to borrow Benedict Anderson’s phrase, were or wanted to be, citizens of an imagined community where agrarian values, the family, religion, and honor were given preeminent status, especially in contrast to what they believed to be a materialistic and secular North, all points raised and expounded upon by the above Southern nationalism scholars Thomas, Faust, Potter, et al. See: Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London, 1983). Perhaps Catholicism, Haddox argues, a faith “congenial to Southern conservatism,” could provide the spiritual outlines of a feudal society, to which some in the South wished to return (58, 126).

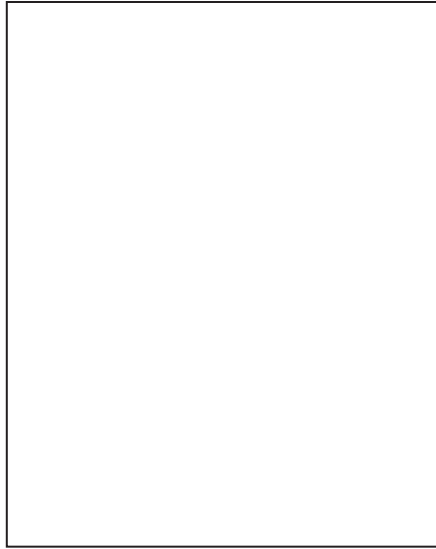


FIGURE 2. William Henry Elder (1819–1904), Bishop of Natchez (1857–80), Co-adjutor Archbishop of Cincinnati (1880–83), Archbishop of Cincinnati (1883–1904). Courtesy of Wikipedia.

time I fear these men are in earnest, & disunion is imminent. The Lord deliver us! The whole world seems to be getting out of joint.”<sup>17</sup> On December 1 Kenrick wrote to Richmond Bishop John McGill. Fearing secession would cause irreparable damage, he still believed the Union could be preserved and hoped “conservative men should step forward at this crisis, to save the country.”<sup>18</sup>

Other bishops took a similar approach to the developing situation; treading with caution, focused on doing whatever they could to help forestall calamity. Bishop William Henry Elder, of Natchez, Mississippi, issued a circular letter to his parish priests on November 25 (Figure 2). Elder, who later in the War would show himself to be a clear-cut Southern partisan, here refrained from politicization. Priests should simply lead their congregations in the “first duty of the Christian Patriot;—which is to beg

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17. Martin John Spalding, Bishop of Louisville, to John Baptist Purcell, Archbishop of Cincinnati, November 12, 1860, quoted in Thomas W. Spalding, C.F.X. *Martin John Spalding: American Churchman* (Washington, D.C., 1973), 131.

18. Kenrick to McGill, December 1, 1860, UNDA, MDRI 2.

for the light and protection of Him, in whose hands are the hearts of men and the destinies of nations.”<sup>19</sup>

Elder, who wrote that the “present condition of our political affairs calls urgently for the most fervent supplications to Almighty God,” cautioned his priests that it was “not for us here to discuss the question connected with our situation.”<sup>20</sup> He instructed them to encourage their congregants to “offer up to God Prayers, Fasting and Alms Deeds, for His merciful guidance and protection.”<sup>21</sup> Priests should invite parishioners to “assist at the Holy Sacrifice of the Mass as often as possible, and to recite every day in addition to the usual prayers, at least once the *Our Father*, the *Hail Mary*, and the *Glory be to the Father* [his emphasis].”<sup>22</sup>

Elder asked his priests to hold a public Triduum. He wanted recitation of the Rosary and Benediction of the Blessed Sacrament. He urged all to approach the sacraments as frequently as possible, and to fast and give alms. Elder closed his letter saying, “the most effectual means to obtain God’s favor is to purify the soul from sin, and to receive worthily the Sacrament of the Blessed Eucharist: and no Catholic should imagine he has done his duty to himself and his fellow-citizens on this occasion, so long as these duties to God are left undone.”<sup>23</sup>

Elder then requested all the faithful to unite in one general Communion on December 9th, within the Octave of the Immaculate Conception of the Blessed Virgin Mary (Patroness of the United States of America), for “our Holy Mother is by excellence the Help of Christians.”<sup>24</sup> Elder’s first response to a possible war was a return to Catholic fundamentals. This formula—seeing temporal events through the prism of faith, prioritizing spiritual matters while navigating political issues pragmatically—would be Elder’s rudder throughout the War.

While clergymen were the primary recipients of Elder’s letter, the prescriptions were not exclusively for them. This letter was for the laity, too. Elder expected the same men who could become soldiers, the Mississippi

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19. William Henry Elder, Bishop of Natchez, Circular Letter to Parish Priests, given in Bay St. Louis, MS, November 25, 1860, in Pillar, *The History of the Catholic Church in Mississippi, 1837–65*, 158–59.

20. Elder, Circular Letter to Parish Priests, November 25, 1860.

21. Ibid.

22. Ibid.

23. Ibid.

24. Ibid.

Catholics of his parishes, to join him and their priests in praying and fasting for peace. Elder desired the same religious prioritization from lay Mississippians as he did from his clergy because he believed faith should preempt, inform, and direct political decisions. The statements of the bishops as a group were not just private reflections, but calculated to have public effects, to serve as guidance for their congregants. Above all, Elder hoped that war could be avoided by a combined prayerful effort of all the men and women under his care.

If Elder had other, larger things on his mind in the fall of 1860, such as the vacant metropolitan post in New Orleans, open since the death of Archbishop Blanc in June and being temporarily administered by Vicar General Étienne Rousselon, he kept these to himself preferring to focus, as in the above letter, on the immediate tasks at hand. The man who would succeed Blanc, then Bishop of Galveston Jean-Marie Odin, did have the open post on his mind, but not for himself. In three letters to Rousselon that fall, Odin—a Southern sympathizer in the mold of Spalding, committed yet not ardent like Lynch or Quinlan—explained that he did not feel up to the task.<sup>25</sup> Who did Odin envision as best suited to becoming the next Archbishop of New Orleans? William Henry Elder, Bishop of Natchez.<sup>26</sup>

On December 20, 1860, South Carolina became the first state to secede from the Union. Charleston reverberated with delirious excitement. Bells rang, artillery was discharged, houses were adorned with candles and lamps, and impromptu parades marched through the streets accompanied by music.<sup>27</sup> The *United States Catholic Miscellany*, organ of the Diocese of Charleston and edited by Bishop Lynch (which throughout the War would change its name to the *Catholic Miscellany* and then the *Charleston Catholic Miscellany*), gleefully declared:

After years of patient endurance, of energetic yet friendly protest and remonstrance, South Carolina has, at last, in solemn convention of her people, resumed the portion of her sovereignty which she surrendered in 1789; and now stands before the world, a free independent Sovereign State. . . . South Carolina is henceforth not only our Mother but our only Sovereign, who has sole right to our allegiance. The whole, undivided loyalty of our heart and conscience, (we speak not only as a

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25. Patrick Foley, *Missionary Bishop: Jean-Marie Odin in Galveston and New Orleans* (College Station, TX, 2013), 153.

26. *Ibid.*

27. Ralph S. Henry, *The Story of the Confederacy* (Old Saybrook, CT, 1931), p. 22–23.

Carolinian, but as a Catholic theologian) must be hers and hers only. May the God of Peace guide her counsels and bless her with ever growing prosperity!—May the Lord of Hosts shield her, if need be, and bless with victory her arms, if they must be used to maintain her honour and her independence as a sovereign commonwealth!<sup>28</sup>

Lynch's deeply held partisanship was on display long before the official commencement of hostilities. Lynch believed the South, led by South Carolina's example, would recapture the lost ideals of the American Revolution and the Founding Fathers. Ideals that he maintained had been betrayed by a wayward Union. As with many Southerners then pledging a new allegiance to the burgeoning Confederate nation—at first in piecemeal fashion via loyalty to one's own state—Lynch thought that a war would be a restoration, not a revolution. Catholicism, in its own traditional character, would fit seamlessly within a project designed to reclaim the authentic design of American independence.

Lynch concluded that the Union had failed, but that the Confederacy might yet succeed. It would triumph as a new nation, underpinned by a commitment to “traditional values”: agrarianism, not industrialization; elitism, not egalitarian republicanism. Most importantly, the South would remain committed to Christianity, rejecting the secularism Southerners like Lynch believed was endemic in the North.

Bishop Augustin Verot, shortly after the New Year on January 4, released a tract on slavery (Figure 3). It was significant for two reasons. First, it was an overt political statement, public Catholic support for the South's social mores. It showed the highly visible nature of Catholic Confederatization and that the bishops' Confederate support was not restricted to the private sphere. The tract was also a distillation of previous Southern Catholic thought concerning slavery, serving as bridge from the antebellum slavery writings of John England (the first Bishop of Charleston) and Archbishop Kenrick to Lynch's wartime treatise. Lynch, while on his diplomatic mission in 1864, and on the request of Pius IX, authored a pamphlet explaining slavery in the South that was influenced by Verot's tract.

Verot began referencing St. Augustine's *City of God*, arguing that Rome's prosperity flowed from justice. He claimed that the South would rise and fall along similar lines. For him, a just society included human

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28. *United States Catholic Miscellany*, Charleston, South Carolina, “South Carolina,” December 22, 1860. UNDA, MNEW, U.S. Catholic Miscellany collection (microfilm).



FIGURE 3. Jean Marcel Pierre August Verot, P.S.S. (1805–76), Vicar Apostolic of Florida (1857–70), Bishop of Savannah (1861–70), Bishop of St. Augustine (1870–76). Courtesy of Wikipedia.

bondage.<sup>29</sup> “Slavery, [has] received the sanction of God,” Verot wrote, a typical view amongst Southern apologists and one seconded by Augustus Marie Martin, bishop of Natitoches (LA) and the most extreme pro-slavery Southern prelate, who likewise did not see the contradiction in championing slavery while telling his congregants “our first and most irreconcilable enemy is sin, however designated, arrayed, or disguised.”<sup>30</sup>

Slavery supporter that he was, Verot was no James Henry Hammond. Echoing Pope Gregory XVI’s 1839 condemnation of the slave trade (*In Supremo Apostolatus*<sup>31</sup>), Verot forbid participation in the practice, calling it

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29. Augustin Verot, “A Tract for the Times, Slavery and Abolitionism, Being the Substance of a Sermon,” St Augustine, Florida, January 4, 1861, day of public humiliation, fasting, and prayer (New Edition. New Orleans: Printed at the “Catholic Propagator” Office, 122 Chartes Street, 1861) accessed and sourced online: <https://archive.org/details/tractfortimessla01vero>

30. Verot, “A Tract for the Times”; Augustus Marie Martin, Bishop of Natitoches, Pastoral Letter on the War, August 21, 1861, originally published in the *Charleston Catholic Miscellany*’s September 28, 1861 issue. UNDA, MNEW.

31. Pope Gregory XVI, *In Supremo Apostolatus*, Rome, December 3, 1839 in Kenneth J. Zanca, ed. *American Catholics and Slavery: 1789–1866 An Anthology of Primary Documents*

immoral and unjust. He argued that slaves held a range of inalienable human rights. A master could not make a claim upon a slave's life or soul, only his labor. Masters could not exploit their slaves sexually. Slave marriages were legitimate and had to be unconditionally respected. On this issue, Verot said "Our Saviour's word on this cannot pass away: 'What God has joined together, let no man put asunder.'"

Slave families were sacrosanct. "Families ought never to be separated, when once established," Verot wrote. "It is unreasonable, unchristian, and immoral to separate a husband from his wife and children and to sell the husband North, and the wife South, and the children east and West." Masters' other duties included providing slaves with lifelong food and housing, medical care, and according to Verot the most important duty of "the means of knowing and practicing religion." "This is a sacred, indispensable, burden of duty of masters," Verot wrote, cautioning "the neglect of which alone, if they had committed no other fault, would expose them to eternal damnation."<sup>32</sup>

Verot's tract was a continuation of the arguments Kenrick had made in his *Theologica Moralis*: the master owning a slaves' work, not his body or soul, and the myriad obligations of the master towards the slave.<sup>33</sup> According to Verot, slaves were equal before God. They possessed the same human rights that any person did, including the right to religion, marriage, family, and security. The glaring hypocrisy is that of all the rights slaves were to be given, they were to be denied the fundamental right of freedom.

Two days after Verot's tract, on January 6, 1861, Lynch wrote to the Archbishop of New York, John Hughes, concerning secession. "If we are not now in a state of war," Lynch wrote, "we are very like it and very near it."<sup>34</sup> Lynch argued that secessionists were not to blame, for South Carolina's Ordinance was not directed to war. The delegates wished to proceed in a way that would avoid conflict, settling matters by a peaceful "dissolu-

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(Lanham, MD, 1994), 27–29. The pope "vehemently admonish[ed] and adjure[d] in the Lord all believers in Christ, of whatsoever condition, that no one hereafter may dare unjustly to molest Indians, Negroes, or other men of this sort; or to spoil them of their goods; or to reduce them to slavery . . . all the aforesaid actions as utterly unworthy of the Christian name . . . [and] by the same apostolic authority, do strictly prohibit and interdict that any ecclesiastic or lay person shall presume to defend that very trade in Negroes as lawful under any pretext or studied excuse."

32. All citations from paragraph: Verot, "A Tract for the Times."

33. Pasquier, *Fathers on the Frontier*, 180.

34. Patrick Neeson Lynch, Bishop of Charleston, to John Hughes, Archbishop of New York, January 6, 1861, Charleston Diocesan Archives (hereafter CDA), *Lynch Administration Papers, 1858–66*, Item 25Y2.



tion of a partnership.”<sup>35</sup> Lynch believed other states would soon join South Carolina. Were this to transpire, “such a disruption could never be healed.”<sup>36</sup> Lynch proceeded to argue that the South’s permanent separation from the North was justified by four factors: a deep hatred of abolitionism, the Union’s violation of constitutionally protected state-sovereignty, the inflammatory and disunion-catalyzing speeches of Northern senators, and because it was economically beneficial for the South.<sup>37</sup>

Lynch said that while he did “not claim to be a Union man myself,” he would, nonetheless, regret to see “this government [the Union], after a glorious, though brief ascent, burst like a rocket, and leave only . . . some fragments.”<sup>38</sup> “I fear too,” Lynch wrote, “future civil wars, strifes, and miseries . . . I hope the truth is, that the Constitution will be saved and the infractions of it will be addressed.”<sup>39</sup> Here, Lynch sounds like Kenrick, but with a twist. The Archbishop of Baltimore was wholly for peace whereas Lynch did not want the Union saved if certain “infractions” went unaddressed. For Lynch, these many transgressions were gaping wounds growing more infected by the day, leaving separation and civil war the only course of action. Apparently, others had come to the same conclusion. On January 26, Odin, then Bishop of Galveston, opined “. . . the election of Lincoln, abolitionist candidate, to the presidency, has put all the states of the South in a state of anxiety. . . . Civil War is expected.”<sup>40</sup>

Lynch’s prediction that other states might soon join South Carolina came true only three days after his letter to Hughes. Mississippi seceded from the Union on January 9. By the end of the month, four other states had joined the first two: Florida (January 10), Alabama (January 11), Georgia (January 19), and Louisiana (January 26). Texas made it a total of seven on the first of February.

On February 4, Bishop McGill issued a pastoral letter. On the eve of Lent, the Richmond prelate reminded his congregation that the upcoming season was a time of “rendering satisfaction for our many sins.”<sup>41</sup> McGill

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35. Ibid.

36. Ibid.

37. Ibid.

38. Ibid.

39. Ibid.

40. Foley, *Missionary Bishop*, 160–61.

41. John McGill, Bishop of Richmond, Pastoral Letter, issued February 4, 1861, in Richmond, reprinted and published in the *Charleston Catholic Miscellany’s* February 23, 1861 issue. UNDA, MNEW.

encouraged the faithful, especially at the present time when “the displeasure of God seems to weigh heavy upon the nations,” to undertake their duty to humble themselves and by “prayer, penance and good works” make atonement for their faults.<sup>42</sup>

Nothing in McGill’s letter spoke of secession or politics. McGill never mentioned a militaristic obligation to take up arms. His sole focus was getting Catholics to place their faith in God and to seek spiritual remedies for preventing war. “The fortunes and fate of our beloved country are now trembling,” McGill wrote, “we know not what ruins and disasters may be impending.”<sup>43</sup> Yet, McGill reminded his congregation, “the Redeemer came to bring peace on earth to men of good will. Let us pray for union and peace.”<sup>44</sup>

The same day McGill published his pastoral letter, Elder wrote to the editor of the New Orleans newspaper *Le Propagateur Catholique*, Father Napoléon-Joseph Perché.<sup>45</sup> Elder, at another time, had written a response to an article entitled “Les Catholiques de Sud,” asking the editors not to generalize about Catholic commitment to the Southern cause.<sup>46</sup> In this letter to Perché, Elder outlined what he believed to be the motives for secession. It was only three months since his apolitical counsel to his priests in November 1860. In February 1861, Elder was beginning to identify with the Confederate cause.

“I have heard three distinct grounds given for our separation from the Union,” Elder wrote. “Some say the Union was a kind of free association, which any state had the right to forsake whenever she judged it conducive to her interests—the right of secession.”<sup>47</sup> Secondly, Elder contended that while the Union had been a perpetual compact, not a free association, it had been rendered null and void by “other parties” (Northern states and abolitionism).<sup>48</sup> Thus, the South was free to go. Finally, Elder wrote that perhaps there was no violation that required a fracturing of the states. Even if this were true, the South had “the right of self-preservation,” giving it

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42. Ibid.

43. Ibid.

44. Ibid.

45. Future Archbishop of New Orleans, 1870–83.

46. Willard E. Wright, “Bishop Elder and the Civil War,” *The Catholic Historical Review*, Vol. 44 (1958–59), 290–306, here 292.

47. Elder to Father Napoléon-Joseph Perché, February 4, 1861, quoted in Pillar, *The Catholic Church in Mississippi, 1837–1865*, 162.

48. Elder to Perché, February 4, 1861, Pillar, *The Catholic Church in Mississippi*, 162.

license to live outside the established nation for “it was impossible for us to live in the Union.”<sup>49</sup>

Elder did not go beyond stating “what he had heard.” However, the man who later became famous for his public refusal of a prayer request for Abraham Lincoln, was a natural Confederate who became more ardent over time. Elder believed the Confederacy was the only legitimate government in Mississippi. He counseled his congregants to be good citizens and to support this government, while simultaneously demanding that they place spiritual matters before politics.

Kenrick, on February 14, wrote to McGill that he was still “full of hopes for the Union.”<sup>50</sup> “Much is due to Old Virginia,” he wrote, referring to the state remaining in the Union.<sup>51</sup> If Virginia stayed put there would be no war, such was the conventional thinking. In the meantime, Kenrick hoped for peace for the simple reason that “folks need to be kept from doing themselves and others harm.”<sup>52</sup>

Folks doing one another harm became a distinct probability after February 18 when, in Montgomery, Alabama, Jefferson Davis was inaugurated as president of the Confederate States of America provisional government. Davis, in his first presidential address, compared the Southern Confederates to the American revolutionaries of 1776. In his view, the South separating from the Union was the exact same, and equally patriotic, action the colonists had undertaken in removing themselves from British dominion. Seceding from the Union, Davis said, was merely the exercise of a right “which the Declaration of Independence of July 4, 1776 defined to be ‘inalienable,’” namely that the consent of the people is the crux upon which all legitimate government rests.<sup>53</sup>

In comparing the language of Davis’ First Inaugural with Lynch’s reaction to South Carolina’s secession, one can see the ideological congruity between Southern Catholics and non-Catholic Confederates, each group rationalizing the rebellion with similar formulae. This was the case

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49. Ibid.

50. Kenrick to McGill, February 14, 1861, UNDA, MDRI 2.

51. Ibid.

52. Ibid.

53. Jefferson Davis, “Inaugural Address of the President of the Provisional Government,” February 18, 1861 in James D. Richardson, *A Compilation of the Messages and Papers of the Confederacy*, Vol. I (Nashville, 1905), 32–36.

because Southern Catholics, while differing from their non-Catholic fellow citizens in religion, were nearly identical in their Confederatization.

On March 4, 1861, Abraham Lincoln—like Davis born in Kentucky, a mere hundred miles from the Confederate president and only eight months apart—was inaugurated as the sixteenth president of the United States of America. Two days beforehand, a pastoral letter that the Bishop of Mobile John Quinlan had penned on January 1 appeared in the *Charleston Catholic Miscellany*. Quinlan began the letter in step with his brother bishops' call for peace and unity. "The Catholic principle," he wrote, called for "obedience to the highest recognized authority, and assent, without appeal to its decisions."<sup>54</sup> This was the only method by which "States rights and Congressional power can move in harmony together."<sup>55</sup>

Quinlan blamed society's ambivalence towards Catholicism as a main reason for the crisis. Had more people listened to the Church, there would be no threat of war. But Quinlan was not as determined for peace, no matter what, as were some of the other Southern bishops. He was an ardent Confederate. The Alabama bishop rejected any unity that left the South, as he saw it, in a subservient and dependent position. "Better that the instrument of confederation should be rent in pieces and scattered to the winds," Quinlan wrote, "than that it should become a cloak of malice or a bond of iniquity."<sup>56</sup> Quinlan's assent to the reactionary quality of Southern nationalism is clear: better the Union be completely blown up than continue in its current course. For Quinlan, the only remaining options for Southerners were a persecuted existence in a wayward Union or, as he preferred, the complete and utter destruction of America so that the South could begin anew on its own; even if this meant rebuilding out of the rubble.

Elder, writing to the Bishop of Chicago, James Duggan, on February 19, claimed that since the Confederacy was the only ". . . government which exists here [Mississippi] *de facto* [his emphasis]" it was the duty of Catholics as "good citizens . . . not only to acquiesce in it but to support it & contribute means & arms & above all to avoid weakening it by division

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54. John Quinlan, Bishop of Mobile, Pastoral Letter, issued January 1, 1861 on the Feast of the Lord's Circumcision (today January 1 is celebrated as the Solemnity of Mary, the Holy Mother of God), Mobile, Alabama, reprinted and published in the *Charleston Catholic Miscellany's* March 2, 1861 issue. UNDA, MNEW.

55. *Ibid.*

56. *Ibid.*

of counsel without necessity.”<sup>57</sup> Here, the Bishop of Natchez announced a positive position on the Confederate war effort. It was a direct recommendation that Catholics *should* fight if needed, that duty demanded it.

While Elder’s words are striking, this was different from what he, and the other bishops, usually said. The bishops’ usual discourse implied that Catholics *could* fight, that they were permitted, but not required to do so. In another letter to Duggan on March 5, Elder stated his agreement with Jefferson Davis that labeling the Confederates “rebels” was incorrect, and that “disloyalty” was not an appropriate term.<sup>58</sup> Elder’s move from cool support for the Confederacy to clear advocacy—typical of the Southern episcopate as whole—shows how early, in March of 1861 before the War, Southern Catholic bishops Confederatized.

Elder, in an undated letter to Kenrick around the same time, the spring of 1861, returned once more to the “usual method” of counsel. He focused on what Catholic teaching allowed without endorsing the Confederate war effort outright. “My course, & I believe the course of my clergy, has been not to recommend secession—but to explain to those who might enquire, that . . . their religion did not forbid them to advocate it.”<sup>59</sup> Elder then echoed what he had said to Duggan, noting “since secession had been accomplished,—I have advised even those who thought it unwise still to support our State government and the new Confederacy—as being the only government which exists here *de facto*.”<sup>60</sup>

In Mississippi, and throughout the South, not everyone supported the new nation. There were many Souths within the Confederacy, factions large and small, and these fissures took on many forms: the poor versus the rich, the hill country versus the coast, women versus men (e.g., the Southern Bread Riots of 1863). As Stephanie McCurry writes, “the Confederate war ripped liked an earthquake through the foundation of southern life.”<sup>61</sup> This true, numerous historians argue—in their number Gary Gallagher,

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57. Elder to James Duggan, Bishop of Chicago, February 19, 1861, quoted in Wright, “Bishop Elder and the Civil War,” 291.

58. Pillar, *The Catholic Church in Mississippi*, 162–63.

59. Elder to Kenrick, undated letter, quoted in Wright, “Bishop Elder and the Civil War,” 293.

60. Elder to Kenrick, undated letter, quoted in Wright, “Bishop Elder and the Civil War,” 293.

61. Stephanie McCurry, “Women Numerous and Armed: Gender and the Politics of Subsistence in the Civil War South,” in Gary Gallagher and Joan Waugh, eds., *Wars Within a War: Controversy and Conflict over the American Civil War* (Chapel Hill, 2014), 1–19, here 1.

Anne Sarah Rubin, and Aaron Sheehan-Dean, with this essay in agreement—that while contradictions did exist in the Confederacy, they were sufficiently smoothed over to engender a strong national identity and one adequately resolute to wage four years of war.<sup>62</sup>

Southern Catholics contributed to this process, to the crystallization of the Southern nation. The bishops brought their faith into the public square, and their pastoral letters, penned in Catholic periodicals, along with daily advice to priests and parishioners, shaped Southern Catholics' approaches to the questions of the time, especially for those men who journeyed from the pew to the battlefield. Catholic bishops joined Confederate Protestants in a religiously tinged nation building process. As the vast majority of white Mississippians and white Southerners were committed Confederates, internal divisions notwithstanding, Elder's point about "existing governments" was largely, almost wholly, true as corresponded to reality; a reality where many viewed the Confederacy as Mississippi's sole extra-state authority.

On April 11, Spalding wrote prophetically to Purcell saying, "If a blow be struck at Charleston or Pickens [a fort in Pensacola], we will all be compelled to go out of the Union in less than three months."<sup>63</sup> The next day, Confederate forces led by General Pierre Gustave Toutant-Beauregard, a Louisiana Catholic famous for his military skill and *savoir-faire*, fired upon Fort Sumter in Charleston Harbor. It surrendered the following day. Charleston, many of its citizens watching the bombardment from a variety of vantage points, erupted into jubilation at the decisive victory. "We write these lines amidst the booming of cannon all over our harbor," the *Charleston Catholic Miscellany* (meaning Lynch) wrote on April 13. "May God in his mercy protect our homes, avenge a righteous cause, and put to speedy flight the hirelings who already occupy, or are on the point of invading, our soil!"<sup>64</sup>

Lynch ordered a *Te Deum*, the classic Christian hymn of thanksgiving, sung in the Cathedral of St. John and St Finbar after the fall of Sumter; in gratitude for both the Confederate victory and because no life had been

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62. Gary Gallagher, "Disaffection, Persistence, and Nation: Some Directions in Recent Scholarship on the Confederacy," *Civil War History* 55, no. 3 (2009), 329–53, here 340–41; Anne Sarah Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy, 1861–1868* (Chapel Hill, 2005), 7, 246; Aaron Sheehan-Dean, *Why Confederates Fought: Family and Nation in Civil War Virginia* (Chapel Hill, 2007), 187.

63. Spalding to Purcell, April 11, 1861, quoted in Spalding, *Martin John Spalding*, 131.

64. *Charleston Catholic Miscellany*, April 13, 1861, UNDA, MNEW.

lost, North or South, during the bombardment.<sup>65</sup> There is no reason to doubt that Lynch was grateful that a Confederate victory had been attained without bloodshed. It is also clear that his prime reason for thanksgiving was the Confederate victory itself, a victory won by the side he believed was favored by God and providentially guided.

The *Catholic Mirror*, organ of the Archdiocese of Baltimore, took a somber tone. It reprinted an excerpt from the *Richmond Whig* entitled, “The Horrors of Civil War.” This dire warning would prove true over the coming four years when more than six hundred thousand men lost their life, not to mention the multitudinous other tragedies beyond the scope of statistical analysis. “Those who are investing in epaulettes and swords, and, for the sport they expect from a civil war, are sparing no pains or effort to get one up,” the *Whig* wrote.<sup>66</sup> But should people get what they want, they would find “civil war abounds more in horror than in pastimes, and that blood and misery, [rather] than pleasure and profit, are its horrible fruits.”<sup>67</sup>

On April 16, Kenrick wrote to Lynch. “We [in Baltimore] all feel intense anxiety, and pray that God may spare the country, and grant peace.”<sup>68</sup> Intense anxiety was not restricted to the South. James Frederick Wood, the Bishop of Philadelphia, wrote to Lynch on April 18 saying, “All we can do is pray to God to save us from the dreadful . . . consequences of civil war.”<sup>69</sup> On April 21 Spalding wrote to Purcell, “The times are truly awful. I trust no border excitement will occur to precipitate matters—precipitate is the watchword of the Southern Confederacy.”<sup>70</sup> “Wars & rumours of wars,” Spalding wrote in his journal on April 26, “the country is on the verge of dissolution and ruin.”<sup>71</sup> “*Dona Nobis Pacem!*”<sup>72</sup> Jean-Marie Odin probably shared Spalding’s exact sentiments at this time, although more in the realm of personal angst. Odin had just been named

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65. Heisser and White, *Patrick N. Lynch*, 78; There was a final, and unfortunate, parting note from Fort Sumter. Major Anderson, upon surrender, asked permission to fire a one-hundred-gun salute as the U.S. flag was lowered. The Confederates obliged the request. Midway through a gun burst, wounding five Union soldiers and killing Private Daniel Hough. The first casualty of the War was suffered not in battle, but during a ceremony. See: Henry, *The Story of the Confederacy*, 32–33.

66. *The Catholic Mirror*, April 13, 1861, reprint of “The Horrors of Civil War,” originally in the *Richmond Whig*, UNDA, MNEW.

67. *Ibid.*

68. Kenrick to Lynch, April 16, 1861, CDA, 26B4.

69. Wood to Lynch, April 18, 1861, CDA, 26B6.

70. Spalding to Purcell, April 11, 1861, quoted in Spalding, *Martin John Spalding*, 131.

71. Spalding, *Civil War Journal*, April 26, 1861, UNDA, MNAZ, 3/12.

72. *Ibid.*

the late Blanc's successor as Archbishop of New Orleans. He was shocked and overwhelmed by the news. "I have been unable to eat or sleep," Odin wrote to Rousselon, ". . . Impossible."<sup>73</sup>

While Fort Sumter was devastating for those hoping for peace, an equally important step towards all-out civil war was Virginia's secession from the Union on April 17, 1861. The tipping point for Virginia's secession was Lincoln's call for 75,000 volunteers immediately following Anderson's surrender. No less crucial was Robert E. Lee's famous decision to turn down the American president's offer to command the army called into the field to "enforce the Federal law."<sup>74</sup> The basis of Archbishop Kenrick's hope for the preservation of the Union, "Old Virginia" refusing to join the seceded states, was now dashed.<sup>75</sup>

Bishop Lynch received three letters in six days from his fellow Southern bishops in May of 1861, written in light of the events at Sumter. On the 9 Elder wrote to Lynch saying, "We are continually offering up our prayers for peace. God grant it to us."<sup>76</sup> In this letter, the Bishop of Natchez was as desirous of peace as Kenrick and Spalding. "The times are evil," Elder wrote.<sup>77</sup> As such, he believed the remedy was "only in the hands of God."<sup>78</sup> The "best thing we can do for our country is to go forth to work to sanctify ourselves and our flocks."<sup>79</sup> Elder assigned equal blame to the North and South for the breakdown of the country. Had there been "more Saints among us there wd. have been more charity, patience & wisdom & more guidance from God," he wrote, speculating that maybe the country would have been spared a coming chastisement.<sup>80</sup>

Elder blamed spiritual laxity as a main cause of the war. It was the lack of saints that was a root cause of the conflict. Elder believed, because part of the conflict's origins lies in the religious realm, that religion could most effectively repair the damage by the active prayer and sanctification of the faithful, as he put it. Three days later on, May 12, Lynch received a letter from Kenrick in which the Archbishop of Baltimore claimed, "public spirit

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73. Foley, *Missionary Bishop*, 153.

74. Douglas Southall Freeman, *Lee: an Abridgement* (New York, 1935), 110.

75. Kenrick to McGill, February 14, 1861, UNDA, MDRI 2.

76. Elder to Lynch, May 9, 1861, CDA, 26D2.

77. *Ibid.*

78. *Ibid.*

79. *Ibid.*

80. *Ibid.*



is completely crushed.”<sup>81</sup> Perhaps at this time Kenrick too had abandoned hope for peace, believing that it was impossible, that the Union could not be saved, and that prolonged war was inevitable.

The third letter Lynch received, on May 15, from Bishop McGill, was of a different tone. McGill asked for Lynch’s advice on the crisis. “This is all *entre nous*,” McGill wrote, “and a mere expression of thoughts which force themselves on my mind.”<sup>82</sup> The letter was very partisan, a stark contrast to McGill’s politics-free February pastoral. The War’s unfolding chronology was certainly the cause for the differentiation. In February, it had not yet begun. In May, it was time to take sides. McGill was now Confederatized and this evolution, from watchful reticence as events unfolded to full fledged support, was typical of the Southern episcopate.

McGill began his letter demanding Lynch to “give me your views on some of the moral questions presented by the present circumstances of our poor country!”<sup>83</sup> The Bishop of Richmond then posed three questions. Was not justice on the side of the South, was not the North acting unconstitutionally, and, could a person volunteer in Lincoln’s army without this constituting a sin?<sup>84</sup> It is unclear at first why McGill would think enlisting in the Union army could be sinful. The Church took no official position on the War. But it becomes clear why McGill would say this when viewed from the perspective of his rapidly developing, now blossomed, Confederate loyalty.

McGill argued it was immoral to furnish the Union with Catholic chaplains from the pool of Southern priests because the North came as “an invading enemy.”<sup>85</sup> Virginia was under attack, he claimed, and “I cannot be blind as to which side seeks to domineer and oppress, and which presents just claims.”<sup>86</sup> McGill’s assertion that “we are praying for peace, or at least a peaceful arrangement,” might have been a sincere Christian hope for peace yet, owing to the context of his comments, it is unlikely.<sup>87</sup>

McGill, by “peaceful arrangement,” was not speaking of Kenrick or Spalding’s peace.<sup>88</sup> His arrangement was more in the vein of Lynch or

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81. Kenrick to Lynch, May 12, 1861, CDA, 26D3.

82. McGill to Lynch, May 15, 1861, CDA, 26D4.

83. *Ibid.*

84. *Ibid.*

85. *Ibid.*

86. *Ibid.*

87. *Ibid.*

88. *Ibid.*

Quinlan's thought: a peace where the Union would allow the South to go its separate way and begin to chart its own national destiny. Around this same time (on May 11), Elder published a statement in the *Charleston Catholic Miscellany* chastising those who would preach politics from the pulpit. The letter foreshadowed his own defiance of a prayer request for Lincoln later in the War.

No Catholic, no Irishman of the South need vapor or make a fool of himself to prove his loyalty; and the Catholic priest or Bishop who would read political harangues or military proclamations from his pulpit, or display the Confederate Flag from his steeple, would be suspected of unsound mind. Were any foolish mob to make such a demand, neither priest nor person amongst us would comply it.<sup>89</sup>

Peter Richard Kenrick, the Bishop of St. Louis and brother of the Archbishop of Baltimore, held similar views. When asked to fly the U.S. flag over his Cathedral, Kenrick demurred saying, "No other banner may be placed there, for already there stands one which alone shall stay, the banner of the Church."<sup>90</sup> These attitudes are crucial to understanding the religious prioritization inherent to Catholic Confederatization. As devout Catholics and devoted Confederates, Southern Catholic bishops could seem, at times, to have an equal dedication to both causes. But while a prelate might be conspicuous in his support for the Confederacy, there was a spiritual boundary that this political devotion did not cross.

The bishops additionally showed the prioritization of their faith by being able to, even in the midst of such troubled times, focus solely on spiritual matters. One such example concerns Odin, the newly installed Archbishop of New Orleans, who delivered a pastoral letter to his new congregation in May of 1861. The Archbishop made clear that his first priority would be to his congregants' spiritual needs. This fits well with Odin's profile throughout the War. Odin—a Southern sympathizer who, even if indirectly, catalyzed Catholic-Confederate diplomacy<sup>91</sup> with his *ad limina* visit to Rome in 1862, which prompted Pope Pius IX to write a joint peace letter to him and Archbishop Hughes, which in turn prompted Jefferson Davis to interpret the papal letter as a sign of friendship and convinced him to send Catholic envoys to the Vatican, and who is additionally well known

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89. William Henry Elder, Bishop of Natchez, published in the *Charleston Catholic Miscellany's* May 11, 1861 issue. UNDA, MNEW.

90. Benjamin Blied, *Catholics and the Civil War* (Milwaukee, 1945), 37.

91. The fourth chapter of *Catholic Confederates* is exclusively dedicated to Catholic-Confederate diplomacy. See above footnote 13.

for his oversight of the *cause célèbre* mid-War Father Claude Maistre affair, which touched upon questions of ecclesiastical obedience, schism, wartime loyalty, and abolitionism<sup>92</sup>—was primarily concerned with ecclesial matters, preferring to hope and work for peace, while cleaning up perceived laxity in liturgical matters and in wedding celebrations and funeral rites.<sup>93</sup>

“Our first duty is to our flock,” Odin said in his May pastoral, “and we will have no sweeter enjoyment . . . [than] to go through your towns and villages, announcing the word of Salvation, to communicate to them the gifts of the Holy Ghost.” Odin promised to solicit the aid of local pastors for the purpose of “procuring the glory of God and the salvation of souls.” Odin concluded his letter asking the congregation to pray to Jesus Christ, and to pray for the intercessions of the patron of New Orleans, Saint Louis, and the Blessed Virgin Mary.<sup>94</sup> He did not mention secession, war, or politics.

By the end of May, many Southern Catholic clerics were assigning war guilt solely to the North. Bishop Quinlan, who had written in his January 1 pastoral letter that dissolution would be preferable to a Union that acted as “a cloak of malice or a bond of iniquity,” now called for the South going its separate way, permanently.<sup>95</sup> “We must cut adrift from the North,” Quinlan wrote to Lynch on May 18, “we of the South have been too long on ‘leading strings.’”<sup>96</sup> Perché wrote to Elder the following day, saying it was the duty of Southern Catholics to rebuke what he termed the fanatical and abolitionist Catholic clergy of the North and West.<sup>97</sup>

Elder, too, eventually came to hold this position. On July 16, the feast day of Our Lady of Mount Carmel, he wrote to Lynch that Southern clergymen should do “. . . anything we of the South can & ought to . . . to abate the war fever among the clergy & Catholic laity of the North.”<sup>98</sup> Elder echoed Perché’s analysis of two months prior almost verbatim. By this time

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92. See: Foley, *Missionary Bishop*, 163–64. Or, for an even more complete treatment, see: Stephen J. Ochs, *A Black Patriot and a White Priest: Andre Cailloux and Claude Paschal Maistre in Civil War New Orleans* (Baton Rouge, 2000).

93. Foley, *Missionary Bishop*, 157.

94. All citations in paragraph: Jean-Marie Odin, Archbishop of New Orleans, Pastoral Letter issued May 19, 1861 on the Feast of Pentecost, New Orleans, reprinted and published in the *Charleston Catholic Miscellany*’s June 15, 1861 issue. UNDA, MNEW.

95. John Quinlan, Bishop of Mobile, Pastoral Letter, January 1, 1861, UNDA, MNEW.

96. Quinlan to Lynch, May 18, 1861, CDA, 26D7.

97. Perché to Elder, May 19, 1861, CDA, 26E1.

98. Elder to Lynch, July 16, 1861, quoted in Wright, “Bishop Elder and the Civil War,” 293.

in the War only two Southern bishops—Spalding and Whelan of Nashville—still clung to any vestiges of neutrality, uncertainty, caution, or the desire for unconditional peace that had characterized much of the episcopate in late 1860. Ardent Confederates like Lynch and Quinlan had long been outspoken advocates of the Southern cause. Moderates like McGill and Elder were Confederatized. And even the largely pacific Kenrick, closely aligned to Spalding, had given up hope for a resolution.

On July 21, Union and Confederate forces met near Manassas Junction in northern Virginia, close to Washington, D.C. Known alternately as “First Manassas” (by the South) and “First Bull Run” (by the North), it was the first major land battle of the Civil War. The Confederate victory—in a battle remembered for Thomas Jackson earning the famous sobriquet, “Stonewall,” for stymieing droves of attacking Union forces and ultimately turning the tide of the fight—was celebrated as a monumental triumph in the South.<sup>99</sup> In truth, the battle’s psychological effects outweighed all else. There could no longer be any doubt that the War would be long and bloody.

“The details of the battle fought on Sunday last are full enough to enable us to judge its result,” the *Catholic Mirror* reported on July 27, “we now see that the war which we are waging is one which will task our utmost strength and . . . we cannot hope to escape from it.”<sup>100</sup> The *Mirror* did not view the future with hope. “We now see that it is destined that the people of this once happy country should agree together to cast into this fearful fire of civil war, their own lives and the lives of their children. . . .”<sup>101</sup> The *Mirror* did not see the war as a righteous struggle for independence, but as a horrible calamity that would bring great devastation to all parties.

In August of 1861, an important debate took place between Bishop Lynch and Archbishop Hughes. Lynch instigated the argument with his “Letter of the Bishop of Charleston,” published on August 4: “All the hopes cherished last spring of a peaceful solution have vanished before the dread realities of war,” Lynch began, before asking, “What is still before us?”<sup>102</sup> He predicted a massive, all out war, with the two belligerent sec-

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99. General Thomas J. Jackson, Report of the Battle of First Manassas, July 23, 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (hereafter cited as OR), Vol. 2, 481–82.

100. *The Catholic Mirror*, July 27, 1861, UNDA, MNEW.

101. *Ibid.*

102. Patrick Neeson Lynch, Bishop of Charleston, “Letter of the Bishop of Charleston,” August 4, 1861 in John Tracy Ellis, *Documents of American Catholic History* (Milwaukee, 1962), 347–56.

tions “marshaling hundreds of thousands of men” against one another.<sup>103</sup> Who was to blame? Lynch argued “responsibility falls, should fall, on those who rendered the conflict unavoidable.”<sup>104</sup>

“The South years ago, and a hundred times, declared that the triumph of the abolition or anti-slavery policy would break up the Union,” Lynch said.<sup>105</sup> According to him, most grievous was the “dogged obstinacy of the Black Republicans at Washington [who] last winter made all the South secessionists.”<sup>106</sup> Lynch, referring to the popular Southern position that secession was forced upon the South by inflammatory abolitionist rhetoric, then moved his argument into the economic realm. “Even a child could see the vast benefits to all from this [North-South economic] cooperation,” he stated, adding that Southern production of cotton, tobacco, sugar, and rice, coupled with Northern manufacturing and grain generation produced a system of mutual harmony and prosperity.<sup>107</sup> Here is a good example of historian David Potter’s argument in *Impending Crisis*, that Northern and Southern antebellum differences need not be antagonistic; they could be, as Lynch argued, mutually beneficial.<sup>108</sup>

Lynch opined that the Union, “taking up anti-slavery, making it a religious dogma, and carrying it into politics,” had caused disunion and war.<sup>109</sup> “What could the South do but consult its own safety by withdrawing from the Union?” Lynch asked, in the face of “unconstitutional laws and every mode of annoying and hostile action,” the culmination of which was Lincoln’s election.<sup>110</sup> Lynch claimed that secession was forced upon the South, the only other option being “tame submission” to what he viewed as Northern oppression.<sup>111</sup> The South “desired to withdraw in peace,” but the war had been thrust upon them.<sup>112</sup> And this war, “unnecessary in the beginning, will only bring ruin to thousands in its prosecution. It will be fruitless of any good.”<sup>113</sup> Lynch finished, saying:

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103. Ibid.

104. Ibid.

105. Ibid.

106. Ibid.

107. Ibid.

108. David Potter, *The Impending Crisis, 1848–1861* (New York, 1976), 31.

109. Lynch, “Letter of the Bishop of Charleston,” August 4, 1861.

110. Ibid.

111. Ibid.

112. Ibid.

113. Ibid.

At its conclusion [the war] the parties will stand apart exhausted and embittered by it; for every battle, however won or lost, will have served but to widen the chasm between the North and South, then to render more difficult, if not impossible, any future reconstruction. This mode of attacking the South can effect nothing beyond the loss of life it will entail, and the temporary devastation that will mark the track of the armies. . . . The separation of the Southern States is un fait accompli. The Federal Government has no power to reverse it. Sooner or later it must be recognized. Why preface the recognition by a war equally needless and bloody? Men at the North may regret the rupture as men at the South may do. The Black Republicans overcame the first at the polls, and would not listen to the second in Congress, when the evil might have been repaired. They are responsible. If there is to be fighting, let those who voted the Black Republican ticket shoulder their muskets and bear the responsibility. Let them not send Irishmen to fight in their stead, and then stand looking on at the conflict, when, in their heart of hearts, they care little which of the combatants destroys the other.<sup>114</sup>

Lynch's final remarks are a standard defense of the Southern position with a tiny Catholic addition at the end, one that speaks to the spiritual unity of Catholics North and South. Lynch made clear that the North was fully to blame for the war and that the war itself was pointless because the Union would only add to—rather, create—a mounting toll of death and destruction in prolonging resistance to an inevitability: permanent separation. The proper course of action was to allow the South to go in peace. Should the North fail to see what he believed was common sense, and decide to fight the war anyway, Catholics would be among the primary sufferers, in particular Northern Irishmen who would be sent to their deaths by the thousands in the name of a hostile Republican ideology. Father John Bannon, while on a state-sponsored diplomatic mission to Ireland in 1863, employed the same argument: the North, a land replete with anti-Catholic and anti-Irish bigotry, wanted Irishmen simply for cannon fodder, to serve as the avant-garde in winning a war that would simultaneously eliminate them.

Archbishop Hughes' reply came three weeks later, on August 23. The Archbishop thanked Lynch for his letter, surprised that the mail routes had remained intact, as they did “during happier years, when all the States, North and South, found their meaning in the words, ‘E Pluribus Unum.’”<sup>115</sup> Hughes met Lynch on common ground. He claimed to be an advocate for

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114. Ibid.

115. John Hughes, Archbishop of New York, “Letter of the Archbishop of New York,” August 23, 1861, in Frank Moore, ed. *The Rebellion Record: A Diary of American Events* (New York, 1866), 381–84

states' rights, giving, as an example, that neither South Carolina nor Massachusetts had any right to interfere with the other's internal affairs.

Yet, Hughes added, those same sovereign states gave consent to a Federal government and its laws by signing the Constitution. This was a free choice, uncoerced. No state, Hughes argued, had the right to secede on a whim, and certainly not under the arbitrary reasons, Lynch stated. It was "a great mistake," Hughes wrote, for the South to assume "the Federal Government and the people of the North are determined to conquer and subjugate" the seceded states.<sup>116</sup> The South was acting in open rebellion and employed a manufactured victimization as a rationale for their actions. "I would say that the mind of the North looks only to the purpose of bringing back the seceded States to their organic condition," Hughes concluded, "ante bellum."<sup>117</sup>

The exchange between Lynch and Hughes is a good example of how American Catholic bishops understood allegiance. Just as the Church did not split over slavery, the Church hierarchy did not differ in their spiritual allegiances. Both Lynch and Hughes equally, indiscriminately, and consistently discharged the religious duties of their episcopal station. As Catholic bishops, in their Catholicism, they were practically indistinguishable from one another. Politically, they were at odds. Both of these men's conceptions of peace were anchored to their respective sides' ideological goals. Lynch justified Southern independence in a manner typical of Southerners. Hughes defended the Union in a manner typical of Unionists. Both men made it clear that they were, even if in an implied sense, okay with a war deciding these questions.

The following month, on September 9, Bishop Verot presented a pastoral letter. "We feel it a duty incumbent on us to exhort you to earnest and frequent prayer," he wrote, "in view of the calamitous times which have come upon us." The whole country had been plunged into "grief, distress, misery, and intense suffering." Verot encouraged his congregation to "pour fervent supplications to the throne of grace, that the Almighty may shorten the days of our affliction, quell the waves that have risen against us and threaten to engulf us, and grant to us once more the blessings of an honorable, lasting peace."<sup>118</sup>

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116. *Ibid.*

117. *Ibid.*

118. All citations in paragraph: Augustin Verot, Bishop of Savannah and St. Augustine, Pastoral Letter, issued September 9, 1861, given in Charleston, reprinted and published in the *Charleston Catholic Miscellany's* September 14, 1861 issue . . . UNDA, MNEW.

For Verot, the War was a just punishment for a people gone astray. Sin was the primary issue. In this vein, he argued in kind with many Protestant Christians who believed the same. And these Southerners, Catholic and Protestant alike, wholly differed from Northerners in their understanding of what sins were to blame for the war's outbreak. For the North, Southerners' societal cornerstone (as Confederate Vice President Alexander Stephens infamously put it<sup>119</sup>) was the primary sin and many were coming to believe that without this issue being finally and forever resolved there would be no peace. For Verot—as for Lynch, McGill, Quinlan, Elder and the majority of the Confederatized Southern episcopate—“honorable” was as important, if not more so, than just “peace.”

Peace was a constant hope for Catholics in the North and the South. The nuances dealt with what kind of peace this should be. Even American Catholics living overseas, with news of the war trickling over to them with great delay, hoped for peace. Thomas Sim Lee, a nineteen-year old Marylander who was studying at the North American College in Rome (he would be ordained a priest in 1866), wrote to his father in November of 1861 with this in mind. Lee began his letter in high spirits, explaining that Rome was “a very good place” for someone studying for the Church as “the richest marbles and the finest paintings” adorned the churches and art and culture was in the air he breathed.<sup>120</sup> But, as Lee noted, Rome and America were enveloped in peril and this pervaded his thoughts. “When I came here nine months ago,” Lee wrote, “Rome was in as much danger as Washington is at present. . . . God send a speedy peace to America!”<sup>121</sup>

Being far removed from the centers of political and military influence did, in some cases, create a desire for full detachment, if not apathy. Such was the case in New Mexico, a territory the Confederates failed to control after defeat at the hands of Union Major John M. Chivington at the Battle of Glorieta Pass in March of 1862.<sup>122</sup> Chivington's victory effectively ended any hopes of a “Confederate New Mexico,” forcing the rebels to retreat into Texas and, more importantly, preventing Confederate access to

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119. In March of 1861, Stephens remarked: “Its [the Confederate government's] foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery . . . is his natural and normal condition.” Quoted in James McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford, 2003), 244.

120. Thomas Sim Lee to his father, from Rome, November 21, 1861, Thomas Sim Lee Papers, Collection #259, Box #1, Col. 292, 1, F1, Catholic University of America Archives (hereafter cited as CUA).

121. *Ibid.*

122. Paul Horgan, *Lamy of Santa Fe: His Life and Times* (New York, 1975), 293.



California gold and ports via Colorado.<sup>123</sup> This development was most likely welcomed by the Catholic Archbishop of Santa Fe, Jean-Baptiste Lamy, a missionary from France more interested in growing his congregation and building its houses of worship than war. In this way, Lamy was much more like Odin than Lynch or Quinlan. As St Louis was ravaged by massacres in May 1861, the visiting Lamy, having arrived for a provincial council of bishops that never took place, understatingly noted that tension was high and “we are in a very dangerous time.”<sup>124</sup>

Most telling of Lamy’s focus is the content of a postwar letter he wrote to the Society for the Propagation of the Faith in 1870. In a full report on the state of his diocese, a type of looking back over the nearly two decades of his episcopal tenure, Lamy gushed about the expedited travel that came with the transcontinental railroad, New Mexico’s excellent climate, the growth of Catholicism in America, Protestant conversions playing a major role, and the majesty of New York cathedrals relative to the much more humble, frontier style churches of his diocese: “. . . et aucune eglise catholique du Nouveau-Mexique ne pourra lui etre compare.”<sup>125</sup> Lamy, installed as Archbishop of Santa Fe in 1853, did not mention the Civil War even once.

The Southern Catholic bishops’ responses to the secession crisis varied. Much of the Southern episcopate watched the unfolding events of late 1860–early 1861 with something like spiritual detachment. Although the Southern episcopate was Confederate in sympathy from the outset, it was peace, regardless of political outcome, which was the initial priority. Once the War began and the battle lines were drawn, the bishops joined in supporting the Confederacy. While all of the Southern bishops counseled their congregations to perform Catholic actions (personal prayer, public prayer like novenas and special Masses, fasting, and almsgiving) for the goal of God’s blessings and a peaceful solution to the growing conflict, this peaceful solution more often than not meant a pro-Confederate settlement.

Catholic bishops within the Confederacy remained deeply involved in the politics and cause of their new, nascent country throughout the

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123. Ibid.

124. Horgan, *Lamy of Santa Fe*, 287–88.

125. Jean-Baptiste Lamy, “Missions D’Amérique: États-Unis, Diocese de Sante-Fe (Nouveau-Mexique), *Annales de la propagation de la foi*. Paris, May 1, 1870. 385–97 online: <http://gallica.bnf.fr/ark:/12148/bpt6k5448392t/f388.image.r=Nouveau-Mexique%20Lamy>

War. The bishops' commentary during the secession crisis and early part of the War was but a foretaste of an even more involved, and more publicly visible Confederatization climaxing with Lynch and Bannon's diplomatic missions and Elder's refusal of the Union prayer request. Catholics, a part of the Southern religious landscape prior to the founding of the American nation, were involved members of a new nation, the Confederacy, and supported their country's war and politics as much as any non-Catholic Southerner.

# Argentine Catholic Democratic Scientists and Their Projects for a Research University (1932–59)

MIGUEL DE ASÚA\*

*This paper considers the ideas and activities of a group of highly-qualified Catholic scientists in Argentina who supported Christian democracy during the decades of authoritarian governments and the presidency of Juan D. Perón. The physiologists Juan T. Lewis and Eduardo Braun Menéndez, disciples of Nobel Prize winner Bernardo Houssay, and engineer Augusto J. Durelli, who would develop much of his career in the United States, sought to set up in the country facilities for advanced scientific research which they saw as the basis of a new Catholic university. This paper pays particular attention to the conflicts built around their proposals for the creation of private confessional universities in the face of strong opposition by those sectors of society that considered that the secular state should have the control of higher education.*

*Keywords:* Catholicism in Argentina; Juan T. Lewis; Eduardo Braun Menéndez; Augusto J. Durelli; Catholic universities

Two groups of Catholic scientists with high public profile can be identified in Argentina since the late 1920s and early 1930s. On the one hand, those who adhered to integral Catholicism and far-right nationalism: they supported Franco in the Spanish Civil War and defended Argentine neutrality or showed sympathy for the Axis during the Second World War. On the other hand were those committed to Christian democracy, who did not consider that the Spanish Civil War was a Catholic crusade and from the start sided with the Allies.<sup>1</sup> Juan Traherne Lewis, Eduardo

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1. For the role of scientists akin to integral Catholicism in the period, see Miguel de Asúa, “Science and Religion in Interwar Argentina,” *Church History and Religious Culture*, 99, no. 3 (2019), 1–19. For democratic Catholics in Argentina, see José Zanca, *Cristianos antifascistas. Conflictos en la cultura católica argentina* (Buenos Aires, 2013).

Braun Menéndez, and Augusto J. Durelli belonged to the latter group. Lewis and Braun were physiologists and associates of Nobel Prize winner Bernardo Houssay; Durelli was an engineer who spent the largest part of his professional career in the U.S.A. The three of them were politically active during the years of the ascendancy of Juan D. Perón (1943–46), his first and second presidential terms (1946–55), and the period following his demise (1955–59).<sup>2</sup> The ambiguous and in the end conflictive relationships between the Catholic Church and Perón has been the subject of many studies.<sup>3</sup> While adopting many themes of Catholic social doctrine in his first programmatic years, Perón eventually tried to subject the Church to state control. The violent confrontation between the government and the Catholic Church in the last two years of his second presidency (1954–55) is generally recognized as one of the motives that contributed to his fall. As members of the intelligentsia that opposed Peronism, prestigious Catholic scientists marginalized from state-controlled universities participated in the creation of privately funded centers of scientific research while re-floating proposals for the creation of a Catholic university.<sup>4</sup> These plans would materialize in the founding of the Catholic Institute of Sciences (1953–54). Braun would play a leading role during the protracted conflict that developed in the post-Peronist era over the proposals for the creation of private confessional institutions of higher learning. With their plans of creating Catholic centers of advance research and teaching, Lewis, Braun, and Durelli challenged the entrenched view that saw science as the secular turf of liberals and socialists.

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2. Braun Menéndez, Durelli, and Lewis were among those who signed the February 1946 “Manifiesto of Christian Democrats” supporting the candidates of the Democratic Union in the presidential elections. See “Manifiesto de los demócratas cristianos en auspicio de la fórmula presidencial Tamborini-Mosca,” *Orden Cristiano*, no. 104 (February 1946), 412–15.

3. The question of the relationships between Perón and the Catholic Church in Argentina lies beyond the scope of this article. See John J. Kennedy, *Catholicism, Nationalism, and Democracy in Argentina* (Notre Dame, 1958); Robert McGeagh, *Relaciones entre el poder político y eclesiástico en la Argentina* (Buenos Aires, 1987), 23–115; Lila Caimari, *Perón y la iglesia católica* (Buenos Aires, 1994); Austen Iveigh, *Catholicism and Politics in Argentina, 1810–1960* (New York, 1995), 143–82; Michael A. Burdick, *For God and the Fatherland. Religion and Politics in Argentina* (New York, 1995), 45–109; Roberto Bosca, *La iglesia nacional peronista. Factor religioso y poder político* (Buenos Aires, 1997); Loris Zanatta, *Perón y el mito de la nación católica* (Buenos Aires, 1999); and Susana Bianchi, *Catolicismo y peronismo. Religión y política en la Argentina, 1943–1955* (Tandil, 2001).

4. This question (particularly as regards Braun and Durelli) has been explored from a different viewpoint in Diego H. de Mendoza and Analía Busala, *Los ideales de Universidad “científica” (1931–1959)* (Buenos Aires, 2002). The author remains indebted to Analía Busala for her critical comments on this paper.

### Lewis: An Early Proposal for “Free” Universities

In the 1930s, Bernardo A. Houssay was at the head of the indisputably leading scientific research group in Argentina<sup>5</sup> (Figure 1). As a result of his work on the role of the pituitary in sugar metabolism, he would be granted the Nobel Prize in medicine in 1947. Juan T. Lewis (1898–1976) was the second author of Houssay’s standard textbook of physiology, which he and his wife Olive Mary Lewis née Thomas, a graduate of the London School of Medicine for Women, had translated into English.<sup>6</sup> Lewis’s early research focused on the physiology of adrenal glands, the action of insulin, and the regulation of blood sugar, but his original articles covered a wide range of physiological topics.<sup>7</sup> Born in Argentina to a family of Welsh descent, he had studied medicine in the School of Medicine of the University of Buenos Aires. While a student, he worked as research assistant in the Bacteriological Institute of the National Department of Hygiene, where he would later be the head of the Section of Pharmacology (1924–28). After graduating in 1921, Lewis joined Houssay’s recently created Institute of Physiology; he was named substitute professor of physiology in 1930.<sup>8</sup> Supported by a grant from the Rockefeller Foundation, Lewis spent the months from April through November 1925 as a research fellow in Harvard working under Walter B. Cannon, who had trained several young promising physiologists from Latin America.<sup>9</sup> Cannon told Houssay that he “had never had any advanced student come to the laboratory who was better prepared for research, because of knowledge, insight, and technical skills than Dr. Lewis.”<sup>10</sup> Diagnosed with tuberculosis in late 1925, Lewis spent some time in the Trudeau Sanatorium at Saranac Lake, New York, and later in

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5. For Houssay, see Frank Young and V. G. Foglia, “Bernardo Alberto Houssay, 1887–1971,” *Biographical Memoirs of the Royal Society* 20 (1974), 246–70; Marcos Cueto, “Laboratory Styles in Argentine Physiology,” *Isis* 85 (1994), 228–246.

6. A. J. Carlson, review of *Human Physiology* by Bernardo A. Houssay et al.; trans. by Juan T. Lewis and Olive M. Lewis (New York, 1951), *Science* 113, no. 2946 (June 15, 1951), 700.

7. Juan T. Lewis, *Antecedentes, títulos y trabajos presentados a la Universidad Nacional del Litoral al hacerse cargo de la Cátedra de Fisiología de la Escuela de Medicina de Rosario* (Buenos Aires, 1929).

8. Juan T. Lewis, *Antecedentes*; “Lewis, Juan T.,” in *Quién es quién en la Argentina*, 7th ed. (Buenos Aires, 1958), 443–444; Jimmy Lewis, “El doctor Juan T. Lewis,” *Rosario. Su historia y región* no. 83 (March 2010), 8–10.

9. Marcos Cueto, “The Rockefeller Foundation’s Medical Policy and Scientific Research in Latin America: the Case of Physiology,” *Social Studies of Science* 20 (1990), 229–254; idem, “Laboratory Styles,” 236–237.

10. Walter Cannon to Bernardo Houssay, February 4, 1926, file 8044 “Lewis, Juan T.,” Archive of the Faculty of Medicine, University of Buenos Aires (henceforward cited as AFM).

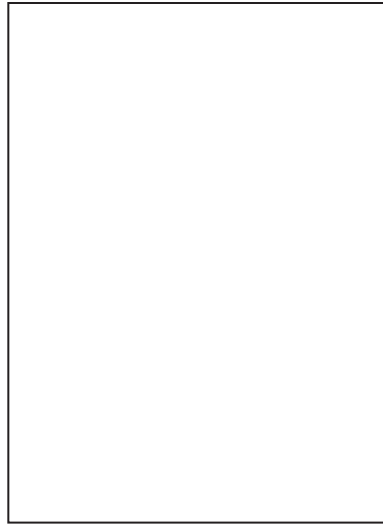


FIGURE 1. Dr. Bernardo Houssay. Courtesy of Dr. Damasia Becú-Villalobos and IBYME, Institutional Communication Team.

Chamonix, Switzerland. Once discharged, he took the opportunity to visit research institutes in that country, France, and the United Kingdom.<sup>11</sup> When in 1928 he traveled to England from Argentina to marry his cousin Mary, he took opportunity to meet his father's cousin, the physiologist Sir Thomas Lewis at University College, London and the pharmacologist Sir Henry H. Dale, then at the National Institute for Medical Research, with whom he had planned to work supported by his Rockefeller fellowship before falling ill.<sup>12</sup> Upon returning to his country in 1929, Lewis founded the Institute of Physiology in the medical school of Rosario, the third largest city in Argentina, which harbored a large British colony.

During the 1930s and 1940s there was a steady growth and consolidation of integral Catholicism in Argentina.<sup>13</sup> Politically liberal Catholics, never more than an influential minority, entered the limelight with the controversies triggered by Maritain's visit to the country in 1936 and man-

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11. Lewis, "El doctor Juan T. Lewis."

12. Lewis, "El doctor Juan T. Lewis"; Clifford W. Wells to John T. Lewis, October 1, 1925, file 8044, AFM.

13. Ivereigh, *Catholicism and Politics*, 103–142; Loris Zanatta. *Del estado liberal a la Nación católica: Iglesia y ejército en los orígenes del peronismo; 1930–1943* (Buenos Aires, 1996).

aged to maintain visibility through publications such as the bimonthly *Orden Cristiano* (1941–48).<sup>14</sup> Lewis met Maritain presumably when the latter lectured in Rosario.<sup>15</sup> When interviewed by *Orden Cristiano* in 1945, Lewis declared that the publication had contributed to counter the views of “those who have tried to identify the Church with reactionary politics” in a context in which “Catholic democrats will have to fulfil the duty of defending the Church.”<sup>16</sup> In that year, Lewis joined the Social Democratic Action in Santa Fe, one of the several political groups inspired by the ideals of Christian Democracy, which arose in several large cities in Argentina in opposition to Peronism.<sup>17</sup> During February 1946, he campaigned actively in Rosario against the candidature of Perón, whom he thought had slim chances of winning.<sup>18</sup> Two days after the presidential elections in which Perón had a sweeping victory, Houssay, Braun, and others sent a letter to Lewis declaring their sympathy with him, “at a time of injustice for you and shame and sorrow for the country.”<sup>19</sup>

Since early in his professional life, Lewis wrote about medical research and his conception of what universities in Argentina should be in pages at times informed by his religious beliefs. In a lecture on the occasion of Houssay’s reception of the Nobel Prize, he described science teachers and their “influence on the spiritual formation of human beings” with terms evocative of monastic life.<sup>20</sup> A few years later, he portrayed the intellectual vocation as based “upon an asceticism” which brings with it the cultivation of virtue.<sup>21</sup> Lewis pictured himself as a demanding teacher “who has tried to be fair, with that kind of justice informed by charity, which is a profound love of the neighbor resulting from the love of God.”<sup>22</sup>

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14. Zanca, *Cristianos antifascistas*, 55–128.

15. As a consequence, Lewis organized a reading group of *Humanisme intégral* (1936). Lewis, “El doctor Juan T. Lewis.”

16. Juan T. Lewis, [Answer to a survey] in *Orden Cristiano* 5, no. 97 (October 1, 1945), 22.

17. Ricardo G. Parera, *Democracia Cristiana en la Argentina* (Buenos Aires, 1967), pp. 62–63; Enrique Ghirardi, *La Democracia Cristiana* (Buenos Aires, 1983), 75–77.

18. Juan Lewis to Bernardo Houssay, February 20 and 25, 1946, box 4, 08–6, Archive Bernardo Houssay, Buenos Aires (henceforward ABH).

19. Bernardo Houssay et al. to Juan Lewis, February 26, 1946, box 4, 08–6, ABH.

20. Juan T. Lewis, “El hombre de ciencia,” *Revista de la Asociación Médica Argentina* 62, no. 631–632 (June 15 and 30, 1948), 279–280.

21. Juan T. Lewis, “La vocación intelectual,” *Criterio* 25, no. 1201–1202 (December 24, 1953), 990–993.

22. Juan T. Lewis, “La Universidad no debe callar,” *Mundo Médico* 10, no. 108 (1945), 21–23.

Lewis's religious commitments were far from those of integral Catholicism. On the contrary, he defended civil freedom and felt comfortable to use that freedom to proclaim Catholic values. This is evident in his defense of the creation of "free universities," by which he meant private institutions of higher learning. An early attempt at the creation of a Catholic university in the second decade of the twentieth century (1909–1920) had failed because the UBA refused to allow a private institution the granting of professional degrees.<sup>23</sup> In May 1932, under the presidency of Gen. Agustín P. Justo (a liberal conservative who came to power through rigged elections), the government launched a proposal for a new law regulating the functioning of state universities.<sup>24</sup> Lewis criticized the project and made a proposal of his own inspired by the kind of schools he had known in the English-speaking world. A major failure of the government's plan, according to Lewis, was that it did not provide for the creation of free universities, which "cannot admit of any control other than that necessary for the attainment of their ends."<sup>25</sup> They should be allowed to exist "in order to open the way to private initiative" and because measures that "grant freedom and space to the intellectual activities of the persons" are never in excess.<sup>26</sup> Houssay and those around him were of a mind that the country needed private schools created along the lines of those in the United States and the United Kingdom.<sup>27</sup>

While Lewis's defense of "free," private schools was in line with the principle of subsidiarity of Catholic social teaching, his idea of a university rested upon the Aristotelian notion that the distinctive characteristic of the human being is an "imperious necessity of knowing."<sup>28</sup> The university is the sphere where that quest for knowledge takes place; its goal is "the cult of truth."<sup>29</sup>

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23. Juan C. Zuretti, "La fundación de la primera Universidad Católica," *Universitas* 9, no. 38 (July–September 1975), 89–101; Hebe C. Pelosi and Geraldine Mackintosh, "El ensayo de Universidad católica (1909–1920)," *Archivum* 16 (1994), 185–195.

24. Ministerio de Justicia e Instrucción Pública, *Ley Universitaria. Mensaje y proyecto de ley* (Buenos Aires, 1932); Richard J. Walter, *Student Politics in Argentina: The University Reform and Its Effects, 1918–1964* (New York, 1968), 87–98.

25. Juan T. Lewis, *Comentarios sobre el proyecto ministerial de ley universitaria. Un anteproyecto de ley universitaria* (Rosario, 1932), 10.

26. Lewis, *Comentarios sobre el proyecto ministerial*, 31.

27. Bernardo Houssay, "Universidades, alma y cuerpo," *La Nación*, October 23, 1939, reproduced as "Concepto de la Universidad," in idem, *Escritos y Discursos* (Buenos Aires, 1952), 41–64, here 45.

28. Lewis, "Objeto y fin de la Universidad," *Universidad* [Universidad del Litoral] 1 (October 1935), 37–63, here 47. Cf. Juan T. Lewis, *La investigación científica* (Buenos Aires, 1934).

29. Lewis, "La Universidad no debe callar," 21.



Lewis's ideals were obviously influenced by his personal experiences in Harvard and England and also by his readings of Abraham Flexner, John H. Newman, Alfred Whitehead, and Bertrand Russell—a reading list quite alien to the French model of higher education prevalent in Argentina. In his comments on the 1932 government's bill for a university reform law, Lewis also criticized the insistence upon discipline and nationalism proclaimed by the then recently nominated rector of the University of Buenos Aires, Ángel Gallardo—a prominent Catholic naturalist and minister of foreign affairs during the presidency of Marcelo T. de Alvear (1922–28)—for that approach implied that universities would be just “departments of the State and subjected to its policy.”<sup>30</sup> While Lewis distrusted any kind of state intervention in the universities, he also disliked that students participated in the government of those institutions, a state of affairs sanctioned by the 1918 University Reform movement and which he found “not only unnecessary in theory but also uncalled for.”<sup>31</sup> Students' unions, according to him, “should have nothing to do with political action, be it national or international.”<sup>32</sup>

#### Braun Menéndez: Research Institutes as the Basis of the University

The Army coup that took power in Argentina in June 1943 inaugurated a three-year authoritarian and nationalistic regime which strove to maintain the country's neutrality in the world conflict. Gen. Pedro P. Ramírez (June 1943–March 1944) was succeeded by Gen. Edelmiro J. Farrell (March 1944–June 1946). Democracy was restored when Col. Juan D. Perón, the strong man in Farrell's government, triumphed in the general elections of February 24, 1946.<sup>33</sup> He would lead the country in two successive presidencies from June 1946 to September 1955. On October 14, 1943 Gustavo Martínez Zuviría (a far-right Catholic writer, author of anti-Semitic novels) was put in charge of the Ministry of Justice and Public Instruction. That same day a group of academics and politicians published a declaration demanding the return to democracy and “Latin American solidarity” (which meant the breaking of diplomatic relations with the Axis powers).<sup>34</sup> Houssay and Lewis were among those who signed the declara-

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30. Lewis, *Comentarios sobre el proyecto*, 11.

31. Lewis, *Comentarios sobre el proyecto*, 15. For the 1918 Reform movement, see Walter, *Student Politics in Argentina*, 39–62.

32. Lewis, *Comentarios sobre el proyecto*, 29.

33. David Rock, *Argentina, 1516–1987. From Spanish Colonization to Alfonsín* (Berkeley, 1987), 214–261.

34. For the international context of the period, see for example Harold F. Peterson, *Argentina and the United States, 1810–1960* (New York, 1964), 428–445; Joseph A. Tulchin, *La Argentina y los Estados Unidos. Historia de una desconfianza* (Buenos Aires, 1990), 185–205.

tion.<sup>35</sup> As a result, both were dismissed from their positions in the School of Medicine of the UBA.<sup>36</sup> Houssay gave a last lecture (it the event, it turn out not to be so) before a multitudinous auditory of local medical celebrities.<sup>37</sup> The Catholic daily *El Pueblo* limited itself to reproducing the official decree and published the list of professors expelled from the national universities; the liberal newspaper *La Nación* run an editorial on “The apostolate of science.”<sup>38</sup> Lewis was also discharged from his position as professor in the School of Medicine in Rosario.<sup>39</sup> The affair had repercussions in the broader scientific community, to the point of reaching the pages of *Science*.<sup>40</sup> It is perhaps ironic that two months before, Lewis had written to Houssay telling him that he was “convinced of the honesty and good intentions” of the government.<sup>41</sup> Houssay was alarmed by the shift towards extreme nationalism of the military and feared that the support of the clergy could eventually result in an anti-clerical backlash.<sup>42</sup>

Braun Menéndez (Figure 2), at that time associate professor of physiology in Buenos Aires, was not among those dismissed in 1943, but he resigned in solidarity alleging “personal reasons.”<sup>43</sup> Eduardo Braun

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35. “Una Declaración sobre democracia efectiva y solidaridad Americana,” *La Prensa*, October 15, 1943; “Una manifestación de anhelos respecto a la situación política,” *La Nación*, October 15, 1939.

36. [Pedro P. Ramírez, Gustavo Martínez Zuviría], Decree 12.743, October 28, 1943, *Boletín Oficial*, November 5, 1943, 3–4; A. Labougle to Juan Bacigalupo, October 20, 1943, in file 8044, AFM (letter from the deputy rector of the university to the dean of the School of Medicine ordering the discharge of Lewis and other four teachers); “Comunicóse la cesantía a cuatro profesores de la Facultad de Medicina,” *La Nación*, October 21, 1943; “En la Universidad comunicóse la cesantía a varios profesores,” *La Nación*, October 22, 1943; “Comunicóse la cesantía de otros profesores de la universidad local,” *La Prensa*, October 21, 1943.

37. “Una memorable hora científica vivió el viejo anfiteatro de fisiología,” *La Nación*, October 20, 1943.

38. “Fueron dispuestas cesantías de funcionarios y profesores,” *El Pueblo*, October 21, 1943; “Diéronse a conocer las cesantías de profesores de la Universidad,” *El Pueblo*, October 22, 1943; “El apostolado de la ciencia,” *La Nación*, October 25, 1943.

39. Juan Lewis to Bernardo Houssay, October 18, 1943; Houssay to Lewis, October 18, 1943, box 4, 08–6, ABH.

40. E. S. H., “Declaration of Citizens of Argentina,” *Science* 98, no. 2552 (November 26, 1943), 467–468; the note refers to Houssay, Lewis, and Orías; Philip Bard, C. H. Best et al., “The Argentine Citizens Declaration,” *Science* 99, no. 2565 (February 25, 1944), 166 (this note expressed the concern of the American Physiological Society); Kirtley F. Mather, Harry Grundfest, “The Argentine Citizens Declaration,” *Science* 99, no. 2566 (March 3, 1944), 176.

41. Juan Lewis to Bernardo Houssay, August 5, 1943, box 4, 08–6, ABH.

42. Bernardo Houssay to Juan Lewis, August 24, 1943, box 4, 08–6, ABH.

43. Eduardo Braun to Juan Bacigalupo, October 20, 1943, file 18173 “Braun Menéndez, Eduardo,” AFM.

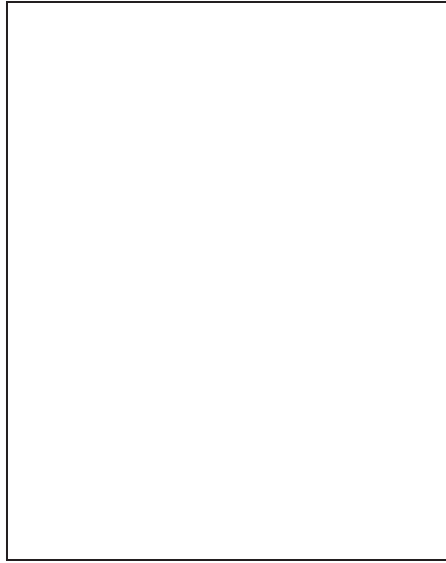


FIGURE 2 Eduardo Braun Menéndez. Courtesy Dr. Guillermo Jaim Etcheverry (personal archive).

Menéndez (1903–1959), born in Punta Arenas (Chile), was raised in Buenos Aires; his family was among the wealthiest in the country at that time, owning immense estancias in southern Patagonia.<sup>44</sup> After he graduated as a physician from the University of Buenos Aires in 1929, he joined the cardiology department of one of the city hospitals and began his research work in the Institute of Physiology under Houssay on the influence of the hypophysis in hypertension, which resulted in his dissertation presented in 1934. By the end of 1937, he joined the Department of Physiology of University College, London, in order to work with Charles Lovatt Evans on heart metabolism. He stayed there until June 1938 and during the next three months visited several centers of physiological research in the United Kingdom.<sup>45</sup> His work was well received and his book on heart sounds was soon translated into English.<sup>46</sup> Upon his return

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44. For his life and work, see I. Pena and Guillermo Jaim Etcheverry, eds., *Eduardo Braun Menéndez. Ciencia y conciencia* (Buenos Aires, 2015).

45. Letter from C. Lovatt Evans (no addressee), September 29, 1938; Eduardo Braun Menéndez to the Dean of the School of Medicine, October 8, 1938, file 18173, AFM.

46. Oscar Orías and Eduardo Braun Menéndez, *The Heart-Sounds in Normal and Pathological Conditions* (Oxford, 1939).

to Buenos Aires, Braun joined one of Houssay's teams (Juan Fasciolo and Alberto Taquini) who were looking for a humoral factor in hypertension. Together with Juan M. Muñoz and future Nobel Prize Luis F. Leloir, they were able to discover the mechanism of nephrogenic hypertension simultaneously with the American Irvine H. Page. Using the ligation of the renal artery, they isolated the substance "hypertensina" afterwards called angiotensin by an agreement with Page, reached "after two Martinis."<sup>47</sup> Braun and his group identified an enzyme (renin) produced by the kidney, which transforms a protein in the blood in angiotensin, a substance which causes hypertension. The book summarizing all this work was also translated into English.<sup>48</sup> Braun was invited to give the May 1942 Hersztein lectures sponsored by the University of California and Stanford; he embarked on a lecture tour delivering 15 lectures in the course of a month and a half in the West Coast, the Midwest, and the East.<sup>49</sup>

As a result of continuous unrest in Argentine universities, in February 1945 President Farrell sought to bring some calm and quietly reinstated the professors dismissed by his predecessor.<sup>50</sup> On the occasion of Lewis's reincorporation to his chair in Rosario, he proclaimed his conviction that universities should not be "an organ of the state."<sup>51</sup> Against the backdrop of the statist policies of the nationalistic military regime, Houssay and his associates, notably Lewis and Braun, fostered the creation of a number of research institutions supported by private local and international funding.<sup>52</sup>

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47. Eduardo Braun Menéndez, Irvine Page, "Suggested Revision of Nomenclature—Angiotensin," *Science* 127, no. 3292 (January 31, 1958), 242. Nidia Basso and N. Terragno, "History about the Discovery of the Renin-Angiotensin System," *Hypertension* 38 (2001), 1246–1249.

48. Eduardo Braun–Menéndez, I. C. Fasciolo, L. F. Leloir et al. *Renal Hypertension* (Springfield, Ill., 1946).

49. Besides several conferences in California, he lectured in Michigan, Western Reserve University, Chicago, Columbia, the Rockefeller Institute, Harvard, and Yale. Eduardo Braun Menéndez, Report to the School of his trip to the United States, April 17, 1942, file 18173, AFM.

50. [Edelmiro Farrell], Decree 3157-45, February 10, 1945, *Boletín Oficial*, February 20, 1945, 4.

51. Lewis, "La Universidad no debe callar." Cf. Robert A. Lambert, "The Argentine Declaration," *Science* 101, no. 2629 (May 18, 1945), 502. Lewis was professor in Rosario and substitute professor of physiology in Buenos Aires, which put him into a difficult position for the School of Medicine in Rosario would not grant him leave to substitute Houssay when the latter travelled abroad. "Informe de la Pro-Secretaría sobre la actuación docente del Prof. Lewis en esta Facultad," September 27, 1946, file 18173, AFM.

52. Miguel de Asúa, *Una gloria silenciosa. Dos siglos de ciencia en la Argentina* (Buenos Aires, 2010), 199–201.

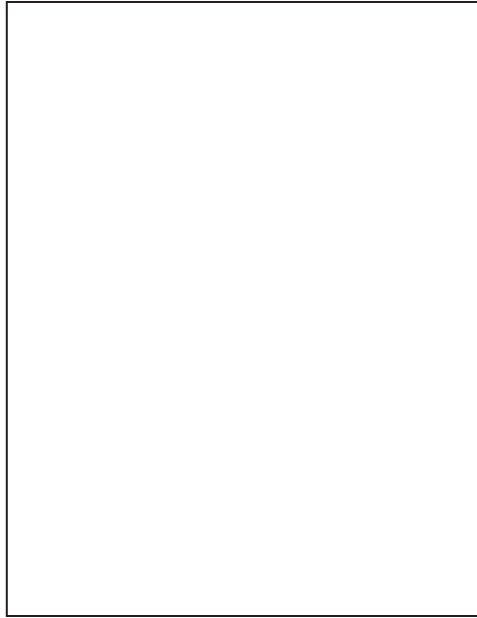


FIGURE 3. Founders of Instituto de Biología y Medicina Experimental. Front row, from right to left: Juan T. Lewis, Bernardo Houssay, Oscar Orias (not mentioned in this paper), and Eduardo Braun Menéndez. Courtesy of Dr. Damasia Becú-Villalobos and IBYME, Institutional Communication Team.

The first and largest of them was the Institute of Biology and Experimental Medicine (IBYME) in Buenos Aires, founded in 1944, into which Houssay's group moved *en masse*<sup>53</sup> (Figure 3). It was at that time that Braun Menéndez, Lewis, and Durelli (see below) launched a campaign in favor of the establishment of private universities on the basis of one or more research institutes.

From April 1945 through December 1946, most of the editorials of the journal of the Argentine Association for the Progress of Science (AAPC)—created in 1933 under Houssay's leadership—discussed the nature of universities, scientific research, and the importance of private institutes of sci-

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53. "The Institute of Biology and Experimental Medicine at Buenos Aires," *Science* 99, no. 2575 (May 5, 1944), 360–361; Virgilio Foglia, "The History of Bernardo A. Houssay's Research Laboratory, Instituto de Biología y Medicina Experimental: The First Twenty Years, 1944–1963," *Journal of History of Medicine and Allied Sciences* 35, no. 4 (1980), 380–396.

entific research.<sup>54</sup> The notes were not signed, but their style suggests that they were written by Lewis; Braun could also have had a hand in them. In any case, they express the common concerns of the group to secure institutions of higher learning and research free from the encroachment of the government. The title of Houssay's March 1946 editorial "Science needs a climate of freedom" aptly summarizes the opinions of the group.<sup>55</sup>

In a conference for the general public given on September 5, 1945, Braun made explicit his vision of the future of university research in Argentina; his model was Daniel Coit Gilman's Johns Hopkins.<sup>56</sup> He admitted that private universities faced the risk of turning into mere professional schools for lack of financial support. The best way out of this was to establish small scientific research centers analogous to those of the Kaiser Wilhelm Gesellschaft, "institutes with complete freedom of research and associated to teaching."<sup>57</sup> The recent creation of the IBYME surely contributed to this idea. Universities should be "free," which meant "freedom from the intromission of the governments, the onslaught of politics, ideological violence, and sectarian narrowness."<sup>58</sup> Braun distinguished the granting of academic diplomas from the granting of professional degrees; he considered the latter an undeniable responsibility of the state.<sup>59</sup> In September 1946, the inaugural year of Perón's presidency (he had accessed to power in June), Houssay was again relieved from his post with the specious excuse of having reached retirement age.<sup>60</sup> His disciples, among them Braun Menéndez and Lewis, resigned in solidarity from their positions in the University of Buenos Aires.<sup>61</sup> By the end of 1946, about 1200 teachers

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54. See Diego Hurtado de Mendoza, "Los primeros años de la AAPC (1933–1945)," *Ciencia e investigación* 56, no. 2 (2004), 35–40.

55. Bernardo Houssay, "La ciencia necesita un ambiente de libertad," *Ciencia e Investigación* 2, no. 3 (March 1946), 97–98.

56. Eduardo Braun Menéndez, *Universidades no oficiales e institutos privados de investigación* (Buenos Aires, 1945).

57. Braun Menéndez, *Universidades no oficiales*, 24.

58. Braun Menéndez, *Universidades no oficiales*, 16.

59. Braun Menéndez, *Universidades no oficiales*, 19.

60. "Plan progresivo de cesantías," *La Nación*, October 3, 1946; "Respecto del límite de edad para ejercer la cátedra universitaria," *La Nación*, September 4, 1946; "Comunicóse al Dr. Houssay que ha cesado en su cátedra," *La Prensa*, September 7, 1946; "Universities of the Argentine: Retirement of Prof. Bernardo A. Houssay, For. Mem R.S.," *Nature* 158, no. 4021 (November 23, 1946), 739.

61. For Braun, see letter of resignation, Eduardo Braun Menéndez to Carlos Bergara, September 7, 1946, file 18173, AFM. Cf. "Los alumnos del Dr. Houssay abstuvieron de asistir ayer a clases," *La Prensa*, September 10, 1946; "Motivó protestas la cesantía del profesor Bernardo A. Houssay," *La Nación*, September 10, 1946. For Lewis, see Juan Lewis to Carlos

had quit their university positions (around one third was dismissed and the rest resigned).<sup>62</sup> Just as the first dismissal of Houssay had resulted in the creation of the IBYME, this time an analogous institution was created in Rosario by Lewis in 1948: the Institute for Medical Research.<sup>63</sup>

In November 1947, Congress approved a new legislation for the universities, which in the eyes of the opposition transformed them in something very much like state dependencies.<sup>64</sup> The journal of the AAPC answered with an editorial piece in all likelihood written by Lewis, which rehearsed his ideas about the creation of “free universities” as “associations devoted to the search and propagation of knowledge, supported and regulated by the state, but not subjected to the government;” they should be supervised by the national academies.<sup>65</sup> A second editorial note, probably authored by Braun Menéndez, came back with the idea of creating free universities on the basis of small institutes of scientific research which should also provide post-graduate teaching and whose sole purpose should be “the disinterested pursuit of truth.”<sup>66</sup>

## Durelli

Augusto J. Durelli (1910–2000) was born in Buenos Aires to a family of comfortable means—his father owned a building company (Figure 4). He received his Degree of Engineer from the University of Buenos Aires where he had been strongly involved in student politics. During the last months of Gen. José F. Uriburu’s de facto rule and the first months of Gen. Agustín P. Justo’s accession to the presidency (1931–32), Durelli was the elected leader of the engineering students union, whose course he steered, he says, under a “dictatorial government and university authorities servile to that government.”<sup>67</sup> In the police files he was identified as “a communist

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Bergara, September 10, 1946, file 8044, AFM; “Renunció otro profesor solidarizándose con el Dr. Bernardo Houssay,” *La Prensa*, September 13, 1946.

62. Pablo Buchbinder, *Historia de las universidades argentinas* (Buenos Aires, 2005), 149–150. See the list in Federación de agrupaciones para la defensa y progreso de la universidad democrática y autónoma, *Avasallamiento de la universidad argentina* (Buenos Aires, 1947).

63. Juan T. Lewis, “El Instituto de Investigaciones Médicas de Rosario,” *Ciencia e Investigación* 5, no. 1 (January 1949), 1–2 and 37–39.

64. “Ley 13.031. Régimen universitario,” *Boletín Oficial* 55, no. 15905, November 4, 1947, 2–6.

65. “Las universidades libres,” *Ciencia e Investigación* 3, no. 1 (January 1947), 1–2.

66. “La iniciativa privada en los estudios superiores,” *Ciencia e Investigación* 3, no. 2 (February 1947), 45–46.

67. Augusto J. Durelli, *Discursos al iniciar y dar término al período presidencial 1931–32 en el Centro de Estudiantes de Ingeniería* (Buenos Aires, 1932), 5.

FIGURE 4. Augusto J. Durelli. Courtesy of Cesar Sciammarella (personal archive).

and a professional agitator” although it is quite clear that he was a Catholic student without party allegiances of any sort.<sup>68</sup> After graduation he went to Paris, where by 1936 he obtained a doctor’s degree in engineering from the University of Paris and a second doctor’s degree in social and political sciences from the Institut Catholique.<sup>69</sup> His return to Buenos Aires coincided with Jacques Maritain’s visit to Argentina (August–September 1936), which opened a cleft between integral Catholics and those who sided with the French philosopher’s ideas of a democratic and pluralistic society inspired by Christian values. The polemic, fueled by Maritain’s open defense of the Jew people and his negative to ascribe to Franco’s side in the Spanish Civil War, resulted in the publication of his articles in *Sur*, the liberal literary review directed by the woman of letters and socialite Victoria Ocampo.<sup>70</sup> Following the steps of his master, between 1936 and 1938

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68. Augusto J. Durelli, *Carta abierta al Sr. Decano de la Facultad de Ciencias Exactas, Físicas y Naturales. Sobre el concepto de Patria* (Buenos Aires, 1931), 3.

69. Both dissertations were published: Augusto J. Durelli, *Contribution à l'étude du béton traité. Essai photoélastique* (Saint-Amand [Cher], 1936); *Essai sur les "mentalités" contemporaines: bourgeoisisme, capitalisme, nationalisme, christianisme, communisme*, 2nd ed. (Paris, 1939).

70. For Maritain in Argentina, see Olivier Compagnon, *Jacques Maritain et l'Amérique du Sud* (Villeneuve-d'Ascq, 2003), 109–136 and Zanca, *Cristianos antifascistas*, 37–109. For the magazine, see John King, *Sur. A Study of the Argentine Literary Journal* (Cambridge, Engl., 1986).



Durelli published four articles in *Sur*, in the first of which he protested against “the horrible ‘nationalist’ conception of Catholicism.”<sup>71</sup> These articles brought upon him the accusation of publishing Catholic material in a liberal magazine, levelled by one of the contributors to *Criterio*, the Catholic cultural magazine whose editorial line, laid down by Msgr. Gustavo Franceschi, was openly on the side of Franco.<sup>72</sup> This period in Durelli’s life was closed by the publication of a critique of Fascism and rightist nationalism.<sup>73</sup>

With the support of a Guggenheim fellowship, Durelli spent a year at MIT (1941–1942), upon which he obtained a position as visiting professor at Polytechnique Montréal, where he remained until 1944. In that year, he published his last book on Christian social philosophy, much influenced by Emmanuel Mounier’s *personalisme*.<sup>74</sup> He returned to Buenos Aires with his wife and child during Gen. Farrell’s government. Reliving his years of student activism, Durelli authored a pamphlet denouncing the brutal police repression of a students’ strike in October 1945 at his former school, which had resulted in some casualties.<sup>75</sup> Durelli’s remaining year in Argentina was signed by his political anti-Peronist activism.<sup>76</sup> By the beginning of 1946 he was exonerated from his position at the Laboratory for the Testing of Materials of the Municipality of Buenos Aires, on account of his opposition to the government.<sup>77</sup> By then he felt identified with the Catholic Popular Party, the Argentine version of Luigi Sturzo’s Italian movement.<sup>78</sup>

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71. Augusto J. Durelli, “La unidad entre los católicos,” *Sur* 8, no. 47 (August 1938), 72–80.

72. Héctor A. Llambías, “Límites de la libertad,” *Criterio* 11, no. 554 (October 13, 1938), 171–72; Augusto J. Durelli, “Toma de posición,” *Criterio* 11, no. 554 (October 13, 1938), 217–220. The editor, Gustavo Franceschi added two and a half pages of notes to Durelli’s article, backing Llambías’s position, here 220–223.

73. Augusto J. Durelli, *El nacionalismo frente al cristianismo* (Buenos Aires, 1940).

74. Augusto J. Durelli, *La libération de la liberté* (Montreal, 1944). On Durelli’s personalist ideas, see Antonio Pavan, ed., *Enciclopedia della persona nel XX secolo* (Naples, 2009), s.v. “Durelli, José Augusto” (article by J. Zanca).

75. Augusto J. Durelli, *Forma y sentido de la resistencia universitaria de octubre de 1945* (Buenos Aires, 1945). See Robert A. Potash, *El ejército y la política en la Argentina, 1928–1945* (Buenos Aires, 1985), 341–401.

76. One of his books became a small classic of anti-Peronist literature: Augusto J. Durelli, *La mochila del coronel* (Buenos Aires, 1946).

77. Augusto J. Durelli, “La relación entre el estado y los empleados,” *Orden Cristiano* 5, no. 105 (March 1946), 532–534.

78. Augusto J. Durelli, “Democracia y cristianismo,” *Orden Cristiano* 5, no. 103 (January 1946), 352–362. See Diego Mauro “I popolari in la Argentina. Luigi Sturzo y el antifascismo católico de entreguerras,” *Anuario IEHS* no. 29–30 (2011), 267–288.

His adieu to Houssay, with whom he had kept strained relations, was of a formal kind.<sup>79</sup> Leaving his country for good, he obtained a position at the Illinois Institute of Technology supported by the Armour Foundation. He then moved to the Catholic University of America where he developed an outstanding career in the area of stress and strain analysis, a field in which he became a leading world expert.<sup>80</sup>

Around the mid-forties, Durelli published a number of articles in Argentina, which he collected in two books, on technological and scientific research and on the nature and goals of universities.<sup>81</sup> Against was is the case in “Hegelian” states, he envisages an ideal situation in which the state favors research but room is left for the action of individuals.<sup>82</sup> Durelli seconds Braun’s ideas for the creation of very small institutes with highly qualified scientists financed by private philanthropy.<sup>83</sup> His proposal is to send 15 to 20 graduates to the United States to be trained so that they could come back and establish a research institute in technology.<sup>84</sup> Durelli denounces Perón’s universities, in which the teachers are employees of the state bureaucracy but he also argues against the traditional state monopoly of higher education in Argentina. He propounds a plan for the creation of private universities, one for each “spiritual family.”<sup>85</sup> Granting of professional degrees should be carried out by each professional association and the state should award a subsidy to each student, who could decide where to enroll.<sup>86</sup> When compared with Lewis and Braun’s proposal, Durelli’s project, couched in the language of French personalist philosophy, strike as more politically embittered and less in touch with local circumstances—perhaps an expression of the author’s ambivalent sense of belonging.

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79. Augusto Durelli to Bernardo Houssay, Chicago, July 10, 1946; Houssay to Durelli, Buenos Aires, August 10, 1946, box 4, 08-6, ABH.

80. V. J. Parks, “Professor August J. Durelli: A Short Biography,” in idem, ed., *Progress in Experimental Mechanics. Durelli Anniversary Volume. Contributions in Honor of the Sixty-Fifth Birthday of Professor A. J. Durelli* (Washington, D.C., 1975), ix–xi; see list of papers and books xiii–xxvii; César A. Sciammarella, “Augusto J. Durelli,” *Experimental Techniques* 25 (4) (July–August 2001), [https://sem.org/Files/about/sem\\_history25\\_4.pdf](https://sem.org/Files/about/sem_history25_4.pdf); Patricio Laura, “Augusto J. Durelli,” *Anales de la Academia Nacional de Ciencias Exactas, Físicas y Naturales* 39 (1987), 247–255.

81. Augusto J. Durelli, *La investigación científico-técnica* (Buenos Aires, 1945); *Del universo de la universidad al universo del hombre* (Buenos Aires, 1947).

82. Durelli, *La investigación*, 30–35.

83. Durelli, *La investigación*, 36–39.

84. Durelli, *La investigación*, 87–95.

85. Durelli, *Universo del hombre*, 50.

86. Durelli, *Universo del hombre*, 99–102.

## The Catholic Institute of Sciences

Braun's Catholic Institute of Sciences (from now on ICC after its name in Spanish) was inaugurated on June 9, 1953 in the presence of the archbishop of Buenos Aires Msgr. Santiago L. Copello.<sup>87</sup> It was a very modest affair: a few classrooms in the facilities of the Catholic Institute of Culture of Buenos Aires (ICCBA), then in charge of Father Luis María Etcheverry Boneo.<sup>88</sup> The ICC was conceived as one of the schools of the ICCBA; there were also a Professorship of Religion and Morals, a School of Social Sciences, a School of Philosophy, and a Higher School of Organ Music. The whole constituted a blueprint of a future Catholic University. Braun was accompanied in the board of directors by Venancio Deulofeu (who had been dismissed in 1952 from his position as professor of organic chemistry in the Faculty of Exact and Natural Sciences of the UBA) and Emiliano MacDonagh, a nationalist Catholic naturalist who had been director of the Museum of La Plata in the period 1946–49.<sup>89</sup> Most of the members and students in the ICC were opponents to Perón, to the point that the Institute was surrounded by a “subversive climate.”<sup>90</sup> Braun was persuaded that the Institute should count with the best the country could offer in terms of science and disregarding political allegiances had invited to lecture the party-liner director of the National Institute of Endocrinology, Dr. Rodolfo Pasqualini.<sup>91</sup> The objectives of the ICC were the establishment of laboratories, the organization of conferences and lecture series by recognized experts in each field, and the teaching of courses for students and young graduates. This structure of labs, research seminars, and general courses was consistent with Braun's project of founding a research university.<sup>92</sup> It was hoped that the institute would be financially supported by course fees and donations, either institutional or from individuals.

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87. “Instituto Católico de Ciencias,” *Ciencia e Investigación* 9, no. 6 (June 1953), 278; see also *Criterio* 25, no. 1190 (June 1953), 486.

88. That year, the ICCBA under the direction of Father Luis Etcheverry Boneo had replaced the Courses of Catholic Culture. Etcheverry Boneo would play a role in the creation of the Catholic University of Argentina. Cayetano Bruno, *Vida y acción del Padre Luis María Etcheverry Boneo* (Buenos Aires, 1996), 43–47 and 65–69.

89. For MacDonagh, see Miguel de Asúa, “Science and Integral Catholicism.” For Deulofeu, see Rosa M. de Lederkremer and Eduardo G. Gros, “Venancio Deulofeu, 1902–1984,” *Advances in Carbohydrate Chemistry and Biochemistry* 46 (1988), 11–15.

90. Marcelino Cerejido, *La nuca de Houssay* (Buenos Aires, 1990), 41.

91. Other member of the ICC held less conciliatory positions. See Guillermo Jaim Etcheverry, ed., *Retratos. Eduardo Braun Menéndez (1903–1959)* (Buenos Aires, 1989), 38–39.

92. Jaim Etcheverry “La concepción universitaria de Eduardo Braun Menéndez,” *Medicina* 60 (2000), 149–154.

Braun believed that it was absurd to affirm “a Catholic science as opposed to non-confessional science. . . . Science cultivated in the Institute should be like that which is cultivated in any authentic scientific institute”. He explains that the Institute is called “Catholic” for it is supported by the hierarchy and at least initially, financed by Catholics. Braun claimed that “any deviation from the objective search for scientific truth” would lead to “the denial of the scientific spirit, to the negation of the meaning of the term ‘catholic’ which means universal, and to the negation of the spirit of charity, which is the very essence of Christianity.”<sup>93</sup> Many of those who taught in the ICC were non-Catholics who had been forced to leave their positions in the UBA due to political reasons.<sup>94</sup> During its ephemeral existence, the ICC offered a large number of courses in all the fields of science and even some of technology; the teachers were certainly the best available in Buenos Aires. There was a concentration on biomedicine, biochemistry, and physiology, but mathematics, physics, engineering, inorganic and organic chemistry, agronomy, biology, and zoology, were also covered.<sup>95</sup> The last courses were announced in September 1954; in 1955, with the worsening of the relationships between Church and state, the ICC did not offer courses.

### The First Catholic Universities

Very soon after the fall of Perón, Braun was reinstated to his position as associate professor of physiology.<sup>96</sup> By then, he authored a series of editorial notes criticizing the massive number of students in the universities, particularly in the School of Medicine of the UBA.<sup>97</sup> In early December 1955, Braun participated in a meeting in the city of Tucumán convened to discuss the future of universities in post-Peronist Argentina. He defended that “free” universities could grant diplomas but should neither habilitate (license) the exercise of the liberal professions nor receive funds

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93. “El Instituto Católico de Ciencias,” *Ciencia e Investigación* 9, no. 9 (August 1953), 337–338.

94. Lila Caimari, *Perón y la Iglesia Católica*, 298, note 21.

95. Miguel de Asúa and Analía Busala, “Instituto Católico de Ciencias (1953–1954). Más en la leyenda que en la historia,” *Criterio* 84, no. 2368 (2011), 40–44.

96. Nerio Rojas to Eduardo Braun Menéndez, October 24, 1955 and Braun Menéndez to Nerio Rojas, October 26, 1955, file 18173, AFM.

97. Eduardo Braun Menéndez, “¿Se cumplen los fines de la universidad?, *Ciencia e investigación* 11, no. 9 (September 1955), 385–387; idem, “Una facultad monstruosa,” *Ciencia e investigación* 11, no. 12 (December 1955), 529–31. The deposed government had introduced free admittance to higher education, which had increased enormously the number of university students.

from the state.<sup>98</sup> On December 23, president Gen. Pedro E. Aramburu and his minister of education, the Catholic intellectual Atilio Dell'Oro Maini, signed a decree that granted autonomy to the state universities, so far under the control of the government; the resolution included a clause (the much discussed "article 28") that allowed the creation of private universities with the power of granting degrees habilitating the practicing of professions such as medicine, law, and engineering.<sup>99</sup> The initiative was the beginning of a long battle over the issue between those who defended the state's exclusive control of higher education and the principles of laicism (the student movement, the various strands of the left, liberal politicians) and Catholics, who aspired to wrestle from the government the right to establishing confessional schools.<sup>100</sup> Braun sought a middle ground, along the lines he had first expounded a decade ago: "I am an advocate of the creation of private universities but I am talking of universities, not of professional schools."<sup>101</sup>

In February 1956, the government named an advisory commission to regulate article 28. The commission was headed by Houssay and included Braun Menéndez and Lewis among a small number of prominent scientists.<sup>102</sup> Lewis was established in Rosario, but he was eager to participate in the commission; Houssay obliged keeping him abreast of the events.<sup>103</sup> For all practical purposes, the commission remained dormant, for Houssay was not willing to sanction the creation of universities which could grant pro-

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98. Comisión Organizadora, *Jornadas Universitarias de Tucumán* (San Miguel de Tucumán, 1957), pp. 94–117, here 94 and 100.

99. "Organización de las universidades nacionales. Decreto Ley 6403," *Boletín Oficial*, January 3, 1956, 1–2; see Fernando Devoto, "Atilio Dell'Oro Maini," *Prismas. Revista de historia intelectual* 9 (2005), 187–204. For "article 28," see Virginia W. Leonard, *Politicians, Pupils, and Priests. Argentine Education since 1943* (New York, 1989), 177–186.

100. See Leonard, *Politicians, Pupils, and Priests*, pp. 189–218; Horacio Sanguinetti, "Laica o libre. Los alborotos estudiantiles de 1958," *Todo es Historia* no. 80 (January 1974), 8–23; José A. Zanca, *Los intelectuales católicos y el fin de la cristiandad, 1955–1966* (Buenos Aires, 2006), 85–135; Damian Nemirovsky, "Laica o libre: The 1958 university reforms and the fight over the identity of the Argentine nation," PhD diss., University of California at Santa Barbara, 2015. For the role of the Communist Party, see Isidoro Gilbert, *La Fede. Alistándose para la revolución. La Federación Juvenil Comunista 1921–2005* (Buenos Aires, 2009), 368–370.

101. Eduardo Braun Menéndez, "Los títulos habilitantes y la universidad," *Ciencia e investigación* 12, no. 1 (January 1956), 1–4.

102. Ministerio de Educación y Justicia, *Antecedentes sobre reglamentación legal de las universidades privadas* (Buenos Aires, 1958), 5–6; Leonard, *Politicians, Pupils, and Priests*, 202–204.

103. Juan Lewis to Bernardo Houssay, March 5, 1956; Houssay to Lewis, May 23, 1956 and May 26, 1956, box 4, 08–6, ABH.

fessional degrees. Braun took every opportunity to defend his vision of confessional research universities. He set himself against the projects of those who planned to build up from a cluster of professional schools and revitalized his old idea of setting up advance centers of research in which “the teachers and intellectual creation should occupy the first place.”<sup>104</sup> A year later, he expounded again his compromise solution: neither the state monopoly of higher education nor the creation of massive professional schools that would pass as universities. At this time, he suggested the creation of technical state boards for the granting of professional titles, with representatives from professional associations, the ministry of education, and the scientific academies.<sup>105</sup>

In September 1956, Lewis resigned from his position as associate professor of physiology in Buenos Aires.<sup>106</sup> One month later Braun was designed full professor of physiology.<sup>107</sup> In June of 1957 he lectured at the University of Michigan in a symposium on renal hypertension.<sup>108</sup> By then, Durelli paid a visit to Buenos Aires, to teach a course on experimental elasticity in the School of Engineering of UBA.<sup>109</sup> In November 18 of that year Houssay renounced to the chair of the advisory commission, for he felt his attributions were constrained.<sup>110</sup> On April 1, 1958, the minister confirmed him in his post.<sup>111</sup> Two weeks later, the commission finally issued its pronouncement, which recommended that graduates of private universities in the professional careers should take an exam administered by the state.<sup>112</sup> The Catholic journal *Criterio* criticized this view as “Pharisaic,” for the state lacked the competence to judge on university issues; the note claimed that the licensing should be in the hands of each professional association.<sup>113</sup>

Arturo Frondizi took charge of the presidency of the country on May 1, 1958. For political reasons, he was determined to allow the creation of

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104. Eduardo Braun Menéndez, “Las etapas para la creación de una universidad privada,” *Ciencia e investigación* 13, no. 3 (March 1957), 97–99.

105. Eduardo Braun Menéndez, “La ley universitaria,” *Ciencia e investigación* 14, no. 7 (July 1958), 289–290.

106. Juan Lewis to Nerio Rojas, September 15, 1956, file 8044, AFM.

107. Eduardo Braun Menéndez to Nerio Rojas, October 18, 1956, file 18173, AFM.

108. John M. Sheldon to Braun Menéndez, April 26, 1957, file 18173, AFM.

109. “Ingeniero Augusto J. Durelli. Su visita a nuestro país,” *Ciencia y Técnica* 124, no. 620 (July 1957), 234.

110. Ministerio de Educación y Justicia, *Antecedentes*, 15–16.

111. Ministerio de Educación y Justicia, *Antecedentes*, 17–18.

112. Ministerio de Educación y Justicia, *Antecedentes*, 25–26.

113. “En torno al artículo 28,” *Criterio* 31, no. 1307 (May 8, 1958), 332.

private, confessional universities and he succeeded, but the road was harsh.<sup>114</sup> In September of that year, the streets of Buenos Aires were the scene of demonstrations, riots, and at times violent confrontations between the supporters of private (i. e. Catholic) universities and those who wished to continue with the usual way of things (i. e. the state holding the monopoly of university education). In a massive demonstration on September 19, José L. Romero, former president of UBA in the months that followed the fall of Perón and one of the leaders of the cause against the creation of confessional universities gave a speech. In three passages he referred with indignation to “clerical” forces allied to the “oligarchy,” to “anti-Argentine” interests, and to “reactionary” and “anti-popular” sectors of society.<sup>115</sup> Risieri Frondizi, by then rector of the University of Buenos Aires and brother of the president of the nation, talked of “dark forces,” of private universities “ascribed to certain sects,” and of “the empire of dogmatism.”<sup>116</sup> It is telling that in his speech he appropriated Braun’s rhetoric and arguments. But it is quite clear that Braun’s position was not that of Risieri Frondizi’s. In an article published in a liberal newspaper, Braun decried the aspiration of many Catholic groups “to obtain the privilege of licensing professional practice” but he also complained about “the anti-Catholic secularist campaign” and accused the authorities of the University of Buenos Aires of participating in public demonstrations “which involved attacks on freedom of teaching and on religion.”<sup>117</sup> The day after this note was published, Braun departed for a tour that took him to Rome, Brussels, and London.<sup>118</sup> Parliament discussed the bill and in the teeth of bitter opposition passed the corresponding legislation in the last week of September, which involved a modification of article 28 broadly along the lines of Braun and Houssay’s ideas.<sup>119</sup> An editorial article in *Criterio* by its director Father (later Cardinal) Jorge M. Mejía exposed the deepest layers of the conflict. The state monopoly of education, he claimed, turned it into a “church”

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114. Leonard, *Politicians, Pupils, and Priests*, 202–218.

115. “El acto de la F.U.A. en Plaza del Congreso,” *La Nación*, September 20, 1958.

116. Risieri Frondizi, “La Enseñanza libre,” en FUBA, *La Reforma Universitaria, 1918–1958* (Buenos Aires, 1959), 257–65.

117. “Del Dr. Braun Menéndez,” *La Nación*, September 7, 1958.

118. Eduardo Braun Menéndez to Florencio Escardó, October 20, 1958, file 18173, AFM.

119. Congreso Nacional, *Diario de sesiones de la Cámara de Diputados. Año 1958* (Buenos Aires, 1959), vol. 7, 5128–5139, 5178–5179, and 5342–5345; cf. Horacio C. Domingorena, *Artículo 28. Universidades privadas en la Argentina. Sus antecedentes* (Buenos Aires, 1959), 75–83. “Universidades. Ley 14.557,” *Boletín Oficial*, October 24, 1958, 1. The law was approved by Congress on September 30 and promulgated by the president on October 17, 1958.

which imposed its own dogmas upon the citizens. Those who were claiming for secular education did not mean a neutral attitude of the state with respect to religion; they meant “a contempt of the religious phenomenon as such and its overcoming by the power of ‘science.’”<sup>120</sup>

On January 12, 1959, Braun was received by the nuncio Msgr. Umberto Mozzoni who wished to hear his opinions about the creation of the Catholic university, which was already in operation. An account of that interview has survived.<sup>121</sup> Msgr. Mozzoni recognized that the Catholic university had begun on the wrong foot and asked Braun whether he saw any possibility of correcting its course. The intention of the former was to ask Braun to organize an Institute for Basic Scientific Research and it would seem he understood and even approved his idea of university. Braun abandoned the residence of the nuncio in a hopeful mood, thinking that it was “possible to obtain the ‘Great Change’ necessary” for things to improve. His projects came to nil: a few days later, on January 16, Eduardo Braun Menéndez died in a plane crash.

At that time, there had been a more or less open confrontation between Dell’Oro Maini, the former minister responsible for the fateful wording of article 28, and the Commission presided by Houssay, who felt that a clean new legislation was needed.<sup>122</sup> But it is evident that Dell’Oro was not averse to implementing a system controlling the licensing of professional titles by the state.<sup>123</sup> He as well as Braun Menéndez wished that the Archdiocesan Catholic University could begin as a graduate school with a focus on research.<sup>124</sup> Things turned out otherwise. The Catholic University of Argentina “Santa María de los Buenos Aires” was formally established by the episcopate on March 7, 1958 (this should not be con-

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120. Jorge M. Mejía, “Educación y libertad,” *Criterio* 31, no. 1316 (September 25, 1958), 683–687. Mejía’s take on this issue is better understood in the light of the role of scientific discourse in the secularization of education in late nineteenth-century. See Miguel de Asúa, “Draper, the ‘Conflict Thesis,’ and Secularising Politics in Late Nineteenth-Century Argentina,” *Journal of Religious History* 43, no. 3 (2019), 305–327.

121. Eduardo Braun Menéndez to Rafael Braun, January 16, 1959. A transcription of Eduardo Braun’s letter to his son was generously given to me by the late Father Rafael Braun in July 2011.

122. See Dell’Oro’s note of April 23, 1958 in Ministerio de Educación y Justicia, *Antecedentes*, 27–31.

123. See his radial speech on March 2, 1956 in Ministerio de Educación y Justicia, *La Revolución Libertadora y la Universidad, 1955–1957* (Buenos Aires: Ministerio de Educación y Justicia, 1957), 166–173.

124. Emilio F. Mignone, *Política y Universidad. El estado legislador* (Buenos Aires, 1998), 43–44.



fused with the previous attempt at creating a Catholic University in the second decade of the twentieth century).<sup>125</sup> Its Higher Council (*Consejo Superior*) had begun its meetings in that same month. Braun Menéndez had been appointed to it but he refused the nomination.<sup>126</sup> In the first preliminary meeting, Dell'Oro pointed out that "the episcopal documents are quite clear that we should do science and that should be the starting point of the schools"; implicitly referring to Braun, he also manifested the importance of creating institutes for "there is a movement of persons devoted to the sciences who have volunteered their collaboration."<sup>127</sup> On April 11, the Higher Council decided to create two institutes, one of Mathematics, Physics, and Engineering (more on this below) and another of Biology; the direction of the latter would be offered to Braun Menéndez by Msgr. Derisi, the rector of the university.<sup>128</sup> There is not further reference to Braun in the proceedings.

Lewis's house, situated in the neighborhood of Fisherton, Rosario, had been the cradle of the Christian Democratic Party, which took form in meetings held from July 8 through 10 in 1954, 14 months before the fall of Perón. Lewis was member of the National Committee of the party for the period 1956–1957 and the delegate from the province of Santa Fe to the 1957 Constitutional Convention convened by the revolutionary government which had deposed Perón.<sup>129</sup> He was involved in politics to the point that by July 1959 he lamented he was not able to finish on time the translation of Houssay's speech for the International Congress of Physiology to be held in Buenos Aires that year, for he had been campaigning and "visiting those little towns, to which you [Houssay] at one time referred contemptuously."<sup>130</sup> Lewis died in 1976. In the homage the Senate of the Nation paid him, one of the orators quoted him as affirming the "necessity of political commitment of those devoted to science."<sup>131</sup>

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125. See bibliography in note 23.

126. Octavio M. Derisi, *La Universidad Católica Argentina en el recuerdo: a los 25 años de su fundación* (Buenos Aires, 1983), 34.

127. *Libro de Actas del Consejo Superior de UCA*, fols. 3–4 (meeting of March 14, 1958). Archive Universidad Católica Argentina, Buenos Aires (henceforward AUCA).

128. *Libro de Actas*, fol. 26 (meeting of April 11, 1958), AUCA.

129. Parera, *Democracia Cristiana en la Argentina*, 62–63 and 82–83; Ghirardi, *La Democracia Cristiana*, 75–77 and 85.

130. Juan Lewis to Bernardo Houssay, July 15, 1959, box 4, 08–6, ABH.

131. José A. Allende, "Homenaje a Juan T. Lewis," *Diario de sesiones de la Cámara de Senadores. Año 1975* (Buenos Aires, 1976), vol. 6, 3878–79.

## A Final Word

Braun Menéndez became a high-profile personality in the post-Peronist polemics surrounding the creation of private confessional universities before his tragic demise in 1959. By that time, Durelli was Professor in the Department of Civil Engineering at the Illinois Institute of Technology; in 1961 he would become Professor of Civil Engineering and Head of Stress Analysis Laboratories in the Catholic University of America.<sup>132</sup> Lewis, the senior of them all, lived in Rosario and was much engaged in the organization of the Christian Democratic Party. Despite the striking resemblance of their views and their belonging to the same social, academic, and political circles, these figures never attempted at the creation of an advocacy group; they were individualist personalities who shared a Catholic identity, a scientific vocation, and an anti-Peronist position associated to a Christian liberal-democratic view of society. Did their ideas impinge on the creation of the Catholic universities allowed by the 1958 legislation?

Engineering was the only area concerned with science and technology in the first years of the Catholic University of Argentina. The distinguished mathematician Agustín Durañona y Vedia, recently retired from the University of Buenos Aires and member of the Higher Council of UCA, accepted to head the Institute of Mathematics, Physics, and Engineering. This was the core of the School of Engineering which began teaching courses in 1960; the plan foresaw sections of physics and mathematics, applied mechanics, electricity, and engineering. The new school soon incorporated some bright young faculty, among them engineers Hilario Fernández Long (future president of the University of Buenos Aires, 1965–1966) and Horacio C. Reggini.<sup>133</sup> Trained in Columbia University's Watson Scientific Computer Laboratory (1959), the latter organized UCA's Computing Department, which in 1962 acquired an IBM 1620, the first large transistor computer in the country—as a result of which the university stood briefly at the head of computer research in Argentina.<sup>134</sup> Durelli was not connected with these developments, which can be seen as part of the wave of modernization that swept over the Argentine system of science and tech-

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132. Parks, "Professor August J. Durelli," ix.

133. The Institute of Mathematics, Physics and Engineering absorbed the Institute of Applied Mechanics, of the Corporation of Catholic Engineers. *Libro de Actas*, fols. 26, 46, and 68–69 (meetings of April 11, May 2, and May 23, 1958), AUCA; Luis A. Santaló, "Agustín Durañona y Vedia," *Anales de la Academia Nacional de Ciencias Exactas, Físicas y Naturales* 33 (1981), 315–17.

134. Nicolás Babini, *La informática en la Argentina* (Buenos Aires, 1991), 96–99.

nology between 1956 and 1966.<sup>135</sup> In 1958, Emiliano MacDonagh, also a member of UCA's Higher Council, volunteered to organize an Institute of Natural Sciences as a substitute of the failed Institute of Biology (see above); the undertaking did not prosper for he died shortly after (1961).<sup>136</sup>

Briefly, *there were* institutional scientific and technological initiatives in UCA, but the (in view of the circumstances perhaps utopic) projects of Lewis, Durelli, and Braun Menéndez of founding an institution of higher learning upon the basis of a number of advanced research centers did not determine the design of the newly created Catholic universities, which for reasons of expediency chose to set up soon a small number of professional careers.<sup>137</sup> The issue of scientific research versus teaching was hotly debated in the first crucial meetings of UCA's Higher Council. As discussed above, ideas akin to those of Lewis, Durelli, and Braun were forcefully defended by Dell'Oro Maini and Durañona y Vedia, against the opposition of Faustino J. Legón (the first dean of the Law School) and those who urged the immediate opening of the courses over the plan of first consolidating institutes of scientific or scholarly research. In his memories, Msgr. Derisi recalled that "There were those who wished to make of the university an advanced institute of pure research, but the majority of the council saw, in accord with the declaration and intentions of the bishops, that the university should be first a teaching institution without necessarily abandoning research."<sup>138</sup> Derisi's "teaching first" position triumphed but the creation of the Institute of Engineering (which in any case also became a professional school) suggests that the "research first" position did not go entirely unheeded.<sup>139</sup>

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135. Asúa, *Gloria silenciosa*, 243–251.

136. *Libro de Actas*, fol. 33 (meeting of April 18, 1958), AUCA.

137. The other large Catholic institution created in that period in Buenos Aires was the Jesuit Universidad del Salvador (1959). See Julio R. Lascano, *Los estudios superiores en la historia de Buenos Aires* (Buenos Aires, 1981), 273–290. After 1958, there was a proliferation of Catholic universities in Argentina (by 1962, seven of them had been created), with the result of "watering down standards . . . they chose the path of least resistance and set up institutions that offered courses in the humanities and social sciences, programs less costly than those in physical sciences" (Leonard, *Politicians, Pupils, and Priests*, 259–260). See also Juan C. Del Bello, Osvaldo Barsky and Graciela Giménez, *La Universidad privada argentina* (Buenos Aires, 2007), 91–92 and 121–132.

138. Derisi, *La Universidad Católica Argentina en el recuerdo*, 35. Father Guillermo Blanco (first dean of the School of Philosophy) and Canon Luis M. Etcheverry Boneo (in charge of the Institute of Culture and Extension Courses) followed Msgr. Derisi's position.

139. *Libro de Actas*, fols. 4, 8–10, and 12–13 (meetings of March 14 and 19, 1958), AUCA. Besides the institutes of engineering and natural sciences, there were the Institute of Culture and Extension Courses and the Institute of Linguistic and Literature, but these were essentially geared to the teaching of courses. Other authors have already called attention to the

Paradoxically, the message of Lewis, Durelli and Braun Menéndez might have had broader repercussions *ad extra*, outside the Catholic world, in the militantly secular circles that since the fall of Perón were becoming strong in the universities and institutions of scientific research supported by the state. Scientists with staunch anti-Catholic positions still respected and admired Braun Menéndez for his ideas and his moral integrity.<sup>140</sup>

Since the battles of the late nineteenth-century over secularization, science in Argentina had become a symbol and an instrument of the secularist ideology of progress, with anti-clerical resonances. The tide began to turn with the “Catholic Renaissance” of the 1920s and the slightly earlier coming onto the public scene of the first Catholic scientists: the naturalist Ángel Gallardo and the astronomer Father (later Msgr.) Fortunato Devoto.<sup>141</sup> With their impeccable scientific credentials and their articulated projects of higher education, Lewis, Braun, and Durelli further confirmed the it was possible for Catholics to carry out sound science while contributing to call into question the myth of science as a secular pursuit, which was getting a new lease of life with the post-1955 secularist onslaught against the creation of confessional universities.<sup>142</sup>

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polemics between teaching and research in the origins of UCA. Emilio Mignone, a leading and experienced Argentine Catholic authority on universities, affirmed: “Dell’Oro Maini as well as other Catholic intellectuals and scientists of those times (among them the distinguished physiologist Eduardo Braun Menéndez. . .) promoted the idea that the Catholic University should begin as a graduate school, concentrating on research. . . . But the Catholic hierarchy opted for Msgr. Derisi’s project oriented toward a massive, conventional, and tidy undergraduate education” (Mignone, *Política y universidad*, 43–44; I stumbled upon this quotation in Del Bello et al., *La universidad privada argentina*, 91). For an institutional history of UCA, see Florencio Hubebñak, *Historia de la Universidad Católica Argentina* (Buenos Aires, 2016).

140. See the testimonies in Jaim Etcheverry, *Retratos* and Cerejido, *La nuca de Houssay*.

141. Miguel de Asúa, “Three Centuries of Scientific Culture and Catholicism in Argentina: A Case Study of Long Trends,” in Bernard Lightman, ed., *Rethinking History, Science, and Religion: An Exploration of Conflict and the Complexity Principle* (Pittsburgh, 2019), 37–49; idem, “Science, Catholicism, and Politics in Argentina, 1910–1935,” *British Journal for the History of Science* 53 (2020) (in press).

142. The opposition to the creation of private confessional universities alienated Catholics from liberals, socialists, and communists contributing to further dislocate in the cultural sphere the unstable political alliance that had toppled Perón. For the “conflict thesis” between science and religion, see Jeff Hardin, Ronald L. Numbers, and Ronald A. Binzley, eds., *The Warfare Between Science and Religion: The Idea That Wouldn’t Die* (Baltimore, 2018). For the historiography of this question in Argentina, see Miguel de Asúa, “The ‘Conflict Thesis’ and Positivist History of Science. A View from the Periphery,” *Zygon. Journal of Religion and Science* 53, no. 4 (2018), 1131–48.

## Book Reviews

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### GENERAL AND MISCELLANEOUS

*Synodicon Hispanum XIII: Ager (Abadía), Barcelona, Lérida, Segorbe-Albarracín y Urgell.* By Francisco Cantelar Rodríguez, Antonio García y García (†), Luis A. García Matamoro, Jaime Justo Fernández, and Benigno Marquès Sala. (Madrid: Biblioteca de Autores Cristianos. 2017. Pp.748. €37,50. ISBN 978-84-220-1992-3.)

Until now never reviewed in the *CHR*, *Synodicon Hispanum* is a monumental project of conciliar research conceived four decades ago by the unforgettable Father Antonio García y García, O.F.M. († 2013; see obituary *ante*, 100 [Winter, 2014], 193–94). Having already produced seven volumes by 2000, he was forced by a malignant disease to leave the management of the ongoing series to his student and collaborator, Francisco Cantelar Rodríguez († 2019), followed recently by Jaime Justo Fernández, both trained at the renowned Faculty of Canon Law of the *Universidad Pontificia de Salamanca*. Whereas it is all but granted that medieval research projects can be carried on smoothly over three generations, the unusual success in this case is due to the farsighted organization of Father García and demonstrates the scientific suitability and importance of his project. The general purpose of the series is to cover all provincial councils and diocesan synods celebrated between the Fourth Lateran Council (1215) and the conclusion of the Council of Trent (1563) in the more than fifty dioceses of Spain and Portugal. The editorial concept, meanwhile solidly established and appreciated, consists in critical editions of the complete textual output of the assemblies, examining the entire manuscript as well as the printed tradition. This necessitates dealing with different materials from case to case to be traced and investigated with research which proves extremely laborious and tiring, but is occasionally rewarded by surprising discoveries (example below). The individual texts are presented in a convenient layout with reasonably arranged apparatuses for sources and textual variants. Short historic introductions comprising the bibliographical essentials make of the work a welcome up-to-date guide through Iberian diocesan geography. Among the carefully compiled indices special attention may be given to the „Índice temático“ leading to the flood of specific matters dealt with by the sinodal fathers, e.g., „barba,“ „concupinato,“ „judíos,“ „limosnas,“ „supersticiones,“ etc. Indeed the edited texts unfold a rich and colorful panorama of ecclesiastical regulation on the intermediate level between the universal legislation of the papacy and the general councils on one side and the real world of the priests and their flocks in the local parishes on the other who need guidelines for a Christian life and against all kinds of perils and abuses. Maintaining the well established format, the volume under review as the most recent one in the series presents the councils and synods of the Catalan dioceses Barcelona, Lérida (Latin

Ilerda, Catalan Lleida), all suffragans of Tarragona, Albarracín/Segorbe (Valencia), formerly suffragan of Zaragoza, plus the exempt Abbey of San Pedro de Ager (thirty kilometers north of Lérida), which had episcopal prerogatives and therefore could convoke synods for its territory. All in all the volume presents the documentation of eighty-two assemblies, mainly from Barcelona (27) and Lérida (25) (see table of distribution at p. XIII). As a striking example of the surprising findings may be mentioned a list (pp. 624–34) of no less than 1,500 clerics of the diocese of Urgell, each identified by name and location, who in 1542 had been required by their bishop, Francisco de Urríes, to buy a recently printed breviary. Strangely enough a thorough search by the editors could not discover a single surviving copy of this book; however: „Quizá en ninguna diócesis exista para este tiempo una guía eclesiástica tan completa de pueblos y de clérigos“ (p. XIV). Two further volumes covering the dioceses of Aragón and the rest of Catalonia and Mallorca are promised to be published shortly. The international community will be grateful that the editors managed to resist presumable pressure to publish in the Catalan language allowing scholars all over the world to appreciate this important achievement for conciliar research.

Hamburg

MARTIN BERTRAM

*Connected Struggles: Catholics, Nationalists, and Transnational Relations between Mexico and Quebec, 1917–1945.* By Maurice Demers. (Montreal and Kingston: McGill-Queen's University Press. 2014. Pp. xii, 290. \$100.00. ISBN 978-0-773-543560.)

*Connected Struggles* is about Québécois nationalists and their relations with Mexican Catholics during the decade of the 1940s. From the outset, Demers plays with the unlikely pairing these two groups might seem to make. They found themselves at opposite ends of a North American cultural and geographical expanse, but found affinity and forged friendship against the backdrop of the fall of France to Nazi Germany and the “neo-colonial” powerhouses of Great Britain and the United States of America.

The author sets out a historical context that ranges broadly, signaling out the importance of social revolution and religious rebellion in Mexico during the 1920s and 1930s, as well as the often tense and uncomfortable relationship between Anglophone Canada and its Francophone minority. This makes for a challenging and complex argument that spends equal time examining the internal politics of two sovereign nations and international relations as imagined, constructed, and played out between subaltern groups within each country.

These histories are connected on several levels. First of all, as a study of international relations it consciously shifts the focus from government to organized groups in civil society that crafted policies at the margins of the state with an eye toward the advancement of their own political interests. Demers characterizes French Canadians as Catholics in a nation where Protestant faith and English language were hegemonic in state and society. Similarly, Mexican Catholics were sub-

ject to, *or subjects of*, a post-revolutionary state that was actively, at times radically, anticlerical in its politics. These two groups built an unlikely friendship and alliance in the 1940s with the dual objective of achieving greater influence at home and channels of cultural diplomacy that might strengthen each one.

Chapters 1 and 2 cover the general history of each country during the generation leading up to World War II. This background is crucial because most readers will be familiar with only one national history. The two chapters do a good job of laying out the key moments and figures, as well as a basic historiography for each side. The following three chapters tell separate but intertwined stories about how the two groups forged international bonds of friendship and political alliance with the goal of strengthening their lot domestically. Chapter 3 covers the Union des Latins d'Amérique as it developed a Pan-American Hispanism that relied on Roman Catholic identity and the general idea of a Latin tradition. *Latinité* might appeal to Quebec and Mexico as a shared "civilization" distinct from and opposite to Anglo-Saxon culture. Chapter 4 tells the story of student exchanges that brought Canadians, particularly young women, to visit Mexico City and its national university, as well as some Mexicans to visit Montreal between 1943 and 1945. Chapter 5 is about the 1945 crowning of Mexico's Virgin of Guadalupe as patron saint of the Americas. Canadian Catholics sent a large diplomatic delegation to the jubilee, and the week-long event played out as a test of the relations of good faith between the Catholic Church and Mexico's post-revolutionary state.

All these events are meant to tell a more general story about the construction of the modern public sphere in secular society. They show political minorities in both nations as they attempt to practice citizenship in an expanding public sphere. Demers sees them as "stakeholders" who actively play diverse roles in civil society through the lens of identity politics, be it Canadian Franco-Nationalism or Mexican Catholicism. The concept of stakeholder is insufficiently parsed and problematized. However, it serves Demers as a primary organizing concept to explain the faces of modern citizenship across two nations, languages, and cultures. It also provides a way of explaining the affinities between these groups as they built bridges of friendship and informal channels of diplomacy across the continent during the Second World War.

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ROBERT CURLEY

*Liberty in the Things of God: The Christian Origins of Religious Freedom.* By Robert Louis Wilken. (New Haven: Yale University Press. 2019. Pp. x, 236. \$26.00 hardcover. ISBN 978-0-300-22663-8.)

Wilken begins, "Religious freedom rests on a simple truth: religious faith is an inward disposition of the mind and heart and for that reason cannot be coerced by external force" (p. 1). His sweeping survey chronicles the history of religious liberty in the West, from its geneses to Thomas Jefferson.

Wilken finds the origins of religious liberty in patristic authors such as Lactantius and Tertullian, who coined the term *libertas religionis*. While other scholars

have also noted the importance of Tertullian, Wilken underscores Tertullian's emphasis upon communal practice and not simply private belief. Wilken also warns against reading modern political notions of "natural right" into Tertullian's language of *naturalis potestas*, which merely entailed the innate power of choice (p. 14). After the Constantinian turn, the patristic emphases were largely muted. It was one thing to call upon religious liberty while enduring persecution, "quite another when holding the reigns of power" (p. 24).

With chapter three, Wilken moves into the Reformation. He tells the fascinating story of the Sisters of St. Clare in Nuremberg, who contended for their "spiritual freedom." When they insisted that they could do nothing "against the faith, against reason, or against our conscience," they sounded similar to Luther's plea at the Diet of Worms in 1521. Also in Nuremberg, a small band of Anabaptist brethren tested Martin Luther's dictum that "faith is a free act, to which no one can be forced" (p. 57). The Lutheran theologian Andreas Osiander countered that the authorities could not rule the heart, but they could still regulate public expressions of belief (p. 60).

The fourth, fifth, and sixth chapters focus upon Switzerland, France, and the Netherlands. The Swiss Reformers spoke the language of individual conscience, yet expected everyone to fall in line. An intrinsic tension naturally resulted (p. 71). In Calvin's Geneva, matters came to a head with the execution of Miguel Servetus. In France, the Huguenots made up 10% of the population by 1560. French society was on a church-state collision course, crashing into the St. Bartholomew Day's massacre (1572), followed by the brief reprieve embodied in the Edict of Nantes (1598).

Chapters seven and eight examine the quest for religious freedom in England. In the decades following the Act of Supremacy (1534), both Catholics and Protestants appealed to freedom of conscience, because religious bloodshed was not a one-sided affair. Progressing into the seventeenth century, Wilken highlights the distinctive work of the early English Separatists and Baptists, especially Thomas Helwys, Leonard Busher, and John Murton. Their views of religious liberty intertwined with their ecclesiology, which emphasized voluntarily covenanted "gathered fellowships of true believers" (p. 140). In the colonies, Roger Williams temporarily attached himself to the Baptists and wrote *The Bloudy Tenent of Persecution* against John Cotton. Wilken interprets the conflict between Williams and Cotton as caused by the two leaders seizing different aspects of Calvin's thought (p. 146).

The closing chapters investigate the roles of John Owen, William Penn, and John Locke. In his conclusion, Wilken acknowledges, "Of the many persons who make an appearance in this book, as I looked back, one who stands out is Thomas Helwys, the English Baptist" (p. 180). Other defenders of religious toleration (including John Locke) were not willing to grant full religious liberty to all, especially to Roman Catholics. Such leaders "had set limits on how far toleration could be extended" (p. 181). On the other hand, Helwys (followed by Roger Williams in the New World) proclaimed a religious liberty for all, including "Turks" (Muslims).



Wilken is an erudite intellectual and a masterful narrator, combining a scholarly rigor with a readable style. Those who are familiar with his patristic scholarship alone may be surprised how facilely he strolls through the medieval and modern terrains. He does stumble slightly on page 137, declaring that “Smyth and Helwys drifted apart as Smyth developed ties with the Anabaptists and took the radical step of rebaptizing himself” (p. 137). In reality, Smyth had already baptized himself and had also baptized Helwys, and he later came to question this se-baptism (self-baptism), thus submitting himself to the Dutch Anabaptists to be baptized *by them*. Helwys and his followers refused to be baptized by the Anabaptists and returned to England.

Observant readers of Wilken’s provocative work will note several takeaway lessons. Wilken contrasts religious liberty and religious toleration. He opposes the notion that religious freedom is a gift from the Enlightenment. He also emphasizes that religious liberty is not merely a matter of private belief, but the freedom to worship corporately and to live faithfully in the public square. Wilken successfully argues all three cases.

As a corollary, Wilken elucidates a connection between religious liberty and ecclesiology. He describes a growing trend in early modernity toward viewing churches as “voluntary associations” with shared confessions of faith. “The idea that churches are voluntary associations had far-reaching implications for religious freedom: it explicitly recognized that there could be several churches within a Christian society, each with its distinctive presence” (pp. 176–77). One senses an implicit tension between this “voluntary” ecclesiology and the practice of paedobaptism, an issue that Wilken touches upon only briefly (pp. 37–38, 182).

Finally, the volume also highlights the importance of a *principled* support for religious liberty applicable in a universal manner. Many groups who defended religious freedom shouted from the penalty box, but once they skated back into the game, they disregarded their previous objections. The plea for religious liberty is often the cry of the underdog. Becoming the leader of the pack tends to manifest whether one’s desire for religious liberty was a lasting love or a temporary infatuation. Leaders had to learn the language of religious freedom as a “natural right.” “With the introduction of natural right, the winding path of Christian thinking on religious freedom begins to straighten” (p. 110).

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PAUL HARTOG

## ANCIENT

*Monastic Education in Late Antiquity: The Transformation of Classical ‘Paideia.’*

Edited by Lillian Larsen and Samuel Rubenson. (New York: Cambridge University Press. 2018. Pp. x, 399.)

One of the marks of the lasting success of Athanasius of Alexandria is that he created an impression that the early monks of Egypt—specifically, Anthony the

Great—were unlettered and unlearned, experts in the warfare against demons and heretics, but innocent of rhetoric and philosophy. Athanasius' romantic hagiography, *The Life of Anthony*, has enjoyed centuries of readers as a testimony to his art—including the monastic aspirant Augustine of Hippo. Generations of undergraduates in the modern world have enjoyed the colorful tale of Anthony's rejection of parental wealth and fraternal duty to his sister to undertake his prophetically inspired exodus into the "desert" of northern Egypt, even as numerous scholars have tried to demolish the historicity of Athanasius' portrait.

One of the two editors of this volume, Samuel Rubenson, has dedicated much of his scholarly career to rebutting the impression created by Athanasius' biography. Initially, his study of Anthony's letters dispelled the myth that their author was illiterate and unacquainted with philosophy, and Rubenson's description of the system of education in late ancient Egypt, to which both Origen and Anthony were witnesses and of which they were products, confirms his reinterpretation. Anthony was neither unlettered nor unschooled, the romantic Copt of Athanasius' imagination and the example of piety to counteract the older and more independent urban asceticism he tried to rein in. Rather, he was one in a line of Christian ascetics who were highly literate, and who attracted followers who were similarly equipped—students of his thought as much as of his way of life. The co-editor, Lillian Larsen, has examined the genres of late ancient education to show how they persisted in monastic texts, reproducing the form and substance of their Hellenic—that is to say, pagan and urban—origins in a Christian, allegedly rural culture.

Athanasius was not alone in his idealization, however. Jerome's *Life of Paul the Hermit*, imagined a predecessor to Anthony, but one who shared in his rejection of books. The *Historia Monachorum in Aegypto* downplayed monastic learning to emphasize the Egyptian monks' role as champions of the poor Egyptian villagers near whom they lived, and the *Apophthegmata Patrum*, purporting to be an accurate record of the sayings of the early monks or "fathers" of the idealized Egyptian countryside, also rejected learning, and made examples of those Christians who had arrived in the desert to pursue the monastic life with too much of that learning. For learning signified urbanity and, in the minds of these authors, contradicted the holy simplicity required of monks—the ground on which they could display their power over the forces of Satan and the enemies of Christ and the Church. This frequently repeated portrayal of monks as liminal beings, outside the power structure of a later Roman empire that depended upon learned men, enjoyed a long afterlife in the works of numerous scholars, from Henri Marrou to Peter Brown, who brought an anthropological framework to the texts he largely took at their word.

The project exemplified in this book moves in the other direction—it reinserts monastic literature into the educational system of late antiquity. This system rarely drew Christian criticism, because, first, Christian authors used the language and reasoning of their adversaries in their own apologetic responses; and, once installed with legitimacy in imperial offices, they moved among literate men with whom they had to communicate as equals or superiors.

The book focuses upon Greek *paideia* in Egypt, and its investigations move among the various genres that testify to the ascetic life: documentary texts, ostraca and papyri, ancient translations, and literary texts. Its contributors limit their investigations to Egypt, which country has yielded the widest variety of monastic texts. It is divided into five parts: “The Language of Education,” including the contemporary, late-ancient understanding of monasticism; “Elementary Education and Literacy,” which examines methods and content in various literary forms; “Grammar and Rhetoric,” covering the more philosophical monastic authors Didymus, Evagrius, and Rufus of Shotep; “Philosophy,” comparing monastic authors with their philosophical predecessors, of whom they were aware; and “Manuscript and Literary Production,” on the evidence for monastic institutions as generative of libraries, from the fifth to the seventh centuries.

Immensely useful in its documentation of monastic literacy and its results—philosophy, on the one hand, and book production on the other, this book invites further studies: how are the developments traced here related to monastic institutions and self-portrayal in other areas such as Syria, Palestine, and Asia Minor? How did later generations carry the habits acquired in Egypt into major urban areas like Constantinople or Antioch? And finally, monks in the western provinces of Italy, Gaul, and North Africa regarded themselves as descendants of Egyptian monastic pioneers, but did their patterns of education and book production derive from their Egyptian forebears? Now that the older pattern of interpretation has been replaced, similar work will need to be undertaken to re-examine these men and women who, in their ascetic lives, claimed to be heirs of the Egyptian monks.

*The Catholic University of America*

ROBIN DARLING YOUNG

*In the Eye of the Animal: Zoological Imagination in Ancient Christianity.* By Patricia Cox Miller. [Divinations: Rereading Late Ancient Religion.] (Philadelphia: University of Pennsylvania Press. 2018. Pp. viii, 271. \$79.95. ISBN 978-0-812-5035-0.)

A conundrum both lies at the heart of, and drives the analyses in, this book. The author identifies that conundrum in the preface: “while there is no doubt that ancient Christian theology was aligned with Western philosophy’s ratification of the boundary between human and animal and the positioning of the human as superior to the animal, there is also the curious fact that, again and again, ancient Christian texts think both about and with animals, especially in terms of their emotional, ethical, psychological and behavioral continuities with human beings.”

Readers of early Christian theology know that most of its pages reflect the rhetorically-driven controversies reflecting philosophical problems that quickly rocketed from the problematic to the destructively divisive: how could one and three be configured as the same (Trinity); a divine-human metamorphosis achieve stable distribution (Christology); or a vast, differentiated and self-contradictory book be corralled into a repository of stable and self-consistent meaning (biblical

exegesis) suitable for preaching or rational reflection? The mixed success of the third project would always compromise the success of the first two, because they required consistent testimony not to be found in the Bible.

On the other hand, there were theological discourses in early Christianity that allowed both for variety and extravagant self-contradiction—for instance, the elaboration of the afterlife, the related question of angelic or demonic populations, or the unregulated production and expression of the cult of the saints. Thinking about animals belongs in this second category. Early Christians appropriated the library of Greek and Latin works about the lives and significance of animals, and they had many scriptural passages that allowed for symbolic or literal interpretation. In addition, they had their own experience of living with all kinds of animals in much closer quarters than their modern interpreters. They remained curious about the creatures with whom human beings shared the world; sometimes, as in the case of ascetic practitioners, they were said to have returned to Edenic harmony with those creatures.

This book explores, in five chapters, early Christian curiosity, investigation, and metaphorical interpretation of animals. The first chapter introduces the book by discussing “figuration,” and how birds figure as metaphors of human states. The second, on zoomorphism, explores “anthropocentrism and its discontents.” The early Christian concentration on the human being and its woes led them often to make invidious comparisons between humans and animals, projecting onto animals the worst qualities of the human. The third chapter, “anthropomorphism,” shows how early Christian authors drew animals close, to become the measure of human goodness or its opposite. The fourth and fifth study, respectively, the way in which animals become companions for ascetics, at least in the imagination of their chroniclers; and insects, worms, flies, and other tiny animals feature in the reflections of early Christian authors.

No summary of this book’s rich chapters can do justice to the complex and polyphonic reflections on the human-animal divide that the author elegantly has assembled for this book. Not only has she explored the perplexity of ancient Christian writers in the face of the host of animals with whom they shared the world. It would be enough to have decentered the topics in which their works more typically feature. But Professor Cox Miller has gone far beyond that; she has put ancient authors in a dialogue with modern authors, also perplexed at their interactions with animals. Because each perspective is not only similar (human) but different—in the wake of eighteenth-century legislation against cruelty to animals—ancient and modern authors illumine each other’s reflections. They do not cease to share, however, a wonder at how they, human beings, look “in the eye of the animal” that uncannily looks back.

*Magie im antiken Christentum. Eine Studie zur Alten Kirche und ihrem Umfeld.* By Marco Frenschkowski. [Standorte in Antike und Christentum, Band 7.] (Stuttgart: Anton Hiersemann Verlag. 2016. Pp. xiv, 338. €88.00 paperback. ISBN 978-3-7772-1602-7.)

The book under review is a fine, rather comprehensive, and very useful contribution to an adequate understanding of magic in the days of ancient Christianity. Marco Frenschkowski, situated in Leipzig at the Institut für neutestamentliche Wissenschaft, is a scholar with an astoundingly broad knowledge in diverse fields of religious and cultural studies, of fantastic and arcane literature, and of the phenomenon “magic.” Consequently, he was predestinated to write a handbook-like survey of magic in the first centuries of Christianity that involves inter-religious, non-Christian, and even modern approaches alike. The monograph is mainly based on a general encyclopedia article (“Magie,” in *Reallexikon für Antike und Christentum*, 23 [2010], 857–957), the profile of which Frenschkowski enhanced according to the focus on ancient Christianity for the present book. Repeatedly, he asserts his lack of understanding for scholars who were and still are not fascinated by ancient magical texts and to this day have prejudices against that sort of literature. Besides, he underlines his penchant for the “classic” and thus, “older” literature in that field of research (see p. xiii and often elsewhere), something that motivated and attracted him to plunge deeper into that field of research.

All in all, the book is divided into nine main chapters of rather uneven page lengths, starting with a discussion of abstract terms, concepts, and general methodical issues (chapter I) and a history of concepts and basic approaches to developing a theory of magic (chapter II). The thematic main body consists of chapters III to VI with clear focusses on (a) a survey of magic in Greek and Roman antiquity and (b) magic in the New Testament and in early Christianity (integrating Christian writers and special and/or splinter groups as well), with an aside to ancient Near Eastern, Old Testament, and Jewish traditions of magic. The final three main chapters just occupy a few pages and are specialized on the legal history in the Constantinian and post-Constantinian period or provide very short reflections on the relations between ancient and modern concepts of magic and on the attitude of the Ancient Church toward magic. An appendix contains three interesting ancient texts (by Theocritus, Pliny, and Proclus) whose inclusion, however, appears arbitrary. A selective bibliography and two useful indices of modern authors and names/subjects help readers to navigate through the book and swiftly find essential pieces of information.

Although, experts in ancient magic and associated areas of research will not find much new in this book and regret that in principle Frenschkowski refrains from phrasing his own definitions and drawing critical conclusions from the plentitude of information, other scholars, post-graduates and people with a certain interest, will certainly profit from the richness, the rather comprehensive and always reliable survey of magic in ancient Christianity, which itself is embedded into Greek and Roman culture and interrelated with Jewish and other traditions by

the author. Marco Frenschkowski is to be thanked and congratulated for this fine presentation of a topic that still is a victim of ideologies and prejudices. As a matter of course, informed or even just interested readers will certainly find it hard to stop reading due to the fascinating topic and the fluent and attractive style in which the German text is written.

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THOMAS J. KRAUS

## MEDIEVAL

*Her Father's Daughter: Gender, Power, and Religion in the Early Spanish Kingdoms.*

By Lucy K. Pick. (Ithaca, N.Y.: Cornell University Press. 2017. Pp. xvi, 274. \$65.00. ISBN 978-1-5017-1432.0.)

With the publication of *Her Father's Daughter*, scholars of history and of religion can no longer ignore the crucial role of royal women in shaping the political worlds of the Middle Ages. In her study of the formation of the Christian realms of northern Iberia, Lucy Pick joins a growing group of scholars rethinking the notion that any medieval woman with power—and particularly political authority—was “exceptional.” Pick has mastered a significant historiography pertaining to medieval gender, monarchy, and religion, and a chastening array of feminist and cultural theory to reinterpret the roles of some inarguably powerful women. Religious roles were their sources of power as women participated in political systems and kinship networks.

In 1071, Urraca Fernández, the oldest child of Fernando I and Sancha of León re-founded the see of Tüý, which had suffered Viking depredations. Why and how did Urraca, a consecrated virgin, have the power and authority to accomplish this? Urraca's action, recorded in an extraordinary charter, serves as a touchstone in Pick's study about the gendered features of political and religious power and authority in tenth and eleventh-century Iberia. Four lengthy chapters, as well as an introduction and epilogue make a strong case. Pick begins by examining matrilineal inheritance and the inheritance principles of Visigothic law. Royal daughters were reserved for the help and status they could supply their male relatives. These consecrated virgins were neither nuns nor abbesses: neither cloistered nor poor, they moved freely and effectively in the political world, controlling numerous monastic communities.

Women's appearances in tenth- and eleventh-century charters prove their significant networks. Pick walks the reader through the structure and meaning of these remarkable charters: the protocols, the invocations, the probable singing and performance of these texts—and the networks revealed by the confirmants and witnesses, providing a veritable clinic in how to read a charter. A brilliant reading of Urraca Fernández's 1071 charter restoring the see of Tüý demonstrates its extremely special relationship to liturgy, to performance, and to Christian texts such as Paul Albar's *carmina*. The charter expressed Urraca's power within her family and within Galicia, where she controlled significant property. Urraca and

her sister Elvira exercised their spiritual power as women, collaborated with their brother, Alfonso VI of León-Castilla, and built the networks which they carefully displayed and exploited, and they were not alone. Elite women such as Elvira Ramírez, Abbess Guntruda Gutiérrez, and Countess Muniadonna prefigure the activity of Urraca and Elvira, even a century and a half earlier (p. 123), as they competed over the relics of the virgin martyr Pelayo and the introduction of and control of his cult in northwestern Iberia.

Finally, “Gift-giving and memory” were “always allied to power” (p. 19). Pick’s fluent engagement with material culture is couched in a sophisticated analysis of scholarship on the medieval gift and counter-gift. Royal daughters were “at the nexus of memory, gift, and death” (p. 175), as a kind of gift themselves, but also charged with giving, preserving memory, and caring for the dead. In possibly the most enjoyable section of the book, Pick carefully reads a variety of artifacts, from the bronze candelabra of Abbess Mathilda of Essen to the reliquary of Saints Adrian and Natalia, now at the Art Institute of Chicago, which Pick persuasively identifies as Urraca’s gift to Eslonza (pp. 186–188.) The theme of virginity is pursued as an analytical tool—these reliquary boxes and other containers physically represented donors’ virginity. Similar claims are developed throughout the book: from Ambrose, to Leander, to Urraca’s charter, to the foundation of San Martiño de Pazó, the *aula regis pudoris*, the “royal hall of chastity” repeatedly frames and articulates the connection between virginity, gender, and royalty (pp. 64, 85, 111, 142). Other cultural artifacts under examination include cloth goods, prayer books, and above all Urraca’s famous and controversial chalice. Chalices and their representations featured prominently in women’s donations: as containers, but also a way for women to interject themselves in the Mass (p. 204). Pick understands donors as operating in a realm of penitence and memorialization, and urges us to take the language of penance and confession seriously (p. 221).

Power derived from multiple factors and was deployed through networks. Perhaps Pick’s most significant claim regarding how the entire monarchy functioned is that it was “a system in which powerful women’s relationships with each other changed history” (p. 104). Pick invites us to look with a fresh eye at charters, donations, chronicles, liturgies, architectural detail, and so on, understanding how gender operated in the milieu that produced them. Truly engaging gender as a category of analysis not only shifts perspectives but helps us make better sense of old truths. One of the book’s great strengths is the comparative nature of Pick’s research across time and place. She concludes with an invitation to think comparatively, suggesting fruitful work to be done in the study of English, French, and Imperial worlds as well as later realms of Castilla-León.

*Political Society in Later Medieval England: A Festschrift for Christine Carpenter.*

Edited by Benjamin Thompson and John Watts. Rochester (NY: The Boydell Press, an imprint of Boydell & Brewer. 2015. Pp. 280. \$99.00. ISBN 978-1-7832-7030-9.)

The theme taken for this collection is one which has been central to the honorand's work over the years, broadly defined here as the interface between the state and the upper levels of society: primarily, but not quite exclusively, taken to mean the landed nobility and gentry. This, as the introduction by John Watts spells out, locates her within what has been regarded by late medievalists as the apostolic succession from K. B. McFarlane to Gerald Harriss, to her, and now to her students. It is a theme which, especially if interpreted more generally as the relationship of center to locality (or of private to public), can embrace a wide range of manifestations, and the eleven essays, with a couple of exceptions, possess an underlying unity of purpose not always attained by *Festschriften*. The chronological range is broadly from Henry III to the early Tudors, although one of the outliers (by Jenny Wormald) takes as its starting point the death of the Scottish fifth earl of Huntley in 1576. This apart, the emphasis is firmly on England. Tony Moore explores how gentry and free tenants came to look to the royal courts, rather than county courts, in the first part of the thirteenth century and the impact this had on the development of the common law. At the other end of the period, John Watts's paper "New Men, 'New Learning,' and 'New Monarchy'" (all three elements are thus problematized), fruitfully and pragmatically revisits the questions contested now for well over a century about their chronology and inter-connection. Medieval law, which is a strand within several of papers, is foregrounded in the paper by Ted Powell on the legal position of the duchy of Lancaster which discusses its shifting public/private status across the fifteenth century and its implications.

Andrew Spencer takes as his subject the royal coronation oath and in particular the implications of the requirement that the king should uphold the laws that the community of the realm shall have chosen as this played out across the later Middle Ages. The clause was deployed both by kings and their critics, and royal critics are also the focus of Theron Westervelt's paper on manifestos for rebellion, although this covers more well-trodden ground. The relationship of medieval kings with their subjects is developed in two other papers, each largely confined to a single reign but offering interesting cross-references. Caroline Burt considers local government in Warwickshire and Worcestershire in the reign of Edward II, offering a study of the connections (or, increasingly, the lack of them) between king, magnates, and local gentry. A different (but complementary) emphasis is provided by Richard Partington's study of noble service to Edward III, which stresses the extent to which the leading aristocracy should be seen as hard-working servants of the Crown rather than as the recipients of (unearned) royal favor to "buy" their support. The stated ability of Edward III (along with Edward I and Henry V) to command this level of service here becomes a tacit condemnation of all the other late-medieval kings, although this is not developed.



Two papers turn to ecclesiastical issues. Andrea Ruddick deploys the published fifteenth-century letter collections to consider the ecclesiastical patronage deployed by gentry families, with the Pastons' well-documented dispute with the duke of Suffolk at its heart. Advowsons, the right to present to a living, were classed as property, and the right to them was thus worth defending to maintain local influence. Benjamin Thompson's paper makes a related, but broader, point in exploring various facets of the integration of the late-medieval Church into secular society, specifically the jurisdictional overlap whereby both secular and clerical litigants might deploy either lay or spiritual courts as best suited their case, offered here as the context for the ultimate assumption by Henry VIII of the position as Supreme Governor. Although readers will naturally find some papers here that speak to their interests more strongly than others, there are intriguing resonances to be heard across the collection.

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ROSEMARY HORROX

### EARLY MODERN

*On Christian Iconography: Selections from The Art of Painting (1649)*. By Francisco Pacheco. With an introduction and the Spanish text translated by Jeremy Roe with Carles Gutiérrez Sanfeliu; Latin text translated by José Solís de los Santos. [Early Modern Catholicism and the Visual Arts, Volume 16.] (Philadelphia: Saint Joseph University Press. 2017. Pp. xxv, 340. \$75.00. ISBN 978-0-91610-189-3.)

In 1638, at age seventy-four, the learned Sevillian painter Francisco Pacheco completed his life's work, the *Arte de la Pintura* (*Art of Painting*), a treatise published posthumously in 1644. A monumental text, the *Arte* consists of three books on the nobility, theory, and practice of painting, with a particular emphasis on sacred images. Scholars have long valued the *Arte* for the light it sheds on intellectual life in early modern Seville and especially on the career of Pacheco's most illustrious pupil, Diego Velázquez. Until now, however, only fragments of the *Arte* have been available in English. The translation under review is therefore most welcome for making Pacheco's treatise more widely accessible to students and scholars of early modern art history. As indicated by the book's title, Jeremy Roe and Carles Gutiérrez Sanfeliu have chosen to focus on the ample sections of the *Arte* devoted to decorum in religious painting. This decision follows the precepts of Pacheco himself, who affirmed that it was by representing Christian subjects with both "majesty" and historical accuracy that painters fulfilled their ultimate purpose: to create images that "serve[d] as truthful books" for the faithful (p. 46).

In his introduction, Roe provides a nuanced perspective on the relationship between Pacheco's artistic theory and his practice as a painter of sacred subjects. Building upon Bonaventura Bassegoda's critical edition of the *Arte* (1990), he highlights Pacheco's close engagement with writings by Sevillian churchmen and by post-Tridentine figures of international renown, among them Gabriele Paleotti

and Johannes Molanus. He also emphasizes Pacheco's commitment to establishing new sacred iconographies, as illustrated by the artist's paintings and codified in his text. Like other Catholic Reformers, Pacheco opposed the invention of novel religious iconography for its own sake, but at the same time he sought to abandon pictorial conventions that failed to adhere to the letter of scriptural truth. In an example well known to specialists, Pacheco thus used historical evidence to affirm that Christ's crucifixion should be depicted with four nails, rather than the usual three. He also sought to correct the "improprieties" seen in versions of the Last Judgment by Michelangelo and others (p. 56); according to a cleric quoted in the *Arte*, Pacheco rejected images of a "terrible and fearful" Christ and, in his own *Last Judgment*, instead depicted the Lord as "merciful and joyful," in keeping with biblical evidence of God's "delight" in saving the just (p. 66). Yet as Roe contends, Pacheco's portrayal of a gentle Christ benignly delivering judgment means that his painting lacks the very narrative clarity and emotional impact that he and other post-Tridentine painters sought to achieve. Roe also explores how this painstaking search for historical precision distinguished Pacheco from other artists of the day, among them his rival in Madrid, the Florentine-born Vicente Carducho, who ridiculed ongoing "disputes over . . . how Christ our Lord was crucified" and affirmed that pious painters should simply focus on representing "the essential" aspects of sacred history (quoted on pp. 28–29).

For the translation itself, Roe and Gutiérrez have included chapters from the *Arte* dealing with "Order, Decency, and Decorum" and the Last Judgment (chapters 2–4 of Book Two) as well as Pacheco's lengthy appendix on the iconography of various Christian themes, the *Adiciones a algunas imágenes* (*Further matters raised by a number of images*; appendix to Book Three). They have rendered Pacheco's often unwieldy Spanish prose into lucid English, and have included English translations by José Solís de los Santos of Pacheco's quotations from Latin. Accompanying the text are 123 reproductions of works either discussed by Pacheco or illustrative of his arguments, including prints, paintings, and polychrome sculptures, which are shown here in vivid color. Given its scholarly rigor and high production value, *On Christian Iconography* will be a fundamental resource for students and specialists alike. Indeed, one hopes that it will prompt scholars to undertake full English translations of the *Arte* and other seventeenth-century Spanish treatises on painting.

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TANYA J. TIFFANY

*Dévotion et légitimation. Patronages sacrés dans l'Europe des Habsbourg.* Edited by Marie-Elisabeth Ducreux. [Collection Religions, 8.] (Liège: Presses Universitaires de Liège. 2016. Pp. 265. €23,00 paperback. ISBN 978-2-87562-106-1.)

This anthology focuses on the fabrication of saints and holy patrons in Baroque Europe. It studies the reason for their multiplication, but also the limits of their official recognition and the failure of many cults. It explores how the devotion towards holy patrons helped to legitimize earthly institutions. Among others, it explores how cults were used to strengthen the links between dynasties and territories.

The title of this collective volume is somewhat misleading because the book explores the history of sacred patronages not only in Habsburg territories, but also in Poland-Lithuania and in non-Habsburg Italian principalities and republics. The main emphasis lies on Baroque Bohemia, an area on which the editor, Marie-Elisabeth Ducreux, is an eminent specialist.

The volume raises a number of issues. First, it studies sanctity in its different dimensions. According to Ducreux, much has been written recently on “state saints,” but holy patronages often had also other functions: they legitimated dynasties, local identities, religious orders, and moral conceptions, among others. To pick out one example in the volume, Sara Cabibbo and Magdalena Jacková show the plurality of functions that the cult of John of Nepomuk fulfilled in Sicily and Bohemia.

Second, the editor and several authors react against the view according to which the posttridentine Catholic Church was a homogeneous and highly centralized institution. They highlight the local character of many patronages and the fragmentation of the sanctity landscape (among others Cécile Vincent-Cassy and Paolo Cozzo). Even if the dynamics leading to the instauration of holy patronages were local, actors on the spot often tried hard to persuade Rome to recognize officially some cults and rituals. Yet local practices often existed through centuries without an official approval from Rome, and liturgy was far from being homogeneous across Europe.

Third, the articles highlight the uncertainties and opacity of procedures in Rome. The decision-making process was usually very slow, unpredictable, accompanied by many hesitations, and dependent on patronage and, not least, on chance. It is not always easy for historians to understand why some procedures led to an approval, and others did not, and the authors of this volume often confess their ignorance.

What is sure: we cannot say that there was a general and centralized campaign of the Catholic Church in order to assert sanctity against the ideas of “heretics.” On the contrary, Rome blocked many demands coming from across Europe. The volume shows that east-central European Church officials had great difficulties in obtaining the recognition not only of new saints, but also of saints considered as such for centuries and of corresponding rites. However, it is not totally right to assert that “with the exception of [. . .] Josaphat Kuncewycz [. . .], no request to beatify contemporaries from this region [. . .] was successful in Rome in the 17th and 18th centuries” (p. 24); was Stanislaus Kostka not a Pole?

As a consequence, uncertainties about the status of venerated figures were very common, as Ducreux and several authors point out. If we take into consideration that even saints whose cult was both old and very common were often not recognized as such before the nineteenth century, it is no wonder that historians have sometimes great difficulties in deciding whether a figure was actually considered a saint or not.

The volume presents interesting case studies whose numerous results cannot be summarized in the framework of this review. They show that modern historiog-

raphy about sanctity and holy patronages has lost its apologetical character and presents a complex picture of the fabrication of the saints and the interactions between religion and politics in the early modern times.

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DAMIEN TRICOIRE

*A Christian Samurai: The Trials of Baba Bunkō.* By William J. Farge, SJ. (Washington, D.C.: The Catholic University of America Press. 2016. Pp. xxviii, 300. \$34.95 paperback. ISBN 978-0-813-228-518.)

Since Martin Scorsese's *Silence* was released in 2016, and the hidden Christian sites in the Nagasaki region were registered as a World Cultural Heritage site in 2018, the history of the Catholic Church in early modern Japan has received much attention within and without the country. Pope Francis' visit to Nagasaki, Hiroshima, and Tokyo in 2019 spurred this momentum.

Prior to the recent upsurge of the general attention to the early Christian history in Japan, we had already begun to see stimulating new perspectives applied to its studies—women's history, art history, and history from below, among others—beyond the area's traditional and conventional scopes and methods based mainly on primary sources left by European missionaries.

In William Farge's *Christian Samurai: Trial of Baba Bunkō*, we can see another new approach to the study of Christianity in early modern Japan. His work is innovative in terms of the subject to explore and the method to apply. His defense of approach is convincing in historical as well as historiographical senses.

Farge focuses on Baba Bunkō (1718–59), a former samurai who, after renouncing his samurai status, wrote and lectured critiques of contemporary politics, society, and religions, but especially of the Tokugawa government. Bunkō was eventually arrested to be executed for his activities. No other historians have discussed Bunkō as Christian (or hidden Christian), nor has he ever appeared in the history of Christianity in early modern Japan. He has been an unknown figure for Western scholars; his studies in Japanese are very limited.

Farge tries to explore this little-known figure—his personal history, his writings, and his “Christian” nature. Why did he have to do so? He attempted “to take a fresh look at the history of Christianity in early modern Japan and to re-evaluate the long-term impact of Catholic missionary activity in the late sixteenth and early seventeenth century” (p. xvii). In particular, he challenges the conventional assumption that there were no Christian writings in the eighteenth century due to the persecution by the Tokugawa government. Generally speaking, the most convincing way to challenge a historical assumption is to present evidence that cannot be explained by the assumption. Baba Bunkō was nothing but such evidence for Farge to overturn the old view and introduce new one.

This is not an easy thing, however. For, first and foremost, written materials to show Bunkō was Christian are limited. Bunkō never explicitly confessed his

Christian faith; there were instead several words in his writing that were “unfamiliar to anyone who was not a Christian” (p. 12). Relying on these words and carefully disclosing their associated implications, Farge delicately yet boldly constructs the foundation of his thesis that Baba Bunkō was indeed Christian and all of his works must be read in Christian context.

Farge explains as follows. Bunkō criticizes the “coat-of-arms” of the emperor and the shogun as concrete causes for the moral decline of the time, saying, “Such crests are pointless, and they look foolish. Both crests should be abolished and the designs for them redone. They have brought unexpected misfortune rather than protection” (p. 31). Then Bunkō proceeds to claim there is another crest that is “more worthy of respect,” “that shows the body of a person” which he calls “the crest of the Christian Champion” of the uprising in Shimabara (1637–38) (p. 31). That crest was also “the principal image of the Christian Lord of Heaven” (*ibid.*). Farge maintains that the crest to which Bunkō refers is “the battle flag of the Shimabara rebellion,” and continues,

This battle flag does not literally show the figure of the body of a person, as Bunkō indicated. It is rather the representation of a chalice and a round “host,” or wafer of bread—the objects of the sacrament of the Eucharist used in the Catholic Mass. . . . To the eyes of a non-Catholic the chalice and bread on the banner would not have actually been “the body of a person.” For Bunkō, however, the crest of the Shimabara rebellion depicted “the body of a person” who was the “Christian Lord of Heaven.” He obviously has a Catholic understanding of the meaning of the chalice and the host on the Shimabara banner (p. 32).

After he thus defined Bunkō to be Christian, Farge examines many of Bunkō’s works that offer very critical views vis-à-vis different facets of contemporary society and politics. Farge’s depiction, explanation, and analysis of Bunkō’s writings include plenty of careful references to surrounding materials and historical background. Continuing to read, however, one would notice that except the part quoted above, Bunkō hardly gives mention to Christianity.

Yet for Farge this does not undermine the Christian nature of Bunkō’s works. For, “Christian literature that is written during a time of repression cannot be restricted to literature that is directly related to the propagation of a Christian message. Christian literature must also encompass those works that bear the marks of Christian influence and exhibit a Christian perspective” (p. 229). In this connection, Farge also says, “In general, Catholic writers see humanity struggling in a fallen world and have a deep sense of human imperfection” (p. 228). Needless to mention, Bunkō’s works apply to this case.

Farge’s interest in this nearly unknown figure in the field is based on his own historiographical concern to shed a new light on the field. To this end, he not only introduces unknown materials but also skillfully interprets them to construct stimulating historical accounts of the time. Such historiographical challenge is espe-

cially impressive because it always requires a critical review of conventional or established approaches along with the ability to explore supporting materials for that purpose. Unfortunately, not all historians share the significance of such methodological discussion, but we need to engage it if the field is to advance. Farge has shown it.

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### LATE MODERN EUROPEAN

*Castle and Cathedral in Modern Prague. Longing for the Sacred in a Skeptical Age.* By Bruce R. Berglund. (Budapest and New York: Central European University Press. 2017. Pp. xvi, 372. \$60.00 clothbound; \$25.95 paperback. ISBN 978-963-386-157-8; 978-963-7326-43-1.)

Scholars of Czechoslovakia (and its predecessor and successor states) have highlighted the country's unique religious history. A proto-Protestant movement led by Jan Hus emerged in the fifteenth century, launching Bohemia into religious wars and inspiring widespread conversions to "Hussitism." The Habsburg Counter-Reformation following the Thirty Years' War reasserted Roman Catholicism in the region. By the late twentieth century, the Czech Republic had become one of the most secular countries in the world.

Historian Bruce Berglund seeks to understand this complex religious history and thought by narrowing in on the interwar Czechoslovak Republic. He explores the philosophical and theological ideas of three important Prague leaders—President Tomáš Garrigue Masaryk, his daughter and social activist Alice Garrigue Masaryková, and the Prague-based Slovenian architect Jože Plečnik. His study offers a counternarrative to the theory that Europe was secularized in a steady decline from the Enlightenment through the twentieth century. This modernization theory proposes that religion became incompatible with "industrialization, urbanization, the embrace of rationalism and empiricism" (p. 13). Instead, Berglund uses Masaryk, Masaryková, and Plečnik to argue that some intellectuals sought to develop a "new religion" (p. XII) that combined spiritual and scientific truth. Rather than viewing modernism as an obstacle to religion, these thinkers considered it a new approach to religion. Berglund quotes Masaryk in 1906, over a decade before he became President of the new Republic: "I did not speak against Catholicism. I did not speak against religion. I spoke against the contradiction of theology and science" (p. 30).

Berglund offers a readable and engaging approach to intellectual history. The book is organized in two parts. Part I offers intellectual biographies of Masaryk, Masaryková, and Plečnik. The chapter on Masaryk focuses on the philosopher-politician's integration of religion, spirituality, and the nation. Masaryk located Czech history's apex in the Bohemian Reformation. Berglund notes, "For Masaryk . . . care for the soul was not simply an individual matter. He held that the nation, like a person, also had spiritual and material parts" (p. 47).

Jože Plečnik similarly sought a modernist spirituality and aesthetic. A devoted Catholic and proud Slovene, Plečnik respected Masaryk's search for spiritual meaning in the modern nation-state. In turn, Masaryk—a convert from Roman Catholicism to an individualistic Protestantism—embraced Plečnik's artistic vision, which combined spiritual simplicity and democratic symbolism. He chose Plečnik, much to the chagrin of Czech nationalists, to renovate Prague Castle as the modern seat of government. Masaryková, who served as First Lady following her mother's death, was a formidable leader in the new Czechoslovakia. She earned a doctorate in history in Germany and studied social work in Chicago. As head of the Czechoslovak Red Cross, she viewed providing public health and education as a modern approach to traditional religious service work.

Berglund effectively characterizes Masaryk and his followers' intellectual contributions, and he discusses the conservative Catholic intellectual opposition, especially by the writer Jaroslav Durych. However, the reader would benefit from a deeper exploration of how citizens received these intellectual debates. While the book briefly addresses the religious practices of ordinary Prague citizens, it does not venture far beyond the capital, the state's most secular area. Berglund acknowledges that Czech church attendance declined even before the Communist Party's attacks on religion in the 1950s. Yet, Berglund contends that most Czechs today still believe in "something." Their secularism, even atheism, maintains an element of Masaryk's conviction that spirituality and modernity were not incompatible.

Berglund's book is a scholarly contribution to Czechoslovak intellectual history as well as debates about European secularism and modernity. Scholars and advanced students in these fields will find much to engage with in this well researched and engagingly written monograph.

*The College of New Jersey*

CYNTHIA PACES

*Violence, Politics and Catholicism in Ireland.* By Oliver P. Rafferty, S.J. (Dublin: Four Courts Press. 2016. Pp. 247. \$70.00. ISBN 978-1-84682-583-5.)

The essays collected in *Violence, Politics and Catholicism in Ireland* interrogate the tension between the political sensibilities of the bulk of Ireland's Catholic faithful and the theological and practical defense of the state that was so much a part of Roman Catholicism in the nineteenth and early twentieth centuries. As will be clear to those familiar with the works of Oliver P. Rafferty, S.J., the author has wrestled with such concerns for decades now. In bringing together eight previously published essays with two new pieces, this welcome volume sheds light on the myriad tensions of those dynamics on an island united politically—in whole and then only in part—to the British state with its distinctly Protestant ethos.

Unsurprisingly, Cardinal Paul Cullen looms large in several essays, including an extended look at his ultramontanist. Readers familiar only with his imperious oversight of Irish Catholicism in the mid-nineteenth century will benefit from this

sympathetic judgment that “one cannot but be struck by the essentially religious nature of his outlook on life, and on what was happening in Ireland and the Europe of his day. At the very least, this is what one expects from a cardinal.” Sympathy does not equate to fawning, as that religious outlook had, Rafferty points out, an “almost apocalyptic tenor, with the forces of light ranged against the forces of darkness.” One sidelight of that conclusion was that God intervened to punish sin, which Rafferty notes, included His meting out of a “just punishment” to Abraham Lincoln “for his having attended the theatre on Good Friday” (pp. 122–23).

Readers will come to appreciate three overlapping potential conflicts: those between Irish Church leaders who sought to carve out a more respected (and respectable) place for their flocks in a state that many of those same parishioners sought to undermine; those between the competing yet complementary empires of Britain and Rome in an era of unprecedented imperial expansion; and those between Irish and British Catholic leaders, whose sense of loyalty to Rome was colored by their loyalty to their flocks. At specific points in time—especially during the twentieth century when the Catholic dioceses in Ireland straddled two states, one of which viewed its large Catholic minority as alien and potentially threatening—the third set of these tensions became acute. Figures, including the leader of English Catholicism Cardinal Francis Bourne, could question Irish loyalties during the Great War (1914–18), while Irish chaplains heroically ministered to soldiers at the front, offering sacramental care in the most dangerous of circumstances (pp. 134–62). At the same time, Rafferty carefully delineates that an individual’s personality and background shaped his actions alongside theological training, high office, and circumstance. Thus, one finds the Cardinal Joseph MacRory of Armagh could act as a go-between for the IRA with the government of neutral Ireland in the 1940s, while Bishop (later Cardinal) Cahal Daly refused to meet with representatives of Sinn Féin, the party associated with the Provisional IRA’s campaigns in the 1970s–1990s, which Daly considered “morally evil” (pp. 167–72, 208).

Based on thorough grounding in diocesan and Roman archives, as well as in the contemporary press, this work is very much a study of Catholic leaders—which is to say men in positions to shape Irish Catholicism. With that understanding, it can be read in whole or in parts with great profit.

*Marquette University*

TIMOTHY G. MCMAHON

### AMERICAN

*Turning Points in the History of American Evangelicalism.* Edited by Heath W. Carter and Laura Rominger Porter. (Grand Rapids, MI: William B. Eerdmans Publishing Company. 2017. Pp. xviii, 297. \$28.00 paperback. ISBN 978-0-8028-7152-7.)

For good or for ill, during the last half-century the growth of the historiography on American evangelicalism has far out-paced scholarship focused on almost any other topic. While Jon Butler has called on historians to remember the major



denominations and Catherine Albanese wants us to center our analysis on the enduring metaphysical traditions, the story of American religion is predominantly the story of American evangelicalism. There is, perhaps, no one who has done more to make this true than self-professed evangelical Mark Noll. A brilliant historian, a clear writer, and a prolific publisher, Noll has filled historians' shelves with over fifty books. In addition, he has generously supported, read, and critiqued the work of many other historians, inadvertently ensuring that his ideas ripple through the scholarship of subsequent generations.

*Turning Points* serves as a *Festschrift* that celebrates Noll's career. Twelve essays written by colleagues and friends of Noll highlight and mostly celebrate important events in the history of American evangelicalism. They emphasize the "significant transitional moments of American religious history, each with a distinct 'before' and 'after'" (p. xvii). *Turning Points* includes many smart and insightful pieces. Harry Stout returned to his older work to make the case that the work of George Whitefield and Jonathan Edwards launched a truly "great" awakening. Catherine Brekus uses the lives of three individuals to explain how "evangelicalism" became a definable movement, and Richard Carwardine shows how evangelicals shaped reform in the early republic. Jon Butler, in a brilliant essay, did what Jon Butler does best—seemingly ignores the purpose of the collection and its focus on evangelicals to argue for a different kind of turning point. He contends that the creation of the First Amendment and not evangelicalism represents the most important "turning point" in American history. In perhaps the most provocative and original essay, Luke Harlow demonstrates how the hermeneutics of Antebellum, pro-slavery theologians directly shaped fundamentalist readings of and approaches to the Bible. George Marsden, Edith Blumhofer, and Grant Wacker explain the rise of fundamentalism, pentecostalism, and evangelicalism respectively, and Dennis Dickerson and Marguerite Van Die remind readers that we must take race and gender seriously when we study evangelicalism. Mark Hutchinson explains the "global turn" in the history of evangelicalism, and Darren Dochuk, in a smart and compelling essay, shows readers what this means through the lens of the 1974 Lausanne conference.

These essays demonstrate how the history of American evangelicalism is growing and broadening. Scholars are paying more attention than ever before to issues of race, gender, and sexuality. To date, however, they have not paid enough attention to issues of class, which is apparent in these essays. Interestingly, however, especially for the purposes of this journal, the essays in this book make few mentions of American Catholics. Butler highlights their significance in interpretations of the First Amendment, and Carwardine and Dochuk mention them in passing. None of the essays explains how the long, difficult, and evolving evangelical-Catholic relationship has been central to defining American evangelicals' understandings of religion, church, state, and/or themselves. Nevertheless, no collection of essays can be exhaustive. This book is a fitting tribute to one of the best historians this nation has produced.

## LATIN AMERICAN

*Las redes sociales de sor Juana Inés de la Cruz.* By Guillermo Schmidhuber and Olga Martha Peña Doria. (Mexico City: Bonilla Artigas Editores. 2018. Pp. 190. 250 pesos paperback. ISBN 978-607-8636-04-4.)

The stated purpose of this formidable work on the family genealogy of the famous seventeenth-century Mexican nun writer is to dispel all misinformation about Sor Juana's family and to clarify her own social provenance. The authors, faithful to their intention, have left no stone unturned or archive unvisited to follow all members of her family several generations before their arrival in Mexico, the facts relevant to her immediate family marriages and descendants, and even some information about some of her friends and distant relatives.

Since the discovery of her out-of-wedlock birth early in mid-twentieth century, academicians have puzzled about Sor Juana's father's identity and her mother's unusual decision to live freely with two men; her connections with the vice-regal court despite her lack of a clear pedigree; the fate of her siblings and their connections with the nun throughout her life. This work has laid all those issues to rest. With photos to complement the transcription of all documents, the authors follow all the members of the family since their migration to Mexico in the late sixteenth century. Her father's family came from the Canary Islands and her mother's from Andalucía. Her half-sisters married men well connected in the bureaucracy and social elite, and this explains her ability to enter the vice-regal court.

The authors provide data on other well-known friends and contemporaries of Sor Juana, including another poet connected to her, Alonso Ramírez de Vargas, and her friend, the savant Carlos de Sigüenza y Góngora. There is also information on the nuns who professed ten years before and ten years after her in the convent of San Jeronimo. Doubtless, the rich information furnished by this work erases forever most of the misconceptions about the poet's family, her age, and even the circumstances of her death. This dedication to rediscover all the relevant exact information on the basic facts of the poet's life deserves thanks from all historians and literary critics who up to very recently had to navigate a sea of uncertainty and some erroneous assumptions about this notable woman's life. Genealogical research may be somewhat dry, but in this case, the reading is exciting because it finally solves all the puzzles about Sor Juana's family, leaving the reader with a sense of relief and satisfaction.

*Arizona State University (Emerita)*

ASUNCIÓN LAVRIN

*Sor Juana Inés de la Cruz. La resistencia del deseo.* By Francisco Ramírez Santacruz. (Madrid: Ediciones Cátedra. 2019. Pp. 217. €22,00 paperback. ISBN 978-84-376-3971-0.)

Few scholars have attempted to write a biography of the illustrious Sor Juana Inés de la Cruz since Octavio Paz published his version in 1982. Thirty-seven years later, Francisco Ramírez Santacruz has taken the challenge of writing a dispassionate but comprehensive narrative of her life, taking into consideration new data on

her life, new analyses of her literary work, and the greater number of studies about conventual life published in the last three decades.

A literary scholar by training, Ramírez Santacruz has a great sensitivity for historical research and the ability of intertwining the nun's writings with verified facts about her life and the social context of her times. Unlike Paz he does not interpret any aspect of her life by using psychoanalytical theories; neither does he advance hypotheses about her character or her activities based on thin cloth spun by fictional imaginations. In other words, this is an honest attempt to have a straightforward and fluid biographical narrative constructed with the literary tools of persuasion, but respecting the codes of verifiability established by history. Whenever the occasion demands it, Ramírez ponders on the several possibilities behind the nun's behavior, choosing to explain probabilities rather than making a statement when there is no clear evidence about some situations or facts. He makes it clear what his position is in regard to alternative ones upheld by other academicians.

Ramírez has the rare ability of putting together different pieces of information skimmed from writings, current affairs, legislation, etc., and incorporating them in the biography of the nun, making sense of her life in her own historical context. He has treated the major events in the nun's life with discretion, aiming at elucidating them as part of her own experience as a person, and judiciously posing questions that reflect the nuances of seventeenth-century Mexico. This line of enquiry and response guides us to the complexities of her life and her relations with people who were also complex in their relations with the nun-poet. Particularly appealing are the passages discussing the reception of her *Carta Atenagórica* among friends and enemies and her own *Response*, her best known quasi-personal and intellectual autobiography.

Since Sor Juana's life abounds in silences as much as in eloquent expressions of her inner self through her own writings, the analysis and assessment of all evidence is necessary to make sense of what appears puzzling on its surface. This work navigates such challenges well. For example, her complicated relationship with the Bishop of Puebla and her decision to sell some of her books and retreat into a more private life toward the end of her life receive thoughtful attention and offer new angles of interpretation that are reasonably logical for her times and circumstances. The author leads us to consider the angst that must have accompanied Sor Juana throughout her life and revealed itself after the success of her printed work.

Out of these pages emerges a very human Sor Juana: neither the victim of ecclesiastical persecution, nor the self-assured feminist and yet, someone who embodied "intellectual freedom and a unique way of being a woman." Ramírez has successfully injected into his work an evenness in judgment that is very helpful and definitely necessary to understand Sor Juana's life as that of a brilliant but constantly challenged woman. In this fine-tuned narrative there is fairness in the judgment of her character, her achievements and her doubts, as well as her emotional quandaries and intellectual depths. This new biography of the renowned poet nun is highly commendable and obligatory reading for her numerous readers and admirers.

## Report of the Editor

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Volume 105 of the journal consisted of 780 pages of articles, addresses, essays, book reviews, and the quarterly sections Notes and Comments, Periodical Literature, and Other Books Received, with an additional seventeen pages of preliminary material and thirty-four pages of the general index. In all, volume 105 contained 831 pages. Subsidies from authors and contributions from others made directly to the journal allowed for the addition of pages above those budgeted. Dr. Paul F. Grendler of Chapel Hill, NC (emeritus of the University of Toronto) and Cardinal Timothy M. Dolan, Archbishop of New York, have made generous contributions.

Of the twenty-two essays published, eighteen were articles, two were addresses, plus one review essay and a forum essay. Of the articles, one treated an ancient topic, three medieval, three early modern European, one late modern European, eight American, and two were on an African theme. Eleven of their authors came from American institutions, two from Belgian, and one each from the countries of Cape Verde, Canada, Ireland, Portugal, and Tanzania. In addition, there was a Forum Essay dealing with a book on the early modern period that had contributions by scholars from American and German institutions.

In 2019, the journal published seventy-five book reviews. The book reviews can be subdivided into the following categories: general and miscellaneous (6), ancient (2), medieval (23), early modern (19), late modern (7), American and Canadian (12), and Latin American (6). Their authors came mostly from institutions in the United States (49 or 65%), but those in other countries were also represented: in the United Kingdom (10 or 13%), Italy (3 or 4%), The Netherlands (3 or 4%), two each in Canada, France, Germany, and Ireland, and one each in Mexico and Poland. Please see Table 1.

TABLE 1. Book Reviews Published in 2019

Area	Winter	Spring	Summer	Autumn	TOTAL
General	2	2	2	0	6
Ancient	1	1	0	0	2
Medieval	1	9	11	2	23
Early Modern	2	14	2	1	19
Late Modern	3	2	2	0	7
American/Canadian	5	3	2	2	12
Latin American	2	3	0	1	6
<b>TOTAL</b>	<b>16</b>	<b>34</b>	<b>19</b>	<b>6</b>	<b>75</b>

The editors received twenty-four new submissions of articles in 2019. They came primarily from the United States, but also from Argentina, Belgium, France, Germany, Italy, Poland, and the United Kingdom. Table 2 shows the current disposition of these submissions. During the year 2019, eighteen articles earlier accepted were published.

TABLE 2. Manuscripts Submitted in 2019

Area	Accepted	Conditionally Accepted	Rejected or Withdrawn (W)	Pending	Published in 2019	TOTAL
General						0
Ancient						0
Medieval	1		1	4		6
Early Modern			1	4		5
Late Modern			1	4		5
American				4		4
Latin American				3		3
Asian				1		1
TOTAL	1	0	3	20	0	24

The Nelson H. Minnich Prize for the best article published in 2019 has gone to Dr. Martina Saltamacchia for her study “A Button, an Egg, a Piece of Cheese: Gifts and Donations for the Cathedral of Milan” (pp. 617–644).

Up until mid-August, Dr. Joseph M. White graciously edited the journal while Dr. Nelson H. Minnich was on sabbatical. We are all grateful to him to taking on this difficult task. Mr. Thomas Deutsch functioned as his copy editor until the fall semester, when Mr. Jack Lake took on the responsibilities. Ms. Katya Mouris, who has skillfully served the journal over the years, primarily by assisting Msgr. Robert Trisco with the book reviews, is nearing completion of her doctoral program. In the spring semester we envision some changes in the staffing of the journal. We appreciate everyone’s patience and understanding during this period of transition. The editor is most appreciative of their services and those provided by the associate editors Msgr. Robert Trisco and Dr. Jennifer Paxton and for the sage advice given by the advisory editors. The journal could not function without their continued dedicated services.

NELSON H. MINNICH  
*Editor*

## Notes and Comments

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### ASSOCIATION NEWS

The Spring Meeting of the Association will be held at the University of Scranton in Pennsylvania on April 17 and 18, 2020. The deadline for submission of proposals for individual papers, panels, and roundtables is February 3. They should be submitted via the ACHA website ([achahistory.org](http://achahistory.org)). For further information, please contact Professor Robert Shaffern at [robert.shaffern@scranton.edu](mailto:robert.shaffern@scranton.edu).

The 2021 Annual Meeting will be held in Seattle, Washington, on January 7 to 9, 2021. The ACHA solicits papers and panels on the following topics: Catholicism and missions, Pacific-rim Catholicism, Catholicism in the western United States, Catholicism and the environment, Catholicism and public scholarship, communities traditionally marginalized in the field of Catholic history, and pre-modern or early modern Catholicism. Proposals for papers, panels, roundtables, book discussions, and site visits should be submitted via the Association's website. For joint AHA-ACHA panels the deadline is February 15, for ACHA panels it is March 16, 2021. Joint panels with affiliated societies such as the American Society of Church History are encouraged. For further information, please contact Professor Anthony B. Smith at [asmith1@udayton.edu](mailto:asmith1@udayton.edu).

At its annual meeting in New York on January 4, 2020 the following awards were announced:

#### 2019 John Gilmary Shea Prize

The John Gilmary Shea Prize is given annually to the author of a book, published during a preceding twelve-month period, which is judged by a committee of experts to have made the most original and distinguished contribution to the knowledge of the history of the Catholic Church. Any author who is a citizen or permanent resident of the United States or Canada is eligible. The prize consists of \$1500.

The Shea Prize committee of the American Catholic Historical Association for 2019 was comprised of three members: Professor Una Cadegan (University of Dayton), Professor Stephen Schloesser, S.J. (Loyola University Chicago), and Professor A. Katie Stirling-Harris (University of California at Davis).

**Citation:** The American Catholic Historical Association awards the 2019 John Gilmary Shea Prize to Karin Vélez for her book *The Miraculous Flying House of Loreto: Spreading Catholicism in the Early Modern World* (Princeton: Princeton University Press, 2019; published December 2018).

This boldly conceived monograph examines the global spread of early modern Catholicism through the prism of a Marian devotion and by means of an innovative methodology. Vélez initially challenges readers by approaching her topic as mythohistory, a sympathetic position that takes “miracles and religion not as categories of belief but as historical records of reality” (26), a reality of believers’ lived experience and memory. Turning away from conventional approaches that require scholars to peel away devotional layers accumulated over time, Vélez instead views religion as a continuous flow of motion, migration, accretion, and hybridization, and fortuitously lands on the Virgin of Loreto’s flying house as the portable embodiment of Catholicism’s expansion. As a result, Loreto’s global Catholicism is “powerfully accretive: it is always in flux and reinvention, never frozen or static” (33). Drawing especially on reports sent to Jesuit authorities in Rome from Spanish colonies in the Americas as well as the published Jesuit Relations from New France, Vélez utilizes a variety of sources including mission accounts, travelogues, sermons, and cultic “histories.” However, even while using such sources largely composed by clerics, Vélez expands the category of “author” by blurring boundaries between “authorized” missionaries and less authoritative (usually anonymous) missionized. This lets Vélez reimagine authorship as an organic, fluid process and a complex interweaving of migrants and indigenous: Italian, French, Spanish, Portuguese, Slav, Jesuit, Huron, Moxos, Monquí, Inka—and their invited guests. Avoiding both wholly top-down and bottom-up models of religious transmission and change, Vélez draws attention to multiple voices, haphazard and chance events, and a “jumbled” geography transcending customary center-periphery divisions. As a result, Vélez finds participation and contributions in places that more conventional methodologies might never have identified: “unofficial authors, inadvertent pilgrims, unlicensed architects, unacknowledged artists, and unsolicited cataloguers” (7). In sum, this path-breaking study of the constructions, transformations, and expansions of a Marian devotion in early modern global Catholicism offers an array of innovative approaches. They will stimulate further research into the spread of Catholic belief and institutions throughout the wider world. For these original and challenging methodological prospects, *The Miraculous Flying House of Loreto* richly deserves recognition with the 2019 John Gilmory Shea Prize.

#### 2019 Helen and Howard R. Marraro Prize

The Helen and Howard R. Marraro Prize is given annually to the author of a book, published during a preceding twelve-month period, which is judged by a committee of experts to have made the most original and distinguished contribution to the knowledge of Italian history or Italo-American history or relations. The prize consists of \$1500.

This year’s Marraro Prize committee was comprised of Daniel Boornstein (Washington University, St. Louis) and two scholars named by the AHA and the Society for Italian Historical Studies.

**Citation:** Pamela O. Long (Independent Historian), for *Engineering the Eternal City: Infrastructure, Topography, and Culture of Knowledge in Late Sixteenth-Century Rome* (Chicago and London: University of Chicago Press, 2018)

Based on a vast array of archival material, Pamela O. Long's original study recounts the urban development of Rome's infrastructure in the late Renaissance, telling the story of the engineers, artisans, mapmakers, bureaucrats, and antiquarians who addressed its daunting urban, hydraulic, and engineering problems. Her clear prose brings these figures—some famous, some unknown—vividly to life, showing that our concepts of “architect,” “engineer,” “humanist,” or “craftsman” have been siloed by modern categorization.

### 2019 John Tracy Ellis Dissertation Award

The Msgr. John Tracy Ellis Dissertation Award is given annually to a graduate student in the final stage of a degree program, who has demonstrated excellence in their dissertation research and writing to date. The prize consists of \$1500.

This year's Ellis Award committee was comprised of Sandra Yocum (University of Dayton), John Farina (George Mason), and Robert W. Shaffern (University of Scranton).

**Citation:** The American Catholic Historical Association awards the 2019 Ellis Dissertation Award to Fr. Stephen Koeth, CSC, a doctoral candidate at Columbia University. His dissertation is entitled: “The Suburban Church: Catholic Parishes and Politics in Metropolitan New York, 1945–1985.”

Fr. Koeth's dissertation examines the impact of suburbia on the Catholic Church in metropolitan New York. As Fr. Koeth notes in his overview of the dissertation project, “historians of urbanity, religion, and politics” have given little attention to the impact of suburbia on twentieth-century U.S. Catholic life. Importantly, Fr. Koeth grounds this analysis in the historical realities of Catholic parish life. His political interests are contextualized with a sensitivity to the impact of religion. Koeth's research promises to make an important contribution to Catholic Studies and deserves the ACHA's support through the John Tracy Ellis Dissertation Award.

### 2019 Harry C. Koenig Award

The Msgr. Harry C. Koenig Award has been given annually to the author of a biographical article or book of a Catholic figure from any time period or region of the world. The prize consists of \$1500.

This year's Koenig Award committee was comprised of Daniel Boornstein (Washington University, St. Louis), Nick Rademacher (Cabrini University), and Anne Klejment (University of St. Thomas).

**Citation:** The American Catholic Historical Association presents the 2019 Koenig Award to Fr. Richard Gribble CSC for his Spring 2017 article in *American Catholic Studies*, entitled: “The Press at Vatican II: The Contribution of Father Edward Heston, CSC.”



The award committee found Fr. Gribble's article the most meritorious example of Catholic biography. It brings to the fore a relatively unknown figure, Edward Heston, CSC, who, as Gribble demonstrates convincingly, played an instrumental role in shaping public understanding of the Second Vatican Council, the pivotal event in the history of the Catholic Church and Catholicism in the twentieth century. Illuminating the behind-the-scenes workings of the Council and its press coverage, the article contributes the international dimension of Heston's influence. The exceptional quality of Heston's reports and their use by members of the English-language press and others confirm the significance of Heston's fulfillment of his assignment, therefore making this article the winner of the 2019 Koenig Award.

### 2019 Research Grants for Graduate Students

Tim Dulle, Fordham University  
 Corinne Gressang, University of Kentucky  
 Mitchell Oxford, The College of William and Mary  
 Cole Volman, West Virginia University

### 2020 Presidential (Conference) Travel Grants for Graduate Students

Alexandria Griffin, Arizona State University  
 Conor Donnan, University of Pennsylvania  
 Richard Todd Yoder, Penn State University

### ACHA Distinguished Scholar

**Citation for Ellen Skerrett:** read by Kathleen Cummings (University of Notre Dame)

Ellen Skerrett published her first book, *Chicago: City of Neighborhoods* with Loyola University Press in 1986. She has since established herself as the pre-eminent historian of Chicago and a renowned scholar of Irish America. She has authored or edited six books, most notably *Born in Chicago*, the first published history of Loyola University Chicago, and is presently writing the history of St. Ignatius College Prep, where the Jesuit mission in Chicago began in 1857, for the school's 150th anniversary.

Ellen is fiercely committed to public history and has developed, curated, or led numerous Chicago-based exhibits, including Loyola University Museum of Art's, "Crossings and Dwellings: Restored Jesuits, Women Religious, American Experience, 1814–2014," the Chicago History Museum's Chicago Literary Tour in 2013, and the permanent installation at the National Shrine of St. Frances Xavier Cabrini in Chicago in 2012. She is also known for her legendary tours of Chicago, including one for the 2012 meeting of the American Catholic Historical Association, "In the Shadow of Hull-House: Catholic Church Architecture on Chicago's Near West Side," as well as bus and walking tours of James T. Farrell's Washington Park neighborhood and the Hull-House neighborhood.

Skerrett has been the Chicago-based researcher for the Jane Addams Papers Project at Ramapo College of New Jersey and also worked on the second and third volumes of *The Selected Papers of Jane Addams, 1881–1900* (University of Illinois Press). From 2000 to 2003, Skerrett served as project coordinator and associate editor of the University of Illinois at Chicago's Web site, "Urban Experience in Chicago: Hull-House and Its Neighborhoods, 1889–1963."

Ellen Skerrett possesses what can only be described as archival superpowers. No matter how deeply a document or artifact is buried, she will find it. More remarkably, she will readily share it eagerly with colleagues. Legions of historians, from doctoral students to senior scholars, have experienced how a chance conversation with Ellen generated dozens of subsequent emails, in which she exuberantly explicates the source she has scanned and attached just for them, often the source that had proved most elusive or that one never imagined existed.

In addition to her books Ellen has published numerous articles and book chapters in an astonishing range of publications, such as the *Journal of Urban History*, *Chicago History*, the *Irish Times*, the *American Catholic Studies Newsletter*, *U.S. Catholic Historian*, and *Commonweal*.

Ellen Skerrett's stellar record of publication is all the more admirable considering she has compiled it as an independent scholar. That she accomplished so much without first the promise and later the protection of tenure, and without the research and travel budgets that those of us attached to universities rely on, is a testament to her tenacity, her talent, and above all, her love for the past and her commitment to interpreting and preserving it. For the breadth and depth of her contribution to the history of Chicago, the history of the Irish in America, and the history of the Catholic Church, for her generosity to the students she has mentored and influenced, for all her efforts to educate both her fellow scholars and the wider public, the American Historical Association presents its 2020 Distinguished Scholar Award to Ellen Skerrett.

### ACHA Distinguished Teacher

**Citation for James O'Toole:** read by Peter Cajka (University of Notre Dame)  
 In the winter of 2010, I called a friend, already a graduate student at Boston College, and excitedly relayed the news I had been accepted into the PHD program in history: without taking a breath, he said I was lucky to be working with Jim O'Toole, who was always around the department and whose door was always open. The introduction foretold what was to come. Jim is always there for his many students: undergraduates, master's students, and PhDs. In his lecturing in the classroom and discussions in his graduate seminars, Jim makes the tough balance of teacher-scholar look easy. He always models for his students what it means to be rigorous, to write with clarity and depth, and to be fair and judicious to the people of the past. He does all of this while being a really smart and reasonable person. The door to his office is frequently open, but enter with a bit of caution: you go in

with an idea, you have a conversation, you realize Jim's idea is better than yours, and you get closer to writing something better. A mark of a good teacher is a generosity to spread the intellectual wealth.

Jim burst onto the scene in 1992 with his publication of *Militant and Triumphant: William Henry O'Connell and the Catholic Church in Boston*. The book is American Catholic History Classic. It announced the characteristics that would define his long career: it carried O'Toole's signature mixture of excellent writing, deep social contextualization of religion in American culture, deep dives into the archives (Jim was archivist), and a bravery to write with candor about American Catholics. He went on to edit and write four other books, including *Habits of Devotion: Catholic Religious Practice in Twentieth Century America* and *The Faithful: A History of Catholics in America*. The social history revolution begun by Jay Dolan in the 1970s and 1980s—I remember Jim holding *The Immigrant Church* in his hands and saying “this is the revolution”—had a more than capable follower in Jim. Our field owes him a great debt for the ways his archiving and writing has recovered the social worlds of the laity. In 1998, Jim moved from the University of Massachusetts at Boston, where he was an associate professor, to Boston College, where he became the Clough Millennium Professor of History. Jim's achievement—he returned to his undergraduate alma mater as an endowed chair—was a real victory for the field of American Catholic Studies. One of our own, a historian who told tough truths about religious institutions, got a position equal to his intellectual capabilities.

Jim, as a friend and a teacher, has made important contributions to American Catholic History. He has advised projects on all layers of the American Catholic experience: the laity, the devotional, the institutional, the political, and the theological. His students have written dissertations on Jesuit education, Catholic volunteering, Catholic manhood, Catholic childhood, the Catholic theology of conscience and grassroots pro-life politics. Jim has also overseen the production of dissertations on Congregationalists, original sin, ethnicity, museums, and memory. The writings of his students reflect the intellectual depth and breadth of the advisor. He has taught his students, his friends, and his colleagues a great deal about Catholics, and what it means to be a historian. Thanks, Jim!

#### ACHA Distinguished Service

Citation for the Archives of the Archdiocese of Los Angeles (Msgr. Francis Weber (director emeritus) and Kevin Feeney (director) (and response) read by Kathleen Holscher (University of New Mexico)

Monsignor Francis J. Weber is considered the Dean of California Catholic historians and has published well over 200 books on California Catholic History, including works on all the California missions, St. Junipero Serra, Bishops Amat, Mora, Manning and others, a history of the archdiocese, works on many archdiocesan institutions and personalities, and his two-volume magnum opus, *His Eminence of Los Angeles: James Francis Cardinal McIntyre* (1997). His memoir, *Memoirs of an Old Country Priest*, has gone through three editions. He began serving as the archivist for

the Archdiocese of Los Angeles in 1962. He was sent to study at the Catholic University of America where he studied with the great John Tracy Ellis. Upon his return, besides administering the archives, he began writing a column for *The Tidings*, the Los Angeles archdiocesan newspaper, entitled "California's Catholic Heritage," which ran for thirty-three years. The accumulation of so much research and writing culminated in his massive *Encyclopedia of California's Catholic Heritage*, published in 2000. Almost single-handedly Monsignor Weber brought order to the important historical collections of the Archdiocese of Los Angeles. In 1981, he spurred the construction of an impressive new building, the Archival Center of the Archdiocese of Los Angeles, which included an archive, a historical library, and a historical museum, providing a suitable repository for the archdiocese's valuable collections. The Center's location, adjacent to Mission San Fernando, which he has served as administrator for many years, added to the Center's charms. Monsignor has built an impressive collection and repository, of limitless value to researchers, scholars, and the general public. He has assisted literally thousands and thousands of researchers and guests. When Monsignor stepped down to assume the position of archivist emeritus, his long-time associate archivist, Kevin Feeney, was there to continue the tradition begun by Monsignor Weber. Kevin is a very fine archivist, professionally trained, who continues to maintain the high standards of the Archival Center.

#### The Nelson H. Minnich Prize

The prize committee consisted in Drs. Jennifer Paxton, Joseph White, and Robin Darling Young.

**Citation:** The Nelson H. Minnich Prize for Best Article in the *Catholic Historical Review* in 2019 is awarded to Martina Saltamacchia, associate professor of medieval history, University of Nebraska at Omaha. Her article, "A Button, an Egg, a Piece of Cheese: Gifts and Donations for the Cathedral of Milan" appeared in the Autumn issue (Volume 105, No. 4).

In this highly original article, Professor Saltamacchia addresses fundraising for construction of the Milan cathedral in the late fourteenth and early fifteenth centuries. The author surveys cathedral financing elsewhere in northern and central Italy that relied on taxes, tithes, or a single great benefactor. For the Milan cathedral, the "Fabbrica" or administrative board in charge of constructing, financing, and managing the works for the cathedral, decided to rely on voluntary popular support for the enterprise. This board comprised overwhelmingly of laymen maintained its independence in decision-making even when faced with losing the partial support of Milan's ruler, Gian Galeazzo Visconti. Hence in contrast to other cathedral building efforts financial records reveal "it was only in Milan that the combination of popular religious fervor was symbiotically channeled with civic pride to produce a voluntarily financed cathedral" (626).

"Myriad hopes moved the Milanese to finance cathedral construction." The author finds in financial records, "the voices of the faithful expressing gratitude for abundant harvests, pleas against deadly epidemics, desire for pardon, search for fame

in the community and need for expiation” (634). In light of a current trend, indulgences came to be granted for specific acts deemed charitable and meritorious, including material and financial contributions to the construction, maintenance of religious institutions. Indulgences served as an important means of fundraising for the cathedral’s construction. Milan’s archbishops played an important role in granting indulgences and securing them for special jubilees and privileges from the pope to encourage donations. (635) The foregoing efforts created a complementary means of securing donations from collection boxes, fundraising missions, and parades and fulfilled two objectives: collecting as many offerings as possible and thereby assuring continuation of construction work and engaging all in Milan thereby instilling pride and unity in a grand work regardless of their means or status.

On account of the depth of research in records that touched the religious behavior of ordinary believers as related to a great religious undertaking and its originality of design, and quality of writing, “A Button, an Egg, a Piece of Cheese: Gifts and Donations for the Cathedral of Milan” deserves recognition of the Nelson H. Minnich Prize for 2019.

#### CAUSE OF SAINTS

On December 7, 2019 Brother James Miller, a De La Salle Christian Brother, who was born of a farm family in Stevens Point, Wisconsin, and died as a martyr while repairing a wall of the De La Salle Indian School in Huehuetenango, Guatemala, was beatified at a ceremony in the cathedral of Our Lady of the Immaculate Conception in Huehuetenango.

On December 11, 2019 Pope Francis authorized the promulgation of a decree acknowledging a miracle through the intercession of the Venerable Servant of God Maria Luisa (née Maria Velotti, 1826–86), foundress of the Franciscan Sister Adorers of the Holy Cross. The decree also testified to the martyrdom during the Spanish Civil War of the following Servants of God: Ángel Marina Álvarez (1890–1936) and nineteen companions of the Order of Friars Minor; Fructuoso Pérez Márquez (1884–1936), lay member of the Third Order of Preachers; and Ascensión de San José (née Isabella Sánchez Romero, 1860–1937), professed religious of the Order of Preachers. The decree also declared the heroic virtues of the following Servants of God: Vincenzo Maria Morelli (1741–1812), Theatine and archbishop of Otranto; Carlo Angelo Sonzini (1878–1957), founder of the Congregation of the Handmaids of Saint Joseph; Américo Monteiro de Agular (1887–1956), Portuguese diocesan priest; Giulio Facibene (1884–1958), Italian diocesan priest; Gregorio Tomas Suárez Fernández (1915–49), Spanish professed priest of the Order of Saint Augustine; and María de los Ángeles de Santa Teresa (née Dinah Amorim, 1917–88), Brazilian professed religious of the Sisters of Pious Schools.

On February 21, 2020, Pope Francis approved the promulgation of eight decrees concerning three miracles, three martyrs and four new “Venerables.”

The miracles were attributed to the intercession: of Blessed Lazarus, also known as Devasahayam (1712–52), an Indian layman and martyr; of Blessed Mary Frances of Jesus (in the world known as Anna Maria Rubatto [1844–1904]), the Italian founder of the Capuchin Tertiary Sisters of Loano and missionary in Uruguay; and of the Venerable Carlo Acutis, lay youth who was born in England and died in Italy (1991–2006).

Their status as martyrs was recognized for three persons in El Salvador: Rutilio Grande Garcia (1928–77), a Jesuit priest, and two lay companions: his parish assistant, Manuel Solorzano (1905–77), and Nelson Rutilio Lemus (1961–77), who all died in “hatred of the faith,” on March 12, 1977.

Recognition of their heroic virtues was given to Father Emilio Venturini (1842–1905), Italian diocesan priest, founder of the Congregation of Sisters Handmaids of Our Lady of Sorrows; to Father Pirro Scavizzi (1884–1964), Italian diocesan priest; to Father Emilio Recchia (1888–1969), a religious of the Congregation of the Sacred Stigmata of Our Lord Jesus Christ; and to Mario Hiriart Pulido (1931–64), Chilean layman of the Schoenstatt Movement who died in the United States.

## FELLOWSHIPS

On May 26–29, 2020, the Wilson Center’s History and Public Policy Program and the Project on History and Strategy and the Center for Strategic and International Studies will sponsor in cooperation with George Washington University in Washington, D.C., a four-day seminar, the 2020 Summer Institute on Conducting Archival Research. It welcomes applicants who are PhD candidates who have defended their dissertation proposal and are working on policy-relevant historical research agenda on topics related to international history, national security, diplomacy, and the military. The deadline for application is March 8, 2020. Applications should include the application cover sheet, curriculum vitae, and a one to two page (12 pt. font, double spaced, 1” margins) proposal outlining how the dissertation research would benefit from participation in SICAR. One letter of recommendation should also be submitted directly by the recommender. All application materials should be submitted via e-mail to [sicar@wilsoncenter.org](mailto:sicar@wilsoncenter.org). The Wilson Center will make an effort to confirm receipt of all application materials.

On July 6–31, 2020, the Center for Renaissance Studies at the Newberry Library in Chicago will host the 2020 Mellon Summer Institute in French Paleography, taught in the French language by Marc Smith of the École Nationale des Chartes, Paris. To apply for one of the fifteen positions reserved for advanced graduate students and junior faculty from American and Canadian institutions and for qualified independent scholars, please visit: <https://www.newberry.org/070620202-mellon-summer-institutue-french-paleography>. Successful applicants will receive stipends to defray the expenses of travel, housing, and food. The application deadline is March 2, 2020.

On August 3–14, 2020, the 44th International Wolfenbüttel Summer Course will be held at the Herzog August Bibliothek in Wolfenbüttel, Germany. The theme of the course is “Early Modern Visual Data: Organizing Knowledge in Printed Books.” It will be led in English by Stephanie Leitch. The course will study how images functioned in conjunction with text, how images visualized knowledge. The fifteen successful applicants will have their accommodations and breakfast expenses paid and receive a 100 euro stipend for living costs, but they are expected to pay for their own travel. To apply, please email [forschung@hab.de](mailto:forschung@hab.de) and complete the application by March 15, 2020.

The Warburg Institute sponsors Frances A. Yates Fellowships. Dame Frances Yates, who died in 1981, generously bequeathed her residuary estate to found research fellowships in her name at the Institute. Fellows’ interests may lie in any aspect of cultural and intellectual history but, other things being equal, preference will be given to those whose work is concerned with those areas of the medieval and Renaissance encyclopedia of knowledge to which Dame Frances herself made such distinguished contributions. A number of two-, three- and four-month short-term fellowships are available each year, as well as an annual long-term research fellowship for nine to twelve months. Candidates domiciled in the U.K. may apply for three or four-month fellowships only. For more information, please see <https://warburg.sas.ac.uk/research/fellowships/funded-research-fellowships/frances-yates-short-term-research-fellowships>, or email [warburg@sas.ac.uk](mailto:warburg@sas.ac.uk).

The Leibniz-Institut für Europäische Geschichte in Mainz is offering fellowships beginning in September 2020 in support of international doctoral students engaged in historical research using Digital Humanities methods on topics related to “Negotiating Differences in Europe.” Proficiency in English and German languages and residence in Mainz are required. To apply, please send a pdf letter of application, a maximum five-page description of one’s project, a *curriculum vitae*, and university certificates testifying to one’s language proficiency—all to be sent electronically to [application@ieg-mainz.de](mailto:application@ieg-mainz.de). The letter of recommendation from one’s academic advisor should be sent to [fellowship@ieg-mainz.de](mailto:fellowship@ieg-mainz.de). For questions regarding Digital Humanities, please email Thorsten Wübbena ([wuebbena@ieg-mainz.de](mailto:wuebbena@ieg-mainz.de)); for questions regarding the fellowship program, please contact Barbara Müller ([fellowship@ieg-mainz.de](mailto:fellowship@ieg-mainz.de)).

## CONFERENCES

Originally scheduled for March 5 and 6, 2020, but now indefinitely postponed, the Pontifical Gregorian University and the University of Notre Dame will sponsor in Rome a conference entitled “The Holy See and the US in Pius XII’s Archives: The State of the Question and the Archives.” Just a few days after the opening of the Pius XII Archives, the conference will address the historiographic issues and present the archives and their record series. It will evaluate if the opening of the archives has really changed the perspective on the relationship among the Holy See and the US. Among the speakers are: Gerald P. Fogarty SJ, “The Holy See and the US, 1939–

1952: From Mere Toleration to Open Embrace”; Susanna de Stradis, “The Holy See and the United States in the Pacelli Era: New Sources, New Perspectives”; Roberto Regoli, “La Curia e gli Stati Uniti”; Nina Valbousquet, “Beyond Silence: Humanitarian Diplomacy and Jewish-Vatican Relations”; Liliosa Azara, “Il Vaticano, gli Stati Uniti e le organizzazioni internazionali”; Philippe Chenaux, “Il Vaticano, gli Stati Uniti e l’Europa”; Paolo Valvo, “Il Vaticano, gli Stati Uniti e l’America Latina”; András Fejérdy, “Accademia ungherese delle Scienze: La Santa Sede, gli Stati Uniti e la Guerra Fredda”; Deirdre Raftery, “The Holy See and Catholic Sisters: Questions for the Pacelli Era”; Matteo Sanfilippo, “Rome: refugees and migrants.” Presenting the archival materials available are: Sergio Pagano, Prefetto Archivio Apostolico; Alejandro Cifres, Congregazione per la dottrina della fede; Luis Manuel Cuña Ramos, Archivio della Congregazione di Propaganda Fide; Gianpaolo Rigotti, Archivio della Congregazione per le Chiese Orientali; Ugo Taraborelli, Archivio del Tribunale della Penitenzieria Apostolica; Martín Morales SJ, Archivio della Pontificia Università Gregoriana; and Giovanni Terragni CS, Archivio Generale Scalabriniano.

On March 30, 2020, the German Historical Institute in Rome is sponsoring a conference “Early Modern Antitrinitarianism and Italian Culture: Interdisciplinary Perspectives” led by Riccarda Suitner. The papers in English and Italian will investigate what influences humanist philology, prophetism, and other trends may have played in shaping the ideas of the Antitrinitarians, Nicodemites, controversies, and later developments. Among the scheduled speakers are Emese Balint, Anne Overell, Sven Grosse, Riccarda Suitner, and Stefano Brogi.

## WORKSHOP

On June 22–26, 2020, the Sangalli Institute of Florence is sponsoring a summer institute in Rome devoted to the theme “The Archives of the Religious Orders: A New Perspective on Global Catholicism.” This workshop will focus on the central archives of some of the important religious orders and on their materials, providing especially, but not only, to young scholars in the Humanities a new perspective on global Catholicism from the early-modern period until the contemporary age. The workshop will offer a multi-disciplinary approach to the role played by the religious orders and their impact from an historical, ethno-anthropological, and art historical point of view, and on a global scale. This workshop will be particularly useful for any students enrolled in graduate and Ph.D. programs in history, but also for archivists, museum curators, anthropologists, and established scholars who are currently working on global missionary history and global Catholicism. The seminar will consist of morning lectures on the history of some crucial Catholic religious orders, archival research, and palaeography. Participants will be encouraged to explain their current or future research projects in order to have useful feedbacks from the archivists and professors involved in the seminar. The afternoon sessions will be devoted to visiting a selected group of archives of the same religious orders. During the seminar the following archives will be visited: 1) Historical Archives of the Franciscan Friars; 2) General Archives of the Capuchin Friars; 3)



Archivum Romanum Societatis Iesu; 4) General Archives of the Missionaries of Saint Charles Borromeo (Scalabrinians); and 5) Central Archives of the Missionaries of the Heart of Jesus (Combonians). The seminar's list of lectures will include: Introduction to Archival Research in Rome; The Historical Archives of the Franciscan Friars: Brief History and Structure; Archival Research in the General Archives of the Capuchin Friars; The Archivum Romanum Societatis Iesu: Brief History and Structure; Archival Research in the General Archives of the Missionaries of Saint Charles Borromeo (Scalabrinians); Archival Research in the Central Archives of the Missionaries of the Heart of Jesus (Combonians); and Laboratories on Manuscripts and Documents: Language, Scripts, Conventions, Dating, and Documentary Typologies. The lectures and the laboratory instruction will be given by Professors Matteo Binasco (University for Foreigners of Siena); Giuseppe Buffon (Pontifical University Antonianum of Rome); Michele Camaioni (University of Roma Tre); Sabina Pavone (University of Macerata); Matteo Sanfilippo (University of Viterbo); and Massimo Zaccaria (University of Pavia). A basic knowledge of Italian is recommended, but no previous archival and palaeographic experience is required. Students will be encouraged to develop and improve their current researches by meeting with the archivists and the professors in order to plan future research-trips to Rome, and more broadly to Italy. Perspective applicants should send to the following email address: [segreteria@istitutosangalli.it](mailto:segreteria@istitutosangalli.it) 1) a one-page CV; 2) a brief statement letter (no more than one A4 page) in which they explain how this seminar will improve their research. The above email address should also be used for any queries pertaining to administrative details, course tuition, and general information. Information about possible accommodations in Rome will also be provided. Cost of the seminar (including the morning lectures and visit to the archives): 1.000,00 € (one thousand euros). Up to a maximum of three registrations amounting to € 600,00 (six hundred euros) each will be reserved to master students, not yet graduated nor enrolled in a Ph.D. program. The selection will be made on the basis of their motivations to participate in the workshop and the relevance of their research projects. Registrations will be closed as soon as the number of twelve participants has been reached. We invite, therefore, those interested to send their applications as soon as possible, in order to book ahead flights and accommodations in Rome during that week. Deadline for application is March 31, 2020.

## PUBLICATIONS

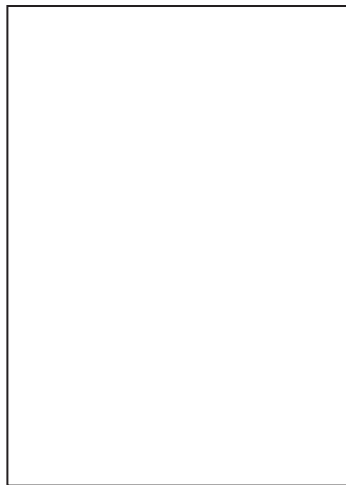
Holiness is the theme of all the articles published in the fourth issue for 2019 (Volume 167) of the *Theologisch-praktische Quartalschrift*. The historical articles are “Franz von Assisi—Heiligkeit zwischen Christusrepräsentation und Martyriumssehnsucht,” by Volker Leppin (pp. 370–77); “Zwischen Alexandrien und St. Radegund,” by Andreas Schmoller (pp. 378–87); and “Allerheiligen—Entstehung and Bedeutungswandel eines Hochfestes,” by Benedikt Karnemann (pp. 388–95).

“Oito séculos de presença franciscana em Portugal: Memória e Vivência” are commemorated in Volume LXV (2019) of *Itinerarium* (published in Lisbon by the

Franciscans of Portugal). Noteworthy among the articles are “La geopolítica franciscana della frontiera portoghese,” by Giuseppe Buffon (pp. 37–54); “Os franciscanos—800 anos na Terra Santa: Uma epopeia de amor e de serviço 1217–2017,” by João Duarte Lourenço (pp. 55–64); “A presença franciscana nas periferias urbanas de Portugal nos primeiros tempos da Ordem,” by Saul António Gomes (pp. 65–73); “Os Franciscanos na África Oriental—Moçambique,” by Álvaro Cruz da Silva (pp. 75–86); “A Ordem Franciscana na África Ocidental (1219–2018),” by Henrique Pinto Rema (pp. 87–100); “Notas para a História da Província de S. João Evangelista das Ilhas dos Açores,” by Duarte Nuno Chaves (pp. 101–18); “O Convento de S. Francisco de Setúbal na Idade Média: dinâmicas e vivências urbanas,” by Ana Cláudia Silveira (pp. 119–63); “Que as irmãs estejam continuamente no mosteiro encerradas’: Entre a observância e o abandono da clausura no Mosteiro de Nossa Senhora de *Aracoeli* de Alcácer do Sal,” by Maria Teresa Lopes Pereira (pp. 165–84); “O Colégio de Santo António de Tuy (1917–1943) e outros Centros de refúgio de Franciscanos portugueses na Galiza,” by António de Sousa Araújo (pp. 185–234); “O convento de Varatojo,” by António Montes Moreira (pp. 235–40); and several others.

#### OBITUARIES

##### Konrad Repgen



(1923–2017)

While Konrad Repgen died three years ago, it is fitting to commemorate his life and service particularly in this journal. Konrad Repgen (1923–2017) was a highly influential German historian who contributed much to the development of Catholic contemporary history during the latter half of the twentieth century. He was one of the six foreign scholars appointed as Corresponding Fellows of the American Catholic Historical Association in 1984. Repgen served as professor of

early modern and modern history, first at the University of the Saarland, then at his alma mater, Bonn University, from 1962 to 1988. He remained an active scholar long after achieving emeritus status. In 2002, he contributed to the *Catholic Historical Review* an incisive review article "Connecting the Church and the Shoah" on Michael Phayer's book *The Catholic Church and the Holocaust, 1930–1965* (*Catholic Historical Review*, LXXXVIII [July, 2002], 546–553).

Reppen grew up in a devoutly Catholic household. In 1933, the newly installed National Socialist regime dismissed his father, an engaged Center Party politician, from his position as school teacher. Reppen, nonetheless, was able to complete his *Abitur*. Drafted in 1941, Reppen served on the Eastern Front and ended the war as a prisoner of war. He was eventually released and began his university studies. In 1950, Reppen defended his doctoral dissertation on the revolution of 1848 in the Rhineland. For three years, a fellowship permitted him to study at the German Historical Institute in Rome and in the Vatican Archives. This work led to his 1958 *Habilitation* on the Treaty of Westphalia. Having demonstrated the required scholarly breadth, Reppen began his tenure as university professor in 1962. He mentored many of the scholars in Catholic contemporary history whose work has shaped the field in the decades since Reppen's retirement.

In fact, while Reppen's work in early modern German history has stood the test of time, his most important contributions occurred in Catholic contemporary history. Reppen was one of the founders of the Catholic Kommission für Zeitgeschichte, whose goal was to research and present the history of twentieth-century German Catholicism, in particular its engagement with National Socialism, based on thorough archival study and with an understanding of Catholic *Weltanschauung*. Together with his close colleague Rudolf Morsey, Reppen long guided the commission's publications, the famous "blaue Reihe" that are indispensable to the field. From the commission's origins, at the time Hochhuth's play "The Deputy" debuted and the German Constitutional Court reaffirmed the continued validity of the 1933 Concordat, Reppen saw himself as a scholarly defender of German Catholicism.

Reppen also participated publicly in debates that crossed from the scholarly to the political. In 1970, he joined the Bund Freiheit der Wissenschaft, an organization of scholars and public intellectuals who embraced reforms of the German university system, but rejected what they perceived to be the intolerant domination of the student reform movement by radical left-wing individuals and groups. In the 1980s, Reppen spearheaded Bonn University's efforts to retain its preparation programs for secondary school teachers against the wishes of the state government.

Reppen's most important intervention occurred in the 1970s, when Reppen and Protestant church historian Klaus Scholder conducted a very public debate about the role of the German Catholic hierarchy and the German Center Party in the passage of the Enabling Act of 1933. In an article in *Vierteljahrshefte für Zeitgeschichte*, Scholder argued that the Catholic Church had a particular affinity for authoritarian regimes with whom one could negotiate more easily than with parlia-

mentary democracies. He also believed that the Church was glad to rid itself of the Center Party in return for a Reich Concordat, which the Holy See had sought since the early 1920s. Scholder based part of his argument, however, on a misreading of an article by the Center Party's leader, Monsignor Ludwig Kaas, in which Kaas argued that in Italy the Church seemed to cooperate well with the fascist regime. Scholder overlooked a passage in which Kaas stated that this model was suitable for Italy only, not for Germany. Scholder also based his argument on scholarly knowledge of a series of meetings between leaders of the National Socialist regime and Center Party leaders. For most of these meetings, no minutes or other records of their contents survived.

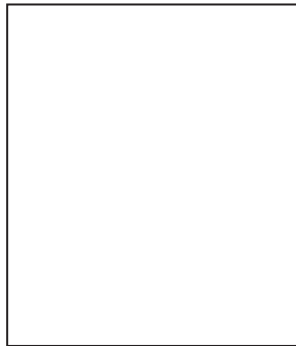
In the same journal, Reppen countered Scholder's arguments by emphasizing the absence of any documentation of a *quid pro quo* between the Church or the Center Party on the one hand and the regime on the other. Reppen argued that the absence of evidence made it highly likely there was no secret arrangement. The debate between these two eminent scholars while factually exacting always remained characterized by respect and civility.

As both rigorous and generous teacher, thorough scholar, and conservative German Catholic public intellectual with consistently clear positions against all extremes, Reppen left behind not only a laudable body of work, but also a generation of productive younger historians and an active research institution.

*Rivier University*

MARTIN MENKE

### Brian Tierney



(photograph courtesy of Ken Pennington)  
(1922–2019)

Brian Tierney was a shopkeeper's son, born on May 7, 1922, in Scunthorpe, Lincolnshire, England, of an Irish-Catholic family. He moved to Bristol for a job when he was sixteen. After his home in Bristol was destroyed in an air raid, Tierney enlisted in the Royal Air Force in July 1941. He was trained as a navigator in Canada, and flew thirty missions on Wellington bombers and another sixty on

Mosquitoes with the 105th Squadron of the Pathfinder Force. In the final months of the war he flew a number of missions to Berlin. He was awarded the Distinguished Flying Cross and a few months later a Bar for "utmost fortitude and courage." Tierney left the RAF with the rank of Flight Lieutenant. After the war, he was accepted by Pembroke College at Cambridge for a shortened undergraduate degree for veterans and graduated in 1948 with First Class Honors. He then continued his graduate studies at Cambridge to take a degree in medieval history. He studied with Walter Ullmann and received his Ph.D. in 1951.

At Ullmann's suggestion, Tierney wrote a dissertation that explored the legal foundations of the conciliar movement. Stephan Kuttner was an outside examiner for his thesis and helped Tierney get a position in the history department of The Catholic University of America, where Kuttner served on the canon law faculty. In 1959, he moved to Cornell University, where in 1969 he became the Goldwin Smith Professor of Medieval History and in 1977 was appointed the first Bryce and Edith Bowmar Professor of Humanistic Studies. Tierney became president of the American Catholic Historical Association in 1965 and was elected a Fellow of the Medieval Academy of America in 1973 and later won the Academy's Haskins Medal. He received the Johannes Quasten medal from Catholic University for Excellence in Scholarship and Leadership in Religious Studies in 2003. He retired in 1992 from teaching but not from scholarship. He died on November 30, 2019.

In 1955 Tierney published his dissertation with the title *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism*. He had begun his research with no thought as to its relevance for the twentieth century. He examined the arguments put forward at the Council of Constance about the constitution of the Church. Tierney demonstrated that the arguments of the conciliarists were not aberrations but had their source in medieval canonical jurisprudence. When Pope John XXIII announced in January, 1959, that he intended to convene Vatican Council II, Tierney's book became a quarry for ideas about the structure of the Church and the relationship of the pope to the cardinals and to other members of the ecclesiastical hierarchy, especially when they sat together in a papal council. The book provided an historical dimension to the constitutional issues discussed at the council. Tierney became a major figure in the debates at the council. He published an enlarged edition of the book in 1998. In his introduction to the new edition, he wrote that his book opened up two important paths of research that he and other scholars have followed. The first path led to his book, *Origins of Papal Infallibility 1150–1350* (1972) in which he argued that papal infallibility did not derive from canonical jurisprudence but from the theological literature surrounding the controversy over Franciscan concepts of poverty in the thirteenth century. His book sparked vigorous exchanges of opinion in the pages of *The Catholic Historical Review*. The second path led to a less controversial question of whether conciliar theories influenced the development of Western constitutional thought in the secular realm. In 1979 he delivered a series of lectures at Belfast's Queen's University entitled *Religion, Law, and the Growth of Constitutional Thought 1150–1650* (1982) in which he traced four important elements of medieval

and early modern legal thought that were essential elements of all modern constitutions: consent, popular sovereignty, corporate theory, and electoral theory. Medieval canon law contributed greatly to three of the four.

In the late 1980s, Tierney returned to issues that had first engaged him thirty years earlier, theories of natural and civil rights. While writing on conciliarism, infallibility, and constitutional thought, he had noted that the jurists frequently cited *ius naturale* when discussing many aspects of a person's place in the world. He first explored this topic in 1956 when the School of Social Welfare at the University of California, Los Angeles invited him to give four lectures that were published as *Medieval Poor Law: A Sketch of Canonical Theory and Its Application in England* (1959). In these lectures, he presented a remarkable and radical discovery (for cold-war America) that the medieval jurists unanimously concluded that in times of necessity *ius naturale* dictated that all property must be shared. As Tierney put it, "the poor had a *right* (his emphasis) to be supported." As he began to explore the issue of natural rights and natural law in the 1980's, resulting in *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150–1625* (1997), he explored the various meanings of natural law and rights for women, clergy, indigenous peoples, and many other areas in which the idea of natural rights occurred. From that work, there was a natural progression to his last book, published when he was ninety years old, *Liberty & Law: The Idea of Permissive Natural Law, 1100–1800* (2014). Natural law was considered permissive when one of its principles conflicted with human customs. For example, medieval doctrines of natural law dictated that all property was to be held in common and that all persons were free. These principles conflicted with the institutions of property and slavery. As the dates embedded into the titles of his books indicate, Tierney was not, as he liked to say, a splitter, but a lumpier. Although always centered in the Middle Ages, he stretched out far beyond their chronological boundaries to follow the paths of ideas that captivated him.

Tierney was a superb teacher and delivered lectures that matched his writing: clear, organized, and pellucid. In his seminars, he always demanded that his graduate students plunge into the sources and guided many students through the thickets of dissertation research and writing and on to successful careers inside and outside academia. Undergraduates far beyond Cornell knew him and his work through his textbooks. *The Crisis of Church and State 1050–1300 with Selected Documents* (1964) discussed a key issue of medieval history and is still in print and used widely. He revised and rewrote Sidney Painter's *Western Europe in the Middle Ages 300–1475* (1974, 1992) which went through four editions. At Cornell, he knew how to keep the attention of undergraduates. One of his favorite lecture lines when talking about the Celts was, "If you are curious about what a Celt looked like, just look at me!"

## Periodical Literature

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