

## **An Article on the Inquisition.**

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The name given to the ecclesiastical jurisdiction dealing both in the middle ages and in later times with the detection and punishment of heretics and all persons guilty of any offence against Roman Catholic orthodoxy. (Lat. *inquisitio*, an inquiry.) It is incorrect to say that the Inquisition made its appearance in the 13th century complete in all its principles and organs. It was the result of, or rather one step in, a process of evolution, the beginnings of which are to be traced back to the fourth century at least.

**Opinions of the Fathers.**—During the first three centuries of the Church there is no trace of any official persecution, and the earlier Fathers, especially Origen and Lactantius, reject the idea of it. Constantine, by the edict of Milan (313), inaugurated an era of official tolerance, but from the time of Valentinian I. and Theodosius I. onwards, laws against heretics began to appear, and increased with astonishing regularity and rapidity. Heretics are subjected to exile or confiscation, disqualified from inheriting property, and even, in the case of a few groups of Manichaeans and Donatists, condemned to death; but it should be noticed that these penalties apply only to the outward manifestations of heresy, and not, as in the middle ages, to crimes of conscience. Within the Church, St. Optatus alone (*De schismate Donatistarum*, lib. iii. cap. iii.) approved of this violent repression of the Donatist heresy; St. Augustine only admitted a *temperata severitas*, such as scourging, fines or exile, and at the end of the 4th century the condemnation of the Spanish heretic Priscillian, who was put to death in 385 by order of the emperor Maximus, gave rise to a keen controversy. St. Martin of Tours, St. Ambrose and St. Leo vigorously attacked the Spanish bishops who had obtained the condemnation of Priscillian. St. John Chrysostom considered that a heretic should be deprived of the liberty of speech and that assemblies organised by heretics should be dissolved, but declared that "to put a heretic to death would be to introduce upon earth an inexpiable crime."

**The Middle Ages.**—From the 6th to the 9th century the heterodox, with the exception of the Manichaean sects in certain places, were hardly subjected to persecution. They were, moreover, rare and generally isolated, for groups of sectaries only began to appear to any extent at the time of the earliest appearances of Catharism. But from the latter part of the 10th century until the beginnings of the 12th there were numerous executions of heretics, either by burning or strangling, in France, Italy, the Empire and England; and during this period it is not easy to determine what part was taken by the Church and its bishops and doctors in this series of executions. In many cases the people, supported by the crown, were responsible for the death of the heretics; the historians give only the faintest indications of any direct intervention of the clergy, except perhaps for the examination of doctrine. The theory in these matters was at first as uncertain as the practice; in the 11th century one bishop only, Theodwin of Liège (d. 1075), affirms the necessity for the punishment of heretics by the secular arm (1050). His predecessor, Wazo, bishop of Liège. (1041-44), had expressly condemned any capital punishment and advised the bishop of Chalons to resort to peaceful conversion. In the 12th century Peter the Cantort protested against the death penalty, admitting at the most imprisonment; and in dealing with the heretics of Cologne, St. Bernard, who cannot be accused of leniency where heterodoxy was concerned, recommended pacific refutation, followed by excommunication or prison, but never the death penalty.

But it must be noticed that from the opening years of the 12th century date the beginnings of a decided evolution in the canon law, continuing up to the time of Innocent III., which substituted for arbitrary decisions according to circumstances an organised and particularised legislation, in which judgment was given *secundum canonicas et legitimas sanctiones*, Anselm of Lucca and the *Panormia* attributed to Ivo of Chartres reproduced word for word under the rubric *De edicto imperatorum in damnationem hoereticorum*, law 5 of the title *De hereticis* of Justinian's code, which pronounces the sentence of death against the Manichaeans; and we should remember that the Cathari, and in general all heretics in the West in the 11th and 12th centuries were considered by contemporary theologians as Manichaeans. Gratian in the *Decretum* proclaims the views of St. Augustine (exile and fines). From the beginning of the 12th century the death penalty for impenitent heretics was frequently demanded in influential quarters. In 1184 Pope Lucius III. and the emperor Frederick Barbarossa agreed on the penalties of exile, confiscation, demolition of their houses, *infamia*, and loss of civil rights. The usage, then, was already quite clear; but the death penalty had not as yet been inflicted. It was probably Peter II. of Aragon who was the first to decree, in 1197, the punishment of death by burning against the heretics who should not have left his kingdom within a given time. But it was Innocent III. who gave the most powerful impetus to the anti-heretical movement in the secular world by his frequent exhortations (beginning in 1198) to the secular princes (letters of March 25, 1199, and Sept. 22, 1207).

**Beginnings of the Inquisition.**—From the foregoing it is clear that the Inquisition did not arise out of, and at the time of, the crusade against the Albigenses. These executions *en masse* certainly created a definitive precedent for violent repression, but there was still no regular organisation: the council of Toulouse, held in Nov. 1229 by the Roman legate after the treaty of peace, attempted to organise one, and constituted itself the tribunal. But the procedure was still uncertain. The emperor Frederick II. defined his jurisprudence more clearly: from 1220 to 1239, supported by Pope Honorius III., and above all by Gregory IX., he established against the heretics of the Empire in general a legislation in which the penalties of death, banishment and confiscation of property were formulated so clearly as to be henceforth incontestable. Gregory IX. felt his influence, and also that of the Dominican Guala, bishop of Brescia, who had subjected his episcopal town to the full rigour of the imperial laws. The pope no longer hesitated as to the principle or the degree of repression; but introduced new methods of inquiry and judgment: he created out of the material furnished by the mendicant orders, and especially the Dominicans, the monastic inquisition, which was more elastic, more constant in its activities and more numerous than the inquisition by legate, and better disciplined than the episcopal inquisition. In Nov. 1232 the Dominican Alberic went round Lombardy with the title of *Inquisitor haereticae pravitatis*. In 1231 a similar commission was given to the Dominicans of Friesach and to the terrible Conrad of Marburg, whose zeal in Germany even exceeded the pope's wishes. In 1233 Gregory IX. addressed a letter to the bishops in the south of France, in which he announced his intention of employing the preaching friars for the discovery and repression of heresy. The inquisition was now regularly instituted, but its jurisprudence was elaborated by successive additions or limitations by the force of custom and the detailed prescriptions added by the papal constitutions. The pope's commissioners "in the matter of heresy" at first travelled from place to place. On arriving in a district they addressed its inhabitants, called upon them to confess, if they were heretics, or to denounce those whom

they knew to be heretics: a "time of grace" was opened, during which those who freely confessed were dispensed from all penal. ties, or only given a light penance; while those whose heresy had been openly manifested were exempted from the penalties Of death and perpetual imprisonment. But this time could not exceed one month. After that began the inquisition. As soon as their mission was at an end, and heresy was considered to be stamped out, the inquisitors left the country. Later, inquisitorial districts were formed. The seat of the Inquisition in each district was the monastery of the order (Dominican or Franciscan) to which the inquisitors for that part belonged. There was never any special court or prison: the *murus* (prison) was lent to the Inquisition by the ecclesiastical or secular authorities. The maintenance of the prisoners and the duty of providing the prison fell in principle upon the bishops (council of Toulouse, r229), but they tried to evade it. The kings of France, and in particular Louis VIII, granted subsidies to the inquisitors. For each district the inquisitors were chosen by the provincials of their order, approved or rejected by the pope, and removable by him only. Their discretionary powers were absolute. They' conducted their interrogations before two persons (laymen or ecclesiastics) and only pronounced their sentence after consultation with leading men in the district. This was the only protection for the accused. It was in vain that the civil lawyers tried to prove that the secular authorities had a right to see the documents bearing on the case; the Inquisition always succeeded in setting aside these claims. The share taken in the proceedings by the bishops, the accused or their representatives, though admitted in principle, was as a rule merely illusory.

**Procedure of the Inquisition.**—Bernard Guy (Bernardus Guidonis), Dominican, 1261-1331, one of the earliest and most complete exponents of the theory of the Inquisition, admits distinctly that in its procedure *multa sunt specialia*. The procedure was secret and in the highest degree arbitrary, proceeding *sine strepitu et figura iudicii*, its object being to ascertain not so much particular offences as tendencies: the murderers of the inquisitor Peter Martyr ('Dominican, d. 1252) were tried, not as assassins, but as guilty of heresy and adversaries of the Inqui. sition; and on the other hand, external acts of piety and verbal professions of faith were held of no value. Moreover, the Inquisition was not bound by the ordinary rules of procedure in its .inquiries: the accused was surprised by a sudden summons, and as a rule imprisoned on suspicion. All the accused were presumed to be guilty, the judge being at the same time the accuser. Absence was naturally considered as contumacy, and only increased the presumption of guilt by seeming to admit it. The accused had the right to demand a written account of the offences attributed to him, but the names of the witnesses were withheld from him (Innocent IV.; bulls *Cum negocium* and *licet sicut accepimus*), he did not know who had denounced him, nor what weight was attached by the judges to the denunciations against him. The utmost that was allowed him was the unsatisfactory privilege of the *recusationes divinatrices*, *i.e.*, at his first examination he was asked for the names of any enemies of whom he knew, and the causes of their enmity. Heretics or persons deprived of civil rights (*infames*) were admitted as witnesses in cases of heresy. Women, children or slaves could be witnesses for the prosecution, but not for the defence, and cases are even to be found in which the witnesses were only ten years of age. Langhino Ugolini states that a witness who should retract his hostile evidence should be punished for false witness, but that his evidence should be retained, and have its full effect on the sentence. No witness might refuse to give evidence, under pain of being considered guilty of heresy. The prosecution went on in the utmost

secrecy. The accused swore that he would tell the whole truth, and was bound to denounce all those who were partners of his heresy, or whom he knew or suspected to be heretics. If he confessed, and denounced his accomplices, relatives or friends, he was "reconciled" with the Church, and had to suffer only the humiliating penalties prescribed by the canon law. If further examination proved necessary, it was continued by various methods. Bernardus Guidonis enumerates many ways of obtaining confessions, sometimes by means of moral subterfuges, but sometimes by a process of weakening the physical strength. And as a last expedient torture was resorted to. The Church was originally opposed to torture, and the canon law did not admit confessions extorted by that means; but by the bull *Ad extirpanda* (1252) Innocent IV. approved its use for the discovery of heresy, and Urban IV. confirmed this usage, which had its origin in secular legislation (cf. the Veronese Code of 1228, and Sicilian Constitution of Frederick II. in 1231). In 1312 excessive cruelty had to be suppressed by the council of Vienna. The next step was the torture of witnesses, a practice which was left to the discretion of the inquisitors. Moreover, all confessions or depositions 'extorted in the torture-chamber had subsequently to be "freely" confirmed.

The procedure was of course not litigious; any lawyer defending the accused would have been held guilty of heresy. The inquiry might last a long time, for it was interrupted or resumed according to the discretion of the judges, who disposed matters so as to obtain as many confessions or denunciations as possible. After the different phases of the examination, the accused were divided into two categories: (1) those who had confessed and abjured, (2) those who had not confessed and were convicted of heresy. There was a third class, by no means the least numerous, namely, those who having previously confessed and abjured had relapsed into error. Next came the moment of the sentence: "there was never any case of an acquittal pure and simple" (H. C. Lea). The formula for full and complete acquittal given by Bernardus Guidonis in his *Practica*, should, he says, never or very rarely be employed. The sentences were solemnly pronounced on a Sunday, in a church or public place, in the presence of the inquisitors, their auxiliaries, the bishops, the secular magistrates and the people. This was the *sermo generalis*. The accused who had confessed were reconciled, and the penalties were then pronounced; these were, in order of severity, penances, fasting, prayers, pilgrimages, public scourging, the compulsory wearing on the breast or back of crosses of yellow felt sewn on to the clothes or sometimes of tongues of red, letters, etc. The inquisitors eventually acquired the right of inflicting fines at discretion. In 1244 and 1251 Innocent IV. reproved them for their exactions. All these minor penalties could be commuted for payments in money in the same way as absolution from the crusader's vow, and the council of Vienna tried to put an end to these extortions. Beyond these minor penalties came the severer ones of imprisonment for a period of time, perpetual imprisonment and imprisonment of various degrees of severity (*murus largus*, *murus strictus vel strictissimis*). The *murus strictus* consisted in the deepest dungeon, with single or double fetters, and "the Bread and water of affliction"; but the severity of the prison régime varied very much. The *murus largus*, especially for a rich prisoner, amounted to a fairly mild imprisonment, but the mortality among those confined in the *murus strictus* became so high that Clement V. ordered an inquiry to be made into the prison régime in Languedoc, in spite of Bernard Guy's protest against the investigation as likely to diminish the prestige of the inquisitors. After the sentences had been pronounced, the obstinate heretics and renegades were for the last time called upon to submit and to confess and abjure. If they consented, they were received as penitents, and condemned on

the spot to perpetual imprisonment; if they did not consent, they were handed over to the secular arm. When the heretic was handed over to the secular arm the agents of the secular power were recommended to punish him *debita animadversione*, and the form of recommending him to mercy was gone through. In effect, handing over to the secular arm was equivalent to a sentence of death, and of death by fire. Jacob Sprenger, Dominican provincial in Germany (1494) and inquisitor, does not hesitate to speak of the victims *quas incine-rari fecimus* ("whom we [the inquisitors] caused to be burnt to ashes"). But we must accept the conclusions of H. C. Lea and Vacandard that comparatively few people suffered at the stake in the mediaeval Inquisition. Between 1308 and 1323, Bernard Guy, who cannot be accused of inactivity, only handed over to the secular arm 42 persons, out of 930 who were convicted of heresy.

**Punishment by Confiscation of Goods.**—From the point of view of jurisprudence of the Inquisition, the confiscation of the condemned man's property by the ecclesiastical and secular powers is only the accompaniment to the more severe penalties of perpetual imprisonment or death; but from the point of view of its economic history the importance of the confiscation is supreme. The practice originated in the Roman law, and all secular princes had already, in their own interest, recognised it as lawful (Frederick Barbarossa, Decree of Verona; Louis VIII., ordinances of 1226, 1229; Louis IX., ordinance of 1234; Raymond VII. of Toulouse, etc.). In the kingdom of France there was a special official, the *procureur des encours* (confiscation in the matter of heresy), whose duty it was to collect the personal property of the heretics, and to incorporate their landed estates in the royal domain; in Languedoc crying abuses arose, especially under Alphonse of Poitiers. Soon the papacy managed to gain a share of the spoils, even outside the states of the Church, as is shown by the bulls *ad extirpanda* of Innocent IV. and Alexander IV., and henceforward the inquisitors had, in varying proportions, a direct interest in these spoliations. In Spain this division only applied to the property of the clergy and vassals of the Church, but in France, Italy and Germany, the property of all heretics was shared between the lay and ecclesiastical authorities. Venice alone decided that all the receipts of the Holy Office should be handed over 'in full to the state. Clement V., in his attempted reform and regularisation of inquisitorial procedure, endeavoured to reduce the confiscations to a fairly reasonable minimum, and in 1337-38 a series of papal inquiries was held into this financial aspect of the matter. The Assize of Clarendon, the Constitutions of Frederick II. (1232) and of Count Raymond of Toulouse (1234) had also come to a joint decision with the councils on this question. Charles V. of France prevailed upon the papacy to abolish this regulation (1378). Confiscation was, indeed, most profitable to the secular princes, and there is no doubt that the hope of considerable gain was what induced many princes to uphold the inquisitorial administration, especially in the days of the decay of faith. The resistance of the south of France to the Capetian monarchs was to a large extent broken owing to the decimation of the bourgeoisie by the Inquisition and their impoverishment by the extortions of the *encours*. The same was the case in certain of the Italian republics; while in districts such as the north of France, where heretics were both poor and few, the Inquisition did not easily take root, nor did it prove very profitable. These confiscations, the importance of which in the political and economic history of the middle ages was first shown fully by H. C. Lea, were a constant source of uncertainty in transactions of all kinds; there was, for instance, always a risk in entering into a contract in a place where the existence of heretics was suspected, since any contract entered into with a heretic was void.

Nor was there any more security in the transmission of inheritances for posthumous trials were frequent; the *Liber sententiarum inquisitionis* of Bernardus Guidonis (1307-23) records sentences pronounced after death against 89 persons during a period of 15 years. But not only was their property confiscated and their heirs disinherited; they were subject to still further penalties. Frederick II. extended to heresy the application of the Roman law disqualifying from holding office, and even included under its operation the children and grandchildren of the guilty man. Alexander IV. and Boniface VIII. lightened the severity of this law, and removed certain disqualifications, notably in the case of ecclesiastical offices and property.

The sphere of action of the Inquisition was gradually extended by the theologians and casuists until sorcery and magic ranked with doctrinal heresy. With regard to Jews, they might profess their religion and observe its rites without being in a state of heresy; they were only heretic when they attacked the Christian faith or community, made proselytes, or returned to Judaism after being converted. But those who practised usury were "suspected of not holding orthodox doctrine as to theft" (Vacandard), and on this account the Inquisition gained a hold on them (the special case of Spain is described on page 381).

### TREATMENT OF HERESY

**England.**—The Inquisition was primarily the instrument for the repression of all kinds of breaches of orthodoxy. Its work in this capacity we will now outline for each of the great countries of mediaeval Christendom. England, whether before or after the establishment of the Inquisition, had few trials for heresy and, particularist in this as in all her religious activity, judged them according to her own discipline, without asking Rome for laws or special judges. But orthodoxy remained almost unimpaired until the time of Wycliffe. Apparently neither the Catharist, Waldensian nor pantheistic heresies gained any footing in Great Britain. The affair of the Templars in France, which was quite political, was repeated in England: Clement V. having ordered their arrest, Edward II., after much hesitation, gave orders to the sheriffs to execute it and then decided that the *ecclesiastical law* should be applied. The papal inquisitors sent to England met with a bad reception, and the pope was obliged to forbid them to use torture, which was contrary to the laws of the kingdom. It was found impossible to establish the Templars' guilt and only canonical penalties were inflicted on them. The rising of the Lollards having alarmed both the church and the state, the article *De haeretico comburendo* was established by statute in 1401, and gained a melancholy notoriety during the religious struggles of the 16th century; it seems to have been not so much a measure for the safeguarding of dogma as a violent assertion of the secular absolutism. It was not till 1676 that Charles II. caused it to be abrogated, and obtained a decision that in cases of atheism, blasphemy, heresy, schism and other religious offences, the ecclesiastical courts should be confined to the penalties of excommunication, removal from office, degradation and other ecclesiastical means of censure, to the exclusion of the death penalty. Scotland was much later than England in giving up persecution and bloodshed; and so late as 1696 a student of medicine aged eighteen named Aikenhead was accused of heresy and hanged in Edinburgh.

**France.**—The activities of the monastic Inquisition in France lay chiefly in the south. The repression of the Albigensian heresy went on even when its importance had disappeared. The chronicle of the inquisitor Guilhem Pelhissou (d. 1268) shows us the most tragic episodes of the reign of terror which wasted Languedoc for a century. Guillaume

Arnaud, Peter Celia, Bernard of Caux, Jean de St. Pierre, Nicholas of Abbeville, Foulques de St. Georges, were the chief of the inquisitors who played the part of absolute dictators, burning at the stake, attacking both the living and the dead, confiscating their property and land, and enclosing the inhabitants both of the towns and the country in a network of suspicion and denunciation. The secular authorities were of the utmost assistance to them in this task; owing to the confiscations, the crown had too direct an interest in the success of the inquisitorial trials not to connive at all their abuses. There were frequent attempts at retaliation, directed for the most part against the inquisitors, and isolated attacks were made on Dominicans; but the work of repression culminated under Bernard Guy, and completed the destruction of Catharism; the appearances of which after the middle of the 14th century are rare. Afterwards the efforts of the Inquisition were directed against the Spirituals, who were a branch of the Franciscans, and were remote disciples of Joachim, abbot of Floris (*q.v.*), and whom their rigid rule of absolute poverty led, by a reaction against the cupidity of the ordinary ecclesiastics, to repudiate the papal hierarchy. On Feb. 17, 1317 John XXII. condemned all these irregular followers of St. Francis, and the Inquisition of Languedoc was at once set against them. Four *spirituales* were burnt at Marseilles in 1318, and soon the persecution was extended to the Franciscan *beguins* or *tertiarii*, many being burnt about 1320. The Waldenses (*q.v.*) were more difficult to destroy: originally less dangerous to the church than the Cathari, they resisted longer, and their dispersal in scattered communities aided their long resistance.

In the north of France the workings of the Inquisition were very intermittent; for there were fewer heretics there than in the south, and as they were poorer, there was less zeal on the part of the secular arm to persecute them. At its outset, however, the Inquisition in the north of France was marked by a series of melancholy events: the inquisitor Robert le Bougre, formerly a Catharist, spent six years (1233-39) in going through the Niver-nais, Burgundy, Flanders and Champagne, burning at the stake in every place unfortunates whom he condemned without a judgment, supported as he was by the ecclesiastical authorities and by princes such as Theobald of Champagne. The pope was forced to put a check on his zeal, and, after an inquiry, condemned him to imprisonment for life. We know that there were inquisitors settled in Île de France, Orléanais, Touraine, Lorraine and Burgundy during the 12th century, but we know next to nothing of what they did. In the 14th century, the Flemish and German heresies of the Free Spirit made their appearance in France, and some executions resulted. But in the 15th century, with the exception of a few condemnations aimed against the Hussites, the Inquisition acted but feebly.

From the middle of the 14th century onward, the *parlement* had taken upon itself the right of hearing appeals from persons sentenced by the Inquisition. And the University again, by its faculty of theology, escaped the jurisdiction of the Inquisition. These two great bodies at the time of the Reformation took the place of the Inquisition in dealing with heresy.

**Italy.**—In Italy heresy not infrequently took on a social or political character; it was sometimes almost indistinguishable from the opposition of the Ghibellines or the communalist spirit of independence. Lombardy, besides a number of Cathari, contained a certain number of vaguely-defined sects against whom the efforts of the Apostolic Visitors sent by Innocent III. were not of much effect. From the very earliest days of the Inquisition, John of Vicenza, Roland of Cremona and Rassiero Sacchoni directed their persecutions against Lombardy, and especially against Milan. St. Peter Martyr, who was

conspicuous for his violence, was assassinated in 1252. On March 20, 1256 Alexander IV. ordered the provincial of the friar preachers of Lombardy to increase the number of inquisitors in that province from four to eight. At Florence both heresy and Ghibellinism were alike crushed by the severities of Fra Ruggieri, and indulgences were promised to all who should aid in the extinction of heresy in Tuscany. Certain districts revolted against this violence, which threatened to dew astate Italy as it had devastated Provence; in 1277 Fra Corrado Pagano was killed on an expedition against the heretics, of the Vattelline, and two years after the people of Parma rose against the inquisitors. Besides, this reign of terror only raised to a furious pitch the passionate and independent piety of the Italian peoples. The Inquisition had a hard struggle against the successes of Gerard Legarelli, and especially Dolcino, which only came to an end after a long and difficult trial of the adepts of the Messianist sect of Guglielma, some of whom belonged to the noble families of Lombardy. Up till the beginning of the 14th century, however, the power of the Inquisition steadily increased, and at this period Zanghino Ugolini appeared as the most skilful exponent of its theory and procedure. About the same time Charles of Anjou introduced the Inquisition into the Two Sicilies, but it could rarely effect anything there; the religious cohesion of the country was weak, and refugees were sure of safe hiding, both Waldenses and Fraticelli being frequently harboured there.

Venice always preserved its autonomy as regards the repression of heresy; she was perfectly orthodox, but remained independent of Rome; Innocent IV. sent inquisitors there, but the heretics continued actually to be subject to the secular tribunals. In 1288 a compromise was arrived at, and the papal Inquisition was admitted into the republic, but only on condition that it should remain under the secular power; thus there was established a mixed régime which survived till the last days of the Venetian state. In Savoy the Inquisition constantly carried on severe measures against the Waldenses of the Alps. During the 14th and 15th centuries there was an uninterrupted succession of trials.

As regards the papal states, "it was in the nature of things that, by a confusion of the two personages, the pope should consider all opposition to him *qua* Italian prince as resistance offered to the head of the church, *i.e.*, to the church" (Langlois). The Colonna had a personal animosity against the Gaetani; therefore Boniface VIII., a Gaetano, declared the Colonna to be heretics. Rienzi was accused of heresy for having questioned the temporal sovereignty of the pope at Rome. The Venetians, who in 1309 opposed the annexation of Ferrara by Clement V. to the detriment of the house of Este, were proclaimed heretics and placed under the ban of Christendom. Savonarola was attacked because he interfered with the policy of Alexander VI. at Florence. It was this same desire for the hegemony of Italy which inspired the attitude of the popes throughout the middle ages, causing them to excommunicate, apparently without reason so far as doctrine was concerned, the Visconti of Milan, the Della Scala of Verona, the Maffredi of Faenza, etc., and prompting them to lay under an interdict or preach a crusade against certain rebellious great towns (Clement V. against Venice, John XXII. against Milan).

**Germany.**—In Germany heresies, especially of a mystical character, were numerous; some of them affected the people, and led to religious and social movements of no little importance. The repression of heresy went on by fits and starts, and the Inquisition was never exercised so regularly in the Germanic as in certain of the Latin countries. At the outset of the 13th century persecutions of the Waldenses and Ortlibarii (followers of Ortlieb of Strassburg, c. 1200) took place at Strasbourg; measures were taken locally, until,



in 1231, Gregory IX. issued definite instructions to the German prelates with a view to a regular repression of heresy, and gave to Conrad of Marburg full powers to execute them. In Feb. 1234 the Diet of Frankfort decided, in spite of the pope's injunctions, that the destruction of heresy should be entrusted to the ordinary magistrates. Moreover, owing to the struggle between the Empire and the papacy, the German prelates always limited the prerogatives of the papal Inquisition. Marsilius of Padua, the theoretical exponent of the imperial rights, attributes to the secular judge the right and obligation to punish heresy, the priest's role being merely advisory. In 1353 Innocent VI. tried to implant the papal Inquisition in Germany once for all; its success was but short, and Urban V.'s attempt in 1362 succeeded little better, in spite of the fact that Charles IV. (edicts of Lucca, June 1369) gave him the support of the secular power. Towards 1372, however, Gregory XI. succeeded in regularising the exercise of the powers of the papal inquisitors on German soil; and the latter, notably Kerlinger, Hetstede, etc., set to work to destroy the communities of the Beghards (who had developed with extraordinary rapidity), to burn their books, to close those *beguinages* which were under suspicion, and to check mystical epidemics such as those of the "flagellants," "dancers," etc. But these measures provoked protests from the people, the secular magistrates and even the bishops, so that Gregory XI., perceiving that he was face to face with the popular party, invited the bishops to control the inquiries of his own envoys. At the end of the 15th century the two inquisitions were acting concurrently.

**Bohemia.**—In Bohemia and the provinces subject to it the Waldenses had found their chosen country, and by the middle of the 13th century their propaganda was very flourishing. In 1245 Innocent IV. ordered the bishops to prosecute them with the aid of the secular arm, and in 1257, at the request of King Premys Ottokar II., Alexander IV. introduced the Inquisition into Bohemia. But from this date till 1335 inquisitorial missions succeeded one another without effecting any sensible diminution in the material and moral strength of the heresy. The Waldenses had been joined by other sectaries, the Luciferani, and especially the Brethren of the Free Spirit. It was in vain that the bishops of Bohemia and Silesia carried on during the second half of the 14th century an active campaign against heresy; the spirit of criticism which had arisen with regard to the morals, and even to the dogmas of the Church, was already preparing the way for Hussitism.

**The Balkan States.**—In the regions east of the Adriatic, Catharism, the first communities of which had very probably settled here, was supreme in the time of Innocent III. and Honorius III. The first Dominicans who established themselves in these parts had much to suffer from the aggression of those very heretics whom they had come to convert. Gregory XI., implacable in his persecution of Catharism, preached a crusade against them in 1234, and Bosnia was laid waste by fire and sword. But in spite of these violent measures Catharism only gained strength in the churches of Bulgaria, Rumania, Slavonia and Dalmatia, In 1298 Boniface VIII. tried to organise the Inquisition there; but the project remained fruitless. The attempt was revived in 1323 by John XXII. with doubtful success. The persecutions undertaken in the 14th and 15th centuries merely resulted in binding the Cathari to the invading Turks, with whom they found more tolerance than with the Slav princes converted to Roman orthodoxy.

**Spain.**—In Spain the papal Inquisition only very slowly gained a footing. Spain had been, in turn or simultaneously, Arian under the Visigoths, Catholic under the Hispano-Romans, Mohammedan by conquest, and under a régime of religious peace Judaism had

developed there. After the reconquest its heresies had been of minor importance. At the end of the 12th century Alphonso II. and Peter II. had on principle promulgated cruel edicts against heresy, but the persecution seemed to be dormant. By the bull *Declinante* of May 26, 1232 inquisitors were sent to Aragon by Gregory IX. on the request of Raymond of Penaforte, and by 1237-38 the Inquisition was practically founded. But as early as 1233 King James I. had promulgated an edict against the heretics which quite openly put the Inquisition in a subaltern position, and secularised a great part of its activities. The people, moreover, showed great hostility towards it. In Castile Alphonso the Wise had, by establishing in his *Fuero Real* and his *Siete Partidas* an entirely independent secular legislation with regard to heretics (1255), removed his kingdom from all papal interference. At the opening of the 14th century Castile and Portugal had still no Inquisition. It was not against heresy that the church had to direct its vigilance. A mutual tolerance between the different religions had in fact sprung up, even after the conquest; and for a long time past both the decisions of councils and papal briefs had proclaimed their surprise and indignation at this ominous indifference. Sporadic cases of violent measures against Jews and Mohammedans occurred during the 13th century and increased in frequency and severity during the 14th and 15th centuries. Massacres *en masse* and forced baptisms were carried out, instigated by the clergy. A class of "converted" Mohammedans and Jews arose, and increased after the conquest of the kingdom of Granada and the completion of the conquest by Ferdinand and Isabella, and after the pacification of the kingdoms of Aragon and Valencia by Charles V. The Mohammedans and Jews in these parts were given the choice between conversion and exile. Being of an active nature, and desiring some immediate powers as a recompense for their moral sufferings, the Jewish or Mohammedan *Conversos* soon became rich and powerful. In addition to the hatred of the church, hatred and jealousy arose also among laymen and especially in the rich and noble classes. *Limpieza*, *i.e.*, purity of blood, and the fact of being an "old Christian" were made the conditions of holding offices. And a combination of secular jealousy, national pride, and religious bigotry led to the foundation of an essentially national Inquisition, directed against local heretics, and founded without the help of the papacy. It was created in 1480 by Ferdinand and Isabella.

Sixtus IV. had wished the papal Inquisition to be established after the form of the middle ages; but Ferdinand, in his desire for centralisation wished to establish an inquisition which should be entirely Spanish, and entirely royal. Rome resisted, but at last gave way. Sixtus IV., Alexander VI., Innocent VIII., Julius II. and after them all the popes of the 16th century, saw in this secular attempt a great power in favour of orthodoxy, and approved it when established. The Inquisition took advantage of this to claim an almost complete autonomy. The decisions of the Roman Congregation of the Index were only valid for Spain if the Holy Office of Madrid thought good to countersign them; consequently there were some books approved at Rome and proscribed in the peninsula, and some which were forbidden at Rome and approved in the peninsula. The Spanish Holy Office perceived long before Rome the dangers of mysticism, and already persecuted the mystics, especially the *Alumbrados* and afterwards the Molinists, while Rome still favoured them. There was even a financial dispute between the Inquisition and the papacy. The Roman Penitentiary sold exemptions from penalties (involving loss of civil rights), such as prison, the galleys and wearing the *sanbenito*, and dispensations from the crime of *Marrania* (secret Judaism). The inquisitors tried to gain control of this sale, and at a much higher price, and were

seconded in this by the kings of Spain, who saw that it was to their own interest. The struggle continued throughout the first half of the 16th century, the Curia finally triumphing, thanks to the energy of Paul III. Since, however, the Inquisition continued to threaten the holders of papal dispensations, most of them found it prudent to demand a definite rehabilitation, in return for payments both to the king and the Inquisition. As a national institution the Inquisition had first of all the advantage of a very strong centralisation and very rapid procedure, consisting as it did of an organisation of local tribunals (established in all parts of the country) with a supreme council at Madrid, the *Suprema*. The grand inquisitor was *ex officio* president for life of the royal council of the Inquisition.

From the very beginning the papacy strengthened the organisation by depriving the Spanish metropolitans, by the bull of Sept. 25, 1487, of the right of receiving appeals from the decisions given jointly by the bishops of the various dioceses, their suffragans and the apostolic inquisitors and by investing the inquisitor-general with this right. And, more than this, Torquemada actually took proceedings against bishops; for example, the accusation of heresy against Don Pedro Aranda, bishop of Calahorra (1498); while the inquisitor Lucero prosecuted the first archbishop of Granada, Don Ferdinando de Talavera. Further, when once the Inquisition was closely allied to the crown, no Spaniard, whether clerk or layman, could escape its power. Even the Jesuits, though not till after 1660, were put under the authority of the *Suprema*. But the descendants of Moors and Jews, though they were good Christians, or even nobles, were most held in suspicion. A family into which a forced conversion or a mixed marriage had introduced Moorish or Jewish blood was almost entirely deprived of any chance of public office, and was bound, in order to disarm suspicion to furnish agents or spies to the Holy Office.

The Spaniards were very quick to accept the Inquisition to such an extent as to look upon heresy as a national scourge to be destroyed at all costs, and they consequently considered it as a powerful and indispensable agent of public protection. As had happened among the Albigenses, commerce and industry were rapidly paralysed in Spain by this odious régime of suspicion, especially as the *Conversos*, who inherited the industrial and commercial capacity of the Moors and Jews, represented one of the most active elements of the population. Besides, this system of wholesale confiscations might reduce a family to beggary in a single day, so that all transactions were liable to extraordinary risks. It was in vain that the counsellors of Charles V., and on several occasions the Cortes, demanded that the inquisitors and their countless agents should be appointed on a fixed system by the state; the state, and above all the Inquisition, refused to make any such change; The Inquisition preferred to draw its revenues from heresy, and this is not surprising if we think of the economic aspect of the Albigensian Inquisition.

The political aspect of the work and character of the Inquisition had been very diversely estimated; it is a serious error to attribute to it, as has too often been done, extreme ideas of equality, or even to represent it as having favoured centralisation and a royal absolutism to the same extent as the Inquisition of the 13th and 14th centuries in Languedoc. "It was a mere coincidence," says H. C. Lea, "that the Inquisition and absolutism developed side by side in Spain." The *Suprema* did not attack all nobles as nobles; it attacked certain of them as *Conversos*, and the Spanish feudal nobles were sure enough of their *limpieza* to have nothing to fear from it. But it is undeniable that it frequently tended to constitute a state within the state. At the time of their greatest power, the inquisitors paid no taxes, and gave

no account of the confiscations effected; they claimed for themselves and their agents the right of bearing arms, and it is well known that their declared adversaries, or even those who blamed them in some respects, were without fail prosecuted for heresy. It was, however, only the Bourbons, who had imbibed Gallican ideas, who by dint of perseverance managed to make the Inquisition subservient to the Crown, and Charles III., "the philosopher king," openly set limits to the privileges of the inquisitors. Napoleon, on his entry into Madrid (Dec. 1808), at once suppressed the Inquisition, and the extraordinary general Cortes on Feb. 12, 1813 declared it to be incompatible with the constitution, in spite of the protests of Rome. Ferdinand VII. restored it (July 21, 1814) on his return from exile, but it was impoverished and almost powerless. It was again abolished as a result of the Liberal revolution of 1820, was restored temporarily in 1823 after the French military intervention under the duke d'Angoulême, and finally disappeared on July 15, 1834, when Queen Christina allied herself with the Liberals. It was not, however, till May 8, 1869 that the principle of religious liberty was proclaimed in the peninsula; and even since then it has been limited by the constitution of 1876, which forbids the public celebration of dissident religions (S. Reinach). In 1816 the pope abolished torture in all the tribunals of the Inquisition. It is a too frequent practice to represent as peculiar to the Spanish Inquisition modes of procedure in use for a long time in the inquisitorial tribunals of the rest of Europe. There are no special manuals, or *practica*, for the inquisitorial procedure in Spain; but the few distinctive characteristics of this procedure may be mentioned. The Suprema allowed the accused an *advocate chosen* from among the members or familiars of the Holy Office; this privilege was obviously illusory, for the advocate was chosen and paid by the tribunal, and could only interview the accused in presence of an inquisitor and a secretary. The theological examination was a minute proceeding; the "qualificators of the Holy Office," special functionaries, whose equivalent can, however, easily be found in the mediaeval Inquisition, charged those books or speeches which had incurred "theological censures," with "slight, severe or violent" suspicion. There was no challenging of witnesses. The torture, to the practice of which the Spanish Inquisition certainly added new refinements, was originally very much objected to by the Spaniards, and Alphonso X. prohibited it in Aragon; later, especially in the 15th, 16th and 17th centuries it was applied quite shamelessly. But by the end of the 18th century, according to Llorente, it had not been employed for a long time; the *fiscal*, however, habitually demanded it, and the accused always went in dread of it. The punishment of death by burning was much more often employed by the Spanish than by the mediaeval *Inquisition*.

With the extension of the Spanish colonial empire the Inquisition spread throughout it almost contemporaneously with the Roman Catholic faith. Ferdinand IV. decreed the establishment of the Inquisition in America, and Jimenes in 1516 appointed Juan Quevedo, bishop of Cuba, inquisitor-general delegate with discretionary powers. Excesses having been committed by the agents of the *Holy Office*, Charles V. decreed (*Oct. 15, 1538*) that only the European colonists should be subject to the jurisdiction of the Inquisition; but Philip II. increased the powers of the inquisitors' delegate and, in 1541 established on a permanent basis three new provinces of the Inquisition at Lima, Mexico and Cartagena. The first *auto-da-fé* took place at Mexico in 1574, the year in which Hernando Cortez died. The Inquisition of Portugal was no less careful to ensure the orthodoxy of the Portuguese colonies. An Inquisition of the East Indies was established at Goa, with jurisdiction over all the dominions of the king of Portugal beyond the Cape of

Good Hope. Finally Philip II. even wished to establish an itinerant Inquisition, and at his request the pope created, by a brief of July 21, 1571, the "Inquisition of the galleys," or "of fleets and armies."

During the 16th and 17th centuries the Inquisition in Spain was directed again Protestantism. The inquisitor-general, Fernando de Valdés, archbishop of Seville, asked the pope to condemn the Lutherans to be burnt even if they were not backsliders, or wished to be reconciled, while in 1560 three foreign Protestants, two Englishmen and a Frenchman were burnt in defiance of international law. But the Reformation never had enough supporters in Spain to occupy the attention of the Inquisition for long. After the *Marranes* the mystics of all kinds furnished the greatest number of victims. Here again we should not lose sight of the tradition of the mediaeval Inquisition; the mysticism of the Beghards, the Brethren of the Free Spirit and the innumerable pantheist sects had been pitilessly persecuted by the inquisitors of Germany and France during the 14th and 15th centuries. The Illuminati (*alum-brados*), who were very much akin to the mediaeval sectaries, and the mystics of Castile and Aragon were ruthlessly examined, judged and executed. Not even the most famous persons could escape the suspicious zeal of the inquisitors Valdés and Melchior Cano. St. Ignatius de Loyola was twice imprisoned at the beginning of his career; St. Theresa was accused of misconduct, and several times denounced; one of her works, *Conceptos del amor divino*, was prohibited by the Inquisition, and she was only saved by the influence of Philip II. Countless numbers of obscure visionaries were accused of Illuminism and perished. From its earliest appearance Molinism was persecuted with almost equal rigour. Molinos himself was arrested and condemned to perpetual imprisonment (1685-87), and during the 18th century, till 1781, several Molinists were burnt. The Inquisition also attacked Jansenism, freemasonry (from 1738 onwards; *cf.* the bull *In emihenri*) and "philosophism," the learned naturalist José Clavigo y Faxarcho 1730-1806), the mathematician Benito Bails (1730-97), the poet Tomas de Iriarte, the ministers Clavigo Ricla, Ar-anda and others being prosecuted as "philosophers." Subject also to the tribunal of the Holy Office were bigamists, blasphemers, usurers, sodomites, priests who had married or broken the secrecy of the confessional, laymen who assumed ecclesiastical costume, etc.

Two features of the Spanish Inquisition are especially noteworthy: the prosecutions for "speeches suspected of heresy" and the censure of books. The great scholar Pedro de Lerma, who after fifty years at Paris (where he was dean of the faculty of theology) had returned to Spain as abbot of Compluto, was called upon in 1537 to abjure eleven "Erasmian" propositions, and was forced to return to Paris to die. Juan de Vergara and his brother were summoned before the Inquisition for favouring Erasmus and his writings, and detained several years before they were acquitted. Fray Alonso de Virues, chaplain to Charles V., was imprisoned on an absurd charge of depreciating the monastic state, and was only released by the pope at the instance of the emperor. Mateo Pascual, professor of theology at Alcala, who had in a public lecture expressed a doubt as to purgatory, suffered imprisonment and the confiscation of his goods. The censure of books was established in 1502 by Ferdinand and Isabella as a state institution. All books had to pass through the hands of the bishops; in 1521 the Inquisition took upon itself the examination of books suspected of Lutheran heresy. In 1554 Charles V. divided the responsibility for the censorship between the Royal Council, whose duty it was to grant or refuse the *imprimatur* to manuscripts and the Inquisition, which retained the right of prohibiting books which it

judged to be pernicious; but after 1527 it also gave the licence to print. In 1547 the Suprema produced an Index of prohibited books, drawn up in 1546 by the university of Louvain; it was completed especially as regards Spanish books, in 1551, and several later editions were published. Moreover; the *revisores de libros* might present themselves in the name of the Holy Office in any private library or bookshop and confiscate prohibited books. In 1558 the penalty of death and confiscation of property was decreed against any bookseller or individual who should keep in his possession condemned books. The censure of books was abolished in 1812.