

RAYMOND MACKEN

**HUMAN SELF-DEFENSE
AGAINST INJUSTICE AND OPRESSION
IN THE PHILOSOPHY OF HENRY OF GHENT**

It is a sign of wisdom to be able to learn from the past. We propose in this Congress on a recurring philosophical problem, namely violence, to examine the judgement of the human self-defense against violence of a great thinker of the past, namely Henry of Ghent.

Henry of Ghent briefly presented

The Catholic University of Louvain is in the process of critically editing the *Opera Omnia* of this great thinker, who was a celebrated master of theology (and philosophy) at the University of Paris in the last quarter of the 13th century. I say: "Theology and philosophy", because it is well-known to the specialists of medieval philosophy, that in all the medieval universities the teaching was regulated so, that the pupils were first for years submitted to a thorough study of the philosophy and the philosophers, also the pagan philosophers, before some of them continued, became masters of theology, and explained the faith, but also with the help of philosophy. This critical edition of Henry's Complete Works is foreseen in ca. 46 volumes. The publication of it started in 1979, with an international team of collaborators, and now already 13 volumes have been edited. In contrast to the Aristotelian-Thomistic current in the Middle Ages, which started with Tomas Aquinas, whom Henry highly respected, Henry himself belonged to the much older, venerable Platonic-Augustinian current of thought, which has always been living and continuing in the Christian religions. "Praecipuus philosophorum

Plato”, says Henry of Ghent¹. In these Christian religions, and at least in the Catholic Church, which I know better (but representatives of other Christian religions can complete this sentence by adding what happens in their religions), philosophy and theology on a Platonic-Augustinian basis has always been accepted as a valuable current of Christian thinking. Speaking here only of what I know with certainty, the Catholic Church has always been large and comprehensive, and has always admitted in her bosom different philosophical and theological systems, as long as they do not come in opposition with the Christian creed, and I suspect that also in the other Christian religions the same largeness and tolerance has prevailed. Henry of Ghent is one of the great representatives of this current during centuries in the ‘scholastic philosophy’. Therefore it is beneficial for philosophy (and theology) in general, that the critical edition of these Complete Works by the University of Louvain is going on, literally surrounded by a great number of studies in the form of books and articles on different domains of this thought, written by the collaborators of the critical edition, and by other specialists interested in this thinker and familiarized with his works. The critical restoration of the original text of Henry’s very extensive works, written in the course of his long and successful career at the University of Paris, is not only intended by the University of Louvain for the sake of a merely historical reconstitution. I hope that our listeners share with me the optimistic conception which our Western culture has always had: that the respectful study of the great old thinkers can still teach us something for the sake of the truth itself.

In the whole of Henry’s thought we only consider here his doctrine on the attitude of the human person towards violence, exercised against him or her

One of the advantages of the medieval masters of theology in the Universities as Paris, was that they were often consulted on problems arising from the concrete and daily life, on which their consuels were publicly requested before a large audience, and this for example under the form of “quodlibetical disputations”, where the learned public could directly ask them their advice on all the questions concerning philosophy and theology,

¹ HENRICI DE GANDAVO, *Lectura ordinaria super sacram Scripturam*, HENRICO DE GANDAVO adscripta. Edidit R. MACKEN (HENRICI DE GANDAVO, *Opera Omnia*, XXXVI), 1980, XXXII + 290 pp. + 4 extratextual plates on glossy coated paper; cf. P. 63, lin. 66.

which it pleased them to raise ("quod-libet"). Although these masters of theology (and philosophy), in the service of an ecclesiastical University, gave their advice in the first place for Christians, in fact theology and philosophy were at this time completely interwoven, and their answers to these questions had almost always a far larger generally human application.

Here in this short communication, we will limit ourselves simply to Henry's answer to a question put to him, concerning the attitude Christians had to adopt in face of violence exercised against them. The answer will sketch briefly and clearly the perspective, in which Christians of his time saw such violence, but also the personal position of Henry concerning this matter. The question was the last which he treated in *Quodlibet X*. Although expressed in a general way, it probably was related, as many of these casuistic questions, to a concrete fact that had happened. We have also the advantage, that for this *Quodlibet X* there exists already a critical edition; this edition was redacted by myself. This general question was: "Is it allowed to persons who are oppressed by others, to have recourse to the help of the rulers of the nations, in order to obtain justice against their oppressors?"². The treatment by Henry of this question now follows.

Arguments in the two senses

What was expected from a medieval master of theology, was evidently a strictly scientific answer, of course, according to the conception of a scientific treatment of a question held by the medieval doctors at the Universities in this time. This conception we explain here together with the answer of Henry. This way of scientific treatment was imposed by the University, and was a sign of wisdom: the redaction of a medieval Quodlibet does not rest on one author alone, composing quietly this question in his study-room, but was the result of a public discussion, where even the exact formulations of the questions of the Quodlibet were imposed by the public to the masters, and had to be explicitly answered in the final redaction of the Quodlibet.

In this short last question of *Quodlibet X*, Henry gives first the argument which was opposed to the position which he held himself. This opposed argument was surely the last which in the 20th century we would expect

² Cf. HENRICI DE GANDAVO, *Quodlibet X*. Edidit R. MACKEN (HENRICI DE GANDAVO, *Opera Omnia*, XIV), Leuven University Press - E. J. Brill, Leiden, 1981, CXXVI + 335 p. + 8 plates; the question treated here is "Utrum liceat oppressos reprimere iniuriam suam per potentiam principum", at p. 307-311.

concerning a matter of violence, but in the religious and spiritualistic ambiance of this time it seems to have had its defenders. It is the following: "It is not allowed to repel injustice by means of the power of the rulers of the nations, because in the gospel of Matthew, chapter V, Christ says: "If they persecute you in one city, escape, to another". It is therefore the doctrine of Christ, according to this argument that the persecutors are to be supported. But the persons, who with the help of the rulers of the nations repel the injustices committed against them, do not act in this way. Therefore they do not apply in this point the doctrine of Christ" ³.

The medieval universities, an institution created in the Middle Ages, defended and promoted freedom of discussion. They let such spiritualistic conceptions freely be expressed, but also freely be opposed, for example here by Henry of Ghent. In his treatment of ethical and political questions submitted to him, Henry shows on the contrary a solidly realistic spirit, as appears in three of my recent studies: "Human Friendship in the Philosophy of Henry of Ghent" ⁴, "Henry of Ghent as Defender of the Personal Rights of Man" ⁵, and "Henry of Ghent as Defender of Human Heroism" ⁶. Also here this attitude of Henry appears immediately, because against the first, more spiritualistic position, he proposed now an answer, which reflects his own position: "On the contrary, that without which the peace cannot be obtained, is allowed. But the persons who suffer injustices, would not enjoy peace in the Church, if the injustices committed against them could not be repelled by the power of the rulers. Therefore, etc." ⁷

³ "... arguitur quod non licet repellere iniuriam per potentiam principum, sicut Matthaei V^o dicitur: 'Si vos persecuti fuerint in una civitate, fugite in aliam'. Est ergo doctrina Christi quod iniuriatores sustinendi sunt. Quod non faciunt repellentes iniuriam sibi factam per potentiam principum. Quare faciunt contra doctrinam Christi. Ergo etc." (*ibid.*, p. 307, lin. 4-9).

⁴ R. MACKEN, *Human Friendship in the Philosophy of Henry of Ghent* (paper presented at the Second Biennial Meeting of the International Society for the Study of Human Ideas on Ultimate Reality and Meaning, University of Toronto, Canada, August 19-22, 1987), in *Franziskanische Studien*, 80, 1988, p. 176-184.

⁵ ID., *Henry of Ghent as Defender of the Personal Rights of Man* (paper read in the Fifth Biennial Meeting of the International Society for the Study of Human Ideas on Ultimate Reality and Meaning, Toronto, August 23-26, 1989), in *Franziskanische Studien*, 83, 1991, p. 170-191.

⁶ ID., *Henry of Ghent as Defender of Human Heroism* (paper read at the Sixth Biennial Meeting of the International Society of Human Ideas on Ultimate Reality and Meaning, August 21-24, 1991, Scarborough Campus, University of Toronto, Toronto, Ontario, Canada), in *Mediaevalia. Textos e Estudos*.

⁷ "Contra. Illud est licitum, sine quo pax non potest haberi. Iniuriati autem pacem non haberent in Ecclesia, nisi per potentiam principum iniuriae repellerentur. Ergo licitum est

Henry, in his detailed answer to this question, founded on the foregoing quodlibetical disputation, held under his direction, gives first his full attention to the opposed position, its detailed enunciation and its motives, evidently connected with the Christian spirituality and ascetism.

Henry admits that the Christian, following the example of Christ and the doctrine of the Gospel, must be ready to suffer injustices, and expresses his respect for this spiritualistic doctrine. Indeed, he says, the suffering of injustices can be considered in a double way: first in relation to the injustices themselves; secondly in relation to the person who submits to these injustices.

Concerning the injustices themselves, the Christian must indeed have patience in suffering them, and be internally ready to suffer eventually still greater injustices, if it is necessary, and not seek vengeance. This is according to what Christ proposes to the Christians in the Gospel of Matthew, chapter V: "To him who has struck you on one cheek, offer also the other". In other words, the Christians must be ready to offer also the other cheek because of a pacific tolerance, if it cannot be avoided ⁸.

Concerning the person who was inflicted these injustices, the Christian must first forgive the oppressor, wholeheartedly with a meek mind, according to what Christ says in the Gospel of Matthew, chapter VI: "Forgive our debts, as we forgive our debtors". By this forgiveness he keeps himself free from the voluptuosity of vengeance. Indeed, he may never seek to obtain vengeance in any way, neither by himself, nor by the help of others, because seeking to avenge oneself, as Augustine expresses it in a sermon on Psalm 108, is the 'work of bad men' ⁹.

But then Henry, with his strong realistic mind, passes from the point of view of spirituality to the point of view of justice. Although the

eas sic repellere" (HENR. DE GAND., *Quodl. X*, Ed. R. MACKEN, p. 207, lin. 10-12).

⁸ "Dicendum est quod circa tolerantiam iniuriarum in iniuriam passo est considerari animum passi iniuriam dupliciter: et in ordine ad ipsas iniurias et in ordine ad inferentem iniurias. In ordine primo debet iniuriam passus habere patientiam in tolerando, et animum habere paratum ad ampliora, si oporteat, tolerandum, potius quam expetit per se vindictam, iuxta illud Matthaei, V^o: 'Qui te percusserit in unam maxillam, praebe ei et aliam', id est: paratus esto ad praebendum illam per tolerantiam pacificam, si necesse fuerit" (*ibid.*, p. 308, lin. 22-34).

⁹ "In ordine vero secundo debet iniuriam passus primo miti animo reatum in corde remittere, iuxta illud, Matthaei VI^o: 'Dimitte nobis debita nostra sicut et nos dimittimus debitoribus nostris', per quod ab animo amovetur libido vindictae, quam nullo modo per se vel per alium debet expetere: hoc enim malorum est ..." (*ibid.*; p. 308, lin. 22-26).

injured person, as he says above, may not strive to obtain vengeance by any means, he must strive to obtain justice, not by his own means, but with the help of the judge, either ecclesiastic, or secular.

Having forgiven the moral fault of the injustice, and having repelled completely from his or her heart the voluptu of vengeance, Henry says, the Christian must in the second place work at the correction of the person who has subjected him or her to these injustices, with the aim that the oppressor does not become more insolent, and that a justice of equity is reestablished between them; he must ask emendation and satisfaction. Henry for this point appeals again to Augustine ¹⁰.

This emendation and satisfaction, the injured person may, of course, not procure by himself, but he or she must address the judge, ecclesiastic or secular; Henry quotes again Augustine, and also pope Leo the 1st ¹¹.

The order is the following: this justice is to be asked, surely by ecclesiastical persons, first to the ecclesiastical judge, but if this ecclesiastical judge does not succeed in emendating the aggressor, then the injured person has to ask the help of the rulers of the nations. Here Henry simply exposes the medieval praxis of the secular arm, which was applied in his days. If the ecclesiastical authorities, cannot obtain that the injustices ceases towards an ecclesiastical subject, they have the right to appeal to the help of the civil authorities. The ecclesiastical authorities supported the civil authorities in the medieval countries, because the Church was the official religion, but this official religion had the right to expect in return the support, if necessary, of the civil authorities. Here Henry quotes Isidore of Sevilla ¹².

Everybody who knows the history of the Middle Ages, is aware that in these hard times, in spite of these beautiful and simple principles, the Church many times could not obtain what it intended. Henry was much too realistic, and knew this. When justice cannot be obtained, he counsels the injured person, to take his or her cause to the judgment of God, of which Psalm 147 says: "He will do justice to those who suffer injustice", an expression commented by Augustine in the following way: "He will render

¹⁰ "Dimisso autem reatu iniuriae et libidine vindictae omnino repulsa a corde secundo debet ad iniuriatoris correctionem laborare, et ne insolentior iniuriator, et <ut> iustitia aequitatis inter eos fiat, emendam et satisfactione expetere ..." (cf. *ibid.*, p. 308-309, lin. 44).

¹¹ "Sed talis emenda expetenda est per iudicem ecclesiasticum vel saecularem ..." (*ibid.*, p. 309, lin. 41-48).

¹² "Sed primo super hoc requirendus est, praecipue a viris ecclesiasticis, iudex ecclesiasticus, et deinde, si corrigere non valet iniuriantem, iudex ecclesiasticus." (*ibid.*, p. 309, lin. 49-55).

justice to those who suffer injustice, and punish the aggressors". Henry counsels in this case, not to pursue the cause before earthly judges, but to apply the counsel of Christ: "If they persecute you in one city, escaped to another", if it can be tried. But if the persecuted person does not have the possibility to escape physically, he counsels to escape at least spiritually, so that his or her soul is not corrupted by the company and frequent contacts with bad men, with whom it is better to avoid all contacts ¹³.

At the end of the foregoing explanations and distinctions, Henry, as was requested in each quodlibetical question, gives still at the end of the "Solutio quaestionis" a short and direct answer to the question as it had been put.

After these long explanations and distinctions, it was expected, that the author under whose direction the quodlibetical disputation had been held, would give also in his redaction a brief and succinct answer directly to the question.

This was for Henry a good occasion to give clearly and succinctly his answer to the question as it had been put: "If it is allowed to the injured person, to repress these injustices by recourse to the rulers of the nations". His brief and decided answer expresses well his strong and realistic spirit. "Yes", he says, "absolutely. When we follow the order, given, in the above explanations, it is surely allowed to those who are oppressed, to repel these injustices with the help of the power of the rulers of the nations, and it would be a fault of negligence from the side of the oppressed, if they would not repel these injustices, if it would be possible to repel them" ¹⁴.

As it was requested in the quodlibetical disputes, Henry still had to address the proposed arguments, but this does not change essentially

¹³ "Quod si iudex defecerit, ut celerem emendam per ipsum habere non potest, tunc expectandum est iudicium Dei, de quo in Psalmo 145^o: 'Faciet iudicium iniuriam patientibus'; Augustinus: 'Id est, vindicabit iniuriam accipientes et puniet iniuriosos'. Nec amplius causa coram iudice terreno proseguenda... Cumque sic quis passus fuerit iniuriam, nec iniuriatus pacem cum iniuriatore poterit habere, tunc demum utendum est consilio Christi: 'Si vos persecuti fuerint in una civitate, fugite in aliam'. Quod si non poterit effugere corpore, fugiat animo, ne mente coinquinetur ex malorum contubernio ..." (*ibid.*, p. 310, lin. 67).

¹⁴ "Sic ego dico quod, servato praescripto ordine, bene licet repellere iniuriam per potentiam principum, et iniquum esset non repellere si possibile esset ..." (*ibid.*, p. 310, lin. 79-96).

what he had already expressed in his “Solutio”. Therefore we will not add here the judgement of Henry concerning these arguments.

It was useful in this Congress on the violence, to be taught by history, and to know the judgement of a great and renowned master of theology (and philosophy) of the 13th century, on the ways in his time to escape violence. We have seen in his treatment the spiritualistic context in which this philosophical question of all times concerning violence and persecution was considered by some in his time, but we should also immediately remark again, also in this question, the well-known tendency of Henry of Ghent, to be a defender of the rights and freedom subalterns.

APPENDIX - Summary

A short quodlibetical question of the renowned thinker, Henry of Ghent, master of theology (and philosophy) at the University of Paris in the last quarter of the 13th century, sketches the way in which human resistance to violence was seen in his time. It is striking that some took several expressions of Christ so “ad litteram”, that they found scruples in resisting violence and persecution. The realistic thinker Henry of Ghent, on the contrary, insists on recourse to a competent judge: otherwise the oppressed person would commit a fault of negligence by not procuring his own right, when it would be possible to do it.