

The Inquisition

From the Eleventh Edition of
the Encyclopedia Britannica, 1910.

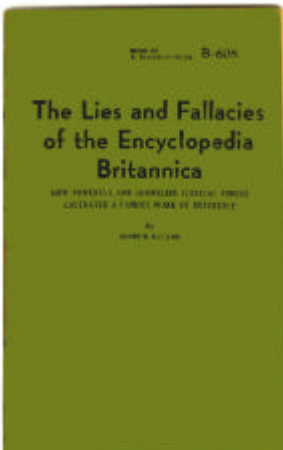
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"The Scholars' Edition"

The Eleventh Edition of the Encyclopedia Britannica is known as "The Scholars Edition," because this was the last complete edition issued before the Roman Catholic Church was allowed to censor ("correct") all those parts that cast the church in a bad light. The Eleventh Edition was not more hostile to the Catholic Church, or religion, than previous Editions, it simply was as historically accurate as good scholarship demanded. But the Church attacked this Edition with fury, saying that it was anti-Catholic, and that no Christian should buy it, etc. A factual account of this corruption of a great Encyclopedia can be found in a book by the scholarly Freethought Historian and ex-priest Mr. Joseph

McCabe, the name of the book is "The Lies and Fallacies of the Encyclopedia Britannica." The 11th Edition of Britannica was issued in 1910, the same year 'The Catholic Encyclopedia' was first issued. As it requires years to create an Encyclopedia one wonders if the attack on Britannica was timed to coincide with the appearance of the Catholic Encyclopedia? We also include the "Inquisition" article from the Catholic Encyclopedia, 1910, on this CD-ROM to show the different views of History.



Emmett F. Fields
Bank of Wisdom

picturesque Elizabethan front, faces Holborn. It was sold by the antients in 1884 for £68,000. It is in a very good state of preservation, and it is the intention of the purchasers, the Prudential Assurance Company, to preserve it as a memorial of vanishing London. *Barnard's Inn*, anciently designated Mackworth Inn, was an Inn of Chancery in the reign of Henry VI. It was bequeathed by him to the dean and chapter of Lincoln. It is now the property of the Mercer's Company and is used as a school.

The *King's Inns, Dublin*, the legal school in Ireland, corresponds closely to the English Inns of Court, and is in many respects in unison with them in its regulations with regard to the admission of students into the society, and to the degree of barrister-at-law, as also in the scope of the examinations enforced. Formerly it was necessary to keep a number of terms at one of the Inns in London—the stipulation dating as far back as 1542 (33 Henry VIII. c. 3). Down to 1866 the course of education pursued at the King's Inns differed from the English Inns of Court in that candidates for admission to the legal profession as attorneys and solicitors carried on their studies with those studying for the higher grade of the bar in the same building under a professor specially appointed for this purpose,—herein following the usage anciently prevailing in the Inns of Chancery in London. This arrangement was put an end to by the Attorneys and Solicitors Act (Ireland) 1866. The origin of the King's Inns may be traced to the reign of Edward I., when the legal societies designated *Collett's Inn* was abolished without the walls of the city; it was destroyed by an insurrectionary band. In the reign of Edward III. Sir Robert Preston, chief baron of the exchequer, gave up his residence within the city to the legal body, which then took the name of Preston's Inn. In 1542 the land and buildings known as Preston's Inn were restored to the family of the original donor, and in the same year Henry VIII. granted the monastery of Friars Preachers for the use of the professors of the law in Ireland. The legal body removed to the new site, and thenceforward were known by the name of the King's Inns. Possession of this property having been resumed by the government in 1742, and the present Four Courts erected thereon, a plot of ground at the top of Henrietta Street was purchased by the society, and the existing hall built in the year 1800. The library, numbering over 50,000 volumes, with a few MSS., is housed in buildings specially provided in the year 1831, and is open, not only to the members of the society, but also to strangers. The collection comprises all kinds of literature. It is based principally upon a purchase made in 1787 of the large and valuable library of Mr Justice Robinson, and is maintained chiefly by an annual payment made from the Consolidated Fund to the society in lieu of the right to receive copyright works which was conferred by an Act of 1801, but abrogated in 1836.

In discipline and professional etiquette the members of the bar in Ireland differ little from their English brethren. The same style of costume is enforced, the same gradations of rank—attorney-general, solicitor-general, king's counsel and ordinary barristers—being found. There are also serjeants-at-law limited, however, to three in number, and designated 1st, 2nd and 3rd serjeant. The King's Inns do not provide chambers for business purposes; there is consequently no aggregation of counsel in certain localities, as is the case in London in the Inns of Court and their immediate vicinity.

The corporation known as the *Faculty of Advocates* in Edinburgh corresponds with the Inns of Court in London and the King's Inns in Dublin (see ADVOCATES, FACULTY OF).

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INNUENDO (Latin for "by nodding," from *innuere*, to indicate by nodding), an insinuation, suggestion, in *prima facie* innocent words, of something defamatory or disparaging of a person. The word appears in legal documents in Medieval Latin, to explain, in parenthesis, that to which a preceding word refers; thus, "he, *innuendo*, the plaintiff, is a thief." The word is still used in pleadings in actions for libel and slander. The *innuendo*, and the plaintiff's statement of claim, is an averment that words

written or spoken by the defendant, though *prima facie* not actionable, have, in fact, a defamatory meaning, which is specifically set out (see LIBEL AND SLANDER).

INOUYE, KAORU, MARQUESS (1835-), Japanese statesman, was born in 1835, a *samurai* of the Chôshû fief. He was a bosom friend of his fellow-clansman Prince Ito, and the two youths visited England in 1863, serving as common sailors during the voyage. At that time all travel abroad was forbidden on pain of death, but the veto did not prove deterrent in the face of a rapidly growing conviction that, as a matter of self-protection, Japan must assimilate the essentials of Western civilization. Shortly after the departure of Inouye and Ito, the Chôshû fief, having fired upon foreign vessels passing the strait of Shimonoseki, was menaced by war with the Yedo government or with the insulted powers, and Inouye and Ito, on receipt of this news, hastened home hoping to avert the catastrophe. They repaired to the British legation in Yedo and begged that the allied squadron, then about to sail for Shimonoseki to call Chôshû to account, should be delayed that they might have an opportunity of advising the fief to make timely submission. Not only was this request complied with, but a British frigate was detailed to carry the two men to Shimonoseki, and, pending her departure, the British legation assisted them to lie *perdu*. Their mission proved futile, however, and Inouye was subsequently waylaid by a party of conservative *samurai*, who left him covered with wounds. This experience did not modify his liberal views, and, by the time of the Restoration in 1867, he had earned a high reputation as a leader of progress and an able statesman. Finance and foreign affairs were supposed to be the spheres specially suited to his genius, but his name is not associated with any signal practical success in either, though his counsels were always highly valued by his sovereign and his country alike. As minister of foreign affairs he conducted the long and abortive negotiations for treaty revision between 1883 and 1886, and in 1885 he was raised to the peerage with the title of count, being one of the first group of *Meiji* statesmen whose services were thus rewarded. Prior to his permanent retirement from office in 1898, he held the portfolios of foreign affairs, finance, home affairs, and agriculture and commerce, and throughout the war with Russia he attended all important state councils, by order of the emperor, being also specially designated adviser to the minister of finance. In 1907 he was raised to the rank of marquess. His name will go down in his country's history as one of the five *Meiji* statesmen, namely, Princes Ito and Yamagata, Marquesses Inouye and Matsukata and Count Okuma.

INOWRAZLAW, the Polish form of the German *Jung-Breslau*, by which the place was formerly known, a town in the Prussian province of Posen, situated on an eminence in the most fertile part of the province, 21 m. S.W. of Thorn. Pop. (1900) 26,147. Iron-founding, the manufacture of machinery and chemicals, and an active trade in cattle and country produce are carried on. In the vicinity are important salt works and a sulphur mine, and since 1876 a brine bath has been within the town. Inowrazlaw is mentioned as early as 1185, and in 1772 it passed to Prussia.

INQUEST (O. Fr. *enqueste*, modern *enquête*, from Lat. *inquisitionem*, *inquirere*, to inquire), an inquiry, particularly a formal legal inquiry into facts. The word is now chiefly confined to the inquiry held by a coroner and jury into the causes of certain deaths, in matters of treasure trove, and, in the city of London, in cases of fires (see CORONER). Formerly the term was applied to many formal and official inquiries for fixing prices, &c.

INQUISITION, THE (Lat. *inquisitio*, an inquiry), the name given to the ecclesiastical jurisdiction dealing both in the middle ages and in modern times with the detection and punishment of heretics and all persons guilty of any offence against Catholic orthodoxy. 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 origins of Christianity. St Paul (1 Tim.

Punishment of heresy in the Roman Empire.

i. 20) "delivered unto Satan" Hymenaeus and Alexander, "that they might learn not to blaspheme." The penalty of death by stoning inflicted by the book of *Deuteronomy* upon those who deserted the true faith (*Deut. xiii. 6-9, xvii. 1-6*) is thus reduced to a purely spiritual excommunication. During the first three centuries of the Church there is no trace of any 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 rapidly. We can count sixty-eight distributed over fifty-two years; 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

Opinions of the Fathers.

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 organized by heretics should be dissolved, but declared that "to put a heretic to death would be to introduce upon earth an inexpiable crime." From

In the early Middle Ages.

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. However, at the end of the 10th century, the disciples of Vigilar, a heretic of Ravenna, were destroyed in Italy and Sardinia, according to Glaber, *ferro et incendio*, probably by assimilation to the Manichaeans. Perhaps this was the precedent for the punishment of the thirteen Cathari who were burnt at Orleans in 1022 by order of King Robert, a sentence which has been commonly quoted as the first action of the "secular arm" (or lay power) against heresy in the West during the middle ages. However that may be, after 1022 there were numerous cases of the execution of heretics, either by burning or strangling, in France, Italy, the Empire and England. Up till about 1200 it is not quite easy to determine what part was taken by the Church and its bishops and doctors in this series of executions. At Orleans 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. At Goslar (1051-1052) the proceedings were the same. At Asti (1034) the bishop's name appears side by side with those of the other lords who attacked the Cathari, but it seems clear that it was not he who had the chief voice in their execution; at Milan, it was again the civil magistrates, and this time against the wish of the archbishop—who gave the heretics the choice between the adoration of the cross and death. At Soissons (1114) the mob, distrusting the weakness of the clergy, took advantage of their bishop's absence to burn heretics at the stake. It was also the mob who, infuriated at seeing him destroy and burn crosses, burnt the heresiarch Peter of Bruis (c. 1140). At Liège (1144) the bishop saved from the flames certain persons whom the faithful were attempting to burn. At Cologne (1163) the archbishop was less successful, and the mob put the heretics to death without even a trial. The condemnation of Arnold of Brescia was entirely political, though he was denounced as a heretic to the secular arm by Bernard of Clairvaux, and his execution was the act of the prefect of Rome (1155). At Vézelay, on the contrary (1167), the

heretics were burnt after ecclesiastical judgment had been pronounced by the abbot and several bishops. From 1183 to 1206 Hugh, bishop of Auxerre, took upon himself the discretionary power of exiling, dispossessing or burning heretics, while about the same time William of the White Hands, archbishop of Reims, in concert with Philip, count of Flanders, stamped out heresy from his diocese by fire. There was a similar unanimity between the lay and ecclesiastical authorities in the famous condemnation of the disciples of Amalric of Bena, who were burnt at Paris in 1209 by order of Philip Augustus after an ecclesiastical inquiry and judgment. 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 from 1041 to 1044, had expressly condemned any capital punishment and advised the bishop of Chalons to resort to peaceful conversion.

In the 12th century Peter the Cantor¹ protested against the death penalty, admitting at the most imprisonment. It was imprisonment again, or exile, but not death, which the German abbot Gerhoh of Reichersberg (1093-1169) demanded in the case of Arnold of Brescia, 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 (see BERNARD, *St. of Clairvaux*). In the councils, too, it is clear that the appeal to the secular arm was equally guarded; at Reims (1049) excommunication alone is decreed against heretics; and when, as at Toulouse (1119) and the Lateran council (1139), it is laid down that heretics, in addition to excommunication, should be dealt with *per potestates externas*, or when, as at the council of Reims (1148), the secular princes are forbidden to support or harbour heretics, there is never any suggestion of capital punishment. 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 organized and particularized legislation, in which judgment was given *secundum canonicas et legitimas sanctiones*. Anselm of Luca and the *Panormia* attributed to Ivo of Chartres reproduced word for word under the rubric *De edicto imperatorum in damnationem haereticorum*, 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). Certain of his commentators (*2^a pars Caus. xxiii.*), and notably Rufinus Johannes Teutonicus, and the anonymous glossator (in Ugucio's Great Summa of the *Decretum*) declare that impenitent heretics may, or even should, be punished by death. As early as 1163, the council of Tours suggested to the ecclesiastical authorities definite penalties to be inflicted on heretics, namely, imprisonment and loss of all their property. Pope Alexander III., who had attended the council of Tours of 1163, renewed at the Lateran council (1179) the decisions which had already been made with regard to the heterodox in the south of France, and at Verona in 1184 Pope Lucius III., in concert with the emperor Frederick Barbarossa, took still more severe measures: obstinate heretics were to be excommunicated, and then handed over to the secular arm, which would inflict a suitable penalty. The emperor, on his side, laid them under the imperial ban (exile, confiscation, demolition of their houses, infamy, loss of civil rights, disqualification from

Conflicting views as to the punishment of heresy.

The Church Councils.

Influence of the Canon Law.

The Council of Tours, 1163.

The Defeat of the procedure under Lucius III and the Emperor Frederick I.

¹ Pierre de Beauvoisis (?), choir-master (*grand-chantre*) of the university of Paris (1184), bishop of Tournai (1191), of Paris (1196); died as a Cistercian in 1197. He was beatified.

public offices, &c.). The usage, then, was already quite clear; but the death penalty had not as yet been demanded or inflicted. Possibly it was Count Raymond V. of Toulouse, in whose territories heretics abounded, who in 1194 enacted a law threatening them with the penalty of death; but the authenticity of this act has been questioned. It was more 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 25th, 1199, and September 22nd, 1207). As a jurist he henceforward assimilated the crime of high treason against God to that of high treason against temporal rulers, and admitted all the terrible consequences of this assimilation.

It is therefore incorrect to believe that the Inquisition arose 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 organization: the council of Toulouse, held in November 1229 by the Roman legate after the treaty of peace, attempted to organize one, and constituted itself the tribunal. But the procedure was still uncertain; in the north, from 1200 to 1222, at Paris (execution of the disciples of Amalric of Bena), at Strassburg, Cambrai, Troyes and Besançon executions took place, after trials in which the bishops were the judges, the exercise of the secular power being based on vague phrases in the decrees of Louis VIII. (that heretics be punished *animadversione debita*), or in those of Louis IX., ordering his *baillis* or barons to do to them *quod debebunt*. 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 him by the mendicant orders, and especially the Dominicans, who were more disciplined than the rest and better theologians, 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 November 1232 the Dominican Alberic went round Lombardy with the title of *Inquisitor hæreticæ pravitatis*. In 1231 a similar commission was given to the Dominicans of Friesland 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 in future 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 penalties, or only given a secret and very 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, 1229), 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 (*communicatio bonorum virorum consilio*). 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. The Inquisition had in addition to these *boni viri* certain other lay assistant officials, its sworn notaries, messengers and familiars, all of whom were closely bound to it.

Bernard Guy (Bernardus Guidonis),¹ 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 Martyr² were tried, not as assassins, but as guilty of heresy and adversaries of the Inquisition; 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 (*capitula accusacionis*), but the names of the witnesses were withheld from him (Innocent IV.; bulls *Cum negotium* and *Licet sicut acceptus*), he did not know who had denounced him; nor what weight was attached by the judges to the denunciations made against him. The utmost that was allowed him was the unsatisfactory privilege of the *recusaciones divinatorias*, 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

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, 1229), 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 (*communicatio bonorum virorum consilio*). 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. The Inquisition had in addition to these *boni viri* certain other lay assistant officials, its sworn notaries, messengers and familiars, all of whom were closely bound to it.

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¹ He was born c. 1261, was a Dominican at Limoges in 1279, successively prior of Albi (1294), Carcassonne (1297), Castres (1301) and Limoges (1305), inquisitor at Toulouse (1307), bishop of Tui (1324) and of Lodève (1325). He died in 1331.

² Peter, a Dominican, born at Verona, was murdered near Milan in 1252 and canonized in 1253.

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

Use of torture.

many ways of obtaining confessions, sometimes by means of moral subterfuges, but sometimes also 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. Canonically the torture could only be applied once, but it might be "continued." 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 confession was always considered as voluntary. 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 consequently 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.

Punishments.

This was the *sermo generalis* (see AUTO DA FÉ). The accused who had confessed were reconciled, and the penalties were then pronounced; these were, in order of severity, penances, fasting, prayers, pilgrimages (Palestine, St James of Compostella, Canterbury, &c.), 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, &c. These were the *poenae confusibiles* (humiliating). The inquisitors eventually acquired the right of inflicting fines at discretion. In 1244 and 1251 Innocent IV. removed 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 stricissimus*). 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. But, as M. Vacandard says, "If the secular judges had thought fit to take this formula literally, they would soon have been brought back to a recognition of the true state of affairs by excommunication." In effect, handing over to the secular arm was equivalent to a sentence of death, and of death by fire. The Dominican Jacob Sprenger, provincial of his order in Germany (1494) and inquisitor, does not hesitate to speak of the victims *quasi incinerari 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 medieval 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.

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, recognized it as lawful (Frederick Barbarossa, Decree of Verona; Louis VIII., ordinances of 1226, 1229; Louis IX., ordinance of 1234; Raymond VII. of Toulouse, &c.). In the kingdom of France there was a special office, the *procurateur 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 the reign of 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 spoilsations.

"Handing over to the secular arm."

Punishment by confiscation of goods.

Abuse of the system.

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 those convicted of heresy 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 regularization of inquisitorial procedure, endeavoured to reduce the confiscations to a fairly reasonable minimum, and in 1337-1338 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. King 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 and far between, 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 in itself. Nor was there any more security in the transmission of inheritances for posthumous trials were frequent;

Economic and political importance of the system.

the *Liber sententiarum inquisitionis* of Bernardus Guidonis (1307-1323) 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.

Among other accessory penalties, we must notice the condemnation of books. There were many precedents for this: Constantine had had the Arian writings burnt, Theodosius II. and Valentinian III. those of the Nestorians and Manichaeans, Justinian the Talmud.

In 1210 were burnt the books of David of Dinant and the *Periphysson* of Aristotle. In 1255 the *De periculis nominisimorum temporum* of William of St Amour¹ was burnt by order of Pope Alexander IV., and from 1248 to 1310 was pronounced a series of condemnations of the Talmud. Nicholas Eymersch (c. 1320-1399), the Spanish inquisitor, demanded from Pope Gregory XI. the condemnation of Raymond Lully's books, and in 1376 obtained it, but before long the Lullists returned into favour with the pope and Eymersch was banished. This rebuff suffered by an inquisitor shows how uncertain the censure of books still was, even in a country where in less than two centuries' time it was to become one of the chief spheres of inquisitorial activity.

The definite object of the Inquisition was the prosecution of heresy; but its sphere of action was gradually extended by the theologians and casuists until sorcery and magic ranked with dogmatic heresy. The council of Valence (1248) dealt with sorcerers as well as sacrilegious persons, but did not treat them as heretics. Alexander IV. went further, declaring that divination and sorcery should only come within the competence of the inquisitor when they directly affected the unity or faith of the Church (9th December 1257; cf. bull *Quod super nominalis*, 10th January 1260). Cases of simple sorcery were left to be dealt with by the ordinary judges. The distinction was very subtle, but it was not tampered with until 1451, at which date Nicholas V. gave the inquisitor Hugues Lenoir the cognizance of cases of divination, even when the crime did not savour of heresy. In dealing with such a subtle question, great variations had naturally arisen in practice, and the repression of sorcery was carried on jointly by the inquisitors, the bishops and the secular courts. John XXII., in consequence of a perfect epidemic of sorcery about 1320, handed over to the inquisitors for a time (1320-1333) all cases of crimes involving magic; but this measure was temporary and exceptional and only confirms the rule. There were various occasions during the middle ages when men's minds became infatuated, and it seemed as if the scourge of magic were likely entirely to destroy the Catholic faith; and during such times, morbidly infected with fear and the spirit of persecution, the ecclesiastical judges regained all their prestige. One of these crises culminated in the affair of the "Vauderie"² of Arras (1450), in which twelve unfortunates perished at the stake, and there were similar occurrences at the same period in Dauphiné and Gascony; of this nature again was the violent persecution in the Germanic countries begun by the bull *Summis desiderantes* of Innocent VIII. (5th December 1484), in the course of which the two authors of the *Malleus maleficorum*, the inquisitors Sprenger and Institoris (Heinrich Krämer), distinguished themselves as much by their knowledge of theoretical demonology as by their zeal as persecutors. In France

¹ Guillaume de St Amour (d. 1272), named after his birthplace in the Jura, was canon of Beauvais and rector of the university of Paris. He was conspicuous as the mouthpiece of the secular clergy in their attacks on the mendicant orders, the Dominicans in particular.

² The name of *vauderie*, i.e. the Vaudois or Waldensian heresy, had come to be used of witchcraft.

the secular authority was not long in claiming and obtaining jurisdiction over sorcerers (parlement of Paris, 1374), and as early as 1378 the university of Paris gave judgment in a case of demonology. Those unfortunates who were charged with sorcery gained, however, nothing by this change of jurisdiction, for they were invariably put to death.

The inquisitors could not take proceedings against Jews as such. 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. Further, those who practised usury were "suspected of not holding very orthodox doctrine as to theft" (Vacandard), and on this account the Inquisition gained a hold on them. Pope Martin V. (6th November 1419) authorized inquisitors to take proceedings against usurers.

But these are merely extensions of competence resulting from the works of the casuists; the Inquisition was primarily the instrument for the repression of all kinds of breaches of orthodoxy. Its work in this capacity we will now describe in outline for each of the great countries of medieval Christendom. England, whether before or after the establishment of the Inquisition, had but 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. In 1166, a few heretics having been apprehended, Henry II. called a council at Oxford and summoned them to appear before it; they all confessed, and were condemned to be scourged, branded on the face with the mark of a key, and expelled from the country, and by the 21st article of the Assize of Clarendon the king forbade any one to harbour on their lands or in the house any "of that sect of renegades who had been excommunicated at Oxford." Any one offending against this law was to be "at the king's mercy" and his house was to be "carried outside the town and burnt." The sheriffs were obliged to swear observance of this law and to require a similar oath from all barons' stewards, knights and free tenants. This was the first civil law against heresy since the end of the Roman empire, and preceded the famous rescripts of Frederick II. against sectaries in the 13th century. It should, however, be noted that the political acts of Henry II. and Frederick II. drew down the most explicit condemnation of the church. Orthodoxy remained almost unimpaired in England up till 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 blood-

shed, and so late as 1696 a student of medicine aged eighteen and named Aikenhead was accused of heresy and hanged at Edinburgh. In Ireland Richard de Lederede or Ledred, a Franciscan and bishop of Ossory, in 1324 prosecuted on suspicion of heresy and for sorcery a certain Dame Alice

The Inquisition and the Jews.

Treatment of heresy in the various countries.

England.

Scotland.

Kettle or Kyteler and her accomplices, Petronilla of Meath and her daughter Bassilla, who were accused of holding "nightly conference with a spirit called Robert Artisson, to whom she sacrificed in the high way nine red cocks and nine peacocks' eyes." The lady had powerful connexions, and her brother-in-law, Arnold le Powre, seneschal of Kilkenny, even went so far as to imprison the bishop. But in spite of the refusal of the secular authorities to co-operate with him, the bishop was strong enough to force them in 1325 to burn some of the accused. Dame Kettle herself, however, who had been cited to appear at Dublin before the dean of St Patrick's, escaped with the assistance of some of the nobles to England. Meanwhile the bishop, who had attempted to involve Arnold le Powre in the same charge, became involved in a quarrel with the administrators of the English government in Ireland; counter charges were brought against him, he was excommunicated by his metropolitan, Alexander de Bicknor, archbishop of Dublin; and in defiance of the king's commands, after publishing counter charges against the archbishop, he appealed to Rome and left the country. In 1335 Benedict XII. wrote to Edward III. deploring the absence of any inquisition in the king's dominions, and exhorting him to lend the aid of the secular arm in repressing heresy. Archbishop Alexander, who in 1347 was denounced as an abettor of heresy, died in 1349, and his successor was ordered to chastise those heretics who had taken refuge in the diocese from Richard de Lederede's violence, and whom his predecessor had protected. Finally, in 1354, Richard de Lederede himself was allowed to return to his diocese, where his zeal for persecution does not, however, seem to have found much further scope. He died in 1360.

The scene of the activities of the monastic Inquisition in France lay chiefly in the south. The repression of the Albigenian heresy (see ALBIGENSES) went on even when its importance had quite 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 Cella, Bernard of Caux, Jean de St Pierre, Nicholas of Abbeville, Fouques 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. Under the regency of Alphonse of Poitiers Languedoc was regularly laid under contribution by the *procurateur des encours*. There were frequent attempts at retaliation, directed for the most part against the inquisitors, and isolated attacks were made on Dominicans. In 1234-1235 there were regular risings of the people at Albi and Narbonne, which forced the inquisitors to retreat. In 1235 the inquisitors were driven out of Toulouse. These risings were followed by terrible measures of repression, which, in turn, led to violent outbreaks on the part of the relatives, friends or compatriots of the sufferers. During the night of the 28th or 29th of May 1242 the inquisitors and their agents were massacred at the castle of Avignonet. This massacre led to a persecution which went on without opposition and almost without a lull for nearly fifty years. At the beginning of the 14th century the terrified people found a defender in the heroic Franciscan Bernard Delicieux. For a moment King Philip the Fair and Pope Clement V. seemed to interest themselves in the misfortunes of Languedoc, and the king of France sent down reformers; but they had no effect, their activity being restrained by the king himself, who was alarmed at a separatist movement which was arising in Languedoc. The work of repression which followed this moment of hope was carried out, between 1308 and 1323, by the inquisitor Bernard Guy, and completed the destruction of the Catharist heresy, the appearances of which after the middle of the 14th century became less and less frequent. Other heretics, for a time at least,

took their place, namely the Spirituals, who had developed out of a branch of the Franciscans, and were remotely 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 any hierarchy and to uphold the doctrines of Peter John de Oliva against the word of the pope. On the 17th of February 1317 John XXII. condemned all these irregular followers of St Francis, "*fratelli, fratres de paupere vita, biocchi or beghini*," and the Inquisition of Languedoc was at once set in motion against them. Four *spirituales* were burnt at Marseilles in 1318, and soon the persecution was extended to the Franciscan *beguins* or *tertiarii*, many people being burnt about 1320 at Narbonne, Lunel, Béziers, Carcassonne, &c. The persecution stopped for lack of an object, for the small groups of beguins were soon destroyed, and those of the *spirituales* who were not sent to the stake or to prison were compelled by the papacy to enter other orders than the Franciscan. 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 (1233-1239) in going through the Nivernais, 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 Ile 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; in 1310 a heretic named Marguerite Porette was burnt at Paris, and in 1373 another named Jeanne Daubenton, both of whom seem to have professed a kind of rudimentary pantheism, the latter being the head of a sect called the Turlupins. The Turlupins reappeared in 1421 at Arras and Douai and were persecuted in a similar way. But in the 15th century, with the exception of a few condemnations aimed against the Hussites, the Inquisition acted but feebly against heresy, which, as in the famous case of the "Vauderie" of Arras, was often nothing but fairly ordinary sorcery.

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. It was these two great bodies which at the time of the Reformation took the place of the Inquisition in dealing with heresy.

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 *Italy* 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 Yicenza, Roland of Cremona and Rassicero Sacchoni directed their persecutions against Lombardy, and especially against Milan. St Peter Martyr, who was conspicuous for his bigoted violence, was assassinated in 1252. On the 20th of March 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 terrible 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 devastate 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 body of a heretic, Armano Ponzilupo, who was killed at Ferrara in 1269, was venerated by the people, and his mediation was even invoked, until the Inquisition had to suppress this cult. But it had a harder struggle against the successes of Gerard Legarelli, and especially Dolcino (see APOSTOLICI), 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 skillful 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. When Sicily passed into the hands of Peter III. of Aragon, moreover, it came into a position of open hostility to the Holy See and became a refuge for heretics.

Venice always preserved its autonomy as regards the repression of heresy; she was perfectly orthodox, but remained entirely 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 control of 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" (Ch. V. 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 proposed 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, &c., 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). Further, in each of the great cities of Lombardy and Tuscany, the papal party directed the local inquisition, and this power was rarely abused.

In Germany heresies, especially of a mystical character, were numerous in the middle ages; some of them affected the mass of 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 Ortlibarri (followers of Ortlib of Strassburg, c. 1200) took place at Strassburg; 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 full powers to execute them to Conrad of Marburg. Certain

nobles having offered him resistance, he preached a crusade against them, but died by the hand of an assassin. The council of Mainz (April 1234) dealt gently with Conrad's murderers, but severely with the false witnesses whom he had employed. Shortly before (February 1234), the diet of Frankfurt had decided, in spite of the pope's injunctions, that the destruction of heresy should be entrusted to the ordinary magistrates. And besides, thanks to the struggle between the Empire and the papacy, the German prelates always limited the prerogatives of the papal Inquisition. Again, by the municipal laws of the north (*Sachsenspiegel*) the ecclesiastical jurisdiction in the matter of heresy was very much limited, while the *Schwabenspiegel* (municipal laws for southern Germany) does not seem to be aware of the existence of any inquisitorial jurisdiction or procedure. When in the 14th century communities of Beghards developed with extraordinary rapidity, it was the episcopal authority, both at Cologne and Strassburg, which undertook to deal with these groups of sectaries, and at the very height of the conflict between the Empire and the papacy. 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 rôle 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 regularizing the exercise of the powers of the papal inquisitors on German soil; and the latter, notably Kerlinger, Hetstede, &c., set to work to destroy the communities of the Beghards, to burn their books, to close those *beginnages* which were under suspicion, and to check by more or less violent means mystical epidemics such as those of the "flagellants," "dancers," &c. But these measures provoked angry 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.

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 Bohemia, 1245 Innocent IV. ordered the bishops to prosecute them with the aid of the secular arm, and in 1257, at the request of King Premysl 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.

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 organize the Inquisition there, but the project remained fruitless. The attempt was revived in 1343 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.

In Spain the papal Inquisition could gain no solid footing in the middle ages. Spain had been, in turn or simultaneously, Arian under the Visigoths, Catholic under the Hispano-Romans, Mussulman by conquest, and under a régime of religious peace Judaism had developed there. After the reconquest, and even at the height of the influence of the Cathari its heresies had been of quite 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 the 20th of May 1232 inquisitors were sent to Aragon by Gregory IX. on the request of Raymond of Penaforte, and by 1237-1238 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 secularized a great part of its activities. The people, moreover, showed great hostility towards it. The inquisitor Fray Pedro de Cadrayta was murdered by the mob, and in 1235 the Cortes, with the consent of King James, prohibited the use of inquisitorial procedure and of the torture, as constituting a violation of the *Fueros*, though they made no attempt to give effect to their prohibition. 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 (1235), removed his kingdom from all papal interference. At the opening of the 14th century Castile and Portugal had still no Inquisition. But at that time in Spain orthodoxy was generally threatened only by a few Fraticelli and Waldenses, who were not numerous enough to call for active repression. The Spanish inquisitor Nicholas Eymerich, the author of the famous *Directorium Inquisitorium*, had rarely to exercise his functions during the whole of his long career (end of 14th century). 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; the Christians in the north recognized the Mahomedan and Jewish religions, and Alphonso VI. of Castile took the title of *emperador de los dos cultos*. But for a long time past both the decisions of councils and papal briefs had proclaimed their surprise and indignation at this ominous indifference. As early as 1077 the third council of Rome, and in 1081 Gregory VII., protested against the admission of Jews to public offices in Spain. Clement IV., in a brief of 1266, exhorted James I. of Aragon to expel the Moors from his dominions. In 1278 Nicholas III. blamed Peter III. for having made a truce with them. One of the canons of the council of Vienne (1311-1312) denounces as intolerable the fact that Mahomedan prayers were still proclaimed from the top of the mosques, and under the influence of this council the Spanish councils of Zamora (1313) and Valladolid (1322) came to decisions which soon led to violent measures against the Mudegares (Mussulmans of the old Christian provinces). Already in 1210 massacres of Jews had taken place under the inspiration of Arnold of Narbonne, the papal legate; in 1276 fresh disturbances took place as a result of James I.'s refusal to obey the order of Clement IV., who had called upon him to expel the Jews from his dominions. In 1278 Nicholas IV. commanded the general of the Dominicans to send friars into all parts of the kingdom to work for the conversion of the Jews, and draw up lists of those who should refuse to be baptized. It was in vain that a few princes such as Peter III. or Ferdinand of Castile interfered; the Spanish clergy directed the persecution with ever increasing zeal. In the 14th century the massacres increased, and during the year 1301 whole towns were destroyed by fire and sword, while at Valencia eleven thousand forced baptisms took place. In the 15th century the persecution continued in the same way; it can only be said that the years 1449, 1462, 1470, 1473 were marked by the greatest bloodshed. Moreover, the Mudegares were also subjected to these baptisms and massacres *en masse*. From those, or the children of those who had escaped death by baptism, was formed the class of *Conversos* or *Marranos*, the latter name being confined to the converted Jews. This class was still further 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 Mahomedans 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 Mussulman *Conversos* soon became rich and powerful. In addition to the hatred of the church, which feared that it might quickly become Islamized or Judaized in this country which had so little love for theology, 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. It is true, this mistrust had assumed a theological form even before the Mahomedan conquest. As early as 633 the council of Toledo had declared heretics such converts, forced or voluntary, as returned to their old religion. When this principle was revived and, whether through secular jealousy, religious dislike or national pride, was applied to the *Conversos*, an essentially national Inquisition, directed against local heretics, was founded in Spain, 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 and spirit of the middle ages; but Ferdinand, in his desire for centralization (his efforts in this direction had already led to the creation of the Holy Hermandad and the extension of the royal jurisdiction) 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, and on seeing its constant activity. 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, such as the *Historia pelagiana* of Cardinal Nores, and some which were forbidden at Rome and approved in the peninsula, such as the writings of Fathers Mateo Moya and Juan Bautista Poza. The Spanish Holy Office perceived long before Rome the dangers of mysticism, and already persecuted the mystics, the *Alumbrados* while Rome (impervious to Molinism) still favoured them. "During the last few centuries the church of Spain was at once the most orthodox and the most independent of the national churches" (Ch. V. Langlois). There was even a financial dispute between the Inquisition and the papacy, in which the Inquisition had the better of the argument; 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. At first they tried a compromise; the unfortunate victims had to pay twice, to the pope and to the Inquisition. But the payment to the pope was held by the Inquisition to reduce too much its own share of the confiscated property, and 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 centralization and very rapid procedure, consisting as it did of an organization of local tribunals with a supreme council at Madrid, the *Suprema*. The grand inquisitor was *ex officio* president for life of the royal council of the Inquisition. It was the grand inquisitor, General Jimenez de Cisneros, who set in motion the inquisitorial tribunals of Seville, Cordova, Jaen, Toledo, Murcia, Valladolid and Calahorra. There was no such tribunal at Madrid till the time of Philip IV. The inquisitor-

general of Aragon established inquisitors at Saragossa, Barcelona, Valencia, Majorca, Sardinia, Sicily and Pampeluna (moved later to Calahorra). From the very beginning the papacy strengthened this organization by depriving the Spanish metropolitans, by the bull of the 25th of September 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. The highest nobles were kept constantly under observation; during the reigns of Charles III. and Charles IV. the duke of Almodovar, the count of Aranda, the great writer Campomanes, and the two ministers Melchior de Jovellanos and the count of Florida-Alanca, were attacked by the Suprema. But the descendants of Moors and Jews, though they were good Christians, or even nobles, were most held in suspicion. Even during the middle ages the descendants of the Paterenes were known, observed and denounced. In the eyes of the Inquisition the taint of heresy was even more indelible. 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 idea of 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 the Inquisition as a powerful and indispensable agent of public protection; it would be going too far to state that this conception is unknown to orthodox present-day historians of the Inquisition, and especially certain Spanish historians (cf. the preface to Menendez y Pelayo's *Heterodoxos españoles*). 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 system of *encours* was simply made general in Spain, and managed to exist there for three centuries. In the case of the Inquisition in Languedoc, there still remained the possibility of an appeal to the king, the inquisitors, or more rarely the pope, against these extortions; but there was nothing of the kind in Spain. The Inquisition and the Crown could refuse each other nothing, and appeals to the pope met with their united resistance. As early as the reign of Ferdinand certain rich *Conversos* who had bought letters of indulgence from the Holy See were nevertheless prosecuted by Ferdinand and Torquemada, in spite of the protests of Sixtus IV. The papacy met with the most serious checks under the Bourbons. Philip V. forbade all his subjects to carry appeals to Rome, or to make public any papal briefs without the royal *esquequatur*.

The political aspect of the work and character of the Inquisition has 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 centralization 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 which they 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. But that was not the limit to their pretensions. In 1574, under Philip II., there was an idea of instituting a military order, that of Santa Maria de la Espada Blanca, having as its head the grand inquisitor, and to him all the members of the order, i.e. all Spaniards distinguished by *limpieza* of blood, were to swear obedience in peace and in war. Moreover, they were to recognize his jurisdiction and give up to him the reversion of their property. Nine provinces had already consented, when Philip II. put a stop to this theocratic movement, which threatened his authority. 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 (December 1808), at once suppressed the Inquisition, and the extraordinary general Cortes on the 24th of February 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 duc d'Angoulême, and finally disappeared on the 15th of July 1834, when Queen Christina allied herself with the Liberals. "It was not, however, till the 8th of May 1860 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 delicate and minute proceeding; the "qualificators of the Holy Office," special functionaries, whose equivalent can, however, easily be found in the medieval Inquisition, charged those books or speeches which had incurred "theological censures," with "slight, severe or violent" suspicion. There was no challenging of witnesses; on the contrary, witnesses who were objected to were allowed to give evidence on the most important points of the case. 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 on the least suspicion. 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 medieval Inquisition; about 2000 persons were burnt in Torquemada's day. Penitents were not always reconciled, as they were in the middle ages, but those condemned to be burnt were as a rule strangled previously.

With the extension of the Spanish colonial empire the

Inquisition spread throughout it almost contemporaneously with the 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 (October 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 the 21st of July 1571, the "Inquisition of the galleys," or "of fleets and armies."

After the expulsion of the Jews under Isabella the Catholic (1492), followed under Philip III. by that of the Moriscoes (1609), the Inquisition attacked especially Catholics descended from infidels, the *Marranes* and *Conversos*, who were, not without reason, suspected of often practising in secret the rites of their ancestral religions. As late as 1715 a secret association was discovered at Madrid, consisting of twenty families, having a rabbi and a synagogue. In 1727 a whole community of Moriscoes was denounced at Granada, and prosecuted with the utmost rigour. Again, a great number of people were denounced, sent to the galleys, or burnt, for having returned to their ancestral religion, on the flimsiest of evidence, such as making ablutions during the day time, abstaining from swine's flesh or wine, using henna, singing Moorish songs, or possessing Arabic manuscripts. During the 16th and 17th centuries the Inquisition in Spain was directed against 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 all 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 to the terrible tribunal. Here again we should not lose sight of the tradition of the medieval 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 (*alumbrados*), who were very much akin to the medieval 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. The writings of Luis de Granada were censured as containing *cosas de alumbrados*. 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 personal influence of Philip II. Countless numbers of obscure visionaries, devotees both men and women, clerks and laymen, were accused of Illuminism and perished in the fires or the dungeons of the Inquisition. From its earliest appearance Molinism was persecuted with almost equal rigour. Molinos himself was arrested and condemned to perpetual imprisonment (1685-1687), and during the 18th century, till 1781, several Molinists were burnt. The Inquisition also attacked Jansenism, freemasonry (from 1738 onwards; cf. the bull *In eminenti*) and "philosophism," the learned naturalist José Clavigo y Faxarcho (1730-1806), the mathematician Benito Bails (1730-1797),

the poet Tomas de Iriarte, the ministers Clavigo Ricla, Aranda 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, &c. "In all these matters, though the Inquisition may have been indiscreet in meddling with affairs which did not concern it, it must be confessed that it was not cruel, and that it was always preferable to fall into the hands of the Inquisition rather than those of the secular judges, or even the Roman inquisitors" (S. Reinach). Apart from certain exceptional cruelties such as those of the Inquisition of Calahorra, perhaps the greatest number of executions of sorcerers took place in the colonies, in the Philippines and Mexico. In Spain the persecution was only moderate; at certain times it disappeared almost completely, especially in the time of the clear-sighted inquisitor Salazar.

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 Alcalá, who had in a public lecture expressed a doubt as to purgatory, suffered imprisonment and the confiscation of his goods. A similar fate befell Montemayor, Las Brozas and Luis de la Cadena.

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 eventually abolished in 1812.

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