
Bishops and civil authorities

Letters 133, 134 and 139

In the following set of letters Augustine writes to Apringius, proconsul of Africa, and to his brother Marcellinus, urging mercy for the Donatists who have been convicted of the murder and mutilation respectively of two Catholic priests.

Letter 133

411

Augustine the bishop greets in the Lord his distinguished and deservedly notable lord and beloved son Marcellinus.¹

(1) I have been informed that the Circumcellions and clergy of Donatus' sect who were taken from the diocese of Hippo by those responsible for public order to stand trial for their activities have in fact been heard by your noble self. Most of them have confessed to committing the murder of Restitutus, the Catholic priest, and to beating Innocent, another Catholic priest, and to gouging out the latter's eye and cutting off his finger. Consequently, I am deeply stricken by the worry that your exalted self might decide to have them punished so harshly by law that the sufferings they will endure correspond to those they have inflicted. I write, therefore, to beg you by the faith you have in Christ, through the mercy of our Lord Christ himself, neither to do this yourself nor to allow it to be done at all.

Now it might be possible for us to turn a blind eye to their deaths, when they were clearly not summoned to trial because we accused them; rather, those responsible for keeping an eye on the preservation of public peace indicted them. However, we do not want a matching punishment to be inflicted because of the sufferings of the servants of God, as if in retaliation.² We do not indeed want to prevent the suppression of a villain's

freedom to offend. However, we think this should be enough: if legal coercion can turn them from their present crazy restlessness to the peacefulness of sanity, or assign them away from harmful employment to serve useful work, while leaving them alive and physically unmutilated.³ It is true that that is also described as condemnation; but surely everyone realises that it should be called kindness and not punishment when you refuse to give reckless violence its freedom, without withdrawing the medicine of repentance.

(2) Christian judge, fulfil the duties of your devoted father. Condemn injustice without forgetting to observe humanity. Do not indulge a thirst to revenge the horrors inflicted by sinners, but rather apply a willingness to heal the wounds of sinners. Do not abandon the fatherly care that you maintained in the investigation itself. Then you dragged from them a confession of their outrages without stretching them on the rack or scoring them with hooks, or burning them with flames, but only beating them.⁴ That is a method of constraint that the teachers of the liberal arts use, and parents themselves. It is not infrequently employed even by bishops in their courts. Therefore do not punish too fiercely something you investigated rather gently. There is a greater need to investigate than to punish; in order to discover who should be spared, even the mildest of men will examine a hidden offence thoroughly and with urgency. In general, then, there is a need to give a cutting edge to the investigation in order to bring the outrage to light, at which point gentleness can come into play.

Now all good works love to be set in the light, not for the sake of human glory, but (as the Lord says) so that they may see your good works and glorify your father who is in heaven [Mt 5.16]. That is why it was not enough for the apostle to warn us to preserve gentleness; we were also to make this known to everyone. These are his words: *Let your gentleness be known to all people* [Phil 4.5]; and elsewhere *showing your gentleness to all people* [Tit 3.2]. Similarly, not even in the case of the holy David would his outstanding gentleness have stood out, when he mercifully spared the enemy who had been given into his hands [cf. 1 Sam 24.1-22],⁵ were it not that his power were equally visible. Therefore do not let your power to punish harden you when the need to examine suspects did not shake your gentleness. Do not summon the executioner once you have discovered the offence, having refused to apply torture during its discovery.

(3) One final point: you have been sent to be useful to the church. I declare solemnly that this course of action assists the Catholic church, or

rather, in case I seem to be exceeding the boundaries of my jurisdiction, that it benefits the part of the church belonging to the diocese of Hippo Regius. Listen to me as a friend making a request; or if not, as a bishop consulting with you. In fact, as I am addressing a Christian, it would not be very presumptuous of me in such a situation to say, 'You should listen to me as to a bishop giving you orders', my distinguished and deservedly notable lord and beloved son. I know that ecclesiastical cases are assigned particularly to your eminent self. However, because I believe that here the specific responsibility falls to the renowned and admirable proconsul,⁶ I have also written to him. I ask you not to think it a burden to hand the letter to him yourself, and lay the business before him, if necessary.

I beg you both not to think my intercession, or my advice, or my concern over-insistent; and not to bring shame on the sufferings of the Catholic servants of God, by inflicting retaliatory punishment on the enemies at whose hands they suffered. (Such suffering ought really to benefit the weak, to strengthen them spiritually.) Please, rather, soften the harshness of your judgements and do not forget to set an example of your faith (for you are sons of the Church) and of the gentleness that belongs to your mother herself.

May the almighty God increase your excellent self with all good gifts, my distinguished and deservedly notable lord and beloved son.

Letter 134

411

Augustine to Apringius,¹ his notable and deservedly exalted lord and most excellent son.

(1) I have no doubt that when you exercise the power that God has given you, a human being, over other human beings, you reflect upon the divine judgement, when judges too will stand to give an account of their own judgements.² I know that you are steeped in the Christian faith. That is why I have a greater confidence with respect to your eminent self, both when making requests and even when giving advice, for the sake of the Lord in whose family you are numbered along with us according to the law of heaven. We share an equal hope of everlasting life in him; and we pray to him on your behalf in the holy mysteries.

Therefore, my notable and deservedly exalted lord and most excellent son, I beg you first not to think me over-insistent in encroaching on your activities, because I am anxious, as I ought especially to be, on behalf of the church entrusted to me. It is her interests that I serve; and my desire is less to be first in her than to put her first. Secondly, I beseech you not to spurn the advice I offer or the requests I make, and not to delay in your assent.

(2) Those with the responsibility of serving public order issued an interdict to bring certain Circumcellions and Donatist clergy to the courts of law. They were heard by the renowned and admirable tribune and notary your brother Marcellinus.³ They were tortured not with hooks and fire, but only a beating, and thus forced to confess the awful deeds they perpetrated against my brothers and fellow-priests: they caught the first in an ambush and butchered him; the second one they dragged from his house and mutilated by gouging out his eye and cutting off his finger.

Once I had heard that they had confessed to this, having no doubt that they would fall under the jurisdiction of your axe,⁴ I hurried to send this letter to your noble self. I beg and beseech you now by the mercy of Christ (and then may we rejoice as your happiness increases in degree and in security) not to inflict equal treatment on them in retribution – though of course the laws are not able to punish them by stoning or chopping off their fingers or tearing out their eyes, as they themselves could do in their violence. Therefore I am not worried in case the men who have confessed to doing this suffer corresponding treatment in their turn. But I am afraid that these men, or others who are clearly guilty of murder, will be punished with a sentence that accords with your power. I beg you as a Christian to a judge, and I warn you as a bishop to a Christian, not to let this happen.

(3) We read that the apostle Paul said about you that you *do not wield a sword without reason*, and you are *ministers of God, and avengers on the evil-doer* [Rom 13.4].⁵ However, the cases⁶ of the province and of the church are distinct. The government of the former should be managed by deterrence; the gentleness of the latter should commend itself by its mercy. If I were speaking to a judge who was not a Christian, I would put it differently. I should still not abandon the cause of the church, and I should insist, so far as he saw fit to allow me, that the sufferings of the Catholic servants of God, which ought to bring benefit as examples of fortitude, should not be soiled with the blood of their enemies. If he were to refuse to assent, I should suspect him of resisting in a hostile spirit.

Now, however, I am discussing the matter with you. Therefore my reasoning and my method of consultation are quite different. We do indeed see that you are a governor endowed with elevated powers. However, we also recognise you as a son endowed with Christian piety. May your exalted self submit, and may your faith submit. The case I discuss with you is our shared concern. You, though, have powers here that I do not possess. Please consult with us, and offer us your assistance.

(4) It was very thorough work to persuade the enemies of the church to confess the awful crimes they have perpetrated against the Catholic clergy and to implicate themselves by their own words. After all, their usual habit is to worry inexperienced souls with their seductive nonsense, as they brag of the harassment that (so they boast) they are enduring.⁷

In order to heal the minds that they have poisoned with their venomous eloquence we have to read out the relevant proceedings. But surely you will not be happy if we are afraid of coming to the end of reading those proceedings, because that will lead to punishing them by shedding their blood? For then we lay aside even the conscience that tells us that victims should not be seen to return evil for evil. Now if there were no other established method of restraining the hostility of the desperate, then perhaps extreme necessity would demand the killing of such people. Even then, as far as we are concerned, if nothing milder could be done, we would prefer to have them set free than to have the sufferings of our brothers avenged by shedding their blood.

But now in fact something else is possible, and this will both bring credit to the mildness of the church, and restrain the recklessness of those who are far from mild. Why, then, will you not incline towards a more prudent role and a softer sentence? The law allows you to do this even in cases unconnected with the church. Join us in fearing the judgement of God the Father, and give credit to the mildness of our mother the church. For when you act, the church acts as you act on her behalf and as her son.

Fight evil men with goodness. They indulged in the appalling outrage of tearing the limbs from a living body. You should indulge in a work of mercy and ensure that the limbs they used for their unspeakable work should be put, undamaged, to serve some useful work. They did not spare the servants of God who were preaching reform to them. You should spare them when they are arrested, spare them when they are brought to you, spare them when they are convicted. They used an impious sword to shed the blood of Christians. You should prevent the

sword of the law, for the sake of Christ, from shedding their blood. They killed a minister of the church and robbed him of time to live. You should allow the enemies of the church to live and have time to repent.⁸ In cases concerning the church, you as a Christian judge ought to act thus: this is our request, this is our advice, this is the aim of our intercession.

It is usual for people to appeal against too mild a sentence when their convicted enemies are treated gently. However, we so love our enemies that we would appeal against your harsh sentence – if we were not relying upon your obedience as a Christian.

May almighty God keep your eminent self safe, increasing your fortune and happiness, my notable and deservedly exalted lord and most excellent son.

Letter 139

411/412

Augustine in the Lord greets Marcellinus, his deservedly notable lord and dearly beloved and much missed son.

(1) I am eagerly awaiting the proceedings¹ which your excellent self has promised; and I am longing to have them read in the church of Hippo as soon as possible, and if it can be done, also in all the churches established within the diocese. Then people will hear for themselves and know all about the men who have confessed their wickedness. It was not the fear of God that wrenched repentance from them, but judicial thoroughness that has opened the hardness of their cruel hearts – not only of those who confessed to murdering one priest and blinding and physically mutilating another,² but also of those who did not dare to deny that they could have known of all this, even though they said that they disapproved (they had fled the peace of the Catholic church on the grounds that they did not want to be polluted by other people's crimes; and yet they persisted in that blasphemous schism, surrounded by a great mass of appalling outrages); or again, of a third group who insisted that they would not return even once we had proved to them the truth of the Catholic claims, and the distortions of the Donatists.

It is no trivial thing that God has willed to be done through your

efforts. If only you could hear such cases more often in this way. If only there were frequent opportunities to publicise their offences and their crazy stubbornness! If only these same proceedings could be published and brought to the notice of absolutely everyone.

Now your distinguished self wrote in your letter that you were not sure whether you ought to order the same proceedings to be posted in Theoprepiā.³ Do this, provided that a big crowd may gather there. Otherwise, you should look for some busier place; do not, though, in any way neglect to do this.

(2) As for the punishment of those who have confessed to such admittedly great outrages, I beg you to make it something other than the death penalty, both on account of our conscience and in order to set an example of Catholic gentleness. The fruit of their confession has accrued to us in the opportunity the church has found for maintaining and displaying her leniency towards the most appalling enemies. Indeed, in so cruel a case, the imposition of any punishment that avoids bloodshed will appear as great leniency. Now at the moment it may seem to some of us, who are upset by the shocking nature of the deed, that this is inappropriate and smacks of licence or negligence. However, when the emotions have calmed down (for they tend to be stirred up more excitedly when events are fresh in the mind) the goodness of this will become transparently and conspicuously clear; and therefore much greater delight will be aroused by reading and publicising the proceedings in question, my deservedly notable lord, and dearly beloved and much missed son.

My holy brother and fellow-bishop Boniface is there; and I have sent an aide-mémoire through the deacon Peregrinus, who travelled with him.⁴ Treat him as if I were with you. Then, whatever seems best to you both together for the benefit of the church, may that come to pass, with the help of the Lord, who has the power amid such evils to provide assistance in a merciful way.

Their bishop Macrobius, surrounded by packs of desperate supporters of both sexes, has been going about here and there and opening basilicas for himself when their true owners had closed them out of some slight fear. Now when Spondeus, the procurator of the renowned Celer, was present, then their recklessness was somewhat hampered. (He is the man I have commended, and continue to commend, to your affection.) Now that he has left for Carthage, however, Macrobius has opened basilicas on Spondeus' own estate, and is gathering crowds there. With him also is

Donatus, that deacon who was rebaptised when he was a tenant of the church. He was notably involved in that violent attack. If such a person is with Macrobius, who might not be with him?

It seems that the proconsul,⁵ or both of you together, are about to pronounce sentence on them. Suppose that he persists in wanting to punish them with the sword, even though he is a Christian and not, so far as we can tell, inclined to that sort of bloodshed. Still, if it proves necessary, please give orders also to invoke my letters during the proceedings, the individual letters that I saw fit to send you on this topic.⁶ For I am usually told that it lies in the power of the judges to soften a sentence or to punish more mildly than the laws suggest.

If despite this he does not agree with my letters on this point, please at least let him arrange for them to be held in custody. We have made⁷ it our concern to appeal to the emperor's clemency to prevent the sufferings of the servants of God, which ought to bring glory upon the church, from being dishonoured by the blood of her enemies.⁸ Indeed, I know that in the case of those clergy of Anauina, who were killed by pagans and are now honoured as martyrs,⁹ the emperor very easily granted the request that their killers, once they had been caught and were in custody, should not meet with corresponding punishment.

(3) I have forgotten why I took back the books on infant baptism, when I had already sent the volume to your excellent self.¹⁰ Perhaps it was because I found them misleading when I was looking over them, and wanted to correct them. However, I have been so amazingly busy that I have not done so. You should also know that the letter that should have been written to you and attached to the books, which I had already begun to dictate when I was there, is still unfinished, though a little has been added. If I had the chance to render you an account of all the days and nights I have devoted to other necessities, you would be deeply sympathetic. You would be amazed at the amount of demanding business that I cannot possibly put off, which does not allow me to do the things you are pressing requesting me and advising me to do; I want to do them, and I am inexpressibly sorry that I cannot.

Occasionally, I do have a little time free from attending to the needs of people who are commandeering my assistance in such a way that I can't avoid them and ought not to neglect them. Even then I have no shortage of things to dictate, and I must give these priority: for they are relevant to a critical moment and cannot be postponed. For example, I have composed a summary of the proceedings of our conference,¹¹ which required

quite a lot of work, since I saw that no one was willing to devote himself to reading such a large amount of documentation. Again, I wrote a letter to the Donatist laity themselves about that conference of ours,¹² and this took several nights' work to complete. Also, there were the two substantial letters, the one to your dear self, the other to the illustrious Volusianus.¹³ (I believe you have already received them.) Again, I have in my hands at this moment a book addressed to our friend Honoratus in reply to five questions that he put to me, communicating with me by letter.¹⁴ You can see that it would be most inappropriate not to reply to him immediately. For love, like a nurse nurturing her children, puts the weaker before the stronger – in the order of helping them rather than of loving them. For she wants the weak to become like the strong; the strong she passes over for the time being, not out of contempt for them, but out of confidence in them.

In short, wherever I am allowed just a brief respite from the masses of preoccupations that demand my time and distract me because of others' desires or needs, then I cannot avoid the need to dictate the sorts of works I have described; and this keeps me away from the work that I ardently long to dictate. I simply do not know what I am to do.

(4) You have heard now why you should pray to the Lord with me. But I do not want you to stop giving me pressing and frequent reminders; you do not do so in vain.

A final point: I recommend to your eminent self the church established in Numidia. My holy brother and fellow-bishop Delphinus¹⁵ has been sent to attend to her needs by my brothers and fellow-bishops who work together – and face dangers together – there. I shall not write any more about that, as you can listen to the man himself, who is with you. You will find everything else in the aide-mémoire that I sent to the priest,¹⁶ whether now, or through Peregrinus the deacon. Then I do not need to repeat it all so many times.

May your heart ever be strong and rejoice in Christ, my deservedly notable lord, and dearly beloved and much missed son. I commend our son Rufinus, a leading citizen¹⁷ of Cirta, to your distinguished self.