

HUMILIATION : A THEME IN ECCLESIASTICAL
FOLKLORE

John P. Guy

A Thesis Submitted for the Degree of PhD
at the
University of St Andrews



1983

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Humiliation:

A Theme in Ecclesiastical Folklore

A dissertation submitted to the Faculty of Arts
in candidacy for the degree of
Doctor of Philosophy
at the University of St Andrews

John P. Guy

March 1983



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Abstract

This work is an investigation into the background of a phenomenon found in the field of folklore, namely, public shame. In particular, the Spanish Inquisition provides the context for an enquiry into why a people accepted the humiliation of its fellows in the name of religion. The main quarry of the Inquisition were apostate Jews, who, after forcible conversions to Christianity, were spied on and betrayed whenever the slightest deviation from Catholic dogma was perceived. Contrition, expressed by public exhibition in an auto-de-fe or by burning, was held to be Penance. The enquiry shows the development of public penance from the appearance of Jewish monotheism through to the first centuries of Christianity (Chapter II). In the Christian era, penance was a voluntary act of self-humiliation, but later innovations from the Celtic Church modified its stringencies. Meanwhile the Spanish Church maintained the older, harsher forms (Chapter III). The Papal Inquisition of 1232 insisted on public penance by the wearing of "crosses", and its whole machinery of inquisition passed to the Spanish Inquisition (Chapter IV). Then, the Jewish persecution by the Spanish Church from 303 to 1480 is traced. Forcible conversion of Jews in 1391 split Spanish society into Old Christians and New, from which grew the problem of heresy (apostasy). By 1478 converso Jews held important positions in Church and State (Appendix A), and the Church thought it saw, through apostates, a threat to both the purity of the Faith and to Spanish sovereignty. Reacting to heresy, the Inquisition carried its penalties to such extremes as to suggest that its chief motivation was fear (Chapter V). Chapters VI and VII set out the extent of the public humiliation of accused persons: Chapter VIII deals with the strong correspondence between the

components of a "craze" such as the witchhunts of sixteenth and seventeenth century Europe, and the principal elements of the Inquisition. The origins of both seem to lie in the realm of imaginary fear and hatred.

Declarations

I, John Purchase Guy, hereby certify that this thesis which is approximately thirty thousand words in length has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

date: 12th April. 1983.

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I was admitted as a research student under Ordinance No. 12 on October 1978 and as a candidate for the degree of Doctor of Philosophy in May 1979; the higher study for which this is a record was carried out in the University of St. Andrews between October 1978 and December 1982.

I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate to the degree of Ph.D. of the University of St. Andrews and that he is qualified to submit this thesis in application for that degree.

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Acknowledgements

I wish to acknowledge the debt I owe to Professor Douglas Gifford of the Spanish Department, whose endless patience, help, and valuable criticism made this work possible. My thanks also to Mr G. Hargreaves of the University Library Staff for his cheerful co-operation in the use of rare books put at my disposal.

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Chapter I

Introduction

The Theme of Shame in Spanish folklore

At carnival time in the Spanish town of Villanueva de la Vera, the ritual execution of Pero-Palo takes place in the plaza before the assembled townspeople. Pero-Palo is a life-size effigy of a man that is constructed before-hand, and on Carnival Sunday he is paraded through the streets on the shoulders of one of a chosen entourage, to the sound of drum-beats. At a given moment, Pero-Palo is impaled on a pole, carried high, and taken once more through the town; the parade is repeated the next day. Early Tuesday morning in front of the Town Hall, a "tribunal" is elected from the retinue of Pero-Palo, and then an individual wrapped in a white blanket, riding on the oldest and shaggiest donkey available, is led before the judges where somebody reads out the sentence against Pero-Palo which goes, "Condemned to death by the Peoples' Tribunal for crimes of high treason". While the effigy is left in the plaza, the rider is conducted through the same streets to the sound of bells, rattles, drums, and the discharge of shot-guns. Afterwards, the placard containing the words of the sentence, which the man has been wearing, is now fastened to Pero-Palo. During the afternoon, the procession goes around the streets again, and from time to time, Pero-Palo and the pole are held out in a horizontal position and rapidly twirled around a few times. For some reason, not given, this manoeuvre is called "la judia". Once more in the crowded plaza the small retinue form a circle around Pero-Palo and in front of a white flag, they take the "oath of the flag". Then a loud voice asks the whole assembly whether or not Pero-Palo shall die.

The answer is always in the affirmative, and a fusillade of shotguns announces the end of Pero-Palo who is now put into a wheel-barrow and carted away.¹

In the ceremony can be seen the parody of the execution of a Jew punished for his profanity. Some light from a contemporary source will be thrown upon this echo of the past by examining a short episode in Cervantes' Don Quixote de la Mancha.² In answer to a question, the escort to a long-bearded prisoner who is met on the road, says to Sancho, "Este hombre honrado va por cuatro años á galeras, habiendo paseado las acostumbradas, vestido en pompa y á caballo." "Eso es," dijo Sancho Panza, "a lo que á mi me parece haber salido á la vergüenza."

Regarding the phrase "las acostumbradas", an explanatory note says that in a case of witchcraft in 1532, the Holy Office of Toledo passed a sentence, part of which read, "con una vela de cera en la mano, y con una corozca a la cabeça... e que le sean dados cient açotes por las calles acostumbradas desta cibdad".³

A further note says that "en pompa y á caballo" is an ironic phrase. Firstly, "pompa" signifies what usually accompanied the sentence of a heretic, i.e. a constable, a noisy crowd, a lighted candle, lashes, and the hurling of rotting fruit or vegetables. Secondly, "á caballo" meant, not on horseback, but someone sitting on a donkey.⁴ The subsequent comment of Sancho that it appears that the man has come from "la vergüenza" is a direct reference to the punishment of this kind that the Inquisition imposed on some victims when they were sat on a donkey and led through the crowds around the streets of the city.⁵

It is worth noting that the character of the annual performance of Pero-Palo is unlike most of the festivities that precede Lent. They are usually occasions for merriment, for parodying local worthies, for celebrating the change of season, for a public spirit of egalitarianism;

real laws are temporarily suspended and "public" laws take over; and some reversals of values as typified in Saturnalia, emerge. Pero-Palo however, has a dark side, because at base it represents in a corrupt form, the perpetuation of the shame and degradation that the Inquisition once heaped on those of Jewish blood, and on others, who were deemed to be heretics. In both cases we see a tribunal; in both cases the sentence is read aloud in public; the white blanket is really the dreaded yellow sanbenito once worn by victims when they were paraded in public; in both cases the condemned were led on donkeys around the streets through noisy crowds. The "oath of the flag" annually sworn in Villanueva de la Vera, echoes the oath of fidelity to the Church and to the Inquisition, taken at every auto-de-fe, in front of the green standard of the Holy Office.

The death of Pero-Palo is, then, a folk-loric re-creation of the climax to the efforts of the Inquisition to bring its victims into its hands. It is a re-enactment of the grim drama whereby the Church exposed human beings to humiliation and shame by parading them through the streets dressed in tragi-comic costume, open to the hate and scorn of the mob, and in many cases towards a shameful public death. The folklore theme of Shame commemorated in the annual staging of Pero-Palo is also the principal theme behind the various public penances imposed by the Inquisition on those it condemned for heresy. Prominent manifestations of it are found in the Auto-de-fe General in the wearing of the corozas and sanbenitos in procession, in the subsequent wearing of the sanbenito in daily life, in the hanging of inscribed sanbenitos in churches, and in the disqualifications that accompanied those who could not prove their purity of blood. In the concluding chapter of this work there appears a brief examination of a corresponding outburst of public spleen, the witch-hunts of the sixteenth and seventeenth

centuries where large numbers of victims who apparently conformed to the popular stereotype of a witch, were subjected to shame and cruelty before a public obsessed with fear and hate. These witch-hunts had their roots in the soil of suspicion, envy, pagan beliefs, and paranoic fear. I believe that the Inquisition sprang from the same soil.

Introductory: The aim of the research

This work will attempt to show the underlying cause of the mania, whose instrument was the Spanish Inquisition, for exposing to public view and for perpetuating the shame of religious deviants, that gripped Spain from the early part of the sixteenth century until the early nineteenth, involving the whole of Spanish society, from the Monarchy, down through the hierarchies of Church and State, to the ordinary people in towns and villages. Tension and fear brought about wholesale denunciations, and for real or imagined heresies, arrests were made for trivial offences, trials were travesties of justice, and sentences of great barbarity were pronounced by the tribunals of the Holy Office. The popular vision of dark prisons, torture chambers and burnings at the stake offer a superficial view of the truth, giving no hint of the humiliation and disgrace by which the Inquisition crushed the spirit of, not only the offenders already in its hands, but of a great unknown number of their families, relatives and descendants. The fact that heresy was pursued for so long, that heretical offences were often based on trivial and hairsplitting deviations from Catholic practice, that punishments were so severe, and worst of all, that a certain section of society, the conversos, who were chiefly apostate Jews, were degraded and humiliated through successive generations until they were virtually eliminated, cannot fairly be attributed alone to religious zeal carried to

unprecedented lengths. Some other cause must be found. It is also essential in any scrutiny of this investigation to keep in mind how the folk-memory of the Inquisition, as demonstrated by the death of Pero-Palo described in the previous pages, reflects that aspect of the work of the Holy Office that became most deeply imprinted in the collective consciousness of the Spanish people, the ignominy of public shame.

The reason for carrying out the research

The words of a modern historian raise a challenge which has been taken up in this thesis. Cecil Roth writes,

"In a state in which religion and society were co-extensive heresy was anti-social, and had to be repressed and punished in the same way as any other crime against the majority. It is a somewhat dangerous contention; for the definition of an anti-social crime is somewhat vague, and in our days has received an alarming extension. Moreover, granted the premise, the savageness of the procedure even so remains unjustified and unexplained."

The key to the issue lies in the word 'unexplained'.⁶

The original nature of the conclusions

(A.) The reasons for the religious fanaticism accompanied by harsh practices that characterized the Spanish Inquisition may be found in the field of folklore. The social pressures that built up in the sixteenth and seventeenth centuries and gave rise to the widespread witchcrazes that scourged northern Europe have a parallel in the stresses that brought about the excesses of the Catholic Church in Spain. But they are not the same. H.R. Trevor-Roper states that

'... the founding of the Spanish Inquisition to destroy "judaism" in Spain, and the issue of the Witch Bull... to destroy witches in Germany, can be seen as two stages in one campaign.'⁷ With this view, I disagree (see Note 7).

(B.) A link is established between (i) the Edicts of Faith, (ii) the hanging of sanbenitos in churches, and (iii) the doctrine of 'limpieza de sangre', thus:

(i) In the Edicts the details of what constituted heresy were so pointedly and minutely anti-Jewish that they could only have been aimed at gathering into the Inquisition's clutches as many conversos as possible (see Chapter V for an extract from one issued at Valencia in 1519). Muslim practices are also referred to, but with much less emphasis.

(ii) To execute or to penalise only those judaizers who were actually convicted by the Tribunals would leave untouched a potential threat to the Faith by the heretic's own family, relations, and descendants. This threat was removed at source by hanging his inscribed sanbenito in the local church, to the perpetual infamy and disqualification of all his generations.

(iii) There still remained, however, the threat of unforeseen apostasy by those converso families who had remained constant Catholics over very many years. This third and last loophole through which an upsurge of Judaism could come was effectively blocked by the doctrine of 'limpieza de sangre', whereby even a taint of remote Hebrew blood was treated with racial discrimination, and counted as heresy as well.

Therefore, the three steps in Inquisitorial practice which so often appear as just a sequence of devices for inflicting further injustices can also appear as carefully planned stages in the total elimination, if possible, of Jewish genius.

Method of presentation of the evidence

The main body of the thesis deals with the developments in the public exposure and humiliation of religious penitents.

Two separate strands of enquiry lead from Chapter II to the end of Chapter V where they join in carrying the evidence to the end of Chapter VII. The first strand appears in Chapters II to IV, and is concerned with the development of the degrading public penances of the Early Church, through to the appearance of the Celtic-type penitential books that almost eliminated public penance, and across to the unrelenting attitude to public penance maintained over the same period by the Spanish Church. Chapter IV sets out the founding and growth of the Papal Inquisition of 1232, with its means of investigation and trial which the Spanish Inquisition took over ready-made. Public humiliation is again openly practiced in the wearing of 'crosses'.

The second strand is in Chapter V where the long-continued persecution of the Jews is traced from 303 AD to about 1500 AD through a regular series of Church Councils. The Jewish massacres of 1391 divided Spanish society into Old and New Christians. Apostasy by the conversos was severely dealt with. When the Catholic Monarchs instituted the Inquisition in Castile in 1480, the two strands were joined, so that one was a Catholic Church zealous for the Faith having in its possession the power to control heresy by means of an inherited inquisitorial machine, and the other was an already persecuted minority involved in the activities of the Church because of enforced acceptance of Catholic dogma. The Church saw itself threatened by heresy (i.e. Jewish apostasy) and the public humiliation of transgressors was revived in force.

Chapter VI deals with the uses of the sanbenito and the auto-de-fe.

Chapter VII sets out the practice of hanging inscribed sanbenitos in churches; the doctrine of 'limpieza de sangre' is developed.

Chapter VIII, the final chapter, attempts to show how the Inquisition, in its triumphal exposure of its victims to shame and calumny, had the same origins as the witch-hunts sweeping over Europe in the sixteenth and seventeenth centuries that also publicly exposed and murdered its accused ones.

Notes on Chapter I

Introduction

1. José Ramon y Fernández, 'Costumbres cacereñas - El Pero-Palo', Revista de Dialectología y Tradiciones Populares (Madrid, 1944--), VI (1950), pp. 87-92.
 2. Miguel Cervantes, El Ingenioso Hidalgo Don Quixote de la Mancha, annotated by F.R. Marin (Madrid, 1916), primera parte, cap. XXII, pp. 193-194.
 3. Cervantes, p. 193, footnote.
 4. Cervantes, p. 194, footnote.
 5. H.C. Lea, 'Historia ecclesiástica de Granada', parte IV, cap. 129 (Granada, 1638), quoted in History of the Inquisition of Spain, 4 vols (London, 1907), III, 138.
 6. Cecil Roth, The Spanish Inquisition (London, 1937), p. 271.
 7. H.R. Trevor-Roper, 'The European Witchcraft Craze' in M. Marwick, ed., Witchcraft and Sorcery (Harmondsworth, 1970), p. 141. This author asserts that the witchcraft craze developed from the introduction of social groups in the thirteenth century, e.g. Bulgarian missionaries with their Manichaen ideas which could not be assimilated into Pyrenean France. Heretically social ideas became heresy, which, when woven with pre-Christian beliefs about pacts with the Devil, the sabbat, etc., became a systematic demonology which served as a stereotype for persecution (page 141).
- The Spanish Inquisition did not combat the forces of Satan and his demons; it was not particularly concerned with village gossip, the evil eye, the causes of cattle diseases, or any other local manifestations of sorcery. The stereotype towards which it directed its malignity was the apostate Jew whose Hebrew genius for finance, law, and administration, etc., threatened to overwhelm Spain, and especially, so it was thought, the Catholic Faith.

Chapter II

Penance

A. Outside the Christian Church

Primitive religion and sacrifice

Primitive religion was frequently based on the idea of supernatural beings, similar to men, whose variable temperaments could lead to anger, revenge, rewards, and kindness, and who needed to be placated by gifts. Such gifts were early forms of sacrifice. The word sacrifice is misleading, since 'sacer' means 'holy', and in its modern sense it indicates something dedicated to a deity. To the early man, his gift was not holy, since he usually gave to receive, so a better word might be 'offering'. As human thought progressed, there arose the view that sacrifices, particularly of animals, were acts of communion between a god and his worshippers. The animal, being dedicated to the god who now became immanent in its flesh, was killed and divided between the god and the suppliant. The individual, having eaten his portion, had thereby partaken of his god, and a link was established between them.

A further development on the purposes of sacrifice arose when it was thought that through the pouring out of the blood of the victim, one may possess the principle of life. This means that the killing of the creature liberates its life, and by laying on of hands, the offerer is then identified with the life that is free to return to the god. The accompanying and more important belief is that such life, through the blood, takes away sin. Sin is not to be thought of in the modern way, for in early times it bore no ethical content, referring usually to ritual ceremonies wrongly carried out or omitted altogether.¹

A modern view of ritual sacrifice centres around a metaphor of death. This world is inhabited by mortal, impotent people who live through a sequence of events until they die. The other world is the realm of immortal, omnipotent deities who live in simultaneous time without a past, a present, or a future. Power, which is life, health, fertility, wealth and influence, is located there, and religious ceremony provides a bridge between the two worlds. The bridge may be visualized as the zone where the edges of both overlap, and which partakes of the qualities of both. The common area is where the power passes from the deity to mankind, and it is a sacred, or polluted zone. Metaphysical pollution occurs because the boundaries of each world have been invaded by those of the other. This creates a means of interaction between the two. In animal sacrifice, the killing of the creature separates it (and the suppliant who is identified with it), into two parts, the life which is pure and the corpse which is impure. The impure part can be left behind, but the pure part can be aggregated to the individual's new status. Therefore, he is vicariously purified.²

Pagan religions

In the ancient world, the existence or non-existence of a particular god was not the first thing to arise in the minds of people when confronted with a new religion. What mattered, was whether or not it was useful, and the efficacy of Isis worship, for example, was judged by what results it bore. If a vigil to Isis did not cure illness, then the disciplines of Asclepius might do so. There was no exclusive religion in early times, and no stress was laid on abstract dogma. Greek religion had little to do with Greek mythological tales which chiefly explained natural events in human terms, and mostly dealt with the

movements of the sun, moon, and stars, and with the seasons and vegetation. Occasionally, they glorified long-dead heroes. A Greek community was aware of the existence of an invisible, mysterious power, a "theoi", who was responsible for misfortunes, and who punished disrespect to itself. It also punished murder, pride, vanity, various family or sexual crimes, and sometimes trouble came down, perhaps because of a census taken, suffering twins to live, or through eating the wrong food at the wrong time. However, some of the old gods had some influence, and Zeus was active in punishing wrongs that had escaped human justice. The tyrant or the perjurer was a ready target for the divine thunderbolt. But whatever form they took, the gods were the centre of the community's emotions and aspirations. Much Roman religion derived from the veneration of the city itself. Her legions, her fame, and her organization seemed to come from a divine source, until "Dea Roma" was herself worshipped. The very ancient idea of a man-god was manifested in the revering of Rome's ruler as a deity, and the emperor was venerated, not so much for himself, but because of some element in him (perhaps 'mana') that could command military success, and prosperity to Roman citizens. Together with a mystic regard for the city, these feelings were the substance of a cult whose religious demands on an individual were light, asking little more of him than a pinch of incense on the priestly altars. Priests' functions were chiefly auguries for the future and welfare of the State and Emperor.

The mystery religions of the centuries preceding the Graeco-Roman era were somewhat similar, in a few aspects, to religions in the modern sense, having systems of dogma and practice which appealed personally to their adherents. Essentially, they were agricultural religions. Tammuz died regularly to save the world; he was cut down with the corn, plucked with the fruit, and withered away. His followers prayed that

he was still alive and would rise again.

The worship of Ishtar is that of a mourning mother, a Mater Dolorosa. Upon her were heaped all the forms of love that a man has for a woman, making her a sister, a mother, and a bride all at the same time. She is the eternal Virgin and the Beloved of lovers, a figure of fertility and reproduction.

The worship of Attis laid stress on continence on the part of the worshipper, and in the frantic rhythmic dances of the religious festivals, her priests would sometimes castrate themselves in order to achieve perfect purity.

Mithraism, an early rival to Christianity, closely resembled it. Mithras (the Sun) was the god, and was the mediator between god and Man. His blood redeemed mankind; baptism (the Taurobolium) and confirmation were practiced, and a eucharist meal was celebrated, and Mithraic ethics were pure and ascetic. It differed from Christianity thus:

- (i) it was a military religion that cultivated fighting virtues, because it saw life as a struggle between good and evil;
- (ii) it was so determined to reject the emotional excesses of many oriental religions, that it allotted no place in its church to women.³

Ancient religions based on Nature worship, sun worship, or forms of animism, were carried on by a priesthood controlling the mass devotions of the community. In no sense was an individual placed in a position of personal responsibility for his moral or ethical attitudes to the god, and he did not feel that his destiny after death depended on a satisfactory spiritual condition during his life.

Jewish monotheism

The development of a sense of personal sin, which means an individual's estrangement from the god, is seen in the history of the Israelites, where the unfaithfulness of that nation to Jahweh had led to captivity and exile in Babylon from 586 BC to 538 BC. Jehovah's disfavour sprang from one thing alone: "Your iniquities have separated between you and your God, and your sins have hid His face from you".⁴ These words engendered a sense of sin in the people never experienced before, and had much to do with the developments in sacrificial practices. This was not the sole reason for spiritual progress, for their teachers, too, expounded the magnitude and power of the Almighty, among whom Isaiah said of Him, "that abideth over the circle of the earth, and the inhabitants thereof are as grasshoppers".⁵ "Who," asks the same prophet, "hath measured the waters in the hollow of His hand, and meted out the heavens with a span, and comprehended the dust of the earth in a measure, and weighed the mountains in scales, and the hills in a balance?"⁶ A fuller grasp of the majesty of the divine nature, and a realization of the insignificance of Man, was the most far-reaching effect the Exile had on the Israelites. The system of sacrifices now became a national expression of a desire to find harmony with God's will (as found in the Law) and a realization dawned, on the need for the atonement of both national and individual sins, followed by reconciliation to Him. God was seen to be the creator and controller of the whole universe who demanded spiritual purity from those who followed Him, and physical purity from those who served. He was the only true God, and those who followed other gods were abominations to Him, and to His people Israel.

A higher conception arose that true sacrifice was to be found in

the sacrifice of the will and of self, now to be expressed in obedience and penitence. This personal ethical element made a man aware that any rebellious act, or thought, would bring him into conflict with the Almighty which could not be resolved without some acts of atonement on his part.

A common form of public penitence in Old Testament times was the wearing of sackcloth which was made from goats' hair and was black.⁷ It was also worn for mourning⁸ or for special prayer.⁹ The practice was known too, in Syria, Moab, Ammon, Tyre and Nineveh.¹⁰

Together with sackcloth, a penitent frequently sprinkled ashes over himself. Two Hebrew words appear for "ashes":

- a) ēper: (a product of burning) metaphorically symbolized misery, shame, and particularly, abasement before God,¹¹ and contrition.¹²
- b) dešen: means 'fatness' and indicates the fat residue from sacrifices^{13 14}.

External symbols of this sort are indicators of a state of mind and attitude. Repentance in the Old Testament appear as:

- i) nāham: which means the change by God towards men in the face of human confession and contrition, i.e. a turning away from His wrath.
- ii) sub: which means Man's turning from wicked ways towards God.¹⁵

King Ahab of Israel, having followed pagan gods for a while, turned back to Jehovah and expressed his contrition by wearing sackcloth.¹⁶

About a century earlier, King David repented of his adultery with Bathsheba, but did not wear sackcloth as an outward symbol of his abasement before God. David's offence was a moral transgression against God, against Bathsheba, against Uriah her husband, and against the nation. Yet Ahab's sin was the greater inasmuch as he had turned away from God to worship other gods. Indeed, apostasy was a sin that brought down the heaviest punishment,¹⁷ and there seems to be a connection

between apostasy and the wearing of penitential garments. It does not necessarily apply in every case¹⁸ as is seen in the same sin of Rehoboam. In Classical Greek "apostasia" is a technical term for political revolt, and in the Septuagint it always relates to rebellion against God.¹⁹

The New Testament repeatedly warns against it, and its nature is made clear. It is a falling from the faith,²⁰ or it appears when seducers offer believers another gospel.²¹ The Greek word for 'heresy' which is 'hairesis' denotes choice. The New Testament uses the word to indicate a party within the main body in the sense that the Pharisees and the Saducees were sects within Judaism. The first use of the term 'heresy' in the modern sense of doctrinal error occurs in the second epistle of Peter.²² A later reference is also made to the Gnostic heresy.²³ In this sense was the Early Church much exercised in preserving a pure Faith, and in formulating modes of discipline for those within the Church who were threatening it.

B. In the Early Church

The first sign of organization within the early Church appears in Acts, Chapter 6, verses 1 to 3 where seven men were chosen to oversee administrative matters. This was in about 33 AD, and by 46 AD elders had been appointed in Jerusalem.²⁴ Then, in the epistle to the Philippians, chapter 1:1, reference is made to "bishops and deacons" (circa 64 AD), and towards the end of the apostolic age, these two were recognized orders. As yet, a bishop was only the head of the church in a given locality since a plurality of churches in a single district was unknown, but at a later stage, the office of a separate overseeing bishop emerged. Such leaders were occupied with many matters that

regulated church affairs, but our concern rests only with that of discipline. The apostle Paul, writing of discipline (in this case, over fornication), says, "to deliver such an one unto Satan for the destruction of the flesh, that the spirit may be saved..."²⁵ This does not mean that a death sentence should be carried out, for Paul constantly refers to the sinful principle, rather than to a bodily organism as 'the flesh'. In conjunction with the rest of the passage, excommunication seems to be indicated. The Christian rite of excommunication has its roots in older forms of official curses.

- a) Plato, in the Republic condemns magicians "who, for a small fee, will bring harm on good or bad alike, binding the gods to serve their purposes by spells and curses (Katadesmoi)".
- b) Curses were used in the ancient Middle East to deter tomb robbers. The words are found in funeral inscriptions.
- c) The exploration of the tombs of ancient Egypt in modern times has been accompanied by alleged curses that have overtaken those who disturbed mummies.
- d) In classical Greece, an official curse was sometimes pronounced by magistrates or priests against enemies of the state.
- e) The Old Testament has a catalogue of curses in Deuteronomy, Chapter 28:15-19, followed in verses 20-68 by a list of afflictions that might fall upon the accursed.

In a primitive society, a man who knows he is a victim of hostile magic, who is conditioned to believe that sorcery will kill him, and whose family and friends also believe he will die, then his fear, and sense of rejection, may prove fatal. From this it is not difficult to understand the effectiveness of excommunication in the Middle Ages, which is the solemn Christian ritual of cursing.²⁶ An individual, thrust out of the congregation, is driven into Satan's domain. Such exposure

to spiritual danger would work on him, so that his sinful nature would be destroyed and his spirit saved. Excommunication, and all that it was believed to involve would fill him with terror so that his fear and remorse would drive him to penitence.

As the Church spread from Jerusalem into Asia Minor, North Africa and even to Rome, its ranks were filled with people of the Jewish race, those from pagan backgrounds and some from the Hellenized culture of the Aegean lands. Because of this, despite the doctrinal basis of the Faith as laid down by Paul, and despite the established modes of discipline in force, the greatest threat to the stability of the Church and the purity of the Faith was the appearance of heresy. Heretical beliefs can have more than one source. Preconceived ideas about the Faith might lead to wrong conclusions; mis-interpretation of the Scriptures, or perhaps unsound teaching might serve to implant heretical notions into believers' minds. Convinced as the Church was about the uniqueness of Christ's claims, its efforts to spread the Gospel were not tinged with bigotry, nor was coercion exercised in its cause. Tertullian (c. 160-225 AD), who was a rigorist in some matters, declared that it was a human right for a man to believe in whatever he chooses.

"Tamen humani juris et naturalis potestatis est unicuique, quod putaverit, colere; nec alii obest aut prodest, alterius religio. Sed nec religionis est cogere religionem, quae sponte suscipi debeat, non vi." (27)

During the second and third centuries the Church's attitude to sinners was uncertain. Origen (c. 185-254 AD) is willing to discriminate between grave and trivial sins. Firstly, he says,

"Sed is in quem Jesus insufflavit, quemadmodum in apostolos, quique a fructibus cognosci potest accepisse Spiritum sanctum et factus esse spiritualis, eo quod Spiritu Dei, more Filii Dei, agatur ad ea omnia quae ratione gerenda sunt; is dimittit quae dimittere^t Deus et insanabilia peccata retinet..." (28)

The allusion to sins being incurable and therefore retained does not mean

that they cannot be remitted by God or by the Church. Origen is saying that immediate absolution is impossible, and that a penance is a preliminary requirement. Such a penance meant exclusion from the community for a period and the performance of good works. Then Origen says

"Haec ergo venditio et hujusmodi culpa semper reparari potest, nec aliquando tibi interdictur de commissis hujusmodi paenitentiam agere. In gravioribus enim criminibus semel tantum penitentiae conceditur locus;" (29)

Tertullian thinks that both secret sins and public scandals required confession and repudiation:

"videlicet se quid humanae notitiae subduxerimus proinde et Deum celabimus?...An melius est damnatum latere, quem palam absolvi?" (30)

The belief and practice in Carthage at the start of the third century was that once a believer was baptized, he should not return to sinful ways, and there should be no need of further repentance. If a lapse occurred, there was a second and last chance, which could not be repeated on any account. Effort of will and personal humiliation was involved, since the consciousness of sin, conscientia, was of no avail unless accompanied by an act of penance, actus. The process, a penance rather than a confession, was called "exomologesis" and was carried out before the congregation. What people feared most were the prostrations and the wearing of the meanest garments.³¹

Tertullian says:

"Exomologesis...mandat, sacco et cineri incubare corpus sordibus obscurare,...ingemiscere, lacrymari et mugire dies noctesque.... Haec omnia Exomologesis, ut poenitentiam commendat,...et temporarii afflictione aeterna supplicia non dicam frustretur, sed expungat. Cum igitur provolvit hominem, magis relevat: cum squalidum facit, magis mundatum reddit:..." (32)

There was no escape from the public ordeal because at this time no other

form of penance was available, and to those who might hesitate to purify their souls, Tertullian gives a warning:

"Si de exomologesi retractas, gehennam in corde considera, quam tibi exomologesis exstinguit" (33)

By the fourth century, the increase in the number of churches caused demands for disciplinary rulings, because frequent lapses due to persecution or temptation, plus the extension of the list of offences requiring penance, and a general relaxation brought about by repeated acts of penitence, led to difficulties in regulating penance. Various collections of private authoritative documents and church council decisions were assembled to form some sort of orderly means of classifying penances. One of these codes is made up of three letters written by St Basil (330-379 AD) where penitents were graded into four categories:

- i) Weepers: those who were in the first stage of penance, and whose station was outside the church.
- ii) Hearers: those placed in the church vestibule. They were dismissed after the lesson and sermon, and before the Eucharist.
- iii) Kneelers: were placed further forward than the Hearers but still behind the congregation. When others stood during prayer, these kneeled. They came to church in sackcloth and ashes.
- iv) Co-standers: were permitted to mingle with the congregation, but not to communicate.³⁴

These four categories did not originate with St Basil, and appear in the Council of Nicaea of 325 AD. The "kneelers" only are of immediate interest, since they alone wore sackcloth and ashes. St Basil's list bears only a faint resemblance to the later medieval "libres penitentiales" for the penalties refer only to the above grades of penitents, and, in any case, the word 'exomologesis' is still used for public penance.³⁵

St Ambrose (339-397 AD) took a firm stance regarding public penance, saying:

"Qui enim agit penitentiam, non solum diluere lacrymis debet peccatum suum, sed etiam emendatioribus factis operire et tegere delicta superiora, ut non ei imputetur peccatum." (36)

The area in which the Church saw the greatest need for vigilance was that concerning heresy. Personal lapses such as theft, assault, sexual sins, blasphemy and others could be contained through the usual rituals, but heresy if not checked could undermine the Faith, as well as put mens' souls in peril. Tertullian supported firm measures:

"Ad officium haereticos compelli, non illici dignum est. Duritia vincenda, .est non suadenda" (37)

In early times, punishments were ecclesiastical matters imposed by the Church alone, and without State interference, for if the Church saw itself as the guardian of the Faith, then obstinate heretics must be excommunicated. But after Constantine, the bishops urged civil laws against heresy. The emperor Theodosius I in 382 AD issued edicts against the Manichaeans, and also stated that all other heresies were legal offences. The employment of State apparatus in the hunt for heretics throws a long shadow forward into the Spain of the sixteenth century. But again, the Church was uncertain in its attitude to heresy, for Augustine (354-430 AD) has a gentler spirit:

"Noli perdere paternam diligentiam, quam in ipsa inquisitione servasti, quando tantorum scelerum confessionem non extendente equuleo, non sulcantibus unguis, non urentibus flammis, sed virgarum verberibus eruisti. Qui modus coercionis... ab ipsis parentibus. Noli ergo atrocius vindicare, ... necessitas major est: ad hoc enim et mitissimi homines facinus occultatum diligenter atque instanter examinant, ut inveniant quibus percant." (38)

In another letter, referring to the Donatists, Augustine makes a point that is important in the study of punishments for heresy in the European Middle Ages. He says the law imposed no death penalty for it

"Jam enim lex fuerat promulgata, ut tantae immanitatis haeresis Donatistarum, cui crudelius parci videbatur quam ipsa saeviebat, non tantam violenta esse, sed omnino esse non sineretur impune: non tamen supplicio capitali, propter servandam etiam circa indignos mansuetudinem

christianam ... et in episcopos vel ministros eorum
exsilio constituto." (39)

Meanwhile penance remained a public rite, in spite of slight indications of private rituals. Caesarius of Arles (470-542 AD) advises a lowly penance with alms-giving:

"Nisi praeponderanti divina misericordia, per humilem
et compunctam poenitentiam... largioribus
eleemosynis Dei severitas vel justitia fuerit mitigata?" (40)

As the sixth century approached, the list of deadly sins was extended, and the Church made advancing claims on the power of absolution. The Eastern Church allowed penance to be repeated, but the West remained firm to the view of Ambrose: "quæa sicut unum baptisma ita una penitentia..." (De poen II, cap X).⁴¹ The Spanish Church stood fast, and the Third Council of Toledo in 589 AD invoked the strict earlier decrees, and also insisted on the wearing of penitential garb. Apostasy, with heresy, was one of the graver sins, and Cyprian (d. 549 AD) supported harsh measures against it.

"Ecce eorum qui negaverunt quae suplicia
conspicimus, quos eorum tristes exitus flemus?
Nec hic esse sine poena possunt, quamvis necdum
dies venerit poenae. Plectuntur interim quidam,
quo caeteri corrigantur. Exempla sunt omnium
tormenta paucorum." (42)

He also warns that physical afflictions might overtake apostate sinners, and also makes two further important points:

"Confiteantur singuli, quaeso vos, fratres
delectissimi, delictum suum, dum adhuc qui
deliquit in saeculo est, dum admitti confessio
ejus potest, dum satisfactio et remissio
facta per sacerdotes apud Dominum grata est." (43)

The first, that the dread of public penance caused many to delay penance until death approached; and the second, that remission is now in the hands of the priests (as well as the bishops) which suggests a gradual widening of the practice of private penance.

Now, the southward invasions of the Franks, Visigoths, Ostrogoths,

Suevi and the Vandals altered the political and legal face of Europe, and much disorder erupted, especially in Gaul. Germanic law superseded Roman law, and on all sides western society was becoming unstable. Savagery and corruption prevailed, and Christianity survived because of a minority of sturdy clergy. Religion hardly touched the daily life of the people, and there was little penitential discipline. Such disciplines, irksome as they were to Roman Christians, could not continue in a disordered society, and therefore a new system of penance was required to meet the needs of the age.

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Chapter III

Penitentials

The Rise of the Medieval Penitentials

Introductory

Since this investigation is moving towards the penances imposed by the Spanish Inquisition, the first part of the present chapter will show how the vigorous penalties imposed by the early Church (dealt with in the previous chapter) developed into a system of penances, adopted throughout most of Europe, modified and influenced by Celtic monastic practices.

The main sources of the penitentials were in Wales and Ireland. An early Irish one written by Cummean appeared in 661 AD; Finnian of Clonard (d. 550 AD) produced a Penitentiale Vinniai, and in Wales, Gildas, an associate of St David is believed to have written Prefatio Gildae de Penitentia (between 516 and 570 AD). Works of this sort having been taken into Gaul, were copied by clerics who needed some form of reference for their office of confessor. But the archbishops and bishops objected to their use mainly because of their lack of authority, and eventually they repudiated many of them. The Council of Chalons of 813 AD states in canon 38:

"modus autem poenitentiae peccata sua consitentibus aut per antiquorum canonum institutionem, aut per sanctorum scripturarum auctoritatem, aut per ecclesiasticam consuetudinem, sicut superius dictum est, imponi debet, repudiatis ac penitus eliminatis libellis, quos penitentiales vocant, quorum sunt certi errores, incerti auctores..." (1)

The Council of Paris, 829 AD, said in Canon 32:

"Quoniam multi sacerdotam partim incuria, partim ignorantia, modum penitentiae reatum suum confitentibus secus quam jura canonica decernant imponunt, utentes scilicet quibusdam codicillis contra canonicam auctoritatem scriptis, quos penitentiales vocant." (2)

Celtic elements in the new penitentiales

Some penitentiales were being written by prelates themselves in an attempt to revive the usages of the early Church. An influential work came from Theodore, archbishop of Canterbury (668-690 AD); the penitential De remediis peccatorum, usually attributed to the Venerable Bede, is really a part of a collection of penances assembled by Egbert of York in the second half of the eighth century; an important work was from Halitgar of Rheims, in five volumes in 825 AD. Raban Maur, archbishop of Mainz wrote a penitential in 841 AD, and Hinkmar of Rheims was the author of a Capitulary in 857 AD. The penitential material produced agreed in part with the older disciplines, but also contained practices from pagan and Celtic sources. Such innovations had a lasting effect on subsequent penances, but before the modifications are discussed, the changes are detailed below, with examples.

FASTING. The period of the fast could vary between the omission of a single meal, and prolonged abstention from food and drink.

(for a short period: from Halitgar):

"Si quis per necessitatem furavit cibaria, vel vestem sive quadrupedem per famem, aut per nuditatem, venia illi datur. Jejunet hebdomadis IV."

(for a long period):

"Propter fornicationem autem multi nesciunt numerum mulierum, cum quibus fornicati sunt, illi jejunent hebdomades L." (3)

REDEMPTION OF SLAVES (from Halitgar). Either a slave was redeemed, or the value of one in money was given to the poor.

"Si quis Christianus Christianum viderit ambulans vel aberrantem parentem suum, eumque vendiderit, ille non est dignus inter Christianos requiem habere, donec redimat eum. Si autem non potuerit invenire locum ubi sit, pretium quod accepit, det pro illo, et alium redimat de servitute, et jejundet hebdomadis XXVIII." (4)

FLAGELLATION (from Halitgar). The reading of the prayer of consecration by a priest called for careful concentration on his part, lest his mind wander. From this, the margin of the missal was sometimes marked "oratio periculosa", and any stumble in the reading brought down a penance on the priest. Halitgar says:

"Si titubaverit sacerdos super orationem Dominicam quae dicitur periculose una vice, vel psalmis I psalmis; secunda vice C plagis poeniteat." (5)

This practice is not to be confused with the ritual beating of later times used by Damian and Loyola as a means of mortifying the flesh when it was thought that punishment for sins accumulated in this world would diminish the weight of God's punishment in the next.

SINGING (from Columban). Extended sessions of psalm-singing could be continued throughout the night.

"Penitentes fratres et indigentes penitentia psalmodum, hoc est, cui necesse fuerit, ut psalmos adhuc pro visione nocturna decantet; quia pro illusionem diabolicam ac pro modo visionis, alii viginti quatuor psalmos in ordine, alii quindecim, alii duodecim indigentes penitentiae psalmos decantare debent. Quamvis ergo in nocte dominica, et in tempore quinquagesimae penitentes genua flectant." (6)

EXILE (from Columban). Exile in Roman and barbarian times was a grim prospect for an offender. As a spiritual punishment it was the severest punishment of all but (until the Inquisition of the thirteenth century) the Church would not take from a man the life God gave him.

Ecclesiastical exile became a pilgrimage to a shrine or a holy place.

"Si quis clericus homicidium fecerit, et proximum suum occiderit, decem annis exsul poeniteat. Post hos recipiatur in patriam, si bene egerit poenitentiam in pane et aqua... Si autem non satisfecerit parentibus illius, nunquam recipiatur in patriam, sed more Cain vagus et profugus sit super terram." (7)

ALMSGIVING (from Columban). This was a method of doing good works over a period. Occasionally the final deed was to give a feast to the confessor.

"et ita animam pro se reddens, id est, servum aut ancillam de servitutus iugo absolvens, et eleemosynas multas faciens, per duos annos (in quibus illi licito uti facile cibis est cunctis excepta carne) post septimum communicet annum." (8)

VIGILS (from Boniface). These could be physically exhausting when accompanied by exacting bodily postures such as lying prone upon the ground, or kneeling in an attitude of prayer.

"Pro uno die quatuor vicibus 'Beati immaculati', et sex vicibus 'miserere mei Deus', et quinque vicibus 'Pater Noster', et septuaginta vicibus prosterneus se in terra cum 'Pater Noster' dicat inflectione. Faciat sic pro uno die. Si vult minus psallere tamen vult patere, prosteruat se frequenter in orationem centum vicibus et dicat 'Miserere mei Deus', et 'Dimittite delicta mea'. Faciat hoc pro uno die." (9)

The effects of the Celtic modifications on medieval penance

Penance in the primitive Church was much feared by transgressors because of its humiliating character. The rite of public penance was called "exomologesis", and is dealt with in the previous chapter. Personal dignity was stripped away, and guilt was exposed to public view. Tertullian recognized the reluctance to undergo penance when he wrote "Si de exomologesis retractas, gehennam in corde considera quam tibi exomologesis extingues" (see previous chapter). The path

from sin to restoration was a hard one.

In later times, medieval penance was mostly private, and the penalty was chosen as being appropriate to the offence. The offender knew he had to deal with the punishment himself, and although his sin was not necessarily hidden from public knowledge, he was not shamed in his penance. More liberal attitudes to penance and reconciliation developed because, firstly, confession was carried out in private, and confessors, although not under a mandatory seal of silence, a violation of secrecy by them was considered to be irregular. Then, no limit was set to the number of times penance could be performed by the same person. Thus, St Ambrose's "sicut unum baptisma, ita una penitentia" no longer applied, except in Spain under the Council of Toledo of 589 AD. This important exception should be kept in mind when considering the development of public penance towards private penance. Reconciliation was no longer withheld until the discipline was completed. Sometimes it came about during penance.¹⁰

The above conditions became obligatory in the West under the Fourth Lateran Council of 1215 AD. But public penance had not entirely disappeared, and it will be seen in later pages how, and to what purpose, it functioned in Spain. The underlying notion in the penitentials was that penance should be a medicine for the inner man, and cure his soul. The idea was not new since Cassian (360-435 AD) had already said,

"Sicut caeterorum vulnerum, id est irae, tristitiae, vel impatientiae, per objectionem contrariarum rerum medela monstrata est." (11)

A century later, the Irish monk Finnian wrote in his Penitential that by contraries, contraries could be cured; that patience must arise for wrathfulness, kindness for the love of God and of one's neighbour, for envy; for detraction, restraint of heart and tongue;

for dejection, spiritual joy; for greed, liberality.¹²

The treatment of heresy in some medieval Penitentials

Among the many sins listed in the Penitentials, the one that has any significance for this present work is that of heresy. More will be said about it in the next chapter, but for the present it will suffice to discover what is the attitude to it in two or three of the principal works on penance.

The Penitential of Theodore written between 668 and 690 AD deals, in three canons, with those who have been deceived by heresy. In the main, it seems to be understood that people can be drawn into mistaken ideas about the faith, or accidentally involved with heretics, but some canons are concerned with deliberate departures from the Church's requirements. The second one in a series of fourteen canons on heresy says that if one goes over from the Catholic Church to heresy, and afterwards returns, he cannot be ordained except after a long probation and in great necessity. The tenth one states that if a person departs from the Catholic Church to the congregation of the heretics, and persuades others, and afterwards performs penance, he shall do penance for twelve years. The fourteenth one lays down that a person departing from God's faith without any necessity, and afterwards receives penance with his whole heart, shall do penance among the "hearers" (see Chapter II) three years outside the Church, seven years among the penitents and two years in addition, out of communion.¹³ The last one was based on canon XI of the Council of Nicaea 325 AD.

The Penitential of Columban (circa 600 AD). This work, although essentially Celtic, was known in Europe. Section XXV on heresy says:

"Si quis laicus per ignorantium ... aut caeteris hereticis communicaverit, stet inter catechumenos, id est ab aliis separatus Christianis quadraginta diebus, duabus aliis

quadragessimis in extremo Christianorum ordine,
 id est inter penitentes insanae communionis
 culpam diluat,... et ita post manus
 impositionem catholici episcopi altario jungatur." (14)

Of Synodical Cases and Ecclesiastical Discipline. This is the title of a work by Regino, abbot of Prüm, written about 960 AD in which an instance of public penance appears. Canon 295 deals with a Lenten practice of penitents who are undertaking public penance and who shall present themselves to the bishop of the city, before the doors of the church, clad in sackcloth, with bare feet - by their very garb pronouncing themselves guilty - and the bishop shall enjoin penance according to the measure of guilt. Thereafter, he shall lead them into the church and shall chant the seven penitential psalms for their absolution. He shall set ashes on their heads, then cover them with sackcloth. This done, he shall command the attendants to thrust them outside the doors of the church.¹⁵

The punishments of the medieval penitentials do not reflect a spirit of revenge, nor show a Church protective of its own authority. The feeling is that of a need to cure souls, and to purge consciences of whatever brings them to the confessional.

Councils and Penitentials in the early Spanish Church

Councils

The Council of Elvira (circa 300 AD) dealt mainly with penitential matters, many of them common to other Western churches of the age, including the important Canonical Penance. This was granted to a sinner just once in a lifetime as a means by which he could be restored to the love of God and to the fellowship of the congregation. The duration

of the penances was not more than ten years, and they were imposed for such transgressions as idolatry (canon 59), unchastity (canons 64, 70 and 72), heresy (canon 22) and apostasy (canon 46).¹⁶ The harsh measures imposed by this Council reflect the overall attitude of the Spanish Church to penance at the beginning of the fourth century. What marked out this Church from others in its strictures, was the setting aside from public penance sins of exceptional gravity such as murder, and imposing on penitents, in its place, what was called Perpetual Excommunication, which meant separation from God and the Church for ever. In times that were disordered and corrupt, the Faith needed the protection of stern penalties.

The spirit of the Council of Elvira did not persist for long, and in the second half of the same century the subsequent feelings of the Church in Spain is seen in the writings of

- a) St Gregorius of Elvira who was bishop from 356-392 AD, and an opponent of Arianism. He discusses penance in his Libellus Fide in the Fractatus de Epithalamius.
- b) St Pacianus of Barcelona defended the doctrine of the forgiveness of sins against the Hovatianists.
- c) St Baquiarus of Galicia, also discussed penance.
- d) Juvencus, a presbyter of noble birth wrote Historia Evangelica in which penitential matters appeared.

The first three represent the geographical extremes of Spain, and the works of all four make no allusions whatever to the Council of Elvira. The peace that Constantine brought to the Western church, together with the later letter of Innocent I written in 404 AD to Exuperius, bishop of Tolosa

"observatio prior durior, posterior interveniente misericordia inclinatio." (17)

led slowly to a period of less rigorous penitential discipline. The above named theologians must have known the provisions of Elvira, but historical changes within the Roman world made such measures no longer apposite to the times, and they began to fall into disuse. Between the Council of Elvira (300 AD) and the Arab invasion of Spain (711 AD), penances had fallen into three categories:

- i) Public (or canonical) penance which was compulsory for grave sins;
- ii) Public penance undertaken voluntarily, or for devotion;
- iii) Private penance (not governed by conditions of i and ii).

The Third Council of Toledo (589 AD) was resolved in Canon 11 to return to the primitive form of canonical penance. St Isidoro of Seville (d. 636) supported the idea, judging by his instructions to Bishop Massona. In his Fourth Letter he says:

„peccati opus, debere quemque erubescere, et pro admissis sceleribus verecundam frontem humi prostratam demergere pro eo quod dignum... confusionis suae confunditur atque ignominiam depositionis suae cum humilitate portaverit, revocari secundum prophetam ad priorem statum poterit." (18)

Also, in the conclusion of his Etymologiae (6, 19) where there appears a process of penitence, satisfaction and reconciliation, a description is given too, of a public penance called exomologesis (see Chapter II) similar to the form used in the third century.

"Itaque exomologesis prosteruendi et humilificandi hominis disciplina est, habitu atque victu, sacco et cineri iucubare corpus sordibus obscurare animum meoreribus deicere illa quae peccavit tristi tractatione mutare." (19)

Both the reconciliation rites of public penance, and the spirit that demanded them, seem to have changed very little in the sixth century Spanish Church, from those set out by Tertullian three hundred years earlier.

Penitentials

Proper penitential books appeared in Europe in the sixth century, and came to an end in the twelfth. Outside of Spain, the main ones originated in Wales and Ireland, but in Spain itself, there appeared the Silense (in the second half of the tenth century) a work preserved in folios 309-324. Another one, Penitentiale Vigilandum (976 AD) survives in folios 357 and 358. The writings of St Hieronymus contain another one named Canones Penitentiales which corresponds closely with the above-mentioned two, indicating a probable common source.

A collection of documents in Córdoba Cathedral contain the Visigothic Code. Folios 178-196 of this work include the Penitential Cordubense which, although derived mainly from the Celtic work of Cummean, is based, in parts, on the earlier councils of Elvira and Toledo. It deals mainly with private penance, but has no trace of the harshness of Elvira. Thus, the following four penitentials may be considered to be Spanish:

1. The Silense
2. The Penitentiale Vigilandum
3. that of St Hieronymus, Canones Penitentiales
4. the Penitential Cordubense

They have enough in common for the Silense to exemplify the others, and there are short chapters on:

- a) drunkenness, avarice and fasting;
- b) longer chapters on perjury, robbery, divination and incest;
- c) long chapters on fornication, unchastity and homicide.

The penances varied according to the gravity of the offence. Occasionally, perpetual penance (lifelong) was imposed, and sometimes communion was withheld until the last hours of life. Only in Silense is the last one

found. The Silense stands halfway between the ancient public penances and the developing private ones, since it deals with both. Beyond Spain, private penance was replacing public confession, and influences from outside the Peninsula were being felt within it. Indeed, by the eleventh century, and at the time of the appearance of Burkhardt of Worms' Corrector in 1012 AD, there was almost no public penance. Older canonical penance always consisted of the first step of separation from the eucharist and also from communion with the congregation, which was then followed by the second step of restoration as soon as satisfaction was completed. In Silense the two were seen separately, so that penance could be imposed without excommunication, and excommunication without penance.²⁰

Throughout all four of the Spanish penitentials, despite the harshness of some punishments, a gentler spirit comes through in practice, and the severity of the Council of Elvira is not sustained. It is of interest to this present study that in the Spanish books, there is no mention of heresy or apostasy among the listed sins, nor, in the severest punishments are the penalties passed down to a sinner's descendants.

Outside the borders of Spain opinion oscillated rapidly between the advisability of public penance over private. Following the Council of Chalons (813 AD), the Church appealed to Charlemagne to restore public penance in full, for public sins. He refused. His

successor, Louis le Debonnair, listened to the Church and tried to follow its wishes. Some impression was made, but within thirty years public penance was no longer in use. The Council of Mainz (847 AD) also decreed that public penance must follow public offenses. Meanwhile, with the development of the sacramental theory that penitence meant contrition, plus confession and satisfaction, together with the growth of the confessional for private absolution, once again, public penance declined. A new system of penance had evolved, parallel to that which arose in Spain under the Visigoth Church. It consisted of three types of penance:

- a) private penance
- b) public penance
- c) solemn penance

The last one, solemn penance, was so called because the offender was solemnly expelled from the church in sackcloth and ashes, and it could be imposed only once in a lifetime. It carried the additional burden of forbidding the penitent to marry, to engage in trade, to bear arms, and to enter holy orders.²¹ Only the most scandalous sins brought down the weight of solemn penance, and by the thirteenth century its punishments were regarded as vindictive and deterrent, a criminal penalty rather than a remedial rite, and it was a spectacle of terror. Even while it was being abandoned, confusion arose as to whether or not it still had a good purpose. In 1225 Honorius included the ritual in his instructions to his bishops; in 1282 the Council of Lambeth regretted its disuse; in 1389 the bishop of Nantes tried to enforce it; in about 1400 a ritual book in Lyons contained a full version of the procedure. It will be shown in later pages how the unrelenting spirit persisted in Spain.

Notes on Chapter IIIPenitentials

1. J.D. Mansi, ed., Sacrorum Conciliarum (Venice, 1778), XIV, p. 101.
2. Ibid., XIV, p. 559.
3. Migne, "Liber Penitentialis", P.L. CV, 703.
4. Ibid.
5. Ibid. 702.
6. Migne, "Regula Coenobialis", P.L. LXXX, 219.
7. Migne, "Penitentiarum Mensura Taxanda Liber", P.L. LXXX, sec. xiii, 226.
8. Ibid., sec. xxii, 228.
9. Migne, "De Poena", P.L. LXXXIX, 887.
10. McNeill and Gamer, p. 29.
11. Migne, "Collationes", P.L. XLIX, ch ix, sec xv, 1145.
12. McNeill and Gamer, p. 92.
13. Ibid., pp. 188-189.
14. Migne, P.L. LXXX, sec xxxvii, 228.
15. McNeill and Gamer, p. 315.
16. Severino González Rivas, La penitencia en la primitiva Iglesia española (Salamanca, 1949), p. 120.
17. Migne, P.L. XX, Epistola VI, cap ii, 498.
18. Gordon B. Ford, trans., The Letters of San Isidore of Seville (Amsterdam, 1970), p. 22-23.
19. Migne, P.L. LXXXII, 260.
20. Severino González Rivas, pp. 132-148.
21. H.C. Lea, A history of Auricular Confession and Indulgences (London, 1896), ch iii, pp. 34-38.

Chapter IV

Foundations of the Spanish Inquisition laid by the Papal Inquisition of 1232

Heresy and the Fourth Lateran Council 1215

Neither Ferdinand and Isabella, nor Tomas Torquemada, the first Inquisitor-General were the creators of the Spanish Inquisition. Its forerunner and prototype was the Papal Inquisition launched against the Albigensians of Languedoc by Pope Innocent III in 1209. During the early part of this crusade, methods of seeking out heresy were not particularly effective since the bishops upon whom this work devolved were frequently too absorbed in other matters to apply much zeal to their endeavours. The newly-founded Dominican Order of 1217 provided men trained in hearing confessions and detection of heresy, and in a little while, when some of the instructions contained in Nicolas Eymeric's Directorium Inquisitorum will be examined, we shall see some of their practical methods of procedure. The spirit that animated the Dominican investigations, however, were drawn from the earlier Fourth Lateran Council of 1215. This great assembly, much concerned with the problem of heresy, laboured to codify and augment existing heresy laws. For example, probably in an effort to check the spread of heresy by singling out persistent dissenters from those who were merely lukewarm in their religious observances, we read in

Canon XXI, "Omnes utriusque sexus fidelis postquam ad annos discretionis pervenerit omnia sua solus peccata confiteatur fideliter saltem semel in anno proprio sacerdoti et injunctam sibi poenitentiam studeat pro viribus adimplere." (1)

The fate of condemned heretics is found in Canon III:

"Damnati vero saecularibus potestatibus praesentibus aut eorum bailivis relinquuntur animadversione debita puniendi..." (2)

A later part of the same canon deals harshly with those who are merely suspected of heresy.

Canon III, "Qui autem inventi fuerint sola suspicione notabiles nisi juxta considerationes suspiciones qualitatemque personae propriam innocentiam congrua purgatione monstraverint anathematis gladio feriuntur et usque ad satisfactionem condignam ab omnibus evitentur; ita quod si per annum in excommunicatione perstiterint extunc velut haeretici condemnentur." (3)

Secular authorities were given a warning which really amounted to a threat if they failed to pursue those whom the Church condemned as heretics. The civil powers, compelled to comply on public oath, were themselves in danger of religious censure, thus,

Canon III, "moneantur autem et inducantur, et si necesse fuerit per censuram ecclesiasticam compellantur saeculares potestates, quibuscumque fungantur officiis ut sicut reputari cupiunt et haberi fideles, ita pro defensione fidei praestent publice juramentam quod de terris fuae jurisdictioni subjectis universos haereticos ab ecclesia denotatos..." (4)

Those members of the Faith who have not been seduced by heresy find themselves enveloped by the Church's relentless spirit of pursuit of the apostate, and of those who might show sympathy towards any who stray.

Canon III, "Credentes vero, praeterea receptores, defensores et fautores haeticorum excommunicationi decernimus subjacere; firmiter statuentes, ut postquam quis talium fuerit excommunicatione notatus, si satisfacere contempserit infra annum extuncipso jure fit factus infamis, nec ad publica officia seu concilia, nec ad eligendos aliquos ad hujusmodi, nec ad testimonium admittatur. Si etiam intestabilis, ut nec testandi liberam habeat facultatem, nec ad haereditatis successionem accedat." (5)

The clergy too, were given specific instructions as to the manner in which they should discover heretics. Informants and betrayers were to be encouraged to denounce their own neighbours.

Canon III, "Adjicimus insuper ut quilibet archiepiscopus vel episcopus, per fe, aut per archidiaconum suum, vel idoneas personas honestas bis aut saltem semel in anno propriam parochiam, in qua fama fuerit haereticos habitare, circumeat; et ibi tres vel plures boni testimonii viros, vel etiam si expedire videbitur, totam viciniam jurare compellat; quod si quis ibidem haereticos sciverit,... Ipse autem episcopus ad praesentiam suam convocet accusatos; qui nisi se ab objecto reatu purgaverint, vel si post purgationem exhibitam in pristinam fuerint relapsi perfidiam, canonice puniantur." (6)

Even earlier than the Fourth Lateran Council of 1215, the Council of Avignon of 1209 had urged the bishops to root out heresy, and in Canon II it says:

Decernimus, quod quilibet episcopus cives suos, comites, castellanos, milites, et alios parochianos suos, de quibus viderit expedire per censuram ecclesiasticam, si opus fuerit, jurare compellat... praecipue circa exterminandos haereticos excommunicatos perdurantes in sua pertinacia peculiariter puniendos..." (7)

The Council of Toulouse of 1229 imposed upon heretics the penalty of having to wear coloured crosses on their clothes; it is laid down in Canon X:

"In detestatione quoque veteris erroris duas cruces portent de cetero altius praeminentes, alterius coloris quam sint vestes eorum, unam a dextris, et alteram a sinistris." (8)

The formation of the Papal Inquisition

The powers of the early Dominican inquisitors were not as extensive as they became later on, for the friars were instructed to strive for the conversion of heretics, to acquire information about the number and rank of heretics, and to enquire whether or not the priests and magistrates were sufficiently keen in their efforts to detect heresy. The information was sent to Rome, and the popes took

whatever measures were necessary. Every Bull, brief or directive carried the full authority of the Holy Office, each document was preserved, and thereafter conveyed universal sanction. Gradually, a code for the guidance of Inquisitors came together, and gradually the papacy built up its own organization, until in 1232, Gregory IX formed the Papal Inquisition, and by the end of the century it possessed its own hierarchy of officials, it kept records, and had the support of civil authorities; it had prisons, operated in secrecy, and used torture in interrogation, a method authorized by Innocent IV in 1352.

It has been shown in the previous chapter how the rise and spread of penitential books among the churches of Europe, caused the decline in the use of public penance, which, although not completely extinguished, had fallen into disuse. This was never the case in Spain, and once more, in the Dominican "Sermo", the public humiliation of heretics and those suspected of heresy was seen in the streets of Spanish towns. An abjuration, and the performance of suitable penances by the suspected one, would bring absolution, but where the accused was under "violent suspicion", the Sermo took place on a Sunday, all churches being closed, that the assembly might be greater. The offender was treated as a heretic; and wore the habit of a penitent.

The wearing of crosses

About 1208, before any Inquisition was founded, St Dominic converted a man named Roger Ponce, and prescribed for him a penance which has chanced to survive. The harsh Dominican spirit is seen in the substance of the penance which says:

"The penitent was commanded to be stripped of his clothes and beaten with rods by a priest

three Sundays in succession... Not to eat animal food during the whole of his life; to keep three Lents a year without even eating fish; to abstain from fish, oil, and wine three days a week for life. To wear a religious dress with a small cross embroidered on each side of the breast; to attend Mass every day, and vespers on Sundays and festivals; to repeat the Pater Noster seven times in the day, ten times in the evening, and twenty times at midnight... If the said Roger failed in any of the above requisitions, he was to be burned as a relapsed heretic." (9)

The "religious dress" was the penitential garment from which the Sanbenito of the later Spanish Inquisition developed, and presently, the two little crosses of St Dominic grew to be conspicuous pieces of Saffron-coloured cloth, one on the front of the garment and the other on the back. Each cross had arms, two and a half fingers broad, two and a half palms high, and two palms wide. Where the offender had committed perjury during his trial, a second transverse arm was added at the top, and red tongues of cloth were fastened to the garments of false witnesses. It was never permitted to set aside the garment which had to be worn indoors and out, and when it became faded or shabby, then it had to be renewed. The Council of Valence (1248) laid down in Canon XIII:

"Item de illis qui propria temeritate crucem deponunt sibi impositam propter haereticorum pravitatem, statuimus, quod sine spe misericordiae crucem resumere compellantur... Et si moniti crucem resumere noluerint, tamquam haeretici judicentur." (10)

The effect of this ordinance was to extend the notion of heresy to include the failure to wear the penitential garment. Wearers of crosses were constantly exposed to contempt and derision in public places, and it was almost impossible for them to obtain employment; young women were unable to find husbands, although it must be said that exceptions were sometimes made for marriageable females.¹¹ The

conception of heresy slowly expanded to include sacrilege, blasphemy, sodomy, sorcery, refusal to pay tithes, and the assertion that usury was not a sin. On account of the public ill-treatment to which penitents might be subjected, the Church was aware that it might cause some of them to discontinue wearing the crosses, and so the Council of Beziere (1246) warned both the people and the offenders in Canon VI:

"Cum peccatores sint ad poenitentiam invitandi juxta Dominicam vocem, gaudere oportet si poenitentiam impositam libentur suspiciunt et supportant. Quocirca statuimus et in virtute S. Spiritus inhibemus, ne poenitentibus, quibus cruces pro crimine haeresis imponuntur irrisio ulla fiat, nec a locis propriis seu communibus commerciis excludantur, ne retardetur conversio peccatorum, et ne conversi propter scandalum abjecta poenitentia relabantur. Et si moniti desistere noluerint, per censuram ecclesiasticam compellantur." (12)

The Register of Bernard Gui 1307-1323

Bernard Gui, a Dominican friar and bishop, was an active Inquisitor who kept a Register of trials and condemnations between 1307 and 1323 during the Church's campaign against Catharism and Waldensianism in the south of France. In this period, the victims included those

Imprisoned	300
Condemned to wear crosses	138
Bones exhumed and burnt	67
Burned by secular arm	40
Condemned to pilgrimages	16 (13)

In addition to those condemned to wear crosses as their sole penance, both those sent on pilgrimages, and those eventually freed from prison,

had also to wear crosses. Condemned men's relatives were also considered to be dead and could never hold civil or ecclesiastical office. It was indicated in Gui's Register, by a cross written thus +, that the accused, in addition to performing the required penance, had to wear a garment bearing crosses. Two examples will be sufficient.

i) Peter of St Laurent de Garrignes +.

Visitations of Toulouse, twice a year: in the octaves of Easter to the Church of St Sermin: and on the Invention of St Stephen in August at the church of St Stephen: the pilgrimages were remitted him by reason of his debility and old age.

ii) Tholosana, wife of Bernard Hugnes of Roche-Vidal +.

The minor pilgrimages contained in the Inquisitor's letters, and Visitations of Toulouse as above...

A recorded release from prison in 1311 states that a woman, Raymonde Gerand, was let out of prison on oath, to wear two crosses of felt, of saffron colour, on all her garments except her shift; and let one arm be the length of two palms, and the other crosspiece one palm and a half, and each arm of three fingers breadth; one on the breast in front, and the other between her shoulders at the back; let her never go, whether within or without the house, without displaying these; let her repair or renew them if they are torn or worn out with age.¹⁴

In 1309, Bernard Gui allowed Ramonde Got to drop the crosses she had worn for forty years.

Riccarda Manifaceria, condemned to wear crosses, appeared before the Inquisitor without them. When questioned, she claimed that she wore none on her tunic because she had no money to buy another one, and the first crosses were in rags. Moreover, although she had crosses on her cloak, her mistress forbade her to wear it, and gave her another without crosses. ¹⁵

Directorium Inquisitorum : cum commentaris F. Pegnae

The rules of inquisitorial procedure slowly grew from the time of the setting up of the Papal Inquisition in 1232. Eventually, Nicolas Eymeric, who, by the year 1357 had become the Inquisitor for both Castile and Aragon, assembled his Directorium Inquisitorum which was a collection, from civil and canon law, of everything relating to the punishment of heretics, including most of the rules of his predecessor, Bernard Gui. The work was accorded official sanction by Pope Gregory XIII in 1578, and reflected the accepted practice of Inquisitors up to, and including that time. Then it was published in Rome in 1587, accompanied by a commentary by Francisco Peña. The document is long and rather wordy, so that there is only room in these pages for brief examples of the original text, which, it is hoped, will convey the character and the ethics of the Inquisitors' methods.

The Inquisitor was warned what type of answers he was likely to receive in the examination of an accused person:

"Primus, est per verborum aequivocationem, ut si interrogentur de corpore Christi, vero respondent de corpore Christi mystico."

"Secundus, evadendi et sophisticandi est per conditionis adjectionem."

"Tertius, evadendi etc.,... est per questiones seu interrogationis retorsionem."

"Quartus, evadendi etc.,... est per verborum fictam admirationem."

"Quintus, est per verborum tergiversationem."

"Sextus, est per verborum manifestam translationem."

"Septimus, est per sui justificationem."

"Octavus, est per sui corporis fictam debilitationem."

"Nonus, est per fatuitis seu imprudentiae simulationem."

"Decimus, est per palliate sanctitas conversationem." (16)

The Inquisition seldom made use of direct accusation because it was dangerous to the accuser. Instead, it was usual to proceed on information made in writing, and drawn up by a lawyer of the Inquisition. In this way, the informer ran no risk of punishment if the charge turned out to be false.

"...quando aliquis accusat aliquem de crimine haeresis vel fautoriae, et hoc coram Inquisitore offerendo illud se probaturum et inscribit se ad poenam talionis; nisi probet, hoc est, quia plectatur illa poena, si deficit in probatione, qua plecteretur accusatus si proberatur. Et attendat Inquisitor, quia istum modum procedendi non libentur admittat, tum quia non est in causa fidei usitatus; tum quia est accusanti multum periculosus; tum quia est multum litigiousus. Ubi autem accusator instet et requirat, Inquisitor acquiescat et dicat accusanti quod accusationem porrigat in scriptis. Quo facto ipse Inquisitor procedat... ad instantiam partis et habito notario publico, et duabus personis religiosis si commode postest, vel faltem duabus honestis sibi assistentibus... incipiat processum et scribat notarius per modum qui sequitur." (17)

Where information had been laid in writing and on first investigation found to be groundless, it was by no means cancelled, for what was not revealed today, may well be clear tomorrow.

"Ut si videat Inquisitor haereticum vel delatum nolle detegere veritatem, et scit eum per testes non esse convictum, et secundum indicia videtur eidem esse verum quod deponitur contra eum; quod quando negat hoc vel illud, quod Inquisitor accipiat processum et revolvat eum et post dicat ei; 'clarum est quod non dicis verum et quod ita fuit sicut dico ego; dicas ergo veritatem negotii'; Sic ut ille credat se convictam esse et sic apparere in processum." (18)

When a suspect is imprisoned, the Inquisitor sometimes introduced a false friend into the cell, who, pretending to be a one-time heretic holding the same views as the accused, would stay with him, even all night, to try to extract a confession. The accomplice must not admit to being a heretic, since it would be a sin to lie, and untruths must

not be sanctioned.

"Habeat Inquisitor unum de complicibus suis.
 ... ille capto non ingratus et permittat illum
 intrare et faciat quod ille loquatur sibi, et
 si opus fuerit, fingat se de secta sua adhuc esse,
 sed metu abjurasse vel veritatem Inquisitori
 prodidisse; et cum haereticus captus confiderit
 in eo... et remaneat in carcere cui eodem, et
 de nocte pariter colloquantur, ut dicant sibi mutuo
 quae commiserunt, illo, qui superintravit,
 inducente ad hoc captum." (19)

The two following instructions will demonstrate that the Inquisitors were not concerned with the character of witnesses, or of their degree of trustworthiness, since criminals were allowed to testify in the cause of the faith.

- i) "...ut in negotio inquisitionis haereticae pravitas excommunicate et participes, vel focij criminis ad testimonius admittantur."
- ii) "Nam haeretici et criminosi regulariter sunt a testimonio, repellendi... quod haereticus possit testificari pro fideli vel contra fidelem." (20)

The stain of heresy was grave enough to admit criminals as witnesses, and even infamous persons could speak. Social rank offered no protection from enquiry.

"Tanta est labes criminis haeresis quod ad eis accusationem etiam ferui adversus dominos et quilibet criminosi etiam infames adversus quemlibet admittuntur." (21)

A man's wife, family or servants may testify against him, but never in his favour; the son of a heretic who informs on his father is rewarded by exemption from the disgrace that usually falls on children of heretics. In other words, a parricide receives a reward for his own crime.

"Inquisitor possit admittere ad testificandum pro, vel contra delatum de haeretica pravitate, ejus uxorem, filios, familiares, seu de suis aliquos? Respondemus qua non pro, sed contra." (22)

The Inquisitor had full power to interpret any ambiguity in the law, without recourse to other opinion. Such authority weighed heavily

in his favour in any process of law.

"Necnon interpretandi statuta contra haereticos, credentes, receptatores, fautores, et defensores eorum edita, quotiens in eis apparverit aliquod ambiguum, vel obscurus;... auctoritate presentium concedimus facultate." (23)

Torture was permitted since it had been already authorized by Innocent IV in 1252, not only on accused, but on witnesses.

"... ut testes possint torqueri, et etiam si falsi deprehensi fuerint, puniri." (24)

In Pope Innocent's time, only secular authorities were allowed to use torture, but now, the Inquisitors were empowered to use this method of interrogation. Furthermore, in the case of any irregularity, that is, if a person died while in their hands, they were instructed to absolve one another.

When an accused person is charged, the names of the informers should be concealed, and if anything in the evidence might indicate the identity of the witness, then one person's statement should be attributed to somebody else, or to someone who is not a witness at all.

"... si accusatoribus vel testibus in causa haeresis intervenientibus, seu deponentibus, videant Episcopus vel Inquisitores grave periculum imminere, si contingat fieri publicationem nominum eorum, ipsorum nomina non publicent." (25)

Canonical purgation was the name given to a process whereby, if a person were merely rumoured to be a heretic, the Inquisition were entitled to begin an enquiry. If the gossip proved unfounded, then useful informers might be exposed and secrecy violated; nevertheless, something had to be done. So the Inquisitors produced a small number of "purgators" who publicly swore that, to their knowledge, the accused was innocent. Henceforth, they were held responsible for his future religious conduct, and should he fall into heresy, they would share his fate. It is not difficult to see that it was no easy matter to find

anybody who would willingly come forward as a purgator. Unfortunately for the suspected person, the default of sufficient purgators meant immediate sentence and punishment as a heretic.

"Adiicimus insuper ut quilibet Arcepiscopus vel episcopus vel arcediaconus, aut alias honestas idoneasque personas bis aut saltem semel in anno propriam parochiam, in qua fama fuerit haereticos habitare, circumeat, et ibi tres aut plures boni testimonii vires, vel etiam, totam viciniam iurare compellat, quod si quos ibidem hereticos sciverit vel aliquos occulta conventicula celebrantes, seu a communi conversatione fidelium vita et moribus dissidentes, eos episcopus studeat indicare. Ipse autem episcopus ad presentiam suam convocet accusatos, qui nisi se ab objecto reatus purgaverint, vel si post purgationem exhibitam in pristinam fuerint relapsi persidiam canonice puniantur." (26)

Lastly, the Directorium Inquisitorum sets out a list, probably not an exhaustive one, of those over whom it claims power to set up investigations for heresy. Included are the pope, papal officials, bishops, priests, other Inquisitors, kings, laity, civil authorities who are on oath to defend the Church against heretics, civil authorities who hinder the Inquisition or its agents, lawyers and notaries who defend heretics, delators, the dead, blasphemers and necromancers.²⁷

The theory of Inquisition

To understand the penal functions of the Inquisition, one must grasp the anomaly between its practices and its theory. Theoretically, it could not inflict punishment, since its aim was to save souls and to wash away the sins of the erring ones through the practice of the healing sacrament of penance. Indeed, the Church had recognized this many centuries earlier when Pope Leo (440-461) wrote in his letter

Sollicitudinis quidam tuae:

"Multiplex misericordia Dei ita lapsibus subvenit humanis, ut non solum per baptisimi gratiam, sed etiam per penitentiae medicinam spes vitae repararetur aeternae...." (28)

A life-long imprisonment became a simple order to take oneself off to prison where one must be confined, performing penance on bread and water with the warning that escape meant excommunication and condemnation as an impenitent heretic. An Inquisitor did not condemn anybody to death, but simply withdrew the protection of the Church. Property was not confiscated. The Inquisition could impose a penance, and then declare that a type of crime had been committed, which, under secular law, forbade the victim to possess property.

Only the Holy See could alter an Inquisitor's judgements, for his court was a Papal Court, (ex auctoritate apostolica), and there was no prospect of an appeal (appellatione remota).

The theory, however, is flimsy enough when it is seen that those subjected to punishment included not only those who had wandered from the faith, but also those who were receivers and defenders of the transgressors, those who gave them hospitality, who gave them alms, who sheltered or assisted them, who did not denounce them, and who failed to capture them when the opportunity arose.

Notes on Chapter IV

Foundations of the Spanish Inquisition laid by
the Papal Inquisition of 1232

1. Mansi, XXII, 1007.
2. Ibid. ., XXII, 986.
3. Ibid.., XXII, 987.
4. Ibid.., XXII, 987.
5. Ibid.., XXII, 987.
6. Ibid.., XXII, 990.
7. Ibid.., XXII, 785.
8. Ibid.., XXIII, 196.
9. J.A. Llorente, History of the Inquisition of Spain (London, 1826), Bk I, chap. III, p. 30 (translated and abridged)
10. Mansi, XXIII, 774.
11. Sir A.G. Cardew, A Short history of the Inquisition (London, 1933), p. 58.
12. Mansi, XXIII, 693.
13. H.C. Lea, A History of the Inquisition of the Middle Ages (New York, 1887), I 495.
14. G.G. Coulton, Inquisition and Liberty (London, 1938), p. 127.
15. Ibid.., pp. 136-137.
16. Directorum Inquisitorum cum commentaris, F. Pegnae (Roma, 1587), p. 430-431.
17. Ibid.., pp. 413-414.
18. Ibid.., sec. CII, 434.
19. Ibid.., sec. CVII, 434.
20. Ibid.., (a) Quaestio 64, p. 603 (b) Quaestio 68, p. 610.
21. Ibid.., Quaestio 64, p.606.
22. Ibid.., Quaestio 70, p. 612.
23. Ibid.., Quaestio 85, p. 634.
24. Ibid.., Quaestio 73, p. 622.

25. Ibid., Quaestio 75, p. 627.
26. Ibid., Quaestio 88, p. 637.
27. Ibid., pp. 554-576.
28. Migne, P.L. LIV, 1011.

Chapter V

Introduction and Spirit of the Spanish Inquisition

Persecution of the Jews from 303 - 1480

Throughout the years of the Christian era in Spain, the Jews have been subjected, more than any others, to long periods of ill-treatment and injustice, to massacres and to public humiliation. From the late fifteenth century until the seventeenth, their beliefs and practices were the main pre-occupation of the Spanish Inquisition, which, convinced that the apostasy of Christianized Jews was a threat to the purity of the faith, inflicted upon them much inhuman treatment that was looked upon as purifying penances. The earliest recorded instances of discrimination in Spain occur as far back as the Council of Elvira (303-313). Social intercourse between the faithful, and heretics, which included Jews, was forbidden and it seems that Jewish blood was equated with heresy in Canon XVI:

"Haereticus si se transferre noluerint ad ecclesiam catholicam, ne ipsis catholicas dandas puellas; sed neque Judaeis nec schismaticis dari placuit, eo quod nulla possit esse societas fidelis cum infideli..." (1)

Moreover, if any Catholic person, even one of the clergy, were discovered having shared a meal with Jews, he was to be excommunicated, for it says in Canon L:

"Si vero quis clericus fuerit, sive fidelis, qui cum Judaeis cibum sumpserit, placuit, eum a communione abstineri, ut debeat emendari." (2)

Adultery is forbidden to the faithful, and Jews are given special mention in Canon LXXVIII:

"Si quis fidelis habens uxorem, cum Judaea vel Gentili fuerit moechatus, a communione arceatur." (3)

The two and a half centuries that followed the Council of Elvira

sustained the spirit of division between Catholics and Jews, for in the Third Council of Toledo (589), it was laid down in Canon XIV:

.. "Ut Judaeis non liceat Christianas habere uxores vel concubinas, neque Mancipia Christiana comparare in usus proprios: sed et si qui filii ex tali conjugio nati sunt, assumendos esse ad baptismum. Nulla officia publica eos opus est agere, per quae eis occasio tribuatur poenam Christianis inferre..." (4)

A little more than forty years had now elapsed; when the Fourth Council of Toledo of 633, although still alert to any lapse from the Faith, seemed to soften a little regarding the fate of the sons of mixed Jewish marriages:

Canon LXI. "Judaei baptizati, si postea praevaricantes in Christum, qualibet poena damnati extiterunt, a rebus eorum fideles filios excludi non oportebit." (5)

The same Council adopts a gentler tone towards mixed marriages, and to Jews possessing Christian servants:

Canon LXIII. "Judaei qui Christianas mulieres in conjugio habent, admoneantur ab episcopo civitatis ipsius ut si cum eis permanere cupiunt, Christiani efficiantur. Quod si admoniti noluerint, separentur." (6)

Canon LXVI. "...ut Judaeis non liceat Christianos servos habere, nec Christiana mancipia emere,..." (7)

However, although Canon LXI (above) was careful not to infringe the rights of the children of baptized Jews who may have lapsed, it does not give ground in Canon LXV regarding Jews or one-time Jews, but repeats Canon XIV of the earlier Third Council of Toledo (above) that:

Canon LXV. "...ut Judaei, aut hi qui ex Judaeis, officia publica nullatenus appetant; qua sub hac occasione Christianis injuriam faciunt." (8)

A few years later, the Visigothic Church passed a grim resolution in the Sixth Council of Toledo of 638, stating in Canon III: "...nec sinit degere in regno suo eum, qui non sit catholicus." (9)

Then, in 653, the Eighth Council of Toledo adopted a militant stance against the Jews, and equated Judaism, as already mentioned, with heresy.

Canon X. "Erunt Catholicae fidei assertores, eamque et ab hac quae imminet Judaeorum perfidia et a cunctarum haeresum injuria defendentes." (10)

The Catholic Church appeared to keep a watchful eye on the activities of the Jews, for forty years later the Jews in Spain were suspected of conspiring with Jews elsewhere, to maintain the appearance of continuing as Catholics, while at the same time, secretly practising their own religious rites. The Seventeenth Council of Toledo of 694 asserted in Canon VIII:

"Qua de causa dum in hac sancta synodo per aliarum causarum semitas dirigeremus cautissime gressus, estemplo eorundem infidoram conspiratio ad unionis nostrae pervenit auditus, eo quod non solum contra suam pollicitationem suorum rituum observatione, tunicam fidei... sibi per conspirationem usurpare maluerint." (11)

The invasion and occupation of Spain by the Berbers and Arabs in 711 brought a measure of peace to the Jewish people. Three faiths, Christian, Jewish and Moors found no weighty barriers between themselves. Then, bit by bit, jealousy, envy, and political fragmentation dissolved the calm of years, and once more, persecution of the Jews became the feature of European life. A grave step in this direction was taken by the statutes of the Fourth Lateran Council of 1215, which gave official recognition to the humiliation of Jews. Distinctive dress was forced upon them in Canon LXVIII:

"In nonnullis provinciis a Christianis Judeos seu Saracenos habitus distinguit diversitas; sed in quibusdam sic quaedam inolevit confusio, ut nulla differentia discernantur... Statuimus ut tales utriusque sexus, in omnia Christianorum provincia et omni tempore, qualitate habitus publice ab aliis populis distinguantur, cum etiam per Mosen hoc ipsum legatur eis injunctum..."

"Inde caute postmodum, ut in vestibus rotae vel circuli signum deferent." (12)

Once again we meet the prohibition of Jews to hold public office.

Canon LXIX. "...in hoc capitulo innovamus; prohibentes, ne Judaei officii publicis praeferantur, quoniam sub tali praetextu Christianis plurimum sunt infesti... Hoc idem extendimus ad paganos." (13)

This Fourth Council was faced with the same problem of apostasizing Jews as was the later Spanish Inquisition.

Canon LXX. "Quidam sicut accepimus, qui ad sacri undam baptismatis voluntarii accesserunt, veterem hominem omnino non exuunt, ut novum perfectius induant; cum prioris ritus reliquias retinentes Christianae religionis decorem tali comixtione confundant." (14)

Beyond the borders of Spain, the Council of Arles of 1234 ordered that Jews, young and old, should wear a distinctive mark upon their clothing.

Canon XVI. "Item decernimus quod Judaei masculi a XIII annis et supra, deferant extra domos in superiori veste, in pectore signum cellae latitudinis trium vel quatuor digitorum...Mulieres autem Judaeae a XII annis et supra, oralia deferent extra domos." (15)

At first, this measure was not wholly approved of in Spain, and not properly enforced.

The Marranos

The Jews in Spain appeared to fall into two classes: those who excelled in finance and became rich, and those who were intellectually inclined, who became the leaders in the arts, medicine, law, and other such professions. Both types had much to offer to their country. But their successes aroused the envy of the remainder of the population, and coupled with the preaching fervour of the Dominicans, always ready to convert heretics to the faith, a wave of resentment arose against the Jews. A Dominican fanatic, Fernando Martinez, roused the mobs to fury, so that in 1391, the synagogues of Seville were destroyed, and several thousand Jews were murdered. The madness spread to Córdoba, to the rest of Christian Andalusia, to Valencia, and to Toledo. Up to now,

converts to Christianity received the approval of the law and were accorded social equality, and so, as yet, there was not an antagonism based on race, but on religion. However, the massacres terrified the orthodox Jews, and to save their own lives, many professed conversion; in a short time, more than a million of them became Christians. Thus, was created a new social stratum called the Marranos, or New Christians, and the seed had been sown for the growth of the modern Spanish Inquisition. Many New Christians (or Conversos), feeling that the fear of death had passed, secretly repented and returned to their Jewish practices, preserving the outward appearance of good Catholics. Inevitably, some of their secrets were discovered, and in 1411, measures against them were adopted. Once more Jews were:

- i. compelled to wear distinctive badges on their clothing
- ii. were forbidden to shave
- iii. forbidden to ride on horseback
- iv. forbidden to be addressed as "Don".
- v. forbidden to marry Christians
- vi. forbidden to have sexual relations with Christians
- vii. forbidden to hold civil office
- viii. forbidden to become innkeepers, apothecaries or doctors.¹⁶

In the case of those Jews who maintained Catholic beliefs and practices, and thereby were free from restraint, their amazing resilience asserted itself and in a few years they became wealthy, found their way into government posts, married into noble families, and even occupied positions in the Church (see Appendix A). The Dominicans and Franciscans continued to preach against New Christians who secretly practised Judaism, and an Inquisition was introduced into Spain in 1474 by Sixtus IV whereby inquisitors appeared in Catalonia, Valencia, Aragon and Navarre, but

not in Castile. The Inquisition was a tribunal against heresy, not against Jews, who could only be dealt with as heretics if they were Conversos who had fallen from the Faith (see Appendix B).

The Spanish Inquisition is set up

In 1478, the pope Sextus IV granted authority to Ferdinand and Isabella to appoint two or three Inquisitors, and by 1480, at Medina del Campo, the Spanish Inquisition was founded. The tribunal was now established in Castile, and under pressure, the pope also granted independence to the Inquisition in 1480. Altogether, fifteen permanent Tribunals were set up as follows:

Seville 1480	Llerena 1509	Valencia 1484
Córdoba 1482	Santiago 1520	Barcelona 1486
Toledo 1485	Granada 1526	Palma de Majorca 1488
Valladolid 1485	Logroño 1570	
Cuenca 1500	Madrid 1640	
Murcia 1500	Saragossa 1484	

Familiars

Familiars were the lay servants of the Inquisition, whose function was to gather information from among the population, and to report to the Inquisitors anything of an heretical nature. One view of them said that they are only employed in gathering together, and enquiring after all books against the Catholic Faith, and in watching the actions of suspected people. They take a turn sometimes into the country, but then, they do not wear the crosses openly, till occasion requires it. They insinuate themselves into all companies, and they will even speak against the Inquisition and against religion, to try whether the people

are of that sentiment; in short, they are the spies of the Inquisition.¹⁷

A modern writer denies their activities as secret police, pointing out that in the early decades of the Inquisition, nobles and titled people were among the members, and that records show how the greater part of denunciations came from ordinary people, from neighbours, acquaintances, members of the family and travelling companions.¹⁸ A second modern writer comments that these ordinary people, were, in fact, themselves Familiars of the Inquisition, and that from 1544 the Inquisition recruited mainly from the lower social grades who were chiefly Old Christians. An example is given from Córdoba where, from sixty-eight Familiars in 1544, twenty-three were leather workers, nineteen more were textile workers, metal workers, carriers, labourers and a sexton. There were no merchants, lawyers or caballeros, and so the homogeneity of this group might suggest that they were drawn from those people of strong anti-semitic feelings. In later times, this class of Familiar was displaced by people of position and wealth, on account of the prestige and privileges that membership had acquired.¹⁹

To a folklorist familiar with the sources and the spread of witchcraft denunciations, the observations of the second writer may carry some validity. More will be said of this later in these pages, but for the moment, the correspondence between the work of the early Familiars, and the wholesale perfidy of societies caught up in a witch-hunt must not be overlooked. In both cases, some influential persons or elements are seen to threaten society; confessions of a sort confirm such a myth; fear and intolerance inject a madness into the people; and forced confessions, torture and death are often the result of the craze.

The Spirit of the Inquisition

The radical difference between the Papal Inquisition and the Spanish Inquisition is found in the fact that the Inquisitors of the former were papal appointees, and in the latter, they were chosen by the monarch. From this, the Papal Inquisition was an ecclesiastical tribunal under papal supervision, and the one in Spain, although concerned mainly with religious affairs, was independent of outside influence, a branch of civil power, and an instrument of absolutism. It evolved its own rules of procedure which were based on those of its predecessors, Bernard Gui, Nicholas Eymeric and the statutes of the Fourth Lateran Council of 1215; also the impulse behind its works was one of cruelty and humiliation.

Roman Law had two methods of procedure. The first was "accusatorial" (as in present-day English common law) which required an accuser and where the accused person was deemed innocent until proved guilty. The second was "inquisitio", which was by way of enquiry, so that where a person was deemed to be suspect of an offence by the report of half-a-dozen or so worthy persons, then he was "infamatus" under the law, and held to be guilty unless he could prove his innocence. This was the method used by the Inquisition, and since the denunciators of the Inquisition needed no 'worthy' persons, such a weighty advantage to the prosecution helps to explain why acquittal was almost unknown to the Inquisition.²⁰

i) All witnesses who would speak on behalf of the accused were excluded, on the assumption that their evidence was automatically unreliable.

ii) The above rule did not apply to prosecution witnesses.

iii) The names of the accusers were suppressed. The Cortes of

Valladolid in February 1518 strongly objected to the element of secrecy, but the excuse offered by Jiménez was, that powerful individuals who were accused might be able to intimidate witnesses.

iv) Accused and accusers never came face to face.

v) When evidence was retracted, the accused was never informed, for the procedure was based on the determination to make the accused confess his crime, and thereby be brought to penitence.

vi) "False witness" meant to deny knowledge of heresy in the accused.

Secrecy in all matters seemed to be the soul of the Inquisition, and by its nature, it is the foe of truth and of justice. The judge, who was also the prosecutor, was protected from responsibility by secrecy, and was accountable only to the Suprema.²¹

Period of Grace: Edict of Faith

During the first ten years, from the setting up of the Papal Inquisition in 1232, a form of inquisitorial procedure became standardized which continued throughout the rest of the Middle Ages with only minor changes. This was the Period of Grace. On visiting a district, the Inquisitor in his sermon declared a period of grace lasting thirty to forty days during which, those who had associated with heretics or were themselves guilty of heresy, could come forward and make a voluntary confession. Leniency was granted only if they told the full truth about themselves, and what they knew about the involvement of others. In a general sense, this method of inquiry was a genial invitation to those who were genuinely repentant, or to some who were timid. However, the Inquisitors who were also priests, were aware of the tensions that could exist in small communities, and that some individuals would be quite

prepared to inform against those who had aroused their envy and spite. Behind such depositions can be seen the morbid influences of the "evil eye", the pointed finger, and the whispered scandal. All confessions were recorded and legally witnessed, from which the Inquisitor could compile a list of suspects. The attendance of a suspect at court was deemed to be voluntary, but failure to appear was interpreted as evidence of guilt. Thus were sown seeds of discord, conflicts of loyalty, and the breaking down of the toleration of diverse religious views, so that the things that cemented a happy society were replaced by a spirit of suspicion and fear.

From about 1500 there came into existence an unpleasant device called an Edict of Faith. A visiting Inquisitor would cause to be read out in public a list of heretical and abhorred practices, and the people were encouraged to denounce anything or anybody they knew who were involved in such matters, under threat of severe penalties for those who failed to come forward. An incomplete confession was a grave offence which might undo any good that previous confessions had achieved. The overall effect of the institution of the Edicts of Faith was to promote the habit of what was virtually espionage, thereby associating the whole population with the detection of heresy. Since the existence of, and the activities of the Inquisition, were chiefly on account of New Christians, many of the practices specified in the Edicts were those associated with Judaism and to a lesser extent, Islam. Therefore the pursuit and repression of the Jews which had gone on in Spain for so long is seen to continue, particularly in view of the prominence given in the Edicts of Faith to unimportant customs of daily Jewish life, and to mere superstitions. The following lines are extracted (in translation) from an Edict of Faith issued at Valencia in 1519.

"We, Doctor Andres de Palacio, Inquisitor against heresy and apostolic perversity in the city and kingdom of Valencia, etc.,

To all faithful Christians... who are aware that they were warned to appear before them (the Inquisitors),... and declare the things which they had seen, known, and heard tell of any persons, either alive or dead who had... observed the law of Moses or the Mohammedan sect, or... perpetuated crimes of heresy, observing Friday evenings and Saturdays; changing into clean personal linen on Saturdays and wearing better clothes than on other days; preparing on Fridays the food for Saturdays; who do not work on Friday evenings and Saturdays...; who kindle lights in clean lamps... on Friday evenings; ...who celebrate the festival of unleavened bread; ... observe the fast of pardon (Day of Atonement)... observe the fasts of Queen Esther, of tissabov, and rosessena; who say prayers... standing up before the wall, swaying back and forth...; who give money for oil for the Jewish temple; ... who slaughter poultry according to Judaic law, and refrain from eating sheep or any other animal which is trefa; who do not wish to eat salt pork, hares, rabbits, snails...; who bathe their dead and bury them in virgin soil according to the Jewish custom;... who become, or know of others who become circumcised;... who say that the law of Moses is good and can bring about their salvation; ... who remove their penitential robes, and neither remain in the prison, nor observe the penance imposed upon them;... if any know of those who keep Jewish customs and name their children on the seventh night after their birth... and if any know that when somebody dies, they place a cup of water and a lighted candle and some napkins where the deceased died, and for some days, do not enter there; if any know of the effort of a Jew or convert, secretly to preach the law of Moses,... teaching Jewish prayers;... who attempts to become a Jew, or being Christian walks abroad in the costume of a Jew;... or who, after dinner or supper, bless the wine and pass it to everyone at the table, which blessing is called the veraha... or perform other Judaic ceremonies... and if any know that any person or persons be children or grandchildren of the condemned, and being disqualified, should make use of public office... or of any other thing which they are forbidden... to have...

All of these things, having been seen, heard, or known, you... have... refused to declare and manifest,... you may be proceeded against, as those who have suffered excommunication, and as abettors of heretics in various ways; but,... we remove... the censure... against you, so long as you observe and comply with the terms of this our edict... within nine days from the time that the present edict shall have been read to you... Otherwise, the period having passed,... steps will be taken to give out... sentence of excommunication against you; and... we

order that you be publicly denounced; and if, after a further period of nine days you persist,... you shall be excommunicated, anathematised, cursed, segregated, and separated... from the holy Mother-Church, and the sacraments of the same.... And if any persons... should persist therein for the space of a year, they should be regarded as heretics themselves..." (22)

When the Inquisition discarded the Period of Grace in favour of Edicts of Faith, it replaced the sacrament of confession with an instrument of fear and threat. The object of the rite of confession is to restate a past experience, so that by speech, what has gone before is brought back to where one is conscious that what ought to have been, now prevails over what was; a permanent good intention, that is, an awareness of what is right, now prevails over a temporary aberration.

The Edicts of Faith, typified by the one quoted above, although cynically claiming that "attention to this will result in salvation in our Lord Jesus Christ, the true salvation", only succeeded in causing nationwide tension and suspicion.

Notes on Chapter V

Introduction and Spirit of the Spanish Inquisition

1. Mansi, II, 191.
2. Ibid., II, 307.
3. Ibid., II, 388.
4. Ibid., IX, 996.
5. Ibid., X, 634.
6. Ibid., X, 634.
7. Ibid., X, 635.
8. Ibid., X, 635.
9. Ibid., X, 663.
10. Ibid., X, 1219.
11. Ibid., XII, 102.
12. Ibid., XXII, 1055.
13. Ibid., XXII, 1058.
14. Ibid., XXII, 1058.
15. Ibid., XXIII, 340.
16. J. Plaidy, The Rise of the Spanish Inquisition (London, 1959), p. 115.
17. John Merchant, et al., A Review of the Bloody Tribunal (Perth, 1770), p. 42.
18. H. Kamen, The Spanish Inquisition (London, 1965), p. 145.
19. B. Bennassar, L'Inquisition espagnole XV^e - XIX^e siècle (Paris, 1979), pp. 97-100.
20. G.G. Coulton, p. 119.
21. Encyclopedia Judaica (Jerusalem, 1971), VIII, p. 1402.
22. C. Roth, pp. 76-82. I have not been able to ~~see~~^{signe} the original document, or a facsimile of it.
23. José Amador de los Rios, Historia de los judios de España y Portugal (Madrid, 1960), pp. 681-683. This list is not exhaustive. (App. A)

24. Biblioteca de autores españoles, edited by A. Duran (Madrid, 1882), XVI, pp. 335, 357-358. (App. B)

Chapter VI

Public Humiliation

The Sanbenito

Before the thirteenth century, erring Christians in Spain who were sentenced to perform public penance, wore as a penitential garment, a close-fitting tunic which resembled a monk's scapulary made of rough cloth, and which was called a "sac". The word derives from the Hebrew word "saq" which means "coarse material", and since it was the custom to bless the coat, the epithet "saco bendito" came into use. During the later Spanish Inquisition, the penitential habit was commonly called a Sanbenito, whose shape and style differed from the garment mentioned above. In 1490, Torquemada instructed that it should consist of a loose-fitting piece of dark cloth, eighteen inches by nine inches, with a hole for the head, which was to be worn over the outer garments in the manner of a tabard, and both the front and back panels were to be conspicuously marked with a red cross.¹ It was known as a "sanbenitillo". A further modification occurred in 1514 when Jiménez, possibly feeling that the cross of Christ was being dishonoured, ordered that the form of the cross should be that of a St Andrew's cross.² The singular shape of this symbol exposed the wearer to a greater degree of public humiliation. But in the Inquisition Instructions of 1561, the shame of the victim was flaunted even more openly when the colour of the Sanbenito was changed to yellow. (It was green at this time in Valencia and Sicily.)³

Those who were brought before the Inquisition were encouraged to confess their sins voluntarily, as stated in the documents of accusation. Where the accusations of witnesses were read out, some would try to

recollect their faults, since confession might shorten the duration of investigations, or even render punishments less severe; but whatever promises were made by the Inquisitors, there was no escape from the ignominy of the sanbenito and the auto-de-fe. Thereafter, there came into being different markings on the sanbenito for each class of penitent.

A. Penitents:

- i. slightly suspected of heresy (de leviter): a yellow shirt with no crosses.
- ii. suspected strongly (vehementer): yellow sanbenito with one diagonal cross, front and back.
- iii. a heretic (violenter): sanbenito, with both arms of the cross, front and back.

Those at (i) and (ii) wore the sanbenito only at the auto-de-fe, but the stigma remained.

There were also different markings for those condemned to death.

B. Condemned:

- i. Those who repented before sentence: sanbenito with crosses, and a conical cap (coroza) with crosses.
- ii. Those who repented after sentence, and were condemned to be burnt: a black sanbenito and coroza with crosses; on the sanbenito was painted a bust amidst flames; the flames pointed downwards to indicate strangulation before burning.
- iii. The impenitent: same as at (ii) with flames in upward direction to show a burning alive. Grotesque images of devils also painted on sanbenito and coroza.⁴

Gradations of punishments

In the early years of the Inquisition, penitents who wished to be reconciled to the Church were usually sentenced to a term of imprisonment as well as to the wearing of the sanbenito. Sometimes the prison sentence was "for life", but in general, there were gradations in the length of these terms. It is necessary to note the difference between those who were in prison as a penance, and others who were captive heretics held in gaol awaiting trial. Also, that the periods during which the sanbenito was to be worn occasionally varied, as shown here.

a. In the auto-de-fe in Granada, May 1593, in three cases, the sanbenito was removed after the sentence was read; in two cases, after the penitents had been returned to the palace of the Inquisition; and for two more, after twenty-four hours elapsed since sentence; in addition, Leonor Fernandez received two years of sanbenito and four years of prison.⁵

b. In the auto-de-fe in Toledo, March 1722, Manuela Diaz and Maria de Mendoza were both sentenced to six months in prison and two months sanbenito.⁶

c. In the auto-de-fe in Toledo, February 1723, Manuel Ximenes was sentenced to perpetual prison and one year sanbenito.⁷

To wear the sanbenito, both indoors and outdoors as part of a public penance, was to announce to the world that the wearer was guilty of heresy, an offence that was held in deepest horror. It led to ostracism by friends, neighbours, and even a man's family, since any attempt to associate with known heretics might bring down the full weight of the Inquisition's displeasure. For the same reason, nobody would dare

to employ a heretic, with the result that he and his dependents could be brought to starvation. For those penitents who were sent to prison, the Inquisition made little provision for their subsistence, or for the supervision of their penances. They were lodged in castles, convents or hospitals, and even in their own homes where confiscations had robbed them of means of maintenance, and therefore, their movements could not be controlled. Nevertheless, to break from prison was considered a relapse; but the true offence was the discarding of the sanbenito. In other words, the crime lay, not so much in refusing to complete the sentence which the Holy Office had imposed, but in refusal to display publicly the emblem of shame and disgrace that heresy had visited upon the victim. The burden of misery that the condemned ones had to carry was not yet complete, for in 1484, Tomas de Torquemada issued Instructions to the Inquisitors in November of that year at Seville, that the children and grandchildren of those condemned may not hold or possess public offices, or posts, or honours, or to be promoted to holy orders, or be judges, mayors, constables, magistrates, jurors, stewards, officials of weights and measures, merchants, notaries, public scribes, lawyers, attorneys, secretaries, accountants, treasurers, physicians, surgeons, shopkeepers, brokers, changers, weights inspectors, collectors, tax-farmers, or holders of any other similar public office.⁸

Torquemada issued further Instructions in 1485 and 1488. In May 1498 he issued his last set which consisted of sixteen articles which differed little from previous orders, except that the sixth one demonstrates the continued senseless cruelty of wearing the sanbenito; it states, in effect, that corporal penance and imprisonment cannot be excused on payment of fines; and only Inquisitors-General can give permission to discard the sanbenito and relieve children of the burden of their parents' sins.⁹

If, through the preaching of the Dominicans, the people of Spain were

horrified by the crime of heresy, there were also some sections of opinion which disagreed with the harshness of the measures used by the Inquisition in the suppression of it. This is seen when a contemporary view announces that:

'many Jews who had been converted, relapsed to their former error, and particularly the number was great at Sevil where the Inquisition first executed its authority. If their crimes were heinous, they were burnt, or if of a lesser hue their goods were confiscate, their persons condemned to perpetual imprisonment, or obliged to wear what they called a Sanbenito, that is, a piece of yellow baize hanging on the breast and back, with a red cross upon it, which was a mighty Infamy. It was thought too much severity that the children should suffer for the crimes of their parents, that the accuser should not be known, nor confront the party accused, as had ever been used in all courts, and lastly, that sins of this nature should be punished with death. Some wholly condemned this severity, yet others approved of, and defended it.' (10)

It is no longer possible to know exactly how many people suffered at the hands of the Holy Office. For the first fifty years or so of its existence, the Inquisition maintained careful records of its proceedings, but after then, details were not so meticulously kept. In addition, at the time of the abolition of the Tribunals in the late eighteenth and early nineteenth centuries, documents and registers became scattered, and are now incomplete. The following tables will show, to some extent, the number of victims dealt with by one single Tribunal, that of Toledo, over two separate periods. All the punishments were automatically followed by the wearing of the sanbenito, except, of course, in the cases of those relaxed into the hands of the civil power for execution, and of those who were relaxed in effigy.

1. Toledo 1575-1610

	<u>Column I</u>		<u>Column II</u>
Reconciliation	207	Galleys	91
Sanbenito	186	Relaxation in person	11

Confiscation of property	185	Relaxation in effigy	18
Imprisonment (abito y carcel)	175		
Exile from locality	167		

2. Toledo 1648-1794

<u>Column I</u>		<u>Column II</u> ¹¹	
Reconciliation	445	Galleys	98
Sanbenito	183	Relaxation in person	8
Confiscation of property	417	Relaxation in effigy	63
Imprisonment	243		
Exile from locality	566		

Penance as punishment

In the first centuries of the Christian Church, if a man brought discredit upon himself and upon his religious community by wrongdoing, he was put outside the assembly until, by public penance he showed the sincerity of his repentance. He was then restored to his place, forgiven by God, and forgiven by his fellow believers. As congregations multiplied and the numbers of transgressors grew, such matters passed into the hands of the priesthood, and gradually the object of penance shifted from being not only an instrument for maintaining the purity of the Faith, but a means of disciplining individual characters. The Church framed her laws and canons on those of the State, thus making Penance a system. Indeed, Theodosius I in 382 declared that all heresies were legal offences, and so the Church, as did the State, classified its sins and punishments. Out of this thinking grew the idea that although true penitence remitted the eternal penalty for sin, yet

satisfaction made to man in the form of temporal punishment for sin, was still to be paid. The accepted doctrine of penance was formulated thus:

Penance = Contrition, Confession, and Satisfaction

This requirement remained constant throughout the centuries, and the Council of Trent (1545-1563) in re-affirming standard dogma laid down in Session XIV, Canon IV:

"Si quis negaverit ad integram et perfectam peccatorum remissionem requiri tres actus in penitente, quasi materiam sacramenti penitentiae, videlicet contritionem, confessionem, et satisfactionem, ... anathema sit." (12)

This point is made more fully in two more statements of Trent:

Session XIV, Canon XII:

"Si quis dixerit totam poenam simul cum culpa remitti semper a Deo, satisfactionemque poenitentiam non esse aliam quam fidem, que apprehendunt Christum pro eis satisfecisse, anathema sit." (13)

Session VI, Canon XXIX:

"Si quis dixerit, eum qui post baptismum lapsus est, non posse per Dei gratiam resurgere, aut posse quidem, sed sola fide amissam justitiam recuperare sine sacramento poenitentiae, prout sancta Romana et universalis ecclesia, a Christo domino et ejus apostolis edocta, hucusque professa est, servavit, et docuit, anathema sit." (14)

A penitent degraded by sin can find, through the imposed tasks of his penance, a way of restoring his proper relationship with the community of the faithful in which he is placed, with society around him, and most importantly, with God. A completed penance demonstrated a confession of sin, and that the penalty had been paid for it, thereby freeing him from social censure. If he has been a habitual and persistent wrongdoer, then he might also experience a re-assessment of his own values which could enable him to live once more as a normal individual. Therefore,

to impose as a punishment for crimes committed, the wearing of a penitential garment, itself the visible sign that the sacrament of penance has been performed, it to dishonour the sacrament itself, whose purpose is to bring peace and restitution to the soul of the penitent.

The Auto-de-Fe

It has been shown in Chapter III of this work how the Spanish Church persisted in its attitude that public penance should be carried out, even in times when the practice elsewhere was falling into disuse. Nowhere is it better demonstrated than in the public exhibition of penitents in the processions called "Auto-de-Fe" (translated 'Act of Faith') where the element of 'satisfaction' is carried to extreme lengths. This was the Auto Publica General; there existed too, an Auto Particular which was performed in private for slight offences, such as, for example, someone suspected of slight heresy (de leviter). But in 1517 the Suprema ordered that in future, private abjurations had henceforth to be made at public Autos.¹⁵ Since an appearance in an Auto was itself a harsh punishment, such a measure was a piece of needless cruelty.

At first, Autos were held in various small towns as well as in larger centres, and only those were exhibited who were condemned to the stake,¹⁶ usually wearing yellow sanbenitos inscribed with their names and the words "herege condenado". By 1515, Autos were held only in the Tribunal cities.¹⁷ An Auto-de-Fe, in its most elaborate form, was an impressive pageant calculated to exhibit the authority of the Inquisition and to inspire in the onlookers an abhorrence of heresy, representing, as it did, the great drama of Judgement Day. An eyewitness account of the auto-de-fe held in Madrid in 1680 says:

"La corona de toda esta celebridad, y en lo que propriamente consiste la funcion del Auto General de Fé, fue la Majestuosa pompa conque salió el Tribunal, llevando delante los Reos para averlos de juzgar en el mas esclarecido Trono y magnifico Teatro, que para hazer su temer y venerar, ha sabido discurrir la ostentación de los hombres, porque fue tal este acompanamiento, que se puede propriamente comparar a lo que se verá en el espantoso dia del Universal Iuizio de Dios." (18)

The burning of unreconciled heretics at the Quemadero was carried out by the Secular Arm of the Holy Office; but the Inquisition was fully conscious of the effect upon the onlookers that the grim ritual would have, as our witness continues:

"Acabado el Auto, solo resta el trágico successo de los proterbos, y demas relaxados, cuyas culpas dieron motivo a la representación de Iuizio tan formidable para los delinquentes, y espantoso para los demás." (19)

The account, given by José del Olmo, goes on describing the shame of the wretched victims paraded in public view:

"De los Reos que salieron en persona se seguian once penitenciados... todos con velas amarillas apagadas en las manos... con corozas, y algunos dellos con sogas a la garganta..." (20)

"...salieron viente y un Reos condenados a relaxar, todos con la corozca, y capotillas de llamas; y los pertinaces con dragones entre las llamas; y los doze dellos con mordazas, y atados los manos." (21)

"Iban luego cincuenta y quatro Reos Judaicantes reconciliados, todos con sambenitos de media aspa, y otros entera, y con velas..." (22)

Added to the ignomony of the sanbenito, the rope around the neck, the comic-tragic corozca and the gag, a public lashing sometimes took place:

"Francisco de Espinosa... de edad de treinta y seis años Judaizante confitente, salió al Auto en forma de penitente con sambenito, y sogas a la garganta... fue reconciliado... y, por vario y revocante, se le dieron doscientos açotes por las calles publicas." (23)

Those who had died before their heresy was detected by the Inquisition, or who had escaped the clutches of the Familiars, were by no means free from the satisfaction demanded by the judges of the Holy Office, because if the Faith could no longer be vindicated by burning their bodies, then their bones were dug up, and if these were not available, effigies were constructed, and as the flames consumed them, it was made clear before all the people that they had lived and died as heretics.

"... on the day of the Auto an effigy representing his person shall be placed on the scaffold, with a mitre of condemnation and a sanbenito bearing on one side the insignia of the condemned, and on the other, a placard with his name... and shall be delivered to the said justice to be publicly burnt..." (24)

José del Olmo at Madrid in 1680 saw

"Los otras dos estatuas iban con Sambenitos y en todos se leian los nombres de los que representavan, escritos con letras grandes en rotulos que llevavan por el pecho." (25)

The practice of using effigies was called "mascaras y estatuas".

Abjuration: Shame

There was no hope of mercy for apostate Jews, Muslims or Protestants who came under the judgement of the Tribunals of the Holy Office, but nevertheless, there were some erring believers, whose offences being of a lighter kind, were eager to be reconciled to the Catholic Church. Such cases were "condemned to reconciliation"²⁶ and they had to abjure in public. For all their obvious sincerity, they were not spared the ignomony of exposure in the streets, and at the ceremony each man's condemnation was read out, and as penance, he had to appear at an Auto wearing a yellow sanbenito with two aspas forming a St Andrew's cross. The following day he was warned that in the case of a relapse, he would be burned.²⁷

In General, prisoners were not told what was to happen to them until the day of the Auto; this was to prevent, as far as possible, appeals to the Suprema. One obvious exception were those cases where victims were condemned to relaxation to the secular arm; these would be offered one last chance to save their souls by confession and conversion. There was, however, a further aspect of such secrecy, because it was the practice that when the proclamation of an Auto was made fifteen days in advance, even officials were not allowed to approach the Inquisitors' palace in case the victims should gain some inkling of what their fate might be. When the impact of sentence came, it would have the maximum effect of shock and shame on the assembled onlookers, some of whom would see members of their own families paraded in dreaded sanbenitos that bore the markings appropriate to their crime.²⁸

In 1632, a Juan Nuñez Saravia was imprisoned in Toledo by the Inquisition on charges of Judaizing and protecting other Jews. After a long trial, he was found guilty on both counts, and also of using his position as a rich banker to assist other Jews to transfer their wealth to France. His crime was dealt with as 'formal heresy' so that he would have to appear in an Auto wearing a sanbenito with only one aspa (diagonal). On the 13th of January 1638, he, his brother "con el sanbenito a cuestras" and twenty-four more penitents appeared on the streets. Since not all of his fortune was confiscated, it is worth noting that he offered twelve thousand ducats not to be exhibited in public. The offer was refused.²⁹

Eminent people disgraced

Neither high rank, riches, nor fame could constitute a sure protection from the investigations of the Holy Office. When Torquemada framed the constitution of the newly formed Tribunal in 1484, the Court

of Aragon resisted its authority, and appealed to Rome. The Spanish Inquisition promptly denounced some of the members of the Court as Judaizers and executed them. The following year, infuriated Old Christians brought about the assassination of the Inquisitor Arbúes. Immediately, the Inquisitors of Saragossa relentlessly pursued the murderers and their accomplices, so that in the end, there was hardly a noble Aragonese family of first rank who had not been disgraced by having at least one member paraded in an Auto-de-Fe wearing the sanbenito.³⁰

In 1557 and 1558, the Inquisition uncovered signs of a great spread of Lutheran doctrines. Then, in January 1559, the Pope authorized Valdés to hand over to the secular arm any Lutherans even those who had not lapsed, including any who showed clear repentance. A following instruction from Rome ordered confessors to pass on anything they heard concerning Lutheranism, even when those who confessed were archbishops, bishops, patriarchs, cardinals, kings and emperors. An Auto held later that year, in 1559 in Valladolid, included,

(a) Pedro Sarmiento de Roxas, son of the marquis of Poza; he was sentenced to perpetual sanbenito and life imprisonment.

(b) Mencia de Figueroa, wife of (a) and attendant of the Queen of Spain; sentenced to perpetual sanbenito and life imprisonment.

(c) Anna Henriquez de Roxas, daughter of Marquis de Alcanizes. Appeared in the Auto wearing a sanbenito.

(d) Maria de Roxas, sister of (a); appeared wearing a sanbenito.

(e) Juan de Ulloa Pereira, son of the marquis de la Mota; sentenced to perpetual sanbenito and life imprisonment.³¹

One is tempted to think that the Inquisition may also have been used as a political weapon in some quarters, since truly eminent Spaniards were sometimes persecuted. For instance:

Bartholomew Carranza, Archbishop of Toledo and Primate of Spain who had once castigated Spanish bishops at the Council of Trent for absenteeism from their dioceses, found himself on a charge of Lutheranism.

Fray Luis de Leon had envious colleagues at the University of Salamanca, and was also accused of Lutheranism.

Don Carlos, the son of Philip II, was half mad, and his removal could lead to a profitable Spanish dynastic alliance with England.

Then, both St Juan de la Cruz and St Ignatius Loyola were denounced as "Illuminati".

The long-term pursuit of heresy, however, remained the main goal of the Tribunals, although opportunities to pay off old scores could not be resisted too easily.

Royal support for Autos

The king's influence, which was extensive, reaching into all corners of Spanish life, was never exerted against the interests of the Church. The presence of the monarch at many of the important Autos gave these grim spectacles the quality of State authorization and royal approval. The one held in Valladolid on Trinity Sunday 1559 (already referred to) was the first one in Spain to be attended by royalty, for among the spectators were Princess Juana the sister of Philip II, and Philip's son, Don Carlos, Prince of the Asturias. The victims were paraded through the streets to the plaza, their heads and beards shaved, dressed in black coats and trousers, many of them wearing the sanbenito and corozas.

In October of the same year, again at Valladolid, a second Auto was held in the presence of Philip II himself, Princess Juana, and Don Carlos.

During July 1624, Philip IV and his queen, Isabel, attended an Auto

in Madrid, where, during the proceedings, the Inquisitor-General administered to Philip an oath of allegiance to the Inquisition.

One of the greatest of all Autos was held in Madrid in 1680 (episodes by an eyewitness are mentioned in previous pages). In attendance were Charles II, the near-imbecile son of Philip IV, and his queen, when a hundred and five people were paraded for sentence.

Conclusion

The Spanish Church saw the need to stage these impressive spectacles as a pious duty wherein they were able to discharge their consciences concerning the pursuit of heresy, whereby the people were edified, and as a demonstration of a continuing zeal to serve God. Inasmuch as their investigations of heresy were conducted in the greatest secrecy, so was the result of their successful enquiries displayed in a public manner that was cruel and terrifying. Before the procession took place, the sentences of the victims had already been decided, but it was part of the proceedings to call each one before the Tribunal where a list of his crimes was read out; sentences were passed; a sermon was preached, all of which might take many hours while the accused stood in the heat of the day! Many of them had already been tortured physically, and for all the condemned, the day was also a time of mental agony. Eventually, those who were condemned to death were abandoned to the secular arm, not sent to it, for execution, followed by a plea that the civil power might show some mercy to the poor unfortunates. Such an appeal was merely a formal recommendation and a safeguard from any canonical irregularity that might be perceived, if, as priests, they were seen to agree to a judgement of blood.

Notes on Chapter VI

Public Humiliation

1. Archivo de Simancas Inquisición (hereafter ASI), lib. 939, fol. 117, from H.C. Lea, III, p. 162 (footnote).
2. MSS of Royal Library of Copenhagen, 218b, p. 256, from Lea III, p. 163 (footnote).
3. Archivo Historico Nacional (AHN) Inquisición de Valencia, leg. 30, 31, 375, 382, from Lea, III, p. 163 (footnote).
4. Llorente, p. 70.
5. Biblioteca Nacional (hereafter BN), MSS G. 50, fols. 248-249, from Lea, III, pp. 163-164 (footnote).
6. AHN, Inquisición de Toledo, leg. 1, from Lea III, pp. 163-164 (footnote).
7. AHN, Inquisición de Toledo, leg. 1, from Lea, III, pp. 163-164 (footnote).
8. AHN, Inquisición, lib. 497, fols. 22-23, from Kamen, p. 121 (reference note).
9. Jean Plaidy, Growth of the Spanish Inquisition (London, 1960), p. 19.
10. Juan de Mariana, "La historia general de España", in Biblioteca de autores españoles (Madrid, 1950), XXXI, 202.
11. Kamen, p. 182.
12. Mansi, XXXIII, 99.
13. Ibid., 101.
14. Ibid., 43.
15. ASI, lib. 72, fol. 73, from Lea, III, p. 210 (footnote).
16. Relación de la Inquisición Toledana, Boletín 9, p. 300, from Lea, III, p. 210 (footnote).
17. ASI, lib. 979, fol. 38, from Lea, III, p. 210 (footnote).
18. José del Olmo, Relacion del auto general de la Fee que se celebrou en Madrid 1680 (Madrid, 1680). Among the names of the officials at this auto appears that of José del Olmo, Alguacil del Tribunal. If this man is also the author, then his account would see to reflect the official view of the proceedings. pp. 96-97.
19. José del Olmo, p. 287.

20. Ibid., p. 103.
21. Ibid., p. 104.
22. Ibid., p. 104
23. Ibid., p. 208-209
24. Pablo Garcia, Orden de Processar, fols. 67-68, from Lea, III, p. 85 (footnote).
25. José del Olmo, pp. 102-103.
26. ASI, lib. 942, fol 15, from Lea, III, p. 146 (footnote).
27. Pablo Garcia, fols. 33-36, from Lea, III, p. 147 (footnote).
28. ASI, lib. 979, fol. 40, from Lea, III, p.95. (footnote).
29. A.D. Ortez, 'El proceso inquisitorial de J. Nuñez Savaria etc', in Hispania: Revista española de historia (Madrid, 1940-1961), XV, p. 581 (footnote).
30. Llorente, pp. 43-45
31. Ibid., p. 196

Chapter VII

Public Humiliation is extended

Sanbenitos hung in Churches

The obsession that gripped the Spanish Inquisition which led to the humiliation of its victims in public was not satisfied by parading the living ones through the streets dressed in a sanbenito, nor by representing the absent ones in crude effigy wearing the yellow garment, nor even by exhibiting the mouldering corpses of the dead ones fastened to a post and draped in a sanbenito. Ostensibly to remind the populace of the gravity of the offence of heresy, the practice now arose of hanging the sanbenito of the offender in the parish church of the district where he had been a resident, after the sentence passed upon him had been carried out (see footnote 1 below). In the case of those who were executed, they were hung up at once; for the reconciled, they were put in place at the end of the imposed penance, even after years of imprisonment. Inscriptions were attached to each sanbenito giving the name of the heretic, his exact offence, his area of residence, and the date of his crime. Where a victim was burned alive, the word "combustus" was added to the inscription. Such a device not only brought shame and disgrace on the immediate family of the person named, but perpetuated it into following generations who were innocent of any crime against the Faith, and may well have been as devout Catholics as the Inquisitors themselves. The exact origin of the practice is not known, although H.C. Lea speculates that it may have come from a ceremony carried out in the early period of the Inquisition when penitents were relieved of their penitential garments which were then hung near the church door.¹ In 1512, the Suprema ordered that the

sanbenitos of both the relaxed and the reconciled of Campo de Calatrava should be hung in the churches, except for those reconciled during the Term of Grace, since they had never been condemned to wear the sanbenito; if any were already suspended, they were to be taken down.²

Humane proposals were incorporated into an attempted reform of the Inquisition, when, in 1518, Chancellor Selvagio proposed thirty-nine new articles on behalf of the Cortes of Castile and Aragon. One of them stated that sanbenitos shall be taken out of the churches, and that they no longer be worn in the streets.³ But before the new laws were published, Selvagio died. Later, Charles V wrote to the Pope to commend Cardinal Adrian who had become Inquisitor-General, and said, at the same time, that there was no need for haste to remove sanbenitos from churches, or to prohibit them from being worn in the streets.⁴

The year 1532 saw a decree of unnecessary cruelty come into force. Provincial Tribunals were instructed to draw up a list from their own records, giving the number, names, and rank of all persons condemned within their jurisdiction, and to ensure that all sanbenitos were duly hung up in the churches. No exceptions were to be made for those cases where confession and penance had already been dealt with under the Period of Grace. In addition, sanbenitos that were worn and faded with time were ordered to be renewed and sent to the parishes of the condemned victims⁵ so that the infamy might be brought nearer to the descendants of the heretics. Originally, they were hung in the cathedral church of the Tribunal city. An example of the heartlessness of the Suprema is illustrated in just one petition made in 1529:

"Reverendísimo Señor; los hijos y descendientes de Lope de Leon y Alvar Hernandez de Leon ya defuntos, vecinos que fueron de Belmonte, dicen que las mugeres de los susdichos fueron reconciliados mucho tiempo ha, y sus hábitos se pusieron en la iglesia catedral de la ciudad de Cuenca donde han estado siempre... E agora ha venido a su noticia que Vuestra Señoría Reverendísima ha mandado elevar todos los hábitos por los lugares donde fueron los delincuentes y

condenados. Y porque las dichas mugeres fueron naturales de la villa de Quintanar, y cometieron allí el delito por qué fueron reconciliados, por lo cual es justo que sus hábitos se pongan allí e no en Belmonte ;— piden y suplican a V.S. Reverendísima mande el Inquisitor de Cuenca que ... hagar llevar y poner los hábitos en la dicha villa del Quintanar y no en otra parte..." (6)

The applicants managed to delay the transfer from Cuenca until 1548 when the sanbenitos, contrary to their request, were hung in Belmonte.

For a few years following 1528, the Inquisitor-General had been receiving letters of complaint, which he passed on to the Suprema, about the methods of interrogation used by the Inquisition. It was then decreed in 1535 that any bulls of dispensation be suppressed; the order included any documents obtained by once-convicted conversos, because it was believed that they might rise to positions of authority in the Church and be quick to condemn Christians; the implication was that they would be permitted to discard their sanbenitos. The Instructions of 1531 were therefore repeated.⁷

As a result of the changes brought about by the 1532 Instructions with the "no exceptions" rule, numerous families were ruined and some became extinct. To the relief of many people, the section dealing with those who were voluntarily reconciled was revoked in 1538. Unfortunately, the hand of the Inquisition came down again a year later, and in 1539, the concession was withdrawn and declared to be inapplicable to those sanbenitos already suspended, and furthermore, any that had been removed must be put back. In order to escape the perpetual calumny placed on their families; numbers of conversos changed their names; indeed, in Toledo by 1538 almost all the names once borne by them had disappeared.⁸ In some cases the sanbenitos themselves disappeared because they were stolen from the churches. Whether or not there was slackness in the supervision of hung sanbenitos after

1539 is not known, but in 1555 the Instructions of 1532 were revived in full⁹ including the order that the sanbenitos of people reconciled in the Period of Grace should also be exhibited.

Ferdinand Valdés, who was Inquisitor-General from 1547 to 1566, undertook to redraft the code for the guidance of Inquisitors. The new Instructions were published in Madrid in September 1561, and were composed of eighty-one articles, the last of which contained two items of note; firstly, that despite the harsh measures of 1532 which insisted on sanbenitos being displayed for those reconciled under the Term of Grace, this clause was once again abolished; secondly, the reason is plainly given why sanbenitos are exhibited in churches. Article 81 says (the translation is by J.A. Llorente):

"The sanbenitos of all those persons who have been condemned to relaxation shall be exposed in their respective parishes after they have been burnt in person or in effigy; the same shall be done with the sanbenitos of the reconciled persons after they have left them off; no sanbenitos shall be suspended in the churches for those individuals who have been reconciled before the Term of Grace, as they have not been condemned to wear them. The inscription for the sanbenito shall consist of the names of the condemned persons, a notice of the heresies for which they were punished, and of the time when they suffered their penance, in order to perpetuate the disgrace of the heretics and their descendants. (10)

The prime duty of any Inquisitor making a visitation to his district concerned the business of hung sanbenitos, and in 1569, the Suprema instructed every one who was about to embark on a tour of inspection to be furnished with complete lists of those reconciled or relaxed. The sanbenitos found hanging in place were to be compared with the lists, and any deficiencies were to be made good at once. Philip II was particularly zealous in this matter, and called particular attention to it in his orders to Manrique de Lara in 1595, pointing out that since this is the severest penalty that the Inquisition could inflict on

heretics and their descendants, omissions cannot be permitted in any way.¹¹ A specimen of the special cases that the Tribunals had to deal with from time to time occurred in 1540 when Rodrigo Valero was arrested as a false apostle. This man, convinced of the truth of the Lutheran doctrine, preached it so fervently and so openly that he was thought to be mad and was promptly denounced to the Inquisition who took no action because it considered him a lunatic. His insistent preaching and his general behaviour indicated no mental unbalance, so he was eventually taken into custody. The judges of the Holy Office still maintained that he was a madman. But they were unable to resist an impulse that was stronger than their convictions for Valero was seized, condemned as a heretic and a false apostle, admitted to reconciliation, and sentenced to the sanbenito and perpetual prison.¹² After his death, his sanbenito, suspended in Seville Cathedral, was an object of much curiosity, as he was the first person to be dealt with as a false apostle.

The method of perpetuating the infamy of heretics by hanging their sanbenitos in churches was not confined to Spain, for the practice seems to have been adopted in some parts of Italy. The Roman Inquisition, however, disapproved of the idea, for Ludovic Paramo writes of what happened in Palermo in 1543, saying:

"This Constitution is observed in all the kingdoms and dominions of Spain, except Sicily, where, in the year 1543... there was a very great commotion at Palermo when the people rose against the Holy Inquisition and tore off the infamous Cloaths from the walls of the church dedicated to St. Dominic, with so great a fury and a rage, that they could never to this day fix them up again upon the walls either of that, or any other church." (13)

A decree of the Roman Inquisition made in 1627 ordered hanging sanbenitos to be removed from the cathedral of Faenza and to be secretly

burned.¹⁴ Whereas the Inquisition rejected the exercise of this practice in the territories in Italy, the Spanish Inquisition not only devised this method of projecting shame into the lives of generations yet to be born, but continued doing so until the early part of the nineteenth century. The reason for suspending sanbenitos does not vary from one commentator to another. Appendix C of this work sets out the views of the authors of some of the sources drawn upon: the list is intended to be no more than a selective one, since a comprehensive one would be unwieldy and unnecessary.

Limpieza de sangre (Purity of Blood)

Chapter V (above) has shown how the Spanish Church discriminated against the Jews from the opening centuries of the Christian era, beginning with the Council of Elvira in 303 AD, passing through a series of Councils of Toledo and on until the year 694 AD. The Council of Arles in 1234 added its quota of decrees, and the Fourth Lateran Council gave fresh impetus to the whole process. Then the anti-Jewish persecutions of 1391 split Spanish society into two parts: the first, through the forcible conversion of Jews, now to be known as Marranos (Swine); and the other part, the Old Christians whose ancestry supposedly contained no mixed blood at all. For a very long time, the Spanish people were, to a large extent, an admixture of Spanish, Arab, and Jewish blood; three religious faiths had co-existed side by side, but the day had come when deviation from any one of them was regarded with suspicion. A man could now be suspect on account of his race as well as his faith, for racial and religious deviation were readily equated in popular thinking.

Because of national triumphs in the fifteenth century such as the

discovery of America, the final surrender of the Moors to Christian Spain at Granada, and the later expansion of Spanish influence into Europe, certain tensions were set up in Spanish society. The populace were inspired by new notions of "honour", modelled on the virtues of the Old Christian nobility, and which had worked downwards, permeating the humblest level of the social classes. Such pride could not be shared by other than Old Christians, and thus, Jewish conversos could claim no part in it. Their exclusions took the form of racial discrimination in the secular world as well as in the Church. The university of Salamanca forbade the employment of anyone who was not 'limpio'; nor were any such to be admitted to membership of its colleges. In fact, the notions of impure blood had taken root in the early part of the century before the upsurge of national pride. The edicts appertaining to Salamanca were firmly established by 1522. In 1488 the university of Valladolid passed similar regulations, the monastery of St. Thomas Aquinas in 1496, and the university of Seville followed on in 1537.¹⁵ Jews, and those of mixed Jewish (or Moorish) blood were seen as a threat to the continuance of Old Christian Spain, and therefore were a dangerous element which should be controlled, or ideally, ought to be eliminated. Most of the noble families of Castile and Aragon were of converso blood, whereas the common people, whose origins were difficult to trace (since the genius of the Jewish race tended to carry them to the highest positions), presumed themselves to be pure Old Christians, and therefore had as equal a claim to honour and purity of blood as any of their social superiors.

The Catholic Monarchs tended, possibly as a counter to the influences of a powerful aristocracy, to appoint men of lowly birth to high office in the Church. Jiménes and Deza, the Inquisitors-General who followed

Torquemada were of this order. In 1546 another one, Juan Martínez Siliceo, was made archbishop of Toledo, a man conscious of his plebeian origin among the high-born canons of the cathedral; he was also as much aware of his own 'limpieza' as he was of their converso ancestry. A clash arose within the cathedral chapter over the proposed appointment to a canonry, of a known converso. The Archbishop turned the application down, and it was quickly recognized that his action which favoured the exclusiveness of the 'limpieza' doctrine, would result in subsequent appointments of humbler and uneducated men to dignities, prebends and canonries in the Church. Siliceo was determined to have his own way, and in 1547, he managed to enforce a statute which made purity of ancestry a condition of ecclesiastical appointments. The Statute of Toledo (1547) says in Statute I:

"Que de allí en adelante todos los clerizantes, capellanes, beneficiados, racioneros, canónigos, y dignidades de la iglesia metropolitana habrian de ser cristianos viejos o personas ilustres y nobles, a fijosdalgo, o letrados graduados en famosa universidad, excluidos de todo officio en la misma Iglesia los descendientes de judios o moros." (16)

In a few years, the example was followed by many ecclesiastical and secular corporations in Spain. The Pope ratified the Statute in 1555, and in the next year it received royal assent. In this manner was born yet another source of persecution and humiliation for numbers of people whose only offence was not one of religious deviation, but the mere accident of birth, for now, orthodoxy in the Faith and purity of race were officially associated. The doctrine of 'limpieza de sangre' was espoused by the lower levels of Spanish society because they saw, in their own freedom from the Jewish taint, as much reason for 'honour' as did those whose claim rested on superior rank and high birth. Moreover, converso blood meant heresy, and all the disqualifications

that followed from having an ancestor who had been condemned to the sanbenito for heresy, also operated against any who could not prove their pure Old Christian descent.

Consequences of 'limpieza de sangre'

From the time that purity of blood was required for taking office in the Inquisition, for admission to a religious community, or for holding a position in a secular organization, so there arose the task of proving the validity of any claim to 'limpieza'. Since Moors had married in Spain for about seven hundred years, and Jews for more than a thousand, and because there were many forced conversions of both races, there was certainly much impure blood in Spain. Investigations could be long and exacting, during which time there was always the possibility of some forgotten or hidden information coming to light which could bring misery in its train. Overall, a sense of insecurity and fear was generated, and the application of the 'limpieza' statutes became as dreaded as were other operations of the Inquisition. The effects of impurity on a family could be very serious where its members may have been sound Catholics for possibly three centuries, but because a distant trace of other blood had been detected, the way to normal careers or other aspirations was now closed. The life of Spain was infected by this mania and large numbers of additional victims fell into the hands of the Inquisition.

Meanwhile, the sanbenitos of condemned heretics continued to be put up. A new use was found for these yellow emblems of shame, since the inscriptions they carried could be used to test claims of 'limpieza'. Valdés recognized this, for in his Instructions of 1561, Article XIV said that the accused shall be afterwards examined on his genealogy; he shall

be asked if he is married...; how many children he had by each marriage, their age as well as their rank and place of dwelling. The recorder shall write down... each name at the beginning of a line, because this practice is useful in consulting registers to discover if the accused is not descended from Jews, Moors, heretics, or other individuals punished by the Holy Office.¹⁷ The relentless pursuit of infamy can be seen, when in Tortosa in 1577, the Inquisitor examined local hung sanbenitos and classified them into, firstly, those whose trials could be identified and those of whom no trace could be found in the records; secondly, the penalties imposed were set out. These lists were then put before two of the oldest inhabitants, a priest and a notary, who deposed evidence about the culprits (from memory), particularly if they had changed their names.¹⁸

An important consequence of the doctrine of purity of blood was that power gradually came into the hands of narrow Old Christians of conservative views, while the educated nobler classes were not allowed to exercise their learning or talents for the good of a Spain now governed by a minority of 'limpios', leaving the rest of the people a discontented majority. From this state of affairs it was felt that some change should be made in the application of the statutes, and in 1623, a Junta de Reformación drafted rules that would modify them. One change stated that one proof only of 'limpieza' need be furnished when seeking office, and no more when a change occurred. Then it was laid down that printed matter listing the descent of families from Jews, including the Libro verde de Aragon be destroyed.¹⁹ Unfortunately, these, and other alterations did not herald further easements of the misery that the doctrine brought about, for after much discussion throughout Spain, there were no more additions to these 1623 measures, and demands for proof of purity of blood prior to appointments to the Church and State

continued, as did the hanging of sanbenitos in the churches.

The persistence of the practice of suspending Sanbenitos

During the period following the proposals of the Junta in 1623, there appeared to be a certain lack of zeal among the churches for suspending sanbenitos in their precincts. This is not surprising since the clergy themselves regarded the presence of such objects as a desecration of their sanctuaries. The Valencia Tribunal discovered in 1642 that many of these garments which had fallen down, had not been put back. An investigation and report stated that all available places were taken up, and that every single sanbenito needed some attention if it were to be preserved.²⁰

Such an attitude could not be let pass, and so the Suprema in 1657 issued a general instruction, a "carta acordada" that in all the cathedrals and parish churches, a check of hung sanbenitos should be made, that any gaps should be filled, delapidated ones repaired, and that where the inscriptions have become illegible, they should be renewed. If the Suprema's orders managed to inspire enthusiasm in the cathedral chapters, it was short-lived, for once again in 1691, the Suprema was calling for reports as to how long sanbenitos had ceased to be hung in the churches, so that it might take appropriate action.²¹ On the face of it, the custom seemed to be in decline, and if this be true, it was not equally true that it was about to be abandoned, for in 1753 when an offender was burnt in effigy in Valencia, two sanbenitos were suspended, one in the cathedral and one in the parish church.²² But twenty years later, the Valencia Cathedral sanbenitos were taken down during restoration work and never rehung. Then in February 1813, the Cortes of Cadiz abolished the Inquisition and a decree issued at

the same time referred to Article 305 of the Constitution that directed that punishment should not extend beyond the convicted person, and that any records or articles perpetuating his shame should be removed or destroyed.²³ However, the conditions in Spain, and the prevailing social atmosphere did not contribute towards immediate obedience to this order, and it was some while before the abolition of these garments was carried out. In Mallorca, for instance, the sanbenitos were taken down from the church of St Domingo, stored away, and then rehung after the restoration of 1814 when Fernando VII revived the Holy Office.

One can wonder at the long drawn-out reluctance to put an end to the public exhibition of a convicted heretic's shame. The willingness of the Holy Office openly to humiliate families whose only offence (in many cases) was to number among their ancestors one who had fallen victim to the Inquisition, appeared endless. Appendix D will show how the evil persecuting spirit continued over three centuries, and when it finally expired. The cult of 'limpieza de sangre' lasted a little longer. The efforts of the Inquisition had, by the start of the eighteenth century eliminated so many apostasising conversos that the Jewish question was resolved, thus making the requirements of 'limpieza' superfluous. But since it formed part of the social system rather than being a religious question, it slightly outlived the Inquisition. A royal order of 1835 abolished its application in some matters, and in 1865 it was abolished in the case of purity for marriages, and for most government appointments, and thus, for all practical purposes, it passed out of existence.

Decline of the Auto Público General

Those great public displays of the power of the Inquisition, the Auto Público, conducted with a pomp and grandeur that both attracted a fascinated public and also horrified it by the grisly spectacle of fellow human beings degraded in front of the whole populace, were not the whole range of the Inquisition's activities. The jurisdiction of the Holy Office covered a wide field of relatively minor offences such as blasphemy, sexual sins, indecent works of art, sorcery, and the casting of spells, all of which were dealt with without exposing the accused persons to public view. Numbers of clerical offenders were dealt with in this way. Such smaller ceremonies, called Autos Particulares, or Private Autos, were often carried out in a church or sometimes in an audience chamber from which the public were not necessarily excluded, but merely restricted as to numbers. During the seventeenth century when the Inquisition began to experience financial stress owing to the diminishing sources of confiscation, and to the weight of royal exactions, the numbers of Public Autos grew less. The last great spectacle in Seville was celebrated in 1660. Even before this time, public events of this sort might have been abandoned had it not been for the rule that judgements of blood must not be made in a church: a certain hesitation therefore arose in the readiness to pronounce the death penalty. Where the extreme penalty was unavoidable, it was occasionally the practice to transfer the convict from one Tribunal to another where there was a better prospect of a public Auto being held. In Valencia in 1635, a Morisco was condemned for pertinacity, but there was no Auto to carry out the sentence. He was sent to Valladolid to be burnt there: after two years, Valladolid reported that there was no hope of a public Auto, so he was transferred to Saragossa.²⁴ The degree of fanaticism then

still alive in Spain can be judged when a victim is handed around until somebody is found who will burn him.

There was no improvement in the already straitened resources of the Inquisition, and reconsideration was given to the rule governing blood judgements made in a church, especially as the numbers of people to be relaxed was growing. In 1690, the Suprema informed the king that it was no longer possible to conduct great Autos with the pageantry and solemnity of former times,²⁵ and so the grim processions that personified the humiliating character of public penance were no more.

If the means to stage Public Autos had now virtually vanished, the malignant spirit that impelled them, remained the same. When the new Bourbon king of Spain, Philip V, took the throne in 1701, the Inquisition, as though making a last effort to display its authority, arranged an Auto-de-Fe in his honour. His refusal to attend dealt the Holy Office a severe blow, for, influenced by the French court, he was convinced that there could be only one head of a state, and that was the monarch. Therefore, his rebuff did not arise from humanitarian feelings but from a wish to make it clear that the Inquisition would now stand in a different place from any it had occupied at any time since 1480. Indeed, mass persecution began to decline from then onwards. There was still much pomp and show in the churches where Autos Particulares were held and numbers of victims and effigies were still sent to the quemadero, or burning-ground, but the proceedings were conducted more economically. Thereby the Inquisition lost not only one of its chief means of impressing the people, but also a weapon to intimidate the populace into conformity with the orthodoxy of an all-powerful Catholic Church.

Notes on Chapter VII

Public Humiliation is extended

1. Carbonell de Gest. Haeret (Col de Doc de la C. de Aragon, XXVIII, 50-51), from Lea, III, p. 165 (footnote).
2. A.S.I., lib 939, fol 117, from Lea, III, p. 165 (footnote).
3. Cortes de Castile e Aragon, Instruc. 20, from Llorente, p. 86.
4. Llorente, p. 93
5. B.N. MSS S 21, from Lea, III, p. 166 (footnote).
6. 'Proceso de Lope de Leon 1548', in Colección de documentos inéditos para la historia de España, 10 (1847), 166 (Kraus reprint, 1975).
7. A.S.I., lib. 942, fol 12; lib. 949, fols. 68, 108, 109, from Lea, II, p. 406 (footnote).
8. A.S.I., lib 72, fol. 30; lib. 939, fol. 117, from Lea, III, p. 167 (footnote).
9. A.S.I., lib. 942, fols. 15, 20; lib. 939, fol. 117, from Lea, III, p. 166 (footnote).
10. A.H.N., lib. 497, fol. 50, from Llorente, p. 252
11. A.S.I., lib. 939, fol. 272, from Lea, III, p. 169 (footnote).
12. Montani, S. Inquisit hisp Artes aliquot detectae (Heidelberg, 1567), from Lea, III, p. 424 (Footnote).
13. John Marchant and others, p. 384.
14. Collectio Decretor, S. Congri Sti Officii, p. 205, from Lea, III, p. 172 (footnote).
15. A.S.I., lib. 939, fol. 109, from Lea, II, p. 287 (footnote).
16. Amador de los Rios, p. 818.
17. Instrucciones de 1561, Arguello, fol. 38, from Llorente, p. 231,
18. A.H.N., Inquisición de Valencia, leg. 98, from Lea, III, p. 170 (footnote).
19. Novis Recop., lib. 11, tit. 28, ley 22, from Lea, II, p. 307 (footnote).

20. A.H.N., Inquisición de Valencia, leg. 2, fol. 89, from Lea, III, p. 169 (footnote).
21. A.H.N., Inquisición de Valencia, leg. 10, N^o 2, fols. 41, 117, from Lea, III, p. 171 (footnote).
22. A.H.N., Inquisición de Valencia, leg. 30, fol. 40, from Lea, III, p. 171 (footnote).
23. Schaff-Herzog Encyclopedia of Religious Knowledge, New York and London, 1911), X, p. 196. "Sanbenito"
24. A.S.I., leg. 552, fols. 17, 22, 23, from Lea, III, p. 223 (footnote).
25. A.S.I., lib. 42, fols. 291, 308, from Lea, III, p. 225 (footnote).

Chapter VIII

Shame as a social weapon in the European witchcraze
and in the InquisitionGrowth of a craze

During different ages there have been minority groups in various societies who believed themselves threatened by the activities of others within their communities. Their anxieties, impelled by fear, may have become paranoid, and even if the focus of the paranoia changed from one fashion in belief to another in different eras, the basic emotion remained constant. The modern man who thinks the communists, the blacks or the capitalists are conspiring against his welfare, harbours the same brand of fear that caused his mediaeval ancestor to denounce witches. Another constant factor is the tendency to ascribe the evil, not to the efforts of any single individual, but to an organized conspiracy of ill-wishers; from this emotion grows a collective prejudice against the supposed organization. If the prejudices and fears are fanned to an intensity of paranoia by preaching, teaching or other means of communication, then a real danger arises that emotions may boil over into vengeful action wherein death and destruction could fall upon guilty and innocent victims alike. In a popular phrase, a "craze" may have started. An accepted image, or stereotype of the enemy forms in the public mind, transforming the action from the simple persecution of known transgressors into a system that goes out to meet its victims, who frequently are people who have committed no actual crime, but somehow must be fitted into the image of the stereotype.

Components of a craze

In order to draw valid conclusions within our particular field of "shame" about the need for the existence of the Holy Office during the times of the Spanish Inquisition, and also to find an explanation for its sustained activities against heretics, it will be useful to set down some of the component parts of the psychology of a witchcraze, and to find out by comparison with the evidence given in this thesis, whether or not these two social phenomena were actually manifestations of the same thing. The concluding section of this chapter summarises what I believe happened.

1. Social, political or religious intolerance provides an initial impetus for a craze. We see this in the case of the massacres of Jews in 1391, and the new laws of 1411, which show the rising tide of anti-Jewish emotion (see Chapter V, pp. 57-59).
2. An "enemy" is singled out: Jews, communists, etc. who are blamed for all evil and uncertainty, become the stereotype for the craze. Thus, the details of the Edicts of Faith point firmly to Jewish apostates as the ones to be feared (see Chapter V, pp. 62-65; and Appendix A gives the names of conversos holding high office).
3. The "truth" of subversive activities is confirmed by confessions. Since both accused persons and witnesses could be tortured, confessions obtained in this way are suspect (see Chapter IV, note 24, p. 52).
4. Persecutors often obtained official authority or influential positions in order to proceed; i.e. society implicitly sanctions their efforts. Thus, Ferdinand and Isabella secured independence from the Pope in order to proceed in their own way (see Chapter V, p. 59). The Pope ratified the doctrine of 'limpieza de sangre' in 1555; Philip II

- followed suit in 1556 (see Chapter VII, pp. 89-91). Royal support was given for public Autos-de-Fe (see Chapter VI, pp. 75-77).
5. As the craze develops, the growth of hatred and intolerance, which is the madness of the craze, causes all deviant behaviour to become suspect. This is seen in the minutae of the Edicts of Faith that indicate the triviality of what constituted heresy (see Chapter V, pp. 61-62). A man preaching Lutheranism was first ignored as mad, but eventually was condemned (see Chapter VII, pp. 84-89).
 6. Accompanying the craze are false accusations, torture, forced confessions, ruined reputations, and death. This is clear in the humiliation of victims having to wear the sanbenito in public; having to appear in a public Auto-de-Fe (see all of Chapter VI), and the varieties of other punishments inflicted (see Chapter VI, pp. 70-73), as well as the continued forcible humiliation of hanging sanbenitos in churches; and the doctrine of 'limpieza de sangre' (see all of Chapter VII).
 7. Mythological 'truths' are passed on to descendants in the language of local folklore, thereby prolonging the craze. This is demonstrated in just two ballads of the fourteenth century which speak of the alleged activities of Jews (see Appendix B).
 8. Sceptics who would speak out, risked accusation and persecution, thus the craze continued. We know the names of some distinguished Spaniards who were denounced and dealt with by the Inquisition (see Chapter VI, pp. 78-80).

Conclusions

Throughout the period of the Inquisition, fanatical Christians seemed to be obsessed with the desire to force others to believe what they

believed, without regard as to how this aim was to be achieved. If conformity of creed was not attained through the preaching of the friars or by the 'gentle' persuasions of the priests, then the erring ones had to be exhibited publicly as a demonstration of the power and authority that the Church possessed to enforce their submission by exposing them in the street to open humiliation which was often a prelude to a gruesome death. Those who confessed their sins were allowed to discharge their guilt by submitting themselves to forms of public penance no less shameful than those inflicted on the unrepentant. The violent reaction of the Holy Office to heresy, which, for the greater part meant Jewish apostasy, must be seen, not as a sacrament of reconciliation befitting those who were professed followers of Jesus Christ, but as a systematic persecution of those whom it feared. Since fear feeds upon itself and grows if it is not checked, then the measures taken by the fearful ones (in this case, the Catholic Church) to control its apprehension can gradually become more and more unstable and excessive. If this is true, and I believe that evidence to this effect has been set out in the corpus of this thesis, then it also seems to be true of the measures that were taken in northern Europe to blot out the activities of so-called witches by exactly the same catalogue of suspicion, whispers, denunciations, outright accusations, and false evidence followed by tortures, forced confessions, and shameful public exhibitions of victims, all of which frequently led to miserable deaths. Witches who were not executed were ostracized, mocked, isolated from communal activities, and treated as socially diseased individuals; where they could not be eliminated altogether, the society in which they were found attempted to insulate itself, not from any infection by sorcery and magic, but from its own unreasoning terror of something that did not really exist. The insulating matter consisted of the shame and

degradation of its stereotype.

The Spanish Church feared heresy (of a kind for which it formulated its own definition) and sought to dispose of it in order to remove the cause of its own fears. Since it could hardly embark on a campaign of genocide of New Christians (we are reminded of a twentieth-century attempt), methods were devised for permanently separating Catholics from apostates, by outlawing the offenders through measures that would uphold before public notice the shame and disgrace of both the heretics and their descendants.

If the peoples of the sixteenth and seventeenth centuries were attempting to ward off the activities of Satan in their midst, whose agents they believed the witches to be, so Spain found in the Inquisition a grotesque social weapon with which it could protect itself from the threat of Jewish domination of its Faith and its resources. The witchcraze and the heresy craze were not very different from one another.

Our original folktale seems a long way off, yet we have hopefully managed to uncover some of the intricacies and the reasons for its continued existence. Shame, and its public manifestations find their way like a cancer into the most solid of religious and social structures: it is closely linked with extirpation of heresy and of witchcraft, for they are its most obvious background, particularly within an ecclesiastical context. The sufferings of ordinary citizens and fellow humans were the sacrifices offered up on the altar of fanatical church institutions, all these comprising men who were convinced they were doing Christ's work in an evil world populated with demons. Will we ever be rid of the urge to bring others into public shame, to make them a spectacle of revulsion and mockery?

Appendix A

Conversos holding important offices at the beginning
of the reign of Los Reyes Católicos
in the year 1477

Aragon

State Appointments

Mosén Miguel de Almazán, Secretary to Royal V-Chancellor.

Gaspar de Barrachina, same as above

Luis Sánchez, 2nd treasurer to Royal V-Chancellor

Gabriel Sánchez, Chief treasurer to Royal V-Chancellor

Francisco Sánchez, Chief Steward to Royal V-Chancellor

Alonzo Sánchez, Treasurer-General of Valencia

Francisco Gurrea, Governor of Aragon

Luis Santangel, Councillor of the Crown

Luis Gonzalez, Keeper of Aragon

Miguel de Sevilla, Secretary to the Courts of Justice

Jaime de Luna, deputy in the Courts of Justice

Church and Military Appointments

Juan de Albión, Governor of Perpignan

Martin de la Caballería, Commander of the Fleet at Mallorca

Mosén Luis Santangel, Mayor of Pamplona

Pedro Monfort, Vicar-General to the See of Zaragoza

Juan Cabrero, Archdeacon in the See of Zaragoza

Lopez Pazagón, Prior of St Maria del Pilar (Zaragoza)

Juan Artal, Prior of La Seo (Zaragoza)

Castilla

Pedro de Cartagena, Counsellor at the royal court

Pedro Arias Dávila, same as above

Gonzalo Franco, Chief accountant at the royal court

Juan de Maluenda, Bishop of Coria

Alfonso de Valladolid, Bishop of Valladolid

Alonso de Palenzuela, Bishop of Cuidad Rodrigo

Pedro de Aranda, Bishop of Calahorra

Hernando de Talvera, the Queen's Confessor

Pedro Diaz, Canon of Sevilla (23)

Appendix B

From the first days of the Papal Inquisition of 1232, the Dominicans and Franciscans had consistently brought before the general public the horror of heresy, particularly in the *Sermo Generalis*. This brand of preaching continued into the times of the Spanish Inquisition, when each auto-de-fe was accompanied by a sermon intended to influence public attitudes to heresy. And if the populace held heresy in revulsion, no less did they hate the heretics, who were for the most part converso Jews who had lapsed into their original Judaism. Therefore, it is not surprising to find among the popular songs of those days, ballads (romances) whose verses vilifying the Jews reflected the contemporary public mind, and also served to pass on to following generations the Catholic hatred towards these unfortunate people.

The two following romances (reproduced in part) will indicate popular notions of the alleged converso activities.

The Jew of ToledoEl Judio de Toledo (Anonymous, 1324)

En la ciudad de Toledo
Hermosa, apacible, y bella,
Residia una señora,

In the city of Toledo,
Lived a handsome, placable, and beautiful
woman

Casóse con un mancebo
Y vivía tan contenta,

She was married to a young man
and lived quite contentedly.

Que son dos cuerpos y un alma.

Like two bodies and one soul.

¡Mas ay, que es engaño visto
Quien engaña su alma mesma!

Alas! what a decision - he turned out
to be
who deceives his own

Perverso y desesperado

perverse and desperate soul.

No solo no adora á Dios

Not only did he not worship God,

Mas olivida las grandezas

*but he forgot the greatnesses
of almighty God*

De Dios todo poderoso

Mientras él siendo de noche

When it was night time

Se iba a un pajar que tenia

He used go to a barn that he owned,

Y de entre la paja mesma

and from out of the straw itself

Sacaba un divino Cristo

He would take out a divine Christ

En una cruz de madera;

and on a wooden cross;

Se encerraba en una sala,

shut himself in a room

Y con grande inobediencia

and in great disobedience

En quel suelo lo echaba

would throw it to the floor

Pronunciando mil blasfemias,

Pronouncing a thousand blasphemies

Y con muchas malas palabras

and with many wicked words

Ofendida la pureza

offend the purity

De aquel Padre de la gracia,

of the Father of Grace.

Tres anos vivi6 observando

He went on for three years, observing

Esta ley de infame secta,

the law of the infamous sect - (Jews)

etc.

The seven Jews of RomeLos siete Judios de Roma (Anonymous, 1325)

Suplico me deis aliento

Para referir despacio

El caso mas horroso

El suceso mas tirano

Que ha inventado la herejía

Y el judaismo malvado.

En el gran corte de Roma

Adonde está el Padre Santo

En esta corte vivían

Siete hombres afamados

Que la gente los tenia

Por nobles y por hidalgos.

Estos son de una familia

Que vino allí, ha pocos años

De la ciudad de Valencia

Hacian muchas limosnas,

Visitaban sanctuarios,

A misa iban todos juntos

Todos los días del año.

Y una mujer, que tambien

Con ella habian hecho un trato

De que se ha de confesar

Veinte veces en el año,

I now do breathe
 To speak this slowly
 The most horrible case
 The most horridous hapening
 That heresy and all such kind of things
 has ever invented.

In the great court of Rome
 where the Holy Father is,
 lived in his court
 Seven infamous men
 that the people took to be
 nobles, or the sons of gentlefolk

They are all of the same family
 that came there, a few years ago
 from the city of Valencia.

They freely gave alms,
 visited holy places,
 went to Mass together
 every day of the year.

And a woman, that also
 with whom they had made an
 agreement
 who had to go to confession
 Twenty times a year

Y que, al tiempo que comulgue
 Se ha de retirar a un lado,
 Y se ha de sacar la Forma
 Y cogiéndola en un paño
 Se la entregue a los judios.

 Entra dentro la justicia
 Y al punto que los cercaron
 Maniatan a todos siete
 Y a la carcel los llevaron
 De la santa Inquisición
 Donde a tres dias pasados
 Los sacaron a la plaza
 Y al punto los han echado
 En un horroroso incendio
 Donde murieron quemados. (24)

And who, as soon as she had
 received communion,
 should move to one side
 And take the "wafer" out of her mouth
 And, wrapping it in a handkerchief
 Hand it over to the Jews.

Authority stopped in
 and quickly rounded them up.
 Handcuffed all seven of them
 and carried them to the prison
 of the Holy Inquisition,
 where, after three days
 they took them to the plaza
 and promptly hurled them
 into a great bonfire
 where they burned to death

Appendix C

<u>Author</u>	<u>Work</u>	<u>Comment made on hung sanbenitos</u>
H.C. Lea	<u>History of the Inquisition of Spain</u> , 4 vols., (London, 1907), III, p. 165.	"Spanish ingenuity invented a still more cruel use of it to stimulate the detestation of heresy... The object was the cruel one of perpetuating the infamy of the victim and rendering it as galling as possible to his kindred and descendants."
A. Michener	<u>Iberia</u> (London, 1968), p. 766.	"One of the most fearful aspects of the Inquisition was that it insisted upon the display in the parish church of a condemned man's Sanbenito for at least ten generations, with his name clearly upon it, the purpose being to condemn that man's children throughout the same ten generations."
Jacob R. Marcus	<u>The Jew in the Medieval world</u> (U.S.A., 1960), p. 178.	An account is given of a condemned woman, who, in 1568 wore a sanbenito; it was then hung, and "an ineffaceable stain was cast on her kindred and descendants."
H. Kamen	<u>The Spanish Inquisition</u> (London, 1965), p. 127.	"There is no doubt that the deliberate aim was the perpetuation of infamy."
C. Roth	<u>The Spanish Inquisition</u> (London, 1937), p. 109.	"... it was generally hung up in the parish church of the delinquent, accompanied by a suitable inscription, the family of the wearer thus marked out as objects of lasting humiliation and suspicion."
A.S. Turberville	<u>The Spanish Inquisition</u> (London, 1932), p. 103.	"it expose the wearer to derision or insult when he was abroad in the street, or at his work... a lasting memorial of the shame the wearer incurred, and as a warning to his descendants... The Inquisition plainly attached great value to the Sanbenito system."

Schaff Herzog
Encyclopedia of Religious
Knowledge (London 1910), X
p. 195. (article on the
sanbenito)

"In order to increase the detestation of heresy, and to deter from committing such a crime, a new use of the garment was devised. The sanbenito... was hung in the churches, this having in view the perpetuation of the memory of the offence."

Jewish Encyclopedia
(Jerusalem, 1971), VIII,
p. 1405. (article on
the Inquisition)

"After it was removed, it was generally hung up in the parish church of the delinquent... thus marking out the wearer and his family for lasting humiliation."

The following writers give no specific reason for Sanbenitos being suspended in churches:

José Amador de los Ríos, Historia de los Judios en España y Portugal (Madrid, 1960).

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Appendix D

The table shows how long the practice of hanging sanbenitos in churches persisted in Spain. The dates indicate the imposition of various Instructions; the attempts to modify such orders; and the cancellation of attempted modifications. The list is a summary of what has already been said in the work, and most items will be found in the body of the text.

<u>Date</u>	<u>Subject Matter</u>
1490	Barcelona: probable origin of hanging Sanbenitos in churches.
1512	Instructions from Suprema to hang sanbenitos in the church of Campo de Calatrava.
1518	Humane proposals (e.g. not to wear sanbenitos in the streets) cancelled by Adrian, Inquisitor-General.
1531	Complaints to Suprema about hung sanbenitos; suppressed.
1532	Tribunals ordered to hang <u>all</u> sanbenitos in local churches. No exceptions whatever to be allowed.
1538	The injustice of "no exceptions" caused this clause to be revoked.
1539	The 1538 revocation was cancelled.
1548	Suprema ordered a check on all sanbenitos already hanging.
1552	A second attempt to revoke "no exceptions" clause of 1532 was suppressed.
1555	The full force of Instructions of 1532 was re-imposed.
1556	Royal assent given to doctrine of 'limpieza de sangre'.
1561	New Instructions from Valdés: "no exceptions" clause to be abolished.
1569	Suprema orders a check on all sanbenitos hanging in churches

By this time, the great part of Judaisers had been detected and wiped out, and the number of new sanbenitos hung, had diminished. An influx of Jews from Portugal revived the activities of the Inquisition.

<u>Date</u>	<u>Subject Matter</u>
1595	Philip II instructed the Inquisitor-General to hang up all Sanbenitos, including any never hung before.
1600 } 1607 }	Philip II's instructions of 1595 urgently repeated
1657	A 'general acordada' ordered a check to be made on all hung Sanbenitos, and <u>all</u> gaps to be filled.
1691	Suprema calls for a report on how long Sanbenitos have not been hung. Arrears to be made up.
1753	A heretic burnt in effigy in Valencia; two sanbenitos hung, one in cathedral, the other in the parish church.
1783	After restoration work in Valencia Cathedral, Sanbenitos were not re-hung.
1813	The Cortes of Cadiz ordered the abolition of hung sanbenitos.

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Abbreviations

A.S.I. Archivo de Simancas
A.H.N Archivo Historico Nacional
B.N. Biblioteca Nacional

Latin Translations for Chapter II

N^o 4: Tertullian in "Liber ad Scapulum" (27)

"However, it is a human right and a unique natural power that one believes in whatever he chooses; neither is it harmful that another religion commends itself. It is not the part of religion, whatever is one's own free will, to make anyone obliged to adopt that way."

N^o 5: Origen "De Oratione" XXVIII (28)

"There are men who have been filled by Jesus with the Spirit, like the Apostles. It can be seen from their fruits that they have received the Holy Spirit and become spiritual through being led by the Spirit, as the Son of God was and so behaving reasonable in all respects. Such men forgive what God forgives, and when sins are incurable, they retain them."

N^o 6: Origen "Homilies" I. 15 2 Leo (29)

"Sins like that can be atoned for at any time; you are never forbidden to do penance for such sins. Where greater sins are concerned, penance is allowed only once."

N^o 7: Tertullian "De poen" X (30)

"If we conceal something from Man's notice, shall we be able to conceal it from God? Is it better to be damned in secret than to be absolved in public?"

N^o 9: Tertullian "De poen" IX (32)

"Exomologesis commands that you lie in sackcloth and ashes, that you cover your body with filth... that you lament, weep, and groan night and day... when, therefore, it casts a man down, the more it raises him up; when it makes him dirty, the more it restates the command. These things doeth exomologesis that it may command repentance and that by means of temporal afflictions, it may discharge the eternal penalties."

N^o 10: Tertullian "De poen" XII (33)

"If you draw back from Exomologesis, bear in mind the hell that exomologesis will quench for you."

N^o 13: Ambrose "De Poen" II (36)

"He who does penance must not only bathe his sin in tears, but must also veil and cover up his outward faults by means of worthier actions, so that his sin is not imputed to him."

N^o 14: "Opera Omne" (37)

"It is urged as a duty, for heretics are not worthy: Severity prevails, not persuasion."

N^o 15: Augustine "Epistolae 133" (38)

"Do not lose now that fatherly care which you maintained when prosecuting the examination, in doing which, you extracted the confession of such horrid crimes not by stretching them on the rack, not by furrowing their flesh with iron claws, not by scorching them with flames, but by beating them with rods, a mode of correction used by parents themselves in chastising children. The necessity for harshness is greater in the investigation than in the infliction of punishment. Wherefore it is generally necessary to use more vigour in making inquisition, so that when the crime has been brought to light, there may be scope for displaying clemency."

N^o 16: Augustine "Epistolae 185" (39)

"For a law had already been published that the heresy of the Donatists, being of so savage a description, that mercy towards it involved greater cruelty than its very madness wrought, should, for the future, be prevented, not only from being violent, but from existing with impunity at all: but yet no capital punishment was imposed upon it, that even dealing with those who were unworthy, Christian gentleness might be observed, but a pecuniary fine was ordained, and a sentence of exile was pronounced against their bishops or ministers."

N^o 17: Caesarius "Sermo 258" (40)

"Divine mercy outweighs everything; by means of a lowly and compunctious penance... and by bestowing alms, is not the severity or justice of God mitigated?"

N^o 19: Cyprian "De Lapsis" (42)

"All around us we see the tortures of those who have denied their faith, and we mourn for their sad end. They cannot go unpunished even in this world, although the day of judgement is not yet come. Meanwhile, certain are chastised that others may be corrected. The torments of a few are examples for all..."

N^o 20: Cyprian "De Lapsis" (43)

"Therefore my brethren, I beseech you each one to confess his faults, while he is yet on earth, while confession is open to him, and the atonement and the remission which is in the hands of his priests, are still valid in the eyes of the Lord."

Latin Translations for Chapter III

Council of Chalons 813, Canon 38: (1)

"Moreover, the measure of penance to those who confess their sins should be imposed, as was said above, either by the institution of the ancient canons, or by the authority of the Holy Scriptures, or by ecclesiastical custom, the books which they call penitentials being repudiated and cast out which contain certain errors, and are of uncertain authors."

Council of Paris 829, Canon 32: (2)

"Since many priests partly through carelessness and partly in ignorance, decide to impose a mode of penance other than by the canonical oath, they undoubtedly possess those books, written contrary to canonical authority, that they call penitentials."

Fasting (Short period): (3)

"If, through necessity anyone steals articles of food, or a garment, or a beast, on account of hunger or nakedness, pardon shall be given him. He shall fast for four weeks."

Fasting (Long periods): (3)

"On account of fornication, moreover, many men do not know the number of women with whom they have committed fornication; these shall fast for 50 weeks."

Redemption of Slaves: (4)

"If any one of the Christians sees a Christian walking about, or one of his own relatives wandering, and sells him, he is not worthy to have a resting-place among Christians until he redeems him. But if he is not able to find the place where he is, he shall give the price which he gave for him, and shall redeem another from servitude and fast 28 weeks."

Flagellation: (5)

"If the priest stammers over the Sunday prayer which is called 'perilous' - once, fifty psalms; a second time, a hundred strokes."

Singing: (6)

"Penitent brothers and poor men, a penance of psalms, that is, for those who are required to sing psalms on account of a vision in the night, since, for an illusion of the devil; or because of the nature of the vision, some ought to sing 24 psalms in order, others, 15, other poor men, 12 of the psalms, in penance; although, on Sunday night and in the time of the 50 days (Easter to Pentecost), penitents shall kneel.

Exile (from Columban): (7)

"If a cleric commits homicide and slays his neighbour he shall do penance in exile 10 years. Thereafter, he shall be admitted to his own country if he has well performed his penance on bread and water... But if he does not make satisfaction to the man's parents, he shall never be admitted into his own country, but shall be like Cain, a vagabond and a fugitive upon the earth."

Almsgiving (from Columban): (8)

"After two years, having previously given alms to the poor from his labour, and a feast to the priest who administered his penance, he shall be absolved from the guilt of his evil course."

Vigils (Boniface): (9)

"For one day the 'Beati Immaculati' four times, and six times 'Have mercy on me, O God' and five paternosters, and prostrating himself on the ground 70 times with sighing, he shall say the Pater Noster. This he shall do for one day. If he prefers not to sing psalms, yet is willing to do penance, he shall frequently prostrate himself in the oratory, and say 100 times 'Have mercy on me, O God' and 'Forgive my sins'. This he shall do for one day."

Cassian "Collationes": (11)

In the same way, for other wounds such as anger, sadness or impatience, by opposing them with contrary things, healing is brought about."

Penitential of Columban: (14)

"If any layman through ignorance communicates with heretics, he shall remain separated from other Christians for 40 days and for two other 40-day periods among the penitents. But if he has done this from contempt after he had been warned by the priest, and forbidden from defiling himself by the communion of a perverse faction he shall do penance for an entire year, and three 40-day periods,... and thus be joined to the altar after the imposition of hands by a Catholic bishop."

Innocent I to Exuperius: (17)

"the earlier harsh rule must give way to mercy."

Fourth Letter of St Isidore to Bishop Massone: (18)

"After a deed of sin each one should blush, and for sins which he has admitted, cast a shameful face prostrate on the ground, because he committed a deed worthy of shame. Therefore, when each one is ashamed after the deeds of his shame, and bears the shame of his position with humility, he will be able to be recalled to his former state."

St Isidore's description of exomologesis: (19)

"And this description of exomologesis is to prostrate and to humiliate the person, to lie in sackcloth and in ashes, the body covered with filth, the spirit filled with mourning, and the sinner to change his way of living, as well as his garments, and change his conduct with sadness."

From "El Penitential Silense"

"If any evildoer kills another he may not take communion until the end of his life."

Latin Translations for Chapter IV

Fourth Lateran Council 1215 (1)

Canon XXI:⁽¹⁾ "Every Christian of either sex after attaining years of discretion, shall faithfully confess all his sins to his own priest at least once a year, and shall endeavour, according to his ability, to fulfil the penance enjoined him..."

Canon III:⁽²⁾ "All condemned heretics must be given over to the secular authorities into the charge of their bailiffs to undergo the deserved punishment..."

Canon III:⁽³⁾ "The simple suspects of heresy unless they prove their innocence from motives of suspicion and through their personal behaviour being adequate justification, they will be anathema; until satisfaction is duly accomplished, one must avoid them. If they dwell a year under excommunication, they will be condemned as heretics."

Canon III:⁽⁴⁾ "One should warn, exhort, and if necessary, constrain by ecclesiastical censure, the secular powers, what their function is; if they wish to be faithful and of such repute to swear to defend the faith by public oath, with all their power among the territories under their jurisdiction all the heretics designated by the Church."

Canon III:⁽⁵⁾ "Those who believe heretics, receive them, defend them, help them, we decree to be excommunicated, ruling that whoever is so excommunicated for such faults, not giving satisfaction within a year, will be considered infamous, be disqualified from all public functions or councils, be disqualified from election to such councils, will lose the right to give evidence, be considered intestate, be deprived of the right to make a will, will not be allowed to accede to a legacy through succession."

Canon III:⁽⁶⁾ "Furthermore, every archbishop or bishop must, either alone or with an archdeacon or other honourable and competent person, visit his own diocese once or twice a year, where it is reputed that heretics are sheltered. There, he will cause to swear an oath, three or more men of good witness to inspect the neighbourhood, if it is expedient to reveal to the bishop those who, to their knowledge, are heretics... The bishop should summon the accused to his presence; if they cannot justify themselves from the accusation, or if they fall back into their previous errors, having been forgiven, then canonical penalties will be imposed upon them."

Council of Avignon 1209

Canon II:⁽⁷⁾ "We decree that any bishop may compel his citizens, counts, chatelaines, knights, and other parishioners from among whom it might seem fitting, to swear by ecclesiastical censure, if need be... to instruct concerning the extermination of excommunicated heretics stubbornly persevering in their pertinacious (heresies), to be particularly punished."

Council of Toulouse 1229

Canon X: "In detestation also of past errors, they shall wear two crosses prominently displayed, of another colour, on their clothes, one on the right side, and the other on the left."

Council of Valence 1248 (10)

Canon XIII: "Therefore, those who by their boldness set aside the cross imposed upon them because of their wicked heresy, we ordain that, without hope of any mercy, that they be compelled to resume the cross..., and if they do not wish to resume it according to the admonition, they are to be adjudged heretics."

Council of Beziers 1246 (12)

Canon VI: "As they may be sinners according to the Lord's word, being invited to penance, it is fitting to rejoice that they freely take and endure the penance imposed upon them. Therefore we state, and in the power of the Holy Spirit, forbid that there be any mockery of the penitents upon whom the crosses are imposed for the crime of heresy; nor are they to be excluded from their proper places or ordinary affairs, lest the conversion of sinners be obstructed, lest the converted lapse back, forsaking their penance because of scandal, and if warned, the refuse to desist, let them be compelled to face ecclesiastical censure."

From "Directorium Inquisitorum". N. Eymeric (Rome, 1587). (16)

1st method is by equivocation; if they are questioned about the true body of Christ, they answer about the mystical body of Christ.

2nd, is by giving conditional answers.

3rd, is by twisted questions or answers.

4th is by feigned admiration for Inquisitor.

5th is by refusing to answer.

6th is by changing the meaning of the question.

7th is by justifying themselves.

8th is by pretending to be ill.

9th is by simulating stupidity or imprudence.

10th is to appear eager for sacred discussion.

(17)
 "When somebody accuses another of the crime of heresy or of promoting it, (17) and by offering to prove it before the Inquisitor, it is written against him, subject to 'talionis' (an eye for an eye) unless it is proved, that penalty will be imposed if proof is lacking, which would be inflicted on the accused if it is proven; and let the Inquisitor heed that this way of proceeding is not freely allowed, firstly because it is not used in the cause of the faith, also because it is very dangerous for the accuser, and also because it is very litigious. Where indeed, the accuser insists and requires it, the Inquisitor may agree, and will say to the accuser that he will lay out the accusation in writing. Which done, the Inquisitor himself will proceed... at the instance of the accuser, and using a notary public, and if convenient, two religious persons, and if not, two honest persons helping him. The process may begin, and let the notary write..."

A second judgement on a suspect: (18)

"That if the Inquisitor sees that the truth cannot be detected in the heretic, or the accused, and he knows that he is not convicted by witnesses, and it seems a second judgement on the same man would be true, which is deposed against him; which, when he denies this or that, the Inquisitor may take up the process and turn it on him, afterwards telling him, 'it is clear that you are not telling the truth, and things are as I have said; therefore tell the truth of the affair.' Thus, let him believe he is convicted, and thus he will appear in the process."

An accomplice of the Inquisitor enters the cell of the accused

"Let the Inquisitor have one of his accomplices not unacceptable to the captive himself, and let it be permitted for him to go in and ensure that he talks with him, and if need be, let him pretend that he is one of his sect to have abjured in fear, or that he ought to reveal the truth to the Inquisitor, so that the captive heretic will have confided in him... and let him remain with him by night as well, and let them talk so that they may say what things in which they commiserate, with him who is introduced, inducing the captive to do this." (19)

Criminals allowed to testify (20)

- (a) "that in the business of enquiry into heretical depravity, there may be admitted to witness, excommunicated ones, and participants or criminals."
- (b) "For heretics and criminals are normally excepted from giving testimony, but heretics may testify on behalf of, or against, the faithful."

Social rank offered no protection from enquiry (21)

"Such is the stain of the crime of heresy, that against rulers, and anyone else to their accusation there is admitted criminals or even infamous persons."

A question is asked concerning the testimony of wives and children (22)

"Can the Inquisitor allow to testify, for or against a person accused of heretical pravity, his wife, children, servants, or any of his people? We reply, not for, but against."

Inquisitor has sole powers to interpret ambiguities in law (23)

"And also, anyone interpreting the law against heretics, believers, receivers, promoters (of heresy), or those who defend their statements, so often as appears in them something ambiguous or obscure, by our faculty, we grant the present authority."

Torture was allowed (24)

"... that witnesses may be tortured, and if trapped in falsehood, then can be punished."

Names of witnesses concealed from accused (25)

"... if the bishop or Inquisitors see a grave danger threatening witnesses or accusers intervening or deposing in the cause of heresy if the names were to be published, then they need not publish the names."

Canonical purgation (26)

"We add, as well, that an archbishop, a bishop or archdeacon, or any other honourable or suitable person, twice, or at least once a year visiting his proper parish in which there is rumour that heretics live, and where are three or more good male witnesses, or he even compels the whole neighbourhood to swear that if they know that there are heretics or others celebrating secret meetings or dissidents from the common conversation of the life of the faithful and their customs, those, the bishop should be zealous to judge, and the bishop should call the accused into his presence, who, unless they purge themselves of the guilt of the accusation or if they show themselves afterwards relapsed into their pristine habits, they shall be canonically purged."

"Sollicitudinis quidem tuae" Leo I (440-461 AD) (28)

"There are many mercies of God to cure human errors, not only by the grace of baptism, but also through the healing power of penance, the hope of eternal life is restored..."

Latin Translations for Chapter V

Jews, heretics not to mix with the faithful (1)

Canon XVI, Council of Elvira 303-313 AD: "If heretics do not wish to be converted to the Catholic Church, Catholic girls may not be given to them for wives, nor is it lawful for Jews or heretics to take them, so that there shall be no society at all between the faithful and unfaithful."

Catholics not to eat with Jews (2)

Canon I: "If any person, clerical or one of the faithful shall take food with Jews, he shall be separated from the communion until he makes amends."

Adultery forbidden, especially with Jews (3)

Canon LXXVIII: "If any Christian having his own wife, co-habits with a Jew or a Gentile, he shall be cast out from the communion."

Jews not to have Christian wives; if so, any children debarred from public office (4)

Canon XIV, 3rd Council of Toledo, 589 AD: "that it is not lawful for Jews to have Christian wives or concubines, nor to take for themselves a Christian woman; if children are born from such a union, they will be subjected to baptism. No public office will be occupied by them, lest offence be given to Christians."

4th Council of Toledo (5)

Canon LXI: Faithful children of 'conversos' not disqualified

"If baptized Jews afterwards waver in Christ, they will stand condemned to any penalty; it will not be right to exclude faithful sons from their rights."

Jews married to Christians must remain in the Faith (6)

Canon LXIII: "Jews who have married Christian women are to be reminded by the bishop that if they wish to stay with them, they must show themselves to be good Christians. If they do not wish to be reminded, they must separate."

Jews not to have Christian servants (7)

Canon LXVI: "It is not lawful for Jews to have Christian servants, nor to take possession of a Christian woman..."

Jews not to hold public office (8)

Canon LXV: "that Jews, or those who were once Jews may not hold any public office, in case offense is given to Christians."

6th Council of Toledo, 638 AD

Only Catholics to live in the realm (9)

Canon III: "... nor is it permitted to live in the realm who is not a Catholic."

8th Council of Toledo, 653 AD (10)

Canon X: "They will be men who assert the Catholic faith and defend it from what is threatened by the perfidy of the Jews, and by the harm from all other heresies."

17th Council of Toledo 694 AD

Conspiracy with Jews overseas (11)

"Wherefore, while we cautiously direct our steps in this holy synod for other reasons, as soon as the conspiracy of the same perfidious (Jews) to unite reaches our ears, by that which, not only against their promise, but by the observance of their rites, they choose to usurp for themselves through their conspiracy, the garment of faith."

4th Lateran Council, 1215

Distinctive dress for Jews (12)

CanonLXVIII: "In many provinces, a Christian is not distinguishable from a Jew or a Saracen on account of the diversity of dress; in this way, confusion grows, and no difference can be discerned... We decree that such people of both sexes, in all Christian provinces shall be distinguished by the sort of public dress laid down by Moses..."

"From then onwards, that they bear on their garments a sign of a wheel or a circle."

No Jews in public office (13)

Canon LXIX: "In this canon we decree; it is prohibited to Jews to bear public office, because on this account are many Christians troubled... We extend this to pagans."

Baptized Jews must give up their old rites (14)

Canon LXX: "Since we accept those who consented to the sacred water of baptism, the old man (the flesh) is cast off, and a new perfection achieved; by holding on to the remains of their previous rites, they confuse the beauty of the Christian religion, by such a mixture."

Council of Arles, 1234

Jews distinctive dress (15)

Canon XVI: "We decree that male Jews of 13 years and above shall wear outdoors on outer garments, on the breast, a sign of a circle, three or four fingers wide. Jewish females of 12 years and above, shall wear the same out of doors."

Latin Translations from Chapter VI

Council of Trent, 1547

Canon XII, Session xiv: "If anyone says, that God always remits the whole punishment together with the guilt, and that the satisfaction of penitents is no other than the faith whereby they apprehend that Christ has satisfied for them; let them be anathema." (13)

Canon XXIX, Session vi: "If anyone says that he who has fallen after baptism is not able by the grace of God to rise again, or that he is able indeed to recover the justice which he has lost, but by faith alone, without the sacrament of Penance, contrary to what the holy Roman and Universal Church, instructed by Christ and His apostles, has hitherto professed, observed, and taught, let him be anathema." (14)

Canon IV, Session xiv: "If anyone denies that the whole and perfect remission of sins requires, as it were, three acts of penitence, that make up the holy act of penance, namely, contrition, confession, and satisfaction,... let him be anathema." (12)

Spanish Translations

P 2 “Este hombre.....vergüenza.”

“This honoured man is going for four years in the galleys, having been through the usual, dressed in pomp and on horseback.”

“That’s it” said Sancho Panza, “it seems to me that he’s just come from the public disgrace.”

“con una vela.....ciudad.”

With a wax candle in the hand, and with a dunce’s cap on the head.....and that he be given a hundred lashes whilst being whipped through the usual streets of this city.”

P 76 La corona de toda.....de Dios.

The crown of all this celebration, in what properly consists the function of the Auto-General Act of Faith, was the majestic pomp with which the Tribunal appeared, bearing the Criminals in front, to bring them to judgement before the most distinguished Throne and magnificent Theatre, to arouse fear and veneration, to bring about meditation on the display of the men, such was the purpose of this procession, that can be properly compared with what will be seen on the fearful day of Universal Judgement of God.

Acabado el auto.....los demás.

The Auto (procession) being over, there remains only the tragic happening for the wicked ones, and the others who are ‘relaxed’, whose guilt gives the occasion for the representation of Justice that is so formidable for the sinners, and so terrifying for everybody else.

De los Reos.....la garganta

After the condemned ones who appeared in person came eleven penitents....all with yellow candles in their hands.....with dunce’s hats, and some of them with ropes around their necks?

Salieron veinte y un Reos.....los manos.

Out came twenty criminals, condemned to be relaxed, all wearing dunce’s hats and short coats with flames on them, and the unrepentant with dragons among the flames; twelve of them were gagged and had their hands tied.

Iban luego.....y con velas.

Then came fifty-four Jewish criminals who were reconciled, all wearing sanbenitos with half a red cross on them, others with the entire cross, and all carrying candles.

Francisco de Espinosa.....las calles publicas.

Francisco de Espinosa, a Judaizer of thirty-six years old, appeared in the procession (Auto) as a penitent wearing a sanbenito, and a rope around his neck.....he was reconciled.....and since he had changed his mind and recanted, he was given two hundred lashes through the public streets.

P 77 Los otros.....par el pecho.

The other two effigies wore sanbenitos, and on all of them could be read the names of those they represented, written in large capital letters that appeared on the chest.

P 85 Reverendísimo Señor.....no en otra parte.

Most Reverend Sir; the children and descendants of Lope de Leon and of Alvar Hernandez de Leon now dead, who were neighbours in Belmonte, claim that the wives of the above-mentioned were reconciled a long time ago, and their 'sanbenitos' were placed in the cathedral of the city of Cuenca where they have been ever since. Now it has come to our notice that your Worship has ordered that all sanbenitos should be hung in the places where the crime was committed and where they were condemned. And because the aforesaid wives were natives of Quintanar, and committed at that place, the sin for which they were reconciled, it is therefore just that their sanbenitos be placed there, and not in Belmonte. We ask your Reverence that he may instruct the Inquisitor of Cuenca to remove and place the sanbenitos in the said village of Quintanar, and nowhere else.

P 91 "Que de alli.....judios o moros."

From now on, all clerks, chaplains, beneficiaries, prebendaries, canons, and dignitaries of the metropolitan church, will have to be Old Christians, or illustrious or noble persons, or sons of the same, or graduates of a famous university, excluding from all office in the same Church, descendants of Jews or Moors.