

Paweł Kras

The System of the Inquisition in Medieval Europe



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The book reexamines the origins and growth of the medieval inquisition which provided a framework for the large-scale operations against religious dissidents. In the last quarter of the twelfth century, the papacy launched concerted efforts to hunt out heretics, mostly Cathars and Waldensians, and directed operations against them all across Latin Christendom. The bull of Pope Lucius III *Ad abolendam* of 1184 became a turning point in the formation of the inquisitorial system which made both the clergy and the laity responsible for suppressing any religious dissent. From a comparative perspective, the study analyzes political, social and religious developments which in the High Middle Ages gave birth to the mechanism of repression and religious violence supervised by the papacy and operated by bishops and, starting from the 1230s, papal inquisitors, extraordinary judges staffed mostly by Dominican and Franciscan friars.

The Author

Paweł Kras is Professor of medieval history at the John Paul II Catholic University of Lublin and the Institute of History, Polish Academy of Sciences in Warsaw; Vice-President of the Polish Group of the International Commission for the History and Study of Christianity (CIHEC), author of over 100 publications on religious dissent and violence, reforms of medieval Christianity, including 3 books; editor-in-chief of *The Correspondence of John of Capistrano related to Poland and Silesia, 1451–1456* (2018).

The System of the Inquisition in Medieval Europe

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Acknowledgments

The original Polish book was published in 2006 as a result of research carried out between 1998 and 2005. My interest in the comparative history of religious dissent and inquisition in the Middle Ages was closely associated with my doctoral dissertation on Polish Hussites completed in 1997 and published a year later. As a student of history at the Catholic University of Lublin I was introduced to research on medieval heresy by Professor Urszula Borkowska who encouraged me to write an MA paper on the life and teachings of Master Andrzej Gałka of Dobczyn, a Polish follower of John Wyclif's doctrine at the fifteenth-century University of Cracow. A separate and extensive chapter of my 1998 book was devoted to the anti-heresy investigations of bishops and papal inquisitors against Polish followers of Hussite doctrine.

My first papers delivered in the late 1990s at Polish and international conferences dealt with the papal inquisition in medieval Poland, its installment, operation procedures, and the recruitment of Dominican friars who staffed *officium inquisitionis*. The conference organised in 2002 by the Istituto storico domenicano in Rome and devoted to the role of the Dominicans in the medieval inquisition gave me a strong stimulus to pursue comparative research on the religious violence and the mechanism of repression against medieval dissidents. A number of outstanding experts in the field participated in this conference which became a platform for an open debate on the origins of the papal inquisition and the activities of Dominican inquisitors all across Christendom. During the 2002 conference I was offered a unique chance to meet such outstanding scholars as Grado G. Merlo, Alexander Patchovsky, Peter Segl, Werner Maleczek, Ludwig Vones, Peter Biller, Michèle Mulchahey, and Nicole Bériou who not only demonstrated much interest in my studies, but also answered some detailed questions related to my research. Participating in the 2002 conference I also met a couple of historians of my age such as Laurent Albaret, Julien Théry, Christine Caldwell and Klaus-Bernward Springer who pursued their early studies on the medieval inquisition. I have profited so much from the friendships I made at that time.

The successful completion of this book would not be possible without scholarships and research visits in various international institutions, both in Europe and North America. In 1998 I spent two months at the Institut für europäische Geschichte in Mainz. A year later thanks to the scholarship of the Andrew W. Mellon Foundation I conducted research in the Herzog August

Bibliothek in Wolfenbüttel. In 2002, through the good offices of Professor Jerzy Kłoczowski, I was invited to work in the Library of the École française de Rome and in the Vatican Library. In the same year, I spent three months at the Katholieke Universiteit Leuven. In 2003, thanks to the grant awarded by the U.S.-Polish Fulbright Commission, I was able to work in several libraries in the USA. I am very grateful to my colleagues from Western Michigan University, Kalamazoo, in particular Professor Paul Szarmach, Director of the Medieval Institute, and Professor James Palmitessa, for everything they did to make my work in the USA so fruitful. I would also like to thank Professor David T. Murphy, Director of the Institute of Medieval and Renaissance Studies at St Louis University, for inviting me to work in the Vatican Film Library in Saint Louis.

First of all I owe an enormous debt of gratitude to Urszula Borkowska, my mentor and friend, who was the first to read the draft of this book. She spent a lot of time reading and discussing fragments of this publication, and its final form was much shaped by her criticism. I am indebted to a number of the foreign scholars who shared with me their extensive knowledge of medieval dissent and inquisition. They also provided me with their publications and source materials. It is hard to mention all of them by name. I am especially indebted to Anne Hudson, Alexander Patschovsky, Peter Segl, Richard Kieckhefer, Robert E. Lerner and Christine Caldwell Ames.

As mentioned earlier the present book is an English translation of the Polish study published in 2006 by the John Paul II Catholic University Press. Only some minor changes and corrections have been made. Since 2006 the research on medieval heresy and inquisition has made enormous progress which is well-reflected by several path-breaking books, source editions, and hundreds of papers. This intensive research has shed new light on the rise and dissemination of medieval dissent and the ways it was perceived and tackled by ecclesiastical institutions throughout the Middle Ages. Recent studies have offered new approaches to the study of the concept of heresy, the mechanism of repression of religious dissidents, and the persecuting mentality of churchmen who operated medieval inquisition, both bishops and Mendicant inquisitors. They have also demonstrated the complex process of producing records of heresy trials which remain a key source of knowledge about medieval dissidents and the work of inquisitors. A new book would be required to address recently-raised problems and to discuss these findings, and one day I hope I will be able to produce such a study.

The present English book is published thanks to financial support from the Polish Ministry for Science and Higher Education. I am indebted to Professor Wojciech Kriegseisen, Director of the Tadeusz Manteuffel Institute of History,

Polish Academy of Sciences in Warsaw, and his deputy, Professor Tomasz Wiślicz, for their initiative to produce an English version of my 2006 book. I would like to express my gratitude to Professor Hanna Zaremska for reviewing this book for publication.

I am very grateful to Magdalena Panz-Sochacka for her hard work to translate this book from Polish into English and Professor Stephen Rowell who meticulously proofread the draft of this book. I owe special thanks to my friends James D. Mixson, Lucy Sackville, and Andrew P. Roach who volunteered to read and correct some fragments of the book.

Abbreviations

AC	Bolesław Ulanowski (ed.), <i>Acta capitulorum necnon iudiciorum ecclesiasticorum selecta</i> , 3 vols (Cracow, 1894–1918: Monumenta medii aevi historica res gestas Poloniae illustrantia, 13, 16, 18).
AFP	<i>Archivum Fratrum Praedicatorum</i>
<i>Die Anfänge der Inquisition</i>	Peter Segl (ed.), <i>Die Anfänge der Inquisition im Mittelalter. Mit einem Ausblick auf das 20. Jahrhundert und einem Beitrag über religiöse Toleranz im nichtchristlichen Bereich</i> (Cologne, Weimar, and Vienna, 1993: Beyreuther Historische Kolloquien, 7)
Arnold, <i>Inquisition</i>	John H. Arnold, <i>Inquisition and Power. Catharism and the Confessing Subject in Medieval Languedoc</i> (Philadelphia, 2001)
BAV	Bibliotheca Apostolica Vaticana
BF	<i>Bullarium Franciscanum</i>
BJ	Biblioteka Jagiellońska, Cracow
BOP	<i>Bullarium Ordinis Fratrum Praedicatorum</i>
Borst, <i>Katharer</i>	Arno Borst, <i>Die Katharer</i> (Stuttgart, 1953: Schriften der Monumenta Germaniae Historica, 12)
BRP	<i>Bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio</i> , 14 vols (Rome, 1739–1744)
BUWr.	Biblioteka Uniwersytetu Wrocławskiego
CCCM	Corpus Christianorum, Continuatio Mediaevalis
CF	<i>Cahiers de Fanjeaux</i>
<i>The Concept of Heresy</i>	Willem Lourdaux and Daniël Verhelst (eds), <i>The Concept of Heresy in the Later Middle Ages</i> (Leuven, 1983)
<i>De inquisitione hereticorum</i>	Wilhelm Preger (ed.), <i>De inquisitione hereticorum. Der Traktat des David von Augsburg über die Waldensier</i> (Munich, 1878: Abhandlungen der historischen Classe der Königlich Bayerischen Akademie der Wissenschaften, 14.2), 204–35.

<i>Directorium</i>	<i>Directorium Inquisitorum F. Nicolai Eymerici Ordinis Praedicatorum cum commentariis Francisci Pegnae</i> (Rome, 1587)
Doat	Paris, Bibliothèque nationale de France, Collection Doat
<i>Doctrina</i>	<i>Doctrina do modo procedendi contra haereticos</i> , in Edmond Martène and Ursin Durand (eds), <i>Thesaurus novus anecdotorum</i> , vol. 5: <i>Opuscula</i> (Paris, 1717), 1795–1822.
<i>Documents</i>	Célestin Douais (ed.), <i>Documents pour servir à l'histoire de l'inquisition dans Languedoc</i> , 2 vols (Paris, 1900)
Dondaine, “Le manuel”	Antoine Dondaine, “Le manuel de l’Inquisiteur”, <i>AFP</i> 17 (1947), 85–194.
<i>DTC</i>	<i>Dictionnaire de théologie catholique</i> , 15 vols (Paris, 1899–1950)
Eymerich, <i>Manuel</i>	Nicholas Eymerich and Francesco Peña, <i>Le manuel des inquisiteurs</i> , ed. Louis Sala-Molins (Paris, 2001: Bibliothèque de l’Évolution de l’humanité, 38)
Friedberg	Emil Friedberg (ed.), <i>Corpus iuris canonici</i> , 2 vols (Leipzig, 1879–1881)
Fredericq	Paul Fredericq (ed.), <i>Corpus documentorum inquisitionis haereticae pravitatis Neerlandicae</i> , 5 vols (Ghent, 1889–1903)
Given, <i>Inquisition</i>	James B. Given, <i>Inquisition and Medieval Society. Power, Discipline and Resistance in Languedoc</i> (Ithaca and London, 1997)
Grundmann, <i>Religious Movements</i>	Herbert Grundmann, <i>Religious Movements in the Middle Ages</i> , Introduction Robert E. Lerner, trans. Stephen Rowan (Notre Dame, 1995)
Gui, <i>Le livre des sentences</i>	Annette Pales-Gobilliard (ed.), <i>Le livre des sentences de l'inquisiteur Bernard Gui, 1308–1323</i> , 2 vols (Paris, 2002: Sources d’histoire médiévale, 30)

- Gui, *Practica* Bernard Gui, *Practica inquisitionis haereticae pravitatis*, ed. Célestin Douais (Paris, 1886)
- HAB Herzog August Bibliothek, Wolfenbüttel
- Heresies* Walter L. Wakefield and Austin P. Evans (eds), *Heresies of the High Middle Ages* (New York, 1991)
- Hérésies et sociétés* Jacques Le Goff (ed.), *Hérésie et sociétés dans l'Europe pré-industrielle, 11^e-18^e siècles* (Paris and La Haye, 1968: Civilisations et société, 10)
- Heresy and Inquisition* John H. Arnold and Peter Biller (eds), *Heresy and Inquisition in France, 1200-1300* (Manchester, 2016)
- Heresy and Literacy* Peter Biller and Anne Hudson (eds), *Heresy and Literacy, 1000-1530* (Cambridge, 1994, Cambridge Studies in Medieval Literature, 23)
- Inkwizycja papieska* Paweł Kras (ed.), *Inkwizycja papieska w Europie Środkowo-Wschodniej* (Cracow, 2010: Studia i źródła Dominikańskiego Instytutu Historycznego w Krakowie, 7)
- Innocenzo III* Andrea Sommerlechner (ed.), *Innocenzo III – Urbs et Orbis. Atti del Congresso Internazionale Roma, 9-15 settembre 1998*, 2 vols (Rome, 2003: Nuovi studi storici, 55. Miscellanea della Società romana di storia patria, 44)
- L'Inquisition et pouvoir* Gabriel Audisio (ed.), *L'Inquisition et pouvoir* (Marseille, 2004)
- L'inquisizione* Agostino Borromeo (ed.), *L'inquisizione: atti del Simposio internazionale, Città del Vaticano, 29-31 ottobre 1998* (Città del Vaticano, 2003: Studi e Testi, 417)
- Inventer l'hérésie* Monique Zerner (ed.), *Inventer l'hérésie? Discours polémiques et pouvoirs avant l'Inquisition* (Nice, 1998: Collection d'études médiévales, 2)
- JEH *Journal of Ecclesiastical History*
- Kaeppli Thomas Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi*, 3 vols (Rome, 1970-1980); Thomas Kaeppli and Emilio Panella, *Scriptores Ordinis Praedicatorum Medii Aevi*, vol. 4 (Rome, 1993)
- Kras, *Husyci* Paweł Kras, *Husyci w piętnastowiecznej Polsce* (Lublin, 1998)
- Kurze, *Quellen* Dietrich Kurze (ed.), *Quellen zur Ketzergeschichte Brandenburgs und Pommerns* (Berlin and New York, 1975: Veröffentlichungen der Historischen Kommission zu Berlin, 45)

Lambert, <i>Medieval Heresy</i>	Malcolm Lambert, <i>Medieval Heresy. Popular Movements from the Gregorian Reform to the Reformation</i> (Oxford, 1992)
LMA	<i>Lexikon des Mittelalters</i> , 9 vols (Munich and Zürich, 1980–1998; CD-ROM–Ausgabe, 2000)
LTK	<i>Lexikon für Theologie und Kirche</i> , 11 vols (Freiburg, 1993–2001)
Maisonneuve, <i>Études</i>	Henri Maisonneuve, <i>Études sur les origines de l'Inquisition</i> (Paris, 1960: L'Église et l'État au moyen âge, 7)
Mansi	Giovanni Domenico Mansi (ed.), <i>Sacrorum conciliorum nova et amplissima collectio</i> , 53 vols (Florence, 1759–1798; repr. Graz, 1961)
Merlo, <i>Eretici e inquisitori</i>	Grado Giovanni Merlo, <i>Eretici e inquisitori nella società piemontese del Trecento, con l'edizione dei processi tenuti a Giaveno dall'inquisitore Alberto De Castellario (1335) e nelle Valli di Lanzo dall'inquisitore Tommaso Di Casasco (1373)</i> (Turin, 1977)
MGH. <i>Constitutiones</i>	<i>Monumenta Germaniae Historica. Leges, Sectio IV: Constitutiones et acta publica imperatorum et regum</i> , 12 vols (Hanover, 1893–2013)
MGH. <i>Scriptores</i>	<i>Monumenta Germaniae Historica, Scriptores</i> , 39 vols (Hanover, 1887–2009)
MMAH	<i>Monumenta medii aevi historica res gestas Poloniae illustrantia</i>
Moore, <i>The Formation</i>	Robert I. Moore, <i>The Formation of a Persecuting Society. Power and Deviance in Western Europe 950–1250</i> (Oxford, 1987)
Moore, <i>The Birth</i>	Robert I. Moore (ed.), <i>The Birth of Popular Heresy</i> (Toronto, Buffalo, and London, 1995)
MOPH	<i>Monumenta Ordinis Fratrum Praedicatorum Historica</i>
MPH	<i>Monumenta Poloniae Historica</i> , 6 vols (Lviv and Cracow, 1864–1893; repr. Warsaw, 1960)
Norwich Heresy Trials	Norman Tanner (ed.), <i>Heresy Trials in the Diocese of Norwich 1428–1431</i> (London, 1977: Camden Fourth Series, 20)

- Patschovsky, *Die Anfänge* Alexander Patschovsky (ed.), *Die Anfänge einer ständigen Inquisition in Böhmen. Ein Prager Inquisitoren-Handbuch aus der ersten Hälfte des 14. Jahrhunderts* (Berlin and New York, 1975: Beiträge zur Geschichte und Quellenkunde des Mittelalters, 3)
- Patschovsky, *Quellen* Alexander Patschovsky (ed.), *Quellen zur böhmischen Inquisition im 14. Jahrhundert* (Weimar, 1979: Monumenta Germaniae Historica. Quellen zur Geschichte des Mittelalters, 11)
- Pegg, *The Corruption* Mark Gregort Pegg, *The Corruption of Angels: The Great Inquisition of 1245–1246* (Princeton, 2001)
- Peters, *Inquisition* Edward Peters, *Inquisition* (Berkeley and Los Angeles, 1989)
- PL Jacques-Paul Migne (ed.), *Patrologiae cursus completus. Series Latina*, 221 vols (Paris, 1844–1855)
- Potthast August Potthast (ed.), *Regesta Pontificum Romanorum, inde ab anno post Christum natum 1198 ad annum 1304*, 2 vols (Berlin, 1874–1875)
- Praedicatores, Inquisitores* Arturo Palacios-Bernal (ed.), *Praedicatores, Inquisitores*, vol. 1: *The Dominicans and the Mediaeval Inquisition. Acts of the 1st International Seminar on the Dominicans and the Inquisition. Rome, 23–25 February 2002* (Rome, 2004)
- Processus inquisitionis* *Ordo processus Narbonensis (Processus inquisitionis)*, in Kurt-Victor Selge (ed.), *Texte zur Inquisition* (Güttersloh, 1967: Texte zur Kirchen- und Theologiegeschichte, 4), 70–6.
- Quellen zur Geschichte der Waldenser* Alexander Patschovsky and Kurt-Victor Selge (eds), *Quellen zur Geschichte der Waldenser* (Güttersloh, 1973: Texte zur Kirchen- und Theologiegeschichte, 11)

- Ragg, *Ketzer* Sascha Ragg, *Ketzer und Recht. Die weltliche Ketzergesegebung des Hochmittelalters unter dem Einfluß des römischen und kanonischen Rechts* (Hanover, 2006: Monumenta Germaniae Historica. Studien und Texte, 37)
- Register *Innocenz' III* Othmar Hageneder et al. (eds), *Die Register Papst Innocenz' III*, 13 vols (Cologne, Vienna, and Rome, 1964–2014)
- Registre Jean Duvernoy (ed.), *Le Registre d'Inquisition de Jacques Fournier, évêque de Pamiers (1318–1325). Manuscrit no Vat. Latin 4030 de la Bibliothèque Vaticane*, 3 vols (Toulouse, 1965)
- RHE *Revue d'histoire ecclésiastique*
- Roquebert, *Histoire des cathares* Michel Roquebert, *Histoire des Cathares. Hérésie, croisade, inquisition du XI^e au XIV^e siècle* (Paris, 1999)
- Russell, *Dissent and Reform* James B. Russell, *Dissent and Reform the Early Middle Ages* (Berkeley and Los Angeles, 1965)
- Russell, *Religious Dissent* James B. Russell, *Religious Dissent in the Middle Ages* (New York, London, Sydney, and Toronto, 1971)
- SCh Sources Chrétiennes
- Shannon, *Popes* Albert C. Shannon, *The Popes and Heresy in the Thirteenth Century* (Villanova, 1949)
- Tanner, *Decrees* Norman Tanner (ed.), *Decrees of the Ecumenical Councils*, 2 vols (London, 1990)
- Texte zur Inquisition* Kurt-Victor Selge (ed.), *Texte zur Inquisition* (Gütersloh, 1967: Texte zur Kirchen- und Theologiegeschichte, 4)
- Texts and the Repression* Caterina Bruschi and Peter Biller (eds), *Texts and the Repression of the Medieval Heresy* (York 2003: Studies in Medieval Theology, 4)
- Tractatus de haeresi* *Tractatus de haeresi pauperum de Lugduno, auctore anonymo*, in Edmond Martène and Ursin Durand (eds), *Thesaurus novus anecdotorum*, vol. 5: *Opuscula* (Paris, 1717), 1777–94.

<i>TRE</i>	<i>Theologische Realenzyklopädie</i> , 35 vols (Berlin and New York, 2003)
Trusen, “Der Inquisitionsprozeß“	Winfried Trusen, “Der Inquisitionsprozeß. Seine historischen Grundlagen und frühen Formen”, <i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung</i> 74 (1988), 168–230.
Vicaire, <i>Histoire</i>	Marie-Hubert Vicaire, <i>Histoire de saint Dominique</i> , 2 vols (Paris, 1982)

Medieval collections of canon law are cited in the following way:

D 1.1.1	<i>Decretum Gratiani</i> , causa 1, distinctio 1, caput 1
C 1.1.1	<i>Decretum Gratiani</i> , causa 1, quaestio 1, caput (canon) 1
X 1.1.1	<i>Decretales Gregorii IX</i> (= <i>Liber extra</i>), liber 1, titulus 1, caput (canon) 1
Clem 1.1.1	<i>Clementinae</i> , liber 1, titulus 1, caput (canon) 1
VI ^o 1.1.1	<i>Liber sextus</i> , liber 1, titulus 1, caput (canon) 1

Preface

The rise of the popular religious movements of Cathars and Waldensians, perceived as a serious threat to the Roman Church and social order in general, united two former foes, namely Pope Lucius III (1181–1185) and the Holy Roman Emperor, Frederick I Barbarossa (1152–1190), who convened to search for common defence strategies at the Council of Verona in 1184. The *Ad abolendam* decree published on that occasion constituted a redefinition of goals and principles governing the war on heresy. The decree offered systematic and complex solutions to the challenge of religious dissent. For this reason, too, it has become a rudimentary document for scholars researching the structure of inquisition in the Middle Ages. It was the *Magna Carta* of inquisitorial procedures.¹ “In order to destroy the iniquity of various heresies” Pope Lucius III ordered that bishops carry out regular diocesan visitations with a view to tracking down individuals distinguishable from their fellow faithful by their mode of life and customs. All alleged heretics were to be arrested and taken to their local bishop’s court. At the same time, *Ad abolendam* issued specific regulations to be observed by the secular authorities who were also involved in the struggle against heretics. On the strength of the decree, representatives of the secular arm were required to support anti-heresy initiatives, risking the loss of their position should they fail to act accordingly (X 5.7.9).²

At the time when *Ad abolendam* was published, heresy had already been identified as a considerable challenge for Western Christianity. Until the mid-twelfth century, heresy had been a rare phenomenon, both ephemeral in nature and limited in geographical scope. The occasional outbreaks of religious dissent had been fruit of either some activity of charismatic preachers, as in the case of Leutard (who died ca 1000), Henry of Lausanne (who died ca 1145), Peter of Bruys (died ca 1139), Tanchelm (who died after 1114), Eudo de l’Étoile (died

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- 1 Maisonneuve, *Études*, 151–6; Yves Dossat, “La répression de l’hérésie par les évêques”, *CF 6*, (1971), 223–4; Peter Diehl, “*Ad abolendam* (X.5.7.9) and the Imperial Legislation against Heresy”, *Bulletin of Medieval Canon Law* 19 (1989), 1–11; Winfried Trusen, “Von den Anfängen des Inquisitionsprozesses zum Verfahren der *inquisitio hereticae pravitatis*”, in *Die Anfänge der Inquisition*, 39–76; Patschovsky, *Die Anfänge*, 57–9.
 - 2 Mansi 22, 476–7; Friedberg 2, 780–2; Fredericq 1, no. 56, 52–5; *Texte zur Inquisition*, 26–9, available at <http://www.columbia.edu/cu/lweb/digital/collections/cul/text>, accessed 8 September 2019.

after 1148) or Arnold of Brescia (died ca 1155), surrounded by a following fascinated by their message, or was related to the secret activities of relatively small elite groups (Orléans, Arras, Monteforte).³ This dynamic changed only with the emergence of the dualistic Cathar heresy which gained much popularity, particularly in Languedoc and Lombardy. The origins of Cathar doctrine and the circumstances of its expansion in medieval Europe continues to be a constant source of heated debate in scholarly literature to this day. Setting the wide range of concepts and hypotheses aside, it can be stated that to the surprise of many members of the clergy, Catharism appeared on stage as a fully-fledged organized movement in the 1160s. In the Midi of France in particular, the Cathars created their own religious structures, based on an elite group of itinerant preachers, the “perfect ones,” who proclaimed their teachings and administered sacraments to their followers.⁴

From the late 1170s onward, another bottom-up movement focused on voluntary poverty, initiated by a Lyons merchant named Valdès, gained ground quickly alongside the Cathars. The Poor of Lyons, also termed the Waldensians after their spiritual leader, manifested themselves with a religious programme addressed to the laity, calling the faithful to a life of poverty and simplicity. The core of their devotion was God’s Word, the Holy Scriptures. Condemned for

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- 3 Cf. the remarks of Monique Zerner, “Hérésie”, in Jacques Le Goff and Jean-Claude Schmitt (eds), *Dictionnaire raisonné de l’Occident médiéval* (Paris, 1999), 464–82.
- 4 Among the seminal studies see Arno Borst, *Die Katharer* (Stuttgart, 1953: Schriften der Monumenta Germaniae Historica, 12); Christine Thouzellier, *Catharisme et valdéisme*, (Paris, 1966); Thouzellier, *Hérésies et hérétiques. Vaidois, Cathares, Patarins, Albigeois* (Rome, 1969: Storia e letteratura, Racolta di Studi e testi, 116); Milan Loos, *Dualist Heresy in the Middle Ages* (Prague, 1974); Jean Duvernoy, Paul Lafont, Michel Roquebert, and Philippe Martel, *Les Cathares en Occitanie* (Paris, 1982); Gerard Rottenwöhler, *Die Katharismus*, 7 vols (Bad Honnef, 1982–2011); *La persécution du catharisme XII-XIV siècles* (Toulouse, 1993, *Heresis* 6); Anne Brenon, *I Catari. Storia e destino dei veri credenti* (Florence, 1990); Yuri Stoyanov, *The Hidden Tradition in Europe. The Secret History of Medieval Christian Heresy* (Harmondsworth, 1994); Yuri Stoyanov, *The Other God. Dualist Religions from Antiquity to the Cathar Heresy* (New Haven and London, 2000); Michael Hanssler, *Katharismus in Südfrankreich. Struktur der Sekte und inquisitorische Verfolgung in der zweite Hälfte des 13. Jahrhunderts* (Aachen, 1997); Malcolm Lambert, *The Cathars* (Oxford, 1998); Carol Lansing, *Power and Purity: Cathar Heresy in Medieval Italy* (New York and Oxford, 1998); Roquebert, *Lépopée cathare*, 4 vols (Toulouse, 1970–1989); Roquebert, *Histoire des cathares. Hérésie, Croisade, Inquisition du XI^e au XIV^e siècle* (Paris, 1999); Malcolm Barber, *The Cathars. Dualist Heretics in Languedoc in the High Middle Ages* (London and New York, 2000).

their unsupervised reading of the Bible and usurped preaching authority, they carried on with their activities outside the Roman Church.⁵ In the course of the thirteenth century, the Waldensians expanded all over Europe, eventually making it to Austria, Bohemia, Silesia, Western Pomerania, and Poland.⁶

The success of these twelfth-century dissenters, which enjoyed considerable social support and openly questioned traditional devotion, forced the Church authorities to take decisive action. Defence of the Faith and ecclesiastical authority became the most important objective of inquisitorial activity. This duty

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- 5 Paul Leutrat, *Les Vaudois* (Paris, 1966); Kurt-Victor Selge, *Die ersten Waldenser*, 2 vols (Berlin, 1967); Jean Gonnet and Amedeo Molnàr, *Les Vaudois au Moyen Âge* (Turin, 1974); Martin Schneider, *Europäisches Waldensertum im 13. und 14. Jahrhundert. Gemeinschaftsform – Frömmigkeit – Sozialer Hintergrund* (Berlin and New York, 1981: Arbeiten zur Kirchengeschichte, 51); Gabriel Audisio, *Les Vaudois. Naissance, vie et mort d'une dissidence (XIF-XVIF siècles)* (Turin, 1989); English version: *The Waldensian Dissent: Persecution and Survival, c. 1170–c. 1570*, trans. Claire Davison (Cambridge, 1999); Euan Cameron, *Waldenses. Rejections of Holy Church in Medieval Europe and a Church* (Aldershot, Barlington, Singapore, and Sydney, 2001: Variorum Collected Studies Series, 676); Bernard Hamilton, *Medieval Waldensians* (Woodbridge, 2001).
- 6 Dietrich Kurze, *Quellen zur Ketzergeschichte Brandenburgs und Pommerns* (Berlin and New York, 1975: Veröffentlichungen der Historischen Kommission zu Berlin, 45); Alexander Patschovsky, *Quellen zur Böhmisches Inquisition im 14. Jahrhundert* (Weimar, 1979: MGH. Quellen zur Geschichte des Mittelalters, 11); Patschovsky, "Zur Ketzergeschichte der Mark Brandenburg und Pommerns vornehmlich im 14. Jahrhundert", *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands* 16–17 (1968), 391–479; Giovanni Gonnet and Amedeo Molnàr, *Les Vaudois au Moyen Âge* (Torino, 1974), 144–58; Jerzy Wyrozumski, "Z dziejów waldensów w Polsce średniowiecznej", *Zeszyty Naukowe Uniwersytetu Jagiellońskiego*, 469, *Prace Historyczne*, 1977, fasc. 56, 39–51; Wincenty Swoboda, "Waldensi na Pomorzu i w Nowej Marchii w świetle protokołów inkwizycji szczecińskiej", *Materiały Zachodniopomorskie* 19 (1979), 593–609; Cameron, *The Reformation of the Heretics. The Waldenses of the Alps 1480–1580* (Oxford, 1984), 125–44; Paweł Kras, "Grupy heretyckie w późnośredniowiecznym mieście (waldensi w Czechach, husyci w Polsce)", in Halina Manikowska and Hanna Zaremska (eds), *Ecclesia et civitas. Kościół i życie religijne w mieście średniowiecznym* (Warsaw, 2002), 496–506; Pavel Soukup, "Die Waldenser in Böhmen und Mähren im 14. Jahrhundert", in Albert de Lange and Kathrin Utz Tremp (eds), *Friedrich Reiser und die "waldensisch-hussitische Internationale" im 15. Jahrhundert. Akten der Tagung Ötishheim-Schönenburg, 2. bis 4. Oktober 2003* (Heidelberg, Ubstadt, Weiher and Basel, 2006), 131–60; Kurze, "Waldenser in der Mark Brandenburg und in Pommern im 15. Jahrhundert", in Albert de Lange and Kathrin Utz Tremp (eds), *Friedrich Reiser und die "waldensisch-hussitische Internationale"*, 219–40.

was placed on the shoulders of bishops first, and papal inquisitors later. The medieval Church attributed to herself the exclusive authority to decide on matters of faith and define the boundaries of orthodoxy and heresy. The scope of activity of the Church went beyond the mere here and now. The Roman Church perceived herself as a transcendent being, the mystical body of Christ. While fulfilling the task entrusted to St Peter and the Apostles by Christ, the Roman Church made every possible effort to defend the deposit of Faith contained in the Scriptures and the Apostolic tradition. The concern with the salvation of each Christian was at the heart of the pastoral and sacramental ministry of the Church. The commitment to upholding the belief that salvation might be achieved only within the Church (*salus extra Ecclesiam non est*) made impossible any tolerance of religious dissidents or departure from orthodoxy defined by the papacy. Heresy undermined the most basic mission of the Roman Church: while proclaiming views contradictory to the teachings of the Church, heretics pulled the faithful away from orthodox faith, identified with the Church doctrine, and led their souls towards eternal damnation. Moreover, in the light of the Patristic tradition, heresy was considered an element of conspiracy of evil forces against Christ and His Church. The demon-like image of heretics, viewed as Satan's instruments, served to defame dissidents and justify the employment of various measures in defence of the Church.⁷

In the debate on the treatment of heretics frequent references were made to the words of St Paul who speaks of the inevitable presence of heresy within the Church, "For there must be also heresies: that they also, who are approved may be made manifest among you" (1 Cor 11.19). Regardless of the diverse interpretation models developed in the course of the last decades, heresy was, above all, a religious phenomenon.⁸ At any rate, this is what medieval popes, bishops,

7 Norman Cohn, *Europe's Inner Demons. The Demonization of Christians in Medieval Christendom* (London, 1993) 35–78; Grado Giovanni Merlo, "Membra diaboli, demoni ed eretici medievali", *Nuova Rivista Storica* 72 (1988), fasc. 5–6, 583–98; Patschovsky, "Was sind Ketzer? Über den geschichtlichen Ort der Häresien im Mittelalter," in Max Kerner (ed.), "... eine finstere und fast unglaubliche Geschichte?" *Mediävistische Notizen zu Umberto Ecos Mönchsroman "Der Name der Rose"* (Darmstadt, 1987), 169–90; Kerner, "Freiheit der Ketzer," *Geschichte in Wissenschaft und Unterricht* 39 (1988), 1–16; Kerner, "Der Ketzer als Teufeldiener," in Hubert Mordek (ed.), *Papstum, Kirche und Recht Papstum, Kirche und Recht im Mittelalter. Festschrift H. Fuhrmann zum 65. Geburtstag*, (Tübingen, 1991), 317–34.

8 The earlier debate is summarised by Janet L. Nelson, "Society, Theodicy and the Origins of Heresy: towards a Reassessment of the Medieval Evidence", in Derek Baker (ed.), *Schism, Heresy and Religious Protest* (Cambridge, 1972: Studies in Church History, 9),

theologians and decretalists considered it to be. From the point of view of ecclesiastical doctrine, heresy was an error of Faith (*error fidei*).⁹ In the light of a popular medieval definition, a “heretic” was a baptized individual who obstinately proclaimed views contradictory to the Church’s teachings in public. It ought to be stressed that heresy was not tantamount to a protest against the teaching of the Church. It was the obstinacy (*pertinacia*) with which the errors were proclaimed and the dissenter’s decision to hold on to them in spite of the Church’s admonition that ultimately made a heretic.¹⁰ In his *De civitate Dei* (XVIII, 51), St Augustine was one of the first authors to point out that “those who [...] savour anything morbid and depraved, and, on being corrected that they may savour what is wholesome and right, contumaciously resist, and will not amend their pestiferous and deadly dogmas, but persist in defending them,

65–77; cf. Kurze, “Häresie und Minderheit im Mittelalter,” *Historische Zeitschrift* 229 (1979), 529–73; Talad Asad, “Medieval Heresy: an Anthropological View,” *Social History* 11 (1986), 345–62; Johannes Kramer, “Häretiker und Ketzer. Eine Begriffs- und Wortgeschichte,” in Titus Heydenreich and Peter Blumenthal (eds) *Glaubensprozesse – Prozesse des Glaubens. Religiöse Minderheiten zwischen Toleranz und Inquisition* (Tübingen, 1989: Erlanger romantische Dokumente und Arbeiten, 1), 1–16; Howard Kaminsky, “The Problem of Later-Medieval Heresy,” in Jaroslav Pánek, Miloslav Polívka and Noemi Rejchrtová (eds), *Husitství – Reformace – Renesance. Sborník k 60. narozeninám Františka Šmahela* (Prague, 1994), vol. 1, 133–56; Kaminsky, “The Problematics of Heresy and the Reformation,” in František Šmahel (ed.), *Häresie und vorzeitige Reformation im Spätmittelalter* (Munich, 1998: Schriften des Historischen Kollegs, Kolloquien 39), 1–22.

- 9 “Hérésie, orthodoxie s’emploieront donc au sens propre dans le domaine de la religion, plus précisément par rapport à une foi. C’est-à-dire que ces catégories ont cours et plein sens dans l’assentiment à un donné – qui comporte la communion avec la divinité – donné qui, de soi suparationnel mystérieux. Est orthodoxe celui qui donne son consentement à l’ensemble des vérités reçues, selon une franchise totalement loyale et confiante dans le dialogue avec Dieu. Est hérétique celui qui, pour des motifs et selon une contestation que nous allons avoir à examiner psychologiquement et sociologiquement, disjoint, par son ‚choix‘, tel ou tel élément de ce contenu du mystère [...] Hérésie, orthodoxe relèvent donc, en creux et en plein, des structures et du dynamisme de la foi [...]” Marie-Dominique Chenu, “Orthodoxie et hérésie”, in Jacques Le Goff (ed.), *Hérésie et sociétés dans l’Europe préindustrielle, 11^e-18^e siècle* (Paris and La Haye, 1968: Civilisations et société, 10), 10–1.
- 10 Chenu, “Orthodoxie et hérésie”, 12; cf. Daniele Müller, “*Inquisitio Haereticae Pravitatis*. Ketzerei und Ketzerbekämpfung vom 11. bis zur 1. Hälfte des 14. Jahrhunderts,” *Heresis* 10 (1988), 30–2; Kaminsky, “The Problematics of Heresy”, 4: “[...] the condemnation of a ‘heretic’ was due not his ‘error’ but to his persistence in it.”

become heretics”¹¹ Following St Augustine, Gratian (C 24.3.31),¹² Peter Lombard (*Sententiae*, IV d 13 a 2 d 25) and St Thomas Aquinas (*Summa theologiae*, II–II^{ae}, q. 11) defined heresy in a similar way. In the Middle Ages, a succinct definition of heresy furnished by Robert Grosseteste, bishop of Lincoln, was among the most popular. It reads, “heresy is an opinion chosen by human perception contrary to the Holy Scripture, publicly avowed and obstinately defended” (*De civili dominio*, I, 43).¹³

In canon law heresy was regarded as a serious violation of ecclesiastical regulations, whereas moral teaching viewed it as a grave sin. In the eyes of medieval theologians, who adopted St Augustine’s concept, heresy was above all a manifestation of the weakness of the human mind and will.¹⁴ With this assumption, it was widely believed that to oppose heresy, it was necessary to persuade its followers that their views were contradictory to the Divine Truth proclaimed by the Church. Since Divine Truth was revealed in Scripture and confirmed by the tradition of the Church, it was deemed enough to remind heretics of their obligation “to leave the darkness of their errors for the light of faith.” Zealous in her defence of the deposit of the faith, the Church could not be tolerant of any exception and did not grant anyone the authority to discuss the truths of the Christian faith freely.¹⁵ Even the public debates of Church representatives with the Cathars

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- 11 [...] *qui ergo in ecclesia Christi morbidum aliquid prauumque sapiunt, si correpti, ut sanum rectumque sapiant, resistunt contumaciter suaque pestifera et mortifera dogmata emendare nolunt, sed defensare persistunt, haeretici fiunt et foras exeuntes habentur in exercentibus inimicis.* St. Augustine of Hippo, *Collected Works* (Hastings, 2016: Delphi Ancient Classics Book, 68), 485, available at <https://www.thelatinlibrary.com/augustine/civ18.shtml>, accessed 9 September 2005.
- 12 *Haeretici sunt qui quod prave sapiunt contumaciter defendunt. Texte zur Inquisition*, 22, available at <http://www.columbia.edu/cu/lweb/digital/collections/cul/texts/>, accessed 9 September 2005.
- 13 Quoted in Matthew Paris, *Chronica maiora*, ed. Henry Richards Luard, vol. 5 (London, 1880), 200.
- 14 See the entries on heresy in DTC 6.2, 2208–57; LTK, 4, 1189–93; LMA 4, 1933–6; various approaches to the category of heresy in the medieval society are discussed in *The Concept of Heresy*.
- 15 Henry Kamen, *The Rise of Toleration* (New York and Toronto, 1967), 13–8; cf. Cary J. Nederman, “Introduction: Discourses and Contexts of Tolerance in Medieval Europe”, in John Christian Laursen and Cary J. Nederman (eds), *Beyond the Persecuting Society. Religious Toleration before the Enlightenment* (Philadelphia, 1998), 13–24; Nederman, *Worlds of Difference: European Discourses of Toleration, c. 1100–c.1550* (University Park, 2000).

and the Waldensians had the sole objective of persuading religious dissidents of the authenticity of ecclesiastical doctrine. Similarly, the goal of all twelfth-century anti-heresy measures was the total suppression of heresy. This could be accomplished either through a return of heretics to the Church (*conversio*), or their extermination (*exterminatio*).¹⁶

Even in the Middle Ages, such methods of dealing with heresy, implemented within the framework of *inquisitio haereticae pravitatis*, inspired contradictory reactions.¹⁷ Certainly, inquisitors were not received warmly by those who had investigations launched into them. These individuals, however, were not the only ones to protest. Some members of the clergy also voiced criticism of the Church officials entrusted with *officium inquisitionis*, either because of the methods they used or occasional cases of abuse. In the early fourteenth century, a Franciscan friar, Bernard Délicieux accused the Dominican inquisitors from Carcassonne of forging records and using the inquisitorial procedure to obtain money from the targeted suspects. Bernard argued that no Christian, even the most observant and holding orthodox Catholic Faith, could feel safe in the presence of the inquisitorial tribunal. He also claimed that even St Peter and St Paul, had they been summoned by an inquisitorial tribunal, would have been declared heretics.¹⁸ His voice was not the only critical one. Similar objections to anti-heresy initiatives implemented by bishops and papal inquisitors required papal interventions. In the early fourteenth century, the citizens of Albi made a complaint to Pope Clement V regarding the excessive use of prison sentences by Bishop Bernard de Castanet, who also kept suspects in jail in scandalous conditions. To verify the truth of the reported allegations, the Pope sent a special commission of cardinals to Languedoc. Their duties included an inspection of the inquisition prisons, which revealed the dramatic fate of prisoners of the inquisition. The cardinals encountered convicts who had been in prison for several years without a proper sentence. The conditions in the prison also terrified the members of the papal

16 Gui, *Practica*, 217–8.

17 Anne Reltgen-Tallon, “L’Image de l’Inquisition et des dominicains au Moyen Âge”, in Laurent Albaret (ed.), *Les inquisiteurs. Portraits de défenseurs de la foi en Languedoc (XIII^e-XIV^e siècles)* (Toulouse, 2001), 153–60; Charles de la Roncière, “L’Inquisition a-t-elle été perçue comme un abus au Moyen Âge?”, in *L’Inquisition et pouvoir*, 11–24.

18 Alan Friedlander *Processus Bernardi Delitiosi. The Trial of Father Bernard Délicieux, 3 September–8 December 1319* (Philadelphia, 1996), 164, 174, 207.

committee. The prisoners were incarcerated in narrow cells, often without access to light and fresh air.¹⁹

The negative legend of the inquisition started to form during the Reformation. Two different historiographical visions emerged because of research carried out in the context of different confessions. The works written in the Catholic milieu stressed the contribution of the inquisition for the defence of the Church against schism. The metrics included the virtue and devotion of papal inquisitors, as those described in *Annales Ecclesiastici* by Caesarius Baronius (1538–1607), continued by Abraham Bzovius (1567–1637) and Odorico Raynaldi (1595–1671). These scholars represented the official position of the Catholic Church.²⁰ Inquisitors who lost their lives in the service of the Roman Church, such as St Peter of Verona (1206–1252), turned into heroes of hagiographic literature written primarily during the Middle Ages.²¹

In the period of the Renaissance, the inquisition became a symbol of the backwardness of the medieval Church, a symbol of persecution, which stripped the individual of the right to think independently and express personal views and religious beliefs. The inquisitor was ridiculed by sarcastic remarks intended to reveal his ignorance and poor intelligence. A good example of such a character presentation is the description of Mimo da San Quirico, a Franciscan inquisitor from Giovanni Boccaccio's *Decameron*. Boccaccio upbraided the inquisitor's hypocrisy and greed, for he "as many others, wanted to be regarded as a holy man, zealous in Christian faith, but that did not prevent him from pursuing not only heretics, but also those whose purses were full of coins." In other words, the sarcastic characteristic of the inquisitor served to create an image of "a well-meaning man who had more gold than brains."²² Another object of criticism became the actual legal procedure used in heresy trials. At the time of the famous trial of a

19 Friedlander, *The Hammer of the Inquisitors: Brother Bernard Délicieux and the Struggle against the Inquisition in Fourteenth-Century France* (Leiden, 2000: Cultures, Beliefs and Traditions: Medieval and Early Modern Peoples, 9).

20 Peters, *Inquisition*, 264–74.

21 Christine Caldwell, "Peter Martyr: the Inquisitor as Saint", *Journal of Medieval and Renaissance Studies* 31 (2000), 137–74; Donald Prudlo, *The Martyred Inquisitor: the Life and Cult of Peter of Verona († 1252)* (Aldershot and Burlington, 2008).

22 Giovanni Boccaccio, *Decameron*, ed. Vittore Branca (Turin, 1956), 58–60; cf. Elissa B. Weaver (ed.), *The Decameron. First Day in Perspective*, vol. 1 (Toronto, Buffalo, and London, 2004), 144–5.

German humanist, Johann Reuchlin, his friend Crotus Rubeanus (Johann Jäger) wrote a satirical treatise, which was a parody of an inquisitorial interrogation.²³

Contrary to official ecclesiastical historiography focusing primarily on the merits of the inquisition for the defence of the purity of the faith against Satan's spawn, Protestant historians tended to depict the Inquisition, written with a capital letter, as a sinister tribunal that tracked down each and every act of disobedience towards the Church and proceeded in a downright cruel manner.²⁴ The mastermind behind the Protestant vision of medieval history of the Church, with its persecution of witnesses of the Divine Truth (*testes veritatis*) in the forefront, was Matthias Flacius Illyricus (Matija Vlačić). The publication of his *Magdeburg Centuries* was particularly important for the formation of the black legend of the Inquisition. Flacius's work acquired a more developed form in Protestant historiography over the following three centuries. Despite the predominantly negative depiction of the Inquisition and its proceedings, the unquestionable merit of protestant historians was their great effort to collect and publish a great number of sources instrumental for research on medieval inquisition. The publication of the inquisition records of Bernard Gui was one spectacular example. Published by a Dutch historian, Philip van Limborch,²⁵ this edition had long occupied the status of basic reading for historians examining the history of the medieval inquisition.

The bad press of the Inquisition established itself in European literature between the seventeenth and eighteenth centuries when it was ultimately fine-tuned by the seventeenth-century defenders of tolerance and freedom of thought, as well as the eighteenth-century philosophers of the Enlightenment. Through a process of "inventing the Inquisition" – in Edward Peters' words – the inquisitors were portrayed as merciless criminals who suppressed all manifestations of independent reasoning. The inquisition procedure – *inquisitio haereticae pravitatis* – was presented as a centralized high-performing institution that mercilessly

23 Qtd. from Richard Kieckhefer, *The Repression of Heresy in Medieval Germany* (Liverpool and Philadelphia, 1979), 1.

24 Peters, *Inquisition*, 122–30; Christine Caldwell Ames, "Does Inquisition belong to Religious History?," *American Historical Review* 110 (2005), 11–13; see also Cameron, *Medieval Heretics as Protestant Martyrs*, in *Martyrs and Martyrologies. Papers Read at the 1992 Summer Meeting and the 1993 Winter Meeting of the Ecclesiastical History Society* (Oxford, 1993: Studies in Church History, 30), 185–207.

25 Philip van Limborch (ed.), *Historia inquisitionis cui subiungitur Liber sententiarum inquisitionis Tholosanae ab anno Christi MCCCVII ad annum MCCCXXIII* (Amsterdam, 1692).

suppressed each and every symptom of disobedience towards the Church.²⁶ In academic publications and historical novels alike, the black legend of the Inquisition was popularized and, over time, additional elements were joined onto older stories for extra effect. The Spanish Inquisition was regarded as particularly infamous and it became the favourite topic of many academic publications and works of fiction.²⁷ Philip van Limborch's *Historia inquisitionis* started the trend. His successors, authors of historical publications focusing on the history of the Inquisition, added visual material to their works. In images, they showed interrogations held before inquisition tribunals, different methods of torturing prisoners and depicted both penitents and the *auto-da-fé*. These works written during the nineteenth century, along with their iconographic components, contributed significantly to the construction of the myth of "bloody" Inquisition in the common mind.²⁸ Last, but not least, we also ought to take note of Francisco Goya's series of paintings devoted to the victims of the Spanish Inquisition.

Such a negative vision of the Inquisition dominated historiography until the late nineteenth century. One is haunted still by the images from many popular works on the subject, both in fantasy literature and films. E.g. Umberto Eco's novel *The Name of the Rose* features the Toulouse inquisitor, Bernard Gui, a man "with cold, grey eyes, capable of fixing the gaze without any expression [...] but still able to cast meaningful glances, either concealing his thoughts and passions or expressing them according to his will."²⁹ While conducting a trial and inquiring into a string of secret murders that had taken place in a gloomy Benedictine abbey Gui discovers some conspiring heresy supporters among the monks, the Dolcinians. In the literary vision of Eco, Gui declares both heretics guilty recurring to tricky questions and torture. He also knew in advance the outcome of the trial. In Polish literature, the black legend of the Inquisition took on a new form in the grim novel written by Jerzy Andrzejewski (*Darkness Veils the Earth*, 1956), set in Spain between 1485 and 1498. The main character in the story is a young Dominican friar, Diego Manente, who becomes a close collaborator of Tomás de Torquemada. Influenced by this powerful inquisitor, the youth

26 Peters, *Inquisition*, 130–4.

27 Henry Kamen, *The Spanish Inquisition. A Historical Revision* (New Haven and London, 2014), 246–58.

28 Peters, *Inquisition*, 189–230.

29 Umberto Eco, *The Name of the Rose*, 193, available at <http://www.goodwin.ee/ekafoto/tekstid/Eco%20Umberto%20-%20The%20Name%20Of%20The%20Rose.pdf>, accessed 12 September 2005.

renounces his earlier prejudice against the Inquisition, denounces his friends and, ultimately, after Torquemada's death, assumes inquisitor's duties.³⁰

The second half of the nineteenth century was the time when brand-new critical source search discredited significant elements of the black legend of the Inquisition. Synthetic dissertations by Charles Molinier,³¹ Célestin Douais,³² Elphège Vacandard³³ or later works by Jean Guiraud³⁴ were all preceded by editions of inquisition sources and a considerable number of monographic studies. The writings of Célestin Douais, who published a manual *Practica inquisitionis haereticae pravitatis* of Bernard Gui,³⁵ as well as excerpts from the records of the Languedoc inquisition,³⁶ have been considered essential reading for scholars in the field. Jean-Marie Vidal also contributed to a more advanced state of research with his publication of papal correspondence addressed to papal inquisitors and Church leaders in France.³⁷ In North American scholarship, complex research into the history of the inquisition came from the pen of the historian, Henry Charles Lea. His findings were published in two monumental works on the history of medieval inquisition, including the Spanish Inquisition.³⁸ Both works reveal the scholar's extraordinary erudition and brilliant insight into problem analysis, especially in areas which had either been omitted or neglected previously. While undertaking his research, Lea created a library in Philadelphia where he collected valuable prints and inquisition-related academic literature. It is noteworthy that he never actually set foot in Europe and, therefore, his work

30 Peters, *Inquisition*, 306–7.

31 Charles Molinier, *L'Inquisition dans le Midi de la France au XIII^e et au XIV^e siècle* (Paris, 1880).

32 Célestin Douais, *L'inquisition. Ses origines, sa procédure* (Paris, 1906).

33 Elphège Vacandard, *L'inquisition* (Paris, 1907); Vacandard, "Inquisition" in DTC 7.2, 2016–68.

34 Jean Guiraud, *L'Inquisition médiévale* (Paris, 1978); Guiraud, *Histoire de l'Inquisition au Moyen Âge*, 2 vols (Paris, 1935–1938; repr. 1978); Guiraud, *The Medieval Inquisition* (New York, Chicago, Cincinnati, and San Francisco, 1930).

35 Bernard Gui, *Practica inquisitionis haereticae pravitatis*, ed. Douais (Paris, 1886).

36 Douais (ed.), *Documents pour servir à l'histoire de l'inquisition dans Languedoc*, 2 vols (Paris, 1900).

37 Jean-Marie Vidal (ed.), *Bullaire de l'Inquisition Française au XIV^e siècle et jusqu'à la fin du Grand Schisme* (Paris, 1913).

38 Henry Charles Lea, *A History of the Inquisition in the Middle Ages*, 3 vols (London, 1887–1888); Lea, *A History of the Inquisition in Spain* (London 1906–1907).

was based solely on the sources he was able to acquire in old bookshops and at library auctions overseas.³⁹

The work of Henry Charles Lea and Célestin Douais provided existing scholarship with the tools to break free from the black legend of the inquisition, thus paving the way for critical studies on the activities of medieval inquisitors. The research conducted by international historians resulted in a complete dismissal of the historiographic tradition derived from the confessional perspective. This new perspective in research, conducted *sine ira et studio* brought forth a number of monographs that shed new light on the medieval inquisition. At last, a balanced scholarly debate on that controversial chapter of the past replaced biased works. This change in approach is reflected in the new ecumenical terminology that gradually replaced notions such as “heresy”, “sect” by terms such as “religious movements,” “reform movements” or “religious dissent.”

A breakthrough resulting in new research perspectives came at a 1962 international conference *Hérésie et sociétés dans l'Europe préindustrielle, 11^e–18^e siècles*, organized by École Pratique des Hautes Études in Paris. The conference attracted many renowned historians, theologians and sociologists, who sought to approach medieval heresy in a novel manner, focusing on its religious, social and economic contexts. The papers of this conference, edited by Jacques Le Goff and published six years later, became a classic reference work and source of inspiration for many new monographic studies.⁴⁰ This new research was accompanied by an increasing number of critical editions of inquisition sources, such as manuals, theological treatises and records. One cannot overlook the immense editorial effort of Jean Duvernoy, a scholar who has managed to publish the majority of the surviving medieval records of the Languedoc inquisition over the past thirty years, either as independent publications or in the form of typescript deposited at the Centre d'études cathares, also accessible in the electronic format.⁴¹ Also, Annette Palès-Gobilliard's editions, including the records of Bernard Gui and Geoffroy d'Ablis, are of an equally high value. The Centre d'Études cathares in Carcassonne was one of the leading European academic institutions carrying out regular research on medieval heresy and inquisition. Since its foundation in 1965, the Centre completed several research and editorial projects and attracted

39 Peters, *Inquisition*, 287–93; Peters, “Introduction”, in Lea, *The Ordeal* (Philadelphia, 1973), vii–xxix.

40 *Hérésie et sociétés*, passim.

41 The complete bibliography of works by Jean Duvernoy is available at <http://jean.duvernoy.free.fr/>, accessed 6 September 2005.

an international body of scholars. For more than twenty years the most recent findings of scholars from around the world were published in a biennial *Heresis*. For a long time the Centre d'Études Historiques de Fanjeaux, with its annual publication *Cahiers de Fanjeaux*, has been a leading institution with a primary focus on research on religious history placed into a multidisciplinary context. Through a natural sequence of events, the discussed type of research on the medieval inquisition has been of special interest to various academic centres run by the Dominican order. The Istituto storico domenicano in Rome has assumed the role of coordinator of other institutes. It is a research body affiliated with the Papal University Angelicum, which publishes both sources and academic dissertations pertaining to the history of the Dominicans in the broad sense of the term. Many valuable works devoted to the activity of the Dominican inquisitors, including most classic source studies by Antoine Dondaine, have been featured in the Institute periodical *Archivum Fratrum Praedicatorum*.

In German scholarship, the research initiated by Herbert Grundmann has been continued by Alexander Patschovsky, Dietrich Kurze, Peter Segl, Winfried Trusen and Ludwig Vones. At a conference organized in Bayreuth in 1992, this group of historians completed a systematic assessment of research on the origins of the medieval Inquisition,⁴² whereas in Italy, the group of contemporary Italian scholars focusing on systematic research on the medieval heresy and inquisition includes, to name a few, Grado G. Merlo,⁴³ Mariano d'Alatri⁴⁴ and Lorenzo Paolini,⁴⁵ and recently Caterina Bruschi.⁴⁶ In recent years, we have been observing

42 *Anfänge*, passim.

43 E.g. Merlo, *Contro gli eretici. La coercizione all'ortodossia prima dell'inquisizione* (Bologna, 1996); Merlo, *Eretici e inquisitori nella società piemontese del trecento* (Turin, 1977); Merlo, *Eretici ed eresie medievali* (Bologna, 1989); Merlo, "Le origini de l'inquisizione medievale", in *L'inquisizione*, 25–40; Merlo, "Predicatori e inquisitori. Per l'avvio di una riflessione", in *Praedicatores, Inquisitores*, 13–32.

44 Mariano d'Alatri, *Eretici e inquisitori in Italia. Studi e documenti*, 2 vols (Rome, 1986–1987).

45 E.g. Lorenzo Paolini, *Eretici del medioevo. L'albero selvatico* (Bologna, 1989); Paolini, "Inquisizioni medievali: il modello italiano nella manualistica inquisitoriale (XIII-XIV secolo)", in Pietro Maranesi (ed.), *Negotium fidei. Miscellanea di studi offerti a Mariano d'Alatri in occasione del suo 80° compleanno* (Rome, 2002: Bibliotheca Seraphico-Cappuccina, 67), 177–98; Paolini, "Il modello italiano nella manualistica inquisitoriale (XIII-XIV secolo)", in *L'inquisizione*, 95–118; Paolini and Rainiero Orioli, *Leresia a Bologna fra XIII e XIV secolo*, 2 vols (Rome, 1975: Studi storici – Istituto storico italiano per il Medio Evo, 93–96).

46 Caterina Bruschi, *The Wandering Heretics of Languedoc* (Cambridge, 2009).

a growing interest in the history of heresy and the inquisition in the USA. Several important studies on heresy have been published as a fruit of a seminar taught by Robert Edward Lerner and Richard Kieckhefer at Northwestern University. The group of American scholars whose works have tackled new research questions over recent years includes James B. Given,⁴⁷ John H. Arnold,⁴⁸ Mark G. Pegg.⁴⁹

New research has introduced a distinction between the inquisitorial procedure (*inquisitio*) and its specific kind used to combat heresy (*inquisitio haereticae pravitatis*). A considerable factor influencing this change were several intensive studies on medieval canon law that shed new light on the origins and development of the inquisitorial procedure (W. Ullmann,⁵⁰ H. Maisonneuve,⁵¹ W. Trusen,⁵² H.A. Kelly,⁵³ K. Pennington⁵⁴). Studies of the reception of Roman Law in the

47 James Buchanan Given, *Inquisition and Medieval Society. Power, Discipline and Resistance in Languedoc* (Ithaca and London, 1997).

48 John Henry Arnold, *Inquisition and Power. Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia, 2001).

49 E.g. Mark Gregory Pegg, *The Corruption of Angels: The Great Inquisition of 1245–1246* (Princeton, 2001).

50 Walter Ullmann, *Law and Jurisdiction in the Middle Ages* (London, 1988); Ullmann, "Medieval Principles of Criminal Procedure", *Juridical Review* 59 (1947), 1–28; Ullmann, *The Papacy and Political Ideas in the Middle Ages* (London, 1976).

51 Maisonneuve, *Études*, passim; Maisonneuve, "Le droit romain et la procédure inquisitoriale", in *Études d'histoire du droit canonique dédiées à Gabriel Le Bras*, vol. 2 (Paris, 1965), 931–42; Maisonneuve, *L'Inquisition* (Paris and Ottawa, 1989).

52 Trusen, "Der Inquisitionsprozeß", 168–230; Trusen, "Das Verbot der Gottesurteile und der Inquisitionsprozeß: Zum Wandel des Strafverfahrens unter dem Einfluß des gelehrten Rechts im Spätmittelalter", in Jürgen Miethke and Klaus Schreiner (eds), *Sozialer Wandel im Mittelalter. Wahrnehmungsformen, Erklärungsmuster, Regelungsmechanismen* (Sigmaringen, 1994), 235–47; Trusen, "Von den Anfängen", 39–76.

53 Henry Ansgar Kelly, "Inquisition and the Prosecution of Heresy: Misconceptions and Abuses", *Church History*, 58 (1989), 439–51; Kelly, "Inquisitorial Due Process and the Status of Secret Crimes", in Stanley Chodorow (ed.), *Proceedings of the Eighth International Congress of Medieval Canon Law* (Città del Vaticano, 1992), 408–28.

54 Kenneth Pennington, "Innocent Until Proven Guilty: The Origins of a Legal Maxim", in Italo Birocchi, Mario Caravale, Emanuele Conte, and Ugo Petronio (eds), *A Ennio Cortese. Scritti promossi da Domenico Maffei e raccolti*, vol. 3 (Rome, 2001), 59–73; Pennington, "Law, Criminal Procedure", in *Dictionary of the Middle Ages: Supplement*, vol. 1 (New York, 2004), 309–20; Pennington, *Popes and Bishops. The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia, 1984); Pennington, "Pro peccatis patrum puniri. A Moral and Legal Problem of the Inquisition", *Church History* 47 (1978), 137–54; Pennington, *The Prince and the Law, 1200–1600. Sovereignty and Rights in the*

Middle Ages revealed how significant its impact was on the legal structure and terminology used by the Church in the war on heresy. The development of the medieval inquisition procedure was based on the Roman notion of infamy. What is more, the categorization of heresy as a crime of lese-majesty came directly from the constitution of Christian Roman emperors. (C.U. Schminck,⁵⁵ M. Sbriccoli,⁵⁶ H.G. Walter,⁵⁷ O. Hageneder,⁵⁸ J. Chiffolleau,⁵⁹ L. Kolmer,⁶⁰ S. Ragg⁶¹).

There is a great divide among scholars over the actual interpretation of the medieval inquisition. Some historians, such as Albert C. Shannon⁶² and Yves

Western Legal Tradition (Berkeley and Los Angeles, 1994); see also his publications at <http://legalhistorysources.com/vitaweb.htm>, accessed 25 October 2019.

- 55 Christoph Ulrich Schminck, *Crimen laesae maiestatis. Das politische Strafrecht Siziliens nach den Assissen von Ariano (1140) und nach den Konstitutionen von Melfi (1231)* (Aalen, 1970: Untersuchungen zur deutschen Staats- und Rechtsgeschichte, 14).
- 56 Mario Sbriccoli, *Crimen laesae maiestatis. Il problema del reato politico alle soglie scienza penalistica moderna* (Milan, 1974).
- 57 Helmut G. Walther, "Häresie und päpstliche Politik: Ketzerbegriff und Ketzergesetzgebung in der Übergangphase von der Dekretistik zur Dekretalistik", in *The Concept of Heresy*, 104–43; Walther, "Haeretica pravitas" und Ekklesiologie. Zum Verhältnis von kirchlichen Ketzerbegriff und päpstlicher Ketzerepolitik von der 2. Hälfte bis [dem] erste Drittel des 13. Jahrhunderts", in Albert Zimmermann (ed.), *Die Mächte des Guten und Bösen* (Berlin and New York, 1977), 286–314; Walther, *Ziele und Mittel papstlicher Ketzerepolitik in der Lombardei und im Kirchenstaat 1184 – 1252*, in *Die Anfänge der Inquisition*, 103–30.
- 58 Othmar Hageneder, "Der Häresiebegriff bei den Juristen des 12. und 13. Jahrhunderts", in *The Concept of Heresy*, 42–103; Hageneder, "Studien zur Dekretale *Vergentis* (X. V,7,10). Ein Beitrag zur Häretiker gesetzgebung Innocenz' III, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 49 (1963), 138–73.
- 59 Jacques Chiffolleau, "Sur le crime de majesté médiéval", in *Genèse de l'État moderne en Méditerranée. Approches historiques et anthropologiques des pratiques et des représentations* (Rome, 1993), 183–213.
- 60 Lothar Kolmer, "Christus als beleidigte Majestät... Von der *lex Quisquis* (397) bis zum Dekretale *Vergentis* (1199)", in Hubert Mordek (ed.), *Papsttum, Kirche und Recht im Mittelalter. Festschrift H. Fuhrmann zum 65. Geburtstag* (Tübingen, 1991), 1–13.
- 61 Sascha Ragg, *Ketzer und Recht. Die weltliche Ketzergesetzgebung des Hochmittelalters unter dem Einfluß des römischen und kanonischen Rechts* (Hanover, 2006: MGH. Studien und Texte, 37).
- 62 "The inquisition, properly so-called, was an institution established by the Holy See in which judges were especially delegated for investigating, trying, and sentencing heretics." Albert C. Shannon, *The Popes and Heresy in the Thirteenth Century* (Villanova, 1949), 48; cf. "the 'inquisitorial procedure' was adopted by Pope Gregory

Dossat,⁶³ in keeping with an earlier tradition, consider the inquisition a formalized Church institution that fought against any forms of heterodoxy on behalf of the pope. On the other hand, most recent publications question this view. An English scholar, Bernard Hamilton, argues against Kieckhefer's position stressing the unity of methods and forms of "the medieval Inquisition" described in canon law. While he has accepted the claim that there was no centralized Church structure set up to combat heresy, he still rejects the position according to which the medieval inquisition ought to be viewed merely as a string of unrelated activities of papal inquisitors.⁶⁴

In this debate, which has spanned over more than a dozen years, attention has been drawn to the fact that the notion *inquisitio* or *officium inquisitionis* did not denote any medieval institution whose mandate entailed dealing with heresy-related matters.⁶⁵ The first term referred to one of many ways of carrying out an investigation, while the other was originally identified with the *officium praedicationis*. Both referred to some duty or function performed by a person. To sum up the earlier debate, Richard Kieckhefer concluded that there is no evidence as to the existence of any organized and centralized institution that could be referred to as "the Inquisition" and papal inquisitors were not in fact part of any homogenous structure that would have assigned them tasks and controlled their activity.⁶⁶

Some historians have accepted Kieckhefer's conclusions without reservations, while others have presented some evidence to the contrary, either by proving the existence of a centralized institution of papal inquisition or making attempts to show that the papal inquisition was not so much a particular structure, but some

IX (1227–1241) as a specific institution (the Inquisition) to deal with heresy"; Shannon, *The Medieval Inquisition* (Collesville, 1991), 104.

- 63 "The Inquisition was a special permanent tribunal established by Pope Gregory IX to combat heresy". Dossat, "Inquisition", in *New Catholic Encyclopedia*, vol. 7 (New York, 1967), 535.
- 64 "There was no central department to direct or co-ordinate this work, and individual inquisitors had no institutional connection with their colleagues in other provinces, though they all exercise identical powers which were in canon law." Bernard Hamilton, *The Medieval Inquisition* (London and New York, 1981), 9.
- 65 Kelly, "Inquisition", 439–42.
- 66 "In these circumstances it would perhaps be advisable to avoid speaking of even papal inquisitors as if they formed a suprapersonal agency, or an Institution." Kieckhefer, *The Repression of Heresy*, 5; Kieckhefer, "The Office of Inquisition and Medieval Heresy: The Transition from Personal to Institutional Jurisdiction", *JEH* 46 (1995), 36–7; cf. Arnold, *Inquisition and Power*, 77.

ordered form of anti-heresy activity. Peter Segl believes that, indeed, there was no single institution with central government that could be called the Inquisition per se, yet he argues that the activities of papal inquisitors were characterized by common objectives and a great degree of standardization in *modus operandi*. While fulfilling the anti-heresy tasks entrusted to them by the pontiff, all inquisitors continued with their activities within the framework of *negotium fidei*.⁶⁷

Edward Peters, adopting Kieckhefer's concept as his starting point, argued in favour of a triple meaning of the term "inquisition." In his view, it can refer to the legal function assumed by an inquisitor (*inquisition*) alone, denote a specific legal institution, such as the Venetian or Roman inquisition (*Inquisition*), or refer to a mythical body created by critical literature (*the Inquisition*).⁶⁸ Peters himself does not dwell in detail on the distinction between the inquisition as a function and the inquisition as an institution.⁶⁹ His approach to the medieval inquisition focuses on the activity of various inquisitors appointed by bishops and popes who waged war on heresy as part of their *inquisitio haereticae pravitatis* mandate. While questioning the existence of an organized Church structure in the Middle Ages, he prefers to speak of "medieval inquisitors".⁷⁰ Another American

67 "Das Mittelalter kannte das 'Heilige Offizium' bzw. die 'Kongregation der Römischen und Universalen Inquisition' noch nicht, weshalb man überspitzt und dadurch leicht mißverständlich formulieren konnte, daß es 'the Inquisition' im Mittelalter eigentlich gar nicht gegeben habe. Wenn es 'die Inquisition' als zentrale kirchliche Behörde zur Ketzerverfolgung im Mittelalter auch tatsächlich nicht gegeben hat, so gab es doch seit dem 13. Jahrhundert das *negotium inquisitionis*, die 'Sache' bzw. das 'Geschäft der Inquisition', sowie das 'Amt der Inquisition' (*officium inquisitionis*) als kirchliche Aufgabe der Ketzerbekämpfung, schon unter Papst Gregor IX. auch als *inquisitio hereticorum* bezeichnet, der jeder Bischof sowie die vom Papst oder einem Bischof dazu bevollmächtigen *inquisitores hereticorum* bzw. *inquisitores heretice pravitatis* von Amts wegen nachzugehen hatten." Peter Segl, "Einrichtung und Wirkungsweise der *inquisitio haereticae pravitatis* im mittelalterlichen Europa", in *Die Anfänge der Inquisition*, 3–5. Such a view is rejected by Kieckhefer who stresses the semantic difference in the meaning of *die Inquisition* and *the Inquisition* in German and English ("The Office of Inquisition", 37, n. 4).

68 Peters, *Inquisition*, 7.

69 Peters, *Inquisition*, 1–3; see also the review of Peters' work by Kieckhefer, *Speculum* 66 (1991), 674–77.

70 "The inquisitor could be either an official charged by a bishop to use the bishop's conventional judicial authority within a single diocese, or an individual (usually a member of a Mendicant Order) appointed a papal delegate judge either directly or through the Minister General or Provincial of the Order for a particular period and region. The term in the latter case was *inquisitor hereticae pravitatis*, 'inquisitor (or inquirer) of

scholar, Henry Ansgar Kelly, has provided arguments against the image of the medieval inquisition as a homogenous and centralized procedure, though he has also drawn attention to a few noteworthy analogies in procedures targeting both heretics and other offenders. In this he distinguished between the term of *inquisitio*, referring to the specific official measures administered in criminal cases, and *inquisitio haereticae pravitatis*, which denoted the procedure for reviewing heresy charges specifically.⁷¹

Most contemporary scholars are unanimous in acknowledging that the Middle Ages did not develop any homogenous and centralized institution for combating heresy. Medieval inquisition, or, as some scholars suggest, medieval inquisitions differed significantly from its modern counterpart with regards to structure.⁷² Therefore, one may conclude that the inquisition was not institutionalized prior to 1542, when Paul III's bull *Licet ab initio* subjected all activities of papal inquisitors to the Roman Curia. By so doing, he laid down foundations for a distinct institution. In 1588, under Pope Sixtus V, on the authority of the constitution *Immensa Aeterni Dei*, this institution turned into the Holy Office of the Inquisition, *Congregatio sanctae Inquisitionis haereticae pravitatis*, later changed to *Congregatio Sancti Officii*. The task standing before the Holy Office was to coordinate the anti-heresy combat and oversee the work of inquisitors throughout the Catholic Church.⁷³

The origins and the activity of the Spanish Inquisition could benefit from a similar scholarly approach. Just like the Roman inquisition, it reached the peak of structural development. Although it is true that its origins could be traced

heretical depravity', and the power he held in this capacity was termed the *officium inquisitionis hereticae pravitatis*, 'the office of inquisition of (or of inquiring into) heretical depravity [...]'." Thus, it may be more accurate to speak of medieval *inquisitors* rather than a medieval *inquisition*". Peters, *Inquisition*, 66–7.

- 71 "Before then (i.e. the establishment of the Congregation of the Holy Inquisition in the middle of the sixteenth century), there were only papal inquisitors, sometimes sporadically appointed, sometimes more permanently commissioned, but not organized over larger areas than individual dioceses, provinces, or kingdoms." Kelly, "Inquisition", 440–1.
- 72 William E. Monter, "The Inquisition", in Richard Po-chia Hsia (ed.), *A Companion to the Reformation World* (Oxford and New York, 2004), 255–71.
- 73 John Tedeschi, "The Organization and Procedures of the Roman Inquisition: A Sketch", in John Tedeschi, *The Prosecution of Heresy. Collected Studies on the Inquisition in Early Modern Italy* (New York, 1991: Medieval and Renaissance Texts and Studies, 78), 127–203; Silvana Seidel Menchi, "Origine e origini del Santo Uffizio dell'Inquisizione romana (1542–1559)", in *L'inquisizione*, 291–322; Agostino Borromeo, "La congregazione cardinalizia del Sant'Ufficio (XVI-XVIII secolo)", in *L'inquisizione*, 323–44.

back to the medieval *inquisitio haereticae pravitatis* directly, as it derived from the same legal procedure, it was implemented in entirely different political and social circumstances. The Spanish Inquisition was, above all, a state-operated institution reporting directly to the king of Spain. Its efforts against heretics, witches, Jews or Muslims correlated primarily with the interests of the Spanish monarchy, and not those of the universal Church.⁷⁴

Our current knowledge of the realm of the medieval inquisition, including its origins, structure, personal makeup and operational principles, is quite broad. Scholarship to date has been successful in establishing the context of the appointment of the first papal inquisitors, as well as the legal principles informing the inquisitors' activities. Scholars can access a great number of biographies of inquisitors and many source analyses of the documents that these individuals left behind.⁷⁵ Nevertheless, the primary debate of historians regarding the perception of *officium inquisitionis* and the evaluation of its role in medieval Christendom has not been settled. What is certain is that academic literature has ceased to rely on the characteristic clichés of the black legend of the Inquisition. The language historians have adapted recently steers clear of images of merciless tribunal of faith whose main goal was to persecute heresy. However, despite all evident changes, literature on the subject still insists on the concept of inquisition viewed as an instrument used by the medieval Church to persecute all those who did not align with her teachings. Within such an interpretational model, the activities involving popes, bishops and inquisitors in the context of *inquisitio haereticae pravitatis* are considered elements of a broader coercive system (*coercitio*) and contrasted with the principle of brotherly conversion by persuasion, originating from the tradition of the Apostles (*persuasio fraternalis*).⁷⁶

This concept was further developed in a study of Robert Ian Moore, *The Formation of a Persecuting Society*. One of Moore's theses gained considerable popularity in professional literature: he associated the birth of the medieval

74 E.g. Monter, "The Inquisition", 255–9.

75 Grundmann, *Bibliographie zur Ketzergeschichte des Mittelalters (1900–1966)* (Rome, 1967: Sussidi eruditi, 20); Carl T. Berkhouit and Jeffrey Burton Russell, *Medieval Heresies. A Bibliography (1960–1979)* (Toronto, 1981: Subsidia Mediaevalia, 11); Emil van der Vekené, *Bibliotheca bibliographica historiae sanctae inquisitionis. Bibliographisches Verzeichnis des gedruckten Schriftums zur Geschichte und Literatur der Inquisition*, 3 vols (Vaduz, 1982–1992).

76 E.g. Raoul Manselli, "De la *persuasio a la coercitio*", *CF* 6 (1971), 175–97; and Duvernoy, "La procédure de répression de l'hérésie en Occident au Moyen-Âge", *Heresis* 6 (1986), 47–53.

system of repression with the process of political and social changes observed at the turn of the eleventh century. In his opinion, that particular era could be characterized by an emergence of a “persecuting society,” hostile to minorities and outcasts. The role of the clergy in public institutions was increasingly important and, as a result, clergymen participated in active governance using their influence to impose a homogenous system of beliefs and a unified code of ethics. In the light of Moore’s model, European society at the turn of the eleventh century became an integrated community embracing its religious and cultural distinctiveness, while becoming hostile towards everything that differed from it. The process of integration of medieval Christendom was, for Moore, the source of the hostility felt towards individuals with a different creed and way of life. Moore chose to examine the deepest motives behind the persecution of Jews, heretics and also, though differently, lepers and prostitutes, and pointed to the collective fear and resentment felt towards “the others,” as psychologists and sociologists would frame it.⁷⁷

Recently, Dominique Iogna-Prat has written a work devoted to the polemic treatises of a Cluny abbot, Peter the Venerable (ca. 1092–1156), shedding new light on the twelfth century origins of the concept *societas Christiana*, a people guided by the clergy on their journey to Christ. Christian society in the Middle Ages, organized around the Church, was exposed to many dangers. While striving to become one with Christ, it was forced to combat both external enemies, such as pagans and Muslims, and internal foes, such as heretics and Jews. Peter the Venerable was convinced that there was a universal conflict in which Good, the Church of Christ, had to wrestle with Evil, in other words, the forces of Satan. Peter’s treatises written against Muslims, heretics (Petrobrusians) and Jews exposed the primary challenges faced by the Christian community. Iogna-Prat argues that the concept of medieval Christendom united around the Church was a product of twelfth-century intellectual elites, to which the Cluny abbot belonged. It reflected the characteristic opinion of the Church milieu associated

77 Robert Ian Moore, *The Formation of a Persecuting Society. Power and Deviance in Western Europe 950–1250* (Oxford, 1987); Moore, “Heresy, Repression, and Social Change in the Age of Gregorian Reform”, in Peter D. Diehl and Scott L. Waugh (eds), *Christendom and Its Discontents: Exclusion, Persecution and Rebellion, 1000–1500* (Cambridge, 1996), 19–46; Moore, “New Sects and Secret Meetings: Association and Authority in the Eleventh and Twelfth Centuries”, *Studies in Church History* 25 (1986), 47–68; Moore, “A la naissance d’une société persécutrice: les clercs, les cathares et la formations de l’Europe”, *Heresis* 6 (1993), 11–38; Moore, *The First European Revolution c. 970–1215* (Oxford, 2000).

with the Gregorian Reform. One of its main objectives was the reinforcement of the authority of the Pope within the Church to defend the unity of the faith more effectively and silence those who questioned it.⁷⁸

It is worth to note a few other scholarly approaches, developing in parallel to the repressive model in which the Middle Ages was the arena of conflict between the Church and heresy fuelled by internal social and political tensions. These suggest that the inquisition should be interpreted as a religious phenomenon above all. The ground for this research perspective was prepared by a Dominican friar Hubert-Marie Vicaire. In his voluminous dissertations devoted to the activity of Saint Dominic and the origins of the Order of Preachers, Vicaire stressed the pastoral character of the Dominican contribution to the anti-heresy struggle.⁷⁹ The core of their mission, he wrote, was not the persecution of heretics but their conversion *verbo et exemplo*. It also applied to the initiatives of the Dominicans undertaken in the context of *officium inquisitionis*. Vicaire, along with a few other historians, most of whom were also of Dominican background, considered the activity of the inquisitors just one aspect of the mission of the Dominican Order, primarily oriented towards the proclamation of the Word of God.⁸⁰

Christine Caldwell, conforming to the methodological requirements delineated by Caroline Bynum, has recently expressed the imperative to place the activity of the inquisition into a broader context of religious transformations occurring within the medieval society. In her view, the inquisition constituted an antidote to the disease of the spirit, which was a term for heresy invented by medieval theologians. In Caldwell's view, inquisitors were primarily concerned with preaching and confessing the faith, and thus their role of judge was secondary. The main goal of their activity was the conversion of heretics through available pastoral means.⁸¹

78 Dominique Iogna-Prat, *Order and Exclusion. Cluny and Christendom Face Heresy, Judaism, and Islam (1000–1150)*, trans. Graham Robert Edwards (Ithaca and London, 2003).

79 Marie-Hubert Vicaire, *Dominique et ses prêcheurs* (Paris, 1977); Vicaire, *Histoire de saint Dominique*, 2 vols (Paris, 1982); Vicaire, *Les prêcheurs, et la vie religieuse des Pays d'Oc au XIII^e siècle* (Toulouse, 1998); Vicaire, "Persequutor hereticorum ou les persécutions" de saint Dominique", *CF 6* (1971), 75–83; Vicaire, "La prédication nouvelle des Prêcheurs méridionaux au XIII^e siècle", *CF 6* (1971), 31–64.

80 Guy Bedouelle, *Dominique ou la grâce de la parole* (Paris, 1982; repr. 2015); Bedouelle, "Conclusions", in *L'inquisizione, 777–83*; see also William A. Hinnebusch, *The History of the Dominican Order*, vol. 1: *Origins and Growth to 1500* (Staten Island, 1966).

81 Christine E. Caldwell, "Dominican Inquisitors as 'Doctors of Souls': The Spiritual Discipline of Inquisition, 1231–1331", *Heresis*, 40 (2004), 23–40; Caldwell, "Does

New light was shed on the role of *officium inquisitionis* in medieval Christianity by some critical studies of the inquisition sources written over the past five decades.⁸² This research orientation emerged from the studies of the German historian Herbert Grundmann, who paid due attention to the structure and the language of the inquisition documents. Grundmann examined the context of the inquisition records in a new way, demonstrating their close ties with the entire inquisition procedure.⁸³ Categories introduced by Grundmann, as well as his research questionnaire, deserve to be recognized as a significant contribution to the field of medieval studies. Grundmann was the first scholar to identify several problems and to show the usefulness of particular methods in problem analysis. His work shaped predominant research perspectives in the study of medieval heresy and the inquisition. To this day, many of his thorough studies are still perceived as academic authorities. In professional literature, his source-informed works on the types of inquisition trials⁸⁴ and the stereotype of a heretic remain historiographers' classics,⁸⁵ and constitute starting points for further monographic studies. Grundmann's study of religious movements in the Middle Ages has already been translated into several languages. Its quality of compendium of factual information and inspiration is simply hard to match.⁸⁶

To continue the research orientation inspired by Grundmann's works, three scholars have undertaken systematic studies of source material with a special focus on the inquisition records. Two of them, Grado G. Merlo and Alexander Patschovsky carried out their research based on inquisition-related material discovered and published over time. The Italian scholar, in his pioneer dissertation on the Piedmont inquisition in the fourteenth century, demonstrated the

Inquisition Belong to Religious History?," *American Historical Review* 110 (2005), 11–37; Caldwell, *Righteous Persecution. Inquisition, Dominicans, and Christianity in the Middle Ages* (Philadelphia, 2009).

82 Biller and Bruschi, "Texts and the Repression of Heresy: Introduction", in *Texts and the Repression*. 3–19.

83 Robert E. Lerner, "Introduction", in H. Grundmann, *Religious Movements in the Middle Ages*, trans. Stephen Rowan (Notre Dame and London, 1995), ix–xxix.

84 Grundmann, "Ketzerhörere des Spätmittelalters als quellenkritisches Problem", *Deutsches Archiv für Erforschung des Mittelalters* 21 (1965), 519–75; repr. Grundmann, *Ausgewählte Aufsätze*, vol. 1 (Stuttgart, 1976: MGH. Schriften, 25), 364–416.

85 Grundmann, "Der Typus des Ketzers im mittelalterlichen Anschauung", in *Kultur- und Universalgeschichte: Walter Goetz zu seinem 60. Geburtstag* (Leipzig and Berlin, 1927), 91–197; Grundmann, "Oportet et hereses esse: Das Problem der Ketzerei im Spiegel der mittelalterlichen Biblexegese", *Archiv für Kulturgeschichte* 45 (1963), 129–64.

86 Grundmann, *Ketzergeschichte des Mittelalter* (Göttingen, 1978).

techniques involved in the execution of inquisitor's duties and the particular way in which they were documented. In the process of analysing the records of the Piedmont inquisitors, he stressed the significance of interrogatories both at the stage of trials and at the time when the official versions of the records were being written up. Merlo's research revealed the dominant position of the inquisitor at each stage of the trial. The questions included in the interrogatory determined the scenario of a given trial. The role of the alleged offender was practically limited to answering the inquisitor's questions.⁸⁷ Alexander Patschovsky is, above all, an accomplished publisher of numerous inquisition sources, both manuals (Anonymous of Passau,⁸⁸ the manual of the Bohemian inquisition,⁸⁹ a collection of formulas of Silesian inquisitors⁹⁰), and records (Bohemia,⁹¹ Silesia⁹²). His source studies have embodied new standards of edition. In his source publications, Patschovsky analysed the origins of particular manuscripts with great care, reconstructing their context and content to the minutest detail. His erudite dissertations devoted to Conrad of Marburg⁹³ and the inquiry against a group of fourteenth-century Beguines from Strasbourg⁹⁴ are classic studies on the medieval struggle against heresy.

Robert E. Lerner, who was much inspired by Grundmann's works, devoted the first period of his academic career to history of the Beghard movement between the thirteenth and the fourteenth centuries. A broad archival search enabled him to access all available documentation pertaining to the rise and expansion of this mass current of lay devotion growing outside the medieval Church. In the process of analysing papal decrees and inquisition records, Lerner came to the conclusion that the heresy of the Free Spirit, usually associated with the Beghard movement and targeted by intense inquisition efforts – was, to a great extent,

87 Merlo, *Eretici e inquisitori nella società piemontese del trecento* (Turin, 1977).

88 Patschovsky (ed.), *Der Passauer Anonymus. Ein Sammelwerk über Ketzer, Juden, Antichrist aus der Mitte des 13. Jahrhundert* (Stuttgart, 1968: MGH. Schriften, 22).

89 Patschovsky, *Die Anfänge*.

90 Patschovsky, "Spuren böhmischer Ketzerverfolgung in Schlesien am Ende des 14. Jahrhunderts", in Miloslav Polívka and Miloš Svatoš (eds), *Historia docet. Sborník prací k počtě šedesátých narozenin prof. PhDr. Ivana Hlaváčka, CSc.* (Prague, 1992), 367–87.

91 Patschovsky, *Quellen*.

92 Patschovsky, "Waldensenforschung in Schweidnitz 1315", *Deutsches Archiv für Erforschung des Mittelalters*, 36 (1980), 137–76.

93 Patschovsky, "Zur Ketzerverfolgung Konrads von Marburg", *Deutsches Archiv für Erforschung des Mittelalters*, 37 (1981), 641–93.

94 Patschovsky, "Straßburger Begininverfolgungen im 14. Jahrhundert", *Deutsches Archiv für Erforschung des Mittelalters*, 30 (1974), 56–125.

a fictitious construct of the clergy, concocted to address the conflict with the Beguines and Beghards. Lerner has demonstrated that available sources coming from circles hostile to Beguines and Beghards tend to talk about the heresy of the Free Spirit rather than specify the actual beliefs of Beguines and Beghards. The German clergymen were the first to conclude that a new sect was born. Having collected rather incoherent opinions from the Beguines and Beghards about the attainment of perfection on earth, formulated under the strong influence of Rhineland mystics, the German bishops were persuaded that they were dealing with a secret cult of the Free Spirit. Supposedly, those who adhered to the cult spoke admitted the possibility of attaining a spiritual union with God. Moreover, those who were thought to have attained such a state of perfection, could do anything they wished without committing a sin. A claim of this kind, given that it assumed the possibility of attaining spiritual perfection without the Church as intermediary, made all the pastoral and sacramental ministry of the clergy redundant. As Lerner has noticed, the complex set of beliefs associated with the heresy of the Free Spirit was first elaborated in council documents of the German Church, and, at the next stage, officially confirmed in the *Ad nostrum* constitution, published by the Council of Vienne in 1312. The heretical doctrine, summarized in eight points, became the basis for later inquisition efforts launched into the supposed heresy of the Free Spirit.⁹⁵

In recent years, academic research has once again turned to the documentation produced by the inquisitors. New methods, inspired by studies of the role of the written word in medieval culture, have been used for examining the inquisition records. The inquisition documents, treated as literary texts *par excellence*, have helped scholars to adopt a fresh perspective on the techniques used by inquisitors at task. On the one hand, such detailed source studies of particular categories of records drew the scholars' attention to the complex and gradual process of their production, on the other hand, they revealed the key role of these texts in the context of the trial (G.G. Merlo, D. Kurze, A. Patschovsky, P. Biller, J.B. Given, J.H. Arnold, C. Bruschi, M.G. Pegg).⁹⁶ If we decide to look at the specific research terminology, we need to acknowledge a brand-new notion, "the inquisition discourse", used to denote the specific language of the inquisition-related documentation, along with its unique semantic structure

95 Lerner, *The Heresy of the Free Spirit in the Later Middle Ages* (Berkeley and Los Angeles, 1972; repr. 2002).

96 *Texts and the Repression*, passim; see also Kurze, "Bemerkungen zu einzelnen Autoren und Quellen", in Kurze, *Quellen*, 52–62.

and system of clear-cut categories and terms.⁹⁷ Academic works written in the past decades have shed new light on the functioning of *officium inquisitionis*, stressing the frequency and care with which inquisitors collected, transcribed and processed information obtained throughout the procedure. James B. Given, followed by John H. Arnold, pointed to the close ties between the inquisition in the broad sense of the term and power structures. In the thirteenth-century province of Languedoc, the inquisition became an efficient instrument of power and social control (J.B. Given). Activities carried out by inquisitors in the context of *inquisitio haereticae pravitatis* served not only to “root out” heresy, but also to discipline all the faithful by imposing a particular set of values in accordance with the teachings of the Catholic Church.

The studies of James Given and John Arnold point to the standardization of techniques in the inquisition trials, as well as the high level of specialization of the official language of the inquisitors, all without dismissing the principal claim that there was no such a thing as a specific institution of “inquisition.” James Given, drawing on the example of the Languedoc inquisition, showed the way the inquisitors managed to put together a structure intended to suppress all manifestations of disobedience towards the Church and her doctrine. Using all available legal means, they were able to cast out successfully those members of the Christian community who did not conform to traditional beliefs and religious practices. In a pioneering manner, Given reconstructed the way inquisitors used various techniques to force the alleged heretics to plead guilty, including physical and psychological pressure. At the same time, he stressed the indispensable role of the inquisition documents in the context of all anti-heresy activities. At the hands of the inquisitor, written statements became efficient instruments for declaring an individual guilty and, at the same time, for supervising penitent heretics. Thanks to a wide variety of methods, the inquisitors could not only inhibit the development of heresy but also dictate particular norms and desired behaviour to the entire community.⁹⁸

97 Arnold, *Inquisition*; Arnold, “Inquisition, Texts and Discourse”, in *Texts and the Repression*, 63–80; Arnold, “The Historian as Inquisitor: The Ethics of Interrogating Subaltern Voices”, *Rethinking History* 2 (1998), 379–86.

98 Given, *Inquisition*; Given, “The Inquisitors of Languedoc and the Medieval Technology of Power”, *American Historical Review* 94 (1989), 336–59; Given, “A Medieval Inquisitor at Work: Bernard Gui, 3 March 1308 to 19 June 1323”, in Steven K. Cohn Jr. and Samuel A. Epstein (eds), *Portraits of Medieval and Renaissance Living: Essays in Memory of David Herlihy*, (Ann Arbor, 1996), 207–32; Given, “Les inquisiteurs du Languedoc médiéval: les éléments sociétaux favorables et contraignants”, in *Inquisition et pouvoir*, 57–70; Given, “Social Stress, Social Strain and the Inquisition of Medieval Languedoc”,

Over recent years, scholars have been given the opportunity to participate in several international conferences focusing on the struggle against heresy, and the medieval inquisition. A Vatican symposium in 1998, organized under the honorary auspices of Pope St John Paul II, was an attempt to establish the current state of research into the problem of the Church's war on heresy in *inquisitio haereticae pravitatis* in the broad sense of the term. The fruit of that symposium, a volume of studies published in 2003, is a collection of more than twenty lengthy papers written by the outstanding specialists in the field. The articles address the key problems of the inquisition, its organization and *modus operandi* both in the context of Christendom as a whole and in particular countries.⁹⁹ Keeping in mind the new perspective in which the inquisition needs to be interpreted, in 2002, the Istituto storico domenicano organized a conference in Rome on the role of the Dominicans in the medieval inquisition system.¹⁰⁰

Most problems highlighted above had been addressed previously, mostly in reference to the Languedoc inquisition. Only a few studies to date have used material from other areas. As a result, the general research perspective is quite narrow. Moreover, we have difficulty finding enough scholarship to determine how the process evolved over a longer period. The wealth and the variety of sources left by inquisitors in the South of France paved the way for new research projects which, in turn, resulted in a great number of monograph studies, path-breaking from the point of view of their methodology and exemplary in terms of academic quality. Of course, we cannot fail to acknowledge the unique strength and variety of heretical movements of Languedoc, in other words the reasons why the inquisition could expand significantly in that area. Keeping in mind the exceptional role of this region on the map of war on medieval heresy, it would still be unjustifiable to overlook entirely the growth of the inquisition in other countries. The mechanism of anti-heresy procedure, introduced in Languedoc in a pioneering manner, was popularized quickly in all other places where the Catholic Faith and the Church needed defending. Regardless of the fact whether the anti-heresy procedure was carried out by local bishops or by delegated papal inquisitors, the methods and the techniques used in investigations were

in Peter D. Diehl and Scott L. Waugh (eds), *Christendom and Its Discontents: Exclusion, Persecution and Rebellion, 1000–1500* (Cambridge, 1996), 67–85.

99 *L'inquisizione*, passim; see also the introductory article on modern views of the Church concerning the activities of the Inquisition (Georges Cottier, "Les problèmes théologiques de l'inquisition dans la perspective du Grand Jubilé", in *L'inquisizione*, 15–24).

100 *Praedicatores, Inquisitores*, passim.

relatively uniform. The procedure for reviewing heresy charges *per inquisitionem* elaborated in the first half of the thirteenth century determined the legal scheme of instruments available to the Church institutions involved in the suppression of heresy. Surely, the methods varied depending on local contexts. The Languedoc inquisition could be viewed as a model unattainable to bishops and papal inquisitors in other parts of Christendom. What testifies to its unique nature is the way in which the Languedoc inquisition was documented and the politics of penitential sentences imposed on heretics. These issues could benefit from being elaborated in a broad comparative perspective.

Since the publication of this book in 2006 the research on heresy and inquisition in the Middle Ages has been dynamically and fruitfully developed in various directions. First of all, it is worth to mention here a new modern overview of the history of medieval heresy and inquisition published in 2011 by Jennifer Kalpacoff Deane. This work of great knowledge addresses key problems related to the spread of heterodox movements and to the ways the medieval Church responded to the threat they posed.¹⁰¹ Alongside new studies on the history of religious dissent a number of path-breaking works have proposed new fruitful research areas.¹⁰² Among many publications dedicated to the Cathars's history and doctrine the 2009 work of Caterina Bruschi deserves a special mention. Her meticulous study of the inquisitorial records transcribed into the *Doat Collection* (volumes 21–6) offers a fresh and stimulating look not only at the at the technology of inquisitorial enquiries and record-keeping but also at the wide spectrum of religious beliefs and practices which constructed a particular Cathar identity.¹⁰³ New studies have been dedicated to the Dominican friars who staffed the papal inquisition and conducted systematic investigations against religious

101 Jennifer Kalpacoff Deane, *A History of Medieval Heresy and Inquisition* (London, Boulder, New York, Toronto, and Plymouth, 2011).

102 It is worth to mention here: Claire Taylor, *Heresy in Medieval France. Dualism in Aquitaine and the Agenais, 100-1249* (Suffolk and Rochester, 2005); Andrew P. Roach, *The Devil's World. Heresy and Society 1100–1300* (Harlow, 2005); Mark Gregory Pegg, *A Most Holy War. The Albigensian Crusade and the Battle for Christendom* (Oxford, 2008); David Zbiral, *Největší hereze. Dualismus, učenecká vyprávění o katarství a budování křesťanské Evropy* (Prague, 2007); Brenon (ed.), *1209-2009, Cathares: une histoire à pacifier?* (Loubatières, 2010); Antonio Sennis (ed.), *Cathars in Question* (York, 2018). There are also two systematic studies of Cathar history and doctrine published in Polish by Piotr Czarnecki: *Kataryzm włoski. Historia i doktryna* (Cracow, 2013); Czarnecki, *Geneza i doktrynalny charakter kataryzmu francuskiego (XII-XIV w.)* (Cracow, 2017).

103 Bruschi, *The Wandering Heretics of Languedoc*.

dissidents. In the 2009 book Christine Caldwell Ames analysed in detail the formation of a persecuting spirituality among Dominican inquisitors, and more generally Friar Preachers. She argues that in the thirteenth century Dominican friars came to believe that the persecution of heretics perceived as Devil's servants and Church enemies was legitimate and righteous. Such concepts were widely spread within the Order of Friar Preachers and served to present their involvement in the persecution of dissidents as an honourable service to God and the Church.¹⁰⁴ St Peter of Verona, first canonized saint of the Dominican Order, whose career and cult have been analysed by Donald Prudlo, became a model inquisitor who sacrificed his life in the combat against heretics.¹⁰⁵

The 2011 study of Lucy Sackville has drawn attention to different discourses and representations of heretics in the texts produced in the thirteenth century by popes, bishops, papal inquisitors, canon lawyers, and theologians.¹⁰⁶ Her book was published as the first volume of the new series entitled "Heresy and Inquisition in the Middle Ages", edited by the Centre for Medieval Studies at the University of York. In recent decades the York Centre has become a leading research institution which has inspired international projects devoted to the repression of religious dissent in the Middle Ages. Its long-term director, Peter Biller, has launched an ambitious project to edit the inquisitorial records from thirteenth-century Languedoc currently deposited in the *Doat Collection* of the Bibliothèque nationale de France in Paris. The first volume of this project was successfully completed in 2011¹⁰⁷. In 2016 Biller and John H. Arnold published in an English translation a collection of source materials related to heresy and inquisition in thirteenth-century France.¹⁰⁸ The above mentioned "Heresy and Inquisition in the Middle Ages" series edited by the York Centre for Medieval Studies, where seven volumes have been published so far, reflects new trends in the international research on medieval heresy and inquisition. The very recent

104 Christine Caldwell Ames, *Righteous Persecution*.

105 Donald Prudlo, *The Martyred Inquisitor: the Life and Cult of Peter of Verona († 1252)* (Aldershot and Burlington, 2008).

106 Lucy Sackville, *Heresy and Heretics in the Thirteenth Century. The Textual Representations* (Woodbridge and Rochester, 2011: Heresy and Inquisition in the Middle Ages, 1).

107 Biller, Bruschi, and Shelagh Sneddon (eds), *Inquisitors and Heretics in Thirteenth Century Languedoc. Edition and Translation of Toulouse Inquisition Depositions, 1273-1282* (Leiden and Boston, 2011, Studies in the History of Christian Traditions, 147).

108 Biller and Arnold (eds), *Heresy and Inquisition in France, 1200-1300* (Manchester, 2016).

volume published by Reima Välimäki offers a thorough reexamination of the life, career and inquisitorial operations of Peter Zwicker who played a key role in the struggle against German Waldensians in late fourteenth-century Central Europe.¹⁰⁹ The studies published by Ian Forrest¹¹⁰ and Damian J. Smith¹¹¹, in 2005 and 2010 respectively, have reexamined the repression of heretics in medieval England and Aragon. To end this short overview I would like to mention a collection of studies published in 2010 by Polish and Czech historians which offers an overview of research on the organisation and operations of the papal inquisition in late medieval Bohemia, Poland, and Hungary.¹¹²

Despite the general rapid growth of research perspectives on the medieval inquisition examined in different aspects, Polish scholarship cannot boast original publications in the field. One could associate this lack partially with the limited impact of medieval heresy on the Polish territory and the insignificant character of “the Polish inquisition.” Moreover, scholars interested in the history of medieval heresy and inquisition could be easily discouraged by poor access to source materials and the extensive body of literature in the field. Polish libraries stock a very modest supply of foreign source editions and studies that constitute essential reading for scholars wishing to do research on the problem of heresy in the broad sense of the term. There are a few noteworthy older studies addressing medieval anti-heresy struggle, however. Among them, a study by Władysław Abraham dedicated to the anti-heresy decrees of Innocent III,¹¹³ a work of Ignacy Grabowski pertaining to inquisition trials against heretics,¹¹⁴ as well as the paper of Karol Koranyi about the anti-heresy decrees of Frederick II.¹¹⁵ The work of Kazimierz Dobrowolski is also worth mentioning here. His study presented the

109 Reima Välimäki, *Heresy in Late Medieval Germany. The Inquisitor Peter Zwicker and the Waldensians* (Woodbridge and Rochester, 2019).

110 Ian Forrest *The Detection of Heresy in Late Medieval England* (Oxford, 2005).

111 Damian J. Smith, *Crusade, Heresy and Inquisition in the Lands of the Crown of Aragon (c. 1167–1276)* (Leiden and Boston, 2010).

112 Kras (ed.), *Inkwizycja papieska w Europie Środkowo-Wschodniej* (Cracow, 2010: Studia i źródła Dominikańskiego Instytutu Historycznego w Krakowie, 7).

113 Władysław Abraham, *Proces inkwizycyjny w ustawach Innocentego III i we współczesnej nauce* (Cracow, 1887).

114 Ignacy Grabowski, *Postępowanie inkwizycyjne przeciw heretykom w średniowieczu* (Warsaw, 1937).

115 Karol Koranyi, “Konstytucje cesarza Fryderyka II przeciw heretykom i ich recepcja w Polsce”, in *Księga pamiątkowa ku czci Władysława Abrahama*, vol. 1 (Lviv, 1930), 317–40.

impact of heresy on the Polish territory in the pre-Hussite period and devoted a great deal of attention to the complex context of the times.¹¹⁶

After the Second World War, problems of the struggle between Roman Catholic orthodoxy and heresy were addressed primarily in Warsaw's academic milieu¹¹⁷ by Tadeusz Manteuffel, among others. He completed a book-length study devoted to the movements of voluntary poverty in the eleventh and twelfth centuries.¹¹⁸ The religious atmosphere created by conflicts originating from bottom-up movements motivated by the desire to follow the *vita apostolica* became the subject of study of Stanisław Trawkowski.¹¹⁹ Edward Potkowski analysed the stereotype of the heretic in medieval Europe¹²⁰ and wrote a popular work dedicated to medieval heresy and inquisition.¹²¹ Stanisław Bylina also published a number of essays with a primary focus on the different aspects of the history of religious movements deemed heretical by the Church.¹²² Finally, my own contribution to the state of scholarship on the inquisition is research into the impact of

116 Kazimierz Dobrowolski, "Pierwsze sekty religijne w Polsce", *Reformacja w Polsce* 3 (1924), 1–44.

117 Stanisław Bylina, "Polskie badania nad ruchami heretyckimi w średniowieczu", *Kwartalnik Historyczny* 86.3–4 (1995), 303–11.

118 Tadeusz Manteuffel, *Narodziny herezji. Wyznawcy dobrowolnego ubóstwa w średniowieczu* (Warsaw, 1963); Manteuffel, "Naissance d'une hérésie", in *Hérésie et sociétés*, 97–103.

119 Stanisław Trawkowski, *Między herezją a ortodoksją* (Warsaw, 1964); Trawkowski, "Entre l'orthodoxie et hérésie: Vita apostolica et le problème de la désobéissance", in *The Concept of Heresy*, 157–66.

120 Edward Potkowski, "Haeresis et secta maleficorum. Powstanie stereotypu", in *Cultus et cognitio. Studia z dziejów średniowiecznej kultury* (Warsaw, 1975), 47–61; Potkowski, "Stereotyp heretyka-innowiercy w piśmiennictwie kaznodziejskim", in Bronisław Geremek (ed.), *Kultura elitarna a kultura masowa w Polsce późnego średniowiecza* (Wrocław, 1978), 121–37.

121 Potkowski, *Heretycy i inkwizytorzy* (Warsaw, 1971).

122 Bylina, *Wizje społeczne w herezjach średniowiecznych. Humiliaci, begini, begardzi* (Wrocław, 1974); Bylina, *Ruchy heretyckie w średniowieczu. Studia* (Wrocław, 1991); Bylina, "Heretycy w społeczeństwie. Świadcstwo czeskich źródeł inkwizycyjnych z XIV wieku", *Kwartalnik Historyczny* 89 (1982), 1, 105–17; his works on heresy and inquisition are listed in Beata Wojciechowska, "Bibliografia prac Profesora Stanisława Byliny za lata 1962–2000", in Wojciech Iwańczak and Stefan K. Kuczyński (eds), *Ludzie, Kościół, Wierzenia. Studia z dziejów kultury i społeczeństwa Europy Środkowej (średniowiecze – wczesna epoka nowożytna)* (Warsaw, 2001), 13–25.

Hussitism on the Polish territory, which, at least partially, addresses the question on the structure of the anti-heresy procedure in medieval Poland.¹²³

* * *

This book draws upon various types of normative sources constituting the legal basis for anti-heresy action, as well as a plethora of inquisition documents that enable us to trace the sequence of anti-heresy activities. These normative sources include papal decrees, council constitutions, as well as decrees issued by secular authorities. A significant role in the development of the procedure *inquisitio haereticae pravitatis* was played by documents incorporated into medieval canon law collections, primarily Gratian's *Decretum*, the *Decretales* of Gregory IX, *Liber sextus* by Boniface VIII, and *Clementines* by Clement V. For the sake of my research, I have used the published editions of papal documents, council documents and local council documents from various territories of medieval Christendom. I embedded my analysis of the forms and methods of the repression of medieval dissidents in the context of various documents created at different stages of the investigation. This body of documents includes cases, testimonies, abjurations and revocations, sentences, as well as penitential documents. The formulas used in legal procedures constituting the investigation at all stages could be found in the manuals for inquisitors. They determined in detail the way that particular documents should be prepared. These documents were later inserted into the inquisition records in either abbreviated or full form.

For my research, I have referred to the majority of published medieval manuals for inquisitors, as well as available inquisition records. The key manuals were the systematic and lengthy work by Bernard Gui (*Practica inquisitionis haereticae pravitatis*) and Nicholas Eymerich (*Directorum inquisitorum*). The oldest manuals for inquisitors from thirteenth-century Languedoc (*Processus inquisitionis, Doctrina de modo procedendi contra haereticos*), as well as ones from Lombardy (*Libellus italicus*) and Germany (*De inquisitione haereticorum*) proved truly indispensable as I embarked upon an analysis of the dynamics of creation of the inquisition procedure. Apart from the manuals for inquisitors, the records of heresy trials appear as the most valuable source of information

123 Kras, *Husyci w piętnastowiecznej Polsce* (Lublin, 1998); Kras, "Dominican Inquisitors in Medieval Poland", in *Praedicatores, Inquisitores*, 249–310; Kras, "Pro fidei defensione contra modernos haereticos. Hérétiques et inquisiteurs en Pologne au Moyen Âge", *Heresis*, 40 (2004), 69–94; Kras (ed.), *Inkwizycja papieska w Europie Środkowo-Wschodniej* (Cracow, 2010: Studia i źródła Dominikańskiego Instytutu Historycznego w Krakowie, 7); Kras, Tomasz Gałuszka, and Adam Poznański (eds), *Proces beginek świdnickich w 1332 roku. Studia historyczne i edycja łacińsko-polska* (Lublin, 2018).

for this area of research.¹²⁴ On the one hand, they enable the reader to examine more closely the beliefs and practices of the religious movements contesting the teachings of the Church and traditional forms of devotion. On the other hand, they reveal the way in which Church inquisitors proceeded in order to defend the doctrine of the Church. Classic studies on the history of the Cathar and Waldensian dissidents are largely based on an analysis of inquisition records with transcripts from the interrogations of the members of these two most powerful movements of medieval heresy.

Initial treatment of inquisition records, believed to be sources reflecting the real beliefs held by alleged heretics, has waned, as it encountered considerable criticism stemming from a new methodological reflection on the source value of these documents.¹²⁵ The debate on the inquisition records has been following two parallel paths. On the one hand, attention has been drawn to the actual function of records serving to produce and circulate knowledge about heresy. On the other hand, scholars have become interested in the actual technique of production of the inquisition documents. Their various forms and specific language structure have become objects of academic interest once again. The debate revolves around the question to what extent we can count on the credibility of documents produced by inquisitors whose specific mission was to defend the Church and fight against her foes. It is impossible to correctly read and understand the inquisition documents without acknowledging the place they occupied in the inquisition procedure. The trial records were products of a relatively complex documentation process that paralleled the duties of inquisitors. The medieval inquisitors created an original technique for preparing documentation intended to help them inhibit the spread of heresy more effectively. The success of inquisitors in “rooting out” heresy would not have been possible had they not used written texts in a structured and systematic way. Once we become familiar with the methods of preparation of the inquisition records and their various applications, we can also understand the dynamics of the inquisitorial procedures.

Apart from the sources created for and by the inquisitors, the present study has also required me to search for more data in a great number of narrative sources, such as chronicles, annals, as well as theological and polemic treatises. The information extracted from such works filled some of the numerous blank

124 Recently the best analysis of these texts in Sackville, *Heresy and Heretics*.

125 Arnold, *Inquisition*, 2–15; Bruschi and Biller, “Introduction”, in *Texts and Repression*, 12–8.

spaces that historical sources had not managed to fill sufficiently. For some periods and areas, such narratives constitute the basic source of information on the anti-heresy action carried out by bishops and papal inquisitors. Thus, it is largely thanks to the chronicles of Guillaume de Puylaurens¹²⁶ and Guillaume Pelhisson¹²⁷ that we can examine the activity of the first papal inquisitors in the territory of Languedoc.

This study comprises six chapters. The First Chapter focuses on the forms and methods of the anti-heresy struggle in the period before the creation of the inquisitorial structure. It discusses the methods recommended by early Christians to tackle the problem of heresy, with the dominant principle of approaching an erring brother with *persuasio* in the hope of his conversion. Further, I discuss the subsequent change of approach that resulted from the Constantinian revolution when the Church's position allowed resort to violence (*coercitio*) while dealing with heretics. The major part of the chapter, however, is devoted to the reactions of both ecclesiastical and civil authorities to various manifestations of heretics between the early tenth and the mid-twelfth century.

The leading theme of the Second Chapter is the process of shaping of a new strategy informing the anti-heresy action, which I refer to as the "inquisition system." This structure eventually emerged as a result of several decisions of the Holy See. From the mid-twelfth century onwards, or at the same time when the first mass heretical movement of Catharism entered the scene, efforts were made to create a new mechanism to safeguard the unity of the Church. The main focus of my analysis is therefore the political, social and religious contexts in which anti-heresy procedure was formed within the framework of *inquisitio haereticae pravitatis*. I draw attention especially to the appointment of the first papal inquisitors who, in the course of the thirteenth century, were responsible for the task of "extirpating heresy."

In the Third Chapter, I discuss the rules and regulations that made up the inquisition procedure (*inquisitio haeretice pravitatis*) and were used by both bishops and papal inquisitors. Based on a variety of normative sources, I examine the actual components of *ordo iuris* pertinent to the procedure. My research strives to go beyond a mere reconstruction of the inquisition procedure, as I attempt to place it into a broader perspective of the times. To that end, I examine

126 Guillaume de Puylaurens, *Chronique*, ed. Duvernoy (Paris, 1976: Sources d'histoire médiévale).

127 Guillaume Pelhisson, *Chronique (1229-1244). Suivie du récit des Troubles d'Albi (1234)*, ed. Duvernoy (Paris, 1994: Sources d'histoire médiévale, 28).

the entire investigation procedure entailing the detection of an offense and the employment of legal terms to qualify the exposed transgression. It is impossible to develop a fair understanding of the rules of *officium inquisitionis* without prior familiarity with the paperwork produced by the inquisitors. At the inquisitors' hands, the documents turned into efficient instruments at each stage of their work. Chapter Four is where I discuss not only the technical aspect of the inquisition documentation but also various roles of documents in the course of the investigation.

I have already highlighted a thesis according to which the primary objective of the investigation was to work on the heretic until he/she would change beliefs and assume the True Faith. The heretic's return to the ecclesiastical community was possible through penitence whose form and duration were determined by a Church judge. In Chapter Five, I analyse the system of penances introduced in the first half of the thirteenth century in Languedoc, later popularized in other parts of Europe. The scope of my research is not limited to a simple categorization of expiatory punishment and the role of penance in the inquisition. While examining various kinds of ecclesiastical penalties imposed on heretics, I also attempt to determine their origins and various roles they played in medieval society.

The final Chapter of the present study focuses on the participation of the secular authorities in the struggle against heresy. The task standing before *brachium saeculare* in the operations against religious dissidents was strictly determined by the ecclesiastical authorities. Based on a variety of normative documents, I discuss the duties of the secular authorities at the stage when alleged heretics were being hunted down and arrested, as well as at the time when they had already been transferred to the secular authorities and their sentence was in effect. While examining the introduction of the death penalty by burning as a standard type of punishment administered by secular authorities to heretics, I demonstrate the adaptation of the Roman categorization of heresy as a crime of lese-majesty within the medieval legal system. I also attempt to explain the origin and the significance of the practice of burning heretics. Chapter Six finishes with a reconstruction of a typical execution.

It is clear that some problems, particularly in chapters Four to Six, are discussed in what seems to be a Languedoc-dominated perspective. There are two reasons for this: firstly, the high level of organisation of the local papal and episcopal inquisition; and secondly the preserved Languedoc sources are very rich in content. Still, wherever possible, I tried to access materials from other regions of Europe to show both common traits and regional variations within the structure of the medieval inquisition.

The basic objective of my work was to look at the history of the inquisition placed into a broader context of social and cultural transformations in Europe observed between the twelfth and the thirteenth centuries. The goal of this undertaking goes beyond a mere presentation of the origins and the operational principles of the social-religious and political-legal system fueling the medieval struggle against heresy. The implementation of tasks entailed by *the inquisition* involved the clergy in the first place in a top-to-bottom dynamic, starting with the pope, down to bishops and papal inquisitors, and parochial clergy. However, after the first public appearance of heretics in the early eleventh century, the anti-heresy combat also became one of the tasks of the secular arm. Further still, as inquisitorial procedure developed, all the faithful became involved in “extirpating heresy:” searching for heretics and denouncing all symptoms of transgression, the laity defended both their local community and the entire Church from dissidence.

Chapter One Approaches to heresy and heretics from the Late Antiquity to the early thirteenth century

1. The early Christian tradition

The missionary activity of the Apostles and the first generation of their successors resulted in a quick expansion of Christianity throughout the Roman Empire. Within less than a hundred years of the death and resurrection of Jesus Christ, His Church originating with a small group of followers gathered around the Apostles in Palestine developed into a network of structured Christian communities scattered all over the Mediterranean coast. These local Churches were led by charismatic leaders who considered it their duty to pass on Christ's teaching and celebrate the sacrament of the Eucharist. In the opinion of early Christian writers, the quick development of the Early Church was attributed to the providential plan of God. Faith was considered a special gift of Holy Spirit indispensable for embracing the Gospel. One's adherence to the Christian community was based on a free and autonomous individual choice. While proclaiming Christ's teaching among the pagan people, Christians looked up to the model of gentleness and mercy of their Master who had rejected all forms of violence or pressure. Christians remembered Christ's encouragement to face persecution with joy and motivate others to accept Divine Truth by setting an example of faith and Christian life.

The writings of St Paul reveal that the early Christians regarded their missionary duty as the fulfilment of Christ's call to proclaim His doctrine to the world. In their preaching ministry, they considered themselves instruments of the Lord who could accomplish His plan with their human assistance. An even more challenging task facing the Early Church was the maintenance of internal discipline among those who had already received baptism. Given that the generation of people who knew Christ personally and bore witness to His teaching was dying out, the integrity of the Church started to rely more on the authority of the leaders of particular faith communities. In early Christianity, all conflicts over the creed and religious practices were settled within the Church. In order to maintain the unity of particular Christian communities and of the Church as a whole, the faithful had to display absolute obedience to the decisions of their superiors, bishops and priests.¹

1 Maisonneuve, *Études*, 36–8.

The geographical expansion of Christianity and the quick growth of the Christian following forced the Church to form a new structure intended to preserve the deposit of faith in the form inherited from the Apostles and expressed in the New Testament.² As ecclesiastical structures became more established, a hierarchical model of Church governance developed. This process was accompanied by an increasingly strict definition of Christian orthodoxy. In the third century, a unified Christian doctrine with coherent beliefs and liturgy started to emerge. The universal teaching of the Church defined acceptable interpretations of Holy Writ in local communities. Early bishops and Bible scholars established the canon of the Holy Scriptures and elaborated the rudiments of the Christian creed.³ Through their authority, the doctrine they formulated was observed by the entire Church. The responsibility for respecting the tenets of the faith and preventing dissent was placed on the shoulders of bishops who had been granted extensive pastoral and juridical authority. All doctrine-, and liturgy-related *dubia* and conflicts were settled either through consultations with other bishops or by provincial assemblies of the clergy. In the third and fourth centuries, leaders of different Christian communities exchanged regular correspondence, creating an efficient mechanism for fostering a uniformity of beliefs and religious practices (*consensus ecclesiae*).

The ancient world was home to many religions and schools of thought interacting with one another. As a consequence, the young Church was exposed to a wide variety of ideas foreign to the original teaching of Christ. While confronting hostile religious and philosophical systems, the developing Church had to define its own identity and distinctiveness with regard to other beliefs relatively quickly.⁴ The Acts of the Apostles and the Letters of St Paul and St Peter reflect this stage of the consolidation process within Christian doctrine and religious practices, sometimes resulting in conflicts and schisms within and between local Churches. The Acts of the Apostles made note of some incongruent views and customs in scattered and isolated Christian communities. These divisions were of special pastoral concern for the Apostles. One of the objectives of the preaching and formative ministry of St Paul was the standardization of beliefs and practices, and, at the same time, the subjection of some Churches to the Apostolic *collegium* in Jerusalem.⁵ In his writings, St Paul pointed to the

2 Marcel Simon, *La civilisation de l'Antiquité et le christianisme* (Paris, 1972), 27–36.

3 John Norman Davidson Kelly, *Early Christian Doctrines* (London, 1997), 56–69.

4 Simon, *La civilisation*, 97–120; Kelly, *Early Christian Doctrines*, 11–28.

5 Peters, *Inquisition*, 17–9.

presence of “false prophets” deforming Christ’s teaching within the Church. In his second epistle to the Corinthian church, he warned against such preachers with harsh words, advising his readers to simply ignore them, “For if he that cometh preacheth another Christ, whom we have not preached; or if you receive another Spirit, whom you have not received; or another gospel, which you have not received: you might well bear with him” (2 Cor 11.4).

Already in the midst of these schisms in the Early Church, a question arose on how to approach individuals who had left or betrayed the faith received at baptism. Possible reasons for their heterodoxy were sought, and penance – deemed indispensable – was assigned to ensure a full return of these prodigal sons to the Church. In order to defend the Church from calumny spread by Jews and pagan thinkers, many Christian apologetic writers from the second century attributed the proclivity for heterodoxy to the weakness of human nature, easily fooled by temptations of evil leading it astray and resulting in its departure from Divine Truth. Belief in the permanent threat from Satan and his servants forced Christians to remain attentive and motivated in self-defence. The painful experiences of the Early Church, under attack from both Jews and pagans, oppressed by the Roman state, helped to forge the Christian concept of orthodoxy and heterodoxy. In the second and third centuries, Christian community leaders gave a lot of thought to the question of how to resist external attacks and eliminate foes within the Church. The Christian Church could not simply tolerate dogmatic differences or essential disciplinary differences, for it would eventually lead to Her disintegration. In order to guarantee the internal unity of the Church, procedures were elaborated to deal with brethren who had drifted away from the widely-accepted truths of faith. Such instructions were found in the Gospels and the Epistles. In his Epistle to Titus, St Paul advised young Churches to admonish the erring fellow faithful twice, and, if the efforts fail, choose to avoid them: “A man that is a heretic, after the first and second admonition, avoid: Knowing that he that is such an one is subverted and sinned, being condemned by his own judgment” (Tit 3.10–11). The exclusion recommended by St Paul in dealing with such dissenters presumably entailed a ban on participation in religious services and all community-related matters.

St Paul’s position echoed Christ’s teaching on how to approach a sinner. Each Christian has a duty to admonish his or her fellow church member who has committed a sin. First, the sinner in question was approached discreetly, in a one-to-one encounter intended to encourage the sinner to change his ways. If the sinner did not show regret, another attempt at his or her conversion was due, this time in the presence of one or two witnesses. “But if thy brother shall offend against thee, go, and rebuke him between thee and him alone. If he shall hear thee, thou

shalt gain thy brother. And if he will not hear thee, take with thee one or two more: that in the mouth of two or three witnesses every word may stand. And if he will not hear them: tell the church. And if he will not hear the church, let him be to thee as the heathen and publican” (Mt 18.15–17).⁶

In accordance with Christ’s teaching, each sinner was to be shown mercy through the forgiveness of sins and an encouragement to return to the way of the Truth. Christ’s words noted in St Matthew’s Gospel were the basis of the early Christian principle of converting sinners by fraternal persuasion (*persuasio fraternalis*). In this light, each individual whose behaviour was at odds with the Gospel and Church teaching was to be treated gently. It was persistent attachment to sin, apparent in the transgressor’s unwillingness to heed earlier instructions and warnings from fellow brothers that made the application of more severe measures necessary. If it was a violation of the Ten Commandments and Christ’s teaching, sin was not a private matter. Apart from affecting the sinner himself, it concerned the entire community. The Church, the mystical body of Christ, could not simply ignore the presence of a sinner in its ranks: such tolerance of obviously sinful behaviour would be tantamount to accepting evil and, as such, it would put the entire community at risk. A sinner who demonstrated persistent attachment to his/her sin had to be excluded from the sacramental unity of the Church. The excommunicate was subjected to religious and social ostracism of some sort. His former brethren in faith could not contact this person on either private or professional terms. The status of excommunicates was defined according to Christ’s words on the way of dealing with publicans and pagans.

St John the Evangelist was a supporter of excommunication for heretics. He wrote that those who reject the mystery of the Incarnation are fraudulent and serve Satan, and true disciples of Christ should forego any debate with them. In accordance with the Apostle’s instructions, those who do “not carry Christ’s teaching” are to be excluded from the ecclesiastical community and denied further contact: “For many seducers are gone out into the world who confess not that Jesus Christ is come in the flesh. This is a seducer and an antichrist. Look to yourselves, that you lose not the things which you have wrought: but that you may receive a full reward. Whosoever revolted and continued not in the doctrine of Christ hath not God. He that continued in the doctrine, the same hath both the Father and the Son. If any man come to you and bring not this doctrine,

6 Joseph Lecler, *Histoire de la tolérance au siècle de la Réforme* (Paris, 1955), 47–53; Henry Kamen, *The Rise of Toleration* (New York and Toronto, 1967), 8–12.

receive him not into the house nor say to him: God speed you. For he that saith unto him: God speed you, communicated with his wicked works” (2 Jn 7–11).

The words of Christ quoted from chapter 18 of the Gospel of Matthew were combined with St John’s instructions to form the scriptural basis for establishing the most severe ecclesiastical punishment, which was excommunication (*expellere extra ecclesiam*). Christian excommunication was inherited directly from the Jewish tradition. In the light of Jewish Law, all those who rose against the authority of rabbis were denied access to the synagogue. The Apostles had experienced the painful consequences of this form of exclusion personally.⁷ During the first centuries of Christianity, excommunication was rare. A mid-third-century work, *Didascalia Apostolorum* (*The Teaching of the Twelve Apostles*), regarded excommunication as the ultimate form of punishment. It was administered solely to those members of the Church who persisted in their sin and refused to repent for it. At the same time, it was stressed that excommunication was to be preceded by considerable forethought and great care. The exclusion of a sinner from the community of the faithful followed after a number of attempts had been made at his conversion through instruction and admonition. In *Didascalia Apostolorum*, excommunication was compared with surgery in which gangrenous body parts have to be removed. The administration of such a drastic form of punishment derived from a concern with the good of the entire community of the faithful.⁸

Early Christianity did not make the consequences of excommunication as difficult to endure as they were later. Remembering Christ who did not hesitate to share meals with publicans and forgive sinners prevented Church leaders from enforcing a total exclusion of excommunicated brothers and sisters (Mt 9.9). An excommunicate was still a member of the Church, allowed to participate in the religious life of the community even if he/she was not allowed to receive the sacrament of the Eucharist. This early excommunication was temporary, intended to make a sinner regret his sin and atone for it by carrying out the assigned penance. Once that had been done, an excluded member could be welcomed back into the fold of the Church. Only in cases of unrepentant sinners, were the consequences of excommunication more serious, both in this life and the next. An excommunicate who did not complete the required penance within a

7 Elisabeth Vodola, *Excommunication in the Middle Ages* (Berkeley and Los Angeles, 1986), 4–5.

8 *The Catholic Didascalia. The Teaching of the Holy Apostles and Disciples of our Saviour*, trans. Apostle Horn (2018), 41.

determined period of time lost all ecclesiastical grace, could not participate in the religious life of the Church, and was also stripped of the right to a Christian burial. In eschatological terms, the soul of such a person was destined for eternal damnation.⁹

Most early Christians supported the policy of great tolerance towards those whose views were at odds with the principles of their faith and rejected any form of physical coercion towards religious dissenters. As such, their approach marked a clear break from Jewish Law which commanded that both idolater and the adulterer be stoned (Dt 17.2–7; 22.22). An excommunicated sinner was entrusted to God's mercy, for God alone was entitled to punish him/her or enable him to become aware of his sin through grace and, eventually, return to the Church. Tertullian defended the freedom of choosing one's creed. In his letter of 212 to an African consul, he wrote that "it is a human right and a natural right for everyone to worship what he wishes [...]. Religious coercion does not belong in the nature of religion and religion ought to be embraced spontaneously, for only voluntary sacrifices are pleasing."¹⁰ Lactantius spoke some hundred years later in a similar vein, testifying to the fact that the Christian attitude towards dissenters differed significantly from the principles held by believers of other religions "[...] we do not complain when we are sentenced to torture. God alone will exact revenge. We do not act as those who call themselves defenders of their gods and are cruel and unleashed towards those who do not want to worship them." According to Lactantius, "one ought to defend one's religion without killing but rather by dying for it; by suffering, and not crime, with faith. For if you want to defend your religion with bloodshed, torture and evil, you do not defend it: you contaminate and violate it."¹¹

As heresy became more refined intellectually and doctrinally, the "subverted man" of St Paul and the "offending brother" of St Matthew ceased to denote the adherents of erroneous teaching only. Christian apologists, such as St Clement of Alexandria, inspired by St Paul, considered heresy a sign of weakness and a sinful tendency of human nature.¹² In parallel, the origins of heresy were

9 Vodola, *Excommunication*, 6–9; cf. Alphonse Borras, *L'excommunication dans le nouveau code de droit canonique* (Paris, 1987), 39–45; TRE 5, 170–2; LTK 3, 1119–20.

10 Qtd. from Kamen, *The Rise of Toleration*, 9.

11 Qtd. from Kracik, *Święty Kościół grzesznych ludzi* (Cracow, 1998), 34; cf. Jeremy M. Schott, *Christianity, Empire, and the Making of Religion in Late Antiquity* (Philadelphia, 2008), 79–109.

12 Alain le Boulluec, *La notion d'hérésie dans la littérature grecque I^{er}-III^e siècles*, vol. 1 (Paris, 1985), 26–8.

examined and it was recognized that heretical beliefs were Satan's work. As a consequence, apologists stressed that a sin was not merely an absence of good but also a palpable manifestation of evil in the world surrounding human beings. Evil was given material form for the sake of defending Christian doctrine from the attacks of pagan philosophers and Jews. Satan was the embodiment of evil, the eternal enemy of God; Satan does everything in his might to annihilate the work of Redemption.¹³ The second-century Apostolic Fathers such as Clement of Rome, Ignatius of Antioch and Polycarp of Smyrna had no doubt that Satan was behind heresy and schisms within the Church. In their opinion, "the prince of this world" deliberately caused the division of Christians in order to destroy Christ's Church.¹⁴ In the cosmic struggle of the forces of good and evil, heretics came to be viewed as Satan's instruments and evil spirits (Justin the Martyr and Irenaeus of Lyons).¹⁵ Unlike the pagans and Jews, who were external foes of Christianity, dissenters and heretics attacked the Church from within, weakening Her unity and Her spiritual bond with Christ.¹⁶

Third-, and fourth-century Christian polemical literature developed an in-depth interpretation of the parable of the wheat and cockle (tares). The Fathers of the Church used it to justify the indispensable gentle approach to heretics and dissenters.¹⁷ While interpreting this parable, they unanimously identified the cockle with heretical teaching that Satan sowed in the midst of the faithful. The good man who advised his servants against pulling out the cockle was interpreted as a firm prohibition of physical oppression of heretics. "Suffer both to grow until the harvest, and in the time of the harvest I will say to the reapers: Gather up first the cockle, and bind it into bundles to burn, but the wheat gather ye into my barn" (Mt 13.24–30). The Church Fathers had no doubt that the parable of the cockle indicated that Christ granted the right of punishment of heretics to God alone. Only omniscient God can penetrate human hearts and souls and see the hardness of heart of sinners. Only God can evaluate the weight of sin with justice

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- 13 Jeffrey Burton Russell, *The Devil. Perceptions of Evil from Antiquity to Primitive Christianity* (Ithaca and London, 1977), 221–49.
 - 14 Le Boulluec, *La notion d'hérésie*, 29–31; Russell, *Satan. The Early Christian Tradition* (Ithaca and London, 1981), 31–43.
 - 15 Le Boulluec, *La notion d'hérésie*, 64–71.
 - 16 Arthur Stephen McGrade, "The Medieval Idea of Heresy: What are we to make of it?", in Peter Biller and Barrie Dobson (eds), *The Medieval Church, Universities, Heresy, and the Religious Life: Essays in Honour of Gordon Leff* (Woodbridge, 1999), 116–20.
 - 17 Roland H. Bainton, "The Parable of the Tares as the Proof for Religious Liberty", *Church History* 1 (1932), 67–89; Lecler, *Toleration*, vol. 1, 62–3.

and assign appropriate punishment. The Church, whose role consists in leading the faithful towards salvation, cannot and should not usurp God's role in punishing sinners and apostates. The Christian community, on the other hand, had to be concerned with the conversion of sinners and pray God to show them grace.¹⁸

Tolerance of heresy and heretics was based essentially on the parable-inspired fear of hurting the innocent in the process, "No, lest perhaps gathering up the cockle, you root up the wheat also together with it." (Mt 13.29). Apologists and the Church Fathers insisted that sinners should be shown patience and compassion. A heretic should be treated in the same way as a patient is treated by his doctor. It was believed that instruction, rebuke, and admonition were enough to persuade him/her to renounce sin and return to the law of God.¹⁹ St Irenaeus of Lyons encouraged the conversion of heretic, although he also stated, not without scepticism, that it is not easy to lead a terror-entwined soul to the truth.²⁰ The author of *Didascalia Apostolorum* recommended that mercy be shown to all sinners who made a sincere confession and expressed a desire to return to the Church. His advice to Church seniors was the following, "judge therefore, O Bishop, strictly as God Almighty and those who refute receive with mercy as God Almighty. And rebuke, and exhort, and teach."²¹

Tertullian had a radically different view on this matter. Unlike St Irenaeus, he assumed that any attempt to persuade heretics to return to the fold of the Church would be in vain, for heretics hold on to their beliefs persistently, and any discussion with them is bound to fail. Referring to the Epistle of St Paul to Titus, he emphasized that the dogmas of faith ought not to be discussed but apostasy needs to be pointed out. If this form of fraternal admonition does not lead to a sinner's conversion, such a person ought to be removed from the Church.²² Heretics returning to the sacramental community of the Church had to undergo a severe and lengthy penance. According to Lactantius, penance "heals our wounds, fills

18 The evidence for such an approach is offered by the so-called Second Letter of Clement to the Corinthians, in *The Apostolic Fathers*, ed. and trans. Kirsopp Lake, vol. 1 (London, 1970), 128-163.

19 *The Catholic Didascalia*, 16-22.

20 Irenaeus of Lyon, *Contre les hérésies*, ed. Adelin Rousseau, vol. 1 (Paris, 1969: SCH, 152); Philip Schaff (ed.), *Ante-Nicene Fathers*, vol. 1: *Apostolic Fathers with Justin and Irenaeus* (Woodstock, 2018), 514-5.

21 *The Catholic Didascalia*, 16.

22 Tertullian, *De praescriptione haereticorum*, available at <http://www.thelatinlibrary.com/ter tullian/ter tullian.praescrip.shtml>, accessed 15 September 2005.

us with hope, and becomes for us a haven of salvation. Only through penance can a sinner return to the Church and be granted forgiveness by God for his evil words and deeds.” Church teaching on the sacrament of reconciliation, originating in Antiquity, developed a belief that the grace of forgiveness and reconciliation can never be denied to a sinner who makes a sincere confession.

Heresy, considered a grave sin, called for a solemn public penance involving the entire local Church. Public penance was a strictly determined religious ritual entailing a public act of repentance for committed sin. On the one hand, it served to placate God after breaching His laws; on the other hand, it marked the reestablishment of the social order disrupted by an offence. A repenting heretic belonged to the *ordo poenitentium*. Although allowed to attend church services, he remained in separate quarters, most commonly in front of the church entrance or in the church porch. The penitent’s appearance reflected his status: a hair shirt underneath his clothes and a shaven head sprinkled with ashes. The penance for mortal sins included some form of temporary banishment from the Church community. Public penance began on Ash Wednesday and continued throughout Lent. During this temporary exclusion, a sinner was getting ready, alongside the entire Church, to experience the mystery of the Passion, Death and Resurrection of the Lord. The Lenten penance was intended to make him grow in awareness of the mercy of the Church in a particular way: the Church, in spite of the burden of the sin, welcomed the sinner back into Her fold.²³

Sozomen, in his *Historia ecclesiastica*, provided valuable information on the ritual of public penance observed by the Christian community in Rome. He wrote that its form and duration were determined by the bishop. First, a repenting heretic had to express his/her contrition for errors and turn to the bishop requesting assignment of penance. Responding to the request, the bishop lifted any previous excommunication and specified penitential requirements to be completed. During his/her penance, the heretic participated in the religious life of his/her community but could not receive the Sacraments. While attending services, the heretic was made to stand in determined places, usually near the church entrance. The heretic’s appearance, his/her shaved hair and the sackcloth were indicative of his/her membership of the *ordo poenitentium*. In accordance with the bishop’s orders, the penitent recited a determined number of prayers every day, observed fasting and gave alms to the poor. Once the penance had been satisfied, the penitent underwent a solemn rite of reconciliation at which

23 Kelly, *Early Christian Doctrines*, 216–9.

the bishop gave the sinner absolution and welcomed her back into the ecclesiastical community.²⁴

By the time Constantine the Great granted religious freedom to Christians the Church was a strong institution with a fully-formed doctrine and a complex structure. Conflicting views in the area of doctrine or religious practices were solved through an exchange of arguments resulting in a *consensus*. The Gospel principle of *persuasio fraternalis* retained its full force as a means of settling conflicts within the Church until the time of the emergence of mass heretical movements characterized by a cohesive structure. The principle of brotherly instruction, confronted by the Arians and Donatists between the third and fourth centuries, revealed a significant weakness. Orthodox Christian communities found it impossible to fight against the strong heretical movements threatening churches and church property in North Africa. Faced with these challenges, Church leaders were forced to revisit the principles of treating dissenters.²⁵

During the first centuries of Her existence, the Church carried on with Her mission outside the official current of religious life. Up until the 313 Edict of Milan, promulgated by Constantine the Great, Christianity had been illegal, and even persecuted under some emperors.²⁶ The Church, unrecognized by the Roman authorities, could not and did not wish to rely on the state for the defence of Her rights. Threatened by heretics, Christian communities were not able to file suits or take advantage of the protection granted by Roman law. Julius Firmicus Maternus was among the first supporters of the inclusion of *brachium saeculare* to defend the Church from heretics. In 346, he addressed a letter *De erroribus profanarum religionum* to the sons of Constantine the Great, Constantine II and Constans I, whereby he demanded that the Christian religion be imposed by force and other religions of the Roman Empire be destroyed.²⁷ Some time later, a letter attributed to Pope Liberius (352–366) threatened heretics with God's wrath and a fall from the emperor's grace. Those who refused to return to the Church were to be removed from public offices and property and banished.²⁸

24 Sozomenos, *Historia ecclesiastica. Kirchengeschichte*, ed. Günter Christian Hansen, vol. 3 (Turnhout, 2004: Fontes Christiani, 73), 886–90.

25 Geoffrey D. Dunn, "Heresy and Schism according to Cyprian of Carthage", *Journal of Theological Studies* 55.2 (2004), 551–74.

26 Simon, *La civilisation*, 241–54.

27 James J. Megivern, *Death Penalty. A Historical and Theological Sketch* (Mahwah, 1997), 28–9.

28 Peters, *Inquisition*, 44.

The changing attitude of the Church towards heretics was influenced greatly by the works of St Augustine of Hippo (354–430). He was the first author to justify the need to resort to the secular authority to defend the unity of the Church. Augustine's position evolved gradually on the basis of his personal experiences with the Manicheans and Donatists. Initially Augustine supported the principle of *persuasio fraternalis*, convinced of the possibility of converting heretics through calm and patient debate.²⁹ However, in the wake of brutal assaults of the Donatists on the Christian communities in North Africa, Augustine changed his mind and took a stand in favour of seeking some (albeit moderate) kind of assistance from the state authorities. In his letter to Bishop Vincentius of Carthage, written between 407 and 408, he admitted that he had long been in favour of engaging in a discussion with heretics and against coercive measures. As he put it "I initially believed that one ought to act with words and fight by engaging in discussions, defeat them with reason so that those we knew as open heretics would not turn into false Catholics. I have changed my mind not because of the words of my opponents but because of convincing examples."³⁰ In his works, St Augustine demonstrated that the state authorities are allowed to intervene in order to prevent a schism and internal division within the Church. He regarded heresy as a violation of public order and, thus, something subject to Roman jurisdiction.³¹

St Augustine supported resorting to increasingly severe anti-heresy measures, admonition being the first, followed by excommunication and persecution. In some cases, he insisted, the use of severe punishment against heretics was not only justified but also indispensable³². Referring to St Luke's *compelle intrare* (Lk 14.21–23), he stated that using coercion forced an individual to delve deeper

29 Frederick H. Russell, "Persuading the Donatists: Augustine's Coercion by Words", in William E. Klingshirn and Mark Vessey (eds), *The Limits of Ancient Christianity. Essays on Late Antique Thought and Culture in Honor of R.A. Markus* (Ann Arbor, 1999), 115–30.

30 *Nam mea primitus sententia non erat, nisi neminem ad unitatem Christi esse cogendum; verbo esse agendum, disputatione pugnandum, ratione vincendum, ne fictos catholicos haberemus, quos apertos haereticos noveramus. Sed haec opinio mea, non contradicentium verbis, sed demonstrantium superabatur exemplis. Nam primo mihi opponebatur civitas mea, quae cum tota esset in parte Donati, ad unitatem catholicam timore legum imperialium conversa est; quam nunc videmus ita huius vestrae animositatis perniciem detestari, ut in ea numquam fuisse credatur.* Augustine, *Epistola* 93, in *PL* 33, 330. Similar opinions can be found in his *De civitate Dei* (18.6).

31 Maisonneuve, *Études*, 36–40; McGrade, "The Medieval Idea of Heresy", 121–5.

32 Peters, *Inquisition*, 25–8.

into the truth or renounce the error he/she had defended so persistently (Letter 171).³³ In his letter to Tribune Boniface, entitled *De correctione Donatistarum* (Letter 185), dated 417, Augustine admitted that “undoubtedly, it would be better to lead people towards love for God through instruction rather forcing them to do so with pain and punishment”.³⁴ He argued that fear of punishment dissuades men from sin and inhibits evil urges. He pointed out that “experience has instructed us and continues to instruct that fear and pain have worked to the benefit of more than one person. Through them they become more willing to learn and to apply in their lives what they have learnt”. What is more, in the eschatological dimension, resort to coercive measures with a view to making someone renounce evil and return to the True Faith is of redemptive value, as it serves to save a sinner’s soul from eternal damnation. Harsh punishment or threat of such punishment were the only means to motivate the dissenters to renounce their erroneous beliefs. St Augustine pointed out that the people who did not want to become God’s adopted children have to be urged towards the Lord with a whip of earthly penalties.³⁵

In the vein of the Apologists, Augustine considered heresy a manifestation of sinful human nature and its innate tendency towards evil. Wherever reason fails to control the will, resort to secular punishment to discipline an offender is justified. Given that it is unacceptable to let people of ill will carry on with impunity, he argued, the secular authorities have a responsibility to prevent them from evil

33 Augustine, *Epistola 171*, in *PL 33*, 757.

34 *Melius est quidem, quis dubitaverit? ad Deum colendum doctrina homines duci, quam poenae timore vel dolore compelli: sed non quia isti meliores sunt, ideo illi qui tales non sunt, negligendi sunt. Multis enim profuit (quod experimentis probavimus et probamus) prius timore vel dolore cogi, ut postea possent doceri, aut quod iam verbis didicerant, opere sectari [...]*. Augustine of Hippo, *De correctione Donatistarum* (*Epistola 185*), in *PL 33*, 792–815, here 802.

35 *Si autem diligentius rem de qua loquimur cogitemus, puto quod si plurimi essent in domo ruitura, et inde saltem unus liberari posset, atque id cum facere conaremur, alii seipsos praecipitio necarent, dolorem de caeteris nostrum, de unius saltem salute consolaremur; non tamen, ne seipsos alii perderent, perire universos nullo liberato permetteremus. Quid igitur de opere misericordiae, quod pro vita aeterna adipiscenda, et poena aeterna vitanda, hominibus debemus impendere, iudicandum est; si pro salute ista non solum temporali, sed etiam brevi, ad ipsum tempus exiguum liberanda, sic nos hominibus subvenire, ratio vera et benigna compellit?* Augustine of Hippo, *De correctione Donatistarum* (*Epistola 185*), in *PL 33*, 807–808.

actions and lead them towards what is good.³⁶ St Augustine was convinced that even *coercitio* is God's instrument to reveal the Truth to the most obstinate and only thanks to it "does man agree to (...) heed willingly what he initially did not want to obey" (Letter 173).³⁷ Bearing these assumptions in mind, he supported the anti-heresy constitutions of the Roman emperors who declared heresy tantamount to a public crime and threatened heretics with the most severe secular penalties. He admitted that the secular authority, which was established to defend public order, can resort to coercion wherever peaceful methods bring little result.³⁸

Augustine became the most influential thinker of the Church, and his views on both heresy and methods to combat it had a significant impact on medieval theologians and jurists. On the one hand, until the Fall of the Western Roman Empire, the Church took a position against coercion in the process of acquiring new members. On the other hand, under the influence of St Augustine and the anti-heresy policies of the Roman emperors, she permitted the imposition of secular penalties upon Church members contesting her teaching and moral norms. Those who embraced the Christian Faith of their own accord could still be forced to obey the ecclesiastical activities lest they set a bad example for the other faithful.³⁹ At the beginning of the fourth century, Christianity

36 *Non tamen ideo qui diliguntur, malae suae voluntati impune et crudeliter permittendi sunt; sed ubi potestas datur, et a malo prohibendi, et ad bonum cogendi.* Augustine, *Epistola 173*, in *PL 33*, 754.

37 *Vide nunc quemadmodum de his qui prius venerunt, dictum est: Introduc huc; non dictum est, compelle: ita significata sunt Ecclesiae primordia ad hoc crescentis, ut essent vires etiam compellendi. Proinde, quia oportebat eius iam viribus et magnitudine roborata etiam compelli homines ad convivium salutis aeternae, posteaquam dictum est: "Factum est quod iussisti, et adhuc est locus; Exi", inquit, "in vias et sepes, et compelle intrare." Quapropter si ambularetis quieti extra hoc convivium sanctae unitatis Ecclesiae, tamquam in viis vos inveniremus; nunc vero quia per multa mala et saeva quae in nostros committitis, tamquam spinis et asperitate pleni estis, vos tamquam in sepibus invenimus, et intrare compellimus. Qui compellitur, quo non vult cogitur; sed cum intraverit, iam volens pascitur. Cohibe itaque tam iniquum et impacatum animum, ut in vera Ecclesia Christi invenias salutare convivium.* Augustine, *Epistola 173*, in *PL 33*, 757.

38 Augustine of Hippo, *De correctione Donatistarum*, in *PL 33*, 799; cf. Karl-Hainz Chelius, "Compelle intrare", in *Augustinus Lexikon*, vol. 1 (Berlin, 1986), 1083–4; Megivern, *Death Penalty*, 35–45.

39 Peter Brown, "St. Augustine's Attitude to Religious Coercion", *Journal of Roman Studies* 54 (1964), 107–16; repr. Brown, *Religion and Society in the Age of Saint Augustine*

became a state religion. As such, it enjoyed the protection and support of the Roman emperors. The leaders of groups deemed dissenting or heretical were persecuted.⁴⁰ Constantine the Great's successors gradually limited the citizen's rights and freedoms of members of deviant groups, removing them from mainstream society. The imperial constitutions targeting them comprised a body of laws called *lex Manicheos*. In 381, the Manicheans were stripped of the right to draft their last wills, act as witnesses in court and file suits. The following years brought even more restrictions; both Manicheans and Donatists were banned from public worship while the property of these sects was to be confiscated.⁴¹ Later, heretics were excluded from holding public office. In 395 and 408, on the order of Emperor Theodosius the Great, the imperial administration was purged of dissenters. The majority of targeted individuals were supporters of the two persecuted heretical movements.⁴²

In late Antiquity, the apostasy of a baptized member ceased to be considered merely an internal problem of the Church. Given that Christianity enjoyed a special status in the Roman Empire, heresy came to be regarded as an act of disobedience towards state authority. Roman Law viewed heresy as a public crime (*crimen publicum*) threatening the existing social and legal order.⁴³ The *Quisquis* Constitution published by Emperors Honorius and Arcadius in 397 declared heresy a *crimen laesae maiestatis* (*Codex Theodosianus* IX 14.3).⁴⁴ This category was intended to define the gravest offences, prosecuted *ex officio*, especially ones that affected the emperor, his family and state institutions directly.⁴⁵ As a result, heretics were subject to most significant penal sanctions, the most harsh punishment being the confiscation of property, infamy, imprisonment and exile.⁴⁶

(New York, 1972), 260–78; Robert Austin Markus, *Saeculum and Society in the Theology of Saint Augustine* (Cambridge, 1970), 133–53.

40 Ewa Wipszycka, *Kościół w świecie późnego antyku* (Warsaw, 1994), 133–77.

41 Trusen, “Von den Anfängen”, 63–4; Ragg, *Ketzer und Recht*, 12–7.

42 Antoni Dębiński, *Ustawodawstwo karne rzymskich cesarzy chrześcijańskich w sprawach religijnych* (Lublin, 1990), 71–85.

43 Michel Humbert, “La peine en droit romain”, in *La peine*, vol. 1 (Brussels, 1991: Recueils de la Societé Jean Bodin, 55), 159–65.

44 Maisonneuve, *Études*, 32–3; Trusen, “Von den Anfängen”, 62–3; Ragg, *Ketzer und Recht*, 27–30.

45 Ulpian defines the crime in the following way: *Maiestatis crimen illud est, quo adversus populum Romanum et adversus securitatem ejus committitur* (*De officiis proconsulis*, l. VIII); qtd. from Trusen, “Von den Anfängen”, 62.

46 Peters, *Inquisition*, 29–30; a detailed analysis of particular penances is offered by Dębiński, *Ustawodawstwo karne*, 88–116.

The *Quisquis* Constitution became a key imperial means of regulating the principles of punishment administered by public officers. In 407, Arcadius, Honorius and Theodosius II confirmed these resolutions in a legal assessment including the penalties imposed on heretics (*Codex Theodosianus* XVI 5.40). All Church-condemned heretics were to be denied imperial favour.⁴⁷ In Roman Law, infamy was tantamount to a loss of many citizen's rights. An *infamatus* was not allowed to hold public office nor could he testify in court. Moreover, the consequences of infamy affected the immediate family of the heretic too.

The Theodosian Code of 438 compiled a number of detailed regulations pertaining to the procedure of combating heresy. Chapter Five of the Code, *De haereticis*, recalled earlier decrees pertaining to the pursuit and punishment of heretics by imperial officials. The Code reiterated the ban on the public proclamation of any doctrine contrary to official teaching; a failure to comply resulted in banishment and confiscation of property.⁴⁸ Until the Fall of the Roman Empire, banishment was the most severe form of punishment imposed on heretics. The 428 Constitution issued by Theodosius III and Valentinian III regarded exile as the primary form of punishment for Manicheans (*Codex Theodosianus*, XVI 5.65).⁴⁹ Regardless of it, heresy, which amounted to a crime of lese-majesty, justified the use of capital punishment against heretics. As early as 382, Theodosius threatened the Manicheans with death. The 453 Constitution of Emperors Valentinian III and Marcian contained an order to punish heretics with confiscation of property and death. In Justinian's *Corpus iuris civilis*, the death penalty was imposed on Manicheans who violated the sentence of exile, made sacrifices or continued with the celebration of their forbidden cult in any other way. Capital punishment was also the lot of relapsed heretics (*relapsi*), in other words, those who in spite of an earlier renunciation and reconciliation relapsed into heresy.⁵⁰

47 Maisonneuve, *Études*, 33–5; Trusen, “Von den Anfängen”, 63; Ragg, *Ketzer und Recht*, 15–7.

48 Élisabeth Magnou-Nortier (ed.), *Le Code Théodosien, Livre XVI, et sa réception au Moyen Âge*, Introduction Michel Rouche (Paris, 2002: Sources canoniques, 2), 192–299, at 216 (see also *Introduction*, 35–9); cf Jean Gaudemet, “La politique religieuse impériale au IV^e siècle (envers le païen, les Juifs, les hérétiques, les donatistes)”, in *Legislazione imperiale e religione nel IV secolo* (Rome, 2000: Studi patristici, 11), 43–9.

49 Megivern, *Death Penalty*, 45–7.

50 Trusen, “Von den Anfängen”, 64; Megivern, *Death Penalty*, 48–9; Ragg, *Ketzer und Recht*, 18–22.

In the Eastern Roman Empire, capital punishment could be imposed on the followers of a few radical religious cults, such as the Paulicians. Extant sources do not speak of any actual cases in which such a penalty was administered. As far as the Western Empire was concerned, we know of only one execution of a heretic. Either in 385 or 386, an individual charged with Manicheism by Bishop Itacius, Priscillian of Ávila, was burnt at the stake. The sentence condemning the heretic to death at the stake was issued by Maximus, one of the ascendants to the imperial throne. The execution took place in Trier despite the protests of Pope Siricius, Martin of Tours and Ambrose of Milan.⁵¹ Within the seven centuries that followed, Priscillian's execution was the only known case of capital punishment being administered on the territory of Western Christendom. The threat of heresy within Western Christianity, commonly identified with Arianism, ceased in the sixth century. In 587, the Visigoth king, Reccared (586–601) converted to Catholicism. Two years later, at the Synod of Toledo, a union was drafted between the Roman and Arian Churches.⁵² Over the following four centuries, heresy was almost non-existent within Western Christendom.

The resistance of the ecclesiastical authorities made the administration of the most severe anti-heresy measures from the imperial constitutions very limited. Later, in the Middle Ages, the anti-heresy constitutions of the Christian emperors were revived. Paradoxically, the resolutions previously used by the Roman Empire as preventive and discouraging regulations were readapted during the Middle Ages and given new power. From the late twelfth century onwards, they were gradually introduced into canon and secular laws, providing the grounds for administering severe measures towards heretics. Roman Law furnished ready-made legal solutions, a framework for evaluating heresy and a heresy-related penal system.⁵³

2. Confronting medieval dissenters

The Fall of the Western Roman Empire and the gradual decline of its institutions contributed significantly to the further development of Christianity in medieval Europe. The early Middle Ages was a time of a great Christian mission to convert pagan peoples, such as the Goths and the Franks, leading to a rapid

51 Jean Duvernoy, "La procedure de répression de l'hérésie en Occident au Moyen-Âge", *Heresis* 6 (1986), 47.

52 Gustav F. Hänel, (ed.), *Lex romana Visigothorum* (Leipzig, 1962), 248–9; cf. Peter Stein, *Roman Law in European History* (Cambridge, 1999), 31.

53 Othmar Hageneder, "Der Häresiebegriff", 42–103.

geographical expansion of the Church. The quick and predominantly superficial Christianization of the Barbarians resulted in a reduction of religious and moral requirements. The territories covered by the missionary effort did not have a sufficient number of places of worship or enough clergymen to intensify Christianization. For this reason, liturgical and pastoral ministry was minimal. For a long time, the activity of the Church was limited geographically, focusing primarily on the centres of state administration of the new kingdoms and catering to the elite associated with reigning dynasties. The Goth and the Frankish subjects accepted the new faith more for political than religious reasons. Their access to the Church was marked by a formal baptism, followed by the creation of a basic ecclesiastical structure. A deeper form of Christianization, entailing a radical transformation of mentality and mores, was a lengthy process requiring a great missionary effort. The confrontation with the well-established pagan tradition of several centuries, viscerally present in the mentality and the customs of the “new Christians” forced the Church to make many concessions, both in the pastoral and moral sphere. While trying to popularize the rudiments of the creed and impose minimal moral codes, missionaries resorted to a simplified communication system enabling their unrefined interlocutors to understand a simple message. Catechesis included a basic set of information on Church teaching and the religious duties expected of each Christian.

The weakness of the papacy and the absence of permanent ecclesiastical structures were the causes behind the early medieval Church's struggle in Her defence of the deposit of the Faith entrusted by Christ. However, the crises experienced by the young countries, torn apart by internal strife, helped to form a perception of the Church as a unified political and religious structure. Under Carolingian rule the notion of *christianitas*, Christendom formed. It denoted Christian society created on the ruins of the Western Roman Empire. Amidst the great differences between particular Christian countries, the spiritual and structural unity of the Church was emphasized. The Church was regarded as the mystical body of Christ, as St Paul and St Augustine had already perceived Her. She relied on an excellent structure which also corresponded to the medieval vision of the universe. Drawing on the Neoplatonic philosophical tradition, medieval thinkers assumed that the entire world was an organic whole, formed perfectly by the Divine Creator. The medieval concept of the world was greatly influenced by a sixth-century work by Pseudo-Dionysius the Areopagite, *De hierarchia celestica*. This author presented the hierarchical structure of the celestial world shaped like a pyramid. The celestial beings in God's service were subjected to one of three descending triads. At the top, one found the celestial beings closest to God (the Thrones, the Cherubim and the Seraphim), and the bottom group

was a triad of angels in contact with the material world of humans.⁵⁴ During the Carolingian period, the concepts of Pseudo-Dionysius's thought served to elaborate a theory on the hierarchical organisation of Christian society. Initially, such political theology was dominated by a dichotomous model, dividing God's people into the clergy and the laity. The belief in the exceptional role played by the clergy in the divine plan of redemption justified this class's privileged position and power over the laity. Later on, a tripartite composition of the Christian community was introduced and gained greater popularity. These three different orders (*ordines*) were: the clergy reporting to the bishop, the knights reporting to the prince, and peasants.

The deep religious reform initiated in the mid-eleventh century was intended to reinforce the position of the pope and his power throughout Western Christendom. Striving to grant a greater autonomy to the clergy and detach them from secular feudal lords, the pope consolidated his power and became an unquestionable authority in both doctrinal and disciplinary matters.⁵⁵ As the successor of St Peter, he was the head of the Church on earth and had an exclusive right to define the boundaries of religious orthodoxy. Those who contested papal teaching were declared heretics.⁵⁶ At the time of the Gregorian reform and in the wake of the fight against investiture, the charge of heresy lost its strictly religious character. A heretic was not merely one who questioned the Christian creed, but any dissenter acting against the ecclesiastical authorities, either on religious or political grounds. Obedience towards the Church, particularly towards its earthly leader, the pope, became the basic criterion of orthodoxy.⁵⁷ Gregory VII, in *Dictatus Papae* (1075) made a very clear statement that no one who

54 Dominique Iogna-Prat, *Order and Exclusion*, 12–3; for more details see René Roques, *L'univers dionysien: structure hiérarchique du monde selon le Pseudo-Denys* (Paris, 1983).

55 Walter Ullmann, *The Growth of Papal Government in the Middle Ages. A Study in the Ideological Relation of Clerical to Lay Power* (London, 1955), 299–310.

56 Hubert Mordek, “*Dictatus Papae e Proprie auctoritates Apostolicae Sedis*”, *Rivista storica della Chiesa in Italia* 28 (1974), 1–22; Horst Fuhrmann, “*Quod catholicum non habeatur qui Romanae ecclesiae non concordat. Randnotizen zum Dictatus papae*”, in *Festschrift für H. Beumann* (Sigmaringen, 1977), 263–87.

57 Yves-Marie Congar, “Der Platz des Papsttums in der Kirchenfrömmigkeit der Reformen des 11. Jahrhunderts”, in Jean Daniélou and Herbert Vorgrimler (eds), *Sentire ecclesiam* (Freiburg, Basel, and Vienna, 1963), 196–217; Congar, *L'ecclésiologie du Haut moyen âge: de Saint Grégoire à la désunion entre Bizance et Rome* (Paris, 1968); Hageneder, “Der Häresiebegriff”, 59–64; Klaus Schatz, *Papal Primacy: from Its Origins to the Present*, trans. John A. Otto and Linda M. Maloney (Collegeville, 1996), 133–7.

disagrees with the Roman Church can be a Catholic.⁵⁸ Obedience towards the pope was, at the same time, considered an indispensable condition for salvation. This belief was upheld widely until the sixteenth-century Reformation.⁵⁹ Herbert Grundmann was right to point out that it was not until the time of the Gregorian reform that “self-criticism and purification of the Church [...] gave heresy wings to fly”.⁶⁰ On the one hand, the Gregorian reform created a bottom-up current exposing various deformations of religious life, such as the overdeveloped cult of relics or formalized liturgy, and called for a return to the Church of the Apostles. On the other, it caused protests against attempts to construct a hierarchically structured society subject to the authority of the pope.⁶¹

The first manifestations of religious heterodoxy in medieval Europe were clearly distinguishable from ancient heresies: they could not boast the same intellectual refinement or geographical scope. Medieval authors believed that the appearances of their contemporary dissenters were merely continuations of the heretical movements of Antiquity. The heretics whose presence was noted by eleventh-century sources were referred to as Manicheans or Arians, regardless of their beliefs.⁶² The dualistic views and the moral rigour attributed to them seemed indicative of their adherence to the teachings of Mani or Arius.⁶³ Readers

58 *Quod catholicus non habeatur, qui non concordat Romanae ecclesiae. Das Register Gregors VII*, ed. Erich Caspar, vol. 1 (Berlin, 1920).

59 Patschovsky, “Heresy and Society. On the Political Function of Heresy in the Medieval World”, in *Texts and the Repression*, 26–7; cf. Kamen, *The Rise of Toleration*, 15–7.

60 “[...] die Selbstkritik und Reinigung der Kirche [...] der Ketzerei zunächst den Wind den Segeln (nahm)”. Grundmann, “Ketzergeschichte des Mittelalters”, in Grundmann, *Die Kirche in ihrer Geschichte*, vol. 2 (Göttingen, 1967), 8–12.

61 Nelson, “Society, Theodicy and the Origins of Heresy”, 72–5; Moore, “Heresy, Repression, and Social Change in the Age of Gregorian Reform”, in Peter D. Diehl and Scott L. Waugh (eds), *Christendom and Its Discontents: Exclusion, Persecution and Rebellion, 1000–1500* (Cambridge, 1996), 19–46; cf. Heinrich Fichtenau *Heretics and Scholars in the High Middle Ages, 1000–1200*, trans. Denise A. Kaiser (University Park, 1998), 105–26.

62 In the first half of the twelfth century Guibert de Nogent directly referred to the works of St Augustine against Manicheans while describing the erroneous doctrine of two peasants from Soissons: *si relegas haereses ab Augustino digestas, nulli magis quam manichaeorum reperies convenire [...]. Autobiographie*, 430.

63 E.g. in 1048 Bishop Roger II of Châlons-sur-Marne in his letter to Bishop Vaso of Liège treated heretics operating in his diocese as Manicheans: *Aiebat enim in quadam parte diocesis suae quosdam rusticos esse, qui perversum Manicheorum dogma sectantes, furtiva sibi frequentarent conventicula, nescio quae obscena et dictu turpia, quadam sua sollempnitate actitantes et per sacrilegam manuum inpositionem*

of the anti-Manichean polemical works of St Augustine found practical advice on heresy, its nature and methods of operation. One cannot fail to acknowledge the great impact of Augustinian thought on the general perception of medieval heretics. His works provided information on ways heretics could be recognized and advice on how they ought to be treated. The views of dissenters were publicized and described with a terminology adapted directly from Augustine. When we read the chronicles of Rodulfus Glaber, Adémar of Chabannes, or even later the sermons of Eckbert of Schönau, we come across extensive passages from Augustine's works.⁶⁴ The public manifestos of medieval heretics were considered rather unoriginal and it was thought that they proclaimed views similar to others, previously condemned. At the end of the twelfth century, Alain de Lille wrote that contemporary heretics (*novi haeretici*) revived and processed old errors, thus constructing one "general heresy" (*generalis haeresis*). In his view, the difference between the ancient and contemporary heretics could be seen in that the former attacked the Catholic Faith with reason, whereas the latter formulated their "monstrous" views in utter disregard of any human or divine principles.⁶⁵

Until the second half of the twelfth century, heretical manifestos had been rare and tended to involve isolated individuals or relatively small groups. R.I.

dari Spiritum sanctum mentientes, quem ad astruendam errori suo fidem non alias a Deo missum quam in heresiarche suo Mani, quasi nihil aliud sit Manis nisi Spiritus sanctus, falsissime dogmatizarent, incidentes in illam blasphemiam, quam iuxta Veritatis vocem et hic et in futuro impossibile est remitti. Anselm of Liège, *Gesta episcoporum. Leodiensium*, ed. Georg Heinrich Pertz, in *MGH. Scriptores*, vol. 7 (Hanover, 1846), 226–7.

- 64 Congar, "Arriana haeresis comme désignation du néomanichéisme au XII^e siècle. Contribution à l'histoire d'une typification de l'hérésie au moyen âge", *Revue des sciences philosophiques et théologiques* 43 (1959), 449–61; Thouzellier, *Hérésies et hérétiques. Vaudois, Cathares, Patarins, Albigeois* (Rome, 1969: Storia e letteratura, Racolta di Studi e testi, 116), 7–9; Manselli, *Il secolo XII*, 277–86.
- 65 [...] *qui in hoc ab antiquis haeticis differunt, quod illi humanis rationibus fidem nostram expugnare conati sunt, isti vero nulla ratione humana vel divina freti ad voluntatem et voluptatem suam monstruosa confingunt. Olim vero diversi haeretici diversis temporibus diversa dogmata et adversa somniasse leguntur, [...] nostris vero temporibus novi haeretici, imo veteres et inveterati, veterantes dogmatu ex diversis haeresibus unam generalem haeresim compingunt et quasi ex diversis idolis unum idolum, ex diversis monstris unum monstrum et quasi ex dmersis venenatis herbis unum toxicum commune conficiunt.* Alain de Lille, *De fide catholica contra haeticos sui temporis*, in *PL* 210, 307–8. Such concept of heresy predominated in medieval theology until the sixteenth-century Reformation. In a 1458 letter to Dietrich von Ersbach, archbishop of Mainz, the Dominican inquisitor, Henry Kalteisen directly quoted this

Moore described this first stage of development of medieval heresy “the cult of the heresiarchs,” in which one charismatic preacher was able to attract crowds of supporters for the views he was proclaiming.⁶⁶ The preaching talent and the ability to reach illiterate people with an appropriate message were the most vital sources of popularity of Leutard (ca 1000), Peter of Bruys (died ca 1139), Henry [the Monk] of Lausanne (died after 1146) or Arnold of Brescia (died in 1155). Each one of them proclaimed a religious and social programme, playing on the emotions and minds of their audience. The characteristic appearance, the ascetic lifestyle and spiritual charisma attracted individuals eager to be in the company of these self-proclaimed saints.⁶⁷ The groups forming around itinerant preachers-heresiarchs had one common characteristic: a simple religious agenda that differed only slightly from the doctrine of the Church.⁶⁸

At the time when the boundaries of Roman Catholic orthodoxy were still fluid and the papacy too weak to impose a unified canon of faith and religious practices, the spreading heresy remained a largely unidentified and undefined phenomenon. The term “heresy” denoted various views which, in the eyes of the clergy, undermined the authority of the Church and her privileged position within Christian society.⁶⁹ The first manifestations of heterodoxy in medieval Europe often caused confusion among the local clergy. In most known cases, information on such manifestations hostile to the Church was reported to the bishop once a heretic had already garnered considerable social support.⁷⁰ In the eleventh century, the Church had limited resources to control the beliefs upheld by her members. The struggle against heresy, after it had been detected, relied primarily on the principle of *persuasio fraternalis*, elaborated in the Early Church. In all places where heretics were not being lynched or persecuted by the secular authorities, bishops attempted to convince them to renounce erroneous views and return into the fold of the Church through instruction and encouragement.⁷¹

above mentioned fragment of Alain’s treatise in his account of the interrogations of the Begard Heinrich Bedeker (Grundmann, *Ketzerverhöre*, 415).

66 Moore, *Origins*, 83–4 and 270–7.

67 Brown, “The Rise and Function of the Holy Men in Late Antiquity”, *Journal of Roman Studies* 61 (1971), 80–101; cf. Nelson, “Society Theodicy”, 65–77.

68 Moore, “Literacy and the Making of Heresy c. 1000–c. 1150”, in *Heresy and Literacy*, 26–35.

69 Zerner, “Hérésie”, 464–82.

70 Moore, “New Sects and Secret Meetings: Association and Authority in the Eleventh and Twelfth Centuries”, *Studies in Church History* 25 (1986), 47–68.

71 Walther, “Häresie und päpstliche Politik”, 105–6; Müller, “Les bases juridique de l’Inquisition”, *Heresis* 6 (1993), 121–2.

The first information concerning the public manifestos of heretics can be found in the writings of Rodulfus Glaber (died ca 1044). They pertained to new heretical activity in France and Italy at the end of the tenth and in the early eleventh century. Rodulphus, a Cluniac monk, inserted the account of heresy development at the end of the second book of his chronicle, right after an entry devoted to the plague then decimating the population of Europe (II.17), the invasion of Arabs into the Iberian Peninsula (II.18), and a rain of stones (II.21).⁷² In the eyes of Raoul, natural disasters, supernatural phenomena and the arrival of heretics were astonishing and noteworthy presages (*mira et memorabilia presagia*), testifying to a disruption of the cosmic order. The chronicler was convinced that he was a witness to the end times and the year 1000, in accordance with the apocalyptic prediction, would be the time of Satan's setting himself free and taking over the world.⁷³ He was not the only one to believe in the fulfilment of the apocalyptic vision of the end times. Ca 950, Adso of Montier-en-Der wrote a work *De vita et tempore Antichristi*, devoted to the fulfilment of St John's prediction concerning the reign of Antichrist at the end of time.⁷⁴

Glaber's chronicle contained a description of the activities in Champagne of Leutard of Vertus who could be considered the first medieval heretic. The Cluniac chronicler wrote that Leutard, influenced by a vision, went to a nearby church and destroyed the crucifix it housed. Next, he abandoned his wife and started to preach sermons in which he criticized the lax attitude of the clergy and the collection of tithes. Leutard attacked priests in particular because he blamed them for betraying Christ and departing from His teaching. In his sermons, Leutard called for a faithful observance of Christ's teaching from the New Testament. His criticism of the clergy gained him many followers among simple people. Glaber wrote that only the intervention of Gebuin II, bishop of Châlons-sur-Marne

72 Raoul Glaber, *Histoires*, ed. Matthieu Arnoux (Turnhout, 1996), 124–33.

73 Glaber, *Histoires*, 138: *Quod presagium Iohannis prophetic congruit, quia dixit Sathanam solvendum: et expletis mille annis [...] De quibus in tercio iam libello prolixius tractabimus*. For further examination of Glaber's historical writings, see Paul Rousset, "Raoul Glaber, interprète de la pensée commune au XI^e siècle", *Revue d'histoire de l'église de France* 36 (1950), 16–21; and Richard Landes, *Relics, Apocalypse and the Deceits of History, Adémar of Chabannes, 989–1034* (London, 1995), 285–308.

74 Lambert, *The Cathars*, 5; Norman Cohn, *Europe's Inner Demons* (London, 1992), 16–7; cf. André Vauchez, "Diables et hérétiques: les réactions de l'église et de la société en occident face aux mouvements religieux dissidents de la fin du X^e au début du XII^e siècle", *Settimane di Studio del Centro Italiano di Studi sull' Alto medioevo* 36.2 (1989), 584–5.

(died ca 1004) put an end to Leutard's anti-Church activity. During a public interrogation, Gebuin easily proved that Leutard's views in fact contradicted the Holy Scriptures. Leutard's confrontation with the bishop made him look ridiculous, ignorant and simple. His sympathizers returned to the Church. As for Leutard, devastated by failure, he drowned himself in a well.⁷⁵ Gebuin's initiative directed against Leutard's heresy followed the early Christian principle of conversion through fraternal persuasion. According to Glaber's chronicle, Leutard was not subjected to any form of coercion. The public exchange of arguments during which the bishop demonstrated the superiority of his reasoning turned out to be a sufficient pastoral means for suppressing heresy.

Leutard's death did not mark the end of heresy in the diocese of Châlons-sur-Marne. Until the mid-eleventh century, the successors of Bishop Gebuin struggled against Leutard's supporters. In order to address the challenge, Bishop Roger I (1008–1042) convened a diocesan synod in 1015. At this gathering a group of heretics was interrogated. They took an oath of loyalty to Church teaching and were told to leave the diocese. The penalty of exile used in their case turned out to be unsuccessful for the long-term war on heresy. Heretics expelled from one diocese tended to carry on with their activity in other areas. This way of dealing with dissenters caused some controversy among the clergy. The critics of this solution included the bishop of a neighboring diocese, Gérard I of Arras-Cambrai (1013–1048). He accused Bishop Roger I of having been gullible in accepting the declaration of the heretics who, as he put it, “fearing death, made a false confession of the True Faith.” Such a release of heretics “as if they were innocent” constituted, in his view, a serious threat to all the faithful.⁷⁶ Gérard's anxiety was entirely justified. The heretics who made their appearance in his diocese originated, in all likelihood, from the vicinity of Châlons-sur-Marne. Some of them were captured and interrogated at the Synod of Arras in 1025.⁷⁷

Among the generally laconic sources on eleventh-century heresy, the synod records from Arras stand out for their exceptional volume and the wealth of information they contain about the views of heretics and the details of their

75 *At ille [= Leutard] cernens se devictum, atque ambitione vulgi destitutum, semet puteo periturus immersit.* Glaber, *Histoires*, 134–6; cf. Borst, *Katharer*, 73; Maissonneuve, *Études*, 97; Ilarino da Milano, “Le eresie popolari”, *Studi Gregoriani* 2 (1947), 46–9; for a thorough examination see Renate Gorre, *Die ersten Ketzer im 11. Jahrhundert: Religiöse Eiferer – Soziale Rebellen?* (Constance, 1985), 12–55.

76 Mansi 19, 423.

77 Mansi 19, 423–60; Fredericq, vol. 1, 2–5; trans. *Heresies*, 82–5.

interrogations.⁷⁸ The excellent condition of the records has led some to question their authenticity. Firstly, no other extant contemporary source provides information about the 1025 Arras investigation into heresy. The *Gesta* of the Bishops of Cambrai, written at the same time, remain silent on such an important event, even though they provide a rather detailed account of the pastoral ministry of Bishop Gérard.⁷⁹ Secondly, the synod records are preserved in only one medieval copy from the Municipal Library in Dijon (Bibliothèque municipale, MS 582). The manuscript that includes the Arras records was made in the late twelfth century at the Cistercian monastery of Cîteaux. Apart from the records situated in the opening section of the work, the compilation includes some twelfth-century anti-heresy treatises, such as *Manifestatio haeresis* of a former Cathar, Bonacursus.⁸⁰ The authenticity of the records was ultimately confirmed by the historian E. van Mingroot. He demonstrated that they had been written by the same anonymous author who also wrote the first part of *Gesta episcoporum Cameracensis*.⁸¹

For our particular area of interest, the Arras records furnish a lot of valuable information on court procedure involving heretics and the methods used with regard to their conversion. The records describe the activities undertaken by Bishop Gérard as *causa inquisitionis*. Some scholars believe that the term “inquisition” was another name for an extraordinary court investigation and, as such, it

78 The first detailed examination of the Arras trial is offered by Jeanne-Marie Noiroux, “Les deux premiers documents concernant l’hérésie aux Pays-Bas”, *RHE* 49 (1954), 842–55; see also Huguette Taviani, “Naissance d’une hérésie en Italie du Nord au XI^e siècle”, *Annales. Économies. Sociétés. Civilisations* 29 (1974), 1224–52; she suggests that during the interrogations of the heretics of Orléans, Arras and Milan the same interrogatory was applied (Huguette Taviani, “Naissance d’une hérésie en Italie”, 1225–9); da Milano, “Le eresie popolari”, 60–7; Gorre, *Die ersten Ketzer*, 120–81; Fichtenau, *Heretics and Scholars*, 19–25.

79 Guy Lobrichon, “Arras, 1025, ou le vrai procès d’une fausse accusation”, in *Inventer l’hérésie*, 75–80.

80 Manselli, “Alle origini della *Manifestatio haeresis catharorum, quam fecit Bonaccursus*”, *Bolletino dell’Istituto Storico Italiano per il Medio Evo e Archivio Muratoriano* 67 (1955), 189–211; see also Lobrichon, “Arras, 1025”, 70–1.

81 Erik van Mingroot, “*Acta synodi Attrebatensis* (1025). Problèmes de critique de provenance”, *Studia Gratiana* 20 (1976), 201–29. The missing account of the Arras trial in the *gesta* of bishops of Cambrai is explained by the gap in the narrative that extends from 1024 to 1036. He suggests that probably the first author of the *gesta* died before providing details of the 1025 trial and his continuator started new notes from the year 1036.

made reference to the Roman notion of *cognitio extraordinaria*.⁸² It seems, however, that in this case it was not used primarily to describe a specific legal procedure but, instead, it described an interrogation conducted in order to extract information on the views of the captured heretics.⁸³ The first part of the records include a number of erroneous views proclaimed by the heretics, for example, their implied rejection of Church teaching on the sacraments of Baptism and the Eucharist, as well as their criticism of the desire to build churches to give praise to God.⁸⁴

The court investigation into the Arras heretics was arranged carefully. The launch of the procedure was preceded by a three-day fast on the part of the diocesan clergy, intended to secure God's blessing for the assembly. On the third day, Bishop Gérard, garbed in his pontifical vestments, made a procession to the Cathedral of Our Lady where he opened the synod. After the antiphon *Resurget Deus* was sung, a group of heretics was led into the church. After Gérard's sermon, the actual interrogation began. The heretics were asked about their beliefs, place of origin, organisation and leaders. On the basis of the information thus acquired, he compiled a list of erroneous theses and proceeded to demonstrate that they were contrary to Holy Scripture.⁸⁵ The heretics themselves claimed that none of their statements differed from the Gospels and the teaching of the Apostles.⁸⁶ In his polemic, Gérard resorted to theological discourse, declaring each heretical thesis invalid with arguments inspired by Holy Writ and the works of the Church Fathers.⁸⁷ Once the synod debate had been

82 Müller, "Inquisitio Haereticae Pravitatis. Ketzerei und Ketzerbekämpfung vom 11. bis zur 1. Hälfte des 14. Jahrhunderts", *Heresis* 9 (1987), 53.

83 From the ninth century onwards the term of *inquisitio* was used to describe various activities intended to collect information by ecclesiastical and lay institutions, such as the interrogations of synodal witnesses (*testes synodales*) during parish visitations or gather testimonies related to canonization processes. The mass scale operation of collecting information about taxes due to the royal treasury ordered by William the Conqueror in England in 1068 was also called an *inquisitio*. Peters, *Inquisition*, 35–9.

84 For a detailed analysis of their beliefs see: f.e. da Milano, "Le eresie popolari", 60–7; Gorre, *Die ersten Ketzer*, 120–181; Fichtenau, *Heretics*, 19–25; Lambert, *Medieval Heresy*, 46–9.

85 Mansi 19, 425–30.

86 *Lex et disciplina nostra, quam a magistro accepimus, nec evangelicis decretis nec apostolicis sancionibus contrarie videbitur, si quis eam diligenter velit intueri*. Mansi 19, 425.

87 Lobrichon, "Arras, 1025", 81–3.

closed, the sermon of Bishop Gérard was extended and edited into an anti-heresy treatise.⁸⁸

The example of the bishop of Arras proves that during the second half of the eleventh century it was possible to engage in a successful polemic against heretical arguments provided one was well-versed in Holy Scripture, regarded by both sides of the debate as the authoritative source of divine revelation. According to the anonymous scribe who penned the record, Gérard's theological reasoning inspired awe in the heretics. His arguments were chosen so skilfully and supported with passages from Holy Writ that no heretic dared question them. Convinced of the superiority of the bishop's reasoning, all the heretics agreed to revoke their errors willingly and return to the True Faith. The account leaves no doubt that Bishop Gérard could trumpet his victory over heresy. The heretics professed the Catholic Faith and condemned the errors they had previously proclaimed in the presence of the clergy and many faithful. All the revocation and abjuration formulae were read first in Latin, and then the vernacular, so that all participants could understand them well. At the end of the abjuration ceremony, each heretic took an oath of loyalty to the Church and validated it with the sign of the cross. The compiler of the record stresses that the sign of the cross shall defend converted dissenters from eternal damnation at the Last Judgment. The bishop went on to explain the significance of reconciliation and warned against the consequences incurred should they relapse into former errors. The threat of hellfire awaiting those who dare oppose Church teaching again was deemed so terrifying that no additional sanctions were applied.⁸⁹

The Arras investigation provides an accurate reflection of the method of converting heretics through persuasion and admonition recommended by canon law (*per persuasionem et admonitionem*). Certainly, not all bishops were as intellectually refined as Gérard of Cambrai who fulfilled the assigned pastoral task so aptly.⁹⁰ As early as in the first half of the eleventh century, in the wake of the first manifestations of heretics, some members of the clergy demanded strict penalties for dissenters and sought support from representatives of the secular authorities. In 1048, Bishop Roger II of Châlons turned to Bishop Vaso of Liège (1042–1048), a famous supporter of the Gregorian Reforms and a renowned theologian, to inquire whether it would be possible to transfer some heretics to

88 Lambert, *Medieval Heresy*, 46–7.

89 Mansi 19, 459–60.

90 Moore, *The Formation*, 17–8; Müller, “Les bases juridiques de l’Inquisition”, 121.

the secular authorities in order to prevent the spread of heresy.⁹¹ Vaso of Liège expressed his disapproval of this plan. He referred to the Holy Scriptures and the teaching of the Church in his firm opposition to the use of coercion towards dissenters. Quoting the Fifth Commandment, “Thou shalt not kill,” he stated that the administration of the death penalty for an error in faith was at odds with divine law. Here he recalled Christ’s parable of wheat and cockles (tares), furnishing an interpretation similar to that of Augustine and John Chrysostom. Just like Christ forbade the uprooting of the cockles sown by Satan lest one accidentally pull out the wheat along with the weed, in the same way, argued Vaso, one needed to refrain from killing heretics for a good Christian might end up being slaughtered by accident.⁹² He reasoned that the authority to administer severe punishment for those who rose against the Church belonged to God alone. Defending the principle of *persuasio fraternalis*, he justified the need to show heretics mercy and develop deep concern with their conversion. In his view, the task facing the Church was to lead the people of God towards salvation and to save each soul from eternal damnation. Furthermore, the clergy are responsible for encouraging errant brethren to return to the fold of the Church through catechesis and exemplary life. In the struggle against heresy, Vaso attributed a special role to bishops whose duty it was to collect and verify all information pertaining to heresy and its followers. While combating those who opposed the Church’s doctrine, bishops could resort only to ecclesiastical sanctions. It was unacceptable to use physical coercion. Quoting the words of St Paul from the Second

91 *Quid de talibus praestet agendum, anxius praesul certum sapientiae consuluit secretarium, an terrenae potestatis gladio in eos sit animadvertendum, nec ne, modico feremento nisi exterminentur totam massam posse corumpi [...].* Anselm of Liège, *Gesta episcoporum. Leodiensium*, 227.

92 *Ut autem in promptu sit, quid de talibus velit fieri misericors et miserator Dominus, qui peccantes non statim iudicat, sed ad poenitentiam expectat, audiamus quid in euangelio suo exponendo parabolam tritici et zizaniorum agri discipulos immo in illis nos dignatus est docere. “Homo inquam, qui seminavit zizania est diabolus; zizania autem hii filii sunt nequam; messis vero consumatio saeculi est, messorum autem angeli sunt [Mt 13.37–39]. Quid autem per servos prima apparentia zizania vellicare volentes nisi praedicatorum ordo signatur? Qui dum bonos a malis seorsum esse in sancta aeclesia, quasi de bona tritici segete zizania eradicare querunt? Sed cum magna discretionis censura paterfamilias ille prona eorum coerceret studia. «Nolite, inquam, ne forte colligentes, zizania eradicetis simul et triticum. Sinite utraque crescere usque ad messem, et in tempore messis dicam messoribus. Collogite primum zizania et alligate ea per fasciculos ad comburendum; triticum autem congregate inhorreum meum” [Mt 13.29–30].*

Epistle to the Corinthians (2 Cor 3.6), Vaso insisted that the episcopal authority should serve to quicken (*ad vivificandum*), and not to kill (*ad mortificandum*).⁹³

The attitude of Vaso of Liège reflects most fully the tolerant current of the medieval Church recommending a gentle approach to heretics and opposing the death penalty. Contrary to Vaso's instructions, up until the mid-twelfth century, heretics often became victims of angry lynch mobs unable to understand the clergy's objection to the death penalty. The vision of heretics as servants of Satan, popularized by preachers, inspired general fear and necessitated defence. The laity called for the immediate execution of heretics to see their families and households saved from "heretical contamination". Even when the clergy tried to verify the validity of heresy accusations, interventions by the secular authorities or violent mobs resulted in burning both true and presumed heretics at the stake.⁹⁴

The members of a heretical group from Orléans, whose activity was exposed in 1022, became the first victims of such repression. In their case, the heresy allegations were largely part of a political intrigue intended to disparage the bishop of Orléans and his ally, the king of France, Robert II the Pious (996–1031).⁹⁵ According to a very detailed account made half a century later by Paul, a Benedictine monk from the Abbey of Saint-Père-en-Vallée near Chartres, the group of Orléans heretics not only proclaimed views contrary to Church doctrine, but also engaged in obscene and promiscuous practices. They were accused of organising secret meetings during which they worshipped Satan and murdered children born of incestual unions.⁹⁶ The investigation into the Orléans heretics unfolded at a synod attended by Robert the Pious and his wife

93 Anselm of Liège, *Gesta episcoporum. Leodiensium*, 227.

94 Hermann Theloe, *Die Ketzerverfolgungen im 11. und 12. Jahrhundert* (Berlin and Leipzig, 1913), 15–35; Borst, *Katharer*, 71–81; Manselli, *Il secolo XII*, 27–49.

95 The context of this trial is discussed anew by Robert-Henri Bautier, "L'hérésie d'Orléans et le mouvement intellectuel au début du XI^e siècle", in *Actes du 95^e Congrès national des Sociétés savantes, Enseignements et vie intellectuelle*, vol. 1 (Paris, 1975), 77–88; see also an overview by Lambert, *Medieval Heresy*, 28–9. A new approach to the 1022 trial is proposed by Fichtenau, "Die Ketzer von Orléans (1022)," in Klaus Herbers, Hans Henig Kortüm and Carlo Servatius (eds), *Ex ipsis rerum documentis. Beiträge zur Mediävistik. Festschrift für Harald Zimmermann zum 65. Geburtstag* (Sigmaringen, 1991), 417–27.

96 Charles Guérard (ed.), *Cartulaire de l'Abbaye de St-Père de Chartres*, vol. 1 (Paris, 1840: Collection de cartulaires de France, 1), 109–15; a different report on the heretics of Orléans and their trial in 1022 is offered in Adémar de Chabannes, *Chronicon*, ed. Pascale Bourgain, in Adémar de Chabannes, *Opera omnia* (Turnhout, 1999: CCCM, 129), 180; de Chabannes, *Chronique*, ed. Yves Chauvin and Georges Pon (Turnhout, 2003: Miroir

Constance. During the interrogations, the heretics pleaded guilty yet all but one refused to renounce their errors.⁹⁷ At that, King Robert ordered them burnt at the stake. The condemned heretics were escorted outside the city walls in a procession and burnt in a wooden barn.⁹⁸ The Orléans execution from 1022 was the first instance where the death penalty was administered for heresy in medieval Europe. It left an indelible impression on the onlookers. A document issued in the same year mentioned the burning of Orléans heretics.⁹⁹

Heretics from Monteforte, a town in Northern Italy, were dealt with just as harshly. The town's secular authorities pressed to have some heretics burnt at the stake. The activity of this particular heretical group was exposed in 1028, when, during a diocesan visitation, Archbishop Aribert da Intimiano of Milan learnt about the existence of a heretical community at Monteforte Castle near Asti. The heretics there were accused of a disdainful attitude towards the clergy, strict ascetic practices and views contrary to Church teaching. First, Aribert ordered that one of the members of the group be captured. Once the heretic had been interrogated, the archbishop obtained infallible evidence of heresy among members of the group, justifying the launch of further action against the remaining heretical following. On Aribert's orders, a group of knights conquered the Piedmont castle and captured all its inhabitants. Wishing to learn more about the actual doctrine of the cult, Aribert commanded that the heretics be brought to his Milan residence. According to the Milanese chronicler, Landulf, the archbishop devoted a few days to discussions with these deviants, encouraging them to renounce their erroneous views and accept the Catholic faith. His initiative made the town residents visibly impatient. They decided to combat the heretics on their own. Despite Aribert's protests, the heretics of Monteforte were forced out of the episcopal curia and given the choice to either return to the Church immediately or be burned at the stake. Those who decided to renounce their errors were told to stand next to a cross erected for this purpose. The others were

du Moyen Âge), 278–9; trans. *Birth of Popular Heresy*, 10–15; *Heresies*, 74–85; see also the account of Glaber, *Histoires*, 186–231.

- 97 For overviews of this trial see Russell, *Dissent and Reform*, 27–35; Borst, *Katharer*, 74–6; Lambert, *Medieval Heresy*, 27–35; da Milano, “Le eresie popolari”, 52–60; Gorre, *Die ersten Ketzler*, 56–119; Fichtenau, “Die Ketzler von Orléans”, 422–7.
- 98 *Quos rex Rothbertus, cum nollet alicatenus ad fidem reverti, primo gradu sacerdotali deponi, deinde ab ecclesia eliminari et demum igne cremari iussit*. Adémar de Chabannes, *Chronicon*, 118; Adémar de Chabannes, *Chronique*, 277–8; cf. Glaber, *Histoires*, 200.
- 99 Monica Blöcker, “Zur Häresie im 11. Jahrhundert”, *Zeitschrift für Schweizerische Kirchengeschichte* 73 (1979), 198.

thrown onto a burning stake.¹⁰⁰ This single-handed execution of heretics by the secular arm proves that the Milanese authorities themselves took the threat of heresy seriously and acted quickly on it.

The eleventh-century anti-heresy initiatives of the secular authorities were spontaneous and their brutal outcomes stemmed from instinctive fear, not deliberate resort to specific procedures.¹⁰¹ In places where secular authorities or angry mobs did not apply pressure for action, the ecclesiastical authorities tried to follow canon law to the letter. First, the validity of heresy allegations was examined by interrogating witnesses and the suspects themselves. Next, by implementing pastoral measures, Church officials tried to persuade heretics that their views were wrong and convince them to embrace Church teaching.¹⁰² The way in which these principles were implemented is reflected by the fate of the Liège heretics captured in 1135. The local burghers wanted to stone all of them, but the local clergy protested. The heretics were interrogated at a synod and encouraged to renounce the errors they had been proclaiming. Two of them, fearing death, gave up heresy. The third, on the other hand, most likely an obstinate defender of his views, was burnt at the stake.¹⁰³ Several years later, the Liège clergy prevented the lynching of another heretical group. The alleged heretics were detained and interrogated and pieces of information obtained during questioning were sent on to the pope.¹⁰⁴

100 Landulf of Milan, *Historiae libri quatuor*, ed. Alessandro Cutolo (Bologne, 1900: *Rerum italicarum scriptores*, 4.2), 67–9; Landulf of Milan, *Historia Mediolanensis usque ad a. 1085*, ed. Ludwig Conrad Bethmann and Wattenbach, in *MGH. Scriptores*, vol. 8 (Hanover, 1848), 65–66; trans. *Heresies*, 86–9; cf. Lambert, *Medieval Heresy*, 37–42; da Milano, “Le eresie popolari”, 68–74; Russell, *Dissent and Reform*, 35–8; Taviani, “Naissance d’une hérésie”, 1224–Manselli, *Il secolo XII*, 133–8; Gorre, *Die ersten Ketzer*, 182–226.

101 Manselli, “De la persuasio”, 177.

102 Moore, *The Formation*, 24.

103 *Qui [= heretics] errorem cum non possent negare, voluere eos populus lapidare, unde tanto percussi timore elapsi sunt sub nocturna caligine; sed in vinculis tribus eorum detentis, unus combustus est igne, reliqui duo reddiderint se ecclesie cum fidei professione. Annales Rodenses*, ed. Georg Heinrich Pertz, in *MGH. Scriptores*, vol. 16 (Hanover, 1859), 711; and *In concilio Leodiensi heretici deprehensi sunt, quorum unus vivus est combustus. Annales Aquenses*, ed. Georg Heinrich Pertz, in *MGH. Scriptores*, vol. 16 (Hanover, 1859), 865; cf. Theoloe, *Ketzerverfolgungen*, 38; Russell, *Dissent and Reform*, 82–3.

104 *Ut arbitramur, et res ipsa declarat, idcirco divina dispositio in arce catholicae Ecclesiae sedem Romanam posuit, ut ipisus providentia suis membris tutela procuretur, et ad eam refugium habeant, quibus surgentia bella exitium minitantur. Igitur veterum hostium*

Eleventh-century heresy did not expand much either socially or geographically, and this dynamic changed only during the twelfth century. It was at that time that the first organised heretical movements emerged, rose against the clergy and contested some elements of Church teaching. They were led by itinerant preachers such as Henry of Lausanne or Peter of Bruys. The former was the presumed founder of the Henrician movements, while the latter created the movement of the Petrobrusians. Their success was largely due to their preaching talent and personal charisma. Both were bold in expressing scorn for the lax spirit of the clergy and called for a moral renewal of the Church. Their beliefs attracted a number of followers in anticlerical circles. Confronted with Henry of Lausanne and Peter of Bruys, the ecclesiastical authorities were rather at a loss as to what to do, since traditional methods for addressing heresy failed in this case. It is especially apparent in their dealings with Henry of Lausanne, who is also called Henry the Monk. Extant sources indicate that Henry was a monk who left his religious community and became an itinerant preacher.¹⁰⁵ Taking advantage of the passive attitude of the ecclesiastical authorities, he preached sermons in Southern France freely, calling his listeners to penance and a faithful observance of Christ's teaching. We know that he made it to Le Mans, Lausanne, Poitiers and Bordeaux,¹⁰⁶ of which the Le Mans episode is best documented. The available sources include information both about his religious agenda and his disagreements with the local Church authorities. Henry arrived in Le Mans in either 1115 or 1116. The local chronicler took note of his ascetic appearance. Henry was seen first outside the city walls barefoot, clothed in a worn habit, with

*deprehensas noviter insidias ad vestram paternitatem, cui credita est sollicitudo omnium ecclesiarum, deferimus, ut eorum conatus vestra relidantur industria, qui sub specie religionis animas simplicium in errorem ducunt, et unius integritate fidei, quae multis locis vulnerata est, sicut apud nos compertum nunc esse constat, sancta Dei convalescat Ecclesia [...]. Epistola Ecclesiae Leodiensis ad Lucium papam, in PL 179, 937–8; Heresies, 139–41; cf. Georges Despy, “Les Cathares dans le diocèse de Liège au XII^e siècle: à propos de L’*Epistola Leodiensis* au Pape L (?)”, in Guy Cambier (ed.), *Christianisme d’hier et d’aujourd’hui: hommages à Jean Preaux* (Brussels, 1979), 65–75; overview in Lambert, *The Cathars*, 16–7.*

105 Bernard of Clairvaux, *Epistolae*, in *PL* 182, 435–6; *Sancti Bernardi Abbatis Clarae-Vallensis Vita prima*, in *PL* 185, 312–3.

106 See an overview in Lambert, *Medieval Heresy*, 75–8; for a detailed examination of the activities of Henry the Monk see Manselli, “Il monaco Enrico e la sua eresia”, *Bolletino dell’Istituto Storico italiano per il Medio Evo e Archivio Muratoriano* 5 (1953), 1–63; Manselli, *Il secolo XII*, 101–17.

tangled hair and an untrimmed beard. He was preceded by two disciples bearing crosses.

The local ordinary, Hildebert of Lavardin, who was an earnest supporter of the Gregorian Reforms extended an enthusiastic welcome to the eccentric newcomer. Apparently, he was convinced that he was dealing with a penitential preacher who was popularizing a message of religious renewal, so dear to his heart. The bishop's admission of this strange guest into his town reflects the poor discernment of the twelfth-century prelates who were largely ignorant of the danger of heresy. Hildebert gave Henry permission to preach sermons and left the town for Rome. The chronicle describing these events compared Henry's arrival at Le Mans with the introduction of the Trojan Horse or letting a wolf into a sheepfold. Thanks to his fiery sermons, Henry was quick to gain popularity with Le Mans burghers who enthusiastically embraced his novel programme of religious and moral renewal. A scandalized anonymous chronicler from Le Mans wrote that the local women, influenced by his calls to practice chastity, burnt their clothes, cut their hair and went around naked.¹⁰⁷

The revolutionary ideas of Henry met with protests from the local clergy who tried to stop him with "fraternal persuasion." First, a group of canons from Le Mans met Henry urging him to put an end to practices that were contrary to Church tradition. This attempt failed, however. Henry did not follow the counsel of the canons; what is more, Henry's supporters showered them with mud and other impurities. Drawing a lesson from this painful experience, the clergy addressed a letter to Henry putting a ban on his sermons. Should he violate the ban, the letter stated, he would be excommunicated. The account of the chronicler clearly testifies to the fact that these canons, wishing to put an end to Henry's heretical practices, used measures aligned with canon law. The instrument of excommunication applied only at the moment when Henry clearly disregarded the warnings of the ecclesiastical authorities and carried on with his anti-Church activity. The conflict with Henry of Lausanne entered a new stage upon the return of Bishop Hildebert to Le Mans. As soon as Henry and his supporters learnt that the bishop had come back to the city, they left their premises and hid in the nearby town of Saint-Calais where they continued to propagate heretical views. Initially, Hildebert was slow to react despite Henry's apparent disobedience towards the ecclesiastical authorities. The Le Mans chronicler noted that

107 Gustave Busson and Abroise Ledru (eds), *Actus pontificum Cenomannis in urbe degentium* (Le Mans, 1901: Archives historiques du Maine, 2), 407–15; trans. *Heresies*, 108–14.

Hildebert “regarded the errors and frenzy of Henry with compassion, patiently enduring all disgraceful words from him.” The pious bishop sought help and consolation in ceaseless prayer to God, supplicating him to intervene and save the Church in danger. Only considerably later did the bishop resolve to confront Henry directly in an attempt to persuade him to renounce his wrongdoings. It seems as if the encounter between the bishop and the heresiarch was far from conclusive. The Le Mans chronicler ascribes some success to Hildebert who presumably exposed Henry’s ignorance in rudimentary religious matters. In spite of this victory, the bishop did not manage to convince Henry to renounce heresy and follow his instructions. Given the situation, Hildebert, wishing to protect his flock from heretical influence, told Henry to leave the diocese.¹⁰⁸ We can presume, therefore, that the account of the chronicler referred to Henry’s excommunication and resulting exile.

In 1119, a synod held in Toulouse addressed the problem of Henry and his followers. The statutes ordered excommunication for those who attacked the clergy and contested the validity of the Church’s sacraments.¹⁰⁹ Interestingly enough, sources written over the following dozen or so years make no mention of Henry’s activities. We can presume that he continued to be active in Southern France as an itinerant preacher. Eventually, in 1135, Henry was captured by the archbishop of Arles, Bernard Guérin, and taken to the Council of Pisa where he was interrogated. The Council, presided over by Pope Innocent II, condemned Henry’s anti-Church views and told him to renounce them,¹¹⁰ resulting in a partial victory. A Cistercian Abbot participating in the Council, Geoffroy d’Auxerre, noted that Henry revoked his errors and reconciled with the Church. Later, by

108 *Actus pontificum Cenomannis*, 415; trans. *Heresies*, 114.

109 *Porro eos qui religionis speciem simulantes, Dominici corporis et sanguinis sacramentum, puerorum baptismum, sacerdotium, et caeteros ecclesiasticos ordines, et legitimarum foedera nuptiarum, tanquam haereticos ab ecclesia Dei pellimus et damnamus: et per potestates extereas coerceri praecipimus. Defensores quoque ipsorum, ejusdem damnationis vinculo donec resipuerint mancipamus*. Mansi 21, 226–7 (Article 3: *Ut haeretici eorumque defensores ab ecclesia pellantur*); the Statutes of the Synod of Toulouse were endorsed by the Second Lateran Council of 1139 (Tanner, *Decrees* 2, 202); cf. Manselli, *Il secolo XII*, 115.

110 *Actus pontificum Cenomannis*, 437–8; trans. *Heresies*, 114–5. The Synod was attended by Bernard of Clairvaux and Peter the Venerable, who later were active in the polemic against the followers of Henry of Lausanne. R. Manselli argues that at the Synod of Pisa Henry of Lausanne was declared a heretic, but revoked his errors and was granted penance (*Il secolo XII*, 115).

the decision of the Council, he was assigned a penance at the Clairvaux convent.¹¹¹ The penitential stay at a secluded convent was meant to prevent Henry from carrying on his unauthorized preaching activity. The Le Mans chronicler noted that the Council of Pisa gave Henry a prison sentence.¹¹²

It remains unclear whether Henry ever made it to the Cistercian abbey, for, shortly after the Pisan investigation, he resumed his activity as an itinerant preacher. At that time, he came into contact with Peter of Bruys who had been preaching sermons in Provence. Under his influence, Henry's views on the clergy and the Church's sacraments became even more radical. During the following decade, Henry was active in the county of Toulouse, gaining a great number of followers. Unfortunately, extant sources are very reticent on this last period of his life. All we know is that in 1145, Henry was captured and put in prison where he died shortly afterwards.¹¹³

An analysis of Henry of Lausanne's activity reflects the weakness of the traditional pastoral and legal instruments in the struggle against itinerant preachers. The principle of conversion *per instructionem et admonitionem* turned out to be too weak when confronted with heretics who continued to proclaim views condemned by the Church in utter disregard of the canon sanctions imposed on them. The impunity of Henry of Lausanne was not an isolated case. His contemporary, Peter of Bruys, spent a long time on preaching sermons in Provence, which criticized the clergy and the Church's sacraments. He was particularly fervent in his attacks on the traditional forms of religious devotion. He rejected all forms of reverence for the cross and religious images, considering them to be idolatry. During his public addresses, he burnt wooden crosses and other objects of religious devotion. Peter of Bruys met a tragic death in Saint-Gilles. On Good Friday 1139, the townspeople of Saint-Gilles threw him into the burning fire he had started with the intention of burning the symbols of the Lord's Passion taken from the local church.¹¹⁴ There is no evidence suggesting that Peter of Bruys'

111 *Data proinde sententia est in haereticum [= Henry of Lausanne] et in fautores ejus, et patefacta est omni populo pessima ejus vita, et quomodo in Pisano concilio omnes quas nunc praedicat haereses abiuraverit, et redditus domino Abbati [= Bernard of Clairvaux] litteras acceperit ab eo in Clare-Valle, ibi monachus fieret. Sancti Bernardi abbatis Clarae-Vallensis vita et res gestae (Epistola Gaufridi ad Anchenfredum)*, in *PL* 185, 412.

112 [...] *generaliter haereticus appellatus, ad postremum carcere mancipatur. Acta pontificum Cenomannis*, 438.

113 Manselli, *Il secolo XII*, 113–5.

114 Lambert, *Medieval Heresy*, 79–82; Manselli, *Il secolo XII*, 87–100; James Fearn, "Peter von Bruis und die religiöse Bewegung des 13. Jahrhunderts", *Archiv für Kulturgeschichte*

death was the work of any ecclesiastical or secular authorities. The sainted abbot of Cluny, Peter the Venerable, attributed the death of the heresiarch to the townspeople of Saint-Gilles who were indignant at his iconoclastic practices.¹¹⁵

In the first half of the twelfth century, heresy charges were sometimes used as instruments of political intrigue. Such allegations served to scare opponents and enforce obedience. Such an instrumental use of heresy charges played a part in the case of the Antwerp preacher Tanchelm (Tanchelin). Recent research perceives Tanchelm's activity as a manifestation of bottom-up religious reform intended to eliminate clerical abuse and implement the Gregorian Reforms.¹¹⁶ For this reason, Tanchelm is included in the category of reformers such as Ramirdus van Schere (Esquerchin), Robert of Arbrissel or Lambert le Bègue from Liège. All of them popularized the message of a return to the simplicity of the Apostolic Church, attacked the secularized clergy and blamed the clergy for neglecting the divine ministry. The activity of each of these preachers met with a hostile reaction from local clergy. Wishing to put an end to their highly anti-clerical manifestos, the ecclesiastical authorities did not hesitate to charge them with heresy.¹¹⁷ Ca 1077, Ramirdus van Schere was declared a heretic and burnt at the stake for his refusal to receive the Eucharist from priests whom he accused of simony.¹¹⁸ A hundred years later, in 1175, Lambert le Bègue sought to prove with a hot iron ordeal that his heresy charge had been counterfeited.¹¹⁹

In the second decade of the twelfth century, charges of heresy were brought against Tanchelm of Antwerp (died 1115). Due to his criticism of the local clergy who, in his eyes, were secularized and neglectful of their pastoral duties,

48 (1966), 311–5; Merlo, *Eretici ed eresie medievali*, 23–6; Paolini, *Eretici del medioevo*, 63–6; Moore, *The Formation*, 20; LMA 6, 1964–5.

115 *Sed post rogam Petri de Bruis, quo apud Sanctum Egidium zelus fidelium flammis dominice cruces ab eo succensas eum concremandum ultus est, postquam plane impius ille de igne ad ignem, de transeunte ad eternum transitum fecit.* Peter the Venerable, *Contra Petrobrusianos hereticos*, ed. James Fearn (Turnhout, 1968: CCCM, 10), 5.

116 Henri Pirenne, “Tanchelin et le projet de démembrement du diocèse d’Utrecht vers 1000”, *Académie royale de Belgique. Bulletin de la classe des lettres et des sciences morales et politiques*, Ser. 5 13 (1927), 112–9; Jose de Smet, “De Monik Tanchelm en de Utrechtse Bisschopszetel in 1112–1114”, in *Scrinium Lovaniense. Mélanges historiques Étienne van Cauvenburgh* (Louvain, 1961), 207–34; Borst, *Katharer*, 84–5; LMA 8, 455.

117 Lambert, *Medieval Heresy*, 83–6.

118 Ludwig Conrad Benthäm (ed.), *Chronicon S. Andreae Castri-Cameracensis*, in *MGH. Scriptores*, vol. 7 (Hanover, 1846), 540; trans. *Heresies*, 95–6; cf. da Milano, “Le eresie popolari”, 80–2; Russell, *Religious Dissent*, 43–4.

119 Frédéricq 2, 10–11; Duvernoy, “La procédure”, 48.

he found himself on the war path with the canons of Utrecht, further intensified by an underlying political rivalry between the French King, Louis VI and Emperor Henry V, both of whom coveted control of Flanders. The former, allied with the count of Flanders, Robert II, tried to break off the eastern part of the Diocese of Utrecht, including Antwerp, and incorporate it into the French see of Théouranne. Rising against the Utrecht canons who were allied to the emperor, Tanchelm became a useful instrument for fulfilling the political ambitions of the count of Flanders.¹²⁰ In this particular context, the heresy charge filed against Tanchelm by the Utrecht chapterhouse must be viewed as a political move above all. In a 1115 letter addressed to the Archbishop of Cologne, Frederick I (who died ca 1131), in whose province the Utrecht diocese was situated, the canons depict a dark image of Tanchelm. They accused him not only of doctrinal innovations, but also promiscuity and incest. The Cologne archbishop, alarmed by these allegations, ordered that Tanchelm be arrested and brought to his palace. During the Cologne interrogation, Tanchelm denied the charges laid against him and took an oath of loyalty to Church teachings. The Cologne archbishop believed that this settled the conflict. Having received an admonition, the Antwerp preacher was released.¹²¹ Shortly afterwards, Tanchelm was murdered in secret, most likely on the order of his political opponents.¹²²

The category of bottom-up reformers charged with heresy because of their radical message included Arnold of Brescia (died ca 1155). Just like Tanchelm, he came up with a programme of radical religious reform, demanding that the clergy keep a strict observance of the principles of the *vita apostolica*. Around 1115 Arnold studied in Paris under the supervision of his mentor, Peter Abelard. It was probably there that he became familiar with the programme of religious and moral renewal in accordance with the principles of the *vita apostolica*. After his return to his hometown, Arnold was ordained into the priesthood and became provost of the canons regular at St Peter's Church. The chapterhouse he led was the first place where he implemented his reform programme. In parallel, Arnold started to preach sermons that criticized the wealth and the secular power of the clergy. "Unworthy priests" whom he denied the right to administer the holy sacraments were the main target of his oratory. Arnold's programme

120 Cohn, *The Pursuit of the Millennium*, 46–50; Henrik Bertinus Teunis, "De ketterij van Tanchelm: een misverstand tussen twee werelden", in René Ernst Victor Stuij and C. Vellekoop (eds), *Utrecht tussen Kerk en staat* (Hilversum, 1991), 153–67.

121 Fredericq 1, 15–8 and 22–9; trans. *Heresies*, 97–100.

122 Sigebert of Gembloux, *Chronica: Continuatio Praemonstratensis*, ed. Ludwig Conrad Bethmann (Hanover, 1844: MGH. Scriptores, 6), 449; trans. *Heresies*, 101.

of moral reform became very popular with the burghers of Brescia, resulting in an open conflict with the local bishop, Manfred II. In 1139, notified of the case by Bishop Manfred, Pope Innocent II told Arnold to leave Brescia and stop preaching. A year later, on 16 July 1140, the Council of Sens sentenced Arnold and Abelard to lifelong penance in a monastery. The actual sentence never came into effect. Arnold relocated freely to Paris where he lectured near the Church of St Hilaire for several years. During this time there, he continued to proclaim the ideas of the *vita apostolica* and criticized the lukewarm attitudes of the clergy. He even succeeded in forming a circle of poor students who supported his programme. At that time, one of the main targets of his attacks was St Bernard of Clairvaux himself: Arnold accused him of vanity and arrogance. His public reprimand of the widely respected abbot of Clairvaux was a form of personal revenge for the sentences condemning him and Abelard at Sens. St Bernard reacted swiftly by declaring Arnold a heretic and a dissenter and persuaded the French king to banish him from his kingdom. Pope Eugene III (1145–53) attempted to settle the conflict. He managed to convince Arnold to renounce his anticlerical views in public. Either in 1145 or 1146, at Viterbo, Arnold of Brescia underwent a solemn rite of abjuration and reconciliation. During the ceremony, the pope assigned penance which included fasting, vigils and pilgrimages to the most prominent Roman sanctuaries. Contrary to the expectations of Eugene III, once Arnold arrived in Rome ca 1147, he resumed his preaching activity and continued to expose the shortcomings of the clergy including their departure from the values of the Gospel. Specifically, he targeted the papal curia, accusing the cardinals of vanity and hypocrisy neither did he spare the pope, criticizing his presumed greed and thirst for power. Arnold's anticlerical slogans made him popular with the burghers of Rome who were increasingly dissatisfied with the secular style of papal governance. Otto of Freising writes that Arnold's sermons made reference to the republican traditions of Ancient Rome, calling on the residents to liberate the city from the power of the pope and revive ancient political institutions. In 1150, influenced by his sermons, the Romans rose up against the pope and forced him to leave the city. Although the pope declared Arnold a heretic and excommunicated him, this did not stop the rebellion. Only later, in 1155, Eugene's successor Hadrian IV (1154–59), assisted by the army of Emperor Frederick I Barbarossa, suppressed the rebellion in Rome and regained control over the city. Arnold of Brescia was captured and hanged. His body was burnt and the ashes were scattered in the River Tiber.¹²³

123 The best accounts on Arnold of Brescia are offered by John of Salisbury (*Historia pontificalis*) and Otto of Freising (*Gesta Frederici I*). John of Salisbury, *Memoirs of the*

Arnold's conflict with the ecclesiastical authorities, first with his local bishop in Brescia and several popes later provided the grounds for heresy charges resulting in severe ecclesiastical sanctions. Banished from Brescia, condemned and excommunicated at the Synod of Sens, Arnold renounced his views for a short period of time. His participation in the rebellion of the Romans against the pope made him not only a heretic, but also a dangerous rebel and agitator, furnishing the immediate reason for sentencing him to death.¹²⁴ In the eyes of representatives of the twelfth-century Church, Arnold earned himself the status of heresiarch and was credited with the rise of the so-called Arnoldist heresy. Lucius III's bull *Ad abolendam* from 1184 listed the Arnoldists (*Arnaldistae*) as one of the most prominent heretical movements to be targeted by episcopal inquisition (X 5.7.9)¹²⁵ Yet, in the light of more recent research, it is difficult to find a direct relationship between Arnold of Brescia and the Arnoldists pursued by the Church in the late twelfth century. It seems that the term "Arnoldist" did not necessarily denote an adept of Arnold of Brescia's programme, but a heretic in general, a foe of the Church and public order. In particular the Arnoldists included all those who criticized clerical negligence and undermined the validity of the Sacraments administered by unworthy priests.¹²⁶

Canon law defines heresy as an error in faith resulting from a conscious choice. In cases where the words and actions of heretics were indicative of mental illness, limited responsibility for their errors was presumed. This principle applied in the case of Eudo de l'Étoile.¹²⁷ His religious views were so obscure and incoherent

Papal Court (Historia pontificalis), ed. and trans. Marjorie Chibnall (Edinburgh and London, 1956), 62–5; Otto of Freising, *Gesta Friderici I, imperatoris*, ed. Georg Waitz and Bernhard von Simson (Hanover, 1912: MGH. *Scriptores rerum Germanicarum in usum scholarum*, 46, repr. 1997), 133–4; trans. *Heresies*, 146–50. The most detailed examinations are offered by George W. Greenway, *Arnold of Brescia* (Cambridge, 1931); Arsenio Frugoni, *Arnaldo da Brescia nelle fonti del secolo XII* (Rome, 1954), and Maurizio Pegrari (ed.), *Arnaldo da Brescia e il suo tempo* (Brescia, 1991). See also overviews by Lambert, *Medieval Heresy*, 86–8; Borst, *Katharer*, 88–9; LMA 1, 1005–6.

124 Maisonneuve, *Études*, 145.

125 Friedberg 2, 780; *Texte zur Inquisition*, 26.

126 Frugoni, *Arnaldo da Brescia*, 175–7; Fichtenau, *Heretics and Scholars*, 64; LMA 1, 1009.

127 In twelfth-century accounts he is named *Eun*, *Eon*, *Puzon* or just "a Manichean". Eudo is the Breton form of a French name, "Euzon" or "Eocen", In Breton *eun* means "simple", "direct". In its disfigured form used by twelfth-century chroniclers *eon* means "foam". By adopting the name *Eon* Eudo might have demonstrated that in contrast to the ecclesiastical leaders who led the people astray, he walked "the right way to God". Adam Krawiec, "Eudo de Stella, heretyk bretoński z XII w. i jego zwolennicy",

that Otto of Freising considered Eudo not to deserve the name of heretic.¹²⁸ Extant sources inform us that Eudo declared himself the son of God who came to earth “to judge the living and the dead with fire.” Usurping priestly and episcopal authority, he preached sermons, celebrated Mass and ordained other members of the clergy.¹²⁹ The first mention of his activities comes from 1145. Under Eudo’s influence, armed groups of his supporters, the Eonites, started to assault the clergy and rob churches in Brittany. The activity of the Eonites was suppressed by local feudal lords. Eudo himself was captured by Samson de Mauvoisins, archbishop of Rheims.¹³⁰ He was interrogated at a provincial council in Rheims in 1148, presided over by Pope Eugene III. The Council fathers were scornful of Eudo’s programme and considered him a lunatic. Furthermore, he became a laughingstock when he elaborated on the cosmic meaning of his staff, claiming that when the upper forked part of his staff was oriented towards heaven, God controlled two-thirds of the world, while Eudo controlled one-third. However, when he turned the staff upside-down, the power ratio changed accordingly. Declaring Eudo to be mentally incompetent, the Council recommended he be detained in a monastery for the rest of his life, where he would be supervised by the archbishop of Rheims.¹³¹ As with Henry of Lausanne or Arnold of Brescia, the required seclusion was intended to make the sinner repent of his errors.

Przegląd Historyczny 94.2 (2003), 117; Russell, *Dissent and Reform*, 121–2 and 289. The most detailed account is offered by Otto of Freising (Mansi 21, 720–3; Otto of Freising, *Gesta Friderici I*, 46–7), the Continuator of Sigebert of Gembloux (Sigebert of Gembloux, *Chronica: Continuatio Gemblacensis*, 389–90) and William of Newburgh *Historia rerum Anglicarum*, in *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, ed. Richard Howlett, vol. 1 (London, 1884: Rolls Series, 82), 60–4; trans. The History of William of Newburgh, Chapter 19, available at <https://sourcebooks.fordham.edu/basis/williamofnewburgh-one.asp#19>, accessed 15 September 2019. See also overviews by Lambert, *Medieval Heresy*, 89–90; Russell, *Dissent and Reform*, 118–24; DTC 5, 134–7; LMA 3, 2040–1.

128 Mansi 21, 720.

129 Mansi 21, 722; cf. Krawiec, “Eudo de Stella”, 124–8.

130 William of Newburgh, *Historia*, 60–6; *The History of William of Newburgh*, available at <https://sourcebooks.fordham.edu/basis/williamofnewburgh-one.asp#19>, accessed 15 September 2019.

131 *Cum ergo staret in conspectu concilii, interrogatus a summo pontifice quisnam esset, respondit, Ego sum ille qui venturus est iudicare vivos et mortuos, et saeculum per ignem. Habebat autem in manu sua baculum inusitate formae, in superiori scilicet bifurcum. Interrogatus quid sibi vellet baculus ille: Res, inquit, grandis mysterii est. Quamdiu enim, sicut nunc videtis, duobus caelum capitibus suscipit; duas orbis partes Deus possidet, tertiam mihi partem cedens. Porro si eadem duo superiora capita bacula*

The relatively gentle sentence given to a man who had instigated violent social rebellion met with protest from some Council fathers who demanded capital punishment for the offender. While commenting on the sentences of the Council of Rheims, the anonymous continuator of the Chronicle of Sigebert of Gembloux did not conceal his disappointment that such a dangerous heretic was spared death.¹³² Eudo's supporters were treated far more severely than their leader. Those who refused to renounce their errors were handed over to the secular authorities and burnt at the stake.¹³³

3. *Praedicatio verbi Dei*

Until the 1140s, manifestations of heresy were of rather limited social and geographical scope. Itinerant preachers tended to roam across no more than one province and thus their activity was considered a local problem of the provincial Church. As far as doctrinal matters were concerned, the majority of known heresiarchs proclaimed a relatively simple religious programme, with the ideals of *vita evangelica* at the forefront. They demanded a strict observance of Christ's precepts and criticized some religious practices which, in their opinion, were contrary to Holy Scripture. The clergy, whom they accused of betraying Christ's teaching and the principles of the Early Church, were the target of the

submittam usque ad terram, et inferiorem ejus partem, quae simplex est, erigam, ut caelum suspiciat: duabus mundi partibus mihi retinentis, tertiam tantummodo Deo relinquam. Ad haec risit universa synodus, derisitque hominem tam profunde datum in reprobum sensus [When standing in the presence of the council, and asked by the pontiff who he was, he replied, "I am Eun, who is to come to judge both the quick and the dead, and the world by fire." He held in his hand a staff of uncommon form, and forked at top; and being asked the meaning of this, he said, "It is a matter of great mystery; as long as it points to heaven with its two forks, as you see in its present state, God possesses two parts of the world, and yields the third to me; again, if I incline the two forks of the stick to the earth, and elevate the lower part, which is single, towards heaven, retaining two portions of the world to myself, I shall only leave the third to God." At this the whole assembly laughed, and derided a man so completely given up to a reprobate mind. William of Newburgh, *Historia*, 62–3; *The History of William of Newburgh*, available at <https://sourcebooks.fordham.edu/basis/williamofnewburgh-one.asp#19>, accessed 15 September 2019.

132 Sigebert of Gembloux, *Chronica: Continuatio Gemblacensis*, 390; trans. *Heresies*, 143.

133 William of Newburgh, *Historia*, 64; trans. *Heresies*, 145 and *The History of William of Newburgh*, available at <https://sourcebooks.fordham.edu/basis/williamofnewburgh-one.asp#19>, accessed 15 September 2019.

heresiarchs' criticism. While addressing heresy, the ecclesiastical authorities tried to follow the principle of *persuasio fraternalis*. Resorting to a traditional array of pastoral and legal measures, attempts at converting heretics were made through persuasion and admonition (*per persuasionem et admonitionem*). Excommunication and exile were regarded as the severest penalties for the most obstinate dissenters. Only in those cases where the secular authorities or angry mobs intervened, were heretics actively persecuted.

It was not until the late-twelfth-century emergence of well-organised movements of religious heterodoxy, the Cathars and the Waldensians, that the ecclesiastical authorities realized the need to modify their strategy of the war on heresy. Catharism and the Waldensian movement were the first medieval mass heresies with thousands of supporters, expanding far and wide in Western Europe. Both movements created their own structures, and had their own quasi-clergy, as well as religious practices distinct from those of the Catholic Church.¹³⁴ At the first stage of confrontation with the Cathars and Waldensians, the ecclesiastical authorities observed the principle of conversion by persuasion and launched a number of pastoral initiatives against the heretics. On the initiative of the pope and the local clergy, comprehensive pastoral programmes were implemented with a view to defending Catholic doctrine and refuting heretical beliefs. They were carried out by expert preachers: the papal legates and representatives of new religious orders, such as the Cistercians and the Premonstratensians.

In the first half of the twelfth century, apart from the anticlerical groups formed under the influence of charismatic preachers, such as Henry of Lausanne or Peter of Bruys, the first mass movement of religious heterodoxy par excellence, Catharism, began to form. Scholars still debate the origins and possible sources of inspiration of the most powerful medieval heresy. Some scholars perceive Catharism of the Middle Ages as a continuation of the ancient Manichean heresy. Their research demonstrates a direct reception of the dualistic doctrine from the Middle East through Byzantium and Bulgaria to Western Europe in the late eleventh and early twelfth century. The dualistic views proclaimed by the Cathars derived from the teaching of Paul of Samosata and the Paulicians, as well as the Bulgarian Bogomils. Other historians apply more caution in their approach to the hypothesis of the Middle Eastern origins of Cathar doctrine. Although they do not exclude the possibility of influence of ancient dualistic heresies, they search for the sources of Catharism within medieval Christendom itself. Unlike many earlier manifestations of heresy that had contested some

134 Manselli, "De la *persuasio*", 183–4.

parts of Church teaching, the Cathars proclaimed views altogether strange to Christianity. The core of their doctrine was a belief in two gods, a good one who ruled over the spiritual world, and an evil one who controlled matter. Within this doctrine, cosmological dualism was associated with the rejection of all material things. Since all matter came from the evil god and was subjected to gradual destruction, it followed that one ought to hold one's body and life on earth in contempt. The Cathars believed that the only particle of good in man is the soul. Cathar doctrine insisted that each human being should aim to set his good soul free from its prison, the body. Such a pessimistic outlook on human fate justified the Cathar predilection for harsh ascetic practices serving to chastise the body controlled by evil carnal desires.¹³⁵

Cathar teaching was popularized by individuals chosen by the good god. Sources referred to them as *perfecti/perfectae*, *boni homines/bonae feminae*, or *bonhommes/bonfemmes* in the Provençal tongue.¹³⁶ “The *perfecti* were entirely devoted to their mission of proclaiming the true teaching on the universe and human destiny. In order to become “perfect”, one had to undergo a special rite called the *consolamentum*, during which the *perfecti* laid their hands on candidates and recited the relevant prayers. Each individual who had received *consolamentum* and become *perfectus* had to observe rigorous moral and ascetic practices. The *perfecti* had to be chaste in both the spirit and the body. They did not eat any animal products. They were not allowed to engage in sexual intercourse. The moral rigour of the *perfecti* contributed to the great success of the Cathars in Languedoc and Lombardy. Compared with contemporary Catholic clergy, the Cathar *perfecti* seemed far more authentic in their views and practices.¹³⁷ Cathar society comprised believers (*credentes* or *crezens* in Latin and Provençal, respectively), who listened to the teaching of the *perfecti*, were blessed by them and given *consolamentum* on their death bed. *Credentes* took care of the material needs of the *perfecti*, received them into their homes, and provided them with clothing, food and money.¹³⁸

135 Lambert, *The Cathars*, 158–65; Roquebert, *Histoire des cathares*, 26–30.

136 Duvernoy, “L’acception: *haereticus* (iretge) = “parfait cathare” en Languedoc au XIII^e siècle”, in *The Concept of Heresy*, 198–210.

137 Lambert, “Catharism as a Reform Movement”, in František Šmahel (ed.), *Häresie und vorzeitige Reformation im Spätmittelalter*, (Munich, 1998: Schriften des Historischen Kollegs, Kolloquien 39), 23–40.

138 Brenon, *I catari*, 82–4; Lambert, *Medieval Heresy*, 156–76; Lambert, *The Cathars*, 141–58.

The first groups of Cathars arrived in the Upper Rhineland and France.¹³⁹ Extant sources mention two instances of Cathars being captured in Cologne, in 1143 and 1163. In the 1160s, a Cathar presence was also documented in Flanders (Liège) and Languedoc.¹⁴⁰ Catharism attracted most support in Southern France and it was there that its structures formed with bishops and elders in the lead. Despite the fact that the evidence for the Cathar presence in Languedoc surfaced relatively late, it was indicative of great numbers of *bonhommes* and *bonfemmes* and their excellent organisation. The most renowned centre of Catharism in Southern France was Albi. It was with the name of this town that the local ecclesiastical authors forged the term Albigensians denoting the Languedoc Cathars specifically. A 1167 Cathar council at Saint-Félix-de-Caraman, presided over by the Bulgarian bishop, Nicetas reflected the powerful and widespread Cathar influence in Southern France. It was also the turning point in the history of Languedoc Catharism. The resolutions made at that moment unified the creed and fostered the structural growth of the movement.¹⁴¹

It was the desire to gain unmediated access to the Word of God that became the primary driving force behind the movement of the Poor of Lyons (*pauperes de Lugduno, leonistae, pauperes spiritu*), the Waldensians. In 1173–1175, the movement's founder, a Lyons merchant named Valdès, wishing to develop a deeper understanding of Christ's teaching, commissioned a translation of some Bible passages and some works of the Church Fathers into the Provençal tongue.

139 Yves-Marie Congar, "Arriana haeresis comme désignation du néomanichéisme au XII^e siècle. Contribution à l'histoire d'une typification de l'hérésie au moyen âge", *Revue des sciences philosophiques et théologiques* 43 (1959), 449–61; Thouzellier, *Hérésies et hérétiques. Vaudois, Cathares, Patarins, Albigeois* (Rome, 1969: Storia e letteratura, Racolta di Studi e testi, 116), 7–9; Manselli, *Il secolo XII*, 277–86.

140 Lambert, *Medieval Heresy*, 90–8; Barber, *The Cathars*, 21–32; Walter Wakefield, *Heresy, Crusade and Inquisition in Southern France, 1100–1250* (London, 1974), 30–1; Kolmer, *Ad capiendas vulpes*, 23–4; Arno Borst, *Barbaren, Ketzer und Artisten. Welten des Mittelalters* (Munich and Zurich, 1988), 214–6; Lambert, *The Cathars*, 19–23 and 37–44; Roquebert, *Histoire des cathares*, 52–4.

141 Dondaine, "Les actes du concile albigeois de Saint-Félix de Caraman", *Studi e testi* 125 (1946), 324–55; Hamilton, "The Cathar Council of Saint-Félix reconsidered", *AFP* 58 (1978), 23–53; Franjo Šanjek, "Le rassemblement hérétique de Saint-Félix de Caraman (1167) et les églises cathares au XII^e siècle", *Revue d'histoire ecclésiastique* 67 (1972), 767–99. Hamilton, and – following him Lambert – date the synod to 1174–1175. Lambert, *Medieval Heresy*, 184–5. Most scholars date the Synod to 1167, e.g. Roquebert, *Histoire des cathares*, 58–62; Brenon *I catari*, 114–7; Stoyanov, *The Hidden Tradition*, 162–5.

According to a Dominican author, Stephen of Bourbon (ca 1180 or 1190/1195–1261), Valdès often listened to the books of Holy Writ that had been translated for him and wanted to become a better imitator of the Apostles in their Gospel perfection (*perfectio evangelica*). Influenced by the words of Christ addressed to the wealthy young man (Lk 18,18–23), he gave up his former way of life and started to proclaim the word of God.¹⁴² Such a desire to imitate Christ in his poverty (*nudum Christum nudi sequi*) and unrestrained preaching of the Word of God (*praedicatio verbi Dei*) were deeply embedded in the social and religious transformations of the twelfth century. An explosion of movements of voluntary poverty inspired by Holy Scripture, which promoted the ideals of the tradition of the Early Church, was a consequence of the religious emancipation of the laity striving to experience their faith on a more personal level. That great religious zeal resulted in the preaching activity of the Waldensians, the Humiliati and, later, the Franciscans.¹⁴³ The preaching ministry of the movements condemned by the Church was born in the same atmosphere of thirst for the Word of God and the desire to lead a *vita apostolica*.¹⁴⁴

Holy Scripture was at the heart of the conflict between the Church and the new heretical movements, the Cathars and the Waldensians.¹⁴⁵ Both the Cathars and the Waldensians demanded unrestricted access to the holy books and the right to interpret them outside the Church's control. Unlike the Waldensians, the Cathars considered that only the New Testament was a book by the good god. They rejected the Old Testament, whose authorship they attributed to the evil

142 *Quidem dives rebus in dicta urbe, dictus Waldensis, audiens Evangelia, cum non esset multum litteratus, curiosus intelligere, quid dicerent, fecit pactum cum dictis sacerdotibus, alteri ut transferret ei in vulgari, alteri ut scriberet que ille dictaret, quod fecerunt; similiter multos libros Biblie et auctoritates sanctorum multas per titulos congregatas, quas sententias appellabant. Texte zur Geschichte der Waldenser*, 16; see also the account of the so called the Passau Anonymous, *Texte zur Geschichte der Waldenser*, 19.

143 Grundmann, *The Religious Movements*, 69–75; Brenon, *I catari*, 15–8; see also remarks of Tadeusz Manteuffel, “Naissance d’une hérésie”, in *Hérésie et sociétés*, 97–8.

144 Lambert, *Medieval Heresy*, 100–18; Marie-Dominique Chenu, *La théologie au douzième siècle* (Paris, 1957: *Études de philosophie médiévale*, 45), 252–73.

145 Key studies by Jack Goody (*The Domestication of the Savage Mind*, Cambridge 1977) and Brian Stock, *The Implications of Literacy. Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton, 1983) inspired new approaches to the treatment of religious dissent and the role of literacy in the dissemination of new ideas. The first collective works to address this problem in detail were *Heresy and Literacy* and *Inventer l’hérésie*.

god. In order to render the text of the New Testament intelligible to listeners who did not know Latin, the Cathars translated some passages into the vernacular tongue. During public debates, the Cathars invoked Holy Scripture in order to prove they were right. To support their position, they were able to quote relevant passages from the New Testament with great ease.¹⁴⁶ The Waldensians regarded the Holy Scriptures as the only source of divine revelation. The Scriptures were the only book with instructions on how to live according to the Divine Commandments and Christ's teaching.¹⁴⁷ Their autonomous reading of the Bible resulted in their questioning of the exegetic tradition of the Church and taking up studies of the principles of *vita evangelica*.¹⁴⁸ Based on a literal interpretation of the Gospel, the Waldensians elaborated their rigorous religious agenda. They called the faithful to abandon their earthly property and choose life in poverty in imitation of the Apostles.¹⁴⁹ The words of Christ and the Apostles found in the New Testament determined the content of the Waldensian creed and their canon of moral values. Conversely, the same wish to lead their lives in accordance with the divine law made them reject all those parts of Church doctrine and religious practices which could not be traced back to Holy Scripture.¹⁵⁰

Some sources from the late-twelfth, and early thirteenth century mention groups of the laity who read Holy Scripture together in Southern France and Northern Italy. The authors of the first anti-heresy treatises from the twelfth century, such as Peter the Venerable, Eckbert of Schönau, Bernard of Fontcaude and Alain de Lille, point to the preaching component of Cathar and Waldensian proselytism. They describe the activity of lay preachers who read Bible passages in the vernacular and explained them on their own. Holy Scripture was studied

146 Brenon, *I catari*, 22–5; Biller, “The Cathars of Languedoc and Written Material”, in *Heresy and Literacy*, 66–78; Paolini, “Italian Catharism and Written Culture”, in *Heresy and Literacy*, 83–92.

147 Thouzellier, “La Bible des Cathares languedociens et son usage dans la controverse au début du XIII^e siècle”, *CF* 3 (1968), 42–58.

148 In ca 1260 the Passau Anonymous stressed that, when debating the doctrine, the Waldensians accepted only arguments based on the New Testament: *Unde quidquid doctor docet, quod per textum novi testamenti non approbat, hoc tantum pro fabulis habent. Der Passauer Anonymus*, 72.

149 Manselli, *Il secolo XII*, 57–66; Grundmann, *The Religious Movements*, 17–21; Gonnet and Molnár, *Les vaudois*, 75–83; Gabriel Audisio, *Les Vaudois. Naissance, vie et mort d'une dissidence (XII^e-XVI^e siècles)* (Turin, 1989), 12–5.

150 Patschovsky, “The Literacy of Waldensianism”, 112–23; a thorough examination is offered by Robert E. Lerner, “Les communautés hérétiques (1150–1500)”, in Pierre Riché and Guy Lobrichon (eds), *Le Moyen Âge et la Bible* (Paris, 1984), 597–614.

in private homes, in streets and town squares. In 1163, a Benedictine abbot, Eckbert of Schönau wrote about the Cathars who proclaimed their doctrine calling on the authority of Holy Scripture.¹⁵¹ The wide access of uneducated laity to books previously restricted to the clergy made these Catholic authors extremely alarmed. They were particularly scandalized upon learning that even women could read and comment on Gospel passages in public. The Cathar and the Waldensian communities had their own “schools” to teach the principles of reading and understanding Holy Scripture, and works devoted to their doctrine. Yves of Narbonne wrote that Italian Cathars even ventured to Paris to complete theological studies to perfect their skills of Biblical exegesis.¹⁵² Apparently, such a fine knowledge of Holy Scripture became the primary characteristic of the Waldensian masters. At the turn of the thirteenth century, the anonymous author of the manual *De inquisitione hereticorum*, known as Pseudo-David of Augsburg, wrote about Waldensians who knew the whole Bible by heart and were able to quote passages off the top of their head.¹⁵³

Still, most ecclesiastical authors spoke of the preaching skills of the heretics with sarcasm and derided their knowledge of the Bible. For a long time, ecclesiastical circles pictured the stereotypical heretic as an illiterate simpleton (*illiteratus, idiota*), easily ridiculed and persuaded by an educated clergyman.¹⁵⁴ In 1179, the Third Lateran Council derided the theological ignorance of the Waldensians who demanded to be allowed to proclaim the Word of God freely. The envoys of the Poor of Lyons interrogated by the council commission were able to respond to simple questions regarding the creed, but failed to find answers to tricky questions. When they were asked whether they believed in God the Father, the Son and the Holy Spirit, they responded in the affirmative. Yet, when asked whether they also believed in the Virgin Mary, they said yes again, at which the commission members burst out laughing.¹⁵⁵

151 *Muniti sunt* [= Cathars] *verbis sacrae Scripturae, quae aliquo modo sectis forum concordare videntur, et ex eis sciunt defendere errores suos, et oblatrare Catholicae veritati.* Eckbert of Schönau, *Sermones contra Catharos*, in *PL* 165, 11.

152 Paolini, “Italian Catharism and Written Culture”, in *Heresy and Literacy*, 95–103.

153 *Omnis gloriatio eorum est de singularitate, quod videntur sibi pre ceteris scioli, quo aliqua evangelii verba vel epistolarum sciunt corde vulgariter recitare.* *De inquisitione hereticorum*, 212.

154 Grundmann, *Litteratus-illiteratus*, 1–65; Stock, *Implications of Literacy*, 101–151; see also an overview of research by Biller, “Heresy and Literacy: Earlier History of the Theme”, in *Heresy and Literacy*, 3–5.

155 Walter Map, *De nugis curialium*, ed. and trans. Montage R. James, Christopher N.L. Brooke, and Roger A.B. Mynors (Oxford, 1983: Oxford Medieval Texts), 124–27; cf.

Even if the attitude of the Church towards heretical preachers was scornful, the activity of the latter was too dangerous to ignore. The Cathar *perfecti* and the Waldensian masters popularized their teaching orally. Their sermons and instructions were delivered in simple language and their content appealed increasingly to the laity. In the early thirteenth century, Jacques de Vitry (ca 1160/1170–1240) warned against heretical preachers (*pseudo-praedicatores*) who easily find eager listeners among simple people.¹⁵⁶ Moreover, before the construction of the inquisition system, the Cathars and Waldensians expressed their willingness to engage in open theological debates with Catholic clergy. Persuaded of their righteousness, they proposed open debates on the principles of the faith and religious life. Early on, in 1143, two Cathars captured by the Arnold I, archbishop of Cologne declared themselves eager to defend their views in public debate. During interrogation, they made a skilful presentation of their reasoning, quoting passages from the New Testament (*haeresim suam defendentes ex verbis Christi et Apostoli*). Moreover, both of them said they were ready to accept the Catholic Faith, provided that Church representatives refute their doctrine in a public debate with their preachers.¹⁵⁷

A heretic who read Holy Scripture and formulated his religious views on his own turned into a challenging opponent of the Catholic clergy. Such an individual held a firm belief that the reading of the holy books enabled him/her to access the Divine Revelation directly and thus he/she feared neither canonical sanction nor secular penalties. The Waldensians did not have any doubt that they were the ones acting in accordance with God's commandments. Choosing to disobey the ecclesiastical authorities, they recalled the words of St Peter and the Apostles before the Sanhedrin: "We ought to obey God rather than men" (Acts 5.29).¹⁵⁸ In their eyes, priests were the real heretics, whom they accused of betraying Christ's teaching and serving the Antichrist. The thirst for God's Word

Patschovsky, "The Literacy of Waldensianism from Valdes to c. 1400", in *Heresy and Literacy*, 118–9.

156 Jacques de Vitry, *Historia Occidentalis*, 103–5.

157 *Epistola Evervini Steinfeldensis praepositi ad s. Bernardum*, in Bernard of Clairvaux, *Sermons sur le Cantique*, ed. Jean Leclercq, Henri Rochais and Charles H. Talbot, vol. 4 (Paris, 2003: SCh, 472), 412–425, here 416.

158 *Si quid enim nobis iusserint, quod a dei filio, nostro summo pontifice dissonet, ex divinarum preceptis scripturam collegimus, quid eis fiducialiter dicere debemus: "Obedire oportet deo magis quam hominum."* *Liber antiheresis des Durandus von Osca*, ed. Selge, *Die ersten Waldenser*, vol. 2, 61; Gonnet and Molnár, *Les vaudois*, 80–1; Cameron, *Waldenses*, 30–1.

and the desire to gain personal access to Scripture markedly present in the thirteenth century, constituted a new challenge for the Church. In order to satisfy this longing, the clergy had to change their traditional forms of ministry. The polemic against heresy required from the clergy appropriate intellectual preparation and moral discipline. Biblical erudition became particularly important, as it allowed them to engage efficiently in debate with heretical views. A talent for preaching was also essential: sermons had to catch interest of their listeners.¹⁵⁹

The emergence of popular heretical movements turned the war on heresy into a problem of the Church as a whole. Each success in the struggle against heretics was perceived as a victory of Good in the cosmic battle against the forces of Evil. Popes regarded defence of the Faith as one of the Church's most important tasks. On the pope's initiative, the most renowned religious authorities of the twelfth century, Norbert of Xanten and Bernard of Clairvaux joined in the struggle against heretics through their preaching of the Word of God. They were asked to take up missions in places where the local clergy was failing to find appropriate measures to address heretical developments. In 1124, St Norbert arrived in Antwerp at the request of the Utrecht bishop, Burchard of Cambrai (1116–1131). This founder of the Order of Canons Regular of Prémontré (the Premonstratensians, Norbertines, or White Canons) founded St Michael's Monastery in Antwerp and preached a series of sermons against the supporters of Tanchelm. His words, as well as his personal devotion, led the majority of Tanchelmists renounce their anticlerical views and subject themselves to the local Church authorities.¹⁶⁰

In the first half of the twelfth century, the mission of Bernard of Clairvaux in Southern France became a model for further anti-heresy preaching ministry. Between 1143 and 1144, Bernard received two letters asking him to join in the anti-heresy struggle. The first one was from Everwin of Steinfeld, the abbot of the Premonstratensian abbey near Cologne. It contained a description of heretical views exposed in the Upper Rhineland.¹⁶¹ In the second letter, St Bernard

159 Biller, *Heresy and Literacy*, 5–9.

160 Fredericq 1, 24; Wilfried M. Grauwen, "Enkele notities betreffende Tanchelm en de ketterijen in het begin van de 12de eeuw", *Analecta Praemonstratensia*, 56 (1980), 86–92; Grauwen, "Norbert predikt in Antwerpen in 1124", *Analecta Praemonstratensia* 69 (1993), 60–78; Charles Dereine, "Les prédicateurs 'apostoliques' dans les diocèses de Théroouanne, Tournai et Cambrai-Arras durant les années 1075–1125", *Analecta Praemonstratensia* 59 (1983), 171–89.

161 *Bernard de Clairvaux, Sermons sur le Cantique*, vol. 4, 412–25; trans. *Heresies*, 127–32; cf. Manselli, *Il secolo XII*, 149–64; Brenon, "La lettre d'Évervin de Steinfeld à Bernard de Clairvaux", *Heresis* 25 (1995), 7–28.

was informed of the dramatic turn of events in the Aquitanian Church where, as a result of heretical activity “churches are empty, the people of God are denied priests, the clergy are denied due respect and Christians are denied Christ.”¹⁶² Pope Eugene III encouraged St Bernard to start a preaching mission in the South of France to counter the influence of Henricians above all.

When Bernard arrived in Aquitaine in mid-June 1145 accompanied by Bishop Geoffroy of Chartres, he was received rather coldly. Initially, only a few people were interested in his sermons. In Verfeil, one of the most prominent Henrician seats, townspeople started to leave the church half-way through his sermon. Bernard was not discouraged. He went after the people carrying on with his sermon. Wishing to prevent his words from being heard, the townspeople started to knock on doors of houses, forcing the Cistercian preacher to stop. His attempt at converting the residents resulted in failure. Guillaume de Puylaurens noted that St Bernard shook the dust off his sandals and cursed the residents upon leaving the inhospitable town, “Behold green leaf, God will make you wither.”¹⁶³ The next chapter of Bernard’s mission encompassed the town of Albi. Here too the members of the papal mission encountered aversion. The residents of Albi went to greet them on donkeys and welcomed them with drum beats. The first Mass celebrated by St Bernard was attended by no more than thirty persons. Only a few days later, the abbot’s preaching talent overcame the hostility of the townsfolk and attracted them to his sermons in growing numbers. Apparently under the influence of Bernard’s preaching, the majority of Albi residents renounced heresy and took an oath of loyalty to the Church.¹⁶⁴

St Bernard wrote to the count of Toulouse that his mission was driven by a desire ultimately to confront Henry of Lausanne. Respecting the principle of *persuasio fraternalis*, the abbot of Clairvaux was going to put together a public debate involving Henry. He believed that, should there ensue an open discussion on faith-related matters, he would overcome his opponent easily and persuade him to adopt his own point of view.¹⁶⁵ Bernard’s plan reflects accurately

162 Bernard of Clairvaux, *Epistolae*, in *PL* 182, 434–6; trans. *Heresies*, 122–4.

163 Guillaume de Puylaurens, *Chronica*, 26–9.

164 The activities of Bernard of Clairvaux are described by Geoffroy d’Auxerre, *Vita Sancti Bernardi*, in *PL* 185, 312–4; cf. Jean Leclerq, “Les écrits de Geoffroy d’Auxerre”, *Revue bénédictine* 52 (1952), 274–91; Leclerq, “Le témoignage de Geoffroy d’Auxerre sur la vie cistercienne”, *Studia Anselmiana* 31 (1953), 174–201; Griffe, *Les débuts de l’aventure cathare en Languedoc (1140–1190)* (Paris, 1969), 31–3; Moore, “St. Bernard’s Mission to the Languedoc in 1145”, *Bulletin of the Institute of Historical Research* 47 (1974), 1–10; Lambert, *The Cathars*, 39–40; Roquebert, *Histoire des cathares*, 54–5.

165 Bernard of Clairvaux, *Epistolae*, in *PL* 182, 435.

a widespread eleventh-, and twelfth-century belief that in the effort to combat heresy successfully, one needs to defeat the heretical leader first. The mission carried out by Bernard of Clairvaux in Languedoc was unprecedented on many levels. Firstly, it was launched on the initiative of the pope and was carried out within the mandate of a papal legate, Bishop Alberic of Ostia. Secondly, it covered a large territory including the towns with the strongest heretical influence. Thirdly, the basic instrument for combating heresy was the sermon. While proclaiming the Word of God, Bernard exposed the errors of heretics and demonstrated the superiority of the Catholic Faith.¹⁶⁶ Having closed the mission, Bernard proudly reported to Toulouse citizens that he had defeated the heretics solely with his words and virtue.¹⁶⁷

The great expansion of Catharism in the South of France forced the local clergy to follow in the footsteps of Bernard of Clairvaux. At the 1163 Council of Tours, the Southern French bishops resolved to engage in a public polemic with heretics,¹⁶⁸ which eventually took place two years later at the Synod of Lombers. The list of those taking part in the debate is clearly indicative of the prestigious nature of the event. The Synod was attended by the most important prelates of the Catholic Church in Languedoc, the archbishop of Narbonne, Pons d'Arsac (1162-1181) and his subordinate bishops of Toulouse, Albi, Nîmes, Agde and Lodève. They were accompanied by Benedictine and Cistercian abbots from Castres, Ardorel, Gaillac, Saint-Pons, Fontfroide, as well as many canons and diocesan clergy. The Cathar side was represented by bishops and elders under the leadership of Sicard Cellierier, the bishop of Albi. Moreover, some local feudal lords made it to Lombers as well, among them Constance, the countess of Toulouse, Raymond I Trencavel, viscount of Béziers, Albi, Agde, Razès and Carcassonne, and Sicard de Lautrec.¹⁶⁹

Synod of Lombers hosted an open theological dispute in which both sides were granted equal rights.¹⁷⁰ In terms of its structure, the debate was organised so as to resemble a university debate in which the victor was the one who put

166 Two of Bernard's sermons (Nos 65 and 66) were actually preached during his mission in Languedoc. Leclercq, "Introduction", in Bernard de Clairvaux, *Sermons sur le Cantique*, 22.

167 Bernard of Clairvaux, *Epistolae*, in *PL* 182, 435–6.

168 Griffe, *Les débuts*, 60.

169 E.g. Roquebert, *Histoire des cathares*, 57–8; Griffe, *Les débuts*, 59–67.

170 Probably having in mind the debates with heretics held later by Cistercian legates or Bishop Diego of Osma and his subprior Dominic Celaruega, Guillaume de Puylaurens calls the Synod of Lombers a *colloquium* (*Chronica*, 34).

forward the better arguments (*auctoritates*). However, in the light of available evidence, such an interpretation raises some reservations. An analysis of surviving records indicates that during the synod, Cathar leaders were interrogated rather than granted the right to engage in a theological debate freely.¹⁷¹ At the beginning of the synod, a commission was appointed. It comprised only high-profile Catholic prelates, such as Bishop Gaucelin of Lodève as president and three Benedictine abbots in the capacity of assessors. The president of the synod commission carried out an interrogation of the Cathar leaders in an attempt to establish their attitude toward the doctrine and the sacraments of the Church.¹⁷² The formula of the discussion with heretics was limited by a ready-made set of questions. These pertained to six areas: the canon of holy books, the creed, the baptism of children, the Eucharist, matrimony and penance. The records indicate that the formula of the interrogation did not leave room for any open exchange of views or a polemic. The Cathars were expected to present their views on determined subjects so that Church representatives might pick a polemic with them.

Contrary to the intentions of the Catholic side, such a “discussion” was not readily accepted by the Cathars who tried to orient the exchange differently. Refusing to respond to the questions formulated by the bishop of Lodève, they attacked the clergy violently, depicting the hypocrisy of priests and their pursuit of wealth and coveted privileges. In their view, the shortcomings of the clergy undermined the principles of the faith they preached. The archbishop of Narbonne, Pons d’Arsac, chose to respond to these allegations. He quoted passages from the New Testament which confirmed the particular rights and privileges of the clergy. His position was supported by the bishop of Nîmes, as well as the abbots from Cendras and Fontfroide. In further parts of the “debate,” the Cathars contested the *auctoritates* cited by the bishops and quoted their own arguments inspired by the Scripture. The exchange of arguments turned violent and chaotic. Malicious and unkind remarks were made by both sides. Heated by the discussion, Bishop Gaucelin accused the Cathar bishop Sicard of misquoting a passage from the Bible and told him to go back to school to learn more.¹⁷³

Unable to force the Cathars to embrace Church doctrine, the president of the synod commission proceeded to pronounce the sentences condemning and

171 Lambert, *The Cathars*, 42.

172 *Interrogavit Lodoviensis episcopus eos qui faciunt se nuncupari Boni homines [...]. Acta conciliorum et epistolae decretales ac constitutis summorum pontificum*, vol. 6.2 (Paris, 1714), 1643 and 1649–50.

173 Guillaume de Puylaurens, *Chronica*, 36.

excommunicating the *bonhommes*. The Cathars retorted with the same force, calling the bishop a heretic. Next, turning to the synod participants, they made a public confession of their faith in the Holy Trinity, the Incarnation, the redemptive Passion of Christ as well as infant baptism and the sacrament of reconciliation, thus contesting the validity of the pronounced sentence. When, however, the bishop of Lodève demanded that they confirm the creed they had just professed with an oath, they firmly refused. For Bishop Gaucelin and other clergymen, it was a clear proof of their heresy.¹⁷⁴ It seems that the ecclesiastical authorities initiated confrontations with the Cathars in an attempt to probe their beliefs. The anonymous author of the synod records emphasized that the primary focus of his account was the actual sentence given to the heretics at Lombers. The major part of the description was taken up by an extensive quotation from the text of the condemnation (*diffinitiva sententia*) and excommunication.¹⁷⁵ The “debate” in Lombers was the first open confrontation between Church representatives and the Cathars. Later on, such public disputes became a key pastoral instrument in the struggle against heresy.

The failure of the Lombers debate, as well as the meagre success of canonical sanctions imposed on the Cathars forced the Languedoc clergy to seek the assistance of the secular authorities. In 1172, the archbishop of Narbonne, Pons d’Arsac, turned to the French king, Louis VII for help in the struggle against heresy. In his letter, he described the deplorable condition of the Church in Languedoc “where the barque of St Peter, buffeted about by the disgrace of heretics, is about to sink”.¹⁷⁶ The anxiety of the local clergy was also felt by the Count of Toulouse, Raymond V (died 1194). In his letter to the Cistercian Chapter General in Cîteaux, dated 1177, he used dramatic words to depict the state of the Catholic Faith in Languedoc where “churches are empty and in ruins” and people scorn the sacraments of baptism, the Eucharist and reconciliation. He admitted that a number of local knights adhered to the heretics, followed by countless others.¹⁷⁷ The war on heresy, he continued, calls for something more

174 *Acta conciliorum*, 1643–52; Mansi 22, 157–69; trans. *Heresy and Authority*, 117–21; cf. Guillaume de Puylarens, *Chronica*, 34–7.

175 *Anno ab Incarnatione Domini MCLXV talis diffinitiva sententia lata est super altercatione et assertatione atque impugnatione fidei catholicae, quam expugnare nitebantur quidam qui faciebant se appellari Boni homines. Acta conciliorum*, 1643.

176 Maisonneuve, *Études*, 90–1; Roquebert, *Histoire des cathares*, 62.

177 *Ego quidem qui uno e duobus divinis accingor gladio [...] ad tantum et tale negotium complendum vires meas deficere cognosco, quoniam terrae meae nobiliores, jam praelibata infidelitatis labe, aruerunt, et cum ipsis maxima hominum multitudo a fide*

efficient than canonical sanctions (*gladius spiritualis*), hence it is necessary to repress the foe with the assistance of the secular sword (*gladius materialis*).¹⁷⁸ Through the intermediary of the Cistercians, he called on the French king to assist his anti-heresy endeavours.¹⁷⁹

The request of the count of Toulouse came at a time when the political conflict between England and France had finally been settled. In September 1177, a treaty concluded between Louis VII of France and Henry II of England put an end to the long war. Upon receiving news of the spread of heresy in Languedoc, the reconciled monarchs joined forces and declared their willingness to defend the Faith.¹⁸⁰ However, nearly five decades elapsed before a French king actually committed himself to combating the Cathars. The pope, on the other hand, took more initiative. In 1178, he sent a legate mission to Languedoc under the leadership of Peter of Pavia, accompanied by Henry of Marcy (Henry of Clairvaux), the Cistercian abbot of Hautecombe (1160–76) and then Clairvaux (1176–1179), appointed cardinal bishop in 1179 and papal legate in 1181.¹⁸¹ The first

corruens aruit, unde id perficere non audeo nec valeo. Claude Devic and Joseph Vaissète (eds), *Histoire générale du Languedoc*, vol. 6 (Toulouse, 1879), 77–8.

178 *Quoniam igitur spiritualis gladii virtutem nil perficere posse cognoscimus ad tantam haeresis pravitatem extirpandam, oportet ut corporalis gladii animadversione compellatur.* Claude Devic and Joseph Vaissète (eds), *Histoire générale du Languedoc*, vol. 6 (Toulouse, 1879), 77–8.

179 For further comment see Thouzellier, *Catharisme et valdésisme*, 19–20; Dossat, “Répression”, 220; Kolmer, *Ad capiendas vulpes*, 32–3; Lambert, *The Cathars*, 60–2; Ragg, *Ketzer und Recht*, 204 and n. 728.

180 In a letter to King Louis VII Henry of Marcy rejoices the peace treaty concluded with England that – in his opinion – might allow the king to join the struggle against heretics in the South of France (*PL* 204, 234); cf. Maisonneuve, *Études*, 131–2.

181 Henry of Marcy writes On the background of his mission in his letter to Pope Alexander III (*PL* 204, 223–5). Cf. Hippolyte Delehaye, “Pierre de Pavie, légat du pape Alexandre III en France”, *Revue des questions historiques* 49 (1891), 5–61; Marcel Pacault, “Les légats d’Alexandre III (1159–1181)”, *RHE* 50 (1955), 821–38; Wilhelm Janssen, *Die päpstlichen Legaten in Frankreich vom Schisma Anaklets II. bis zum Tode Coelestins III. 1130–1198* (Cologne, 1961: Kölner Historische Abhandlungen, 6), 103–6. On Henry of Marcy and his operation in Languedoc see Congar, “Henri de Marcy, abbé de Clairvaux, cardinal-évêque d’Albano et légat pontifical”, *Studia Anselmiana* 43 (1958), 1–90, at 18–9; Griffe, *Les débuts*, 124–36; and the thorough re-examination by Beverly Mayne Kienzle, “Henry of Cîteaux and the 1178 and 1181 Missions”, *Heresis* 28 (1997), 63–87; Mayne Kienzle, *Cistercians, Heresy and Crusade in Occitania, 1145–1229. Preaching in the Lord’s Vineyard* (York, 2001), 109–134.

target of the mission was Toulouse, where “the heretics have ruled the people and dominated the clergy”, as Henry of Marcy put it.¹⁸² Just like Bernard of Clairvaux, the papal envoys met with undisguised hostility. Fingers were pointed at them; they were insulted, and called apostates, hypocrites and heretics, as they rode through streets and squares. Cardinal Peter of Pavia, unaffected by this cold welcome, decided to carry out a public debate with heretics with the intention of proving them wrong. On a day determined by the legate, his companion Henry of Marcy preached a sermon to the people of Toulouse. He defended Church teaching and engaged in a polemic with the Cathar beliefs. Contrary to the expectations of the papal legate, however, the heretics did not take up the challenge and did not want to defend their beliefs in an open debate. Henry of Marcy commented with sarcasm that “those who had previously taught in public places are now hiding from Catholic preachers. They were foxes who turned into moles.”¹⁸³

The failed attempt at a debate forced the legate to turn to strictly legal action. Peter of Pavia demanded that the city and Church authorities in Toulouse provide him with a list of alleged heretics. Based on this, the papal legate launched an investigation in *causa fidei* into abettors of heretics. First, he summoned Pierre Maurand, one of the wealthiest Toulouse patricians, considered a “prince of heretics” before his tribunal.¹⁸⁴ This move against Maurand was intended to deprive local heretics of their leadership and break their resistance. The Maurand trial was carried out so as to demonstrate the power of the Church and her determination in the war on heresy. Initially, Maurand disregarded the suit and agreed to attend the interrogation only because he was pressed to do so by the Count of Saint-Gilles. At the hearing, he firmly denied being a heretic and professed an orthodox creed to confirm it. When, however, the legate demanded that he confirm his confession with an oath, he refused, out of observance of Cathar doctrine. Peter of Pavia deemed his refusal to take an oath sufficient proof to declare him a heretic and excommunicate him. By the verdict of Raymond V, he was incarcerated and his property was confiscated. After some time, Maurand

182 *PL* 204, 235–40, at 236.

183 *PL* 204, 236–7.

184 Jean Giraud, *L'Inquisition médiévale* (Paris, 1978), 64; Griffe, *Les débuts*, 90–100; John Henry Mundy, “Noblesse et hérésie. Une famille cathare: Les Maurand”, *Annales. Économies. Sociétés. Civilisations* 29 (1974), 1211–23. For a definitive analysis of the development of Catharism in Toulouse, see Jörg Oberste, *Zwischen Heiligkeit und Häresie. Religiosität und sozialer Aufstieg in der Stadt des hohen Mittelalters*, vol. 2 (Cologne, Weimar, and Vienna, 2003: Norm und Struktur, 17), 52–67.

decided to renounce heresy and reconcile with the Church. His public reconciliation took place at the Benedictine Church of St Sernin in Toulouse. The Mass was presided over by Peter of Pavia himself. Thanks to the account of Henry of Marcy, we know the details of this ceremony. Pierre Maurand was walked into the church dressed in a penitential cloak, barefoot, his chest bare. He was accompanied by the bishop of Toulouse and the abbot of St Sernin who whipped him as he moved forward. Having reached the throne of the legate placed in the chancel, Maurand prostrated himself on the floor and requested to be exempt from excommunication and welcomed back into the community of the faithful. For his penance, he had to complete a three-years' pilgrimage to the Holy Land. An unknown number of Cathars followed him, having renounced their errors and received penance.¹⁸⁵

The next target of the papal mission became the land of Roger II Trencavel, viscount of Béziers. In Castres, Bernard Raymond, the Cathar bishop of Toulouse and his suffragan, Raymond de Baimiac, voluntarily appeared before Peter of Pavia wishing to present him with the principles of their faith. Having secured an immunity certificate from Count Raymond V, both Cathars travelled to Toulouse where they confessed their faith at the Cathedral of St Stephen. Having heard this declaration, Cardinal Peter of Pavia concluded that without a shadow of a doubt, they were heretics. Bernard Raymond and Raymond de Baimiac were condemned and excommunicated. Despite this, they used their immunity certificate to leave Toulouse unhindered and hid in the Cathar fortress of Lavaur. Peter of Pavia, annoyed by this turn of events, forced Raymond V to issue a decree against heretics. Heretics were threatened with exile unless they appeared before the legate and professed the Catholic Faith.¹⁸⁶ The 1178 edict of the count of Toulouse was the first French document which involved the secular authorities in the war on heresy.¹⁸⁷

The papal mission concentrated into less than three months brought only a partial victory. Robert of Torigni, a chronicler, wrote that the delegation

185 *PL* 204, 237–9; cf. Griffe, *Les débuts*, 90–100; Mundy, *Noblesse et hérésie*, 1212–6 (Mundy also publishes Pierre Maurand's abjuration document: Mundy, *Noblesse et hérésie*, 1222–3).

186 Benedict of Peterborough, *Gesta regis Henrici Secundi*, in William Stubbs (ed.), *Select Charters and Other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First* (Oxford, 1913; repr. 1966), 203; cf. Roquebert, *Histoire des cathares*, 64.

187 Ragg, *Ketzer und Recht*, 203–8, at 203.

“accomplished little and following its departure, heretics went back to their old errors”.¹⁸⁸ Even so, the activity of the papal legate played an important role in the lengthy process of constructing the inquisition structure.¹⁸⁹ Above all, it demonstrated the increasing involvement of the papacy in the war on heresy. In later years the institution of the papal legate became the Holy See’s most basic instrument of control over the anti-heresy efforts in different areas of Christendom. The mission of Peter of Pavia also marked a new era in handling paperwork: prelates drafted documents to collect information about heresy suspects. The introduction of a denunciation in writing was a precedent in the legal procedure to date.¹⁹⁰

The outcome of Peter of Pavia’s activities was discussed at the Third Lateran Council in 1179, at which a decision was made to send another legatine mission to Languedoc. It was intended to regulate pastoral matters and oversee the implementation of the anti-heresy resolutions of the Council. This time it was no accident that the mission was led by Henry of Marcy. Henry had taken part in the previous mission of Peter of Pavia and was very familiar with the problems experienced by the Church in Languedoc. His mission began either at the end of 1179 or early in 1180 and lasted two years.¹⁹¹ During that time, Henry tried to encourage the local clergy and feudal lords to take a firmer stand against heretics. He participated in diocesan synods, carrying out visitations in towns where the Cathars were active and initiated legal action against heretics. In March 1180, Henry, alongside archbishop Guichard of Narbonne, presided over the Council of Lyons devoted to a reform of pastoral ministry and possible methods of defence of the Church from heresy. A great personal success of Henry of Marcy was the reconciliation of the founder of the movement of the Poor of Lyons: Valdès himself made a profession of his Catholic Faith in the presence of the Council fathers and took an oath of loyalty to the Church before the papal legate.¹⁹²

The most well-known episode from Henry’s mission was the 1181 armed assault on the Cathar fortress of Lavaur.¹⁹³ Yves-Marie Congar pointed out that this was the first anti-heresy crusade organised under the leadership of a papal legate. Despite its narrow focus, it constituted another important precedent in the struggle against heresy, paving the way for the Albigensian Crusade thirty

188 Robert de Torigni, *Chronica*, ed. Richard Howlett, vol. 4 (London, 1889: *Rerum Britannicarum medii aevi scriptores*, 82), 279.

189 Moore, *The Formation*, 26–7.

190 Arnold, *Inquisition*, 32.

191 Congar, “Henri de Marcy”, 30–8; Griffe, *Les débuts*, 124–36.

192 Selge, *Die ersten Waldenser*, 19–35.

193 Guillaume Puylaurens calls Lavaur a *synagoga Sathana* (*Chronica*, 28).

years later.¹⁹⁴ The primary motive behind the expedition to Lavaur was the capture of two Cathar leaders, Bernard Raymond and Raymond de Baimiac who had been excommunicated by Peter of Pavia three years earlier.¹⁹⁵ The residents of Lavaur, taken by surprise, opened the gates of the castle after a brief siege and handed the two Cathars over to the legate. Bernard Raymond and Raymond de Baimiac were interrogated at the Council of Le Puy, where, influenced by the arguments of Henry of Marcy, they agreed to renounce heresy and reconcile with the Church.¹⁹⁶ The authenticity of their conversion can best be inferred from the fact that several years later, they both became canons in Toulouse.¹⁹⁷

4. *Auctoritas et ratio*

Even if sermons and debates were the primary anti-heresy instruments before the mid-twelfth century, the war on heresy was waged in writing as well. The preaching ministry was addressed primarily to the laity who either fell under the spell of heresy or wavered in their choice of religion. In parallel, polemic treatises were written to demonstrate the contradiction between heretical doctrine and the Truth of God proclaimed by the Catholic Church. On the basis of hand-picked arguments inspired by Holy Writ and works of the Church Fathers (*auctoritates*), as well as the principles of logic (*rationes*), authors of treatises attempted to prove that the popular views of various heretical movements, the Petrobrusians, Henricians, Cathars and Waldensians, were in fact fallacious.¹⁹⁸ One of the first anti-heresy treatises was *Contra Petrobrusianos*. Written between 1135 and 1140 by the abbot of Cluny, Peter the Venerable, it elaborated a polemic with the beliefs proclaimed by the supporters of Peter of Bruys.¹⁹⁹ The abbot of Cluny hoped that his work would provide practical and helpful instruction to the clergy in Southern France, paving the way for a successful combat against

194 Congar, "Henri de Marcy", 35.

195 Griffe, *Les débuts*, 127–8; Roquebert, *Histoire des cathares*, 62–4.

196 Griffe, *Les débuts*, 128 and n. 27.

197 Guillaume de Puylaurens, *Chronica*, 28.

198 Chenu, *La théologie au douzième siècle*, 351–65; Fichtenau, *Heretics and Scholars*, 215–28.

199 Dominique Iogna-Prat, "L'argumentation défensive: de la polémique grégorienne au *Contra Petrobrusianos* de Pierre le Vénéral", in *Inventer l'hérésie?*, 77–118; Iogna-Prat, *Order and Exclusion. Cluny and Christendom Face Heresy, Judaism, and Islam (1000–1150)* (Ithaca and London, 2003), 138–46.

the Petrobrusians. For this reason, the treatise of Peter of Venerable was dedicated to the archbishops of Arles and Embrun and the bishops of Digne and Gap in whose territories the Church struggled against supporters of Peter of Bruys. *Contra Petrobrusianos* originated with a deep conviction that a skilful polemic will enable one to persuade heretics to renounce their errors and accept Church teaching. The treatise was written to both reinforce the faith in Catholics and make them more sensitive to the heretical errors around them.²⁰⁰ Peter the Venerable emphasized in his dedication letter that heretics ought not to be killed but converted with *auctoritates* and *rationes*.²⁰¹ In his own polemic with heretical views, the abbot of Cluny referred both to theological argumentation and the principles of logic. To Peter the Venerable, the *auctoritates* were the authors of the books included in the canon of Holy Writ, whereas *ratio* denoted reason helpful in accepting the truth of God. He stated that a reasoning based on *auctoritates* was sufficient for religious people (*religiosi*), while arguments referring to *ratio* could satisfy the curious (*curiosi*).²⁰² Elaborating his written polemic with the Petrobrusians, Peter the Venerable referred to the early Christian tradition in which the “blasphemy of heretics” was refuted by means of biblical quotations (*auctoritates Sacrae Scripturae*) and reasoning (*rationes*).²⁰³

In *Contra Petrobrusianos*, the abbot of Cluny presented an original concept of Christian community preoccupied with the defence of the Truth revealed by Christ against both internal and external foes. In his eyes, Christendom suffered continuous attacks from Satan and heretics who were in his service. In order to resist the forces of evil successfully, the Church had to defend Her unity. In Her combat to defend the most important values inherent in the Christian community, the use of any form of persuasion and coercion was justified. Dominique

200 *Quod ego, licet de minimis corporis Christi, hoc est eius ecclesie membris, ista scribendo facere nisus sum, ut quod scripsi hereticis, si ferii posset, proesset; catholicos, in quorum minus incidere, contra nefandum dogmata uel similia cautiore redderet.* Peter the Venerable, *Contra Petrobrusianos*, 4; and [...] *qualiter perfidorum impietas aut conuerteretur, aut confunderetur, et etami piorum credulitas firmaretur [...].* Peter the Venerable, *Contra Petrobrusianos*, 5.

201 *Sed quia maiorem operam eos convertendi quam exterminandi adhibere Christianam caritatem decet, proferatur eis auctoritas, adhibeatur et ratio, ut, si Christiani permanere volunt, auctoritati, si homines, rationi cedere compellantur.* Peter the Venerable, *Contra Petrobrusianos*, 3.

202 Peter the Venerable, *Contra Petrobrusianos*, 164; cf. Fichtenau, *Heretics and Scholars*, 220.

203 Peter the Venerable, *Contra Petrobrusianos*, 4.

Iogna-Prat pointed out that Peter the Venerable's anti-heresy stance drew upon three sources: the apologetic authors and Church Fathers, medieval canonists, and Gregorian polemicists. The library at Cluny Abbey gave him access to several key anti-heresy treatises from Antiquity, such as the works of St Irenaeus and St Augustine, which helped him to hone the framework of his argumentation and polemical techniques.²⁰⁴ While preparing his treatise *Contra Petrobrusianos*, the abbot of Cluny made a great effort to acquire hands-on familiarity with the views and works of Peter of Bruys. He wanted to learn as much as possible. This is also the way he followed with his treatise against the Muslims (*Contra paganos*). He even commissioned a translation of the Quran.²⁰⁵ We also know that Peter the Venerable contemplated writing a polemic treatise against Henry of Lausanne.²⁰⁶ In *Contra Petrobrusianos*, he admitted his familiarity with an unknown work of that heretical leader.²⁰⁷ No works of Peter of Bruys or his disciples have survived to our day. We do not even know whether such works ever existed. While writing his treatise *Contra Petrobrusianos*, Peter the Venerable referred primarily to oral tradition. On the basis of this he compiled those views of the Petrobrusians that contradicted Church teaching.²⁰⁸ His compilation comprised five theses. First, the Petrobrusians rejected the baptism of children, claiming that they are not capable of understanding the meaning of this sacrament. Secondly, they questioned the need to build churches, claiming that the real church is a spiritual community of the faithful and not buildings made of stone or wood. Thirdly, the supporters of Peter of Bruys criticized the cult of the crucifix. They considered the cross an instrument of the torture and death of Christ, in other words, something that needs to be held in contempt and not revered. Fourthly, they accused the Church of erroneous teaching regarding the Eucharist. They claimed that it was only at the Last Supper that the Apostles ate the real body of Christ and, therefore, Christ is not truly present in the host consecrated by priests. Fifthly, the Petrobrusians claimed that prayers for the dead do not make sense, for one cannot help the deceased in any way.²⁰⁹

204 Iogna-Prat, "L'argumentation défensive", 94–107; Iogna-Prat, *Order and Exclusion*, 128–36.

205 James Aloysius Kirtzek, *Peter the Venerable and Islam* (Princeton, 1964).

206 Iogna-Prat, "L'argumentation défensive", 88.

207 *De ecclesiis cero, quas in primo capituli posuisti dicis quod non sunt lignee vel lapideae faciende [...]*. Peter the Venerable, *Contra Petrobrusianos*, 5.

208 Iogna-Prat, *Order and Exclusion*, 139–40.

209 Peter the Venerable, *Contra Petrobrusianos*, 4–5.

In the further part of the treatise, Peter the Venerable offered a lengthy discussion of the position of heretics regarding particular questions and engaged in a polemic in defence of Church teachings (*discussio et inventio*). In five successive parts, he discussed each opinion of the “new heretics” and argued against them by quoting Holy Scripture. At the beginning of his theological lecture proper, Peter the Venerable established the *auctoritates* accepted by the Petrobrusians. It was an essential procedural step, given that the supporters of Peter of Bruys believed that only the New Testament was a book of divine revelation and rejected the Old Testament, as well as the entire Church tradition. Peter the Venerable engaged in a polemic with this position. He demonstrated that it is contradictory to Church teachings and also devoid of logic. His argumentation is similar to that of St Augustine in his debate against Faustinus. On the basis of the New Testament, he insisted that Christ’s teaching frequently referred to the Old Testament, regarding it as a book inspired by God.²¹⁰ Similarly, he demonstrated that one cannot reject Church tradition. He emphasized that the Apostles were chosen by Christ and granted the gifts of the Holy Spirit to proclaim the Gospel.²¹¹ Having established the range of *auctoritates*, Peter the Venerable pointed to the fragments of the Old and New Testament that cast doubt on the validity of particular beliefs held by the Petrobrusians. At the same time, he reached for logical arguments, demonstrating the incoherence and internal contradiction of the heretical theses. To that end, he used a *per analogiam* reasoning. For instance, to refute the Petrobrusians’ objection that prayers for the deceased have no sense, Peter discussed Church teaching on the role of virtues and reparation in eternal life. At the same time, he stressed that visions and dreams enable one to experience contact with the dead.²¹² Peter of Venerable’s systematic and complex dissertation refuting heretical doctrine was a novel approach. His work testified to the fact that the Church of the mid-twelfth century allowed debate against views considered forbidden.²¹³

St Bernard of Clairvaux adopted a different approach to the debate with heresy. His two sermons from the collection *Sermones super Cantica Canticarum* were

210 Peter the Venerable, *Contra Petrobrusianos*, 9–12; cf. Iogna-Prat, “L’argumentation défensive”, 110–1.

211 *Si enim doctrina vel traditio ecclesie ab apostolis suscepta est, si eadem a Christo in apostolos derivata est, constat, quia verax et veritatis filiis suscipienda est.* Peter the Venerable, *Contra Petrobrusianos*, 25.

212 Peter the Venerable, *Contra Petrobrusianos*, 4–5.

213 Jacques Chiffolleau, “Dire l’indicible. Remarques sur la catégorie du *nefandum* du XII^e au XV^e siècle”, *Annales. Économies, Sociétés, Civilisations* 45 (1990), 289–96.

closely related to his preaching ministry in Languedoc. Sermon 66 was elaborated as a response to a letter written by Everwin of Steinfeld in 1143. Sermon 65, on the other hand, targeted the supporters of Henry Lausanne and was read most likely during St Bernard's stay in Toulouse.²¹⁴ While writing to St Bernard, Everwin of Steinfeld asked him to "destroy the views of heretics with *rationes* and *auctoritates*".²¹⁵ More precisely, he expected the abbot of Clairvaux, famous for his erudition and polemic zeal, to lay bare the error of particular elements of the heretical doctrine in a way characteristic of scholastic disputes. Wishing to make the task easier, Everwin discussed in detail the key heretical beliefs expressed in the Upper Rhine.²¹⁶ Had Bernard lived up to the expectations of the Premonstratensian abbot, he would most likely have written a treatise similar to the *Contra Petrobrusianos* of Peter the Venerable. Yet, the sermons of St Bernard were oriented towards a different end. Whereas the work of Peter the Venerable was addressed directly to the Petrobrusian heretics, the *Sermones* of St Bernard were addressed solely to the faithful who remained loyal to the Church. He did not use the same strategy as in *Contra Petrobrusianos*, for he did not engage in a systematic polemic with the views of the Henricians or Cathars with *auctoritates* and *rationes*. All he did was to warn orthodox Christians against them. Bernard formulated his admonition and instruction with traditional rhetorical techniques. He used them to expose the surreptitious nature of heretics striving to destroy the Church.²¹⁷ Drawing upon the Gospel parables, he compared heretics with foxes ravaging the vineyard of the Lord and ravenous wolves in sheep's clothing. With visual allegories, he demonstrated the hypocrisy of heretics and exposed their true intentions. In order to prove their two-facedness and false devotion, he called on examples showing the contradiction between their words and actions. On the one hand, he insisted, they claimed to be Christ's disciples, while on the other, they carried out their activities in secret. Bernard of Clairvaux also tried to demonstrate that they simulated their holiness and moral rigour on purpose in order to increase their following more easily.²¹⁸ The Cistercian preacher

214 Giorgio Gracco, "Bernardo e movimenti ereticali", in *Bernardo cisterciense. Atti del XXVI Convegno storico internazionale, Todi 8-11 ottobre 1989* (Spoleto, 1990), 165-86.

215 *Rogamus igitur, pater, ut omnes partes haeresis illorum, quae ad tuam notitiam pervenerunt, distinguas, et contra positos rationibus et auctoritatibus nostrae fidei, illas destruas. Epistola Evervini Steinfeldensis*, 416.

216 Manselli, *Il secolo XII*, 149-64.

217 Leclercq, "L'hérésie", 18-24.

218 *Hi sunt qui boni videri, non esse, mali non videri, sed esse volunt. Mali sunt, et boni videri volunt, ne soli sint mali; mali videri timent, ne parum sint mali. Etenim minus*

emphasized that, on the one hand, heretics insist on observing sexual purity, while on the other, they engage in promiscuous practices.²¹⁹

The sermons of St Bernard testify to his great temperament and rhetorical zeal. Wishing to disparage his opponents, Bernard did not hesitate to use insults and call them “detractors” and “dogs.”²²⁰ In his *Sermones*, an aggressive tone dominates polemic arguments. Even though the Cistercian monk had some knowledge of the Cathar attitude towards the baptism of children, prayers for the dead or the intercession of saints, he still did not attempt to debate them.²²¹ As distinct from the anti-heresy treatises, such as *Contra Petrobrusianos* of Peter the Venerable, the sermons of Bernard of Clairvaux avoided confronting the actual heretical doctrine. The Clairvaux abbot, just like St Paul and Tertullian, assumed that, with heretics, discussion would not go far, given that one could not possibly address all the erroneous views held by heretics: “In any case”, he asked rhetorically, “is there anyone who could claim to know everything and respond to any question?” However, Bernard pointed out that the actions of heretics are devil-inspired and this is why it is impossible to convince them to turn to the truth of God with an array of *rationes*, or *auctoritates*, or *suasiones*. Moreover, as his experiences to date seemed to suggest, heretics would rather die defending their opinions than return to the Church. Given such an assumption, St Bernard believed that faith-related discussions with heretics were a waste of time and resources.²²² The concept of anti-heresy polemic presented by Bernard of Clairvaux was radically different from that of Peter the Venerable. The Cluniac abbot considered it fair to engage in an open polemic with heresy on the basis of Holy Scripture (*auctoritates*) and human reason (*rationes*), whereas Bernard argued that one should merely resort to persuasion (*persuasio*) and coercion (*coercitio*).

temper malitia palam nocuit, nec umquam bonus nisi boni simulatione deceptus est.
Bernard of Clairvaux, *Sermons sur le Cantique*, 336–9.

219 *In hypocrisi plane hoc et vulpina dolositate loquuntur, fingentes se amore id dicere castitatis, quod magis causa turpitudinis fouendae et multiplicandae adinvenierunt.* Bernard of Clairvaux, *Sermons sur le Cantique*, 340–1.

220 Bernard of Clairvaux, *Sermons sur le Cantique*, 354–5.

221 Iogna-Prat, “L’argumentation défensive”, 92–3; Iogna-Prat, *Order and Exclusion*, 127–8.

222 *Multa quidem et alia huic populo stulto et insipienti a spiritibus erroris, in hypocrisi loquentibus mendacium, mala persuasa sunt, sed non est respondere ad omnia. Quis enim omnia novit? Deinde labor infinitus esset, et minime necessarius. Nam quantum ad istos, nec rationibus vincuntur, nec auctoritatibus corriguntur, quia non recipiunt, nec flectuntur suasione, quia subversi sunt.* Bernard of Clairvaux, *Sermons sur le Cantique*, 360–1.

In the second half of the twelfth century, the polemic treatise became the most rudimentary instrument used in the anti-heresy struggle. The most renowned Church prelates became authors of systematic theological compendia targeting the Cathars and Waldensians.²²³ Apart from *Contra Petrobrusianos* of Peter the Venerable and *Sermones* by Bernard of Clairvaux, the early anti-heresy treatises also included a treatise of Guillaume the Monk *Contra Henricum*. For a long time, scholars searched for the author of the treatise in the milieu of the Poor Catholics, a community founded in 1208 by Durand of Osca (ca 1160–ca 1224).²²⁴ The research carried out by Monique Zerner demonstrated that Guillaume’s treatise inspired a number of later polemic works.²²⁵ In 1165, Eckbert of Schönau, a Benedictine monk, wrote a treatise against the Cathars (*Sermones contra Catharos*). He was the first author to discuss the origins and the structure of the Cathars and the most important elements of their doctrine.²²⁶ Eckbert’s sermons were structured like polemic treatises, aiming to demonstrate the contradiction between the Cathar beliefs and Holy Scripture. In a dedicatory letter addressed to the archbishop of Cologne, Rainald of Dassel (1159–1167), Eckbert wrote that the Cathars popularized their erroneous teaching with Biblical quotations, twisting the truth of God taught by the Church. For this reason, the Schönau abbot considered it necessary to discuss particular heretical views and compile the *auctoritates Scripturae* they cited. Only then, with skillfully selected *auctoritates*, did Eckbert begin to defend the elements of Church doctrine that the heretics rejected.²²⁷ In ten chapters, he discussed the position of the Cathars with regard to matrimony, meat-eating, the power of evil over the material world, infant baptism, baptism with holy water, life after death, Purgatory and prayers for the dead, the Holy Mass, the Eucharist, the mystery of the Incarnation, and the human soul.²²⁸ Engaging in a polemic with voices criticizing the Church, her doctrine, the sacraments and liturgy, Eckbert used

223 Vicaire, “Les cathares albigeois vus par les polémistes”, *CF* 3 (1968), 105–12.

224 Vicaire, “Les Vaudois et Pauvres Catholiques contre les Cathares”, *CF* 2 (1967), 255–6.

225 Zerner, “Au temps de l’apel aux armes contre les hérétiques: du *Contra Henricum* du moine Guillaume aux *Contra hereticos*”, in *Inventer l’hérésie?*, 119–36.

226 Eckbert of Schönau, *Sermones contra Catharos*, 11–98; on Eckbert see LMA 3, 1793.

227 *Ego itaque operae pretium duxi errores forum describere, et adnotare auctoritates Scripturarum, ex quibus se defendunt, ac demonstrare quomodo sane intelligi debeant: simulque eas partes fidei nostrae, quibus se opponunt, proponere, et quibus Scripturae auctoritabus, quibus vexationibus defendi possint, cum superno adiutorio demonstrare [...].* Eckbert of Schönau, *Sermones contra Catharos*, 11.

228 Manselli, *Il secolo XII*, 227–46.

the *disputatio et refutatio* method, similar to the successful strategy from *Contra Petrobrusianos*, written some twenty years earlier.

In the second half of the twelfth century, preaching and polemic activity increased as new religious orders, the Premonstratensians and the Cistercians, entered the scene. The Cistercians' education and faithfulness to the apostolic tradition made them competent missionaries and preachers, capable of engaging in a debate with heresy. From the Aquitaine mission of Bernard of Clairvaux onwards, successive popes entrusted a variety of tasks related to the renewal of religious life and combating heresy to the Cistercians. They preached sermons to the Cathars and the Waldensians and supervised the pastoral ministries of the local clergy in their capacity of papal legates. For the benefit of the missions, the Cistercian houses collected and edited information on heretics, and their beliefs and structures. This was also the place where polemic works targeting heretical teaching with *auctoritates* were written.²²⁹ Ca 1190, Bernard of Fontcaude elaborated a treatise, *Liber contra Waldenses*.²³⁰ The abbot of Fontcaude provided a detailed description of Waldensian beliefs and compiled *auctoritates* helpful in demonstrating how such beliefs contradicted Scripture and Church tradition. In the hands of preachers, his work became an efficient instrument of polemic against the Waldensians.²³¹ Ten years later, Alain de Lille (ca 1125/30–1203), one of the most finely educated theologians of the late twelfth century, followed in his footsteps. His *De fide catholica contra haereticos* was one of the most masterly anti-heresy treatises of the Middle Ages. His work collected and organised all available information on the Cathar and Waldensian movements, as well as the Jews and Muslims. He discussed the origins of heretical movements, and their doctrine and structure. His work was primarily of an apologetic and polemic nature, useful in defending the Faith and exposing the heretical iniquity of the Cathars (neo-Manicheans) and the Waldensians.²³² Just like Peter the Venerable, Alain perceived the world around him as a cosmic struggle between the forces of Good, the Church, and the evil forces of Satan. *De fide catholica* was, above all, a historical and theological synthesis aiming to defend *societas christiana* against internal and external foes.²³³

229 Thouzellier, *Catharisme et valdéisme*, 184–6.

230 Bernard of Fontcaude, *Adversus Waldensium sectam liber (Liber contra Waldenses)*, in *PL* 204, 793–840.

231 Cameron, *Waldenses*, 24–5.

232 Alain de Lille, *De fide catholica contra hereticos sui temporis*, in *PL* 210, 306–430.

233 Cameron, *Waldenses*, 25–6.

In the first decades of the thirteenth century, more people and groups became involved in debates with heresy. Some authors of polemic works were themselves converted heretics. At the end of the twelfth century, a former Cathar, Bonacursus, wrote a lengthy anti-Cathar treatise *Manifestatio haeresis Catharorum*. In this work, inspired by Archbishop Galdino della Sala of Milan, he discussed the beliefs upheld by the Lombard Cathars, placing them in opposition to biblical *auctoritates*.²³⁴ From 1208 onwards, Durand of Osca, converted by St Dominic in 1207, made it his special commitment to refute Waldensian teaching.²³⁵ Anti-heresy activity was the primary building block contributing to the foundation of his order, the Poor Catholics (*Pauperes catholici*).²³⁶ The finest accomplishment of this group was Durand's treatise *Liber contra Manicheos*, written ca 1220.²³⁷ Antoine Dondaine and Christine Thouzellier have put forward a hypothesis that Durand had in fact formed a "writers' school" engaging in a polemic against the Cathars and the Waldensians. In the light of more recent research, however, the existence of such a group seems rather uncertain. It would also be questionable to associate the treatise *Contra haereticos* of Ermengaud with a close collaborator of Durand's, Ermengaud de Béziers.²³⁸ Quite recently, Monique Zerner has demonstrated that the structure and the "scientific" nature of *Contra haereticos* could hint at a relationship between this treatise and several others, written at the

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- 234 Bonacursus, *Vita haereticorum (Libellus contra Catharos/Manifestatio haeresis Catharorum)*, in *PL* 204, 775–92; Milano, "La *Manifestatio heresis catharorum quam fecit Bonaccursus* secondo il codice Ott. lat. 136 della Bibl. Vaticana", *Aevum* 12 (1938), 281–333; Manselli, "Per la storia dell'eresia nel sec. XII. Studi minori", *Bollettino dell'Istituto storico italiano per il medio evo e Archivio Muratoriano* 67 (1955), 189–211; LMA 2, 393–4.
- 235 The Latin term *Osca* is identified as present day Osques in the Rouergue or Huesca in Aragon. Gonnet and Molnar, *Les Vaudois*, 107–9.
- 236 Dondaine, "Durand de Huesca et la polémique anticathare", *AFP* 29 (1959), 228–76; Thouzellier, *Catharisme et valdésisme*, 215–8; Thouzellier, *Hérésie et hérétiques*, 53–88; Zerner, "Au temps", 137–40; Cameron, *Waldenses*, 50–53; LMA 3, 1467–8.
- 237 *Une somme anti-cathare, Liber contra Manicheos de Durand de Huesca* ed. Thouzellier (Louvain, 1964); *Liber antiheresis des Durandus von Osca*, ed. Selge, in Selge, *Die ersten Waldenser*, vol. 2; cf. Dondaine, "Durand de Huesca et la polémique anti-cathare", *AFP* 29 (1959), 228–76; Vicaire, "Les cathares albigeois", 108–9; Selge, "L'aile droite du mouvement vaudois et naissance des Pauvres Catholiques et des Pauvres Réconciliés", *CF* 2 (1967), 227–43; Cameron, *Waldenses*, 54–5.
- 238 Ermengaud, *Contra haereticos*, in *PL* 204, 1236–72; Thouzellier, "Le *Liber antiheresis* de Durand de Huesca et le *Contra haereticos* d'Ermengaud de Béziers", *RHE* 55 (1960), 130–41; Thouzellier, *Hérésie et hérétiques*, 39–52; Vicaire, "Les Vaudois", 255–6.

turn of the twelfth century and in the early thirteenth century in the Cistercian circles of Languedoc. Most likely, it is not accidental that Ermenegaud's treatise has survived in Cistercian manuscripts only, alongside the works of Bernard of Fontcaude and Alain de Lille.²³⁹ The polemic treatises from the 1130s onwards were addressed directly to particular heretical groups, constituting an important element in the strategy of conversion with *rationes* and *auctoritates*. Just like public disputes, written polemical works could also be included in the current of fraternal persuasion (*per persuasionem fraternalem*), beginning with the treatise *Contra Petrobrusianos* of Peter the Venerable.

5. *Ordo iuris*

Medieval canon law followed the early Christian principles for heresy cases and a system of ecclesiastical penalties. The collections of canon law available in the eleventh century, such as the compilations of Burchard of Worms, Anselm of Lucca or Yves of Chartres, regarded excommunication as the most severe penalty for dissenters refusing to reconcile with the Church.²⁴⁰ From the mid-eleventh century onwards, strategies for dealing with heretics became the concern of synodal legislation. The statutes from the Council of Rheims (1049)²⁴¹ and the Synod of Toulouse (1056)²⁴² ordered that heretics be punished with ecclesiastical sanctions alone. Excommunication was considered the most severe form of punishment, intended to instruct the heretic and force him to amend his behaviour (*causa correctionis vel admonitionis*). In the first half of the twelfth century, the ecclesiastical authorities started to seek the assistance of the secular arm more frequently in the struggle against heresy. Wherever the traditional pastoral measures and canonical sanctions did not bring the expected outcome, the use of the "secular sword" became justified. The assistance of the secular authorities was indispensable particularly in the areas where heretics enjoyed

239 Zerner, "Au temps", 141–45; see also Manselli, *Il secolo XII*, 135–42.

240 Maisonneuve, *Études*, 58–61; Ragg, *Ketzer und Recht*, 62–3.

241 *Et quia novi haeretici in Gallicinis partibus emergerant, eos excommunicavit, illis additis qui qui ab eis aliquod munus vel servitium acciperent, aut quodlibet defensionis patrocinium illis impenderent.* Mansi 19, 742.

242 *Cum haereticis et cum excommunicatis ullam participationem vel societatem habentem praecipue excommunicamus: nisi correctionis vel admonitionis causa, ut ad fidem redeant catholicam. Si qui autem adiuvantes eos defendere conati fuerint, vinculo simul excommunicationis cum eis subditi permaneat.* Mansi 19, 849.

the protection of knights and patricians.²⁴³ The synods of Toulouse (1119) and Montpellier (1132) summoned the representatives of the secular authorities to punish all those who reject Church teaching with severity.²⁴⁴ A few years later, the Second Lateran Council of 1139 excommunicated all individuals who rose against the ecclesiastical authorities. At the same time, it summoned the secular authorities to punish excommunicated individuals with property confiscation and exile.²⁴⁵ The following councils introduced guidelines for the collaboration of the representatives of the *brachium saeculare* with the ecclesiastical authorities. In 1148, the Council of Rheims ordered that heretics unwilling to reconcile with the Church be handed over to secular officials. Most likely in response to unauthorized executions of heretics, the council statutes put a ban on punishing “Manicheans” by maiming or death and ordered that they should be detained in prison on bread and water only.²⁴⁶

The following council, assembled nine years later in Rheims, ordered that heretical preachers be punished with a confiscation of property. Heretics, sentenced and excommunicated by an ecclesiastical court, were to spend the rest of their lives in prison. The statutes of the Council of Rheims also specified the principles for cleansing oneself of heresy charges. All alleged dissenters had to undergo an ordeal of hot iron. Those who failed it were to be branded on the forehead and chin.²⁴⁷ Several years later in around 1165 or 1166, inspired by the Rheims statutes, King Henry II (1154–1189) introduced similar principles for dealing with heretics in England. In a decree promulgated at Oxford, called the Assize of Clarendon, he ordered that all heretics be branded and expelled. Henry II’s decree is the oldest English document regulating the question of penalties administered to heretics by royal officials.²⁴⁸ Its publication was directly related to the exposure of a group of Publican heretics who had arrived in England several

243 Maisonneuve, *Études*, 86–7; Dossat, “La répression”, 222; Wakefield, *Heresy, Crusade and Inquisition*, 82–3; Griffe, *Les débuts*, 56–9.

244 [...] *quicumque princeps saecularis ab ecclesiastico monitus, jurisdictionem temporalem in eos non curaverit exercere, sit cum eis vinculo anathematis innodatus*. Mansi 21, 226–7 and 1160; cf. Moore, *The Formation*, 24.

245 [...] *tamquam hereticos ab ecclesia Dei pellimus et damnamus et per potestates exteras coerceri praecipimus*. Tanner, *Decrees*, vol. 1, 202; cf. Müller, “Les bases juridiques”, 124.

246 Mansi 21, 717.

247 Mansi 21, 843 (article 1).

248 Stubbs (ed.), *Select Charters*, 145–6; cf. Theloe, *Ketzerverfolgungen*, 136; Ragg, *Ketzter und Recht*, 275–9.

years earlier.²⁴⁹ In accordance with the royal edict, the leaders of the Publicans (*Publicani*) had their forehead and chin branded, whereas the remaining group members were branded on their forehead only.²⁵⁰ The branded heretics were later expelled from the town where, deprived of assistance, they died of hunger and cold.²⁵¹

More detailed guidelines on how to deal with alleged heretics were elaborated in 1163 at a Council held in Tours, presided over by Pope Alexander III (1159–1181). The primary target was Cathars active in Languedoc.²⁵² In the statutes passed at the council, the bishops were reminded of their particular role in the struggle against heresy. The hearing of heresy cases was reserved for the episcopal court responsible for examining the validity of the charge and administering appropriate penalties from canon law. Heretics who chose not to obey the bishop's instructions were threatened with excommunication. In medieval society, where virtually all spheres of life were deeply permeated by religious values, the excommunicated individual became an outcast stripped of public rights. In addition, all other members of the Church were threatened with excommunication should they maintain any social or professional relationship with an excommunicate.²⁵³ The statutes of the Council of Tours specified that

- 249 William of Newburgh, *Historia*, 131–4; *Ex Wilhelmi Neuburgensis Historia Anglicana*, ed. Reinhold Pauli and Felix Liebermann, in *MGH. Scriptores*, vol. 27 (Hanover, 1885), 231–2; trans. *Heresies*, 245–7. The heretics termed *Publicani* arrived in England from the Rhineland or Flanders. Recent research has demonstrated that they cannot be identified as Cathars. Peter Biller, “William of Newburgh and the Cathar Mission to England”, in Diana Wood (ed.), *Life and Thought in the Northern Church, c. 11–c.1700* (Rochester, 1999; Studies in Church History. Subsidia, 12), 11–30; see also Andrew E. Larsen, “Y a-t-il eu des cathares en Angleterre?“, *Heresis* 42–43 (2005), 11–32.
- 250 *Qui [= King Henry II] precepit heretice infamie characterem frontibus eorum inuri populo virgis coercitos urbe expelli, districte prohibens, ne quis eos vel hospicio recipere vel aliquo solacio confovere presumeret.* William of Newburgh, *Historia*, 231.
- 251 *Scissisque cingulo tenuis vestibus, publice cesi et flagris resonantibus urbe eiecti, algoris intolerantia – hiemps quippe erat – nemine vel exiguum misericordie impendente, misere interierunt.* William of Newburgh, *Historia*, 232. Biller has demonstrated a close similarity between the anti-heretical statutes of the 1157 Council of Rheims and the types of penance imposed on heretics at the Oxford Assize (“William of Newburgh”, 16).
- 252 Mansi, 21, 1177–8. The Council was attended by the pope, 17 cardinals, 124 bishops and 414 abbots; the archbishop of Narbonne Pons d’Arsac was one of the participants. Dossat, “La répression de l’hérésie par les évêques”, *CF* 6 (1971), 219.
- 253 *Unde contra eos, episcopos et omnes Domini sacerdotes in illis partibus commorantes vigilare praecipimus, et sub interminatione anathematis prohibere, ut ubi cogniti fuerint illius haeresis sectatores, ne receptaculum quisquam eis in terra sua praebere,*

the basic focus of the ecclesiastical authorities was on a heretic's conversion. However, wherever *persuasio* was insufficient, one had to resort to the assistance of the secular arm. Representatives of the secular authorities had to administer penalties to the excommunicated heretics. The conciliar statutes ordered imprisonment and confiscation of property.²⁵⁴

In the Middle Ages, canon law clearly reflected the Church's abhorrence of blood and therefore categorically forbade ecclesiastical courts to arbitrate capital punishment. This ban was reiterated by the statutes of the Fourth Lateran Council; whoever should wish to breach it was threatened with severe canonical penalties. The clergy were not allowed to either write up or publish death sentences, or even participate in executions.²⁵⁵ The majority of twelfth-century theologians and canonists approved of the involvement of the secular authorities in the anti-heresy war, while, at the same time, opposing the actual imposition of capital punishment.²⁵⁶ Bernard of Clairvaux, involved in a polemic with the Henricians and the Cathars, rejected any means of repression of heretics, confident in their possible conversion obtained by pastoral means.²⁵⁷ In one of his sermons (*Sermo* 66), Bernard emphasized that people embrace faith more easily when they are persuaded to do so, and not forced. The intervention of the *brachium saeculare*, he argued, was justified only when dissenters remain unwilling to reconcile with the Church. In such cases, they had to be forced to

aut praesidium impertire praesumat. Sed nec in venditione aut emptione aliqua cum eis omnino commercium habeatur, ut solatio saltem humanitatis amisso, ab errore viae respicere compellantur. Quisquis autem contra haec venire tentaverit, tanquam particeps iniquitatis eorum, anathemate feriat. Mansi 21, 1177–8. In a similar way the excommunication is treated in the constitutions of the Second Lateran Council in 1139: *A suis episcopis excommunicatos ab aliis suscipi modis omnibus prohibemus. Qui vero excommunicato, antequam ab eo qui eum excommunicaverit absolvatur, scienter communicare praesumpserit, pari sententiae teneatur obnoxiosus* (“We utterly prohibit those who have been excommunicated by their bishops to be received by others. Indeed, whoever knowingly presumes to communicate someone who has been excommunicated before he has been absolved by the bishop who excommunicated him, is to be held liable to the same sentence”). Tanner, *Decrees*, vol. 1, 202.

254 Mansi 21, 1178.

255 *Sententiam sanguinis nullus clericus dictet aut proferat, sed nec sanguinis vindictam exercent aut ubi exercetur intersit* (“No cleric may decree or pronounce a sentence involving the shedding of blood or carry out a punishment involving the same, or be present when such punishment is carried out”). Tanner, *Decrees*, vol. 1, 244.

256 Megivern, *The Death Penalty*, 66–95.

257 Congar, “Arriana haeresis”, 454–5; Megivern, *The Death Penalty*, 66–7.

renounce heresy with secular penalties.²⁵⁸ Bernard of Clairvaux's position was shared by Peter the Chanter who claimed that a heretic ought not to be burnt at the stake but persuaded to convert instead (*haereticus vel catarus obiurgari debet, non comburi*). In his view, "the execution of a heretic by the secular authorities discredits the Church."²⁵⁹ Opposing the death penalty, he recommended incarcerating persistent heretics (*recludendi sunt, non occidendi*).²⁶⁰ Gerhoch of Reichersberg also made a number of similar statements, recommending exile or prison.²⁶¹ The Cistercian polemicist, Alain de Lille, unequivocally opposed the death penalty for heretics (*haeretici propter haeresim non sunt occidendi*), arguing that they ought to be encouraged to renounce their errors with *rationes* and *auctoritates*.²⁶²

258 *Quamquam melius procul dubio gladio coercentur, illius videlicet qui non sine causa gladium portat, quam in suum errorem multos traicere permittantur*. Bernard of Clairvaux, *Sermons sur le Cantique*, vol. 4, 362; see the remarks of Manselli, "De la persuasio", 182–3; Leclercq, "L'hérésie", 21–2.

259 Peter the Chanter, *Verbum abbreviatum*, ed. Georgius Galopinus, in *PL* 205, 231.

260 Peter the Chanter, *Verbum abbreviatum*, ed. Georgius Galopinus, in *PL* 205, 231; cf. Philippe Buc, "Vox clamantis in deserto? Pierre Chantre et la predication laïque", *Revue Mabillon* n.s. 4 (1993), 31 and n. 95; Thouzellier, *Catharisme et valdésisme*, 102–3; John W. Baldwin, *Masters, Princes and Merchants. The Social Views of Peter the Chanter and his Circle*, vol. 1 (Princeton, 1970), 318–23; Megivern, *The Death Penalty*, 81–3; Peter D. Clark, "Peter the Chanter, Innocent III and Theological Views on Collective Guilt and Punishment", *JEH* 52 (2001), 1–20.

261 *Quem ergo vellem pro tali doctrina sua quamvis prava vel exsilio vel carcere aut alia poena praeter mortem punitum esse, vel saltem taliter occisum ut Romana Ecclesia seu curia eius necis quaestione carat*. Gerhoch of Reichersberg, *De investigatione Antichristi*, in *MGH. Libelli de Lite Imperatorum et Pontificum saeculis XI. et XII.*, vol. 3 (Hanover, 1897), 347. His critical comment on the death penalty was directly related to the execution of Arnold of Brescia. On the concept of heresy in the writings of Gerhoch of Reichersberg, see Peter Classen, "Der Häresie-Begriff bei Gerhoch von Reichersberg und in seinem Umkreis", in *The Concept of Heresy*, 27–41; and Constant J. Mews, "Accusations of Heresy and Error in the Twelfth-Century Schools: The Witness of Gerhoch of Reichersberg and Otto of Freising", in Ian Hunter, John Christian Laursen, and Cary J. Nederman (eds), *Heresy in Transition. Transforming Ideas of Heresy in Medieval and Early Modern Europe* (Aldershot and Burlington, 2005), 9–28.

262 *Ovis etiam errabunda occidi non debet, sed ad caulas reduci. Similiter haeretici qui characterem habent Christianum, cogendi sunt verbis et verberibus ut ad Ecclesiae redeant unitatem*. Alain de Lille, *De fide catholica contra hereticos sui temporis*, in *PL* 210, 394–5; cf. Megivern, *The Death Penalty*, 103–5; DTC 7.2, 2050–1.

The legal structure of the early Middle Ages was largely based on local institutions and tribal customs. Contrary to modern court procedure which presuming the innocence of the accused, in the Middle Ages a suspect had to cleanse himself of any allegations on his own. In the context of investigations carried out by ecclesiastical courts, a suspect had three ways to prove his innocence: with an oath, by calling on witnesses or by divine judgment. In the first case, a suspect would take a solemn oath on the Sacred Scriptures in public, denying the charges (*purgatio*). If the suspect was a respected individual of spotless repute (*bona fama*), a cleansing oath was considered a sufficient proof of innocence. Only in cases of the most serious crimes were additional oaths taken by guarantors (*compurgatores*) required. This legal means was not available to slaves, foreigners or people living on the margins of mainstream society. Their low social position and the contempt for them (*mala fama*) stripped their oath of any legal value. In this case, their fault was demonstrated through a court procedure, through a collection and verification of the testimonies of witnesses.

The imperfect nature of the criminal procedure was the reason why sometimes the only method for finding a party guilty was by calling on a transcendental dimension. When a suspect denied charges against other testimonies pointing to his/her fault, the only way to verify the charge was to call upon divine judgment (*iudicium Dei*), in trial by ordeal. This course was taken also when infallible evidence was lacking. The introduction of ordeals into the routine of medieval courts derived from a belief that God, in His justice, would not allow an innocent being to suffer. It was believed that His intervention in the procedure made the fire or boiling water harmless to a party unfairly charged. Contrary to popular opinion, ordeals were not used widely by medieval courts. They were used only in exceptional situations, where other methods of verifying charges had failed to bring a desired result.²⁶³

The collections of Regino of Prüm²⁶⁴ and Burchard of Worms²⁶⁵ contained decrees from the Carolingian period. They authorized the use of ordeals in ecclesiastical courts. Through the intermediary of these two collections, regulations pertaining to the Divine judgments also made their way into Gratian's *Decretum*

263 Peter Brown, "Society and the Supernatural: A Medieval Change", *Daedalus* 104 (1975), 133–5; repr. Brown, *Society and the Holy in Late Antiquity* (Berkeley and Los Angeles, 1982), 137–8; Robert Bartlett, *Trial by Fire and Water. The Medieval Judicial Ordeal* (Oxford, 1999), 25–7.

264 Regino of Prüm, *De ecclesiasticis disciplinis et religione christiana*, in *PL* 132, 342.

265 Burchard of Worms, *Decretum*, in *PL* 140, 912.

(C 2.5.15).²⁶⁶ In the first half of the twelfth century, the use of the divine judgment in reviewing heresy charges became approved officially.²⁶⁷ The 1157 statutes of the Council of Rheims decreed that judges were allowed to prove the credibility of heresy charges with a test of hot iron. Those who failed the ordeal were to be branded.²⁶⁸

Each ordeal was a carefully arranged ceremony comprising specific rituals. The individuals partaking in the rite prepared for it by fasting and attending church services. The actual ordeal was preceded by a solemn Mass during which the suspects received the sacrament of the Eucharist. This was to guarantee the innocent a successful passage through the ordeal and absolution from the charges facing him. Scholars have uncovered a set of formulae used during *iudicium Dei* from the Carolingian period. All individuals who wished to prove their innocence or righteousness with a test of hot iron prepared themselves with three days of fasting, after which they were allowed to undergo the ordeal. The pincers and the metal bar to be used during the divine judgment were blessed by a priest.²⁶⁹ Next, the red hot iron was given to the suspect. He/she had to take three steps with it and put it on the floor. Following the test, the hand was bandaged and sealed. After three days, the burns were examined in public. If they were invisible or generally coming along well, this was considered to be proof of innocence. However, gangrenous wounds to the hand proved a suspect guilty.²⁷⁰

The Judgment of God via a water ordeal took two forms. The cold water tests entailed a suspect's being thrown into a natural body of water or a basin. If the suspect drowned, it testified to his/her innocence, and if he/she floated, it was interpreted as indicative of guilt. The test by hot water was very similar to the hot iron ordeal. The suspect had to put his/her hand into a basin with boiling

266 *Nobilis homo vel ingenuus, si in sinodo accusatur et negaverit, si eum constiterit fidelem esse, cum duodecim ingenuis se expurget; si antea deprehensus fuerit in furto, aut periurio, aut falso testimonio, ad iuramentum non admittatur, sed (sicut ingenuus non est) ferventi aqua vel candenti ferro se expurget.* Friedberg 1, 459; cf. Bartlett, *Trial by Fire and Water*, 31.

267 Gaudemet, *Église et cité*, 522.

268 *Si quis vero de hec impurissima secta infamis fuerit, et quasi innocens purgare se voluerit, igniti ferri iudicio se purgabit. Si reus comprobatus fuerit, ut superius dictum est, calido ferro signatus pellatur, si innocens fuerit catholicus habeatur.* Mansi 21, 843.

269 Bartlett, *Trial by Fire and Water*, 1.

270 On the origins of ordeals and their application in medieval lawsuits see Gaudemet, "Les ordalies au moyen âge", in *La Preuve*, vol. 2 (Brussels, 1965: Recueils de la société Jean Bodin, 17), 99–14; Dominique Barthélemy, "Diversité des ordalies médiévales", *Revue historique* 280.1 (1988), 3–25.

water and pick up a small object, such as a ring, from the water. Next, after a determined time, the burns were examined in public and the suspect was either found guilty or acquitted.²⁷¹ The evaluation of the ordeal results was the duty of a commission appointed for this purpose, comprising a clergyman and representatives of both the litigant and the suspect. The public nature of the Judgment of God exposed the commission to strong pressure from the crowded onlookers awaiting the sentence and expecting a certain outcome. On the one hand, if the outcome was unfavourable, the individuals whom the crowd preferred, could receive one more chance of being acquitted. On the other hand, a hostile attitude from the mob, especially toward those accused of serious crimes, sometimes made it necessary to repeat the ordeal if the outcome of the first test was favourable to the suspect.

In the second decade of the twelfth century, the cold water ordeal was used by a court trying to establish the status of Clement and Everard of Lucy-le-Long near Soissons. Both were accused of contesting the dogma of the Lord's Incarnation, and resorting to rigorous ascetic practices.²⁷² In 1114, both brothers appeared before the tribunal of Bishop Lisiard of Soissons. The way the investigation unfolded and the ordeal was administered during the trial were described by chronicler Guibert de Nogent, an eye witness to the events. His account suggests that the majority of beliefs attributed to the brothers were second-hand allegations. The prosecution testimonies were given by two witnesses only: some woman and a deacon, and their credibility was highly questionable. During the hearing, both alleged heretics responded to the bishop's question conforming to Church doctrine, as much as it was possible in spite of their low social status and lack of education. Given such a turn of events, the bishop resolved to verify the accusations by making Clement and Everard undergo the cold water ordeal. At the beginning of the rite, both suspects took a solemn oath, denying ever having propagated views contrary to Church teaching. Next, they took part in a Mass during which they received the Eucharist. After a recitation of the Litany and a proclamation of exorcism over the basins of water, the celebrants proceeded to administer the Divine judgment. Clement was the first one to be thrown into the basin. He "floated on the surface of the water like a stick." The crowd gathered in the church read the ordeal outcome as a proof of Clement's guilt. The general feeling was that clean water rejected heretics contaminated by perjury. Seeing

271 Bartlett, *Trial by Fire and Water*, 16–8.

272 Some scholars tried to identify the dualist doctrine with the Cathars, e.g. Borst, *Katharer*, 84; Lambert, *Medieval Heresy*, 82–3.

the reaction of the crowd, Everard admitted his own heresy. After the ritual had been closed, both brothers were put in prison and their fate was to be decided by the approaching synod in Beauvais. The crowd of the faithful, however, did not want to wait for the decision of the synod and decided to take matters into their own hands. Fearing the lax attitude of the clergy, the burghers of Soissons pulled Clement and Everard out from prison and burned them at the stake.²⁷³

A similar method of arbitration was used in the case of Cathars captured in Cologne in 1143. There too, the heretics undergoing *iudicium aquae* were seen floating on the surface of the water and, for this reason, were burnt at the stake later.²⁷⁴ Bernard of Clairvaux stated that clean water did not want to take liars in, since they had taken a false oath of orthodoxy.²⁷⁵ In 1172, an ordeal of hot iron was administered to a cleric from Arras, accused of propagating erroneous views on the Eucharist. Heavy burns testified his guilt; not only did they cover his hands, but also other parts of his body. The evidence was considered so clear that he was immediately condemned to death at the stake.²⁷⁶ When, eleven years later, in 1183, the archbishop of Rheims made twelve people from Ypres undergo a similar ordeal on the grounds of their alleged Catharism, all suspects acted accordingly and were released.²⁷⁷ The actual outcomes of ordeals often gave rise to controversy and were at risk of being subjected to various types of pressure.²⁷⁸ The challenge that a proper interpretation of the ordeal represented was reflected in the case of two alleged heretics, who, as reported by Hugh of Poitiers, in 1167 were put to the ordeal of cold water. The outcome of the first test was not clear, since one of the men started to drown and the other one floated. The crowd that had gathered in the church unanimously condemned the latter and demanded

273 Guibert de Nogent, *Autobiographie*, 428–34; trans. *Heresies*, 102–4; see the remarks of Moore, *The Formation*, 124–5, and Bartlett, *Trial by Fire and Water*, 23.

274 *Epistola Evervini Steinfeldensis*, 416.

275 *Quaesiti fidem, cum de quibus suspecti videbantur omnia prorsus suo more negarent, examinati iudicio aquae, mendaces inventi sunt. Cumque iam negare non possent, quippe deprehensi, aqua eos non recipiente [...]*. Bernard of Clairvaux, *Sermones super Cantica canticorum*, 362.

276 *Chronica regia Coloniensis*, ed. Georg Waitz, in *MGH. Scriptores rerum Germanicarum in usum scholarum*, vol. 18 (Hanover, 1880), 122.

277 Sigebert of Gembloux, *Chronica: Continuatio Acquicintina*, 421; cf. Bartlett, *Trial by Fire and Water*, 22–3.

278 Bartlett, *Trial by Fire and Water*, 34–42.

that the ordeal be repeated for the first one. Ultimately, both suspects were declared heretics and burnt at the stake.²⁷⁹

During the first decades of the thirteenth century, ordeals were still a standard verification procedure for heresy charges in the territories of Germany and France. In 1215, Caesarius of Heisterbach described an ordeal assigned to a group of heretics from Cambrai. When the heretics, captured by the bishop, made a flat denial of the alleged offences because they feared death, they had to undergo the hot iron ordeal. Its outcome was unfavourable to the suspects who were later burnt at the stake.²⁸⁰ During the second half of the twelfth century, theologians became increasingly critical of the use of ordeals by ecclesiastical courts, believing that such ordeals, or acts calling for the extraordinary intervention of God into the court procedure, were abusive and resembled occult practices. In the last decade of the twelfth century, Peter the Chanter criticized the divine judgments, called *peregrina iudicia*, harshly, demanding a total ban of this “devilish” ritual (*diabolica tentamenta*). In *Verbum abbreviatum*, he pointed to the cruelty and fallibility of ordeals, stressing that one cannot be sure whether their outcome accords with the will of God or not. Peter the Chanter had no doubt that such ‘divine’ judgments had nothing in common with a fair evaluation of guilt and people resorted to them whenever their reason failed them. Quoting some arguments from Sacred Scripture, Peter reminded his readers that no one is allowed to tempt God and force Him to intervene in the earthly realm through ordeals. He was especially harsh in his criticism of the liturgical form of the ritual during which water or a hot iron were blessed.²⁸¹ Peter the Chanter was not alone in his opinion. Influenced by an increasing number of critical voices, the Fourth Lateran Council in 1215 put a total ban on the practice of ‘divine judgements.’²⁸² The ecclesiastical courts, followed closely by the secular courts, exchanged the forbidden divine judgments for the inquisition procedure which relied heavily on suspect and witness testimonies. The rise of the inquisition was a direct consequence of late-twelfth and early-thirteenth century transformations within the

279 Hugh of Poitiers, *Historia Wizeiacensis monasterii*, in *PL* 194, 1681–2; cf. Moore, *Origins*, 259–60; Bartlett, *Trial by Fire and Water*, 39–40.

280 Caesarius of Heisterbach, *Dialogus miraculorum*, ed. Joseph Strange, vol. 1 (Cologne, Bonn, and Brussels, 1851; repr. 1966), 132. Caesarius of Heisterbach reports 10 heretics from Strasburg who were subjugated to the ordeal of red-hot iron and subsequently burned at the stake Caesarius of Heisterbach, *Dialogus miraculorum*, 133.

281 Peter the Chanter, *Verbum abbreviatum*, 226–32.

282 Tanner, *Decrees*, vol. 1, 244.

European legal system. The clergy, influenced by their studies of Roman Law, carried out a thorough reform of both canon and secular law, prioritizing reason over magical practices and superstition.²⁸³

283 Trusen, “Das Verbot der Gottesurteile und der Inquisitionsprozeß: Zum Wandel des Strafverfahrens unter dem Einfluß des gelehrten Rechts im Spätmittelalter”, in Jürgen Miethke and Klaus Schreiner (eds), *Sozialer Wandel im Mittelalter. Wahrnehmungsformen, Erklärungsmuster, Regelungsmechanismen* (Sigmaringen, 1994), 235–47.

Chapter Two The Birth of the inquisitorial system

1. New strategies of struggle against heresy

From the mid-twelfth century, popes started to play an increasingly important role in the war on heresy. In all faith-related matters, the pope worked to position himself as an unquestionable authority. It was his duty to pass on the teaching of the Roman Church, as well as to defend the moral values upheld by all Church members.¹ Many popes made every effort to justify their struggle for supreme authority within Christendom, demonstrating that their authority derived directly from Christ. Members of the Roman Curia accepted the pope as the vicar of Christ (*vicarius Christi*), whom all secular powers were supposed to obey. Even earlier than this, in the mid-eleventh century, St Peter Damiani (1007–1072) had introduced a distinction between the notion of *vicarius Christi* and the term used by emperors, *vicarius Dei*.² A hundred years later, this concept was developed further by St Bernard of Clairvaux. In his *De consideratione*, the latter emphasized the direct relationship between Christ and his only earthly vicar, the pope.³ After Eugene III (1145–1153) ascended the throne of St Peter, St Bernard provided a body of historical arguments justifying the pope's right to use the title of *vicarius Christi*, and insisted on his superiority over secular monarchs. One of Eugene III's successors, Alexander III (1159–1181), made regular use of the aforementioned title in his documents. Further, the "theology of the precedence of St Peter" elaborated by Innocent III (1198–1216) viewed the term *vicarius Christi* as a key notion of papal power. Eventually, this term became a title used widely for addressing popes.⁴ Innocent III's bull *Quia*

1 Jan Baszkiewicz, *Myśl polityczna wieków średnich* (Poznań, 1998), 221–5.

2 Ernst H. Kantorowicz, *The Two King's Bodies. A Study in Medieval Political Theology* (Princeton, 1957, repr. 1985), 115–6.

3 Bernard of Clairvaux, *De consideratione*, in Bernard of Clairvaux, *Sancti Bernardi Opera*, ed. Jean Leclercq, Henri Rochais and Charles H. Talbot, vol. 3 (Rome, 1957), 393–493, at 424; cf. Michele Macarrone, *Vicarius Christi. Storia del titolo papale* (Rome, 1952), 86; Agostino Paravicini-Bagliani, *Le corps du pape* (Paris, 1997), 76–7.

4 Macarrone, *Vicarius Christi*, 100–6. A. Paravicini-Bagliani, "La suprématie pontificale (1198–1274)", in Jean-Marie Mayeur et al. (eds), *Histoire du christianisme des origines à nos jours*, vol. 5: *Apogée de la Papauté et expansion de la Chrétienté (1054–1274)* (Paris, 1993), 583–5; Schatz, *Papal Primacy*, 91–3; Gaudemet, *Église et cité. Histoire du droit canonique* (Paris, 1994), 320–37.

diversitatem (May 1199) stressed the superiority of the pope in all pastoral and legal matters of the Church (X 3.8.5).⁵ Recognizing the pope as the vicar of Christ had far-reaching political and legal consequences. Every individual who dared to undermine the authority of the pope or discredit his decisions was considered a blasphemous offender acting against Christ. Innocent III and his successors reasserted the duty of absolute obedience required of all Catholics. Remaining loyal to the vicar of Christ became an important component of religious orthodoxy.⁶ Whoever chose to ignore papal authority, be it for religious, political or disciplinary reasons, was considered a heretic. This position found powerful expression in *Summa aurea* (X V.7), written by one of the most prominent papalist cardinals, Henry of Segusio (Hostiensis). His judgment did not leave any room for doubt: disobedience towards the pope was tantamount to heresy⁷ Later, few medieval theologians dared question papal authority to define the boundaries of Roman Catholic orthodoxy. In the mid-thirteenth century, St Thomas Aquinas considered the pope the highest and most unquestionable authority in matters of faith. In his opinion, whoever opposed papal decrees, and was fully aware of his/her transgression, *ipso facto* became a heretic.⁸

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- 5 *Quia diversitatem corporum diversitas saepe sequitur animorum, ne plenitudo ecclesiasticae iurisdictionis in plures dispensata vilesceret, sed in uno potius collata vigeret, apostolicae sedi Dominus in B. Petro universarum ecclesiarum et cunctorum Christi fidelium magisterium contulit et primum, quae, retenta sibi plenitudo potestatis, ad implendum laudabilius officium pastorale, quod omnibus eam constituit debet, multos in partem sollicitudinis evocavit.* Friedberg 2, 489; Register Innozenz' III, vol. 2, no. 57, 106–8, at 106.
- 6 Brian Tierney, *Foundations of the Conciliar Theory: The Contributions of the Medieval Canonists from Gratian to the Great Schism* (Cambridge, 1955: Cambridge Studies in Medieval Life and Thought NS, 4), 47–67.
- 7 *Dicitur etiam haereticus, qui privilegium Romanae ecclesiae ab ipso summo ecclesiarum capite conatur auferre [...] et qui transgredit praecipua Sedis Apostolicae.* Qtd. from Walter, “Häresie und päpstliche Politik”, 142, n. 140.
- 8 *Summa theologiae*, II-II^{ae}, q. 11, c. 2 [...] *quia scilicet non habent electionem contradicentem Ecclesiae doctrinae. Sic ergo aliqui Doctores dissensisse videntur vel circa ea quorum nihil interest ad fidem utrum sic vel aliter teneatur; vel etiam in quibusdam ad fidem pertinentibus quae nondum erant per Ecclesiam determinata. Postquam autem essent auctoritate universalis Ecclesiae determinata, si quis tali ordinationi pertinaciter repugnaret, haereticus censeretur. Atque quidem auctoritas principaliter residet in Summo Pontifice.* Thomas Aquinas, *Summa theologiae*, in *Opera omnia*, vol. 8, 99, available at <https://www.corpusthomicum.org/sth3001.html>, accessed 9 October 2005.

The reform programme of the Church, promoted by the Holy See, prioritized efforts for the unification of the Faith. From the mid-twelfth century onwards, news of ever-growing numbers of heretics streamed to Rome from all over Europe. The pope was asked to intervene, or to instruct his flock on how to deal with these heretical movements. The problems reported concerned methods of verifying heresy allegations, as well as defining types of punishment for individuals who were found guilty of heresy. For instance, in the mid-1140s, some clergymen from Liège turned to Pope Lucius II for guidelines, as they did not know what to do with a group of heretics who refused to renounce their erroneous views.⁹ We do not know whether the pope answered their plea. However, the fact that they requested help and advice from the pope reveals a significant change in the general attitude towards the war waged against heresy in the twelfth century.

As I have pointed out in the first chapter of this book, the mid-twelfth century marked the time when popes started to pay more attention to anti-heretical efforts and stepped in with short-term interventions whenever necessary. One such papal initiative entailed sending legates on missions to territories threatened by the spread of heresy. These papal officials implemented pastoral reforms and supervised different stages of action against heresy. Their mandate prioritized the preaching ministry with a view to strengthening the Catholic Faith and refuting erroneous views. At the request of Eugene III in 1145, St Bernard of Clairvaux preached homilies against Henry of Lausanne. Thirty years later, the papal legates, Cardinal Peter of Pavia and a Cistercian, Abbot Henry of Marcy, involved themselves in pastoral and legal initiatives targeting the Cathars.

In parallel, the Roman Curia was elaborating a new system of solutions, intended to standardize the principles of holy war against religious dissidents. The war on heresy became a topic of heated discussion at synods and general councils presided over by the pope. Examples include Eugene III's participation in the

9 *Epistola ecclesiae Leodiensis ad Lucium papam II*, in *PL* 179, 937–38; Fredericq 1, 31–3; trans. *Heresies*, 139–41; Moore, *Birth*, 78–9. Scholars date this letter to 1140–1145 and most connect it with Lucius II (1144–1145) rather than Lucius III (1181–1185), though J.B. Russell associated it with Leo III (1048–1054) and that pope's response to heretics in the diocese of Châlons-sur-Marne and the advice of Bishop Vaso of Liège (1041–1048). Russell, "Les Cathares de 1048–1054 à Liège", *Bulletin de la Société d'art et d'histoire du diocèse de Liège* 52 (1961), 1–8. Cf. Georges Despy, "Les Cathares dans le diocèse de Liège au XII^e siècle: à propos de l' Epistola Leodiensis au Pape L (?)", in Guy Cambier (ed.), *Christianisme d'hier et d'aujourd'hui. Hommages à Jean Preaux* (Brussels, 1979), 65–75; trans. *Heresies*, 684; an overview in Lambert, *The Cathars*, 16–7.

Council of Rheims in 1048, which condemned the views of Eudo de l'Étoile and his supporters, the Eonites, and Alexander III's appearance at the Council of Tours in 1163, which reiterated the special episcopal duties in the anti-heresy effort and defined a range of actions expected of civil authorities. Many decisions made at those assemblies determined the orientation of evolving legislation, thus paving the way for actual inquisitorial procedure.

The construction of a new mechanism for addressing heresy called for closer cooperation between the two highest authorities of Western Christendom: the pope and the emperor. Conditions for such a joint effort had not been favourable until the year 1177, when the Treaty of Venice was concluded between Pope Alexander III (1159–1181) and Frederick I Barbarossa, both of whom decided to engage in the defence of the Church. The Treaty of Venice put an end to a lengthy conflict between the Holy See and the Empire.¹⁰ The Third Lateran Council called two years later, published a new canon *De haereticis*. This document compiled mandatory guidelines governing actions against heresy (X 5.7.8). The solutions presented therein made direct reference to the Statutes of the 1163 Synod of Tours. Responsibility for defending the Faith from heresy was placed on bishops. The council also specified penalty standards to be imposed on heretics who failed to show contrition and obstinately defended their erroneous views. Heretics condemned in ecclesiastical courts were threatened with excommunication and the possibility of being denied a proper Christian burial. The war on heresy targeted not only those individuals who proclaimed views contradictory to the teachings of the Church, but also their abettors who either defended them (*defensores*) or offered them shelter (*receptatores*). The names of these supporters were to be read out loud at church services, and they were also threatened with excommunication, unless they ceased to act against the Church.¹¹ Anathematized feudal lords also lost their privilege of holding public office and owning land,

10 Kolmer, *Ad capiendas vulpes*, 29.

11 [...] *eos et defensores eorum, et receptores, anathemati decernimus subjacere: et sub anathemate prohibemus, ne quis eos in domibus, vel in terra sua tenere, vel fovere, vel negationem cum eis exercere praesumat. Si autem in hoc peccato decesserint, non sub nostrorum privilegiorum cuilibet indultorum obtentu, nec sub aliacumque occasione, aut oblatio fiat pro eis, aut inter Christianos recipiant sepulturam [...] similiter constituimus, ut qui eos [i.e. heretics] conduxerint vel tenuerint vel foverint per regiones, in quibus taliter debacchantur, in dominicis et aliis solemnibus diebus per ecclesias publice denuntientur et eadem omnino sententia et poena cum praedictis haereticis habeantur adstricti nec ad communionem recipiantur ecclesiae, nisi societate illa pestifera et haeresi abiuratis* ("We declare that they and their defenders and those

while their subjects were exempt from obedience towards them. Only heretics who confessed their sins with sincere contrition could count on the lifting of excommunication. *De haereticis* regarded the war against heresy as the shared responsibility of both clergy and the secular authorities. While the review of heresy charges was a procedure reserved for ecclesiastical courts, the specific task assigned to the *brachium saeculare* was the arrest of heretics, followed by their transfer to secular courts.¹² The secular authorities were also required to confiscate the property of heretics and their adherents, should they refuse to comply with ecclesiastical sanctions.¹³ The opening lines of *De haereticis* quote Leo the Great stating that physical punishment imposed by the secular authorities was complementary to ecclesiastical punishment. For, we read further, the very fear of such punishment resulted in the amendment of heretics and thus could become a “saving cure” for heresy.¹⁴

The Third Lateran Council authorized the use of crusade in defence of the Church. All the faithful who were willing to take up arms against heretics could expect the same types of indulgence and privileges as knights setting out for the Holy Land. The incentives included a lighter penance for a period of two or more years, depending on the level of their commitment to the struggle against heretics. Their families and properties were to be protected by the Church in

who receive them are under anathema, and we forbid under pain of anathema that anyone should keep or support them in their houses or lands or should trade with them. If anyone dies in this sin, then neither under cover of our privileges granted to anyone, nor for any other reason, is mass to be offered for hem or are they to receive burial among Christians [. . .] we likewise decree that those who hire, keep or support them in the districts, where they rage around, should be denounced publicly on Sundays and other solemn days in the churches, that they should be subject in every way to the same sentence and penalty as the above-mentioned heretics, and that they should not be received into the communion of the church, unless they abjure their pernicious society and heresy”). Tanner, *Decrees*, vol. 1, 224–5.

12 Stein, *Roman Law*, 30.

13 Tanner, *Decrees*, vol. 1, 225–6.

14 *Sicut ait beatus Leo, licet ecclesiastica disciplina, sacerdotali contenta iudicio cruentas effugiat ultiones: catholicorum tamen principum constitutionibus adiuvatur, ut saepe quaerant homines salutare remedium, dum corporale metuerint super se supplicium evenire* (“As St Leo says, though the discipline of the church should be satisfied with the judgement of priests and should not cause the shedding of blood, yet it is helpful by the laws of catholic princes so that people seek a salutary remedy when they fear that a corporal punishment will overtake them”). Tanner, *Decrees*, vol. 1, 223–4; qtd. from the letter of Pope St Leo the Great *ad Turribium* (PL 54, 680A)

their absence.¹⁵ Any form of resistance against crusaders was punishable by excommunication. Two years later, the idea of a crusade against heresy materialized for the first time: a small army of crusaders led by the papal legate, Henry of Marcy entered the Cathar fortress of Lavaur.¹⁶ A detailed set of the principles regulating the war on heresy, first compiled at the Third Lateran Council, can be found in the bull *Ad abolendam*, promulgated by Lucius III (1181–1185) on 4 November 1184 (X 5.7.9). The first part of the document contained a definition of heresy and a list of religious movements to be suppressed through the joint efforts of ecclesiastical and secular authorities. In the spirit of ancient Roman law, heresy was considered a public crime. Moreover, the document insisted that heretical activity bred obstinate defiance (*contumacia*) of authority in general, given that heretics tended to proclaim their errors openly in spite of bans and sanctions imposed by the Church. A decisive role in the war against heresy was entrusted to archbishops and bishops. The Third Lateran Council specified that they were obliged to carry out a diocesan visitation at least once a year. While making their visitation, bishops were to seek out heretics and their adherents with the assistance of synodal witnesses, an institution whose history goes back to the early Middle Ages. Lucius III's bull ordered that each parish appoint two or three people of exemplary lifestyle and untarnished reputation. During an episcopal visitation, these individuals could assist the process. Their role was to provide information about people who stood out among their fellows where their mode of life and customs were concerned. Based on data obtained through this procedure, bishops were required to apply appropriate legal measures.¹⁷

15 *Nos etiam de misericordia Dei et beatorum apostolorum Petri et Pauli auctoritate confisi, fidelibus christianis, qui contra eos arma susceperint et ad episcoporum seu aliorum praelatorum consilium ad eos decertando expugnandos, biennium de poenitentia iniuncta relaxamus, aut si longiorem ibi moram habuerint, episcoporum discretioni, quibus rei cura fuerit inuncta committimus, ut ad eorum arbitrium secundum modum laboris maior eis indulgentia tribuatur.* “We too, trusting in the mercy of God and the authority of the blessed apostles Peter and Paul, grant to faithful Christians who take up arms against them [heretics], and who on the advice of bishops or other prelates seek to drive them out, a remission for two years of penance imposed on them, or, if their service shall be longer, we entrust it to the discretion of the bishops, to whom this task has been committed, to grant greater indulgence, according to their judgement, in proportion to the degree of their toil”. Tanner, *Decrees*, vol. 1, 225–6.

16 Janssen, *Die päpstlichen Legaten*, 105–8; Congar, “Henri de Marcy”, 34–5; Griffe, *Les débuts*, 124–36.

17 Mansi 22, 476–77; Friedberg 2, 780–82; *Texte zur Inquisition*, 26–9.

Ad abolendam condemned all beliefs and practices incompatible with the teachings of the Roman Church, and excommunicated dissenters. In line with the policy stated in the *De haereticis* of the Third Lateran Council, excommunication applied to all who favoured or supported heretics. It also confirmed that heresy charges could be reviewed by ecclesiastical courts alone. Individuals suspected of heresy had to prove their innocence through a procedure called ‘canonical purgation’ (*purgatio canonica*). Heretics who demonstrated contrition and declared themselves willing to reconcile with the Church had their sentence of excommunication lifted and were given appropriate penance. By contrast, those who defended their views obstinately or returned to heresy in spite of an earlier reconciliation were to be excommunicated and handed over to the secular authorities. *Ad abolendam* introduced a clear distinction of duties: the tasks of the clergy were different from those of secular officers. The clergy had to verify heresy charges and attempt to persuade heretics to change their beliefs. The duties of secular officers, on the other hand, included the assignment of appropriately severe punishment to heretics who, having been condemned by an ecclesiastical court, were handed over to the secular power. Secular officials who avoided collaboration with the ecclesiastical authorities lost their posts and were excommunicated.¹⁸ The severest measures mentioned in the papal bull were the confiscation of property and exile. Nevertheless, some scholars believe that the notion of *animadversio debita*, inherited directly from Roman legal terminology, indicates, even if indirectly, that the ecclesiastical authorities had granted themselves a considerable liberty that could go as far as imposing capital punishment on heretics.¹⁹

Ad abolendam was the first bull to lay out in such great detail the duties of bishops and of secular officials employed in the anti-heresy effort, thus creating a

18 Friedberg 2, 781; *Texte zur Inquisition*, 25–7.

19 For some time it has been debated whether the bull *Ad abolendam* of Lucius III endorsed the death penalty for heresy: Julius Ficker, “Die gesetzliche Einführung der Todesstrafe für Ketzerei”, *Mitteilungen des Instituts für österreichische Geschichte* 1 (1880), 186–8; Julien Havet, “L’Hérésie et le bras séculier au moyen âge jusqu’au treizième siècle”, in Havet, *Oevres complètes*, vol. 2 (Paris, 1896), 498–501; Theloe, *Die Ketzerverfolgungen*, 127; G.G. Coulton, *The Death Penalty for Heresy from 1184 to 1921* (London, 1924), 3–4; Müller, “Les bases juridiques”, 124–5. The Roman term *animadversio debita* applied in the later anti-heretical laws was equivalent to the death penalty. Maisonneuve, *Études*, 151–6; Manselli, “De la *persuasio*”, 185–7; Walther, “Häresie und päpstliche Politik”, 124–26. For a recent summary of discussions on this matter, see Ragg, *Ketzer und Recht*, 109–11.

legal system that some scholars refer to as the ‘episcopal inquisition.’²⁰ The innovative and complex character of the legal solutions found in the bull makes it one of the most important documents that paved the way for *inquisitio haereticae pravitatis*. Further anti-heresy action was greatly facilitated by the clause that imposed the obligation to search for alleged heretics during regular diocesan visitations. This element became key in the inquisitorial procedure, as it enabled a systematic detection of heretics and their abettors.²¹

The bull of Lucius III acquired an even higher status following its approval by Emperor Frederick I Barbarossa. Although no parallel imperial document pertaining to heretics has survived to our day, narrative sources tell us that Frederick I did publish a book of decrees, whose exact content remains unknown. The emperor must have been inspired by *Ad abolendam*, however, as his regulations threatened heretics with exile and confiscation of property.²²

Pope Innocent III was a key figure in the formation of inquisition structures. Having chosen to continue the policy of his predecessors, he prioritized the principles of defence of the Faith and the unity of the Church throughout his pontificate. The war on heresy became an integral element of a broader ecclesiastical reform programme and a means to strengthen the inner structures of Western Christianity. In the eyes of Innocent III, the *societas christiana* was a hierarchic and organised community subject to the Divine Law, with the pontiff acting as its superior. While implementing his political and religious programme, Innocent III thought and acted as the vicar of Christ, the high priest and supreme judge.²³ His legislative and pastoral effort embraced all aspects of Church ministry. In the process of restructuring the Roman Curia, he made it an efficient instrument useful in managing the Church and enforcing papal decrees. The extensive body of literature on this topic tends to insist on the great impact of Innocent III’s writings on the whole of Latin Christendom. Statements from his letters and

20 Dossat, “La répression”, 224–5; Kolmer, *Ad capiendas vulpes*, 29–30; Lambert, *Medieval Heresy*, 108–9.

21 Segl, “*Quoniam abundavit iniquitas*. Zur Beauftragung der Dominikaner mit dem ‘negotium inquisitionis’ durch Papst Gregor IX.,” *Rottenburger Jahrbuch für Kirchengeschichte* 17 (1998), 63.

22 Ragg, *Ketzer und Recht*, 119–111 and n. 388.

23 Paravicini Bagliani, “La suprématie pontificale”, 583; John C. Moore, *Pope Innocent III (1160/1–1216). To Root up and to Plant* (Leiden and Boston, 2003); Leonard E. Boyle, “Innocent’s View of Himself as a Pope”, in *Innocenzo III*, vol. 1, 1–20.

homilies, distributed far and wide, were regarded as an authoritative source of theological, legal or disciplinary judgments.²⁴

The introduction of a standardized strategy in the anti-heresy war was possible through an efficient system of distribution of papal documents, which included both documents carrying a universal message, and letters addressed to particular diocesan and religious communities. The pope received updates on challenges faced by local churches and intervened in person whenever he deemed it necessary. Within less than eight years (1198–1206), the papal office sent out around sixty heresy-related letters. Most of them were addressed to Southern France and Italy. The pope then received reports regarding the activities of heretics and measures applied by local church authorities all over Catholic Europe. The pope's informers were legates, archbishops, bishops, abbots, as well as secular lords and town officials. Thanks to them, Innocent III, in contrast with his predecessors, had a good knowledge of the dynamics of the growth of heresy in particular areas. Because of that knowledge, he was able to oversee anti-heresy procedures implemented by papal legates and local church authorities as events unfolded.²⁵ In his letters addressed to the bishops of Southern France, Innocent III called for an increase in efforts intended to extirpate heresy and recommended particular methods and means.²⁶ The pope was interested in anti-heresy actions both at the heart of Western Christianity, where the impact of Cathars and Waldensians was most noticeable (Languedoc, Italy), and in the peripheries. Proof of the vastness of the territory overseen by Innocent III was his intervention in the war against heretics in Bosnia, the Bosnian Christians (*bosanske krstjani*).²⁷ In 1200, Innocent III sent a letter to the Hungarian King Emeric in which he asked him to support the ban (lord) of Bosnia, Kulin, in his war on heresy. The heretics involved were to be punished with the confiscation

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- 24 Jane E. Sayers, *Innocent III. Leader of Europe, 1198–1216* (London and New York, 1994), 37–9; Patrick Zutshi, “Innocent III and the Reform of the Papal Chancery”, in *Innocenzo III*, vol. 1, 84–101.
 - 25 Brenda Bolton, “Tradition and Temerity: Papal Attitudes to Deviants, 1159–1216”, in Derek Baker (ed.), *Schism, Heresy and Religious Protest* (Cambridge, 1972: Studies in Church History, Subsidia, 9), 79–91.
 - 26 Walther, “Häresie und päpstliche Politik”, 129–36; Kolmer, *Ad capiendas vulpes*, 35–41; Capitani, “Legislazione antiereticale e strumento di costruzione politica nelle decisioni normative di Innocenzo III”, *Bolletino deli Società di Studi Valdesi* 140 (1976), 31–53.
 - 27 Šanjek, *Les chrétiens bosniaques et le mouvement cathare (XII–XV siècles)* (Paris and Louvain, 1976).

of their property and exile (11 October 1200).²⁸ Two years later, Innocent III sent his legate, John of Casamare to Bosnia; the latter, along with Archbishop Bernard of Ragusa (Dubrovnik) launched their inquisition against the Bosnian heretics.²⁹ As a result of the measures implemented, in the month of April of 1203, the “Bosnian Christians” renounced heresy and accepted the liturgy of the Catholic Church and papal supremacy.³⁰

Innocent III regarded the war on heresy as a complex venture. To him, the rise and growth of heresy were consequences of the lax attitude of local clergy who had failed to respond appropriately to the religious needs of the faithful. With this assumption, he believed that, in the first instance, heresy needed to be extirpated by pastoral means. These measures included the removal of negligent leaders, and the establishment of a higher disciplinary standard for the clergy. Innocent III was convinced that, provided the clergy was devoted to their pastoral ministry, the growth of heresy could be inhibited and individuals who had left the Church could be reached and brought back into the fold. In order to win the battle against erroneous beliefs, an active preaching ministry was therefore needed. During Innocent III’s pontificate, the proclamation of the Word of God and debates with heretical doctrines became the primary tools for converting dissenters.³¹

The war on heresy was selective and carefully planned. The pope preferred to apply severe measures only in cases of heretics who obstinately discredited the truths of the Catholic Faith. By contrast, he was considerably welcoming in his approach to the movements of voluntary poverty that urged the faithful to return to the tradition of the Gospels. Unlike his predecessors, Innocent III was accommodating towards the religious aspirations of the laity and supported

28 Augustinus Theiner (ed.), *Vetera Monumenta Historica Hungariam sacram illustrantia*, vol. 1 (Rome, 1859), 13; Šanjek, *Bosansko-humski krstjani, Diplomatička vrela*, no. 3, 72–3.

29 Augustinus Theiner (ed.), *Vetera Monumenta Historica Hungariam sacram illustrantia*, vol. 1, 15; Šanjek, *Bosansko-humski krstjani*, no. 4, 74–7.

30 Šanjek, *Bosansko-humski krstjani*, no. 5, 79–83 and commentary on 10–2; Šanjek, “Le pape Innocent III et les ‘chrétiens’ de Bosnie et de Hum”, in *Innocenzo III*, 1215–22; Stoyanov, *The Hidden Tradition*, 171–2.

31 Pennington, “Innocent III’s Views on Church and State. A Gloss to *Per venerabilem*”, in Pennington and Robert Sommerville (eds), *Law, Church and Society, Essays in Honor of Stephen Kuttner* (Philadelphia, 1977), 46–67; James M. Powell, *Innocent III. Vicar of Christ or Lord of the World?* (Washington, 1994), 1–9; Joseph Canning, “The Pope as a Teacher and Judge: How Innocent saw Himself as the Teacher who Coerced”, in *Innocenzo III*, vol. 1, 74–83.

their attempts to live the *vita apostolica*. Even while dealing with some previously condemned religious movements, such as the Waldensians and the Humiliati, the pope tried to opt for a politics of reconciliation, actively searching for a place to accommodate them within the fold of the Church. His decisions were characterized by a predominant desire to reach a compromise and create opportunities for the laity to address their religious needs. During the early years of his pontificate, Innocent III received a letter from Archbishop Bertram of Metz. The letter informed him of suspect activities of lay groups who met in secret to read and comment upon passages from the Sacred Scriptures. It could be inferred from the letter that those laymen had access to the vernacular translations of some books from the New and Old Testaments (the Gospels, the Book of Psalms, the Book of Job and the Book of Wisdom). The pope reacted to this information in a way that was careful and conciliatory.³² In his reply to the archbishop of Metz, dated July 1199, Innocent III asked him to act sensitively towards the exposed groups of laymen who read the Sacred Scriptures without authorization. On the one hand, he emphasized the duty to combat “heretical iniquity”, while on the other hand, using the parable of the Wheat and the Tares, he warned against resorting to quick punitive measures, lest simple people and their devotional spirit suffer from it (*religiosa simplicitas*).³³ According to the pope, the first thing to do was to discern whether the activities of the alleged heretics resulted from an error of faith or derived from their ignorance. In the 1199 bull *Quum ex iniuncto*, Innocent III did not condemn the laity who wanted to read the Bible, and even considered their initiative laudable (X 5.7.12). At the same time, the pope did express his concern with the provenance of the actual translations of the Sacred Scriptures, as well as the secret nature of the meetings. He believed that such an unsupervised interpretation of Holy Writ by laymen who did not have the relevant intellectual background or permission constituted an usurpation of sacerdotal dignity to preach (*officium praedicationis*) and could lead to errors.³⁴ Simultaneously, he condemned the proclamation of the Word of God

32 Friedberg 2, 784–7.

33 *Sicut ecclesiarum praelatis incumbit ad capiendas vulpes pamilas, quae demoliri vineam Domini moliuntur, prudenter et diligenter intendere: sic est eis sum opere praecavendum, ne ante messem zizania colligantur, neforsan, quod absit! cum eis etiam triticum evellatur. Sane sicut non debet haeretica pravitas tolerari, sic enervari non debet religiosa simplicitas.* PL 214, 698–9.

34 *Licet autem desiderium intelligi divinas scripturas, et secundum eas studium adhortandi, reprehendendum non sit, set potius commendandum: ine eo tamen apparent quidam laici merito arguendi, quod tales occulta conventicula sua celebrant, officium praedicationis*

at secret meetings and affirmed that God's truth had to be proclaimed openly in churches.³⁵

Wherever conflict with the ecclesiastical authorities was of a disciplinary nature, and not grounded in doctrine, the pope tried to create opportunities for new religious movements to grow within Church structures. The examples of the Franciscans and the Humiliati demonstrate that he was successful in incorporating some bottom-up movements into the process of renewal of the Church as a whole.³⁶ The Humiliati, just like the Franciscans or the Waldensians, promoted lives led in accordance with Gospel values. This particular religious movement, developing in the cities of Lombardy, did not represent as a great danger to the Church as the Cathars or the Waldensian did. The Humiliati did not question Church doctrine and their sole desire was to follow Christ in His poverty and humility.³⁷ Initially, the church authorities were rather suspicious, considering the activities of the Humiliati an insult to the clergy. In 1184, the Humiliati were even condemned as heretics by Lucius III.³⁸ It was not until the pontificate of Innocent III that their mode of life was approved and the pope gave his consent for their active presence within the fold of the Church. In 1201, the pope approved their rule, based on that of St Benedict, and subjected them to the strict surveillance of the ecclesiastical authorities.³⁹ Having obtained the consent of the pope, the Humiliati devoted themselves to preaching penitential sermons and developing charitable initiatives for the poor. They also joined in the war against Catharism in Lombardy.⁴⁰

Christi sibi usurpant, sacerdotum simplicitatem eludunt, et eorum consortium aspernantur, qui talibus non inhaerent [...]. Friedberg 2, 785.

- 35 *Per hoc manifeste denunciamus, quod evangelica praedicatio non in occultis conventiculis, sicut haeretici faciunt, sed in ecclesiis iuxta morem catholicum est publice proponenda.* Friedberg 2, 785. Cf. Boyle, "Innocent III and Vernacular Versions of Scripture", in Katherine Walsh and Diane Wood (eds), *The Bible in the Medieval World*, (Cambridge, 1985: Studies in Church History. Subsidia, 4), 97–107.
- 36 Grundmann, *The Religious Movements*, 31–2; Sayers, *Innocent III*, 143–52.
- 37 Francis Andrews, *The Early Humiliati* (Cambridge and New York, 1999: Cambridge Studies in Medieval Life and Thought, 4th Series, 42), 38–52.
- 38 *Texte zur Inquisition*, 26.
- 39 Bolton, "Innocent's III's Treatment of the Humiliati", in Derek Baker and Geoffrey J. Cuming (eds), *Popular Belief and Practice* (Cambridge, 1972: Studies in Church History, Subsidia 8), 73–82; Andrews, *The Early Humiliati*, 64–98.
- 40 On the organizational structures of the Humiliati see Andrews, *The Early Humiliati*, 202–47.

Innocent III's primary contribution to the Church was his thorough reform of canon law, reflected in the papal decrees and statutes promulgated at the Fourth Lateran Council. The newly-reformed law enabled a standardization of the methods used for defending the Faith throughout Latin Christendom. Inquisition procedure, which Innocent III introduced in its high medieval form, became the basic method for reviewing charges in thirteenth-century ecclesiastical courts. The pope's concern with the protection of individuals who were unfairly charged, only to be cleared of their alleged faults later, was at the heart of the reform. Wishing to prevent legal errors, Innocent III called for a careful evaluation of all heresy-related charges. The objective of the legal procedure was to establish the suspect's offence accurately (*inquiratis etiam sollicite veritatem*).⁴¹ Each accusation had to be verified carefully against testimonies given by credible witnesses. In the pope's opinion, it was unacceptable to sentence a person whose guilt was not established with absolute certainty. Severe punishment applied only in cases that did not leave any shadow of a doubt as to the crime committed. The principle of protection of the innocent (*quia vero non est nostre intentionis innocios cum nocentibus condemnare*) became one of the formative elements of inquisition procedure.⁴²

We can have a closer look at the principles that informed Innocent III in his review of heresy charges if we analyse the 1198–1200 investigation of clergymen in La Charité-sur-Loire. The surviving papal letters allow us to trace the process in its entirety. For this particular investigation, various regulations and legal procedures were used: episcopal visitation, reports of heresy, synodal witnesses, legal consultation with specialists, and, finally, referral of cases to the pope. This is how the investigation unfolded: during the diocesan visitation Hugh of Noyers, bishop of Auxerre, learned about a group of clergymen from La Charité who were accused of proclaiming heretical beliefs. Wishing to verify the grounds for these allegations, the bishop summoned the clerics to appear before his tribunal. Given that they ignored his plea, Hugh turned to the archbishop of Sens, Michel de Corbeil, with a request for intervention. In response, the archbishop of Sens, accompanied by the bishops of Nevers, Meaux and Auxerre, made a visit to La Charité, where they interrogated several synodal witnesses. The latter confirmed

41 Kurze, "Anfänge der Inquisition", 134–6.

42 See the letter of Innocent III to Bishop Adelard of Verona dated 6 December 1199. *Register Innocenz' III*, vol. 3, nos 219 and 424; cf. Walther, "Häresie und päpstliche Politik", 131; for further detail see Grundmann, *Religious Movements*, 32–42; Peter D. Clark, "Innocent III, Canon Law and the Punishment of the Guiltless", in John C. Moore (ed.), *Pope Innocent III and His World* (Aldershot, 1999), 271–85.

the authenticity of the charges laid against the dean of the local Collegiate Church and the abbot of St Martin's Abbey. Acting in accordance with canon law, the archbishop formed a tribunal to interrogate the witnesses again and sent a report of these proceedings to Rome. Everyone awaited the pope's decision before taking any further action. In his reply, the pope decided that the alleged heretics could not be sentenced without a litigator.⁴³

The abundant papal correspondence on the subject does not leave any doubt that Innocent III was in favour of the early Christian approach to heresy with its basic principle of *persuasio fraternalis*. To him, further referral to the secular authorities and the application of coercive measures were matters of last resort.⁴⁴ In one of his first letters after his ascent to the papal throne, on 1 April 1198 Innocent III asked Archbishop Bernard of Auch and his suffragans to extirpate heresy with all available spiritual means. At the same time, he emphasized the possibility of turning for assistance to the *brachium saeculare* whenever it was deemed necessary.⁴⁵ The use of coercion was justified only in cases of heretics who firmly refused to comply with the decisions of the ecclesiastical authorities and showed a blatant disregard for ecclesiastical sanctions. Obstinacy in proclaiming erroneous views and rejection of the opportunity for reintegration into the fold of the Church required the use of repressive measures in order to protect the community of the faithful. Justifying the necessity of the intervention of the secular authorities, Innocent III defined heresy as a crime of lèse-majesté (*crimen laesae maiestatis*). This particular legal qualification of heresy resulted from the pope's identification of sin (*peccatum*) with crime (*crimen*). Innocent III was convinced that heresy threatened the social order as much as it disturbed the Church. With this assumption in mind, he believed that the defence of the Faith and the peace, which were clearly at stake in the war against heresy, was the shared responsibility of secular and ecclesiastical authorities. His letters encouraged a firm stance against heresy, as its consequences were as destructive as those of incurable and epidemic disease (*cancer, pestis, virus*).⁴⁶ Such a vision

43 Peters, *Inquisition*, 49.

44 Canning, "The Pope as a Teacher", 74–83.

45 [...] *ad extirpandas hereses universas et eos, qui sunt hac fece polluti, de provincie tue finibus excludendos modis quibus poteris operam tribuas efficacem: in ipsos et omnes illos, qui cum eis aliquid commercium aut manifeste suspicionis familiaritatem contraxerint, sine appellationis obstaculo ecclesiastice districtionis exercendo rigorem, et etiam, si necesse fuerit, per principes et populum eosdem facias virtute materialis gladii coherceri.* Register Innocenz' III, vol. 1, no. 81, 119–20.

46 Antonio Oliver, "Táctica de propaganda y motivos literarios en las cartas antiheréticas de Innocencio III", *Regnum Dei. Collectanea Theatina* 12 (1956), 177–83.

of heresy was expressed in his 1199 letter to the residents of Viterbo, *Vergentis in senium* (X 5.7.10).⁴⁷ The use of the secular arm became indispensable in defence of Christian society from heresy.⁴⁸

The ultimate expression of papal plans for reform of the Church was the Fourth Lateran Council in 1215, whose published proceedings included an extensive canon, *De haereticis*, regulating the principles of anti-heretical procedure. Most legal solutions contained therein were inspired by the bull *Ad abolendam* from 1184. Particular resolutions found in *De haereticis* suggest that each departure from the Catholic Faith had to be met with the severest ecclesiastical penalties: the culprit was to be excommunicated. Excommunicated individuals were not allowed to take part in church services or receive the sacraments, and were additionally stripped of the right to Christian burial.⁴⁹ Just like *Ad abolendam*, this canon placed greater responsibility on bishops and archbishops, who had to undertake regular visitations in the parishes inhabited by alleged heretics. These visitations had to take place at least once a year. They were to be completed in person by the archbishop or bishop, or by vicars to whom they delegated their power. During such a visit, all heresy-related rumours (*fama*) needed to be verified. The search for heretics was based on denunciation. Designated parishes had to appoint three trusted men of good repute, who, having taken an oath, were required to provide the bishop with information about heretics as well as any other potentially suspicious individuals distinguishable from others with regards to their way of life and customs.⁵⁰ On the basis of information obtained through

47 [...] *Hi sunt caupones, qui aquam vino commiscent, et virus draconis in aureo calice Babylonis propinant, habentes, secundum Apostolum, speciem pietatis, virtutem autem eius penitus abnegantes. Licet autem contra vulpes huiusmodi parvulas, species quidem habentes diversas, sed caudas ad invicem colligatas, quia de vanitate conveniunt in id ipsum, diversa praedecessorum nostrorum temporibus emanaverint instituta: nondum tamen usque adeo pestis potuit mortificari mortifera, quin, sicut cancer, amplius serperet in occulto, et iam in aperto suae virus iniquitatis effundat, dum palliata specie religionis et multos decipit simplices, et quosdam seducit astutos, factus magister erroris, qui non fuerat discipulus veritatis. Ne autem nos, qui, licet circa horam undecimam inter operarios, immo verius super operarios vineae Domini Sabaoth sumus a patrefamilias evangelico deputati, et quibus ex officio pastoralis sunt oves Christi commissae, nec capere vulpes demolientes vineam Domini, nec arcere lupos ab ovibus videamur.* Friedberg 2, 782–3; Register Innocenz III., vol. 2, no. 1, 3–4.

48 Werner Maleczek, “Innocenz III., Honorius III. und die Anfänge der Inquisition”, in *Praedicatores, Inquisitores*, 3–44.

49 Tanner, *Decrees*, vol. 1, 255–6 (c. 47: *De forma excommunicandi*).

50 [...] *ut quilibet archiepiscopus vel episcopus per se aut per archidiaconum suum vel idoneas personas honestas bis saltem semel in anno propriam parochiam, in qua fama*

this procedure, bishops would launch a legal inquiry. They would summon the accused to appear before a tribunal in order to be cleared of charges brought against them. Church officials who refused to collaborate in the effort risked removal from office. Following the decree of *De haereticis*, heretics condemned in an ecclesiastical court were to be handed over to the secular authorities and punished in accordance with local law. The only secular punishment mentioned by the council is the confiscation of property. The threat of anathema, on the other hand, applied to all abettors of deviants: those who received heretics in their homes (*receptatores*), defended them (*defensores*), and supported them (*fautores*). As *infames*, such individuals were not allowed to hold any public office or participate in social and legal activities. Those who failed to clear themselves of charges of heresy within a year ended up classified as heretics and punished by the secular authorities. Wishing to motivate secular officials to fulfil their assigned duties, the council required that all officials take a public oath of loyalty to the Church and publicly commit to the war on heresy. The defence of the Catholic Faith thus became a mission incumbent on all Christians. In the medieval society, where everyone had specific duties, superiors were responsible for their subjects, and sovereigns for their vassals. As a consequence, feudal lords who dared to ignore admonitions from bishops and disregard the call to engage in anti-heretical efforts ran the risk of excommunication. The Church punished those feudal lords who did not fulfil the duty of defending the Faith most severely. Their subjects were exempt from obedience and their land was transferred to persons willing to take up arms in the fight against heretics. By contrast, those who were zealous in fulfilling the task assigned by the Church were granted the same indulgences and privileges as crusaders setting out for the Holy Land.⁵¹

fuert haereticos habitare circumeat, et ibi tres vel plures bonii testimonii viros, vel etiam, si expedire videbitur, totam viciniam compellat. Quod si quis ibidem haeretucos sciverit vel aliquos occulta conventicula celebrantem seu a communi conversatione fidelium vita et moribus dissidentes, eos episcopo studeat indicare. “[. . .] each archbishop or bishop, either in person or through his archdeacon or through suitable honest persons, should visit twice or at least once in the year any parish of his in which heretics are said to live. There he should compel three or more men of good repute, or even if it seems expedient the whole neighbourhood, to swear that if anyone knows of heretics there or of any persons who hold secret conventicles or who differ in their life and habits from the normal way of living of the faithful, the he will take care to point them out to the bishop.” Tanner, *Decrees*, vol. 1, 235.

51 Tanner, *Decrees*, vol. 1, 234.

The inquisitorial system was constructed in parallel to the consolidation of the principles of the Catholic Faith. The constitution *De fide catholica*, passed at the Fourth Lateran Council, combined three basic dogmas of the Roman Church: the unity of the Persons of the Holy Trinity; the mystery of the Incarnation of Jesus Christ and His Redeeming Passion; and the doctrine of the sacraments, namely the Eucharist, Baptism, Confession, Confirmation, Matrimony, Priesthood and Sacrament of the Sick.⁵² Thanks to the precise wording of this doctrine, the boundary between orthodoxy and heresy was clearly delineated and the clergy acquired an efficient instrument to assist them in detecting heterodoxy. This is how the Church, in defence of the truth of God that was indispensable for salvation, managed to establish Herself in the wake of various heresies.⁵³

The council constitution *De fide catholica* was written up on the basis of the creed that all returning heretics had to profess. Valdes had to recite a very similar creed at his own reconciliation in 1180.⁵⁴ The text of the Council Statutes was a slightly modified version of the creed professed at the reconciliation of two Waldensians, Durand of Osca (1208) and Bernard Primus (1210).⁵⁵ The Fourth Lateran Council not only redefined the Faith of the Catholic Church, but also spelled out the rudimentary religious duties of her members. Thenceforth each Christian was required to receive the sacrament of reconciliation and the Eucharist at least once a year, at Easter. Those who failed to do this ran the risk of being charged with heresy. The introduction of such a minimum requirement of participation in the sacramental life of the church was an instrument intended to strengthen the Church and ensure She would not lose ground to heresy. Thanks to the annual rite of confession, priests were able to have regular control over the religious life of their flock, leading to an easier detection of any beliefs divergent from church doctrine. Further legal regulations of the Council reiterated the duties of the laity in connection with the resolutions coming into effect. An individual who disregarded these could easily be taken for a heretic. The Council

52 Tanner, *Decrees*, vol. 1, 230–1.

53 *Una vero est fidelium universalis ecclesia, extra quam nullus omnino salvatur [...]*. Tanner, *Decrees*, vol. 1, 222. The Constitution *De fide catholica* obliged the faithful to acknowledge the words of St Cyprian of Carthage: *salus extra ecclesiam non est* (PL 3, 1123).

54 Selge, *Die ersten Waldenser*, vol. 2, 3–6.

55 Dondaine, “Aux origines du Valdésisme: une profession de foi de Valdès”, *AFP* 16 (1946), 191–235; Thouzellier, *Catharisme et valdésisme*, 26–36; Vicaire, “Rencontre à Pamiers des courants vaudois et dominicains (1207)”, *CF* 2 (1967), 173–9; Gonnet and Molnár, *Les vaudois*, 336; Cameron, *Waldenses*, 18–9.

of Albi in 1230 ruled unequivocally that those who did not present themselves for the Eucharist once a year should be considered heretics.⁵⁶

2. *Negotium pacis et fidei* – the case of Languedoc

Languedoc was the area where Innocent III was most involved in the war on heresy. During the first years of his pontificate, the pope made every effort to become familiar with the specific challenges faced by the Church in Southern France in order to pinpoint the reason for the success of heretical movements. Such an initial diagnosis allowed him to apply appropriate measures to overcome the crisis in the local French Church, as well as continue to extirpate heresy systematically. Innocent blamed the Languedoc bishops for the widespread success of Catharism and Waldensianism. In his view, these bishops were not sufficiently concerned with ecclesiastical matters.⁵⁷ It was because of their pastoral negligence that “the Narbonne province had more Manicheans than Christians, more followers of Simon Magus than those of Simon Peter.”⁵⁸ A Toulouse chronicler, Guillaume de Puylaurens (1201/2–1287), also spoke of the lax attitude of the clergy as being the presumed cause of heresy.⁵⁹ The success of Catharism was so spectacular that Catholic priests were held in contempt, whereas the *perfecti* were received with general respect.⁶⁰

Innocent III regarded Archbishop Bérenger of Narbonne (1190–1212) as the major culprit in the dramatic situation of the Church in Languedoc. The bastard son of Raymond Bérenger IV, count of Barcelona, and brother of King Alfonso II, Bérenger enjoyed the support of both the Aragonese kings and the count of Toulouse. However, his attachment to the pleasures of this life, which he preferred over spiritual matters, earned him widespread criticism. In Innocent III’s

56 *Item precipimus quod, si aliquis ad minus semel in anno non fuerit confessus proprio sacerdoti peccata vel alii, consilio ipsius, et non accepit ad minus in Pascha corpus Domini, tanquam suspectus de heresi expellatur de ecclesia. Et si mortuus fuerit, non sepeliatur ecclesiastica sepultura. Banno episcopali subiacenat contrarium facientes et alias etiam canonicè puniantur.* Odette Pontal (ed.), *Les statuts synodaux français du XIII^e siècle*, vol. 2: *Les statuts de 1230 à 1260* (Paris, 1983), 22.

57 Vicaire, “Les clerics et la croisade”, *CF* 4 (1968), 268–70. For a recent study of Innocent III’s policy towards the bishops in Languedoc, see Myriam Soria, “Des évêques malmenés. Innocent III et les violences anti-épiscopales en Languedoc”, in *Innocenzo III*, vol. 2, 1008–30.

58 *PL* 204, 904; Potthast, no. 1177.

59 Guillaume de Puylaurens, *Chronica*, 22.

60 Guillaume de Puylaurens, *Chronica*, 24.

opinion, the ecclesiastical ministry of the archbishop of Narbonne was characterized by avarice (*avaritia*) and neglect of pastoral duties (*negligentia*).⁶¹ He criticized him for never having progressed around his own province and accused him of demanding large amounts of money for the consecration of suffragans. As a result of the negative evaluation of Bérenger's ministry, the archbishop was suspended and summoned to Rome for interrogation.⁶²

Wishing to strengthen the structures of the Church in Languedoc, Innocent III proceeded with a gradual replacement of the old episcopal body. During his pontificate, most local bishops were removed from office. Their positions were given to other, well-educated clergymen, many of whom were of Cistercian background. Early on, in 1198, Eudes lost his office as bishop of Carcassonne for his alleged open support of heretics. In the course of the following years, his fate was shared by the bishop of Toulouse, Raymond de Rabastens, as well as the bishop of Béziers, Guillaume de Roquessels (1204). By 1202, the dioceses of Auch, Fréjus, Béziers, Viviers, Valence and Rodez had also received new appointments. In two Languedoc sees, both key from the point of view of the war on heresy, the newly-appointed bishops were also Cistercians. In Toulouse it was Foulques (1155–1231), the abbot of Thoronet (from 1206), whereas in Carcassonne the episcopal mandate was bestowed upon Guy (died 1223), the abbot of Les Vaux-de-Cernay (from 1212). In accordance with papal instructions, the newly-appointed bishops began to implement a pastoral programme, the objective of which was to renew religious life and combat heresy.⁶³

61 [...] *idem archiepiscopus de duobus precipue, avaritia scilicet et negligentia, culpanbilis notabatur, que duo inter abusiones duodecim numerantur, cum videlicet est episcopus et dives avarus, quamvis utraque radix in multos ramos perhibeatur esse diffusa. Register Innocenz' III*, vol. 9, no. 66, 120–1. Cf. Vicaire, *Histoire*, vol. I, 185.

62 Bérenger received his first summons to present himself in person in Rome to answer the accusations laid against him by the papal legates on 26 June 1205 (*Register Innocenz' III*, vol. 8, no. 107, 190–2). In May 1206 the archbishop of Narbonne arrived in Rome, where he humbled himself before Innocent III and pledged to carry out his pastoral duties conscientiously. *Innocenti III Romani Pontificis Opera omnia*, in *PL* 215, 355–7; *Register Innocenz' III*, vol. 9, no. 66, 120–2; Potthast, no. 2774 (letter dated 9 May 1206).

63 Wakefield, *Heresy, Crusade and Inquisition*, 65–6; Beverly Mayne Kienzle, “Innocent III's Papacy and the Crusade Years, 1189–1229: Arnould Amaury, Gui of Vaux-de-Cernay, Foulque of Toulouse”, *Heresis* 29 (1999), 49–81. For Gui des Vaux-de-Cernay, uncle of the chronicler Pierre des Vaux-de-Cernay, see Zerner, “L'abbé Gui des Vaux-de-Cernay, prédicateur de croisade”, *CF* 21 (1986), 183–204; for Foulques of Toulouse, see Patrice Cabau, “Folque, marchand et troubadour de Marseille, moine et abbé du Thoronet, évêque de Toulouse (v. 1155/1166–25.12.1231)”, *CF* 21 (1986),

Papal legates supervised the execution of papal instructions. Just like his predecessors, Innocent III entrusted his legatine missions to the Cistercians. While making this choice, he considered the order's significant experience in the struggle against heresy.⁶⁴ Unlike the diocesan clergy, often scorned and ignored by the local population, the Cistercians represented a new dynamic, and had the charisma to run a successful pastoral ministry in areas "contaminated" by heretical influence.⁶⁵ On 11 July 1206, Innocent III wrote a letter to the general chapter of the Cistercians. His choice of wording is clearly indicative of his great esteem for the order, as well as a firm conviction that it would play a special role in the programme of Church reforms. While writing about his own mission within the church, the pope compared himself with a navigator trying to steer towards a safe haven while his ship is buffeted about by wind and storm. He expected the Cistercians to assist him in implementing his agenda of ecclesiastical reform.⁶⁶

Innocent III, confident of the absolute loyalty of the Cistercians to the Holy See, often requested their help in the war on heresy. Early in the process, in 1199 Innocent III asked the order to take a closer look (*inquisitio*) at the activities of the Waldensians in Metz and to apply appropriate corrective measures (*correctio*). As a result, a commission comprising three Cistercian abbots was formed. The three religious collected information about the beliefs and activities of the heretics and sent a detailed report from their inquisition procedure to Rome.⁶⁷

The mandate of the papal legates in Languedoc covered a much wider range of procedures. Altogether, their anti-heresy initiatives were referred to as *negotium pacis et fidei*. In 1203, the pope sent two legates to Languedoc: Peter of Castelnau

151–79; Bolton, "Fulk of Toulouse: The Escape that Failed", *Studies in Church History* 12 (1975), 83–93.

64 Maissonneuve, *Études*, 138; Dossat, "La répression", 224; Vicaire, "Les clercs", 262–5; Jean Blanc, "L'ordre de Cîteaux et la Croisade. Réussite ou échec?", *Heresis* 6 (1993), 39–48; Kienzle, *Cistercians*, 135–173.

65 Soria, "Des évêques malmenés", 1028.

66 [...] *De plenitudo vero gratiae nostrae securi ad sanctae religionis cultum latius propagandum ferventius insistatis et de vinea Domini Sabaoth vestre cure commissa, que per ipsius gratiam a mari usque ad mare palmites iam extendit, studeatis eradicare nociva et utilia plantare curetis, quatinus bone opinionis odorem et pie conversationis fructum apud Deum et homines proferentes de virtute in virtutem ascendere mereamini, donec Deum deorum in Syon videtis. Register Innocenz' III, vol. 9, no. 119 and 221–3, at 223.*

67 PL 214, 695–99 and 793–94; *Register Innocenz' III*, vol. 1, 271–6.

(died in 1208), and Ralph of Fontfroide (died 1226).⁶⁸ A year later, they were joined by the abbot of Cîteaux, Arnaud Amaury (died in 1225).⁶⁹ In 1206, the anti-heretical duties of papal legates were carried out by twelve Cistercian abbots.⁷⁰ Innocent III wanted the Cistercian mission to focus on the proclamation of the Word of God and the elimination of pastoral neglect. The papal legates were supposed to strengthen the Church in Languedoc by improving the morals of the local clergy and initiating a renewal of religious life. The pope believed that, through the serious commitment of talented preachers to the mission, the Cathar influence could be overcome and its followers persuaded to return to the bosom of the Church. The conversion of heretics was expected to occur through *persuasio* and *admonitio*.⁷¹

The Cistercian legates differed in their personal approach to the mission. Ralph of Fontfroide was the most zealous supporter of conversion through preaching. Equipped with a fine theological background, he had the perfect set of skills to engage in an open debate with heretical doctrine. Between 1203 and 1204, Ralph elaborated a treatise, *Manifestatio haeresis*, in which he demonstrated contradictions between Cathar doctrine and the Holy Writ. By contrast, Peter of Castelnau preferred legal measures. Assuming that an efficient execution of *negotium pacis et fidei* was impossible without the support of the secular arm, he insisted on the profession of vows of loyalty to the Church. The oath in question bound feudal lords and town authorities to join the anti-heresy war and to fight against both heretics and their protectors in accordance with the expectations of the legates. Those who disobeyed were excommunicated by Peter of Castelnau. Between 1203 and 1206, Peter succeeded in forcing the most influential feudal lords in Languedoc to swear such an oath, among them Count Raymond VI of Toulouse (1194–1222), the viscounts of Béziers and Foix, and

68 *Register Innozenz' III*, vol. 6, no. 241, 404–5. The papal bull for the legates is no longer extant, as far as we know; it might be argued that it was issued either in October or in November of 1203. Vicaire, *Histoire*, vol. 1, 184 and n. 5. On the activities of these legates see *Histoire albigeoise*, ed. Pascal Guébin and Henri Maisonneuve (Paris, 1951), chapter 6.

69 *Register Innozenz' III*, vol. 7, no. 76, 119–22 and no. 77, 123–6; *PL* 215, 358–60; Potthast, no. 2229; Guillaume de Puylaurens, *Chronica*, 42–5; cf. Thouzellier, *Catharisme et valdésisme*, 185–8.

70 *Historia albigenensis*, 554.

71 In a 1205 letter to King Phillip Augustus the pope stressed the preaching duties entrusted to his legates. *PL* 215, 527; cf. Vicaire, *Histoire*, vol. 1, 194–5; Vicaire, *Les clercs*, 262–3.

the marquis of Montpellier, as well as the councillors of the most prominent cities of the province, such as Toulouse, Carcassonne and Béziers.⁷²

Contrary to the pope's expectations, the activities of the papal legates in Languedoc were not too successful. The locals, who supported Catharism, did not want to listen to their sermons and remained indifferent to admonitions and warnings. The most severe forms of ecclesiastical punishment, such as excommunication and interdict, turned out to be but weak instruments when applied to the Cathars and their followers. Confident in the support of the Languedoc knights, the Cathars were free to ignore these ecclesiastical sanctions. What is more, the Cistercian legates, deprived of the support of the secular authorities, were unable to enforce the execution satisfaction of the punishments they assigned.⁷³

A noticeable breakthrough in the struggle against heresy in Languedoc was the mission of two Castilian clergymen, Diego of Acebo, bishop of Osma (1201–1207) and Dominic de Guzman, sub-prior of the cathedral chapter in Osma. It is difficult to determine the exact time and place of their preliminary activity before they began preaching the Word of God in Languedoc. What we do know is that, at a meeting with the Cistercian legates in the spring of 1206 in Montpellier, Diego and Dominic decided to unite their respective missions and preach sermons *contra haereticos*. At first, the Castilian preachers carried on their activities only within the papal mandate; soon enough, however, they realized that this formula for the conversion of heretics did not yield the desired results.⁷⁴ Some explanation of this turning point is offered by Jordan of Saxony, a Dominican historian, who wrote that the splendour that often accompanied the arrival of former papal legates gave rise to unfavourable comments on the part of the people of Languedoc. They would point to these displays of wealth and say “see, here come the horse-riding servants of the God who went about on foot, the rich missionaries of the God who lived in poverty, the over-privileged emissaries of the God who was humble and disdained.”⁷⁵ The open resentment towards the legates made preaching initiatives more difficult to implement and proved

72 Vicaire, *Histoire*, vol. 1, 187–88.

73 Jörg Oberste, *Der 'Kreuzzug' gegen die Albigenser. Ketzerei und Machtpolitik im Mittelalter* (Darmstadt, 2003), 43–54.

74 Vicaire, *Histoire*, vol. 1, 183–90; Albaret, “Les prêcheurs et l’Inquisition”, *CF* 36 (2001), 322–3.

75 Jordanus de Saxonia, *De principiis*, in: Jordanus de Saxonia, *Opera* (Freiburg, 1891); see comments by Zoe Oldenburg, *Le bûcher*, 133; cf. Pierre des Vaux-de-Cernay, *Histoire, albigeoise*, 13.

that the traditional methods of anti-heretical combat were ineffective against the Cathars and the Waldensians. Having reached such a conclusion, Diego and Dominic decided that the preaching of the Word of God must be accompanied by an exemplary life led in accordance with Christ's teaching (*verbo et exemplo*).⁷⁶ The resulting formula of activity proposed by these two Castilian missionaries gained Innocent III's approval. In his letter to Ralph of Fontfroide (17 November 1206), the pope praised the new method of converting heretics *per exemplum operis et documentum sermonis*.⁷⁷ Following Diego's advice, papal legates also changed their approach to the mission. They cut down on conspicuous display and began to travel on foot.

Wishing to strengthen the faith of those who remained within the Church and regain those who had left, Diego and Dominic sought to imitate Christ's poverty and humility. Just like Christ and His Apostles (Mt 4.23; Mk 6.6), they went from town to town (*circuibant per castella*) and proclaimed the Word of God.⁷⁸ In their homilies, they urged listeners to abandon their errors and start repenting of their sins. The ministry of the Castilian preachers was informed by a great care for the salvation of human souls. Like Innocent III, they believed that, through proclamation of the Word of God, they would succeed in exposing the evil of heresy and persuade its followers to embrace the true faith. Both preachers were skilled at speaking and had the ability to hold lengthy debates with the Cathars. In Montpellier and Carcassonne, their homilies would sometimes last for eight hours, and even up to fifteen in Béziers.⁷⁹ Entirely devoted to their mission of peaceful conversion of heretics, they lived in radical poverty, caring little about their clothing and appearance.⁸⁰ In Servian, their humble

76 Vicaire, *Histoire*, vol. 1, 197–8.

77 [...] *discretionis tue per apostolica scripta precipiendo mandamus, quatinus viris probatis, quos ad id videris idoneos exequendum, qui ad paupertatem Christi pauperis imitando in despecto habitu et ardenti spiritu non pertimescant accedere ad despectos, in remissionem studeas intingere peccatorum, ut ad eosdem hereticos festinantes per exemplum operis et documentum sermonis eos concedente Domino sic revocent ab errore [...]. Register Innocenz' III, vol. 9, no. 183, 334–5; Monumenta Historia S.N.P. Dominici, vol. 1, 20–2; PL 215, 1024–5; Potthast, no. 2912; cf. Grundmann, *The Religious Movements*, 45.*

78 Vicaire, "Saint Dominique à Prouille, Montréal et Fanjeaux", *CF I* (1966), 23–6; Vicaire, "L'élargissement universel de la prédication de saint Dominique en Languedoc (1206–1217)", *CF I* (1966), 141–6.

79 *Historia Albigenis*, vol. 1, 28–9; cf. Vicaire, *Histoire*, vol. 1, 216–24.

80 Guillaume de Puylaurens stresses the innovatory character of the preaching mission of Bishop Diego and St Dominic, which differed fundamentally from the actions of the Cistercian legates: [...] *cum omni humilitate, abstinentia, patientia, ceperunt aggredi,*

attire and bleeding feet made a powerful impression on the Cathar *perfecti*, who entered the public debate with them all the more willingly.⁸¹ An important element of the Languedoc mission of Diego of Osma and Dominic was the art of public debate with heretics. While inviting the Waldensians and Cathars to a debate, they did not set any preliminary conditions and followed the formula suggested by their adversaries. The discussions entailed an exchange of views supported by quotes from Scripture. The participant who was able to quote more convincing *auctoritates* to back his views was declared the debate winner. Prior to the debate, each party would present their views in writing, along with the supporting *auctoritates*. A secular jury would then analyse each set of arguments and, on a comparative basis, decide who proclaimed the truth of God.

A good example of such an event is the 1207 Verfeil debate. We know exactly how it unfolded thanks to a detailed account left by a Toulouse chronicler, Guillaume de Puylaurens. When, in the course of the debate, bishop Diego asked his Cathar adversaries to explain their interpretation of a passage from the Gospel of St John, which reads “And no man hath ascended into heaven but he that descended from heaven, the Son of Man who is in heaven” (Jn 3.13), one of them said, “Jesus, who is in heaven, called himself a son of man (*filius hominis*). Using the principles of scholastic debate (*rationes*), Diego inquired further whether they believed that the heavenly Father was like a man. Having received a response in the affirmative, he quoted a passage from the Book of Isaiah, in which God says, “Heaven is my throne and the earth my footstool” (Is 66.1). This allowed him to take the Cathar opinion about the human nature of God the Father *ad absurdum*: he concluded that, since He is in heaven and His feet reach down to the earth, therefore, the length of His feet is indicative of the distance between heaven and earth. When the Cathars accepted his interpretation, Diego declared, “God will curse you, for you are great heretics.”⁸² The Cathars, however, undeterred by the evidence furnished by their Catholic adversary obstinately defended their opinions and pointed to other *auctoritates* in order to prove they were right.

non pomposa aut equestri multitudine, sed calle pedestrico, ad indictas disputationes, de castro in castrum, nudis plantibus et pedibus ambulantes. (*Chronica*, 46–7); cf. *Historia Albigenensis*, vol. 1, 24–5.

81 Jordan of Saxony, *Libellus de principis Ordinis Praedicatorum*, in Heribert Christian Scheeben (ed.), *Monumenta historica sancti patris nostri Dominici*, vol. 2 (Rome, 1935: MOPH, 16), 549.

82 Guillaume de Puylaurens, *Chronica*, 46–9.

Initially, the mission of Diego and St Dominic was not spectacularly successful. The preachers were frequently insulted by the Cathar following. In one town, citizens threw mud and dirt at St Dominic and tied hay to his back. In Montpellier, Béziers and Carcassonne, the many hours spent in preaching and debate did not bring about the conversion of their Cathar adversaries or their followers.⁸³ The turning point of their mission, however, was the public debate that took place in Montréal. The participants included the papal legates Peter of Castelnau and Ralph of Fontfroide. The Cathar side included Guilhabert de Castres, the “elder son” (*filius maior*) of the Cathar bishop of Toulouse, famous for his preaching skills. According to the account of Guillaume de Puylaurens, even though the quoted *auctoritates* from the New Testament were many, bishop Diego failed to convince his adversaries to give up their opinion that the Catholic Church is “handmaiden of Satan” and “the whore of Babylon.” Still, having heard his arguments, about 150 lay participants of the debate returned to the Church.⁸⁴ The Pamiers debate, held in September of 1207, was even more successful. Organised under the auspices of the viscount of Foix, who hosted the event at his castle, it was a gathering attended by both Cathars and Waldensians. The Catholic side of the debate, apart from Diego and Dominic, included the papal legates, as well as bishops Foulques of Toulouse and Navarre d’Acqs, bishop of Couserans.⁸⁵ Pierre des Vaux-de-Cernay, who judged the outcome of the debate, claimed enthusiastically that Waldensians were convicted and accepted the teaching of the Church.⁸⁶ A knight who participated in the event, Pons Adémar de Roudeille, was greatly impressed by the debating skills of the Castilian missionaries. In turn, in his exchange with bishop Foulques of Toulouse, he admitted, with admiration, “I cannot believe the Roman Church has so strong arguments against these men.”⁸⁷ Under the influence of the Catholic arguments, one of the arbiters sympathizing with the Waldensians, Arnaud de Crampagna, declared that the Catholic opponent was right and publicly renounced heresy.⁸⁸ Many other Waldensians followed in his footsteps. Nonetheless, the greatest success of the Pamiers debate was the conversion of a

83 Vicaire, *Histoire*, 1, 205–11.

84 Guillaume de Puylaurens, *Chronica*, 50–3; Vicaire, *Histoire*, vol. 1, 217–9; Oldenbourg, *Lebûcher*, 36–9.

85 *Historia Albigensis*, vol. 1, 43–5; Guillaume de Puylaurens, *Chronica*, 48–9; cf. Vicaire, “Rencontre à Pamiers”, 163–72; Griffe, *Le Languedoc cathare au temps de la croisade (1209–1229)* (Paris, 1973), 258–61; Lambert, *The Cathars*, 100–2.

86 *Historia Albigensis*, vol. 1, 43.

87 Guillaume de Puylaurens, *Chronica*, 48.

88 Vicaire, “Rencontre à Pamiers”, 170–1; Cameron, *Waldenses*, 34–5.

Waldensian polemicist, Durand of Osca. After the conversion, he founded a community of Poor Catholics (*Pauperes catholici*), joined two years later by a group of Poor Lombards led by another converted Waldensian Bernard Primus (*Pauperes reconciliati*).⁸⁹

The application of the *verbo et exemplo* method of conversion opened up new opportunities to a Church concerned with the defence of the truths of Faith, all in keeping with the early Christian principle of fraternal admonishment. As public debates with the Cathars and the Waldensians demonstrated, references to *auctoritates* and *rationes* could still prove useful instruments in the anti-heresy struggle. In the mid-thirteenth century, hagiographic legends originating in the Dominican milieu established St Dominic's role as a model inquisitor and an uncompromising persecutor of heretics (*persequutor haereticorum*). Studies by Marie-Humbert Vicaire have clearly demonstrated that Dominic was primarily a preacher and a pastor rather than a judge in his combat against the Cathars and the Waldensians.⁹⁰ His mission in the midst of these heretical groups made him realize the urgent need for a comprehensive, long-term pastoral ministry. At the end of 1206, Dominic founded a community in Prouille, destined for women who had abandoned Catharism. The Prouille convent soon became an important centre of anti-heretical preaching.⁹¹ After bishop Diego's return to Castile in 1208, Dominic, along with a group of his fellow brothers, continued with his preaching mission in Languedoc.⁹² It was then that his community of preaching brothers, devoted to the proclamation of the Word of God and observing the principles of *vita apostolica*, started to take shape.⁹³

89 Thouzellier, *Catharisme et valdéisme*, 215–232; Vicaire, “Rencontre à Pamiers”, 171–84; Grundmann, *The Religious Movements*, 44–4; Selge, “Laïle droite du mouvement vaudois et la naissance des Pauvres Catholiques et des Pauvres Réconciliés”, *CF* 2 (1967), 231–42; Selge, *Die ersten Waldenser*, vol. 1, 150–6 and 188–95; Cameron, *Waldenses*, 50–60.

90 Vicaire, “*Persequutor hereticorum* ou les persecutions de saint Dominique”, *CF* 6 (1971), 75–83; Vicaire, “Saint Dominique et les inquisiteurs”, *Annales du Midi* 79 (1967), 173–94; Vicaire, “Notes sur la mentalité de saint Dominique”, *Annales du Midi* 80 (1968), 131–6; Thouzellier, “*L'inquisitio* et saint Dominique”, *Annales du Midi* 80 (1968), 121–30.

91 Jordan of Saxony, *Libellus de principiis*, 22–3; cf. Vicaire, *Histoire*, vol. 1, 247–80; Vicaire, “Saint Dominique à Prouille”, 28–32.

92 Griffe, *Le Languedoc cathare de 1190 à 1210* (Paris, 1971), 261–72; Oldenbourg, *Le bûcher*, 135–46.

93 Vicaire, “L'élargissement universel de la prédication de saint Dominique en Languedoc (1206–1217)”, *CF* 1 (1966), 154–7.

The success of the Castilian missionaries was not enough to prevent military action against heresy. The failure of the papal legates, which reached crisis point with the murder of legate Peter of Castelnau on 14 January 1208, forced Pope Innocent III to turn to violent measures in defence of the Church. Putting aside the fact that the role of Count Raymond VI in the assault on Peter of Castelnau is still being debated, the count was the one held responsible at the time for the murder of the papal legate, as the incident took place on his land and the perpetrator was one of his vassals.⁹⁴ Innocent III's reaction to the tidings of the death of Peter of Castelnau was immediate. On 10 March 1208, he addressed a letter to the archbishops of Arles, Narbonne, Embrun, Aix-en-Provence and Vienne, in which he described the circumstances of the murder of Peter of Castelnau and asked them to take firm action against heretics. The pope named the person responsible for the legate's death and excommunicated him. At the same time, Innocent III urged the knights of France to restore the True Faith with force and re-establish the position of the Church in the lands of the Count of Toulouse.⁹⁵ The crusade declared against the Albigensians was unprecedented in the history of the war on heresy: calling for this crusade in Languedoc, the pope referred to the notion of "holy war", a term previously pertaining to the struggle against pagans and Muslims.⁹⁶ In the eyes of many contemporary clergymen, a crusade was the only possible means of "destroying" heresy, given that the method *per persuasionem et admonitionem* had largely failed.⁹⁷ A Cistercian abbot, Caesarius of Heisterbach (1180–1240) made a clear statement on the subject, arguing that unless one declared a crusade against the Cathars, heresy would quickly spread all over Europe.⁹⁸ In the eyes of Guillaume de Puylaurens, the aforementioned Toulouse chronicler, the crusade was a form of punishment for the sins of the

94 Pierre des Vaux-de-Cernay, *Histoire*, 51–65; cf. Roquebert, *L'épopée cathare*, vol. 1: 1198–1212: *L'invasion* (Toulouse, 1970), 116–9; Kienzle, *Innocent III's Policy*, 59.

95 Raymonde Forrevelle, "Innocent III et la croisade des Albigeois", *CF 4* (1969), 184–220; Wakefield, *Heresy, Crusade and Inquisition*, 91–5; Jonathan Sumption, *The Albigensian Crusade* (London, 1978); Griffe, *Le Languedoc cathare et l'inquisition (1229–1329)* (Paris, 1980), 13–30; Roquebert, *Histoire des cathares*, 121–5; Brenon, *I Catari*, 217–20; Lambert, *The Cathars*, 102–7; Barber, *The Cathars*, 121–4; Oberste, *Der 'Kreuzzug' gegen die Albigenser*, 55–81.

96 Georges Minois, *L'Église et la guerre. De la Bible à l'ère atomique* (Paris, 1994), 152–3.

97 Dossat, "La croisade vus par les chroniqueurs", *CF 4* (1969), 221–9.

98 *In tantum enim Albiensium error invaluit, ut brevi intervallo temporis, interfecerit usque ad mille civitates, et si non fuisset gladiis fidelium repressus, puto quod totam Europam corrumpisse.* Caesarius of Heisterbach, *Dialogus miraculorum*, 300–3, here 300.

people of Languedoc (*propter peccata populi*). Hence, the task facing the crusader army entailed resorting to force of arms, with a view to restoring to peace and the Catholic Faith in territories that had been controlled by the forces of Satan and his servants, the Cathars.⁹⁹

The crusade against the Albigensians, undertaken by the knights of Northern France, ravaged Languedoc and decimated the province's population within twenty years. The pope, the initiator of the crusade, had limited capacity to control particular military interventions. The resulting bloody slaughter of the Languedoc Cathars was not the outcome that Innocent III had intended at all. We can gather from his numerous declarations on the subject that the main objective of the crusade was not a merciless extermination of heretics, but their change of heart.¹⁰⁰ The pope believed that the crusaders would serve as "police" of sorts and settle the conflict so that both preaching and legal activities against heretics could resume as before. The soldiers were supposed to take on the duties of the local secular authorities and knights, who had both failed at their specific tasks. The scale and the merciless nature of the persecution that touched the people of Languedoc at the hands of the crusaders were in stark contrast with the guidelines of *negotium pacis et fidei*.¹⁰¹

Acting against Innocent III's instructions, the papal legate Arnaud Amaury actively supported persecution of the Cathars during the crusade.¹⁰² In some Languedoc towns, now controlled by the crusaders, Amaury made attempts to convert the Cathar *perfecti*, but he did so rather unconvincingly. Their refusal to renounce heresy and accept the Catholic Faith resulted in immediate execution in most cases.¹⁰³ Having conquered the town of Minerve in July 1210, Amaury met with a group of captive *perfecti* and attempted to persuade them to accept

99 *Sic pro magna parte diabolus per illos terram in pace sua velut suum atrium possidebat. Erant enim posite tenebre, et facta erat nox ignorantie, et in illa bestie silve diaboli pertransibant.* Guillaume de Puylaurens, *Chronica*, 26.

100 Forreville, "Innocent III et la croisade des Albigeois", 190–1. In his bulls Innocent III used the term *negotium crucis* interchangeably with *negotium pacis et fidei* (Forreville, *Innocent III et la croisade*, 192).

101 Elisabeth Kennan, "Innocent III and the First Political Crusade", *Traditio* 27 (1971), 231–50.

102 Helen Tillman, *Pope Innocent III*, trans. Walter Sax (Amsterdam, New York, and Oxford, 1980), 230. For a recent critical assessment of the actions of Arnaud Amaury, see Kienzle, "Innocent III's Papacy", 68–70. A different position is presented by Elaine Graham-Leigh, "'Evil and the Appearance of Evil': Pope Innocent III, Arnaud Amaury and the Albigensian Crusade", in *Innocenzo III*, vol. 2, 1031–48.

103 *Historia albigensis*, 154.

the Catholic Faith. His proposal met with resistance on their part. Interrupting the legate's speech, the Cathars declared unanimously that they "did not want his faith, since they did not recognize the Catholic Church" and added that "nothing can separate them from their faith."¹⁰⁴ Raymond VI's attempts to convert them were also in vain. At that point, the count ordered that a hundred and forty heretics be burnt. Only three women, who ultimately renounced heresy, escaped death. The mass execution of such a large number of *perfecti* left the people of Minerve in deep shock, to such an extent that they started to cleanse themselves of heresy en masse.¹⁰⁵

The persecution of the Languedoc Cathars must not be regarded as the ultimate goal, but rather as a consequence of the bloody military action of the Albigensian Crusade. The massacre of the citizens of Béziers, a town that fell soon after the crusade had started, has become a symbol of the brutality of the crusader army. Some historians have blamed the papal legate for the massacre on the basis of the account of Caesarius of Heisterbach. If we follow the events described therein, we learn that, prior to the assault on Béziers, Arnaud Amaury, asked by the crusade's commanders how to distinguish heretics from Catholics, responded, "Kill them all. God will recognize his people."¹⁰⁶ The order to kill all the townsfolk apparently stemmed from his concern that heretics, fearing death, present themselves as Catholics. Although the authenticity of Amaury's infamous reply is rather doubtful, one can venture to say that the reported words reflect the support of some members of the clergy, including the author of the chronicle, for the brutal war against the Albigensians.¹⁰⁷

In Languedoc, persecution became the basic instrument of control during the Albigensian Crusade. The commander of the army, Simon de Montfort,

104 "Mais eux l'interrompirent et tous d'une même voix: Pourquoi venir nous prêcher?, disent-ils. Nous ne voulons pas de votre foi, nos renions l'Eglise Romaine: c'est en vain que vous vous donnez de la peine. Ni la mort ni la vie ne pourront nous séparer de la foi à laquelle nous sommes attachés." *Histoire*, 65–6.

105 *Histoire*, 66–7.

106 *Cognoscentes ex confessionibus illorum catholicos cum haereticis esse permixtos, dixerunt abbati: 'Quid faciemus, domine? Non possumus discernere inter bonos et malos'. Timens tam abbas, quam reliqui, ne tantum timore mortis se catholicos simulare, et post ipsorum abcessum iterum ad perfidiam redirent, fertur dixisse: 'Caedite eos! Novit enim Dominus, quis sunt eius'. Sicque innumerabiles occisi sunt in civitate illa.* Caesarius of Heisterbach, *Dialogus miraculorum*, vol. 1, 301; cf. Borst, *Katharer*, 118; Vicaire, *Histoire*, vol. 1, 190 and n. 29.

107 Vicaire, "Les clerics et la croisade", *CF* 4 (1968), 268–73.

threatened all abettors of heretics with immediate punishment, including those who offered them shelter and financial assistance.¹⁰⁸ In the course of the crusade, the Catholic town councils of Languedoc single-handedly imposed death sentences on heretics who refused to return to the Church. In 1211, councillors in Toulouse wrote a letter to the Aragonese king, Pedro II. We can read between the lines that they prided themselves in having sent a great number of heretics to the stake. They also announced that they would do just that with any other heretics they happened to find.¹⁰⁹

In the period between 1209 and 1229, the action carried out in Languedoc in the context of *negotium pacis et fidei* went in two parallel directions. The Fourth Lateran Council emphasized the effort of the Church to “extirpate heretics and criminals from the Narbonne diocese and neighbouring regions with the help of preachers and crusaders.”¹¹⁰ Thus, on the one hand, the crusader army under Simon de Montfort’s command conquered one Languedoc town after another and responded to Cathar resistance with violence. On the other hand, the local bishops, assisted by the Cistercians, as well as Dominic and his fellow brothers, were involved in a pastoral ministry targeting heretics. We know relatively little about the dynamics of this latter area of activity. In 1213, Dominic preached Lenten sermons in Carcassonne, where he urged the residents to renounce their errors and do penance.¹¹¹ His closest collaborators joined in his anti-heresy effort. They initiated debates with the Cathars on their own, in an attempt to convert them. One such debate was organised in Toulouse by Pierre Sellan, a man who worked hand in hand with Dominic.¹¹² In comparison with other places, the diocese of Toulouse can boast the amplest evidence of the anti-heretical efforts made by the bishops of Languedoc. The local bishop, Foulques, launched an inquisition in his town and included the laity in that endeavour. On his initiative, special, black and white religious fraternities (*confrateriae*) were formed to offer

108 Maisonneuve, *Études*, 142–7.

109 [...] *unde multos [=haereticos] combussimus et adhuc cum invenimus idem facere non cessamus*. *Histoire générale de Languedoc*, vol. 8, 613.

110 Mansi 22, 1069.

111 Vicaire, *Histoire*, vol. 1, 305.

112 Testimony given in 1245 before Inquisitor Bernard de Caux contained information about a debate held around thirty years earlier between Sellan and the Cathar *perfectus* Raymond Imbert. Duvernoy, “Creation et crises”, 142; Simon Tugwell, “Notes on the Life of St. Dominic”, *AFP* 65 (1995), 95–9; Jörg Feuchter, “L’inquisition de Toulouse. Pierre Sellan (1234–1242), un viellard expérimenté”, in Albaret (ed.) *Les Inquisiteurs*, 46.

assistance in the anti-heretical procedures. Their members, armed, and with a cross on their clothes, searched for heretics. Having captured them, they handed them over to the bishop.¹¹³ They also participated in the military interventions of the crusader army.¹¹⁴

Conquered and humiliated, the people of Languedoc passively resisted efforts made under the auspices of the crusaders striving to re-assert the Catholic religion. The military victory of the crusader army did not result in a radical suppression of the Cathar and Waldensian influence in Southern France. Both groups, though decimated and deprived of the majority of their protectors, survived the crusade. Forced to modify the nature of their activities, groups of *perfecti*, along with their devoted supporters, found shelter in rock fortresses that were difficult to access, such as Montségur or Montréal, and there they survived another decade.¹¹⁵ The Albigensian crusade ultimately crushed the power and independence of the knights of Languedoc that had previously guaranteed freedom of activity to dissenters. King Louis VIII's participation in the crusade in 1226 gradually diminished the political autonomy of Languedoc. Moreover, in 1249, Alphonse of Poitiers (1220–1271), brother of King Louis IX, became Count of Toulouse following the death of Raymond VII who had left no heir. As a result, the province was incorporated into the French Crown. That change in political configuration paved the way for intensified efforts to make the land Catholic again. The systematic elimination of Cathar influence and the restoration of the lost authority of the Catholic Church took more than a century.¹¹⁶

The success of anti-heretical interventions depended largely on efficient detection and capture of Cathar *perfecti*. Following the Albigensian crusade, this task became even more challenging, given that the *perfecti* continued their activities in secret. Greatly esteemed by their supporters, they relied upon the latter for help and care. The *credentes* provided shelter and necessary means of support, as well as protection from Church authorities. The tight and efficient structure of Cathar communities enabled the *perfecti* to carry on with their work for much longer. Relying on this network, the *perfecti* could relocate from one community to another, disseminating their teaching and administering the

113 Guillaume de Puylaurens, *Chronica*, 64–7; cf. Vicaire, *Histoire*, vol. 1, 241–80; Cabau, “Folque”, 166–7.

114 Guillaume de Puylaurens, *Chronica*, 68–71.

115 E.g. Jean-Louis Biget, “Hérésies, croisades et Inquisition en Languedoc (XII^e-XIII^e siècles)”, in Michel Bertrand and Patrick Cabanel (eds), *Religion, pouvoir et violence* (Toulouse, 2004), 33–56.

116 Oberste, *Der 'Kreuzzug' gegen die Albigenser*, 175–92.

consolamentum. The capture of *perfecti* and the disintegration of heretical groups therefore required new legal instruments and systematic efforts on the part of the Church. In thirteenth-century Languedoc, diocesan visitations constituted the primary instrument used in the search for heretics. Occasional as they had been earlier, they started to be regarded as a permanent element of the new anti-heresy procedure propagated since the publication of *Ad abolendam* by Pope Lucius III in 1184. As I have already pointed out, the bull commanded bishops to carry out regular visitations of parishes in order to search for heretics and their abettors.¹¹⁷ The Synod of Avignon in 1209, following the regulations of *Ad abolendam*, passed a law to appoint a special commission to this end in each parish. The commission included one clergyman and three lay people. Their task consisted in searching for heretics and handing them over to the ecclesiastical authorities.¹¹⁸ After military resistance in Languedoc was crushed, these special commissions were formed in parishes. Having gathered information on heretics, the commission members forwarded it to the bishop. Following the guidelines of the 1227 Statutes of Narbonne, parish commissions had to include the parish priest and two or three parish residents of immaculate repute.¹¹⁹ Two years later, at the Council of Toulouse presided over by the papal legate, Romanus Frangipani, cardinal of St Angelo, members of the assembly elaborated a standardized set of methods to be used in anti-heretical efforts. The discussions engaged prelates from the South of France, such as the archbishops of Bordeaux, Auch and Narbonne, the highest feudal lord, Count Raymond VII of Toulouse, and the seneschal of Carcassonne, as well as representatives of town authorities and knights.¹²⁰ The Toulouse Council closed the Albigensian crusade and marked the opening of a new stage in the war on heresy in Languedoc. In the course of the council Count Raymond VII of Toulouse took a solemn oath on 12 April 1229, declaring his determination to banish heretics and their followers from his land.¹²¹ Continuing the work begun at the Council of Narbonne, the clergy of Southern France, gathered in Toulouse, collected and systematized

117 Mansi 22, 478; Friedberg 2, 1299; *Texte zur Inquisition*, 28; cf. Kolmer, *Ad capiendas vulpes*, 67–8, Kolmer, “... *ad terrorem multorum*”, 85–6.

118 Mansi 22, 785.

119 Mansi 23, 24; for more detail, see Gaudemet, “Aspects de la législation conciliaire au milieu du XIII siècle”, in *Narbonne, archéologie et histoire* (Montpellier, 1973), 149–56.

120 Guillaume de Puylaurens, *Chronica*, 134–42.

121 Pierre Bonnassie and Gérard Pradalié (eds), *La capitulation de Raymond VII et la fondation de l'Université de Toulouse, 1229-1979: un anniversaire en question* (Toulouse, 1979).

legal regulations useful in anti-heresy action. The statutes featured a definition of heresy and described methods for identifying heretics.¹²² Nearly half of the canons were dedicated in their entirety to the war against heresy.¹²³

The anti-heretical procedure elaborated at Toulouse relied heavily on the institution of synodal witnesses. Archbishops and bishops were required to appoint special commissions in each parish. The commissions, made up of the parish priest and two or three lay people of good repute, or more if necessary, were supposed to carry out regular and thorough searches for heretics in the territory of the parish.¹²⁴ Parish commissions, relying on committed members of the laity, became the basic component of the episcopal inquisition in the territory of France.¹²⁵ Heretics detected by this method were to be handed over immediately to bishops or feudal lords in order that they could receive appropriate punishment (*animadversio debita*). Houses that provided heretics with shelter were to be pulled down (*damnatio loci*) and their owners' property confiscated.¹²⁶

The Statutes of Toulouse guaranteed ecclesiastical courts the exclusive right to review heresy charges. Only the bishop, or another clergyman authorized by the bishop (such as an archdeacon), could declare the suspect guilty of heresy and impose appropriate punishment.¹²⁷ By emphasizing the right of ecclesiastical

122 Albaret, “*Inquisitio heretice pravitatis. L’inquisition dominicaine dans le midi de la France aux XIII^e et XIV^e siècles ou la première inquisition pontificale*”, in *Praedicatores, Inquisitores*, 425.

123 Mansi 23, 191–205; *Texte zur Inquisition*, 30–6; discussion in Kolmer, *Ad capiendas vulpes*, 65–82; Biget, “L’inquisition en Languedoc, 1229–1329”, in *L’inquisizione*, 52–3.

124 *Statuimus itaque, ut archiepiscopi et episcopi in singulis parochiis, tam in civitatibus, quam extra, sacerdotem unum, et duos vel tres bonae opinionis laicos, vel plures, si opus fuerit, sacramento constringant, qui diligenter, fideliter, et frequenter, inquirant haereticos in eisdem parochiis, domos singulas et cameras subterraneas aliqua suspicione notabiles perscrutando, et appensa, seu adjuncta in ipsis tectis aedificia, seu quaecumque alia latibula, quae omnia destrui praecipimus, perquirendo: et si quos invenerint haereticos, credentes, fautores, et receptatores, seu defensores eorum, adhibita cautela ne fugere possint, archiepiscopo vel episcopo, dominis locorum, seu bailivis eorumdem, cum omni festinantia studeant intimare, ut animadversione debita puniantur.* Mansi 23, 191; *Texte zur Inquisition*, 30.

125 Maisonneuve, *Études*, 240–1; Kolmer, *Ad capiendas vulpes*, 64–5; Kolmer, “... *ad terrorem multorum*”, 88–90.

126 *Illam autem domum in qua fuerit uventus haereticus, diruendam decernimus; et locus ipse sive fundus confiscetur.* *Texte zur Inquisition*, 31.

127 *Ne autem innocentes pro nocentibus puniantur, aut quibuslibet per aliquorum calumniam haeretica pravitas impingatur: statuimus ne aliquis ut credens vel haereticus puniatur,*

courts to decide in heresy cases, the fathers of the Council sought to minimize the need for interventions by secular authorities, and the risk of quick executions of alleged heretics. In keeping with the principles of verification of charges formulated by Innocent III, accounts of witnesses openly hostile to the accused were banned from trials on the grounds of partiality.¹²⁸

Following an earlier custom, the Council of Toulouse also introduced the requirement for heretics who renounced their errors and reconciled with the Church willingly to wear two crosses on their outer garment.¹²⁹ All released heretics had to take a public oath of loyalty to church teachings and declare their intention to join in the struggle against heresy. A similar vow was to be professed by all adult inhabitants of Languedoc every two years. Heretics who had renounced their erroneous beliefs out of the fear of death were to be assigned a life sentence in prison. Finally, heretics who defended their views with obstinacy (*haereticus pertinax*) were to be handed over to the secular arm to face severe punishment (*animadversio debita*).¹³⁰ Moreover, the Statutes of Toulouse distinguished three categories of alleged heretics, depending on the quality of evidence confirming their transgression. A slight suspicion (*levis suspicio*) required an act of cleansing and resulted in a lighter form of penance, such as a pilgrimage or temporary custody. A serious suspicion (*vehemens suspicio*) required that the suspect renounce his/her heretical views and be given more severe forms of punishment. Whenever the case concerned individuals who had previously renounced heresy, *vehemens suspicio* put them in the category of relapsed offenders (*relapsi*) and resulted in their transfer to the secular arm. Finally, the category charged with a very serious suspicion (*violentia suspicio*), deprived the accused of the opportunity to prove his/her innocence in a purification procedure since the collected evidence clearly pointed to his/her transgression. In this case, after cleansing the individual of heresy and lifting the penalty of excommunication, ecclesiastical courts assigned severe penance, such as a life sentence to be served in a strict prison setting (*murus strictus*).¹³¹

In 1232, the regulations passed at the Toulouse meeting were confirmed at Béziers. Modifications were few and affected a small number of regulations: for

nisi per episcopum loci, vel aliquam personam ecclesiasticam, quae potestatem habeat, fuerit credens vel haereticus iudicatus. Texte zur Inquisition, 31.

128 Mansi 23, 195; Guillaume de Puylaurens, *Chronica*, 138; cf. Shannon, *Popes*, 59; Kolmer, *Ad capiendas vulpes*, 73 and n. 39.

129 Mansi 23, 196; cf. Kolmer, *Ad capiendas vulpes*, 73–4; Müller, “Les bases juridiques”, 130.

130 Havet, *L’hérésie*, 56–7.

131 Roquebert, *Histoire des cathares*, 311–3.

instance, an order was issued that excommunication be repeatedly announced on subsequent Sundays until the pursued heretics were finally captured. The laws passed at the councils held in the Midi of France between 1227 and 1232 continued to reinforce the responsibility of bishops for carrying out anti-heretical actions in their respective dioceses. Even the 1233 appointment of papal inquisitors for Languedoc did not diminish episcopal authority as far as the defence of the Faith and the unity of the Church were concerned. The 1234 council at Arles reiterated the principle according to which parish commissions were to search out heretics.¹³² In addition, it elaborated a procedure allowing bishops to demand the exhumation of heretics' bodies.¹³³

The statutes analysed above indicate that in the first half of the thirteenth century, heresy ceased to be perceived as a socially exclusive phenomenon limited to a small number of heretics, the *perfecti*. Reflecting this change in perception, the inquisition involved all inhabitants of the land "contaminated" by heresy. This being the case, the anti-heresy effort ceased to be the exclusive responsibility of bishops and their officials, given that every Catholic was required to participate in it. The procedure's dependence on synodal witnesses, who, within the parish, gathered information on noticeable manifestations of heterodoxy, was the first step in a more complex anti-heretical undertaking. The statutes from the South of France, elaborated after the Albigensian Crusade, broadened the range of anti-heretical activities to include the whole of society, calling on all the faithful to participate actively in the search for heretics.¹³⁴ The 1229 Toulouse Statutes required that all adult faithful take a public oath to declare their commitment to the condemnation of all heresy and confess their loyalty to the Catholic Faith.¹³⁵ The procedure of searching for heretics within particular parishes was a soft form of denunciation. What distinguished it from a traditional *denuntiatio* was its mass character. For the sake of this procedure, each Catholic was required to notify Church authorities of any heretical activity.¹³⁶

The inquisition in this form, orchestrated by bishops, emerged immediately after the Council of Toulouse. On the order of the papal legate, Peter de Colmieu, the bishops of Languedoc launched a thorough search for alleged heretics. Bishop Foulques demonstrated the utmost zeal in this area. He worked hand

132 Dossat, "La répression", 227–9.

133 *Documents*, vol. I, 47.

134 Arnold, *Inquisition*, 31.

135 Mansi 23, 196.

136 "This was denunciation on a mass scale and it became a regular element in the procedure of the Inquisition". Evans, "Hunting Subversion", 3.

in hand with another papal legate, Romanus Frangipani. During the first stage, Foulques, in the presence of other bishops, granted a hearing to alleged heretics. Most of them admitted their fault, showed contrition, and, after a revocation of their errors, embraced the Catholic Faith. Only a few individuals questioned the accusations and demanded access to the testimonies of witnesses. Their demands were rejected, given that the divulgence of witnesses' names could put the latter's lives at risk. However, the accused could still provide the tribunal with the names of their sworn enemies. The testimonies of these had to be omitted in further proceedings. As Guillaume de Puylaurens reported, at that stage all the accused gave up their efforts to prove their innocence in court and conformed to the decisions of the legate.¹³⁷

After Bishop Foulques's death, inquisition activity was continued by his successor, a Dominican friar, Raymond de Fauga, who assumed office at Toulouse in March 1232. In accordance with canon law, he carried out searches for heretics, declared them guilty or innocent, assigned penance to contrite heretics and handed over the 'obstinate' to the secular arm. In 1233, following an order issued by Pope Gregory IX, Raymond de Fauga launched the first inquisition trial *sensu stricto* against Bernard-Othon de Niort, a Languedoc nobleman and protector of the local Cathars. The first stage was the collection of evidence to prove his guilt *per inquisitionem*. In the course of the court interrogation, a hundred and fifteen witnesses were heard. They provided information about de Niort's ties with the activity of the Cathar *perfecti*. The scale and the range of this investigation was something new compared with previous court procedures. The trial, which lasted almost four years, ended with a sentence condemning Bernard-Othon and his relatives as heretics and excommunicating them. In accordance with the regulations of canon law, the de Niort family property was confiscated and handed over to the royal treasury.¹³⁸

From 1233 onwards, newly-appointed papal inquisitors took on anti-heretical tasks in the territory of Languedoc. In collaboration with diocesan clergy, they started to preach sermons and oversee legal procedures launched against followers of heresy.¹³⁹ Thanks to a few surviving chronicles written by their contemporaries, we know that the court resolutions were made in consultation

137 Guillaume de Puylaurens, *Chronica*, 134–39; Dossat, "Répression", 230–1; Griffe, *Le Languedoc cathare de 1190 à 1210*, 45–7; Roquebert, *Histoire des cathares*, 313.

138 Kolmer, *Ad capiendas vulpes*, 82–107.

139 Dossat, "La répression", 233–5; Kolmer, *Ad capiendas vulpes*, 129–33; Roquebert, *Histoire des cathares*, 329–30.

with local bishops. A good illustration of this practice is the investigation into a Toulouse burgher, Jean Tisseyre, an alleged adherent to Cathar beliefs. In 1234, Tisseyre appeared before a tribunal of two Dominican inquisitors, Guillaume Arnaud and Pierre Sellan, who declared him an obstinate heretic and decided to hand him over to the secular authorities. Pressured by the burghers of Toulouse, who were indignant over the sentence, the condemned heretic was placed in the episcopal prison. Shortly afterwards, Bishop Raymond de Fauga, a Dominican friar himself, heard Jean Tisseyre again and encouraged him to admit his fault and be reconciled with the Church. When this attempt to convert Jean did not bring the desired result, the bishop reiterated the earlier sentence of the papal inquisitors. Jean Tisseyre, now excommunicated, was handed over to the secular authorities and burnt.¹⁴⁰

3. *Officium inquisitionis* – Mendicants and the papal inquisition

Innocent III's pontificate was a turning point in the formation of an inquisition structure, the main characteristic of which was the key role attributed to bishops and papal inquisitors. Further development of anti-heretical laws must be credited to one of Innocent III's successors and continuators, Gregory IX (1227–1241). On his initiative, the anti-heretical mission was entrusted to papal judges by way of special appointment, in other words, to inquisitors who, continuing to enjoy considerable autonomy from the local clergy, searched out heretics and reviewed heresy charges. The papal inquisition of Gregory IX, to which scholars traditionally refer as religious, Mendicant or Dominican, was not an institution in the strict sense of the term. Nothing seems to indicate that the pope had any intention of creating a new church structure with a view to "extirpating" heresy. While appointing the first inquisitors, Gregory IX planned to carry on with the preaching ministry and continue the legatine missions of the Cistercians of earlier stages. The first step the inquisitors had to take was to intensify the anti-heresy effort in the context of episcopal inquisition.¹⁴¹ The activity of the papal inquisitors was an experiment of sorts, and its success was instrumental in the further development of this form of war on heresy. The efficiency of papal inquisitors in eliminating heresy, particularly in the territories

140 Guillaume Pelhisson, *Chronique*, 50–6; cf. Roquebert, *Histoire des cathares*, 328–9.

141 Förg, *Kezterverfolgung*, 93–4; Kolmer, *Ad capiendas vulpes*, 129–31; Kolmer, "... *ad terrorem multorum*", 94.

of Languedoc and Italy, was decisive for the subsequent legal recognition of anti-heretical procedure and the acquisition of special privileges for the parties involved. The pope also defined the range of their authority and duties (*negotium inquisitionis, negotium praedicationis*).

As Henry C. Lea pointed out, there is no papal document that specifically founded the institution of a papal inquisition for the entire Church.¹⁴² Albert Shannon, another American scholar who researched this question almost a century later, stated that the papal inquisition “has no birthday.”¹⁴³ In the light of recent research, these statements have not lost their relevance. Indeed, there is no identifiable papal bull or council constitution that would have created the papal inquisition as an “institution.” At most, we can point to a group of documents which determined the authority and tasks of papal inquisitors.

Just like Innocent III, Gregory IX regarded the conflict between the Church and heresy as an element of the universal struggle of Good with Evil, or Christ and Satan. He had no doubt that heretics were inspired by Satan’s evil power and were in his service. Therefore, the task of the pope, to whom Christ had entrusted the Church, consisted in combating the sin and evil inherent in heresy.¹⁴⁴ In Pope Gregory IX’s letter to the archbishop of Trier dated 24 June 1231, he admitted, following St Paul, that although the existence of heresy is unavoidable (*cum necesse sit hereses esse*), the duty of the Church is to act against this manifestation of evil. According to the pope, any departure from the Church should be remedied by pastoral means so far as possible. He believed that heresy, which he termed foolishness, could be overcome easily, provided that one employed educated men capable of defending the doctrine of the Church and exposing the lies of heretics.¹⁴⁵ The formative training of papal inquisitors was tailored to this very end.

The appointment of the first papal inquisitors was preceded by the publication of new legal regulations. They introduced some order into the principles of the anti-heretical mission in the procedure *inquisitio haereticae pravitatis*. In February 1231, Gregory IX announced his bull *Excommunicamus*, targeting Lombard heretics, *Sententia excommunicationis a Gregorio papa contra haereticos lata* (X 5.7.13). The papal document was inspired largely by regulations from Lucius

142 Lea, *Inquisition*, vol. I, 328.

143 Shannon, *Popes*, 49–50.

144 Merlo, *Contro gli eretici*, 51–73.

145 *Texte zur Inquisition*, 44; Fredericq I, no. 80; Potthast, no. 6754; cf. Förg, *Die Ketzerverfolgung*, 50.

III's *Ad abolendam*, as well as the constitution of the Fourth Lateran Council *De haereticis* from 1215. The way heretics were dealt with was pre-determined by the behaviour they displayed during the investigation. The main task facing ecclesiastical judges was the assessment of charges of heresy. When available evidence clearly pointed to a crime, judges had to ensure the culprits' conversion above all things. Heretics who declared themselves willing to return to the Church and atone for their sins could receive a life sentence in prison. However, heretics condemned by an ecclesiastical court due to their obstinate defence of their errors were to be handed over immediately to the secular authorities and punished with full judicial severity. In the spirit of the regulations formulated at the councils of Narbonne and Toulouse (1227 and 1229, respectively), Gregory IX ordered all the faithful to take an active part in the inquisition effort in each and every parish. Each Catholic, under pain of excommunication, was held responsible for notifying his/her confessor and parish priest should he come across heretics, participants in secret gatherings, or individuals distinguishable from others with regard to their lifestyle and customs.¹⁴⁶ In *Excommunicamus*, Gregory IX used the term *inquisitores* for the first time to denote the officials appointed by the ecclesiastical authorities in the search for heretics.¹⁴⁷

The Statutes of a Roman senator Annibaldi Annibaldi, *Capitula Anibaldi senatoris et populi Romani edicta contra Patarenos*, published in the same year, are closely connected with *Excommunicamus*.¹⁴⁸ Complementary to the regulations in Gregory IX's bull, they delineated the specific duties of Roman officials in inquisition trials against heretics. Just like *Excommunicamus*, Annibaldi's statutes listed a number of methods used for searching for heretics: with ecclesiastical inquisitors (*per inquisitores datos ab Ecclesia*) and synodal witnesses (*vel alios viros catholicos*).¹⁴⁹ The task of the senators and their agents was to capture heretics and keep them in custody during the trial. The heretics condemned by the ecclesiastical authorities were to be handed over to the Roman senators who, within eight days, had to punish them with due severity (*animadversione debita puniendos*). Their property was confiscated; some of it was given to the informant, a third went to the senator, and the rest was destined for the renovation

146 Friedberg 2, 789; *Registres de Grégoire IX*, vol. 1, nos 539–41, 351–54; *Texte zur Inquisition*, 41–2; Potthast, no. 9675.

147 [...] *hereticos qui fuerunt Urbe reperti, presertim per inquisitores datos ab Ecclesia vel alios catholicos [...]*. Friedberg 2, 789; *Texte zur Inquisition*, 43.

148 *Registres de Grégoire IX*, nos 540–41, 352; Fredericq, vol. 1, no. 79, 76; *Texte zur Inquisition*, 42–3.

149 Förg, *Die Ketzerverfolgung*, 49; Segl, "Quoniam abundavit iniquitas", 62.

of the city walls. The houses in which the Cathar *perfecti* had dwelled and where the *consolamentum* had been administered, had to be demolished. All abettors of heretics, including those who provided them with shelter and financial assistance (*receptatores, defensores, fautores*) were threatened with the confiscation of a third of any property they owned for the renovation of the city walls.¹⁵⁰

Excommunicamus of Gregory IX and the statutes of Senator Annibaldi became legal milestones in the emerging system of inquisition.¹⁵¹ Both documents offer similar guidelines for the search for heretics, the character of the trial, and the penalties assigned to alleged heretics (*modus procedendi*). In his letters addressed to Italian, German and French bishops, Gregory IX recommended that regulations from *Excommunicamus* be applied in anti-heretical action carried out by local clergy. The pope demanded that the text of his bull be read in public on a regular basis wherever it was needed to back up local inquisitorial efforts. On 22 May 1231, Gregory ordered the archbishop of Milan and his suffragans, as well as other Tuscan bishops, to publish *Excommunicamus*. In parallel, the town authorities were expected to incorporate the rules of Annibaldi into their anti-heresy statutes.¹⁵² In late June 1231, Gregory IX addressed a similar letter to the archbishops of Salzburg and Trier, as well as to their suffragans.¹⁵³ In accordance with papal guidelines, the Statutes of Annibaldi were soon included in the statutes of most Italian cities within the papal territories and Lombardy.¹⁵⁴

According to recent research the formative stage of papal inquisition (1227–1233) falls between the transfer of inquisitorial duties to Conrad of Marburg (ca 1180/1200–1233), and the appointment of inquisitors for the South of France.¹⁵⁵ The nomination of Conrad of Marburg as papal inquisitor in Germany was far from accidental. This special position of authority in anti-heretical combat was

150 *Texte zur Inquisition*, 43.

151 Maisonneuve argues that “Les deux documents, décretale du pape et statut du senateur, appelés Statuts du Saint-Siège, sont généralement considérés comme l’acte de naissance de l’Inquisition” (*L’Inquisition*, 44); cf. Segl, “Einrichtung”, 14.

152 *Registres de Grégoire IX*, vol. 1, no. 659, 419.

153 Fredericq 1, 80–1; the letter of Gregory IX to the archbishop of Trier is also published by K.-V. Selge (*Texte zur Inquisition*, 44–45); Kurze, “Die Anfänge”, 157–8; Shannon, *Popes*, 60–1.

154 Förg, *Ketzerverfolgung*, 50; A detailed analysis is offered by Thomas Scharff, *Häretikerverfolgung und Schriflichkeit. Die Wirkung der Ketzergesetze auf die oberitalienischen Kommunalstatuten im 13. Jahrhundert* (Frankfurt a. M., Berlin, Bern, New York, Paris, and Vienna, 1996: Gesellschaft, Kultur und Schrift. Mediävistische Beiträge, 4), 45–8 and Ragg, *Ketzer und Recht*, 147–52.

155 Kolmer, *Ad capiendas vulpes*, 114–7.

granted to Conrad in recognition of his merits as a defender of the Church, and the right hand of the pope.¹⁵⁶ By the time of his appointment, Conrad had made a successful career as a crusade preacher. It began during the pontificate of Innocent III. During his preaching ministry, he earned the favours of the family of the landgraves of Thuringia, and he maintained a relationship with their court for years to come. He became famous for his position as confessor and spiritual guide to St Elisabeth of Thuringia. Following her death Conrad presided over her canonization process in the Roman Curia.¹⁵⁷

Entrusting the coordination of anti-heretical activities in Germany to Conrad, Gregory IX was aware of this man's qualities and spiritual gifts. In order to achieve complete victory over the internal enemy of the Church, extra means were needed, above all, new, competent preachers fully committed to their mission and entirely loyal to the Holy See. Conrad of Marburg possessed all these traits and was capable of taking on such a difficult mission. His ascetic devotion and awareness of the power of evil forces in the world of his time made him an uncompromising defender of the Church. Conrad was also a gifted preacher, able to gain the esteem of his listeners and persuade them to act in accordance with his intentions.¹⁵⁸

In the light of more recent research, the beginning of Conrad's inquisitorial activity can be traced back to 1227.¹⁵⁹ In his letter to Conrad of Marburg from 12 June 1227, Gregory IX commended him to act against individuals contaminated with heresy (*inquiras haeretica pravitate infectos*).¹⁶⁰ This particular request did not grant its recipient any increased judicial authority comparable with the competences of papal inquisitors appointed later.¹⁶¹ The motive behind the papal

156 For the broadest all-round discussion of the inquisitorial activities of Conrad of Marburg, see the work of Patschovsky, "Zur Ketzerverfolgung Konrads von Marburg", *Deutsches Archiv für Erforschung des Mittelalters* 37 (1981), 641–93 and Kurze, "Die Anfänge", 146–83.

157 Martin Werner, "Die heilige Elisabeth und Konrad von Marburg", in *St. Elisabeth, Fürstin, Dienerin, Heilige* (Sigmaringen, 1981), 45–69; see also *Neue Deutsche Biographie*, 12, 544–6; LMA 5, 1360–1.

158 Kurze, "Die Anfänge", 148; cf. Lambert, *The Cathars*, 118.

159 All attempts at redating the beginning of Conrad's anti-heretical activities to earlier years are based on mistaken chronicle accounts. Kurze, "Die Anfänge", 146–7.

160 [...] *diligenter et vigilanter inquiras haeretica pravitate infectos [...] ut per illos, ad quos pertinet zizania valeat [...] extirpari*. in *Registres de Grégoire IX*, vol. I, no. 109; Fredericq 1, no. 72; Potthast, no. 7931.

161 Förg, *Die Ketzerverfolgung*, 72–3; Segl, "Konrad von Marburg", in *Neue Deutsche Biographie*, 545; Kolmer, *Ad capiendas vulpes*, 115.

letter was to instruct Conrad to preach and to search for heretics in the territory of Germany (*ad investigandum in partibus Teutonie sectatores*). The task formulated in this way was confirmed by Gregory IX's letter to the landgraves of Thuringia written in the same year; the letter described Conrad just as a preacher (*Magistro Conrado de Marburg, predicatori verbi Dei*).¹⁶² The appellation was similar in the bull *Cum de summo munere* dated 11 October 1231, where the pope called Conrad "preacher of the Word of God in Germany" (*predicatori verbi Dei in Alamania*).¹⁶³ As Dietrich Kurze has argued, the inquisitorial tasks formulated by the pope were considered an integral part of the preaching ministry (*officium praedicationis*) entrusted to Conrad.¹⁶⁴

During the first years of his mandate, Conrad of Marburg carried out anti-heretical procedures in the context of episcopal inquisition. Just like synodal witnesses, Conrad was supposed to collect information about alleged heretics and pass it over to the proper authorities. In Patschovsky's opinion, his search for heretics could be termed *per denuntiationem*.¹⁶⁵ Conrad's charisma and preaching talent enabled him to detect "many heretics" in the territory of the Upper Rhine. In the letters addressed to the pope, the archbishops of Metz and Trier reported the great success of Conrad's struggle against "heretical iniquity." Having read these accounts, Gregory IX praised Conrad in a personal letter.¹⁶⁶ This positive evaluation of Conrad's performance encouraged Gregory IX to extend his original mandate.¹⁶⁷

In the aforementioned bull, *Cum de summo munere*, from October 1231, the pope granted Conrad of Marburg the authority to address heresy with judicial means. It was then that Conrad became a special papal judge who, enjoying considerable autonomy from the local clergy, was free to take inquisitorial action against heretics. Wishing to focus Conrad's energy on the war on heresy, the pope exempted Conrad from the duty of reviewing charges unrelated to heresy. At the same time, he allowed him to select his assistants and turn to the secular authorities for assistance. Conrad was also given authority to apply sanctions of anathema and interdict. The newly appointed papal inquisitor could

162 MGH. *Epistolae Saeculi XIII*, vol. I, no. 361, 276; *Registres de Grégoire IX*, vol. I, no. 103; Potthast, no. 7930.

163 Kurze, "Die Anfänge", 190.

164 Kurze, "Die Anfänge", 47–8.

165 Patschovsky, "Zur Ketzerverfolgung", 643–4.

166 Kurze, "Die Anfänge", 191.

167 Kurze, "Die Anfänge", 156–8.

lift ecclesiastical punishment and administer indulgences of his own volition.¹⁶⁸ Gregory IX's bull granted Conrad of Marburg a number of new rights, which were given to all papal inquisitors later.¹⁶⁹ His independence from the local clergy and extended judicial powers allowed him to broaden the range of anti-heretical action. With these powers, and protected by a papal immunity of sorts, Conrad introduced a reign of terror in the Upper Rhine. Because of his strong belief in the existence of a devilish conspiracy threatening the Church, his attitude towards alleged heretics evolved into displays of brutality. As Alexander Patschovsky has noticed, Conrad can be credited with the popularization of the belief in the existence of a Luciferan cult. As a result, the merciless persecution of heretics came to be justified as an instrument for attacking the cult of Satan and eliminating practices contradictory to Christian morality.¹⁷⁰ Alleged heretics had little opportunity to prove their innocence. They could either plead guilty and be given penance, or end up considered heretics and burnt.¹⁷¹ In addition, homilies preached by Conrad provoked lynching against both true and suspected heretics. Given these developments in his methods, in spite of initial support from ecclesiastical and secular authorities, over time, Conrad's performance encountered harsh criticism. In the eyes of the Upper Rhine bishops, the one-man inquisitorial action of Conrad of Marburg infringed upon their own pastoral and judicial authority. A welcome excuse to get rid of this unwelcome inquisitor was to charge him with abuse.¹⁷²

While Germany can associate the origin of its papal inquisition with Conrad of Marburg, France can trace its back to the person of a Dominican friar, Robert le Bougre.¹⁷³ We know very little about Robert's life prior to his inquisitorial appointment. Most scholars suppose that he came from a Cathar family.

168 A new edition of data from a manuscript held in the Landhauptsarchiv in Coblenz is provided in Kurze, "Die Anfänge", 190–3.

169 Lambert, *The Cathars*, 118–22; Segl, "Dominikaner und Inquisition", 223–6.

170 Patschovsky, "Zur Ketzerverfolgung", 652–65.

171 Patschovsky, "Zur Ketzerverfolgung", 644–5; Klaus-Bernward Springer, "Dominican Inquisition in the Archdiocese of Mainz", in *Praedicatores-Inquisitores*, 318–23.

172 Patschovsky, "Zur Ketzerverfolgung", 687–9.

173 Charles H. Haskins, "Robert le Bougre and the Beginnings of the Inquisition in Northern France", *American Historical Review* 7 (1902), 437–57 and 631–52; repr. Haskins, *Studies in Medieval Culture* (New York, 1929), 193–244; Georges Despy, "Les débuts de l'Inquisition dans les anciens Pays-Bas au XIII^e siècle", *Problèmes d'histoire du Christianisme* 9 (1980), 71–104; Kolmer, *Ad capiendas vulpes*, 119–20; Lambert, *The Cathars*, 122–4.

His nickname seems to point to this hypothesis; *le Bougre*, Bulgarian, was one way to describe the Cathars in the Provençal language.¹⁷⁴ The papal nomination of Robert le Bougre took effect on 19 April 1233. The range of his duties and authority was determined by the aforementioned 1231 bull of Gregory IX, *Excommunicamus*.¹⁷⁵ Considering the territorial range of his activity, Robert le Bougre's jurisdiction covered five archdioceses in north-eastern France: Bourges, Rheims, Rouen, Tours and Sens.¹⁷⁶ Robert's nomination as papal inquisitor for the Crown of France met with a lot of resentment on the part of the local church officials, who considered this decision a violation of their own jurisdiction. Their resistance was so great that, a year later, Gregory IX had no choice but to suspend Robert le Bougre from his duties.¹⁷⁷ However, one year later, the pope once again entrusted the office of papal inquisitor to him.

We have scarce information on the actual activity of Robert le Bougre. Between 1235 and 1236, he conducted investigations against heretics in the territory situated between Châlons-sur-Marne and Lille. These ended with the execution of an unknown number of individuals in Cambrai on 17 February 1236 and Douai on 2 March 1236.¹⁷⁸ Historians tend to compare the first French inquisitor with his German counterpart, Conrad of Marburg. Both men, apart from enjoying honorary priority on the list of inquisitors, became symbols of bloody persecution. Yet, research conducted in the second half of the twentieth century sheds a different light on the person of the first French inquisitor. Georges Despy noticed that all major inquiries conducted by Robert le Bougre covered more than one town, in other words, the area of his inquisitorial activity was considerable. The example of Mons Wimer (Mont Aimé) illustrates this pattern best. The trial ended with the mass execution of condemned heretics on 13 May 1239, with about a hundred and ninety individuals burnt at the stake. Surely, if we consider the number of victims, the burning stakes of Mons Wimer can be compared only with the mass execution of the Cathar *perfecti* during the Albigensian crusade in Languedoc between 1209–1229, or the one following the fall of Montségur in

174 Most often this supposition is based on Matthew Paris, who in his *Abbreviatio cronicorum Angliae* makes the following reference to Robert *sub anno* 1238: *Diebus sub eisdem quidam de ordine Predicatorum Robertus, Bugre, dictus eo quod aliquando hereticus et filius heretici extiterat*" (MGH. *Scriptores* 28, 448). In Languedoc Cathars are referred to as *Bulgares*, *bogri* or *bougres*. Stoyanov, *The Hidden Tradition*, xvii.

175 *Registres de Grégoire IX*, vol. 1, no. 1253, 707; Fredericq 1, no. 90; Potthast, no. 9152.

176 Despy, "Les débuts", 72–6.

177 *Registres de Grégoire IX*, vol. 1, nos 1763 and 1764, 970–1.

178 Fredericq 1, 42–59.

1244. Nevertheless, those earlier cases concerned executions of the burghers of particular towns or strongholds. In contrast, the heretics burnt in Mons Wimer came from sixteen different dioceses: the provinces of Rheims (Rheims, Soissons, Tournai, Arras, Théroutanne, Noyon, Laon, Senlis, Beauvais, Châlons-sur-Marne, Cambrai), Sens (Orléans, Troyes, Meaux), Lyons (Langres) and Trèves (Verdun). If we venture to assess the activities of the first papal inquisitor in France we need to consider the character and the development of the inquisitorial procedure of which he was in charge. There is no doubt that Robert le Bougre played a key role in inquisitorial action against heresy. His special status, granted by papal mandate, naturally made him look as though he were personally responsible for all persecution in the territory. In reality, however, Robert le Bougre did not act alone, let alone single-handedly. In accordance with the regulations of canon law, the search and imprisonment of heretics was the responsibility of the local clergy. We also know that the trials conducted by Robert le Bougre between 1233 and 1245 engaged clergymen from the heretics' dioceses of origin. Alleged heretics were interrogated in the presence of a representative acting on behalf of their bishop, and each sentence was made in consultation with him.¹⁷⁹ The fate of Robert le Bougre after the end of inquisitorial activity in north-eastern France remains unknown. A number of thirteenth-century sources inform us about a life sentence imposed on him by his religious superiors, whereas in the light of other sources, le Bougre left the Order of Preachers altogether.¹⁸⁰

The mission of Conrad of Marburg in the Upper Rhine was an experiment of sorts. It enabled the pope to test the efficiency of coordinating anti-heretical efforts using delegated papal judges. The success of the first mission of this kind encouraged Gregory IX to introduce this form of action against heresy in other areas. Six weeks after the promulgation of *Cum summo munere*, which resulted in the extension of the judicial authority of Conrad of Marburg, the pope published a new document, *Ille humani generis* (22 November 1231), in

179 Despy, "Les débuts", 86–8.

180 The earliest information about this come from Matthew Paris *Cronica maiora* (MGH. *Scriptores* 28, 147) and *Historia Anglorum* (MGH. *Scriptores*, vol. 28, 409 and 411). S. Tugwell confirmed this hypothesis by comparing the accounts of this matter known hitherto with information provided in the *Vita fratrum* of Humbert of Romans ("The Downfall of Robert le Bougre", in *Praedicatorum Inquisitores*, 753–6). G. Despy was more skeptical of the credibility of the accounts given by Matthew of Paris. He focused attention on Matthew's hostility towards the Dominicans and the lack of information about the condemnation of Robert le Bougre's inquisitorial activities in other contemporary sources ("Les débuts", 78–84).

which he entrusted the anti-heretical mission (*negotium*) to Priors Burchard and Theodoric from the Dominican Priory in Regensburg.¹⁸¹ Later, on the basis of *Ille humani generis*, the preaching ministry and inquisitorial functions were transferred to the Dominicans in Friesach, Würzburg, Strasburg and Bremen.¹⁸²

Many scholars consider that Gregory IX's document of 22 November 1231, marks the actual birth of the Dominican inquisition.¹⁸³ The term *negotium* in *Ille humani generis* denoted the mission entrusted to the Dominicans, and could mean a number of different things, such as the preaching ministry (*negotium praedicationis*) or legal activities (*negotium inquisitionis*) directed against heretics and their abettors.¹⁸⁴ The Dominican inquisitors were supposed to preach against the heretics, and, at the same time, search for alleged heretics and take them to court. While conducting legal procedures against alleged culprits (*culpabiles vel infamatos*), they were supposed to act in accordance with the guidelines outlined in *Excommunicamus* from February 1231. Inquisitorial trials had to include all supporters and protectors of heretics (*receptatores, defensores et fautores*). The primary task facing Dominican inquisitors was to persuade departed faithful to renounce their errors and return to the Church. In the light of papal instructions, heretics who confessed their fault sincerely and demonstrated contrition could take part in a ceremony of reconciliation (*absolutio*) and be given penance. Just like Conrad of Marburg, Dominican inquisitors could grant an indulgence (of 20 days) to those who listened to their sermons, as well as to individuals who

181 Förg, *Kezterverfolgung*, 94–6; *Texte zur Inquisition*, 45–7. We may suppose that in this way Gregory IX gave formal shape to anti-heretical activities, which earlier had been carried out by the Regensburg Dominicans. Henry VII's letter of 1 June 1231 indicates this: *Univrsitatem vestram scire volumus quod dilectos in Christo fratres predicatores domus Ratisponensis verbi dei predicatores et presertim pro sancta ecclesia in extirpandis hereticis laborantes in nostram protectionem accipimus*. (Förg, *Kezterverfolgung*, 93).

182 Förg, *Kezterverfolgung*, 58–64; Kolmer, *Ad capiendas vulpes*, 116–7; Lambert, *The Cathars*, 117–8; L. Albaret, “*Inquisitio heretice pravitatis*”, 426–7; Segl, “Dominikaner und Inquisition”, 215–20.

183 D. Kurze refers to the date *Ille humani generis* as “*dies annunciationis* der Dominikanerinquisition” (“Die Anfänge”, 158); cf. Segl, “Dominikaner und Inquisition”, 216–7.

184 Segl, “*Quoniam abundavit iniquitas*”, 61–3; Segl, “Dominikaner und Inquisition”, 216–23.

offered them assistance (3 years). They could also impose canonical punishment on all who boycotted their initiatives.¹⁸⁵

Ille humani generis constitutes a key document in the formative process of the papal inquisition. The tasks and principles of implementing the *officium inquisitionis* described in the text were universal in nature and, as such, were propagated quickly throughout Latin Christendom.¹⁸⁶ The various issues of *Ille humani generis* prove that the assignment of inquisitorial functions to the Dominicans in German lands was more than a one-time occurrence. The nomination of an entire team of inquisitors, hand-picked from among competent preachers-confessors, was a vital element of Gregory IX's new strategy. Over the following years, the pope always referred to this document while appointing the first papal inquisitors in Languedoc and Lombardy.¹⁸⁷

Gregory IX tried to secure protection and support for the newly-appointed Dominican inquisitors from the German emperor and princes.¹⁸⁸ To that end, the pope sent letters to the representatives of the secular authorities in territories where new inquisitors were assuming their duties. He informed the authorities about the friars' mission, and asked for their indispensable assistance. In a letter addressed to the prince of Bavaria and the Upper Rhine Palatinate, Otto IV, dated 4 February 1232, Gregory IX justified his decision to wage war against heresy by quoting extensive passages from *Ille humani generis*. At the same time, he asked Otto to give the inquisitors a helping hand and assist them in the task entrusted to them.¹⁸⁹ Surviving responses to these papal letters indicate that his efforts brought the desired result. In March 1232, Emperor Frederick II published a comprehensive decree regulating the participation of civil courts in anti-heretical procedure in the territory of Germany (*Mandatum de haereticis Teutonicis persequendis*). The norms contained therein also pertained to the

185 Förg, *Ketzerverfolgung*, 95–6; *Texte zur Inquisition*, 46–7; cf. Segl, “Dominikaner und Inquisition”, 217–21 and John B. Freed, *The Friars and German Society in the Thirteenth Century* (Cambridge, 1977), 142–3.

186 Biget, “L'inquisition en Languedoc”, 58.

187 Patschovsky, “Zur Ketzerverfolgung”, 645–6. Segl provides a basic analysis of this document in his “Gregor. IX, die Regensburger Dominikaner und die Anfänge der Inquisition, in Deutschland”, in Kolmer and Segl (eds), *Regensburg, Bayern und Europa. Festschrift für Kurt Reindel zu seinem 70. Geburtstag* (Regensburg, 1995), 307–19.

188 *Régistres de Gregoire IX*, nos 1785–1791; Potthast, nos 8859, 8866, 9399, 1400.

189 [...] eis in hiis et aliis consilium auxilium et favorem taliter impendendo quod ipsi commissum sibi officium valeant. Förg, *Ketzerverfolgung*, 96–7.

activity of Dominican inquisitors in the territory of Germany. The emperor's document distinguished between the duties of papal inquisitors and secular officials in the war on heresy. The latter were required to assist the former in their search for heretics, and to protect papal judges.¹⁹⁰ Having received a request from papal inquisitors or other ecclesiastical judges, secular officials were commended to arrest heretical suspects and hand them over to an ecclesiastical court. Whenever individuals had already been declared heretics by ecclesiastical courts, the representatives of the *brachium saeculare* were supposed to assign appropriate punishment.¹⁹¹

Two years after the nomination of the first Dominican inquisitors for Germany, Gregory IX founded a permanent inquisitorial tribunal for Languedoc. In his bull *Nos considerantes* of 13 April 1233, the pope informed the archbishops of Bordeaux, Bourges, Auch and Narbonne about his recent delegation of inquisitorial duties to the Dominicans, asking these prelates for their support. As in the case of their German counterparts, the newly-appointed French inquisitors' primary focus was the preaching ministry against heretics (*ad praedicandum contra haereticos*). The war against heresy was to begin with the proclamation of the Word of God (*evangelizatio verbi Dei*), the primary instrument in the destruction of erroneous views.¹⁹²

Within a short period of time, more papal inquisitors were appointed for the territory of Languedoc. They carried out anti-heretical action in their respective dioceses. It was also there that a new principle regulating inquisitorial appointments emerged: the nomination process started to involve the leaders of the inquisitor's religious order. On 22 April 1233, Gregory IX granted the Dominican provincial of Provence, Raymond the authority to choose inquisitors in the territory of his own province.¹⁹³ In accordance with these instructions, the nomination of new inquisitors, chosen by the provincial, was completed by papal legate Jean Bernin, archbishop of Vienne. The group of the first Languedoc inquisitors included Pons de Saint-Gilles, a prior from Toulouse, Guillaume Arnaud of Montpellier and Pierre Sellan of Toulouse, one of St Dominic's first collaborators. At this first stage, their activity covered two dioceses, namely

190 Segl, "Dominikaner und Inquisition", 220.

191 MGH. *Constitutiones*, vol. 2, no. 158, 195–7; *Texte zur Inquisition*, 37–9; cf. Segl, "Dominikaner und Inquisition", 221.

192 [...] *dicti fratres praedicatores tam contra profigandas haereses quam contra pestes alias mortiferas extirpandas se dedicaverunt evangelizationi verbi Dei*. *Texte zur Inquisition*, 47; Potthast, no. 9143; cf. Maisonneuve, *Études*, 266–7.

193 BOP1, nos 71–72, 47; *Doctrina*, 1822–3; Potthast, no. 9153. Cf. Dossat, *Les crises*, 327–9.

Toulouse and Cahors.¹⁹⁴ A year later, the papal legate nominated other inquisitors, Arnaud Cathala and Guillaume Pelhisson for the diocese of Albi, and the Catalan, Ferrier of Narbonne for the diocese of Carcassonne.¹⁹⁵

The nominations in effect between 1233 and 1234 created a network of permanent tribunals of papal inquisition covering territories where heretical influence was most widespread. The efficiency of inquisitorial action depended to a great extent on the quality of support received from local secular authorities. This is why anti-heretical efforts targeted primarily the supporters of Catharism among local feudal lords, as well as members of town councils. Enjoying considerable autonomy from local social and political factions, the Dominican inquisitors began to fulfil their assigned task with courage and determination.¹⁹⁶ In the course of their first years in office, inspired by the model of episcopal visitations, inquisitors roamed the territories where Cathars resided. They stopped in bigger towns, most of which played an important role as administrative and judicial centres (bailiwicks) and collected information on heretics during mass inquisitorial actions.

This form of inquisition was modified after the murder of two Toulouse inquisitors, Guillaume Arnaud and Étienne de Saint-Thibéry in 1242. Their death, inflicted by some Cathar knights from Montségur, revealed that papal inquisitors were exposed to danger. Church authorities, wishing to prevent other tragic incidents of this kind, implemented a number of measures in order to improve the safety of inquisitors and their collaborators. Responsibility for the protection of inquisitors was placed on local secular officials. Inquisitors were granted the right to armed escort too. In parallel, the form of inquisitorial procedures was modified. After 1242, inquisitors ceased to travel to dangerous territories inhabited by Cathars. The majority of their activities were carried out in permanent locations. Suspects in inquisitorial inquiries had to appear in person before the inquisitor to give their testimony. This was also the sequence of events in the investigation into the murders of the two aforementioned inquisitors, conducted between 1245 and 1246 by inquisitors Bernard de Caux and Jean de Saint-Pierre. At the hearing, the inquisitors interrogated inhabitants of Lauragais, the area between Toulouse and Carcassonne, which was the site of

194 Guillaume de Puylaurens, *Chronica*, 150–1; Guillaume Pelhisson, *Chronique*, 44–5.

195 Guillaume Pelhisson, *Chronique*, 45–6.

196 Dossat, *Les crises*, 118–22; Kolmer, *Ad capiendas vulpes*, 127–9; Lambert, *The Cathars*, 125–7; Roquebert, *Histoire des cathares*, 323; Albaret, “*Inquisitio heretice pravitatis*”, 431.

the murder of Guillaume Arnaud and Étienne de Saint-Thibéry. The inquisitors completed the procedure at the Dominican priory of St Sernin in Toulouse. The activities of these two inquisitors were the building blocks of the first comprehensive inquisitorial action in the territory of Languedoc. From court records which have survived in fragments to this day, we gather that, within less than a year, at least six thousand people appeared before the tribunal. For many inhabitants of the Lauragais, the journey to Toulouse was the first instance in their life that required them to leave their homes.¹⁹⁷

The inauguration of the papal inquisition was the work of Pope Gregory IX. The two largest Mendicant orders of Dominicans and Franciscans became the main sources of recruits for the position of papal inquisitor. Their members' assumption of the *officium inquisitionis* created a new momentum in the war against heresy. Almost all papal inquisitors appointed by Gregory IX were recruited from the Order of Preachers. Until the end of the thirteenth century, with the sole exception of Italy, papal inquisitors were still predominantly Dominican. Successive popes were eager to entrust inquisitorial duties to Dominic's brethren because of the order's particular charisma and the high level of competence of its members. Soon after their Order's rule had been approved (1216), the Dominicans earned a great reputation as fine preachers and confessors. Even before the actual nomination of the first papal inquisitors, they participated in pastoral activities against heretics in Languedoc and Lombardy alongside the Cistercians. The merits of Dominic and his fellow brothers in the struggle against the Cathars and the Waldensians were highly valued and this is why Pope Honorius IV entrusted the anti-heretical mission to the Dominicans. Early on, in 1221, they worked in the capacity of papal legates.¹⁹⁸ By the mid-thirteenth century, the friar preachers had extended their activity almost all across Western Europe. Taking advantage of the ever-growing network of Dominican houses, popes were able to broaden the range of inquisition. An additional Dominican asset was the centralized structure of their order, which guaranteed a high level of standardization within anti-heretical efforts.

Placed in this context, the decisions of Gregory IX concerning the appointment of Dominicans as papal inquisitors were not accidental. In his bull of 1234, titled *Olim intellecto*, Gregory IX emphasized that the friar preachers were more

197 Pegg, *The Corruption of Angels*, 5 and 35–44.

198 Vladimir J. Koudelka (ed.), *Monumenta diplomatica sancti Dominici*, (Rome, 1966: MOPH, 25), no. 140, 143; cf. Maleczek, *Innocenz III, Honorius III*, 41–2.

fitted to the struggle against heretics.¹⁹⁹ The order's rule bound the Dominicans to live in apostolic poverty and proclaim the Word of God. Friars were required to complete thorough theological studies, intended to prepare them for independent preaching missions. The network of Dominican theological study centres allowed the friars to fulfil the task assigned to them by Dominic and to ensure their high level of education.²⁰⁰ These Dominican studies did not offer special courses for inquisitors. There was no need for it. All Dominicans were trained to become experts, ready to take on the challenges involved in the *negotium inquisitionis*.²⁰¹ The execution of their inquisitorial duties blended naturally with the Dominican pastoral programme. In the effort of fighting sin and saving erring souls, the Dominicans made use of sermons and confession, and the same means were useful in the war against heresy.²⁰²

The logic behind the recruitment of papal inquisitors constitutes a separate problem that has never been studied thoroughly in a comparative context. The Dominicans themselves considered the position of inquisitor a particularly responsible and difficult task. It required appropriate moral qualifications and intellectual aptitude. In order to fulfil the tasks of *officium inquisitionis*, the inquisitor had to have suitable theological training allowing him to verify the testimonies given by alleged heretics and identify views contradictory to the Church's teachings. His preaching skills, on the other hand, served to convert heretics. An accurate evaluation of a suspect's guilt and the assessment of the authenticity of his/her contrition required sensitivity, strictness and thoroughness on the part of the inquisitor. Not only was he expected to recognize particular sins, he was also to assign adequate penance. The inquisitor had to be fairly well-versed in

199 [...] *dicti fratres eo sunt ad confutandos haereticos aptiores, quo magis in eis vivificat vita doctrinam et doctrina vitam informat, dum hoc in eorum moribus legitur quod sermonibus explicatur, negotio fidei credimus expedire, ut eos ad extirpandos errores perversorum dogmatum, sicut expedire videritis, advocetis.* in *Texte zur Inquisition*, 48–9, at 48.

200 Guy-Thomas Bedouelle, *Dominique ou la grâce de la parole* (Paris, 2015), 199–7; For further information, see Michèle M. Mulchahey, *First the bow is bent in study...*. *Dominican Education before 1350* (Toronto, 1998: Studies and Texts, 132).

201 Albaret, "Les Prêcheurs et l'Inquisition", 319–41; Mulchahey, "Summae inquisitorum and the Art of Disputation: How the Early Dominican Order trained its Inquisitors", in *Praedicatores, Inquisitores*, 145–56.

202 Bedouelle, *Dominique*, 232–41; Hinnebusch, *The History of the Dominican Order*, vol. 1, 122–8; Albaret, "Les Prêcheurs et l'Inquisition", 325–7. See also the remarks of Christine Caldwell, "Dominican inquisitors", 36; Caldwell, "Does Inquisition belong to Religious History?", 10–2.

canon law to carry out his inquisitorial duty successfully. While presiding over anti-heresy trials, he had to conform to the laws that were in effect. Should he ignore them, the entire trial could have been declared invalid. In the nomination documents drafted for the first Dominican inquisitors, Gregory IX emphasized the particular intellectual gifts of the Dominicans. In his bull of 20 April 1233, which appointed the first inquisitors for Languedoc, the pope pointed to their command of Divine Law.²⁰³ In later letters addressed to Dominican provincials, the pope insisted that the inquisitorial office be entrusted to experienced friars with appropriate qualifications. Potential candidates for inquisitor must be “honest and zealous brothers capable of assuming the challenges of the tasks that await them.”²⁰⁴ In the appointment procedure of new inquisitors, candidates’ pastoral experience was evaluated, as well as their work to date in the structures of the Order. The Council of Vienne (1312) set the minimum age for an inquisitor at the time of his nomination at forty.²⁰⁵

Bernard Gui provided an extensive list of skills necessary for an inquisitor in his manual *Practica inquisitionis haereticae pravitatis*. In his view, a good inquisitor “should have the ability to listen, discuss and hear parties with zeal and patience, so as to attain the light of Truth.” His actions should be informed by a love of Truth and Mercy, not anger or desire for vengeance.²⁰⁶ While striving for the truth, an inquisitor should avoid being carried away by emotions in his actions, as such a mindset does harm to the entire inquisitorial procedure. The second important quality of an inquisitor, according to Gui, should be persistence in striving for the truth (*constantia, persistentia*). As a servant of justice, he must endure all hardships and opposition, including the risk of death. Fear can

203 *Nos [...] disrectionem tuam rogamus, monemus, et hortamur attente, per Apostolica tibi, scripta, sub Divini obtestatione iudicii districtae praecipiendo mandantes, quatenus aliquos de Fratibus tuis tibi commissis, in lege Domini eruditos, quos ad hoc idoneos esse noveris. ad partes tibi secundum tuum Ordinem limitatas transmittas [...]. BOP I, nos 71–72, 47.*

204 *[...] fratres [...] providos et discretos ac etiam negocio congruentes de quibus hii quibus assignati fuerint merito valeant consolari. [...]. Gui, Practica, 216 (bull of Clement IV to the Dominican father provincial and priors in France).*

205 *[...] nulli extunc nisi qui quadragesimum aetatis annum attingerint, officium inquisitionis praedictae committi inquisitoribus* (“We therefore decree with the approval of this sacred council, that nobody below the age of forty may be entrusted with the office of inquisitor”); Tanner, *Decrees*, vol. 1, 382. Similar recommendations regarding the age of inquisitors were included in handbooks for inquisitors. Eymerich, *Doctrina*, 535.

206 Gui, *Practica*, 232–3.

paralyze his ability to work and cloud the clarity of his mind. A good inquisitor should follow procedure and not waver under any form of pressure. Wishing to act fairly, he should strive to carry out his task with consistency.²⁰⁷ The third quality of an inquisitor should be care and vigilance in pronouncing sentences. He must use his reason in weighing all information discovered through his work. Only a thorough analysis of collected evidence would allow him to attain the truth and reject all things false.²⁰⁸

Initially, the Dominican authorities were reluctant to accept the fact that some members of their Order received appointments to become papal inquisitors. Reviews of heresy cases and arbitration were considered activities contradictory to the Order's rule and charism. The struggle against heresy was regarded as an external function, in contrast with the basic tasks of Friars Preachers. This view was expressed in the work entitled *Instructiones de officiis ordinis* of Humbert of Romans, master general of the Order between 1254 and 1263. While describing the various duties and functions of the Dominicans, Humbert passed over the activities of papal inquisitors.²⁰⁹ For a long time, Dominican superiors viewed papal nominations as dubious privileges that did the Order more harm than good. The religious who happened to be appointed to the position of papal inquisitors were perceived as being distracted from their proper duties and excluded from the supervision of their direct superiors. What is more, it was thought that, because of their commitment to the mission entrusted to them by the pope, they were not able to follow the Order's Rule.²¹⁰ Between 1242 and 1245, the provincial chapters of Provence sought in vain to gain control over the activities of their papal inquisitors. The decrees published by the provincials banned

207 [...] *inquisitor sit constans: persistat inter pericula et adversa usque ad mortem, pro justitia fidei agonizans., ut non temerarie presumat per audaciam que periculose precipiat; nec pusillanimitate trepidet per timiditatem nimiam, quia hoc animum in procedendo debilitat et infirmat; sit enim constans inter preces et blandimenta peccantium, ut non sit pertinax per mentis duriciam, in nullo condescendens precibus sive in dandis dilationibus terminorum, sive in penis impositis pro loco et tempore mitigandis, quia hoc crudelitatem importat; nec sit mollis et contractus per nimiam complacentiam, quia et hoc virtutem et vigorem operum dissipat; Deus diligit omnes eos qui hominibus juste placent [Prov 17]. Gui, *Practica*, 233.*

208 [...] *sit vigilans inter dubia, ut non facile omne verisimile credat, quia non omne tale semper verum est.* Gui, *Practica*, 233.

209 Dossat, "Inquisiteurs ou enquêteurs, A propos d'un texte d'Humbert de Romans?", in Dossat, *Église et hérésie en France au XIII^e siècle*, (London, 1982: Collected Studies Series, 147), 105–13.

210 Albaret, "Les Prêcheurs et l'Inquisition", 328.

those concerned from horse-riding, as well as participation in executions and exhumations.²¹¹ The Provençal Dominicans resented papal inquisitors so much that in 1245 the provincial chapter in Avignon urged its members to develop a welcoming attitude towards their inquisitor brethren and not believe unfavourable opinions about them.²¹² The clergy of Languedoc criticized the financial penalties imposed and collected by the papal inquisitors. In an effort to secure a good reputation for Dominican inquisitors, the the 1243 Council of Narbonne forbade papal inquisitors from imposing financial penalties.²¹³ However, only three years later, the Council of Béziers lifted the ban.²¹⁴

The activities of first-generation Dominican inquisitors in Languedoc were met with open hostility from the local populace, later projected onto the entire Order. In the 1220s, a few inquisitors were assaulted and several Dominican houses were attacked. In 1234, the citizens of Albi gave a severe beating to Arnaud Cathala, who barely escaped death. A year later, the citizens of Toulouse ousted the inquisitor Guillaume Arnaud from their town and attacked the local Dominican priory, forcing the friars to leave the town.²¹⁵ Pope Gregory IX had to intervene in person to bring the Dominicans back to Toulouse. In this atmosphere of open hostility towards the Dominicans felt by the people of Languedoc who sided with the Cathars, the two aforementioned Toulouse inquisitors Guillaume Arnaud and Étienne de Saint-Thibéry were murdered.²¹⁶ The death of these Dominicans during the execution of their inquisitorial mandate forced the order's authorities to change their position on the involvement of their members in the *officium inquisitionis*. In 1243, the Provençal Dominicans turned to the pope with a request to be exempt from inquisitorial duties. Their plea was supported by the order general and the general charter in Paris. In

211 Duvernoy, "Création et crises de l'Inquisition en Languedoc", *Heresis* 6 (1993), 153.

212 *Item priores et alii fratres caritative recipiant fratres inquisitores et infamantibus officium inquisitionis de facili non credant*. Douais (ed.), *Acta capitulorum provincialium ordinis Fratrum Praedicatorum* (Toulouse, 1894), 29.

213 *Ab hujusmodi enim pecuniariis poenitentis et exactionibus vobis est abstinendum pariter, et parcendum propter vestri ordinis honestatem*. Mansi 23, 361; *Texte zur Inquisition*, 64–5.

214 Mansi 23, 692.

215 Guillaume Pelhisson, *Chronique*, 72–8; cf. Roquebert, *Histoire des cathares*, 325–32; Biget, *L'inquisition en Languedoc*, 60–1; Oberste, "Zwischen Heiligkeit und Häresie", 130–43.

216 Dossat, "Le massacre d'Avignonet", *CF* 6 (1971), 343–59; Roquebert, *Mourir à Montségur*, 311–47.

parallel, the count of Toulouse, Raymond VII, requested that the papal inquisitors be removed for his own reasons. Pressured by him, the pope gave a positive response to the Dominicans and suspended the papal inquisition in Provence. The papal inquisition in Languedoc was inactive for seven years. In 1255, following the request of a new count of Toulouse, Alphonse of Poitiers, Innocent IV's successor, Alexander IV once again entrusted the inquisitorial office in Languedoc to the Dominicans.²¹⁷

The considerable success of the papal inquisitors in their war against heretics in Languedoc motivated Gregory IX and his successors gradually to extend the geographical range of the papal inquisition. Gregory IX appointed new inquisitors in all those places where, in his opinion, the bishops needed help in their struggle against heresy. During his pontificate, papal inquisitors were appointed in Germany, France (Toulouse, Agen, Carcassonne, Auxerre, Bourges, Bordeaux, Narbonne, Auch, Vienne, Aix-en-Provence, Arles, Embrun, Sens, Rheims), Italy (including Milan, Florence, Viterbo, Acquapendente, Spoleto), and Aragon (Tarragona),²¹⁸ as well as Hungary.²¹⁹ In Hungary, Dominican inquisitors covered the territory of Bosnia (7 December 1239).²²⁰

Gregory IX's successors used papal inquisitors to cover new areas of Christendom. Innocent IV (1243–1254) appointed Franciscan inquisitors in Lombardy, Apulia, Bosnia and Dalmatia, as well as Dominican inquisitors in Genoa, Cremona, Venice, Le Puy, Mende, Rodez, Besançon, Anagni, Milan, Bologna and Ferrara.²²¹ Alexander IV (1254–1261) appointed the first inquisitors for Bohemia,²²² Clement IV (1265–1268) made nominations for Avignon

217 Duvernoy, "Création et crises", 153.

218 Ludwig Vones, "Krone und Inquisition. Das aragonesische Königtum und die Anfänge der kirchlichen Ketzerverfolgung in den Ländern der Krone Aragón", in *Die Anfänge der Inquisition*, 227–31.

219 Shannon, *Popes*, 53 and 62–3 (with an analysis of nomination documents); Segl, *Ketzer in Österreich*, 62–3.

220 [...] *in terra Bosne extirpari hereses, et fidei catholice inceperint funiculi dilatari, mandamus, quatenus aliquos fratres ordinis tui, potentes in opere et sermone, ad dictam terram predicandum inibi verbum dominicum et cultum divino ampliandum desitare procures [...]*. BOP 1, no. 106; Šanjek, *Bosansko-humski krstjani, Diplomatička vrela*, no. 11, 100–1 cf. Ireneusz Wysockiński, "Źródła do badań and średniowieczną inkwizycją dominikańską na Węgrzech", in *Inkwizycja papieska*, 173–8.

221 BOP 1, nos 201 and 242, 183; nos 321, 331 and 246; Potthast, nos 14332 and 1534; cf. Shannon, *Popes*, 83.

222 Bourel de la Roncière, Charles, Joseph de Loye, August Coulon, and Pierre de Cenival (eds), *Les registres d'Alexandre IV*, vol. 2 (Paris, 1917: Bibliothèque des Écoles françaises

and Orange,²²³ Honorius IV (1285–1287) for Sardinia,²²⁴ and Nicholas IV (1288–1292) for Sicily, Benevento, Geneva, Lausanne, Toul, Metz, Verdun, Vienne, and Jerusalem.²²⁵ In the course of the thirteenth century, papal inquisitors were given new rights and the principles of their activity became subject to detailed legal regulations. “Inquisitors of heretical iniquity” (*inquisitores haereticae pravitatis*), as their official title read, carried out anti-heretical activities in their capacity as specially delegated papal judges (*inquisitores a Sede Apostolica specialiter delegati*). In the judicial sense of the term, their power and authority came directly from the pope. Papal documents inserted into the collections of canon law *Decretales* and *Liber sextus*, granted them the same judicial authority as bishops in the struggle against heresy. Unlike bishops, however, for whom the anti-heresy effort was just one of many tasks, “the extirpation of heresy” was the sole *raison d’être* of papal inquisitors.²²⁶ The equal authority of bishops and papal inquisitors in heresy cases was confirmed in the *Liber sextus* (VI^o 5.2.17).²²⁷ The sum of all activities undertaken in the struggle against heresy was termed *officium inquisitionis* or *negotium fidei*.²²⁸ This included preaching sermons (*officium praedicationis*) as well as strictly judicial procedures (*officium inquisitionis*).²²⁹ Papal inquisitors had to cover an assigned territory specified in their nomination documents. They completed their duties until removal, resignation from office, or death. In 1265, Clement IV confirmed that the duties entrusted to an inquisitor (*officium inquisitionis haereticae pravitatis*) did not lose their validity at the death of the pope who made the appointment.²³⁰

d’Athènes et de Rome), no. 1975, 608–10; Potthast, no. 16819; Josef Emler (ed.), *Regesta diplomatica necnon epistolaria Bohemiae et Moraviae*, vol. 2 (Prague, 1882), no. 151, 58–60; Potthast, no. 16819; for more details, see Rudolf Holinka, “Sektářství v Čechách před revolucí husitskou,” *Sborník prací filozofické fakulty brněnské univerzity* 6 (1929), 159–61.

223 Édouard Jordan, (ed.), *Les registres de Clement IV*, vol 2 (Paris, 1912), no. 1808, 509; no. 1809, 514; *BF* 3, nos 39–40, 37; no. 41, 38; no. 42, 39; no. 129, 45; no. 140, 129.

224 Maurice Prou (ed.), *Les registres d’Honorius IV* (Paris, 1888), no. 163, 129.

225 Shanon, *Popes*, 83.

226 See also the analysis of Mariano d’Alatri regarding the inquisitorial activities of Italian bishops. D’Alatri, *Eretici e inquisitori in Italia. Studi e documenti*, vol. 1 (Rome, 1986), 113–125.

227 Friedberg 2, 1076; similarly in Gui, *Practica*, 211.

228 Segl, “Einrichtung,” 3–11.

229 Cf. the comments of Kieckhefer, “The Office of Inquisition,” 47–52.

230 Friedberg 2, 1073; Potthast, no. 19379.

The nomination of the first papal inquisitor in a given territory was not tantamount to a formal inauguration of a permanent inquisitorial tribunal that reviewed *ex officio* all heresy cases in the name of the pope. In many cases, however, once such a position of inquisitor was created, it did continue in a permanent manner and, after the death of one inquisitor, the pope or another authorized ecclesiastical representative appointed another official.²³¹ The nominations of the first inquisitors in Germany, France, and Lombardy, or later in Poland and Bohemia, were made directly by the pope. These appointments were accompanied by bulls addressed to newly-appointed inquisitors, their order's superiors, as well as to local ecclesiastical and civil authorities. Later popes ceded responsibility for appointing and removing inquisitors to the authorities of the Dominican and the Franciscan orders.²³² As mentioned previously, in 1233 the Dominican provincial from Provence was granted the right to carry out the *officium inquisitionis* in Languedoc. A similar authorization for appointing papal inquisitors in the lands of the Crown of France was given to the Dominican superior in Paris.²³³

The transfer of authority to nominate inquisitors to the officials of the Mendicant orders was dictated by the ability of the latter to choose the most competent candidates. Popes believed that the orders' superiors had better knowledge about the qualifications of friars suitable for taking on the challenges of the *officium inquisitionis*.²³⁴ In spite of this, initially, in matters related directly to inquisitorial activity, the Dominican or Franciscan inquisitors reported to the pope alone. In the first half of the thirteenth century, ignoring the protests of the Dominican authorities, Alexander IV (1254–1261) and Urban IV (1261–1264) confirmed the complete autonomy of papal inquisitors in their *negotium inquisitionis*.²³⁵ The papal inquisitors' autonomy was constrained by the 1265 bull, *Virtute conspicuus*, promulgated by Pope Clement IV (1265–1268). In this document, the pope granted the entire authority to appoint, suspend and remove Minorite inquisitors to the minister general and provincials. At the same time, he made them responsible for controlling the activity of inquisitors and eliminating

231 Kieckhefer, "The Office of Inquisition", 41.

232 Gui, *Practica*, 174 and 216–217.

233 This issue was regulated by Alexander IV's bull *Prae cunctis* which Gregory X confirmed in 1273. *Doctrina*, 1814–5 and 1821–2.

234 Shannon, *Popes*, 84–5 and n. 63.

235 Aleksander IV: *BRP* 3.1, 395–6; *BOP* 1, no. 288, 402; *BF* 2, no. 587, 411; Urban IV: *BOP* 1, no. 32, 433; and *BF* 2, no. 42, 452.

potential abuse.²³⁶ The Council of Vienne (1311–1312) strongly reiterated the orders' superiors' obligation to supervise their inquisitors. Moreover, superiors were granted the right to remove those who were guilty of abuse and give them penalty in accordance with canon law. In parallel, the Council of Vienne dropped the principle according to which inquisitors reported directly to the pope, and made their activities subject to the control of the authorities of their religious order instead. Superiors were granted the right to intervene in case of error and abuse apparent in the inquisitor's activity.²³⁷

The number of papal inquisitors operating in a given territory depended on the needs of ongoing anti-heretical action. In places where the range of heresy was broad in terms of both territory and population, more inquisitors were active. In thirteenth-century France two permanent tribunals were created in Languedoc and the Dauphiné, and from four to eight in the remaining territories. A separate office of papal inquisitor was located in Burgundy.²³⁸ The permanent structure of the papal inquisition developed in those places where the struggle against heresy was permanent. In Languedoc, well-organised and permanent inquisitorial tribunals were created as a result of the ongoing commitment of the papal inquisitors against the Cathars, the Waldensians and, later on, heretical Beguines and Beghards. From the 1230s, the papal inquisitors of Languedoc gradually took on the entire burden of the anti-heretical effort, thus building the structures of the papal inquisition.²³⁹ In the second half of the thirteenth century, inquisitors in Toulouse and Carcassonne had their own headquarters (*domus inquisitionis*), where both witnesses and suspects were interrogated and inquisitorial documentation was collected. It was also the location of the special inquisitorial prisons where penitent heretics were kept. The inquisitors from Carcassonne and Toulouse also had their own assistants (*familiares inquisitoris*) who ensured the smooth operation of the inquisitorial tribunal and up-to-date keeping of records.

236 *Illos vero ipsius Ordinis Fratres, qui ad praedicandum crucem, vel inquirendum contra pravitatem haeticam, seu ad alia huiusmodi negotia, sunt, vel ubicumque a Sede Apostolica deputati, tu fili Generalis Minister, tuique successores, remove, seu revocare penitus, transferre, ipsisque quod supersedeant injungere, alisque substituere quum expedire videritis, libere, et licite valeatis, et in eos si contravererint Censuram Ecclesiasticam exercere, ac quilibet Minister Provincialis vel ejus Vicarius, id ipsum in sua Provincia Fratres ipsius Ordinis, quibus ab eodem Sede similia contigeri in illa committi, facere possint.* BRP 3. 1, 435.

237 Tanner, *Decrees*, vol. 1, 383.

238 Douais, *L'inquisition*, 186.

239 Albaret, "Les Prêcheurs et l'Inquisition", 319.

Despite some methodological reservations reported by Richard Kieckhefer, the existence of distinct places associated with *officium inquisitionis*, as well as the employment of personnel, even if on a minor scale, proves that the papal inquisition was becoming more of an institution. This process was faster in the territories where papal inquisition was a permanent effort.²⁴⁰

Compared with the Midi of France (Toulouse, Carcassonne) or Northern Italy (Bologna, Florence), other parts of medieval Europe could not boast such a solid structure of papal inquisition. The cases of Germany and eastern-central Europe may serve as examples of operational challenges. The appointment of the first inquisitors for Germany in 1231 did not lead to a further development of the papal inquisition. We know very little about the activity of papal inquisitors in the course of the following several decades. However, we have more insight into the second half of the fourteenth century when papal inquisitors became involved in the persecution of heretical Beghards and Beguines.²⁴¹ Pope Clement VI, most likely wishing to strengthen the authority of the papal inquisition, appointed the first inquisitor general for Germany (*per Alemaniam*), a Dominican priest, Johann Schadland (1311–1373) in May 1368.²⁴² Unfortunately, we do not have any information about his inquisitorial activity. Following Schadland's resignation, successive popes appointed other Dominicans as inquisitors general for Germany in an attempt to secure support from both ecclesiastical and secular authorities. Pope Urban V formed a new structure of the papal inquisition in Germany. On 11 October 1364, the pope appointed four German inquisitors: Louis of Calig, Henry of Agro, Walter Kerlinger and John of Moneta. The reason behind his decision was the negligence of the local bishops who – in the pope's own words – cared more about earthly goods than the defence of the Faith from heresy.²⁴³ The newly-appointed inquisitors had to oversee the entire

240 Kieckhefer, "The Office of Inquisition", 53–9.

241 Lerner, *Heresy*, 131–44; Kieckhefer, *Repression*, 32–40.

242 Kieckhefer, *Repression*, 23; Ernest W. McDonnell, *The Beguines and Beghards in Medieval Culture* (New York, 1954), 558–9; Lerner, *Heresy*, 131–2; Anastazy Nadolny, "Johannes Schadland (1311/12–1373)", in *Bischöfe des Heiligen Reiches 1198 bis 1448: ein biographisches Lexikon* (Berlin, 2001), 24–6; Springer, "Dominican Inquisition", 310–4.

243 [...] *licet in partibus Alamannie sint locorum ordinarii deo devoti ac super commissos eis populos vigilantes, ad quod de iure spectat de insurgentibus heresibus et erroribus solerter inquirere eosque radicibus extirpare, quia tamen iudem prelati sepe sunt diversis solitudinibus – presertim in administracione temporalium – occupati ad inquisitionem heresum et errorem huiusmodi prout expedit non intendunt et – sicut fide digna relacione percepimus – in dictis partibus pluribus annis preteritis non fuerunt inquisitores hereticę pravıtatis.* Patschovsky, "Straßburger Beginenverfolgungen", no. 10, 162; cf. Vones,

territory of Germany. The judicial assignment of individual territories to inquisitors took place only after the promulgation of the papal bull.²⁴⁴ The evidence for this can be found in the titles used by two inquisitors, Henry of Agro and Walter Kerlinger. The former was named inquisitor for the province of Mainz and the dioceses of Bamberg and Basel, while the latter was responsible for the dioceses in the north-east of Germany.²⁴⁵ Further structural changes in Germany's papal inquisition were implemented by Gregory XI's bull of 23 July 1372. This document increased the number of papal inquisitors to five while, at the same time, granting the Dominican master general and provincial in Southern Germany the right to appoint them.²⁴⁶ From the mid-fourteenth century onwards, the activity of the papal inquisition in Germany took on a permanent form. The make-up of the inquisitorial body was still predominantly Dominican.²⁴⁷

The origins and the dynamics of the development of papal inquisition in the countries of Central Europe followed a similar pattern.²⁴⁸ The first papal inquisitors for Bohemia were appointed by Alexander IV in 1257, which was quite early in the process. Inquisitorial duties were entrusted to two Franciscans, Bartholomew, a lector from Brno, and Lambert.²⁴⁹ The target of this particular unit of the papal inquisition was the Waldensians, whose structured groups were detected in neighbouring Austria at that time. The text of the papal bull allows us to assume that the person who backed the nomination of papal inquisitors was the Bohemian king Přemysl Ottokar II. There is no clear evidence pointing to a broader anti-heretical effort in Bohemia under these two inquisitors.²⁵⁰ Following a break in activity, papal inquisition was reactivated in the second decade of the fourteenth century. The great number of Waldensians who had

"Papst Urban V. (1362–1370) und die dominikanische Inquisition", in *Praedicatores, Inquisitores*, 500–6.

244 Patschovsky, "Straßburger Beginnenverfolgungen", no. 10, 161–3; Kurze, *Quellen*, nos 6a–c, 64–6. Cf. McDonell, *The Beguines*, 561; Lerner, *Heresy*, 132; Kieckhefer, *Repression*, 23–4; Segl, "Dominikaner und Inquisition", 240–1; Springer, "Dominican Inquisition", 324–6.

245 Patschovsky, "Straßburger Beginnenverfolgungen", no. 11, 164–5; Kieckhefer, *Repression*, 72–3; Springer, "Dominican Inquisition", 326–7.

246 BOP 2, 275; cf. Springer, "Dominican Inquisition", 327–8.

247 Kieckhefer, *Repression*, 24.

248 Kras, "Inkwizycja papieska w Europie Środkowo-Wschodniej: powstanie i organizacja", in *Inkwizycja papieska*, 115–146.

249 Holinka, "Sektářství v Čechách", 159–61; Patschovsky, *Die Anfänge*, 44–5.

250 Soukup, "Die Waldenser in Böhmen", 133; Soukup, "Inkwizitoři v Čechách v letech 1315–1415", in *Inkwizycja papieska*, 148.

made it to Germany in successive waves forced the ecclesiastical authorities to intensify their anti-heretical action. Initially, the coordinator of these activities was the bishop of Prague, John IV of Dražice (1301–1343), supported by both his diocesan clergy and the Prague Dominicans. However, in 1315, a sharp conflict broke out between the bishop and some Dominican inquisitors about which little information is available. It seems that the conflict pertained to the distribution of competences. John IV of Dražice questioned the judicial authority of the Dominicans in reviewing heresy charges and did not honour their sentences in court. The conflict turned violent and forced Pope John XXII to intervene. With the mediation of Henry of Schönburg, the parish priest of Litoměřice, the Dominicans denounced the bishop of Prague to the pope, arguing that he supported heretics and neglected his pastoral duties. Having become familiar with these charges, on 1 April 1318 John XXII suspended John IV of Dražice and demanded that he appear before the Papal Curia.²⁵¹ A month following the suspension of John IV of Dražice, on 1 May 1318, John XXII appointed new papal inquisitors for Bohemia. The motive behind these new nominations was the pope's plan to strengthen the Faith and fight off heretics active in the territories of the dioceses of Prague and Olomouc. The pope also appointed a Dominican, Kolda of Koldice, and a Franciscan, Hartmann of Plzeň.²⁵² These newly-appointed inquisitors were supposed to carry out their duties in accordance with the canonical regulations pertaining to the *officium inquisitionis*. They were also required to inform the pope of any developments in anti-heretical activity.²⁵³ The new inquisitorial appointments for the Kingdom of Bohemia in 1318 resulted in the establishment of permanent inquisitorial tribunals in the dioceses of Prague and Olomouc. These tribunals operated until the outbreak of the Hussite revolution.²⁵⁴

251 BOP 2, 138–40; Patschovsky, *Die Anfänge*, no. 2, 82–9; Zdeňka Hledíková (ed.), *Monumenta Vaticana res gestas Bohemicas illustrantia, tomus prodromus* (Prague, 2003), nos 103–5, 95–9. More detail in Patschovsky, *Die Anfänge*, 15–46; Hledíková, *Biskup Jan IV. z Dražic (1301–1343)* (Prague, 1992), 79–82; and Soukup, “Die Waldenser in Böhmen”, 133–4; Soukup, “Inkvizitoři v Čechách”, 148–52.

252 Patschovsky, *Die Anfänge*, no. 109, 191–3.

253 [...] *ex corde volumus et mandamus, ut frequenter de statu fidei in illis partibus et execucione officii vestri nos informare curetis*. Patschovsky, *Die Anfänge*, no. 109, 193.

254 A list of papal inquisitors operating in Bohemia and Moravia is published by Vladimír Koudelka and Alexander Patschovsky. Koudelka, “Zur Geschichte der böhmischen Dominikanerprovinz im Mittelalter”, *AFP* 25 (1955), 75–99; A. Patschovsky, *Die Anfänge*, 15–29; see also Soukup, “Inkvizitoři v Čechách”, *passim*.

In the mid-fourteenth century, papal inquisitors were required to report directly to the archbishop of Prague. In the second half of the fourteenth century, a new routine was established: new papal inquisitors were appointed for Bohemia by the archbishop of Prague, while the Moravian appointments were overseen by the bishop of Olomouc. The modified status of papal inquisitors in the Crown of Bohemia was the result of efforts by the first Prague archbishop, Arnošt of Pardubice, who wished to continue to oversee the entirety of the anti-heretical action carried out within the *officium inquisitionis*.²⁵⁵ The nominations of Bohemian inquisitors were associated closely with appointments in Poland. Pope John XXII published a new bull on 1 May 1318, which appointed the first papal inquisitors for the dioceses of Cracow (a Franciscan, Nicholas Hospodyniec) and Wrocław (a Dominican, Peregrinus Polonus of Opole).²⁵⁶ These nominations marked the beginning of a permanent *officium inquisitionis* in these two dioceses. Inspired by the legal solutions of Western Europe, in 1327, John XXII granted the Dominican provincial in Poland the right to appoint new inquisitors (*facultas deputandi et instituendi*).²⁵⁷

The remaining regions of the Polish Crown had to wait until the fifteenth century for their own papal inquisitors. At that particular time, the nomination of new papal inquisitors was needed because of the country's exposure to the dangers of the Hussite doctrine from neighbouring Bohemia. In the 1420s, the office of inquisitor general for the archdiocese of Gniezno was created, and entrusted to Nicholas of Łęczycza. Fearing the development of Hussite doctrine on Polish territory, in 1432, Pope Eugene IV (1431–1447) granted the provincial of the Polish Dominicans the authority to appoint new inquisitors wherever he deemed it necessary.²⁵⁸ However, this move did not result in the permanent structural development of the papal

255 Ivan Hlavaček, “Inkvizice v Čechách ve třicátých letech 14 století“, *Československý časopis historický* 5 (1957), 526–38; Patschovsky'ego, *Quellen*, 17–8; Hlavaček, *Die Anfänge*, 21–2; Hlavaček, “Über die politische Bedeutung von Häresie und Häresieverfolgung im mittelalterlichen Böhmen“, in *Die Anfänge der Inquisition*, 240–2; see also overviews by Soukup, “Die Waldenser in Böhmen“, 134–40; Soukup, “Inkvizitoři v Čechách“, 153–70.

256 *BOP* 2, 138–9; Theiner (ed.), *Vetera Monumenta Poloniae et Lithuaniae gentiumque finitimarum illustrantia*, vol. 1 (Rome, 1860), nos 220–2, 137–9; cf. Segl, “Dominikaner und Inquisition“, 234–41; Patschovsky, *Die Anfänge*, 32–55; Kras, “Dominican Inquisitors“, 249–56.

257 *BOP* 2, 175–6; Theiner (ed.), *Vetera Monumenta Poloniae et Lithuaniae*, vol. 1, no. 380, 297–8; cf. Kras, “Dominican Inquisitors“, 276–7.

258 Stanisław Kuraś and Irena Sułkowska-Kuriasiowa (eds), *Bullarium Poloniae*, vol. 5 (Rome and Lublin, 1995), no. 162, 28.

inquisition. Just as in Germany and Bohemia, the activity of the Polish inquisitors was of a rather temporary nature: they acted as auxiliaries in anti-heresy procedures carried out by bishops. As the surviving ecclesiastical documents demonstrate, papal inquisitors participated in diocesan visitations and heresy trials, presided over hearings alongside local bishops, and decided on adequate penance.²⁵⁹ On the other hand, we know virtually nothing about the activities of papal inquisitors in Hungary. As I have pointed out before, Gregory IX turned to the provincial of the Hungarian Dominicans to ask him to take action against heretics in Bosnia. The next piece of evidence indicating that an *officium inquisitionis* was active in Hungary comes from 1327 when, following the example of Bohemia and Poland, John XXII appointed an inquisitorial tribunal for the Kingdom of Hungary.²⁶⁰ Unfortunately, we know nothing of its further development.²⁶¹

The cases presented above confirm that the degree of structural development of the papal inquisition was closely correlated with the intensity of anti-heretical action led by papal inquisitors. While we can venture to say that in Southern France, based on the support of local ecclesiastical authorities, papal inquisition did evolve into a quasi-institution with its own headquarters, prisons, archives and personnel, its structure in the rest of Europe was rather ephemeral. In Germany and the countries of Central Europe, the inquisitorial system was based largely on bishops who carried out anti-heresy action as part of their pastoral and judicial duties. By contrast, papal inquisitors, though appointed with regularity, played an auxiliary role and mostly assisted the bishops in their efforts.

* * *

The rapid development of religious movements that questioned the doctrine and devotional practices of the Catholic Church across increasingly vast territories of Western Christendom, forced the church to change its approach to the war on heresy. The Church drifted away from the old principle of persuasion and opted instead for institutionalized forms of conversion and persecution. Until the end of the twelfth century, the measures employed by the ecclesiastical authorities against heretics represented the full spectrum between the tolerance

259 Kras, *Husyci*, 265–81; Kras, “Dominican Inquisitors”, 267–87.

260 Theiner (ed.), *Vetera Monumenta Historica Hungariam sacram illustrantia*, vol. 1, no. 787–9, 511–2.

261 Sigismundus Ferrarius, *De rebus Ungaricae provinciae Ordinis Praedicatorum Commentarii*, (Vienna, 1637), 415–24; cf. Adrás Harsányi, *A Domonkosrend Magyarországon a reformáció előtt* (Debrecen, 1938), 331; and recently Wysokiński, “Źródła”, 173–96.

recommended by bishop Vaso of Liège and the brutal extermination demanded by mobs or secular authorities. At the turn of the twelfth century and during the first half of the thirteenth century, the use of coercion towards heretics became accepted by the ecclesiastical authorities and authorized by canon law.²⁶² In the struggle against popular movements of religious heterodoxy, such as Catharism and Waldensianism, a new inquisitorial system evolved, with specifically defined tasks and methods intended to defend the church from heresy. Successive popes were instrumental in this process. Beginning with Lucius III, popes regarded the mission to “extirpate heresy” as their priority. For the sake of the struggle against heresy, a new procedure, intended to search for heretics, bring them to court, and punish them (*inquisitio haereticae pravitatis*) was elaborated.

At the turn of the twelfth and thirteenth centuries, the duty of waging war against heretics was placed on all members of the Church, including the laity. In the confrontation between the Church and heresy, there was no room for indifference. Each member of the Catholic faithful was expected to join in the search for, and denunciation of heretics. Bishops and papal inquisitors were key to the entire effort to target religious heterodoxy. They were responsible for searching for heretics, presiding over trials *in causa fidei*, arbitrating sentences and assigning punishment. In the newly-created system, makeshift efforts to persuade heretics to abandon their error were replaced by a systematic inquisitorial action that relied on both pastoral means and physical coercion. The origin and the development of the inquisitorial system were still closely related to the institutionalized nature of the Church in the Middle Ages, and with the predominant role of successive popes, beginning with Innocent III, up to the pontificate of Boniface VIII. During the 1230s, in order to strengthen the defence of the Church from heresy, Gregory IX appointed the first papal inquisitors. The papal inquisition (*officium inquisitionis*) inaugurated at that time boasted neither an independent legal status nor a permanent structure. It was made up of inquisitors who acted independently from one another and carried out anti-heresy procedures in a strictly determined territory in the name of the pope. The activity of papal inquisitors was organised around shared goals and built upon a standardized legal procedure.²⁶³ Their discipline and determination guaranteed efficient and successful

262 Arnold, *Inquisition*, 24.

263 E.g. Kelly, “Inquisition”, 440–2; Kieckhefer, “The Office of Inquisition”, 38–9; Peters, *Inquisition*, 67–8; Segl, “Einrichtung”, 5–9.

inquisitorial operations. Perfectly prepared to take on their duties and entirely loyal to the pope, inquisitors became a “quasi-religious police at the service of the Church”.²⁶⁴

²⁶⁴ Biget, “Introduction”, *CF* 36 (2001), 12.

Chapter Three Investigation

1. *Inquisitio haereticae pravitatis*

The turn of the twelfth and the thirteenth centuries witnessed the development of a new judicial procedure. *Inquisitio haereticae pravitatis* involved bishops and, from the 1230s onwards papal inquisitors, in a pursuit of all heresy suspects. Through the inquisitorial procedure charges were reviewed, transgressions evaluated and punishment decreed. By the middle of the thirteenth century the principles of *inquisitio haereticae pravitatis* were elaborated by papal documents and synodal statutes that delineated the range of competences of ecclesiastical courts and their methods of dealing with heresy cases. The inquisitorial procedure, adapted to the needs of the struggle against heresy, could be traced back to Roman law. In Roman jurisprudence inquisition was one of many *ex officio* measures implemented by public officials. For instance, it was used in calumny charges (*diffamatio*), where officials had to evaluate whether the allegations were legitimate and exercise their power to initiate a legal procedure.

In classical Latin, the term *inquisitio* referred to a number of different things. In ancient literature from Plautus to Quintilian *inquisitio* was used to denote a search for something. In the first century B.C., Cicero used the terms *inquisitio* and *investigatio* interchangeably, both of which denoted the process of becoming familiar with something and inquiring into it (*De officiis* 1.13). Cicero also used the verb form *inquirere* in the technical sense of collecting information about something (*De officiis* 2.44). In this sense, the term *inquisitio* did not refer to any specific legal procedure. Much later, in the second and third centuries A.D., *inquisitio* was adopted into the legal discourse of Roman law, and was used to describe the procedure of collecting evidence for a legal suit. The official responsible for gathering evidence related to the committed offence was termed an *inquisitor*.¹ Both terms referred to a civil procedure known as *legis actio* in Roman law. The legal investigation unfolded in two stages: *in iure* and *apud iudicem*. The first stage took place before the state judicial body, usually represented by the *praetor*, who analysed the grounds of the reported conflict and decided which court should handle the case and rule a sentence. At

1 Livy and Pliny used this term in such a way. P.G.W. Glare (ed.), *Oxford Latin Dictionary*, vol. 4 (Oxford, 1973), 919.

this stage, the party who filed the report was required to collect all indispensable evidence to prove the conflict legitimate. The collection of evidence in this particular case (*inquisitio*) was the responsibility of the plaintiff, or his hired inquisitor. Following the collection of evidence, the *praetor* designated a judge (*arbitor, iudex*), a Roman citizen with appropriate qualifications and experience. The judicial power of the judge derived directly from the *praetor* and was limited to the particular case with which he was entrusted. The judge heard both parties involved in the conflict, analysed the collected evidence and sentences.²

In the legal process, the entire procedure was based on a private charge (*accusatio*) and additionally safeguarded by the law of retaliation (*ius talionis*), highly unfavourable to the accuser. More precisely, if the judge happened to dismiss the reported charges as groundless, the plaintiff had to be assigned the same penalty as would have been imposed on the culprit by a condemnatory sentence. The fear of the consequences of the law of retaliation caused many individuals to give up exercising their rights in this procedure and thus offenders went about scot-free.³ In the mid-second century B.C., apart from *legis actio*, a new procedure known as *formula* developed. In this case also the entire responsibility for the collection of evidence and their presentation at the trial fell to the accuser. In the *formula*, the court procedure unfolded in writing. Having received the required evidence, the *praetor* or the provincial magistrate wrote up a report on its basis, which was a type of declaration called a formula. It contained the resolutions of the judge and a detailed description of the nature of the conflict. As such, the formula became the basis for further investigation as it defined the range of the controversy and the area of competence which restricted the judge's actions.⁴

At the time of the Roman Empire, the civil and penal laws underwent thorough transformations to adapt to the new political and legislative structure of the state. In the new legal order, the emperor assumed the dominant position, embodying not only the supreme executive but also the supreme legislative power. Imperial resolutions had an unquestionable legal power; they established legal order or modified it depending on the emperor's will. Both the imperial constitutions collected in the Code of Theodosius published in 438, and Justinian's *Corpus iuris civilis* from the first half of the sixth century defined the basic domain of judicial

2 Kazimierz Kolańczyk, *Prawo rzymskie* (Warsaw, 1997), 119–20; Władysław Bojarski, *Prawo rzymskie* (Toruń, 1999), 68–9.

3 Ullmann, "Medieval Principles of Criminal Procedure", *Juridical Review* 59 (1947), 4–5.

4 Kolańczyk, *Prawo rzymskie*, 127–47; Bojarski, *Prawo rzymskie*, 70–2.

norms and principles informing the dynamics of investigations, rulings and penalty assignment in the territory of the Roman Empire.

During the first century A.D., increasingly centralized state power subjected officials of all ranks to the emperor. The range of their legal power was becoming ever wider and they intervened in the area previously restricted to private charges only. In the new system the praetors could act as initiators of investigations on their own volition. The new procedure granting such great authority to the public organs was called *cognitio extraordinaria* (*cognitio extra ordinem*). In the cognitive process, inquisition, initiated and carried out by the *praetor*, occupied a place of choice. In the inquisitorial procedure, the *praetor* supervised the entire penal process: he collected evidence, evaluated it and delivered his sentence.⁵

The legal system in the Middle Ages adopted three kinds of investigation developed within Roman law: *accusatio*, *denuntiatio* and *inquisitio* (X 5.1).⁶ In the *accusatio* procedure, charges were put forward by the plaintiff; in other words, it was based on a report presented by a private individual. This person was also held responsible for collecting evidence and presenting it in court. In *denuntiatio*, the process was initiated and carried out by a public official on the basis of a received denunciation (*delatio*). The inquisitorial procedure was based on public repute (*publica fama*) that informed about the crime and indicated the culprit. In the *accusatio* procedure, the fault of the suspect was established with an oath. By contrast, the penal processes *per denuntiationem* and *per inquisitionem* required a systematic collection and analysis of evidence performed by the judge.⁷ The primary role of the *inquisitio* procedure was to review cases of crimes that remained more or less secret.⁸ The development of the inquisitorial procedure reflected fundamental transformations in European legal culture during the twelfth century. The emergence of centralized states with great power exercised by the monarch and the administrative apparatus reporting to him increased the efficiency of the entire penal mechanism for pursuing, judging and punishing criminals. Within such a structure, the monarch constituted the supreme source of law; he both introduced norms and guaranteed their observance for the sake of maintaining social order. Since each crime disrupted the existing social order,

5 Kolańczyk, *Prawo rzymskie*, 161–8; Bojarski, *Prawo rzymskie*, 80–1.

6 Friedberg 2, 733–48.

7 James A. Brundage, “Proof in Canonical Criminal Law”, *Continuity and Change* 11 (1996), 329–39.

8 Maisonneuve, “Le droit romain et la doctrine inquisitoriale”, in *Études d'histoire du canonique dédiées à Gabriel Le Bras*, vol. 2 (Paris, 1965), 931–42; Kelly, “Inquisitorial Due Process”, 407–8.

the monarch made sure perpetrators were found and punished as quickly as possible. Efficient judicial institutions capable of exacting punishment reinforced his position as the guarantor of safety and peace.

The process of political consolidation of power resulted in the replacement of customary law, inspired by local tribal tradition, with a codified legal system derived from Roman law.⁹ Roman law provided detailed terms and notions to evaluate transgressions and applicable procedure was determined. The *Theodosian Code* and Justinian's *Corpus iuris civilis* became sources of information on the methods of collecting and analysing evidence. The influence of Roman law is palpable in Gratian's *Decretum* from the mid-twelfth century, one of the most elementary collections of canon law.¹⁰

The reform of the legal structure placed great emphasis on the education and the competences of judges. The execution of judicial inquiries became the responsibility of university-educated lawyers. As I have mentioned previously, the second half of the twelfth century was the time when trial by ordeal was removed first from the ecclesiastical court and next from the civil courts. Ordeals were replaced by new methods of verifying of charges and finding the suspect guilty.¹¹ The most essential goal of penal investigation was to reveal the whole truth concerning the circumstances of a crime and its perpetrator. In the context of the investigation, witnesses, as well as the defendant were granted hearings. Infallible evidence was provided either through the admission of guilt by the accused him/herself (*confessio*), or the confirmation of charges by the testimony of at least two credible witnesses.¹² In order

9 Peters, *Torture*, 40–4; Peters, “The Prosecution of Heresy and Theories of Criminal Justice in the Twelfth and Thirteenth Centuries”, in Hainz Mohnhaupt and Dieter Simon (eds), *Vorträge zur Justizforschung. Geschichte und Theorie*, vol. 2 (Frankfurt am Main, 1993), 25–42; Lotte Kéry, “*Inquisitio – denunciatio – exceptio*: Möglichkeiten der Verahreenseinleitung im Dekretalenrecht, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 87 (2001), 226–68.

10 Peter Landau, “Wandel und Kontinuität im kanonischen Recht bei Gratian”, in Jürgen Miethke and Klaus Schreiner (eds), *Sozialer Wandel im Mittelalter. Wahrnehmungsformen, Erklärungsmuster, Regelungsmechanismen*, (Sigmaringen, 1994), 215–33; Andrew Winroth, *The Making of Gratian's Decretum* (Cambridge, 2000), 2–5.

11 Hyams, “Trial by Ordeal”, 110–6; Bartlett, *Trial by Fire and Water*, 70–102.

12 Richard M. Fraher, “Conviction According to Conscience: The Medieval Jurists Debate Concerning Judicial Discretion and the Law of Proof”, *Law and History Review* 7.1 (1989), 23–88.

to obtain such infallible evidence, the court had access to the instrument of torture.¹³

The formation of canonical inquisitorial procedure occurred at the turn of the twelfth century. We do know of isolated cases of the application of *inquisitio* earlier, but the official uniform principles defining inquisitorial procedure within canon law were the creation of Innocent III. With these, he aimed to create a homogenous court procedure in cases of legitimate suspicion that canon law might have been violated. The procedure entailed the collection and evaluation of evidence of transgression, and verification as to whether the charge was legitimate.¹⁴ The medieval *inquisitio* developed from an earlier procedure in Roman law, commonly applied in cases of defamation (*diffamatio*).¹⁵ In 1199, in his bulls *Licet Heli* and *Nichil est pene*, Innocent III was very specific in spelling out the principles behind searching for the truth in defamation cases.¹⁶ A court procedure was initiated *ex officio* as soon as a serious suspicion (*violentia suspicio*) of violation of canon law was reported. The key role in the inquisition procedure was attributed to *mala fama*, including all kinds of reports and denunciation pointing to the offence. In such cases, an ecclesiastical court had to verify whether the charges were legitimate and decide on the opening of a lawsuit (*inquisitio famae*). Innocent III required that all defamed individuals cleanse themselves of the charges with an oath (*purgatio canonica*) and several guarantors give supporting testimonies. If a suspect failed to complete the procedure successfully, the decision to initiate a penal investigation followed. The weakness of *inquisitio famae* lay in the fact that the court focused on the credibility of the charge rather than on a search for the truth of the offence as such. Defamed individuals usually had no difficulty completing the purifying procedure.¹⁷

Pope Innocent, fully aware of the limitations of court procedures of this type, made efforts to introduce a new mechanism to verify charges.¹⁸ His bull *Qualiter*

13 Peters, *Torture*, 57–8.

14 Fraher, “IV Lateran’s Revolution in Criminal Procedure: The Birth of the *Inquisitio*, the End of Ordeals, and Innocent III’s Vision of Ecclesiastical Politics”, in Rosalio Iosepho Card. Castillo Lara (ed.), *Studia in honorem Eminentissimi Cardinalis Alfonsi M. Stickler* (Rome 1992: *Studia et Textus Historiae Iuris Canonici* 7), 97–111; Maleczek, “Innocenz III., Honorius III 34–5.

15 Trusen, “Der Inquisitionsprozeß”, 179–90; Trusen, “Von den Anfängen”, 44–6.

16 Trusen, “Der Inquisitionsprozeß”, 170–73; Trusen, “Von den Anfängen”, 61–3.

17 *Register Innocenz’ III*, vol. 2, no. 250 (260), 477–80 and no. 227 (236), 434–6. Cf. Trusen “Der Inquisitionensprozeß”, 179–84.

18 Trusen, “Von den Anfängen”, 41–4.

et quando from 26 February 1206, explained how offences against canon law ought to be examined and penalized (*qualiter et quando debeat prelati procedere ad inquirendum et puniendum subditorum excessus*). Drawing upon Biblical tradition, the pope introduced the notion of outcry (*clamor*) to the realm of canon law. *Clamor* alone sufficed to open a lawsuit. It was in the Book of Genesis that the pope found a description of punishment imposed on the citizens of Sodom and Gomorrah, against whom “the cry of Sodom and Gomorrah is multiplied, and their sin is become exceedingly grievous” (Gn 18.20). When God learned of their offences, He decided to verify “and see whether they have done according to the cry that is come to me: or whether it be not so” (Gn 18.21). Justifying the necessity to open an *ex officio* lawsuit, Innocent III also recalled Christ’s parable of the Unjust Steward who squandered the wealth entrusted to him. In this case, too, the Lord’s intervention was caused by rumours about the steward’s wastefulness: “How is it that I hear this of thee? Give an account of thy stewardship: for now, thou canst be steward no longer” (Lk 16.2).

In accordance with Innocent III’s decree, a complaint *per clamorem et famam* was sufficient to declare a case of defamation (*diffamatio*) and launch an investigation. The judge had to verify the origins and the credibility of the received denunciation. The first question concerned the actual motive of the informants. The judge had to establish whether those who filed the report were inspired by love (*ex caritate*) or hate (*ex odii fomite*). An investigation was opened only if testimony had been given by honest and generally respected persons. Such preliminary examination of the credibility of the charges (*inquisitio famae*) led to the elimination of all accusations filed by liars or dishonest individuals (*non quidem a malivolis et maledicis sed providis et honestis*).¹⁹ The legal solutions included in *Qualiter et quando* were reiterated in the decrees of the Fourth Lateran Council. The decrees regarded inquisitorial procedure (*inquisitio*) as a third option, alongside denunciation (*denuntiatio*) and accusation (*accusatio*). It was one of the ways of opening lawsuits before an ecclesiastical court.²⁰

The next stage in the evolution of inquisitorial procedure was represented by the bull entitled *Inquisitionis negotium* from 1212. In this document, Innocent III emphasized that a penalty can be imposed on a convict only if the evidence for the offence was infallible. *Infamia seu clamosa insinuatio* had to be based on testimonies of people of spotless repute (*apud bonos et graves*). The pope insisted

19 *Register Innocenz’ III*, vol. 8, no. 201, 342–6.

20 Tanner, *Decrees*, vol. 1, 233–5 cf. Müller, “*Inquisitio haereticae pravitatis*”, 51; Trusen, “Der Inquisitionsprozeß”, 214–5.

that the inquisitorial procedure not consider charges filed by a suspect's foes. Just like in the *accusatorial* process, the accused was allowed to know the names of his accusers as well as the content of the testimonies against him/her.²¹

2. *Modus procedendi*

The inquisitorial procedure introduced by Innocent III became the most frequent form of penal process at both lower and higher instances of ecclesiastical and secular jurisdiction. During the first half of the thirteenth century, canon law distinguished inquisitorial procedure against heretics as a particular form of investigation. As a result, principles guiding the search for, judgment of and the punishment applicable to alleged heretics were elaborated.²² The entire body of pastoral and judicial measures targeting heretics was also termed *inquisitio haereticae pravitatis* or *officium inquisitionis*.²³ Papal documents were clear on the primary goal of *officium inquisitionis*: it was implemented to combat all heresy and defend the Catholic Faith (VI^o 5.2.8).²⁴ Papal inquisitors perceived their tasks in a similar way. While conducting *officium inquisitionis*, they aimed at a total “destruction” of heresy (*destructio haeresis*). This occurred either through successful persuasion, when heretics renounced their errors and converted (*conversio ad veram catholicam fidem*), or through their incrimination and transfer to the secular authorities (*exterminatio*).²⁵

21 Trusen, “Von den Anfängen”, 41–2.

22 Shanon, *Popes*, 48–89; Dossat, *Crises*, 105–52; Maisonneuve, *Études*, 243–86; Merlo, *Contro gli eretici*, 125–52; Müller, “Les bases juridiques de l’Inquisition”, 119–37; Arturo Palacios, “El estatuto jurídico de la inquisición: relaciones entre el derecho inquisitorial eclesial y el civil”, in *L’inquisizione*, 119–54.

23 Kelly, “Inquisition”, 441–3.

24 *Inquisitionis officium ordinatum extitit et provisum contra omnem heresim extollentem se adversus catholicam et apostolicam Ecclesiam et fidem Domini Jhesu Christi, et ad promovendum ejus fidei negocium*. Friedberg 2, 1071–2; Gui, *Practica*, 173.

25 The anonymous author of *De auctoritate et officio inquisitionis* summarises the task of the *officium inquisitionis* as: [...] *vel cum convertuntur [...] vel cum corporaliter concremantur* (BAV, MS Vat. lat. 2648, f. 58r). Developing this thought, Bernard Gui wrote in his *Practica*: *Finis autem officii inquisitionis est, ut heresis destruat, quo destrui non potest nisi haeretici destruantur, quia etiam destrui non possunt nisi destruantur receptatores, fautores et defensores eorum [...] Destruuntur autem heretici dupliciter, uno modo cum ab heresi ad veram catholicam fidem convertuntur [...] alio modo quando relictis saeculari iudicio corporaliter concremantur* (Gui, *Practica*, 217–8). Cf. Jacques Paul, “La mentalité de l’inquisiteur chez Bernard Gui”, *CF* 16 (1981), 286–91.

The fundamental papal documents containing the principles of *inquisitio haereticae pravitatis* were incorporated into three medieval collections of canon law: *Decretales* of Gregory IX (X 5.7),²⁶ *Liber sextus*, called *Liber extra* by Boniface VIII (VI^o 5.1)²⁷ and *Clementinae* of Clement V (Clem 5.3).²⁸ Each of these included separate *quaestiones* comparing the papal resolutions concerning heretics and inquisitorial procedures *in causa haeresis* (*De hereticis*). The documents from *Decretales*, *Liber sextus* and *Clementinae* constituted key points of reference both for synodal statutes and manuals destined for inquisitors. Bernard Gui emphasized in *Practica* that the most important documents concerning the principles of *officium inquisitionis* were collected and organised by Boniface VIII in *Liber sextus*.²⁹ The significant role played by papal decrees is further confirmed by an incident involving a bishop of Poznań, Andrzej Łaskarzyc (1414–1426), who spoke at the trial of Jan Hus during the Council of Constance. As the trial before the Council commission was drawing to a close, divergent opinions developed as to how to deal with the Prague reformer. At this point Bishop Łaskarzyc stated that *Liber sextus* and *Clementinae* contain clear guidelines on how to deal with heretics.³⁰

The analysis of the inquisitorial procedure in heresy cases (*modus procedendi contra haereticos*), conducted later in my study, is based on normative sources. While discussing the various stages of the investigation, I refer to papal decrees incorporated into the discussed collections of canon law, general council's documents, synod statutes, and manuals for inquisitors.

Only two elements of the inquisitorial procedure were open: the solemn inauguration of the inquisition (*praedicatio generalis*) and the closing delivery of sentences and assignment of penalties (*sermo generalis*). *Praedicatio generalis* derived directly from diocesan visitations. This became part of inquisition procedure at the time of the first papal inquisitors in Languedoc.³¹ Gregory IX,

26 Friedberg 2, 778–90.

27 Friedberg 2, 1069–78.

28 Friedberg 2, 1181–4.

29 *Horum autem privilegiorum aliquorum tenorem decisum postmodum Bonifacius papa VIIIus, sub compendio comprehendens, inseruit in jure, Extra de haereticis libro VIo, sub diversis capitulis, sicut ibidem liquidum est videre. Ipse quoque Bonifacius papa nonnulla circa idem officium providit et rationabiliter ordinavit [...].* Gui, *Practica*, 173–4.

30 Peter of Mladenovice, *Opera historica nec non aliae de M. Johanne Hus et M. Hieronymo Pragensi relationes et memoriae*, ed. Václav Novotný, in *Fontes rerum Bohemicarum*, vol. 8 (Prague, 1932), 25; cf. Kras, *Husyci*, 46.

31 Dondaine, “Le manuel”, 100; Andrea Errera, “Il *tempus gratiae*, i domenicani e il processo inquisitoriale”, in *Praedicatores, inquisitores*, 668–71.

in his April 1233 letter to the Dominican provincial in Provence, called upon the newly-appointed inquisitors to preach in the presence of clergymen and the residents of towns covered by the inquisitorial effort. At the sermons, they had to collect information on alleged heretics, as well as their supporters.³² The oldest inquisition manual produced by Languedoc inquisitors, *Processus inquisitionis* from 1248, considered the *praedicatio generalis* to be the first step on the inquisitors' agenda. After their arrival at the place of their inquisitorial appointment, inquisitors were to summon all residents and clerics and preach an opening sermon. It was then that they presented their qualifications befitting their office and explained the goals and stages of the inquisitorial action they were orchestrating.³³ We can gather that the sermons preached on that occasion highlighted the struggle against heresy as their dominant theme, pointed out errors proclaimed by heretics and compared them with the Church's teachings. The surviving fragments of records of the first inquisitors from Languedoc in the 1240s confirm that the *praedicatio generalis* was the time when inquisitors appeared in public for the first time and the inquisition began. The investigation concerning the murder of two Toulouse inquisitors, Guillaume Arnaud and Étienne de Saint-Thibéry, carried out between 1245 and 1246 by the Carcassonne inquisitors, Bernard de Caux and Jean de Saint-Pierre, reflects accurately how the event unfolded and how significant it was in the entire process. The trials against the Lauragais people began with a *praedicatio generalis* that took place at the Dominican Church of Saint-Sernin in Toulouse, probably a few days before 1 April 1245. During the sermon, the inquisitors announced the requirements for testimonies and fixed the period of grace.³⁴

Nicholas Eymerich described the goals and stages of *praedicatio generalis* in a more systematic way in his manual *Doctrina inquisitorum*. The event took place

32 [...] qui [= inquisitores] Clero et Populo convocatis generalem praedicationem faciant, ubi commodius viderint expedire, et adjunctis sibi discretis aliquibus ad haec sollicitus exequenda diligenti perquirant sollicitudine de haereticis, et etiam infamotis, et si quos culpabiles, vel infamatos invenerint, nisi examinati velint absolute mandatis Ecclesie obedire, procedant contra eos, juxta Statuta nostra, contra haereticos noviter promulgata in receptores, defensores et fautores haereticorum, secundum eadem statuta nihilominus processuri. BOP 1, Nos 71 and 72, 47.

33 *Infra terminos inquisitionis nobis per Priorem Provinciae, auctoritate praedicta, commisse ac limitate, locum eligimus, qui ad hoc commodior esse videtur, de quo vel in quo de locis aliis inquisitionem faciamus, ubi clero et populo convocatis, generalem faciamus praedicationem. Processus inquisitionis, 70–1.*

34 Pegg, *The Corruption of Angels*, 39.

on a holy day, with the exception of Advent and Lent. If the inquisition was conducted at a place other than the inquisitor's headquarters, the dates of the *praedicatio generalis* were sent in writing to the local parish priest. Eymerich emphasized that the inquisition preacher had to stress the duty to defend the Catholic Faith and encourage his audience to extirpate heresy. Afterwards, the inquisitor would call upon all participants to make voluntary confessions and report any information they might have about heresy. At that stage, the inquisitors were first and foremost preachers, rebuking heretics for their sins and calling to repentance all those who adhered to heresy in any way. Following the sermon, a document specifying the principles of the inquisitorial action and the time of grace was nailed onto the cathedral door.³⁵

The *praedicatio generalis* would end with an announcement of a time of grace (*tempus gratiae sive indulgentiae*). The time of grace was both a pastoral instrument and a strictly judicial measure. On the one hand, it served to encourage sinners to confess and convert through penance, on the other, it allowed a confessor to collect information needed for carrying out investigations.³⁶ In his *Directorium*, Eymerich advised inquisitors to write down carefully all pieces of information obtained during the time of grace as this would allow them to open court procedures against denounced parties at a later time.³⁷ At the first stage of activity of the papal inquisitors, the *tempus gratiae* was only eight days long.³⁸ By the mid-thirteenth century, the time of grace had been extended and lasted from fifteen to thirty days on average.³⁹ A hundred years later, Nicholas Eymerich indicated that the time of grace should last one month, but, ultimately, any decision concerning the duration of this period was the responsibility of the inquisitor.⁴⁰ In exceptional cases, *tempus gratiae* could be extended to a period longer than a month.⁴¹

In practice, *tempus gratiae* was a time of retreat and general confession. It fostered reflection on one's sins and encouraged a voluntary decision to receive the Sacrament of Penance. The synodal statutes elaborated in southern France during the first half of the thirteenth century, as well as later manuals for inquisitors,

35 Eymerich, *Directorium*, 407–8; Eymerich, *Manuel*, 108–9.

36 Errera, “Il *tempus gratiae*”, 664–5.

37 Eymerich, *Directorium*, 411–2; Eymerich, *Manuel*, 112–4.

38 Guillaume Pelhisson, *Chronique*, 69.

39 E.g. *Tractatus de hereticis et eorum sectis*, 371.

40 Eymerich, *Directorium*, 409; Eymerich, *Manuel*, 113.

41 In his commentary to the *Directorium* Francesco Peña stipulated a period of 40 days or even longer. Eymerich, *Directorium*, 411.

commanded confessors to show mercy towards all those who appeared before them during the time of grace and provided them with exhaustive testimonies disclosing their heresy-related actions. Each person who voluntarily appeared before the inquisitor at that time and confessed everything he/she knew about heresy (*plena et vera confessio*), was given absolution (*absolutio*) and could hope for a light penance (*poenitentia*). His/her individual desire to renounce errors was confirmed not only by confession of his/her own unorthodoxy, but also by the report he provided of other heretics and their supporters.⁴² Prior to giving absolution, inquisitors had to verify the sincerity of a penitent's contrition and the credibility of his testimony.⁴³ Sentences written down in the inquisition records, as well as the penitential documents handed to heretics at the reconciliation ceremony contained information on whether he/she had appeared before the inquisitor voluntarily and confessed their sins during the time of grace.⁴⁴ The testimony (*confessio*) delivered during the time of grace resembled a confession. On the one hand, a sincere and exhaustive account was considered a sort of test of orthodoxy; on the other hand, inquisitors turned it into a useful instrument in their search for, and disclosure of heretics.⁴⁵

It has been noted that the functions of inquisitor were entrusted to Dominican and Franciscan friars because of the particular charisma of the Mendicant orders. The approach to pastoral ministry which characterised both religious orders combined preaching with hearing confessions. Their carefully-composed and well-delivered sermons encouraged contrition and sincere confession of sins. Special instructions and principles for constructing sermons and preaching techniques were provided in texts destined specifically for preachers. Between 1200 and 1500, over two hundred compilations of sermons were published.⁴⁶ Inquisitors also used them. Armed with a wide array of rhetorical instruments,

42 *Concedentes eis pie et misericorditer, ut quicumque de dictis culpabilibus ad nos gratia infra unum mensem a noticia presencium sponte venire et tam de se quam de aliis pure et plene veritatem coram nobis dicere voluerint, recedendi liberam habeant facultatem, et nichilominus ordinarias evadent penas, illas videlicet que in civili ac canonico iure continentur [...]. Modus procedendi inquisitorum*, in Patschovsky, *Die Anfänge*, no. 50, 154–5; *Tractatus de hereticis*, 371; cf. Mansi 23, 356; for the Statutes of the Synod of Narbonne (1243), see: *Texte zur Inquisition*, 60 (article 1); *Processus inquisitionis*, 71.

43 E.g. Gregory IX's bull *Attendentes* (26 August 1234): *BOP* 1, no. 70, 45, *BF* 1, no. 137, 132–3; Potthast, no. 9992.

44 *Processus inquisitionis*, 74; cf. Guillaume Pelhisson, *Chronique*, 69.

45 Arnold, *Inquisition*, 51.

46 Given, *Inquisition*, 45.

they tried to demonstrate the “repugnant” sin of heresy and persuade the faithful to renounce it.

Apart from sermons intended to influence minds and souls of the faithful, an equally important role in the pastoral ministry of Mendicant orders was played by personal confession. Previously neglected and attributed a secondary role, confession was reinstated with central role after the Fourth Lateran Council, alongside the Eucharist, in the sacramental ministry of the Church. The Fourth Lateran Council introduced a new requirement; the faithful had to recur to the sacrament of reconciliation and receive the Eucharist once a year, lest they fall under anathema.⁴⁷ A more regular use of the sacrament of reconciliation forced the faithful to reflect more deeply on the state of their soul, as well as their relationship with God and the Church. The counsel given by the priest at confession resembled a brief, practical catechesis, individually tailored to the offences and sins committed by the penitent. Each penitent receiving the sacrament of reconciliation was instructed by the confessor on the creed and the moral teachings of the Church. Thanks to the counsel received, penitents had the opportunity to examine their life in a new light and become aware of any other areas of imperfection.⁴⁸ The thirteenth-century transformations of the sacrament of reconciliation were tied closely to intensified preaching initiatives. The popularization of the Church’s teachings and the Christian moral code were the only instruments that could place penitence at the heart of Christian life.⁴⁹ Had it not been for instruction in the matters of faith and moral conduct, it would not have been possible to obtain sincere confession and assign “healing” penance.

Should alleged heretics choose not to appear voluntarily before the inquisitor during the time of grace, they could face a lawsuit. The trial *in causa fidei* was opened on the basis of a formal allegation (*accusatio*), a report furnished by an informant (*denuntiatio*), or following the acquisition of other information by the inquisitor himself during the inquisitorial action (*inquisitio*).⁵⁰ In this particular

47 Tanner, *Decrees*, vol. 1, 245.

48 Alexander Murray, “Counselling in Medieval Confession”, in *Handling Sin*, 63–78; Martin, “Confession et contrôle social à la fin du Moyen-Âge”, in *Pratique de la confession. Des Pères du désert à Vatican II* (Paris, 1983), 117–36.

49 Pierre Michaud-Quantin, “Textes pénitentiels languedociens au XIII^e siècle”, *CF* 6 (1971), 162–71: “Il est indéniable que la confession jouait un rôle dans l’instruction chrétienne, dans la transmission du contenu de la foi; le fait est évident pour la morale, je ne le crois pas moins vrai pour les principaux éléments de la doctrine” (at 170).

50 Eymerich, *Directorium*, 413–6; Eymerich, *Manuel*, 115–8; Claude Gauvard, “La fama, une parole fondatrice”, *Médiévales* 24 (1993), 5–13.

case, the basis for initiating the investigation could be any rumours, suspicions, statements or actions contradictory to the principles of the Faith and Church-approved religious practices. All of these combined constituted *mala fama* and, in the legal sense, sufficed to launch a court procedure. The primary goal was to establish the legitimacy of the allegation and, in case it was confirmed, to assign appropriate punishment.⁵¹ In accordance with the resolutions of *Ad abolendam* from 1184, bishops or designated inspectors who visited dioceses had to verify all information (*fama*) concerning heretics. To that end, they consulted the synodal witnesses (*testes synodales*), who were required to pass on information about individuals who differed from their fellow faithful with regard to their way of life and customs (X 5.7.9).⁵² The resolutions of Innocent III and, later, the synodal statutes published in the first half of the thirteenth century, introduced the notion of *mala fama* to ecclesiastical law. The Toulouse Synod statutes from 1229 considered *diffamatio* the consequence of public suspicion (*publica fama*) confirmed by credible witnesses.⁵³

In such instances, criminal procedures were opened with a report summoning the accused party to appear before the court at a determined time (*citatio*).⁵⁴ A letter was sent to all potential suspects (*suspectus*), the defamed (*diffamatus*), or alleged heretics (*accusatus de crimine heresis*), alleged abettors (*fautoria*) or alleged hosts of heretics (*receptatio hereticorum*). The recipient was told to appear before the bishop or inquisitor in person to offer an explanation.⁵⁵ Canon law distinguished between a private lawsuit (*citatio personalis*), addressed to the accused directly, and an edict lawsuit (*citatio per publicum edictum*), published and announced in public. In the latter case, a letter was usually sent to the parish priest. According to Bernard Gui, the priest had to read the contents of the letter on the following Sunday at Mass and repeat it at three consecutive Masses or liturgical feasts.⁵⁶ Should the summoned individual fail to appear before the court on the specified date, he/she was assigned another date for the trial to be held. Should the individual fail to attend again, the court presumed his/her obstinacy

51 Eymerich, *Directorium*, 416; Eymerich, *Manuel*, 118.

52 Mansi 22, 478; Friedberg 2, 781; *Texte zur Inquisition*, 28; cf. Albaret, “*Inquisitio haereticae pravitatis*”, 425–6.

53 *Texte zur Inquisition*, 34 (article 18).

54 Gui, *Practica*, 3, 4, 6, 8, 9, 10, 12, 15, 22, 25.

55 [...] *personaliter compareat coram nobis, responsurus de his que ad fidem et officium inquisitionis nobis commisse pertinent in negocio et causa fidei plenariam veritatem* [...]. Gui, *Practica*, 3.

56 Gui, *Practica*, 8.

(*contumacia*) and ruled anathema (*excommunicatio minor*). Similar sanctions threatened all those who provided heretics and excommunicates with assistance (X 12.14.7; VI^o 5.2.7).⁵⁷ An excommunicated person was excluded from the religious life of the Church, unable to receive the sacraments and denied a Christian burial later. In early Christianity, excommunication was equal to anathema. It was not an irreversible rejection of the sinner; rather, it served to persuade him/her to improve his/her life and return to the Church. Later, in the Middle Ages, a distinction was introduced between excommunication and anathema. Gratian's Decree distinguished between a soft form of excommunication (*excommunicatio minor*), which excluded a person from participation in Church sacraments for a determined period of time, and a harder form (*excommunicatio maior*), which was tantamount to eternal damnation (*anathema*).⁵⁸ After declaring the obstinacy of alleged heretics, the court ruled a minor excommunication and the suspect had a year to appear before the court and cleanse him/herself of any charges. After that term, the ecclesiastical judge declared the suspect a heretic and imposed a major excommunication (*excommunicatio maior/aggravatio excommunicationis*).⁵⁹ If a person thus anathematized was nowhere to be found, all the faithful were required to report on his/her whereabouts.⁶⁰

Apart from the regular suit (*citatio communis*), bishops and inquisitors made use of a special suit (*citatio realis*) that commanded the secular authorities to arrest the concerned individual immediately.⁶¹ According to the letter of canon law, *brachium saeculare* had the duty to capture the indicated person and detain him/her for the duration of the investigation (*investigatio, captio, custodia*). The range of duties of the secular authorities in the inquisition procedure was reiterated by Boniface VIII in his bull *Ut inquisitionis negotium* (VI^o 5.2.18).⁶² A person who was accused *per publicam famam* was allowed to prove his innocence in court.

57 Friedberg 2, 296–7 and 1069–71.

58 Winroth, *The Making of Gratian's Decretum*, 34–76.

59 Friedberg 2, 1071; Gui, *Practica*, 8–12; Bernard Gui recommended a long a delay as possible in imposing a major excommunication (Gui, *Practica*, 10, 13, 14, 18).

60 Gui, *Practica*, 177 and 109; Eymerich, *Directorium*, 105. For more detail, see Vodola, *Excommunication*, 29–38.

61 [...] *citatio realis, hoc est, personalis captura*. Gui, *Practica*, 5; Eymerich, *Directorium*, 420; Eymerich, *Manuel*, 121.

62 [...] *universos saeculi potestates et dominos temporales, ac provinciarum, terrarum, civitatum alirumque locorum rectores, quibuscunque dignitatibus vel officiis aut nominibus censeantur, requirimus et monemus, ut, sicut reputari capiunt et haberi fideles, ita pro pro defensione fidei dioecesanis episcopis et inquisitoribus haereticae pravitatis a sede apostolica deputandis, pareant, et intendant in haeticorum credentium, fautorum,*

To this end, he/she underwent the procedure of canonical cleansing (*canonica purgatio*).⁶³ The cleansing procedure was available only to those individuals who were charged with an offence, but no credible evidence had been presented to back the charge. One of the steps in the procedure was an oath on the Bible pronounced by the suspect. This solemn declaration had to be confirmed by guarantors of spotless repute (*compurgatores*). The cleansing oath could be taken only by free persons with no criminal record. Believers of other faiths, such as Jews and Muslims, were not allowed to take oaths, and the same ban applied to representatives of “shameful professions” (*communis infamia*), such as prostitutes or actors (D 1, 2.5.5–10, 12, 13; X 5.1.19).⁶⁴

The application of institutional canonical purification in heresy cases was sanctioned by *Ad abolendam* in 1184⁶⁵ and the *De haereticis* constitution of the Fourth Lateran Council.⁶⁶ In the thirteenth century, *purgatio canonica* assumed an important role in the inquisition procedure against alleged heretics. Manuals for inquisitors furnished cleansing oath formulas to be read by a *suspectus de heresi* and his guarantors. In the canonical purgation, the suspect pledged loyalty to Church doctrine and denied having had any ties to heresy.⁶⁷ The act of

receptatorum et defensorum ipsorum investigatione, captione ac custodia diligenti, quum ab eis fuerint requisiti et ut praefatas personas pestiferas in potestatem seu carcerem episcoporum aut inquisitorum dictorum ducant vel duci faciant sine mora, ubi per viros catholicos a praefatis episcopis seu inquisitoribus, vel eorum aliquo deputatos sub arcta et diligenti custodia teneantur donec eorum negotium per ecclesiae iudicium terminetur. Friedberg 2, 1076–7; cf. Eymerich, *Directorium*, 586; and *Tractatus de hereticis et eorum sectis*, 371.

63 Duvernoy, “La procédure”, 48; Gaudemet, *Église et cité*, 521.

64 *Presbiter uel quilibet sacerdos si a populo accusatus fuerit, et certi testes inuenti non fuerint, qui crimini illato ueritatem dicant, iusiurandum in medio faciat, et illum testem proferat de innocentiae suae puritate, cui nuda et aperta sunt omnia.* Friedberg 2, 456–9, at 456; cf. Gaudemet, *Le serment dans le droit canonique médiéval*, in *Le serment*, vol. 2 (Paris, 1991), 63–75.

65 *Qui uero inuenti fuerint sola ecclesie suspicionis notabiles, nisi ad arbitrium episcopi iuxta considerationem suspicionis qualitatemque personae propriam innocentiam congrua purgatione monstraverint, simili sententiae subiacebunt.* *Texte zur Inquisition*, 27.

66 *Ipse autem episcopus ad praesentiam suam convocet accusatos, qui nisi se ab obiecto reatu purgauerint, vel si post purgationem exhibitam in pristinam fuerint relapse perfidiam canonicè puniantur.* Tanner, *Decrees*, vol. 1, 225.

67 *Doctrina*, 1801; *Tractatus super materia hereticorum*, BAV, MS Vat. lat. 2648, f. 8v; Gui, *Practica*, 216; Eymerich, *Manuel*, 156–8.

cleansing oneself from heresy charges with an oath put an official end to the court's investigation.

3. *Modus inquirendi*

In the inquisition procedure, an offence was established either on the basis of testimonies of witnesses (*depositiones testium*), or based on a testimony given by the accused himself (*confessio*). In the first instance, the guilt of the accused was proven by testimonies of at least two credible witnesses. In heresy cases, the testimonies of the defamed themselves were accepted only by way of exception. The *infames* included the perjured, criminals and excommunicates.⁶⁸ All information that laid a charge against a person was written down in the form of accusation document (*delationes, notificationes*).⁶⁹ Confidentiality was a considerable novelty introduced into the inquisition procedure in heresy cases. The surnames of witnesses were not disclosed. The principle of protecting witnesses who provided testimonies against heretics was introduced into court procedure by the Languedoc inquisitors in the first half of the thirteenth century.⁷⁰ This measure was intended to prevent vengeance exacted by relatives of the accused, which constituted a real threat to the witnesses. Until the end of the thirteenth century, Cathar influence in Languedoc was so great that public disclosure of the names of parties collaborating with the inquisition tribunals exposed them to serious danger. Innocent IV reiterated most categorically the imperative to keep their identity confidential in his bulls *Cum negotium fidei* and *Prae cunctis*.⁷¹ This order was also expressed by his successors Urban IV and Gregory X⁷², however, Boniface VIII allowed the disclosure of witnesses' surnames, provided this would not have an impact on their safety (VI° 5.2.20)⁷³. Even so, the inquisitor manuals of Bernard Gui and Nicholas Eymerich recommended that the identity of witnesses remain confidential.⁷⁴

68 Gui, *Practica*, 214–5; Eymerich, *Directorium*, 424–6; Eymerich, *Manuel*, 119–21.

69 *Tractatus super materia hereticorum*, BAV, MS Vat. at. 2648, f. 8r.: *Verum tamen de iure et consuetudine et ex more officii Inquisitor ante omnia faciet in scriptis redigi delationem seu notificationem sibi factam et depositionem testium contra quemcumque de hoc crimine et redigentur in scriptis per notarium se publicam personam in presentia saltem duarum religiosarum et discretarum personarum.*

70 *Processus inquisitionis*, 72.

71 *Doctrina*, 1815–6.

72 *Doctrina*, 1819.

73 Friedberg 2, 1078.

74 Gui, *Practica*, 229; cf. Eymerich, *Directorium*, 446; Eymerich, *Manuel*, 219–20.

Although neither the accused nor his/her defender knew the witnesses who were instrumental in putting together the charge, they did have access to the actual testimonies.⁷⁵ Moreover, in order to eliminate any charges of *mala fides*, the accused was allowed to provide the jury with the names of his sworn enemies at the opening of the trial. The testimonies given by individuals hostile to the accused were excluded from further investigation (X 5.1.7). This recommendation was included in separate regulations by the 1243 Narbonne Synod Statutes: the suspect could exercise his/her right to provide the names of foes and information on the grounds for resentment.⁷⁶ Later manuals for inquisitors seem to indicate that the compilation of the list of foes became a permanent element of the inquisition process at the stage of verification of the charge.⁷⁷

Contrary to the opinion that seems to dominate older literature in the field, an alleged heretic was in fact granted the right to seek legal counsel. Canon law guaranteed each accused party access to the assistance of a legal expert lest the entire investigation be declared invalid.⁷⁸ However, the participation of a legal defence counsel in inquisition trials in heresy cases was allowed only in cases where the suspect denied flatly all charges and the court lacked solid evidence to find him/her guilty. In such a case, the advocate was required to hold a degree in law and prove his own spotless reputation and strong faith. He had to do his best to defend the innocent and collaborate with the court in order to establish the truth. However, in cases where the collected evidence clearly pointed to the guilt of the accused, or wherever he pleaded guilty of the charges, legal counsel was deemed redundant,⁷⁹ since offering legal assistance would then seem tantamount to an endorsement of heresy. Innocent III in his bull *Si adversus* from

75 Ullmann, "The Defence of the Accused in the Medieval Inquisition", in Ullmann, *Law and Jurisdiction in the Middle Ages* (London, 1988), 481–2; Shannon, *Popes*, 78–9; further information is provided in Kelly, "Inquisitorial Due Process", 408–28; repr. Kelly, *Inquisitions and Other Trial Procedures in the Medieval West* (Aldershot, 2001), Chapter 2.

76 *Texte zur Inquisition*, 66 (article 22); cf. Maisonneuve, *Études*, 300.

77 *Inquiratur pretera ab inquisitoribus ab eo contra quem habent procedere utrum habeat aliquos capitales inimicos vel certa suspicione suspectos, quod in ipsius odium degerent; et deinde, reductis in scriptis procedat et recipiant testes alios contra eum*. Francesca Tognato Lomastro (ed.), *Constitutiones Sacrae Inquisitionis*, in Tognato Lomastro, *Leresia a Vicenza nel Duecento. Dati, problemi e fonti* (Vicenza, 1988: *Fonti e studi di storia veneta*, 12), 157–244; at 239; see also *Libellus*, BAV, MS Vat. lat. 2648, f. 49v; *De officio inquisitionis*, 114; cf. Scharff, *Schrift zur Kontrolle*, 559–60.

78 Ullmann, "The Defence of the Accused", 481–9.

79 Eymerich, *Directorium*, 446; Eymerich, *Manuel*, 143–4.

1205 forbade lawyers and notaries to offer legal counsel to heretics. Otherwise, they would risk calumny and loss of authority (X 5.7.11).⁸⁰

The application of these principles in an investigation was reflected in the 1313 trial of a Cathar, Bernard Clergue of Montailou. The surviving trial records of Bishop Jacques of Pamiers (1317–1326), indicate that Bernard Clergue went to great lengths to have his brother Pierre, a Montailou priest, released from prison. Wishing to have him acquitted of heresy charges, he went to the Pamiers prison and visited those prisoners who had testified against his brother. He tried to make them revoke their charges with both threats and bribes. When information about these attempts reached the bishop, he charged Bernard with heresy on 2 February 1313, and summoned him before his tribunal. Before the trial, the bishop's notaries made copies of the charge records for Bernard, omitting the names of the witnesses.⁸¹ However, Bishop Fournier did grant Bernard the right to seek legal assistance.⁸²

The key element in the inquisition process was the examination of the alleged heretic, presided over by a bishop, a papal inquisitor or another authorized party, such as an archdeacon, an deputy judge or a inquisitor's associate. Each hearing took place in the presence of at least two other clerics.⁸³ Sometimes these hearings were also attended by the priest from the accused's parish of origin. The thirteenth-century records of the Languedoc inquisition indicate that parish priests were involved in the entire inquisition procedure concerning their parishioners. First, the report of charges was announced at the parish church. Later, they participated in hearings and were present at the announcement of

80 *Quia plus timeri solet quod specialiter iniungitur, quam quod generaliter imperatur: vobis advocatis et scriniariis firmiter inhihemus, ne praefatis haereticis, dum fuerint in sua contumacia et errore, Paterinis vel credentibus, fautoribus vel defensoribus eorundem, ullo tempore in aliquo praestetis auxilium, consilium vel favorem, nec eis in causis vel in factis, vel aliquibus litigantibus sub eorum examine vestrum patrocinium praebeat, et pro ipsis publica instrumenta condere vel aliqua scripta facere nullatenus attentetis. Quod si forte contra facere praesumpseritis, ab officio vestro suspensos perpetuae vos decernimus infamiae subiacere. Ceterum ne iudices et scriniarii qui consenserunt praefatis electis in huiusmodi praesumptione temeraria sociari de sua nequitia glorientur, quum privilegium mereatur amittere, qui permissa sibi abutitur potestate, eos ab officio suo iudicamus esse suspensos, decernentes irritum et inane quicquid per ipsos et electos praedictos factum fuerit vel statutum.* Friedberg 2,783–4; PL 214,539; cf. Evans, "Hunting Subversion", 11; Shanon, *Popes*, 69.

81 *Registre*, vol. 2, 275–300.

82 *Registre*, vol. 2, 300–1.

83 Friedberg 2, 1073; cf. Gui, *Practica*, 191.

sentences. Finally, they supervised the completion of penance assigned at the heretic's place of residence.⁸⁴ The manuals for inquisitors provided details for various stages of the hearings. At the beginning, the accused had to state his/her first and last name, place of origin and parish affiliation.⁸⁵ Next, he/she took an oath on the Bible, pledging to disclose all ties to heresy. The formula of the oath found in the oldest manual of the Languedoc inquisition, *Processus inquisitionis* made the suspect declare his/her willingness to confess the whole truth about apostasy and provide the names of other heretics, dead and alive.⁸⁶ A similar formula was also incorporated into later manuals.⁸⁷ The inquisition procedure attributed an important role to the oath, since testimony pronounced in court was considered valid. In the light of canon law, should the testimony secured by an oath turn out to contain false information, it was tantamount to perjury and incurred severe punishment as such (X 5.1.18).⁸⁸ At the same time, the paraliturgical nature of the oath ceremony made any lie or a dissimulation of important information a sure sign of heresy.

The goal of the inquisitorial hearing resembled that of the rite of confession: it was intended to extract from the heretic a full account of his/her errors (*plena et vera confessio*).⁸⁹ Bernard Gui emphasized that inquisitors' primary concern ought to be the return of the sinner to the Church and the salvation of his/her

84 Given, "Les inquisiteurs du Languedoc médiéval: les éléments sociétaux favorables et contraignants", in *Inquisition et pouvoir*, 66–8.

85 Eymerich, *Directorium*, 421; Eymerich, *Manuel*, 121.

86 *Processus inquisitionis*, 71.

87 *Primo accusatus vel suspectus de heresi citatur, qui veniens jurat super sancta ewangelia super crimine heresis vel Valdencie tam de se quam de aliis tam vivis quam defunctis, dicere plenariam quam scit veritatem. Doctrina*, 1795; [...] *juret ad sancta Dei ewangelia de facto heresis imspumque contingentibus aut pertinentibus ad inquisitionis officium quoquo modo tam de se, ut de principali, quam de aliis personis vivis et defunctis, sicut testis, plenam et meram dicere veritatem. Gui, Practica*, 235.

88 Scharff, "Auf der Suche nach der 'Wahrheit'. Zur Befragung von verdächtigen Personen durch mittelalterliche Inquisitoren", in Stefan Esders and Thomas Scharff (eds), *Eid und Wahrheit. Studien zu rechtlichen Befragungspraktiken in Mittelalter und früher Neuzeit* (Frankfurt a. M., 1999), 151; Arnold, *Inquisition*, 93–8.

89 Thomas Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton, 1977), 16–22; Paul, "La mentalité de l'inquisiteur", 296–8; Merlo, "Coercition et orthodoxie: modalités de communication et d'imposition d'un message religieux hégémonique", in *Faire croire, modalités de diffusion et de la réception des messages religieux du XII^e au XIV^e siècle* (Rome, 1979: Collection de l'École Française de Rome, 51), 101–18.

soul from eternal doom.⁹⁰ In order to attain this end, they proceeded as if in the capacity of skilled confessors, trying to recognize particular sins and assign adequate penance. The more detailed and genuine a heretic's confession, the more efficiently the inquisitor could diagnose the state of the sinner's soul and combat the evil dwelling within. Regarding the court hearing as a form of confession, Bernard Gui commanded the inquisitor to act like a prudent doctor of the soul (*prudens medicus animarum*), adapting the dynamics of therapy to the heretic's social class and intellectual aptitudes, as well as to the offence committed.⁹¹ Thus, he referred to the recommendations of the constitution of the Fourth Lateran Council that compared the priest healing the soul of a sinner with an experienced doctor attending to wounds: "the priest shall be discerning and prudent so that, just like a skilled doctor he may pour wine and oil over the wounds of the injured one (cf. Lk 10.34). Let him carefully inquire about the circumstances of both the sinner and the sin, so that he may prudent discern what sort of advice he ought to give and what remedy to apply, using various methods to heal the sick."⁹² The "healing" role of confession and penance was rediscovered through the inspiring legacy of religious communities. Let us recall the measures implemented by superiors when their monks violated the order's rule. According to the *Rule of St Benedict* (chapter 26), an abbot should deal with erring brethren in the capacity of a "wise doctor" (*sapiens medicus*) and guardian of ailing souls. His primary concern was the salvation of all the brethren entrusted to him. Trying to persuade a sinner to reject evil, he was free to resort to the "balm of admonition", "the cure of the Holy Scriptures", and, as a last resort, "the burning iron" of excommunication and whipping.⁹³

From the end of the twelfth century, the ecclesiastical authorities began to place more emphasis on regular confession as an instrument of permanent control over the religious attitudes of the laity.⁹⁴ The required once-a-year confession, introduced by the Fourth Lateran Council, provided the clergy with a new pastoral tool with which to instruct the faithful on the rudiments of the creed

90 Gui, *Practica*, 217–8.

91 Gui, *Practica*, 236–7.

92 Tanner, *Decrees*, vol. 1, 245; cf. John T. McNeill, "Medicine for Sin as Prescribed in the Penitentials", *Church History* 1 (1932), 14–26; Michaud-Quantin, *Sommes de casuistique et manuels de confession au moyen âge* (Louvain, 1962: *Annalecta mediaevalia Namurcensia*, 13), 38–9; Michaud-Quantin, *Textes pénitentiels*, 165–7.

93 *Benedict of Nursia, The Rule*, ed. Anna Świderkówna (Cracow, 1994), 132–7, the English version available at <http://archive.osb.org/rb/text/rbemjo1.html#26>, accessed 15 September 2019.

94 Caldwell, "Dominican Inquisitors", 31.

and moral teachings of the Church. In accordance with the redefined tasks of renewal of the religious and moral life through regular confession, the confessor had to recognize sins and assign penance adequate to the gravity of the penitent's sins.⁹⁵ Therefore, the priest had to approach each sinner individually. A good confession served to diagnose the state of the sinner's soul. It allowed the confessor to determine a penitent's sins and inspire him with the desire to renounce them. Through this rite, the priest could apply appropriate penitential therapy to help the penitent atone for any sins committed and control the sinful devices and desires of his body and mind.⁹⁶

During the first half of the thirteenth century, the clergy shared an increasingly widespread belief that only a good confession and earnest penance allowed sinners to combat the evil dwelling within and begin a new life "in the light of faith and purity of conduct."⁹⁷ The instruction manuals for confessors from the thirteenth and fourteenth centuries were supposed to enhance priests' accurate recognition of the state of sinful souls and assist them with the assignment of appropriate penance. They furnished definitions and typologies of sins, as well as pieces of practical advice on how to ensure a good confession. Raymond of Penyafort (ca 1180–1275), a Catalan Dominican and canonist, wrote his *Summa de poenitentia* between 1222 and 1229, in which he enumerated three conditions needed to attain true reconciliation with God and the Church: a contrite heart (*contritio*), sincere confession (*confessio*) and adequate reparation (*satisfactio*).⁹⁸ According to Penyafort, a good confessor was expected to ask questions the right way, thus acquiring the instruments to assess the state of a sinner's soul adequately and choose appropriate medicine.⁹⁹ This type of instruction inspired other authors of manuals for inquisitors who furnished definitions of heresy,

95 Michaud-Quantin, "Textes pénitentiels languedociens au XIII^e siècle", *CF* 6 (1971), 151–72; Michaud-Quantin, *Sommes de casuistiques*, passim; Annie Cazenave, "Aveu et contrition. Manuels de confesseurs et interrogatoires d'inquisition en Languedoc et en Catalogne (XIII^e-XIV^e siècles)", in *La piété populaire au Moyen Âge*, vol. 1 (Besançon, 1974), 333–52; Martin, "Confession et contrôle sociale", 117–36.

96 John W Baldwin, "From Ordeal to Confession: In Search of Lay Religion in Early Thirteenth Century France", in *Handling Sin*, 191–210.

97 Biller, "Confession in the Middle Ages: Introduction", in *Handling Sin*, 7–12.

98 Raymond of Penyafort, *Summa de poenitentia*, 5.1, ed. Xavier Ochoa and Alfonso Diez (Rome, 1976: Universa bibliotheca iuris 1.B), 278 and 318–27.

99 Raymond of Penyafort, *Summa de poenitentia*, 826–7.

and compilations of erroneous views, as well as descriptions of interrogative techniques.¹⁰⁰

Whereas the key moment of the confession was the penitent's account of the sins, the testimony of a suspect on his presumed ties to heresy was at the heart of the inquisitorial procedure. In both cases, a full and sincere confession of committed errors proved the suspect's genuine contrition and his desire to renounce former practices. The inquisitors believed that such a confession was the very turning point marking the beginning of the conversion of a heretical sinner. In the light of pastoral ministry, such an individual confession of errors was viewed as an expression of a deep spiritual transformation and victory over the heretic's hardness of heart and arrogance. A sincere and complete confession was, at the same time, an indispensable condition to merit the mercy of the Church and partake in the rite of reconciliation.¹⁰¹

The struggle against heresy did not regard the heretic as the main enemy; rather, it targeted the devil, who had tempted the sinner onto the path of evil and iniquity. In an attempt to enable the heretic to return to the Church voluntarily, the inquisitor-confessor had to begin by exposing the devilish inspiration of his/her actions. Each converted heretic represented the triumph of the Church in her struggle against worldly wise evil personified in Satan. The 1246 statutes of the Synod of Béziers emphasized that the Church rejoiced in each converted heretic, a gift from Divine Providence.¹⁰² A condemnatory sentence was ruled only in those cases in which the inquisitor failed to persuade a heretic to renounce his errors, or a heretic previously reconciled with the Church returned to heresy. André Vauchez insisted that, "the logical goal of the interrogation and investigation was not about inflicting death on the suspects; this was done only if he refused to break off his relationship with heresy and the 'preaching.' Instead, the logical goal was his conversion, for it put him on the path of salvation of his life and soul, as the judges believed."¹⁰³

Manuals for inquisitors placed emphasis on the actual techniques useful for structuring the trial and allowing them to extract the whole truth about the

100 Mulchahey, "*Summae inquisitorum*", 147–51; for more detail on the subject of inquisitors' manuals, see Chapter 4.

101 Arnold, *Inquisition*, 90–110.

102 *Cum peccatores sint ad poenitentiam invitandi iuxta Dominicam vocem, gaudere oportet si poenitentiam libenter suscipiunt et supportant*. Mansi 23, 693.

103 Vauchez, "En Occident: La répression de l'hérésie", 829–30.

offense committed by the suspect.¹⁰⁴ The anonymous author of *Tractatus de haeresi* from the end of the thirteenth century warned inquisitors against heretics playing games of appearances at hearings. He argued that such heretics, wishing to conceal their real beliefs, purportedly provide obscure and evasive responses to the inquisitor's questions. When caught, in other words, whenever their lies or inaccuracy are detected, these heretics excuse themselves on the premise of their "simple mind" and "lack of education." Furthermore, the author of the manual writes that they tend to ask the inquisitors to have mercy on them, declaring their desire to profess the Catholic creed and receive penance. The author of *Doctrina de modo procedendi contra haereticos* insists that any inquisitor who detects such strategies must remain level-headed and steer clear of the trap set by fake innocence.¹⁰⁵

The manual ascribed to an anonymous author from Passau from the second half of the thirteenth century discussed the types of evasive responses given by the Waldensians to inquisitors (*ad questiones raro directe respondent*). This work also contained examples of dialogues between inquisitors and heretics. The Waldensians, asked about their knowledge of the Gospels or the Epistles, responded either with a rhetorical question, *Quis docuisset me ista?*, or stated that only appropriately qualified people can read Holy Writ.¹⁰⁶ A later manual, *De inquisitione hereticorum*, was the first to include a detailed presentation of the technique of structuring interrogation in court. The Chapter *De modo examinandi haereticos* included practical instructions on how inquisitors can catch the Waldensian heretic lying or providing an evasive response. In the opening lines of this chapter, the author of the manual emphasized that interviewing technique has to be adapted to the particular attitude of the heretic. According to him, heretics used to defend their views openly and were willing to engage in discussion on religious matters in the past, whereas now they try to conceal their true beliefs. Therefore, the main goal of inquisitors now is to force heretics under interrogation to reveal their true religious opinions. In cases where, in spite of being offered encouragement or admonition, the suspect declined a sincere confession, the inquisitors needed to conduct an interrogation following a special

104 "Inquisitorial interrogations were supposed to bring the deponent to contrition and absolution, and also to produce a truth spoken about the deponent him or herself and about others, 'both living and dead'". Arnold, *Inquisition*, 93–8, at 93.

105 *Tractatus de haeresi*, 1790–1.

106 *Hec debet discere qui sunt magni vel profundi intellectus vel qui ad hoc sunt ociosi et ydonei. Der Passauer Anonymus*, 107; *Quellen zur Geschichte der Waldenser*, 74.

strategy.¹⁰⁷ The manual's author elaborated on the characteristic trick used by the Waldensians who attempted to prove their innocence at trial. Standing before the inquisitorial tribunal, such a heretic simulated surprise, claiming that he/she has no idea of what he/she was charged.¹⁰⁸ When an inquisitor blamed his interlocutor for holding beliefs alien to the Catholic Church, the suspect would declare him/herself innocent with dramatic gestures and an upward gaze, as if he/she were seeking heavenly intervention. The author of *De inquisitione hereticorum* wrote that this type of behaviour was an accurate reflection of the cunning spirit of heretics who tried to keep their true opinions secret. Wishing to avoid being exposed, the Waldensian states that he/she "believes in everything that a Christian should believe in". Moreover, he/she is ready to "believe in everything that the inquisitor and other learned men tell him to believe." Furthermore, the author of the work writes that Waldensians caught in error excuse themselves on the premise of their simplicity and illiteracy.¹⁰⁹ The responses given by Waldensians to inquisitors were calculated to result in a quick closure of the trial. Asked about particular elements of Catholic doctrine, they would provide simple responses to confirm their orthodoxy. Even if the inquisitor attempted to persuade them to explain the way they understood specific elements of the creed, they would bring up their simplicity and lack of education. Oftentimes, in order to avoid detection of their true beliefs, Waldensians would declare that they believed in everything that the inquisitor told them.¹¹⁰

Given the above challenges, the author of *De inquisitione hereticorum* argued that a qualified inquisitor ought to be able to detect heresy in the midst of all heretical tricks. The inquisitor had to master a number of practical skills in his effort to expose the lies and evasive techniques of heretics. Indeed, the author

107 *Si litteratorie aliquis contra fidem disputaret, per fideles Ecclesiae litteratos facile convinceretur haereticus, cum eo ipso jam censeretur haereticus, quo defendere niteretur errorem. Sed quia moderni haeretici magis quaerunt latenter palliare errores suos, quam aperte profiteri, litterati per scientiam litterarum et scripturarum non possunt eos convincere, quia non procedunt per viam illam [...]. Tractatus de haeresi, 1788.*

108 *Interrogo eum qua ex causa sit adductus. Respondet valde mansuete et subridendo Domine libenter discerem a vobis causam. Tractatus de haeresi, 1789.*

109 *[...] simplex homo sum et illiteratus: nolite me capere in verbis meis. Tractatus de haeresi, 1789.*

110 *Dico, credis me ita credere, quod ego non quero, sed quero utrum te ipse credas? Respondet, Si omnia quae dico vultis aliter interpretari sane et simpliciter, tunc nescio quid debeam respondere. Simplex homo sum et illiterates, nolite me capere in verbis meis. Tractatus de haeresi, 1790.*

went on, the process of bringing heresy to light was a challenging task for two reasons. Firstly, not all inquisitors were truly devoted and persistent in the task of *officium inquisitionis*. The majority thought that the struggle against heretics was no longer necessary, as the latter had ceased to preach their beliefs in public. Secondly, the author argued that very few inquisitors actually knew how to recognize heretics and bring their heterodoxy to light. The majority of inquisitors let the heretics lead them astray and accepted gullibly their declared conversions and promises of penance.¹¹¹

Bernard Gui also devoted a considerable number of pages to a discussion of the tricks used by the Waldensians. In his manual, he pointed to the challenge encountered upon the attempt to extract a confession from a Waldensian. Using obscure responses, they try to conceal their true religious beliefs.¹¹² For this reason, Gui devoted a separate chapter to a description of how the Waldensians avoid providing direct responses to an inquisitor's questions. Some of them feign surprise, claiming they do not know why they have been summoned to appear before the inquisitor's tribunal. Gui drew heavily on *De inquisitione hereticorum* while elaborating a dialogue between an inquisitor and his Waldensian suspect; the latter did all in his might to hide his opinions. Asked about his faith, he responded that he held the same beliefs as any other good Christian. The inquisitor then asked him who he considered to be a good Christian. At that, the Waldensian responded that a good Christian is one who believes in all that the Church proclaims and teaches. The inquisitor's further attempts at establishing the creed of the suspect made him ask the suspect to explain what the "Church meant in this context;" at that, the suspect redirected the question to the inquisitor, asking him to provide an explanation of the matter. Having heard the inquisitor's explanation, he stated that he believed the same as the inquisitor. Asked about specific elements of Catholic doctrine, such as the Lord's incarnation, resurrection and ascension into heaven, the Waldensian responded "I strongly believe".¹¹³ In short, the strategy of the Waldensians consisted in proving that they were good Catholics and had nothing to do with heresy.

Inquisitors were interested in all stages of the heretic's life. Each suspect had to speak in detail about his/her ties to heresy. The omission of any details, familiar

111 *Tractatus de haeresi*, 1790, 791–2.

112 *Notandum est quod Valdenses sunt valde difficiles ad examinandum et inquirendum et ad habendam veritatem ab eis de erroribus suis propter fallacias et dupplicitas verborum quibus se contegunt in responsionibus suis ne deprehendantur*. Gui, *Practica*, 252–3.

113 Gui, *Practica*, 253–4; cf. Given, *Inquisition*, 41.

to the inquisitors through other sources, such as the testimonies of other heretics or witnesses, resulted in the casting of doubt upon the sincerity of the suspect's contrition. The interrogations sometimes spanned several years, and inquisitors repeatedly went back to fragments of testimonies that appeared dubious or insufficient. Such a dynamic of interrogation meant that testimonies could cover events from several decades before.¹¹⁴

Investigations endowed *confessio* with exceptional legal strength. The testimony of the suspect was the most important piece of evidence in the case and, provided it was given voluntarily, it made the collection of further evidence redundant.¹¹⁵ This is why inquisitors put such great emphasis on the persuasion of the heretic who went on to admit his offence and offer an exhaustive testimony. In order to attain this end, both the episcopal and the papal inquisitors resorted to instruments of imprisonment and torture.¹¹⁶ Imprisonment was considered an efficient instrument to extract desired confessions even from the most obstinate of heretics. The 1243 Synod of Narbonne passed a resolution stating that all heretics who failed to confess during the period of grace were to be imprisoned.¹¹⁷ James Given has pointed out that imprisonment became an integral element of the governance strategy in the territory of Languedoc, as it enforced obedience to inquisitors. It enabled the social isolation of heretics who declined to reveal their beliefs and constituted a warning to their supporters who were still at large.¹¹⁸

Depending on the means available, papal inquisitors used imprisonment for those among alleged heretics whose offences were backed with strong evidence. Two thirteenth-century manuals, *Doctrina de modo de procedendi contra haereticos* and *De inquisitione hereticorum*, devoted considerable attention to the

114 Gui, *Practica*, 302.

115 Gaudemet, "A propos de la preuve dans le droit canonique médiéval", *Revista española de derecho canonico* 49 (1992), 225–34; Gaudemet, *Église et cité*, 521; Peters, *Torture*, 46.

116 Talad Asad, *Genealogies of Religion. Discipline and Reasons of Power in Christianity and Islam* (Baltimore, 1993), 96–7; Asad, "Notes on Body Pain and Truth in Medieval Christian Ritual", *Economy and Society* 12 (1983), 287–327. Functioning as a means of constraint, imprisonment appeared in the medieval judicial system along with the spread of inquisition procedures. The detention of a person suspected of crime was intended to serve as a means to enforce confession of his guilt. See also the comments of Halina Manikowska, *Nadzór i represja. Władza i społeczeństwo w późnośredniowiecznej Florencji* (Warsaw, 1993), 298–300.

117 *Texte zur Inquisition*, 62 (article 9).

118 Given, "The Inquisitors of Languedoc", 344–5; Given, *Inquisition*, 53–65.

actual methods of breaking the resistance of heretics unwilling to reveal their offence.¹¹⁹ These methods entailed strong mental and physical pressure placed on alleged heretics in order to extract a “voluntary” confession. This type of procedure resembled what today we would call the method of “carrots-and-sticks”. On the one hand, heretics were promised lighter punishment if they disclosed their heresy, while on the other, they were threatened with death should they remain resistant. Imprisonment ensured the efficient extraction of confessions. In order to weaken their resistance, heretics were sometimes assigned a stricter prison setting. A solitary stay in a tight cell, with their limbs chained and a minimal food allowance was intended to make even the most obdurate heretics speak out.¹²⁰

The author of *De inquisitione hereticorum* advised inquisitors to inspire fear in obdurate heretics by passing on information concerning incriminating testimonies given by other individuals. Heretics were also reminded about the death penalty awaiting them if they refused to admit their guilt. Another method of extracting testimonies involved limiting food allowances, as well as a ban on contacts with family members. The author of *De inquisitione haereticorum* noticed, “both the fear of death and the desire to remain alive serve to weaken their resistance, which would be difficult to overcome otherwise”.¹²¹ Keeping alleged heretics in prison enabled inquisitors to obtain additional information on other heretics. The anonymous author of *De inquisitione haereticorum* stated that it was by all means easier to capture heresy supporters (*fautores*) by controlling the persons who came as visitors, had whispered conversations or brought the prisoner food.¹²²

The Languedoc inquisitors used prison as an efficient instrument to overcome the resistance of heretics. Throughout the full-blown inquisition carried out between 1245 and 1246, the Carcassonne inquisitors Bernard de Caux and Jean de Saint-Pierre regularly resorted to custody in order to extract full confessions from the suspects. Those who concealed their ties to the Cathar *perfecti* ended up imprisoned at the Château Narbonnais in Toulouse. They tended to stay there for several days, up to a week. Even after such a short prison stay, the majority provided exhaustive responses to the inquisitors’ questions.¹²³ The rough conditions

119 Dondaine, “Le manuel”, 104–5 and 180–3.

120 Given, *Inquisition*, 54.

121 *De inquisitione hereticorum*, 223; *Tractatus de haeresi*, 1787.

122 *De inquisitione hereticorum*, 221; *Tractatus de haeresi*, 1786.

123 Pegg, *The Corruption of Angels*, 33.

experienced in the prison quarters forced many alleged heretics to admit their guilt, since they wanted to be released as quickly as possible. This is what Raymond Bernard, the bailiff of the viscount of Foix, did. He was so horrified at the sight of his narrow cell and the scarce amount of food that after only a month in custody he was ready to make any admissions the inquisitor might have expected of him.¹²⁴ Bernard Gui, whose works were composed in the 1320s, perceived imprisonment as an integral element of the technique used for structuring trials held before the inquisition tribunal. Adapted to the needs of the *officium inquisitionis*, imprisonment was instrumental as a place in which the inquisitor made attempts to persuade heretics to return to the True Faith with instruction (*instructio*), encouragement (*exhortatio*) and admonition (*monitio*).¹²⁵ A prison term including hunger, handcuffs and torture caused even the most obstinate heretics to speak out.¹²⁶ Whenever a suspect claimed that he knew nothing about heretics, Gui gave orders to have him/her imprisoned so that his/her resistance might be overcome and his/her memory refreshed.¹²⁷ Gui's great experience in inquisitorial work enabled him to discover that a longer prison stay allowed alleged heretics to ponder their attitudes (*vexatio det intellectum*) and ultimately make them willing to collaborate with the inquisitor. A sufficiently lengthy and incommoding prison stay resulted in some imprisoned individuals "regaining their memory": they testified about facts from thirty or forty years earlier.¹²⁸

According to Gui, imprisonment was the most recommended method for dealing with leaders of heretical groups, such as the Cathar *perfecti* and the Waldensian masters. Detaining the *perfecti* in prison offered great benefits. The difficult prison conditions often broke their resistance and the resulting testimonies furnished valuable information on other heretics and their whereabouts.

124 *Histoire générale de Languedoc*, vol. 8, 1481; cf. Given, "The Inquisitors", 246.

125 [...] *in tali custodia recludantur quod non possint alios corrumpere; et ibidem instruendi sunt et exhortandi sepius, monendi ut convertantur ab errore suo et redeant ad Ecclesie unitatem*. Gui, *Practica*, 218.

126 Gui, *Practica*, 284.

127 *Dixerunt se de facto heresis penitus nichil scire, nec predictum hereticum talem N. se unquam vidisse nec cum eo participasse, fueruntque dicti homines propter depositionem predictam aliquo tempore detenti carcere, ut veritas posset cercius inveniri*. Gui, *Practica*, 107; cf. Biget, "L'Inquisition en Languedoc", 69.

128 [...] *set detinendus per annos plurimos ut vexatio det intellectum, et multociens vidi de aliquibus quod sic vexati et pluribus annis detenti confessi fuerunt tandem, non solum de novis set etiam de veteribus et antiquis, de XXXa annis et de Xla et supra*. Gui, *Practica*, 302.

The conversion of heretics took on an important propaganda role for the inquisition. The Cathar following, at the sight of the conversion of their leader, was all the more willing to renounce their own errors and return to the Catholic Faith.¹²⁹ Even lengthy prison terms assigned to those *perfecti* who refused to collaborate with the inquisitors were beneficial to the *officium inquisitionis*. According to Gui, as long as such a *perfectus* was held in custody, his fellow believers, fearing his conversion, were more inclined to appear before the inquisitor and confess their guilt.¹³⁰

Imprisonment also served to isolate heretics and deprive them of the opportunity to agree on a common line of defence. For this reason, Gui recommended that imprisonment be assigned at the stage of interrogation to all alleged heretics, if possible.¹³¹ For instance, while dealing with a group referred to as the Pseudo-Apostles, he recommended that group members be detained in separate cells, for he had noticed that heretics placed in one cell tended to grow stronger in their resistance to the inquisitors and encourage each other to keep important information secret at trial. To illustrate the accuracy of this piece of advice, Gui described an investigation of one member of the Pseudo-Apostles conducted before his tribunal. The interrogated heretic refused to give testimony for a long time. However, after almost two years of solitary confinement in a prison cell, the suspect changed his mind and provided exhaustive answers to all questions.¹³²

These opinions from Bernard Gui's manual were reiterated in his trial records, the *Liber sententiarum*, covering the period between 1308 and 1323. Out of the 636 people who appeared before his tribunal, about 260 (or 40.8 %) had been imprisoned before giving full testimony.¹³³ It is impossible to establish for each

129 *Expectantur autem tales diutius et invitatntur ad conversionem et differtur eodem condemnatio ex causa rationabili: primo, quia eorum conversio multum proficit officio fidei ex eo quod si convertuntur detegunt suos complices, et latibula, et conventicula tenebrarum. Item, illi qui per eos decepti fuerunt et in errorem missi, quando vident magistros erroris sui esse conversos et se ipsos fore deceptos, quandoque facilius et perfectius ab erroris devio convertuntur.* Gui, *Practica*, 302.

130 *Item, quamdiu heretici tales in custodia detinentur, alii qui per eos corrupti fuerant, suspicantes et cogitantes quod convertantur et se et alios detegant aut revelent, facilius et frequentius veniunt ad confitendum de se et de aliis veritatem, aut citati seu vocati per inquisitores cicius confitentur.* Gui, *Practica*, 218.

131 Gui, *Practica*, 302.

132 Gui, *Practica*, 264; cf. Given, *Inquisition*, 55.

133 Pales-Gobilliard, "Introduction", in Gui, *Le livre des sentences*, 30–3; J.B. Given gives a number of 637 condemned, who are noted in the Gui's *Liber sententiarum* (*Inquisition*, 56–7).

case how much time was needed to overcome the resistance of the imprisoned and make them confess their guilt. The sentences delivered by Bernard Gui indicate that the length of prison term was different in each case and depended on the attitude of prisoners. Bernarda, wife of Bernard Bolh de Verdun-Lauragais, provided a full testimony after over two years in prison.¹³⁴ A similar term of confinement at the inquisitorial prison in Toulouse was assigned to Bernard Macip of Lugan. He appeared before Bernard Gui's tribunal on 9 May 1309 for the first time. At that time, he denied having had any contact with the Cathar *perfecti*, Pierre Autier in particular. Since Gui was familiar with the testimony of Pierre Autier, indicating a different version of events, Gui deemed Macip's testimony dishonest (*male confessus*) and ordered to place him in prison. After almost three years, Bernard Macip admitted on 17 April 1312, that he had met with the *perfecti* twice and confessed that he considered them good and truthful people.¹³⁵

While reading Bernard Gui's records, we learn that a several years' (or lengthier) term preceding the full testimony was rather exceptional and applied mainly to one particular group of Cathars whose investigation had been launched by Gui's predecessor. The majority of suspects placed in custody by Gui offered a satisfactory *confessio* after just several weeks of imprisonment. The records of Gui's contemporary, the Carcassonne inquisitor Geoffroy d'Ablis (1303–1316) are indicative of an equally short prison term's resulting in a suspect's consent to offer testimony concerning his ties to heresy. Guillaume de Rodés from Tarascon in the diocese of Pamiers, interrogated by Geoffroy d'Ablis on 22 October 1308, admitted to having spent fifteen days in various prisons (Foix, Pamiers, Carcassonne), before providing an exhaustive *confessio*.¹³⁶

An analysis of the Pamiers records of Jacques Fournier, including material from the trial of the Montailou Cathars conducted between 1318 and 1325, provides us with interesting information.¹³⁷ In his proceedings against fifty-five alleged heretics, Fournier ordered imprisonment at trial on the grounds of their testimonies being incomplete or false. It can be presumed that the bishop of Pamiers regarded several months of imprisonment as an efficient instrument of pressure on the suspects who refused to confess the truth about their apostasy.

134 Gui, *Le livre des sentences*, vol. 1, 254–57.

135 Gui, *Le livre des sentences*, vol. 1, 682–5.

136 Duvernoy (ed.), *Registre de Geoffroy d'Ablis* (Ms lat. 4269 BN. Paris, 2001), 46.

137 On Bishop Jacques Fournier's actions on the inquisition tribunal, see Duvernoy, "Introduction", in *Registre*, vol. 1, 17–20; Paul, "Jacques Fournier, inquisiteur", *CF* 26 (1991), 39–67; Albaret, "L'Inquisition de Carcassonne. Jacques Fournier (1317–1326), un inquisiteur professionnel", in Albaret (ed.), *Les inquisiteurs*, 133–9.

The principles regulating the assignment of custody at the stage of the court trial are accurately reflected in the investigation of the aforementioned Bernard Clergue. At the hearing held on 25 May 1321, the Pamiers bishop ordered that Bernard be detained at the castle prison Tour des Allemans, given that his testimony was regarded as incomplete. Since the bishop had access to strong evidence of the suspect's involvement with the Montailou Cathars found in testimonies of other witnesses, he accused Bernard of perjury. The prison stay was meant to force the accused to confess the full truth about his ties to heresy.¹³⁸ As a result, Bernard Clergue spent a little under six months in prison (from 25 May to 6 November 1321), but in the opinion of the bishop and his collaborators this was considered a rather lengthy term.¹³⁹ James Given has come across data enabling him to measure the exact length of time that elapsed between the moment when eighty-seven people interrogated by Jacques Fournier were placed in custody and the moment their sentences were delivered. The average length of investigation was 383 days (over 54 weeks), the longest spanning 6 years (2.201 days), and the shortest just seven days. 75 % of these investigations took less than 52 weeks, 50 % less than 35 weeks, and 25 % less than 17 weeks.¹⁴⁰ Given's calculations are just approximations, for they do not take into account the frequent and sometimes lengthy breaks caused by Fournier's out-of-town engagements.

In the majority of cases, the suspects were incarcerated at the royal prison Tour des Allemans in Pamiers. Only some of them were placed at the episcopal residence during their trials, or the place where their interrogations took place.¹⁴¹ The episcopal palace in Pamiers had separate quarters that served as makeshift prisons for a small number of suspects. Jacques Fournier allowed some alleged heretics to remain at large during the investigation, but he still forbade them to travel out of town.¹⁴²

The introduction of the practice of custody as a vital instrument in ongoing investigations in thirteenth-century Languedoc was a model adopted by inquisitors in other areas as they launched their own inquisition efforts. In the second half of the fourteenth century, the Aragonese inquisitor Nicholas Eymerich devoted an extensive chapter of his *Directorium* to inquisition prisons. Just like the Languedoc inquisitors, he regarded prison as a place to complete a heretic's

138 *Registre*, vol. 2, 276–8.

139 *Registre*, vol. 2, 276.

140 Given, *Inquisition*, 58.

141 *Registre*, vol. 1, 358 and 425.

142 On the basis of the *Registre* Given notes 13 cases (*Inquisition*, 61).

penance, as well as an instrument of pressure put on alleged heretics who refuse to admit their guilt.¹⁴³ Adopting the principle that the ends justify the means, the Aragonese inquisitor described a number of strategies used to obtain information from heretics detained in the inquisition gaol. He openly encouraged ruse and deceit in dealing with those individuals who refused to give in and collaborate voluntarily with the inquisitor even after having been assigned a prison term. In order to extract the desired testimony, the inquisitor could go as far as to provoke a testimony in a way which was dishonest. To that end, he used another heretic who had already renounced his errors and reconciled with the Church. Eymerich recommended placing the latter in the same cell as the one who refused to collaborate with the inquisitor, in the hope that he would confess his offence to his cell mate and pass on coveted information on his fellow believers. Conversations with a resistant heretic were often to be overheard by the inquisitor's collaborators, as well as a notary whose task was to write everything down in detail.¹⁴⁴

Imprisonment also served to overcome the resistance of yet another category of heretic: those who, having admitted their guilt, did not want to renounce it. They were handcuffed and detained in a strict and heavily supervised prison setting. No one, apart from the gaolers, was allowed to visit them. From time to time, the inquisitor or bishop would summon a prisoner to appear before him so that he/she could be instructed in the true creed. If, in spite of such special instruction, a heretic remained obdurate in his/her beliefs, the inquisitor had to turn to twelve specialists in theology and law who made another attempt at the heretic's conversion. If all of these measures failed, the inquisitor was forced to hand the heretic over to the secular authorities. Even in that case, Eymerich advised against immediate execution, as he still had hope that the convict would eventually renounce his errors.¹⁴⁵

The medieval court procedure regarded torture as a measure of last-resort for extracting infallible evidence from presumed criminals.¹⁴⁶ It was used against individuals whose involvement in a crime had been confirmed by strong

143 Eymerich, *Directorium*, 421–22.

144 Eymerich, *Directorium*, 434.

145 Eymerich, *Directorium*, 514; cf. Given, "Les inquisiteurs", 60.

146 Torture was introduced into judicial practice for the first time in Ancient Greece. In Ancient Rome torture was applied only to slaves accused of crime. Torture was used in court in cases of particularly shameful crimes against the emperor and the state, such as treason. By the early Middle Ages legal use of torture had almost completely died out. The Carolingians used torture sporadically. Peters, *Torture*, 11–39.

evidence. Before the validation of torture-provoked testimonies for further court procedure, a suspect had to confirm them voluntarily afterwards.¹⁴⁷ The inquisitors resorted to torture in particularly serious transgressions disruptive to the public order: murders, arson, rape or theft. The first evidence of torture used in medieval courts came from the 1220s. The use of torture on imperial territory was sanctioned by the *Liber Augustalis* of Frederick II.¹⁴⁸ Up until the mid-thirteenth century, canon law had categorically forbidden ecclesiastical courts to use torture for a forced extraction of testimony. Wherever the accusation was based on infamy (*infamia, calumpnia*), a voluntary confession was the only acceptable piece of evidence (*spontanea confessio*) (C 15.6.1).¹⁴⁹ As previously mentioned, investigations allowed for only two kinds of proof: a confession of errors made by the heretic him/herself or a testimony given by at least two credible witnesses. The secret nature of the activity of heretical groups and their mutual solidarity in concealing their apostasy made the acquisition of such credible evidence impossible in many cases. Therefore, the inquisitors' resort to torture in an effort to obtain infallible evidence was validated by the legal weight of heresy, perceived as one of the most serious crimes directed against the common good.

Permission to use torture in ecclesiastical courts was granted by Innocent IV. In his bull *Ad extirpanda* of 15 May 1252, the pope approved *citra membri diminutionem et mortis periculum* in order to force heretics to confess their offence and betray their fellow believers. The papal bull emphasized that torture had to be applied by secular torturers only.¹⁵⁰ The regulations of *Ad extirpanda*

147 Ullmann, *Law and Jurisdiction in the Middle Ages* (London, 1988), 124–5; Dean, *Crime*, 15–6.

148 Peters, *The Magician, the Witch and the Law* (Philadelphia, 1978), 183–95; Peters, *Torture*, 67–73; John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancient Régime* (Chicago, 1976); Mario Sbriccoli, “*Tormentum idest torquere mentem: Processo inquisitorio e interrogatorio per tortura nell’Italia comunale*”, in Jean-Claude Maire Vigueur and Agostino Paravicini Bagliani (eds), *La parola all’ accusato* (Palermo, 1991), 17–32; Pennington, *The Prince and the Law*, 156–60. The latter views the possible use of torture in legal trials in the thirteenth and fourteenth centuries very sceptically.

149 *Confessio enim in talibus non compulsa, sed spontanea fieri debet. Omnis enim confessio, que fit ex necessitate, fides non est. Confessio ergo in talibus non debet extorqueri, sed sponte profiteri*. Friedberg 1, 754–5; cf. Gaudemet, *Église et société*, 521.

150 *Teneatur praeterea Potestas, seu rector, omnes haereticos quos captos habuerit, cogere, citra membri diminutionem et mortis periculum, tanquam vere latrones et homicidas animarum, et fures sacramentorum Dei et fidei Christianae, errores suos expresse fateri, et accusare alios haereticos quos sciunt, et bona eorum, et credentes et receptatores, et defensores eorum, sicut coguntur fures et latrones bonorum temporalium accusare suos*

first applied to the Papal States. However, they were quickly adapted throughout Christendom as the legal basis for allowing torture in investigations *in causa haeresis*.¹⁵¹ Permission to use torture in heresy investigations was confirmed later by Alexander IV (30 November 1259), Urban IV (4 August 1262)¹⁵² and Clement IV (3 November 1265).¹⁵³ Given that the participation of clerics in torture constituted a violation of canon law, Alexander IV (7 July 1256), and Urban IV (4 August 1262) granted inquisitors and their collaborators the right to give each other absolution *ob irregularitatem*.¹⁵⁴

The ecclesiastical authorities believed that torturing the body in order to establish the truth was a perfectly legitimate method as it served to save souls from eternal doom. It was better to force the suspect to confess the truth about his/her ties to heresy, even if it entailed physical suffering, than to allow his soul to perish for eternity.¹⁵⁵ Just like secular courts, the inquisition procedure stressed the necessity of validating torture-induced testimonies by a post-factum confirmation by the suspect before the tribunal in order for the confession to gain legal strength. Nicholas Eymerich's manual recommended torture only in cases where, in spite of strong evidence, a suspect continued to refuse to admit his/her guilt.¹⁵⁶

Unlike secular courts which resorted to torture as a standard means of extracting desired evidence, ecclesiastical courts turned to this brutal method only in exceptional cases. The records of the thirteenth-century Languedoc inquisition contain information on a small number of cases.¹⁵⁷ Following the

complices, et fateri maleficia, quae fecerunt. Mansi 23, 569–73; BOP 1, no. 257, 210; BRP 3.1, 324–7, at 326 (article 25); Potthast, no. 14592; *Processus inquisitionis*, 71.

151 Kolmer, *Ad capiendas vulpes*, 208–9.

152 BRP 3.1, 359; Potthast, no. 17144.

153 BRP 3.1, 437; Potthast, no. 19433.

154 BRP 3.1, 408; Potthast, no. 18390.

155 Peters, "Destruction of the Flesh – Salvation of the Spirit: the Paradoxes of Torture in Medieval Christian Society", in Alberto Ferreiro (ed.), *The Devil, Heresy and Witchcraft in the Middle Ages. Essays in Honor of Jeffrey B. Russell* (Leiden, 1998), 131–48.

156 Eymerich, *Manuel*, 158–9 and 207–8.

157 L. Kolmer claims that torture was used in inquisition trials in Languedoc after the promulgation of *Ad extirpanda* (Kolmer, *Ad capiendas vulpes*, 209). A contrary opinion is held by D. Müller, who attributes the use of torture to the first inquisitors in Languedoc. *Frauen vor der Inquisition. Lebensform, Glaubenszeugnis und Aburteilung der deutschen und französischen Katharikerinnen* (Mainz, 1996), 378.

publication of *Ad extirpanda*, torture was used only exceptionally.¹⁵⁸ Célestin Douais, a French historian and publisher of inquisition records, pointed to just three cases of torture inflicted by the Languedoc inquisition in the second half of the thirteenth century.¹⁵⁹ This proportion was still the same in the first half of the fourteenth century. We know that torture was used to extract testimonies by Bishop Bernard de Castanet of Albi. This is confirmed by the testimony of a merchant named Isarn Coll in 1319 who recalled having made his 1301 *confessio* while enduring torture.¹⁶⁰ Documentation from the investigation of the Montailou Cathars mentions torture just twice. In both cases, it referred to earlier hearings.¹⁶¹

Italy's inquisitors resorted to torture relatively seldom.¹⁶² The Bologna inquisition records covering the period between 1291 and 1310 draw us to conclude that no more than three individuals were subjected to torture.¹⁶³ The fourteenth-century papal inquisitors overseeing investigations against the Waldensians in Piedmont were equally reluctant to resort to this brutal measure. Nevertheless, the records of Alberto de Castellario, which registered the testimonies of Waldensians from 1335, contain a few passages referring to the use of torture with a view to extracting a full confession from an alleged heretic.¹⁶⁴ Torture tended to be administered after the first hearing, provided the inquisitor concluded that the suspect most likely failed to provide sincere responses to questions. For example, on 7 February 1335, Alberto de Castellario ordered that Bernard de Rosseto be tortured, on the grounds that the latter had not disclosed everything he knew about heresy at the first hearing. In this case, torture turned out to be helpful in extracting the desired testimony. At the following hearing, Bernard de Rosseto

158 Ca 1243 Arnaud Bordelerde de Lauzerte (Tarn-et-Garonne) was handed over to torture but did not confess his guilt [...] *fuit levatus in eculum, set nichil dixit, nec potuit ab eo extorqueri*. Information about this comes from the testimony of Guillaume Faur. Doat 22, f. 7.

159 *Documents*, vol. 1, ccxl.

160 Biget, "Un procès d'Inquisition à Albi en 1300", 288–9.

161 *Registre*, vol. 1, 497, and vol. 2, 141.

162 Scharff, "Seelenrettung und Machtinszenierung. Sinnkonstruktionen der Folter im kirchlichen Inquisitionsverfahren des Mittelalters", in Peter Burschel, Götz Distelrath and Sven Lembke (eds), *Das Quälen des Körpers. Eine historische Anthropologie der Folter*, (Cologne, Weimar, and Vienna, 2000), 154–6.

163 Paolini and Raniero Orioli (eds), *Acta S. Officii Bononiae ab anno 1291 usque ad annum 1310* (Rome, 1982: *Fonti per storia d'Italia*, 106), no. 691, 473, no. 576, 546 and no. 810, 600; cf. Scharff, "Seelenrettung", 155.

164 Merlo, *Eretici e inquisitori*, 141–3; Schneider, *Europäisches Waldensertum*, 80–1.

admitted his offence and gave a detailed account of it.¹⁶⁵ The records of Alberto de Castellario reveal that torture was used in cases where the transgression was backed with strong evidence from testimonies of witnesses and public rumours (*fama publica*) while this version of events was not confirmed at the trial. On 4 March 1335 Alberto de Castellario ordered that Giovanni Gauter be tortured, given that there was strong evidence for his involvement in Waldensian activities. The instrument of torture was recommended by the Benedictine abbot of San Michele Della Chiusa, the feudal lord of Giaveno. The operation was carried out by the castellan of Giaveno.¹⁶⁶

In other regions of Europe, one finds rare bits of information on torture used during heresy trials. One isolated account of torture has been preserved in the records from the investigations against Polish Hussites in the 1440s.¹⁶⁷ On the one hand, the relatively few mentions of torture may testify to sporadic use of this instrument for extracting confessions in anti-heresy inquiries; on the other, we cannot exclude the possibility that, at the moment when the records were written down, such information might have been omitted deliberately.¹⁶⁸

The use of torture was a source of great controversy even among the inquisitors themselves.¹⁶⁹ Torture guaranteed a quicker extraction of *confessio* that either confirmed or dismissed a charge. From the point of view of the tasks of *officium inquisitionis*, however, there was no need to hurry. Since both voluntary confession (*spontanea et plena confessio*) and conversion (*conversio*) were considered to be the inquisition's top priorities, inquisitors were called upon to show greater patience to heretics who refused to admit their apostasy. Bernard Gui, who was against torture, considered prison a sufficient instrument of mental and physical pressure.¹⁷⁰ While in custody, a heretic was isolated from "healthy"

165 Merlo, *Eretici e inquisitori*, no. 70, 185: *depositus de tormento, confitetur se degerasse bis in manibus supradicti inquisitoris[...] Interrogatus, quare omnia predicta non dixit in prima depositione antequam poneretur ad tormentum, respondit quod propter stultitiam suam.*

166 *Et quia dictus Iohannes famam publicam habebat de Valdesia et testem, ideo supradictus inquisitor de consilio domini abbatis precepit castellano Iavenni ut ab ipso extorqueret veritatem servando in omnibus constitutionem Clementis pape quarte.* Merlo, *Eretici e inquisitori*, no. 48, 176.

167 AC 3, no. 519, 238; cf. Kras, *Husyci*, 285.

168 Scharff, "Seelenrettung", 157.

169 *Documents*, vol. 1, ccxxxviii.

170 Gui, *Practica*, 107 and 302; cf. Biget, "L'Inquisition en Languedoc", 69–70; Scharff, "Seelenrettung", 160.

society and, at the same time, granted the opportunity to reflect on his/her sins.¹⁷¹

4. *Interrogatoria*

The interrogatory (*interrogatorium*) framed every interrogation of heresy suspects before ecclesiastical courts. It contained a questionnaire prepared by an inquisitor or bishop helpful in acquiring information on the suspect's ties to heresy. The *interrogatorium* defined the range of topics the trial was going to cover so that the nature and the category of suspected heterodoxy might be identified.¹⁷² Judges who presided over hearings of alleged heretics had to have sufficient knowledge of outlawed dissident movements. The inquisitorial manuals recommended that the inquisitor become familiar with accessible literature on the views and lifestyle of heretics prior to their trial.¹⁷³ The trial strategy and the type of questions depended on the type of heretical adherence and the category of transgression. Successive manuals offered increasingly detailed interrogatories, providing the inquisitor with the basics for trials of Cathars, Waldensians, Beguines, Judaizers, Fraticelli and others.

Bernard Gui's *Practica* emphasized that there is no strategy for conducting a trial that would fit all types of heretic.¹⁷⁴ Each hearing had to be tailored to the current need and the way of conducting it depended on the attitude of the suspect and the inquisitor's experience.¹⁷⁵ The end of each chapter dedicated to particular heretical movements included five distinct interrogatories. Each of them offered rudimentary questions about the origins, provenance, beliefs and the mode of operation of heretical groups. The interrogatories provided just an outline of the trial, and the inquisitor worked with it to add more structure, as required. The interrogatories featured in Nicholas Eymerich's manual could be used in a similar way. In one distinct chapter the author described the

171 Given, *Inquisition*, 54.

172 Grundmann ("Ketzer verhöre", 367–8) was the first to realize the significance of interrogatoria for inquisition trials.

173 *Item potest Inquisitor respicere in aliquo libro, quasi ibi scripta fit vita haeretici et quicquid quaeretur ab eo. Tractatus de haeresi*, 1793.

174 *Advertendum autem est quod, sicut non omnium morbum est eadem medicina, quin pocius singulorum diverse sunt et singule medicine, sic nec ad omnes hereticos diversarum sectarum idem modus interrogandi, inquirendi et examinandi est servandus, set ad singulos, ut in pluribus singularis et proprius est habendus.* Gui, *Practica*, 236–7.

175 Given, "Inquisiteurs", 62; Scharff, "Auf der Suche nach der 'Wahrheit'", 156.

characteristic traits enabling the identification of particular heresies, such as the Pseudo-Apostles, the Cathars, the Waldensians, Beguines, Beghards, Fraticelli and Judaizers. The reader finds information on particular religious practices and beliefs, as well as clothing, specific vocabulary, gestures and behaviour.¹⁷⁶ First, Eymerich presented the characteristic traits of the Pseudo-Apostles, a group founded ca 1260 by Gerard Segarelli, including their clothing, which was a white tunic with a cord around the waist and a black cloak. He also noticed that their hair was either worn long or shaven off. Their feet were clad in sandals or were completely bare. They went from one place to another calling, “Repent, for the Kingdom of God is nigh” and singing the *Salve Regina*.¹⁷⁷

The manuals for thirteenth-century Languedoc inquisitors limited the definition of *haeretici* to the Cathar *perfecti* and the Waldensian masters. In the eyes of the ecclesiastical authorities, these posed the greatest threat to the Church and thus they became the primary target of the inquisition. The Cathar *perfecti* and the Waldensian *magistri* played a key role in popularizing beliefs contradictory to the Church teachings. They administered “sacraments” and organised the religious life of their supporters. The ecclesiastical authorities had a different approach to ordinary members of heretical groups (*credentes*). The *credentes* included all those who did not receive the Cathar *consolamentum*, but participated actively in the religious practices of the Cathars, listened to their homilies, received Cathar blessings and consumed the blessed bread along with the Cathar *perfecti*.¹⁷⁸ The inquisitors did not take seriously their knowledge of the principles of the creed and their views were regarded as rather unoriginal. The inquisitors were convinced that the *credentes* passively accepted whatever their leaders preached and did not have any deeper understanding of complex matters related to theology or liturgy. Making this assumption, the inquisitors who led trials were more interested in the *credentes*’ contact with the Cathar *perfecti* or the Waldensian masters than in these suspects’ own religious views.

The interrogatory from the *Processus inquisitionis* illustrates this method of conducting a trial rather accurately. The majority of questions pertained to the Cathar *perfecti*, referred to as heretics (*haeretici*). The inquisitor was interested

176 Eymerich, *Directorium*, 438–42; Eymerich, *Manuel*, 135–42.

177 Eymerich, *Directorium*, 441; Eymerich, *Manuel*, 136; see also the remarks on techniques of interrogating Pseudo-Apostles in the *Practica* of Bernard Gui in Manselli, “Bernard Gui face aux ‘spirituels’ et aux ‘apostoliques’”, *CF* 16 (1981), 265–78.

178 Biller, “‘Deep is the Heart of Man and Inscrutable’: Signs of Heresy in Medieval Languedoc”, in Helen Barr and Ann M. Hutchinson (eds), *Text and Controversy from Wyclif to Bale. Essays in Honour of Anne Hudson* (Turnhout, 2005), 267–83.

in the times and places of encounters with the *perfecti*, the number of meetings, as well as their context.¹⁷⁹ The suspect was asked whether he had listened to the homilies and instructions of the *perfecti*, helped them travel to other places, offered them shelter or any material things.¹⁸⁰ The following questions from the interrogatory referred to various religious rites presumably celebrated by the Cathar *perfecti*: the blessing of bread at common meals (*benedictio panis*), showing reverence to *perfecti* (*adoratio, genuflectio*), as well as their participation in the Cathar sacraments, *consolamentum* and *apparallamentum*.¹⁸¹ The Languedoc inquisitors used a similar set of questions for the *credentes* until the end of the anti-Cathar effort. A strikingly similar interrogatory was incorporated into the *Doctrina de modo procedendi contra hareticos*.¹⁸²

The information acquired during trials was collected and described in a series of unclear formulas specifying particular forms of Cathar heterodoxy. Terms such as *praedicatio, benedictio, adoratio, consolamentum, apparallamentum*, introduced into the inquisitorial discourse, referred to the Cathar religious rites condemned by the Church.¹⁸³ The inquisitor tried to establish the circumstances of encounters with the heretics as precisely as possible. The number and the frequency of encounters with the *perfecti* were of significance. An equally important goal of a successful investigation was to reveal all the other participants in heretical meetings.¹⁸⁴ The interrogatory from the *Processus inquisitionis* was used by the Toulouse inquisitors, Bernard de Caux and Jean de Saint-Pierre, during their broad inquisition targeting Cathars in the Lauragais region. Some fragments of the records of these two inquisitors covering the period between 1245 and 1246 indicate that the order of questions was the same as in the aforementioned

179 *Deinde requiritur si vidit hereticum vel Valdensem et ubi et quando, et quoties et cum quibus, et de aliis circumstantiis diligenter. Processus inquisitionis, 71.*

180 *Si eorum predicationes aut monitiones audivit et eos hospitio recepit aut recipi fecit. – Si de loco ad locum duxit seu aliter associavit, aut duci vel associari fecit. – Si cum eis comedit aut bibit, vel de pane benedicto ab eis. – Si dedit vel misit eis aliquid. – Si fuit eorum questor aut nuntius, aut minister. – Si eorum depositum vel quid alium habuit. Processus inquisitionis, 71.*

181 *Si ab eorum libro, aut ore, aut humero, aut cubito pacem accepit. – Si hereticum adoravit, vel caput inclinavit, vel genua flexit, vel dixit ‘Benedicite’ coram eis; vel si eorum consolamentis aut apparallamentis interfuit. Processus inquisitionis, 71–2.*

182 *Doctrina, 1805.*

183 In the *Practica* of Bernard Gui and the *Directorium* of Nicholas Eymerich each of these rites was described in detail. For more on particular Cathar rites, see Rottenwöhler, *Die Katharismus*, vol. 2, 145–341; Duvernoy, *La religion des cathares* (Toulouse, 1983).

184 *Processus inquisitionis, 71–2*; cf. Arnold, *Inquisition, 51–2*.

interrogatory. The testimonies presented in the record were provided in the form of succinct responses to questions taken from the *Processus inquisitionis*.¹⁸⁵ The majority of suspects were asked about when and where they had seen the *perfecti*, whether they considered them to be good people, listened to their preaching, showed them reverence, hosted them, helped them relocate them from one place to another, or gave them anything. If an interrogated heretic denied any contacts of this kind with Cathar *perfecti*, his/her hearing was recorded in the form of a short note based on the interrogatory form.¹⁸⁶ If individuals admitted to having met the *heretici*, Bernard de Caux and Jean de Saint-Pierre proceeded to inquire into the exact context of those meetings, their time, and the manner in which they unfolded. Also, they asked about other people present at them.

While conducting the trials of alleged heretics, bishops and papal inquisitors could easily recognize the type of heterodoxy they were facing. The interrogatory questions compiled the views and characteristic religious practices of various heretical movements. In an attempt to establish to which heretical cult a suspect under interrogation belonged, a set of characteristic features was presented. It detailed the beliefs, practices, customs and even gestures and words that distinguished Cathars from Waldensians or Beguines. The Languedoc inquisitors knew that Cathar *perfecti* wore a black, hooded habit, whereas Waldensian masters (*Insabbati*) were distinguishable by their sandals, symbols of humility and poverty.¹⁸⁷ Both the ecclesiastical authorities and the community of the faithful in general perceived features distinguishable from Roman Catholic orthodoxy and the existing social norm. In thirteenth-century Languedoc and Lombardy, the population, which had regular contact with the Cathars, did not have any difficulty distinguishing who was a Catholic and who was a heretic. The world was

185 Pegg, "Questions about Questions: Toulouse 609 and the Great Inquisition of 1245–6", in *Texts and the Repression*, 113–4.

186 The good example of such record is the interrogation held on 27 May 1245: *Hugo de Mamirois testis ipse dixit quod nunquam vidit hereticos nec credidit nec adoravit nec dedit nec misit nec duxit nec recepit nec eorum predicationem audivit*. Toulouse, Bibliothèque municipale, MS 609, f. 1; Duvernoy (ed.), *Enquête de Bernard de Caux et de Jean de St Pierre, Lauragais 1245–1246, 1253* (Ms 609 Biblio. Mun. Toulouse), 7, available at <http://jean.duvernoy.free.fr/text/pdf/ms609>, accessed 12 August 2005.

187 For further discussion of the way inquisition *interrogatoria* were constructed and differences in the way questions were ordered for particular groups of heretic, see Biller, "Why No Food? Waldensian Followers in Bernard Gui's *Practica*", in *Texts and the Repression*, 127–46; Given, "The Béguins in Bernard Gui's *Liber sententiarum*", in *Texts and the Repression*, 147–61.

then defined by religious categories of closeness and foreignness and the knowledge of *licitum* and *illicitum* proved indispensable. It was a well-known fact that Cathar *perfecti* did not eat meat or any dairy products, such as eggs, cheese or milk. They were also widely known for their strict ascetic lifestyle and chastity. In 1234, an alleged Cathar, Toulouse resident Jean Tesseyre standing before the tribunal of Bishop Raymond de Fauga stated, “he cannot be a heretic, for he has a wife and he eats meat.”¹⁸⁸

The *signa haeresis* distinguishing the Waldensians included various elements of their creed and customs, and a particular language. They were described in detail by the oldest manuals for inquisitors. The 1260 manual of the Anonymous of Passau contains a separate chapter dealing with advice on how to recognize Waldensians. The author claimed that these heretics could be identified *per mores et verba*. As he pointed out, they are orderly and humble in the way they live their life. They forgo material luxury and are content with the bare necessities. They wear modest clothing and live on whatever they earn by manual labour. They observe chastity and are moderate in food and drink. They do not go to taverns, dances or other “vanities”. They study Holy Writ ceaselessly, preach their teachings and pray. The Anonymous of Passau author emphasized that Waldensians continue to go to church, listen to homilies, contribute to the offertory, and even use the sacrament of reconciliation, but they do all this falsely.¹⁸⁹

The Waldensian manner of speech, the author continues, is succinct and modest. They display their modesty in words, avoid lying and oath-taking, never say *vere* (“truly”) or *certe* (“certainly”), for they consider these expressions a form of oath.¹⁹⁰ Swearing oaths was unacceptable to Waldensians, for this was contrary to Church teaching (Mt 5.33–37). Swearing an oath was regarded as a grave sin and blasphemy. For this reason, a noticeable refusal or avoidance to give an oath in court was a tell-tale sign of a Waldensian.¹⁹¹ The inquisition manual described various tricks used by Waldensians to steer clear of the oath required during the court procedure. For example, there was one Waldensian master who wished to avoid swearing the oath at all costs. Asked by the judge whether he wanted to be cleansed of heresy with an oath, he responded, “I shall not take an oath for Christ forbade oath-taking.” With that, the inquisitor obtained infallible proof of

188 Guillaume Pelhissou, *Chronique*, 52.

189 *Der Passauer Anonymus*, 106–8; *Quellen zur Geschichte der Waldenser*, 74.

190 *Der Passauer Anonymus*, 106–8; *Quellen zur Geschichte der Waldenser*, 74.

191 *Quellen zur Geschichte der Waldenser*, 103; for more on Waldensian refusals to swear an oath, see Selge, *Die ersten Waldenser*, vol. 1, 155–8; Molnár, *Valdenští*, 166–7.

his heresy. An ordinary member of a heretical community (*credens*) would have tended to respond “I shall take an oath if you tell me to do so.”¹⁹²

The characteristic traits of Waldensians described by The Anonymous of Passau represent a rather accurate reflection of both the religious and the moral principles the cult proclaimed. Some later manuals for inquisitors also emphasized the resistance to oath-taking that distinguished the Waldensians. The interrogatories designed for use with the Waldensians regarded refusing or avoiding the taking of an oath a clear sign of their heresy. Some agreed to take an oath on condition that the inquisitor specifically told them to do so. As a result, one finds that a rather peculiar dialogue developed between an inquisitor and his suspect: the inquisitor would request a voluntary oath while his interlocutor wished to be forced to do it.¹⁹³ Similar Waldensian tricks were discussed in detail by Bernard Gui. His *Practica* features a detailed interrogatory serving as a model for trials involving Waldensians (*Interrogatoria specialia ad illos de secta Valdensium*). It comprised twenty-four questions. Just like in the case of the Cathar *credentes*, the majority of questions pertained to forms of contact with the Waldensian masters, referred to as *Valdenses, Pauperes Christi, Fratres*. The suspect had to testify whether he had seen or heard them somewhere and later was asked in detail about the frequency and context of these meetings, as well as other people who attended. If the suspect admitted to his presence at preaching (*praedicatio*) or instructions (*admonitiones*) given by masters, he then had to summarize their content. Specific questions pertained to the most

192 [...] *querat iudex: Vis heresim abiurare? Si est perfectus respondebit: Non iurabo, quia Christus prohibuit iurare. Et tunc convictus est et confessus. Si autem est imperfectus, tunc respondebit: Si debeo iurarem iurabo, vel dicit Si iubetis me iurare. Tunc iudex dicat: Non iubeo te iurare, sed si vis, ut credemus tibi, iura.* Patschovsky, *Quellen*, 184–5, n. 51.

193 *Vis ergo jurare quod numquam didicisti aliquid, quod sit contra fidem, quam nos credimus esse veram? Respondet aliquantulum pavidus: Si debeo jurare, libenter jurabo. Dico, Non quaero utrum debeas, sed an velis jurare. Respondet, Si iubetis me jurare, jurabo. Dico, non cogo te jurare, quia cum credas esse illicitum iuramentum, velles refundere culpam in me, qui te coegissem: sed si tu juraveris ego audiam. Respondet, ut quid ego jurem, si non iubetis?” [...] Dico, Si ego deberem jurare, tunc elevata manu, et digitis, ut solet, extensis dicerem, Sic me Deus adjuvet, quod numquam didici haeresim, nec credidi quod fit contra veram fidem. Tunc ille tremiscens, et quasi qui nesciat eadem formare verba, cespitabit in eis, ut vel ipse vel alius interloquatur, ne fiat directa forma jurandi, sed quaedam loquitur non juratoria, ut tamen ab aliis putetur jurasse. De inquisitione hereticorum, 229–31; Tractatus de haeresi, 1789–90; cf. Tractatus de hereticis et eorum sectis, 374–6.*

characteristic Waldensian beliefs which ran contrary to Church teaching: oath-taking, the existence of purgatory, prayers for the dead and indulgences. The next questions covered the structure and forms of Waldensian religious life: common meals with the masters, blessings, prayers, confession and penance. In Bernard Gui's interrogatory the inquisitor tried to establish the relationship between a suspect and the Waldensian masters as well as members of the Catholic clergy. On the one hand, he asked him whether he considered the Waldensian masters good, just or holy; on the other, he inquired whether the suspect shared in the sacraments administered by a Catholic priest. At that point, Gui stated that Waldensians go to confession and receive the Eucharist at Easter in order to avoid being recognized. The last questions of the interrogatory probed the motive behind the decision to remain in the heretical creed, and the circumstances of their adherence to the Waldensian sect as well as all kinds of potential assistance the suspect might have offered to the Waldensian masters: receiving them at home, or donating material goods or money, as well as helping them travel to other places.¹⁹⁴ This sequence of questions enabled the inquisitor to establish the nature and intensity of a suspect's involvement with the heretical cult.

The questions from Bernard Gui's manual made up a standard interrogatory used by the Languedoc inquisitors during investigations of alleged Waldensian supporters. Similar interrogatories, characterized by the same scheme, were also used by inquisitors targeting the Waldensians in other areas of Europe. However, Peter Zwicker (died ca 1403) was an exception in that he used his own original interrogatory. This father provincial of the German Celestines and inquisitor of Brandenburg, Western Pomerania, Austria and Hungary was most committed to the struggle against the Waldensian heresy at the turn of the fourteenth and fifteenth centuries. He was also one of the most competent experts on Waldensian doctrine. In 1395, he published a treatise *Cum dormirent homines*, one of the most widely distributed compendia outlining the structure and doctrine of the Waldensians.¹⁹⁵ While presiding over Waldensian trials, Zwicker used his

194 Gui, *Practica*, 76–83.

195 *Liber contra sectam Waldensium*, ed. Jakob Gretser, in *Lucae Tudensis episcopi scriptores aliquot succedanei contra sectam Waldensium* (Ingolstadt, 1613), 201–76. Zwicker's treatise, which for a long time was attributed to the Viennese professor, Peter von Pilichsdorf, survives in more than 50 medieval copies. Biller, "The Anti-Waldensian Treatise *Cum dormirent homines* and Its Author", in Biller, *The Waldenses*, 237–69; Biller, "Waldensians in German-Speaking Areas in the Later Fourteenth Century: The View of an Inquisitor", *Heresis* 13–14 (1990), 271–21 (repr., *Waldenses*, no. 16) and Cameron, *Waldenses*, 137–144. See also the concise biography of Zwicker in LMA

own interrogatory, *Processus domini Petri de ordine Celestinorum inquisitoris haereticorum*.¹⁹⁶ This contained many questions similar to those of Bernard Gui. However, contrary to the compilation found in *Practica*, Zwicker delved further into matters, asking detailed questions about core Waldensian beliefs and religious practices. The first category of questions served to establish personal information about the suspects, including their place of origin, place of residence and their parents, since Zwicker wanted to find out whether the latter too had had a penchant for heresy. The following questions pertained to the suspects' contacts with Waldensian masters called *haeresiarchae*. The inquisitor wished to know who they were, the place and the time when the person under interrogation had been introduced into the Waldensian community, the time, place and frequency of his confessions with Waldensian masters. Finally, he inquired in detail about where and when the suspect's most recent confession took place.¹⁹⁷

The next part of Zwicker's questionnaire focused on the Waldensian masters. He asked whether the suspect considered them good and holy and whether God gave them better power to preach sermons, hear confessions, give absolution and assign penance than Catholic priests. In this context, the question of the role of Catholic clergy emerged. The inquisitor inquired whether pastoral ministry ought to be the task of Catholic priests or Waldensian masters.¹⁹⁸ Up until this point, Zwicker's interrogatory bears a great resemblance to Bernard Gui's compilation. However, the following questions reveal the extraordinary curiosity of Zwicker in probing the beliefs of Waldensians testifying before his tribunal.

The following category of questions in the interrogatory is organised around penance assigned by Waldensian confessors. Zwicker asked about forms of penance and their time frame. He was interested in the actual number of prayers recited, such as the *Our Father*, the Creed, and the *Hail Mary*, as well as the duration of assigned fasting. With more or less precision, he tried to map out all contacts between the suspects and the Waldensian preachers. Thus, he asked

9, 733. For a thorough re-examination of Peter Zwicker's inquisitorial activities and works see Reima Välimäki, *Heresy in Late Medieval Germany*.

196 Kurze, *Quellen*, 73–5; see also Kurze, "Bemerkungen zu einzelnen Autoren und Quellen", in Kurze, *Quellen*, 29–30.

197 *Ubi es natus? Quis pater tuus? Que mater tua? Fuerunt etiam noti? Sunt taliter defuncti? Ubi sunt sepulti? Quis te induxit? Quid tibi dixit? Quamdiu fuisti in secta? Ubi es primo confessus heresiarchis? In quo loco domus? Quantum temporis est, quo primum es confessus? Ubi, quando et quociens es confessus medio tempore? Ubi quando es eis novissime confessus?* Kurze, *Quellen*, 73.

198 Kurze, *Quellen*, 73–4.

how many times he/she had listened to sermons, how many times Waldensian masters had stayed at his/her home, how many times they had been given meals or money. Most questions, however, were designed to probe the attitude of suspects towards the religious practices of the Church. The answers were expected to reveal a suspect's beliefs and allow inquisitors to establish how distant he was from Church doctrine. The questions compiled in Zwicker's interrogatory addressed the cult of the saints, the sacraments, belief in purgatory, funeral, holy water, the blessing of salt, herbs, palms and ashes, various liturgical rites, such as the lighting of candles, consecration of churches, altars, cemeteries, liturgical utensils, priestly vestments and insignia, the cult of holy images, church singing, organ music, bell ringing, Sunday processions, offering pleas to God in prayer, litanies, pilgrimages, Church indulgences, and the cult of relics.¹⁹⁹ The interrogatory ended with questions pertaining to the most characteristic elements of the Waldensian creed, such as their rejection of oath-taking and capital punishment. The interrogatory devised by Peter Zwicker was one of the most lengthy and comprehensive.

Between 1392 and 1394, Zwicker was active in Szczecin, where he led the inquisition against the Waldensians of the diocese of Kamień, in Western Pomerania.²⁰⁰ The Herzog August Bibliothek in Wolfenbüttel has preserved records from that particular investigation, revealing that the available testimonies given by a hundred and ninety-five people followed the interrogatory in question.²⁰¹ In Dietrich Kurze's edition, the layout of particular *depositiones* shows their relationship to the interrogatory. In the majority of published testimonies, the inquisitor's repeated questions were omitted, while the suspects' responses were recorded in a format of twenty-one questions.²⁰² While reading the records,

199 Kurze, *Quellen*, 74.

200 Kurze, "Zur Ketzergeschichte der Mark Brandenburg und Pommerns vornehmlich im 14. Jahrhundert", *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands* 16/17 (1968), 391–479; Merlo, *Valdesi e valdismi medievali. Itinerari e proposte ricerca* (Turin, 1984), 95–101; Biller, "Les Vaudois dans les territoires de Langue Allemande vers la fin du XIV^e siècle: Le regard d'un inquisiteur", *Heresis*, 13–14 (1990), 199–234.

201 The records of Zwicker's Pomeranian inquisition are preserved in fragments in two manuscripts from the Herzog August Bibliothek in Wolfenbüttel, MS Helmst. 403, ff. 21–125 (first part) and MS Novi 348, ff. 1–46 and 176–183 (second part). Most likely the number of suspects interrogated was at least twice that of the surviving record. The Lutheran historian Matthias Flacius Illyricus (Matija Vlačić), who consulted the manuscript record notes 443 interrogated persons (Matthias Flaccius Illiricus, *Catalogus testium* (Strasburg, 1562), 430. cf. Kurze, "Bemerkungen", 28, n. 9.

202 Kurze, *Quellen*, 77–261.

we discover that the content of the registered testimonies is expressed in succinct replies to the inquisitor's questions. The actual responses of the suspects, which were likely to have covered more than the mere interrogatory, are missing. The scheme used by Zwicker in his examination of the Waldensians of Pomerania is reflected in the trial of Kuna of Greifenhagen on 22 November 1392. Asked whether he considered the Waldensian masters to be heretics, Kuna responded that they were holy men walking in the footsteps of the Apostles. He added that he never regarded them as priests. Asked about assigned penance, Kuna confessed he had to observe a fast for a determined period of time, ten, twenty days of fasting on bread and water alone, sometimes on bread and beer, recite the *Our Father* fifty times a day and a hundred times on Sunday. Asked about his attendance at heretical sermons, he responded that he had participated in them only four times. Only much later, at the end of the trial, answering a question about other members of Kuna's community, he listed a few people who had similar religious beliefs.²⁰³ Typically, this part of the hearing provided the most useful information for further inquisition. We know that Zwicker used an identical set of questions during the Waldensian trials in Austria in 1395.²⁰⁴

The interrogatories for trials were prepared either on the basis of papal documents, council statutes and polemic texts, or on data compiled in inquisition records. While creating their interrogatories, authors bore in mind the practical side of the inquisition whose primary goals were detection of heresy, recognition of adherence to a particular religious heterodox movement and the identification of the nature of such heterodoxy. An interrogatory would reflect both the degree of familiarity with the incriminated heretical group and the imagination of the inquisitor himself. Robert Lerner's research on the Brothers and Sisters of the Free Spirit sheds new light on the matter. He established that this new type of heresy was, to a great extent, an intellectual product of the German clergy who targeted the Beghard movement and ascribed a wide array of beliefs to it. They accused the Beguines and Beghards of following the heresy of the Free Spirit which supposedly explained their contempt for Church teachings and rejection of the pastoral and sacramental ministries performed by the clergy.²⁰⁵ Such an attitude was based on the belief that man alone, without

203 Kurze, *Quellen*, 79–80.

204 Ignaz Döllinger (ed.), *Beiträge zur Sektengeschichte des Mittelalters*, vol. 2, (Munich, 1890), 305–11. The interrogatory contains 79 articles referring to the beliefs, practices and organization of the Waldensians; recently Välimäki, *Heresy in Late Medieval Germany*, 125–38.

205 Lerner, *The Heresy*, 64–8.

the mediation of the Church, can attain a state of perfection and enter a spiritual union with God. Having attained such a union with God, referred to as the state of the free spirit, one became exempt of all ecclesiastical and human laws. As a consequence, supporters of the heresy of the Free Spirit claimed that their state of perfection allowed them to do anything they pleased without committing a sin. Those who entered a mystical union with God did not need the sacraments or the liturgical life of the Church any more, nor were they required to observe the norms of religious life and Christian morality. These beliefs, attributed to the Beguines and Beghards, were collected and condemned in the canon *Ad nostrum* published at the Council of Vienne in 1312.²⁰⁶

Robert Lerner has demonstrated that *Ad nostrum* assumed the role of a primary source that actually “created” the heresy of the Free Spirit and outlined its characteristic elements of creed.²⁰⁷ Sometime later, in the struggle against the supporters of the doctrine of the Free Spirit, bishops and papal inquisitors made use of information from *Ad nostrum* to identify suspects. This was the basis for the preparation of later interrogatories used at trials of Beguines and Beghards charged with heresy, for instance in the Strasburg investigation against Beguines or Beghards and similar trials held in Erfurt, Speyer and Eichstätt.²⁰⁸

The way such an interrogatory was used is reflected in the trial of Świdnica Beguines (Germ. Schweidnitz) in 1332, led by John of Schwenkenfeld, papal inquisitor for the dioceses of Wrocław and Lebus. Sixteen Beguines who called themselves “the cowled nuns” (*moniales capuciatae*) from Świdnica appeared before his tribunal based on allegations concerning their adherence to the heresy of the Free Spirit.²⁰⁹ At the trial Schwenkenfeld used a questionnaire, which was an almost verbatim version of the relevant passages from *Ad nostrum*. Schwenkenfeld not only structured the trial on the basis of this, imposing a desired order and content of questions, but also manipulated freely the testimonies of the suspects. He often suggested answers to his own questions or interpreted the information he received to make it correspond with particular clauses from *Ad nostrum*. As a result, the testimonies were made to contain

206 Tanner, *Decrees*, vol. 1, 383–4.

207 Lerner, *The Heresy*, 78–84.

208 Grundmann, “Ketzerhörere”, 374–9; Patschovsky, “Straßburger Beginenverfolgungen”, 78–85; Lerner, *The Heresy*, 84–163; Kieckhefer, *Repression*, 30–2.

209 The records of the 1332 interrogations have been recently edited and supplied with a collection of studies by Kras, Gałuszka, and Poznański (eds), *Proces beginek świdnickich w 1332 roku. Studia historyczne i edycja łacińsko-polska* (Lublin, 2018).

specific words that hinted at the heresy of the Free Spirit, and all in all the form resembled the way these beliefs were discussed in the council document.²¹⁰

The majority of the women interrogated, finding themselves under pressure, admitted to upholding the primary tenets of the heresy of the Free Spirit. The records indicate that they were rather quick to confess their belief in pantheism and attainment of a state of union with God, contempt for both authority and law; they rejected prayers, fasting and the sacraments of the Church. Moreover, they made admissions of most promiscuous conduct, including adultery and sodomy. The records of John of Schwenkenfeld provided the reader with a terrifying depiction of a community that engaged in practices which were in blatant contradiction to Christian faith and morality. However, knowing the technique used for conducting this trial and the way these particular inquisition records might have been edited, we can contest the majority of the opinions presumably held by Świdnica's Beguines. John of Schwenkenfeld was a zealous representative of the medieval inquisition and a convinced believer in the existence of the heresy of the Free Spirit. The image of this dangerous cult, whose members acted in secret, preached views dangerous to the Church and engaged in immoral practices, was – to a great extent – a product of his own mind. The inquisitor was concerned with using appropriate means to expose heretics and reveal the truth about their activity. In the atmosphere of growing resentment towards Beguines, it was not difficult to come across critical voices among those who considered their poverty, ascetic lifestyle and zeal tell-tale signs of a secret heresy.²¹¹

During the trial of the Świdnica Beguines, Schwenkenfeld had no doubt that he was dealing with a veiled cult of the Free Spirit and this is why the interrogatory he used during the examination process was based heavily on *Ad nostrum*. While reading the inquisition records, one has the impression that the Beguines made admissions about key elements of their heretical doctrine spontaneously and voluntarily. The inquisitor's interventions in the documented testimonies was virtually unnoticeable. The first suspect testified that the sisters propagated the aforementioned belief in the attainment of the state of perfection enabling them to disregard other people and deem all laws redundant. Another suspect repeated this opinion almost word for word and added that people who have attained such a state of perfection no longer have to practice virtues and revere

210 Kras, "Przesłuchania w sprawie świdnickich beginek i ich dokumentacja", in *Proces beginek*, 71–83.

211 Lerner, *The Heresy*, 116–7; Kras, "W poszukiwaniu duchowej doskonałości", in *Proces beginek*, 120–2.

the sacrament of the Eucharist. The views documented in the records reiterate four clauses of *Ad nostrum* (1, 3, 6, 8) verbatim.²¹²

While reading the trial records, one cannot help being intrigued by the suspects' total rejection of social and ethical norms. The testimonies of the novices indicate that the older sisters considered themselves so perfect that they abandoned the ascetic practices that all the other women observed. Having attained a state of perfection, the older Beguines had access to finer food, such as butter and lard, and they were allowed to drink the finest beer. In addition, allegedly, they gave in to most promiscuous urges in secret. The most incriminating testimonies, which were also the ones that allowed the inquisitor (well-versed in theological concepts) to recognize the heresy of the Free Spirit, were given by the two youngest Beguines who knew the least about the routine of the Świdnica convent. In Lerner's view, some testimonies seem indicative of a serious in-convent conflict between two generations of women, and of strong resentment, if not even hate, between the respective groups. Moreover, some novices were in poor mental health, as they suffered from depression and personality disorders, and this particular factor might have interfered with the accuracy of the testimonies. The inquisitor had no difficulty manipulating the women and their words. He orchestrated the trial so as to find evidence backing the allegations of heresy of the Free Spirit among the Świdnica Beguines. The women's testimonies contain extensive questions from *Ad nostrum*. It is noteworthy that the shocking accounts of the immoral practices of these Beguines emerged only secondarily, following prompting by the inquisitor's questions.²¹³ When one novice witness, Margaret, confessed that older Beguines gathered in meetings behind closed doors, the inquisitor was quick to conclude that these meetings were nothing but secret orgies. Wishing to verify his assumption, he asked his interlocutor whether she agreed with the second article of *Ad nostrum*, according to which whoever was in a state of perfection was allowed to satisfy any bodily desire. At this point, the novice responded that she had never heard such an opinion explicitly (*expresse verba*), but she had come across similar views. She was also suspicious of the older sisters' strange behaviour: apparently, using a code of bowing and other

212 Kras, "Przesłuchania", 79–81

213 "The witnesses were encouraged by leading questions, such as citations from *Ad nostrum*, and all their stories of shocking sexuality came at second hand." Lerner, *The Heresy*, 117.

significant gestures, they communicated with one another in secret, so that the novices should not understand.²¹⁴

Further into her testimony, the novice admitted that a few other clauses of *Ad nostrum* were applicable to the practices of members of the Świdnica community. Recurring to the fourth clause of *Ad nostrum*, she claimed that the sisters believed that by choosing a life in poverty they resembled the Apostles in heaven.²¹⁵ Asked about article eight of the Council decree, Margaret revealed that the sisters showed reverence for the Eucharist and concealed their true beliefs in order not to attract attention.²¹⁶ At this particular point, the notary wrote down the inquisitor's comment: he noticed that this strategy resembled the behaviour of some Cologne men and women who did not rise at the Elevation of the Host or revere the Eucharist.²¹⁷ There is no doubt that Schwenkenfeld was very familiar with the charges reported against the Cologne Beguines and Beghards. The 1310 anti-heresy statutes, which targeted this particular group, echoed throughout Europe and influenced directly the Council decree *Ad nostrum* from 1312. Robert Lerner's analysis of the records reveal that Schwenkenfeld was using a ready-made interrogatory and applying various means of pressure to collect evidence for the existence of a conspiratorial cult of the Free Spirit in the Świdnica beguinage. The inquisitor orchestrated the trial and manipulated the testimonies to make the acquired "facts" fit the popular image of the Free Spirit Heresy.²¹⁸

214 *Item iurata, utrum asserent secundum articulum, qui ponitur in Clementinis, vel aliquid ei simile, – De hereticis, Ad nostrum, dixit se non audisse ab eis tam expresse verba et appropinquancia huic sensui audivit, ut dixit, et facta consona huic opinioni suspicatur eas facere ex hoc, quando conveniunt in cellario invenculabus exclusis ex nutibus precedentibus et annuicionibus et aliis gesticulacionibus multimodis et ex hoc, quod celant se et occultant se a iuvenclabus secreta ipsarum. Proces beginek, 214.*

215 *Item circa quartum articulum in Clementinis, de hereticis, Ad nostrum, interrogata dicit, quod opinantur et dicunt quod per earum vitam pauperem, quam gerunt, apostolis equabuntur in celo, nec aliquo modo eis erunt inferiores. Proces beginek, 216.*

216 *Item circa VIII articulum, quod dicunt, quod vel nichil vel quasi oportet nos facere, querere in humanitate, ex quod habemus Deum in anima, et si faciunt Corpori Christi reverenciam, faciunt ne ab hominibus notentur. Proces beginek, 218; cf. Tanner, Decrees, vol. 1, 383.*

217 *Et concordantia facta vidit in Colonia opponi, quod ibidem in elevacione Corporis Christi et viri aliqui et femine ipsa notante minime solebant assurgere sive aliquam reverenciam exhibere. Proces beginek, 218.*

218 Lerner, *The Heresy*, 67–86; cf. Kieckhefer, *Repression*, 20–2.

As new heresies emerged, new interrogatories were devised. English bishops used their own largely standardized questionnaire in their struggle against the Lollards. They tended to focus on those elements of the doctrine and religious practices of the Catholic Church that the Lollards rejected.²¹⁹ Anne Hudson found and published two lists compiling heretical beliefs from the first half of the fifteenth century to support the inquisition against the Lollards. Both questionnaires survive in the courtbook of Bishop Thomas Polton of Worcester (1426–1433).²²⁰ The longer of the two, prepared by a law expert, featured forty clauses (*Articuli super quibus heretici vel Lollardi debent examinari concepti per iuristam*). The other, shorter version elaborated by theologians, had twenty-one clauses (*Articuli concepti per theologos super quibus heretici vel Lollardi debent examinari*). Both compilations include the most characteristic views attributed to the Lollards, such as the denial of Real Presence of Christ in the consecrated Host, the rejection of the sacraments of baptism and reconciliation, the cult of the saints and images, pilgrimages, the validity of ecclesiastical excommunication, the criticism of religious life and the right of the Church to own landed property. As Anne Hudson believes, the longer set, which was also simpler, was the actual questionnaire used in investigations of alleged Lollards.²²¹ Both interrogatories, along with the accompanying instructions for anti-heresy trials (*modus procedendi*) and the abjuration form (*abiuratio super predictis*) were created at a provincial synod in Canterbury at the end of 1428.²²² It is noteworthy that no copy of the *Articuli* has survived in the body of documentation from the Lollard trials.²²³ However, it is presumed that this interrogatory or a very similar one was used at the trials, given the striking resemblance one recognizes between the questions in the compilations and the content of the testimonies recorded in the investigation material, such as the entries from the courtbook of Bishop William Alnwick of Norwich covering the period between 1428 and 1431.²²⁴

219 A thorough examination of the repression of heresy in late medieval England is offered by Ian Forrest, *The Detection of Heresy in Late Medieval England* (Oxford, 2005).

220 Anne Hudson, "The Examination of Lollards", in Hudson, *Lollards and their Books* (London, 1985), 125–40.

221 Hudson, "The Examination", 133–5.

222 John A.F. Thomson, *The Later Lollards* (Oxford, 1965), 225; Hudson, "The Examination", 128 (and the publication on 135–9).

223 Hudson, "The Examination", 126–127.

224 Hudson, "The Examination", 130–2; Steven Justice, "Inquisition, Speech, and Writing: A Case from Late-Medieval Norwich", *Representations* 48 (1994), 1–29.

When the fathers of the Council of Constance condemned Jan Hus's beliefs, his movement became heresy and its supporters heretics in the light of canon law. This new area of anti-heresy struggle required a new trial questionnaire. While elaborating it, lawyers began with the forty five clauses from the writings of John Wyclif and the thirty clauses from the works of Jan Hus that were defined as heretical or erroneous by the Council of Constance.²²⁵ On 22 February 1418, Pope Martin V sent this new interrogatory (*Modus interrogandi de haeresi suspectos*) to the archdioceses of Salzburg, Prague and Gniezno with a request to pass it on to the bishops and papal inquisitors who were involved in the war against supporters of John Wyclif and Jan Hus.²²⁶ The papal document included a lengthy description of the action taken by the Council of Constance against Wyclif, Hus and Jerome of Prague, as well as instructions as to the manner in which the inquisition should be carried out in accordance with the bull of Boniface VIII *Ut inquisitionis negotium* (VI° 5.2.18).²²⁷ The document also detailed the errors condemned by the Council. In the second part of the bull, Martin V included a comprehensive interrogatory of thirty-seven questions. The range of questions addressed in the interrogatory was very broad. They pertained to the most essential elements of the doctrine and religious practices characteristic of the "Hussite heresy". The inquiry covered all contacts with the condemned heretics and their attitude towards the sacraments (baptism, confirmation, anointment of the sick and dying, marriage, confession, the Eucharist) and the ecclesiastical institutions (the pope as St Peter's successor, the range of his authority, bishops and religious communities), as well as religious practices (the cult of relics and images). Following the recommendation of Martin V, this form of interrogatory was to be used in the inquisition against the Hussites.

The rather brief extant record indicates that the inquisitor presiding over the trial *in causa fidei* used a significantly more modest list of questions. In the Kingdom of Poland, a territory seemingly very exposed to the permeation of Hussite ideas, bishops orchestrated inquisition procedures according to a much simpler questionnaire. Unfortunately, no interrogatory form used in trials of

225 Tanner, *Decrees*, vol. 1, 411–3 (condemnation of Wyclif) and 426–31 (condemnation of Hus); cf. J. Kejíř, *Husův proces* (Prague, 2000), 137–99 (with references to other sources and studies).

226 Jaroslav Eršil (ed.), *Monumenta vaticana res gestas bohemicas illustrantia*, vol. 7.1: *Acta Martini V, 1417-1422* (Prague 1996), no. 656, 247–9; Thomas A. Fudge (ed. and trans.), *The Crusade against Heretics in Bohemia, 1418-1437. Sources and Documents for the Hussite Crusades* (Aldershot, 2002), no. 18, 45–9.

227 Friedberg 2, 1076–7.

Polish Hussites has survived. The surviving records, however, enable one to reconstruct the most basic trial questions. The characteristic trait of the Polish Hussites was communion administered under both kinds. The ecclesiastical authorities probed suspects to find out about their attitude towards the Hussite custom of administering the Eucharist *sub utraque* and asked whether this was something indispensable for salvation. It was also important to establish whether an interrogated individual had ever communicated *sub utraque specie*, and, if so, how many times, when and where. An equally important goal was to find out who administered the sacraments and establish the identity of other participants in the rite. If a suspect was in favour of allowing the laity to receive Communion under both kinds or had received the Eucharist in this way at least once, he was considered a heretic.²²⁸ Ecclesiastical judges were not interested in other views held by individuals of Hussite affiliation, with a few exceptions. In all likelihood, it was the weakness of the reception of Hussite doctrine in Poland that made the number of questions for the Polish supporters of Hussitism rather limited. The range of problems that ecclesiastical courts wished to address was broader only when they interrogated Hussite leaders, most of whom were priests. Apart from the question concerning Utraquism, judges asked suspects to give their opinion of Hussite leaders condemned by the Church as well as their views on the ideal of clerical poverty.²²⁹

The different stages of Hussite trials are reflected in the fragmentary record of a trial of three Utraquists from Zbąszyń in the diocese of Poznań (Greater Poland). The investigation took place between 6 February and 4 April, 1439, and was incorporated into the courtbook of the Poznań bishop, Andrzej Bniński.²³⁰ Found and published by Józef Nowacki, these fragments were, most likely, parts of a more extensive body of documentation recording the activities of bishop targeting Utraquists residing on the land estates owned by two related noblemen, Abraham Zbąski and Abraham Kębłowski. The first account from the trial of the Zbąszyń Utraquists comes from February 6. It contains information about the parish priest of Lwówek who turned in two heretical preachers. The individuals in question proclaimed beliefs contradictory to the Church's teaching and undermined the authority of the Holy See. The letter filed by the plaintiff

228 Kras, *Husyci*, 177–86.

229 Kras, *Husyci*, 168–74.

230 Józef Nowacki, "Biskup poznański Andrzej Bniński w walce z hustyami ze Zbąszynia. Nieznane karty procesów husyckich z 1439 roku", *Roczniki Historyczne* 10 (1934), 265–78.

included only one substantial charge related to the presumed Hussite source of the activity of both detainees: their support for Communion under both kinds for the laity. The very next day, the first hearing of the first suspect, Mikulas of Gniezno, took place at the episcopal curia in the presence of Bishop Bniński and many members of the Poznań chapter house.²³¹

We gather from the record that the trial was presided over by the general inquisitor appointed for the province of Gniezno, the Dominican friar, Nicholas of Łęczyca. According to standard investigation procedure, the first task of the inquisitor was to establish the status of the suspect and make a preliminary evaluation of his/her heterodoxy. Mikulas, it turned out, had been interrogated earlier in connection with a heresy charge by inquisitor Nicholas of Łęczyca. At the earlier hearing, the suspect had admitted his fault and renounced the heretical beliefs attributed to him.²³² The penance imposed must have been rather light: shortly afterwards, Mikulas resumed proclamation of his Hussite views. We do not know whether the Dominican inquisitor referred to his own records while disclosing information on Mikulas' earlier apostasy or, perhaps, recalled events that were still fresh in his memory. In any case, the fact that Mikulas had an established heretical past made his case more serious. His relapse into heresy despite an earlier recantation placed him in the ranks of hardened heretical reoffenders (*relapsi*), who had failed to use the opportunity to atone for their errors. Canon law required that such individuals be handed over to the secular authorities with no further delay. The following stages of Mikulas' trial focused on the problem of Communion under both kinds for the laity. There is no doubt that the ecclesiastical judges considered Communion *sub utraque* the most important charge and entirely sufficient proof of heresy. The attitude towards the sacrament of the Eucharist clearly delineated the boundary between the Church's doctrine and the "Bohemian heresy."²³³ In consequence, the papal inquisitor was concerned primarily with establishing all the circumstances of Mikulas' communion under both kinds. The surviving records offer an account of the trial in the form of a dialogue between Mikulas and the inquisitor, Nicholas of Łęczyca. All the things Mikulas said were responses to the inquisitor's questions, which the record omits. With Mikulas' recorded responses at hand, we can reconstruct the questionnaire that structured the trial. For instance, in response to the inquisitor's question concerning the number of times and the place where

231 Jan Nowacki, "Biskup poznański Andrzej Bniński", 265–6.

232 Jan Nowacki, "Biskup poznański Andrzej Bniński", 265–6.

233 Kras, *Husyci*, 166–7 and 178–9.

Communion under both kinds was administered and the person who administered it, Mikulas voluntarily confessed that he had received Communion at Christmas and on the feast of the Purification of Our Lady (2 February) from two priests from Zbąszyń, Nicholas Kłoczek and John of Pakość. In the further part of the hearing, also voluntarily, Mikulas provided information on Abraham Zbąski, his family and servants, claiming that all of them receive Communion under both kinds.²³⁴ The text of the testimonies recorded in the courtbook is very brief and poorly reflects the actual stages of trial. Still, it does contain essential information for the inquisition procedure: an evaluation of alleged heterodoxy and a succinct appraisal of heretical beliefs and actions.

5. *Modus absolvendi et puniendi*

The inquisition trial ended once a court ruling had been pronounced (*sententia*) on the basis of the suspect's confession (*confessio*) and the testimony of witnesses (*depositiones*). Heretics who pleaded guilty and agreed to recant their errors were assigned an expiatory judgment (*sententia*). At a public ceremony of reconciliation, heretics would reject views contradictory to the Church's doctrine (*revocatio*), and cleanse themselves of heresy (*abiuratio*); their excommunication would then be lifted (*absolutio*) and penance imposed (*poenitentia*). Only those heretics who refused to give up heresy (*pertinaces*) or returned to heresy following a previous abjuration (*relapsi*) were given condemnatory sentences (*sententia diffinitiva*, *sententia condemnatoria*) by the inquisition courts and were handed over to representatives of the secular authorities. Papal documents, synodal statutes, legal handbooks and inquisitors' manuals based on the documents of the Holy See all warned the inquisitors against passing condemnatory sentences in cases where clear evidence was missing. The statutes of the 1229 Synod of Toulouse forbade inquisitors to consider anyone a heretic by default, solely on the basis of defamatory information (*calumnia*). At the same time, these guidelines stressed that only the bishop or his representative was allowed to evaluate the credibility of such charges and initiate a penal procedure.²³⁵ The 1243 statutes of Archbishop Pierre Amiel of Narbonne (1226–1245), issued a strong prohibition: it was against the law to condemn anyone if

234 Nowacki, "Biskup poznański", 266–7; Kras, *Husyci*, 121–5.

235 *Ne autem innocentes pro nocentibus punantur, aut quibuslibet per aliquorum calumniam haeretica pravitas impingatur: statuimus, ne aliquis ut credens vel haereticus puniatur, nisi per episcopum loci, vel aliquam personam ecclesiasticam, quae potestatem habeat, fuerit credens vel haereticus iudicatus.* Mansi 23, 195; *Texte zur Inquisition*, 31.

the inquisition procedure failed to prove his guilt (*Ut nemo condemnetur, nisi convictus*).²³⁶

Canon law required that at least two credible witnesses be heard in order to establish that a charge was legitimate. Archbishop Guy de Foulques of Narbonne (1259–1265), who wrote a book of advice for the Languedoc inquisitors in the early 1260s, recommended greater prudence in the process of finding heretics guilty. In his view, two witnesses and their testimonies were not enough to condemn a person of spotless repute. Referring to the instructions of Innocent III, he stated that whenever evidence was dubious, a suspect ought to be acquitted rather than condemned.²³⁷ Judges hearing cases *in causa haeresis* had to follow Innocent III's principle, according to which whenever there was no clear evidence pointing to guilt, a suspect was to be released in order to avoid the risk of condemning an innocent person.²³⁸ This principle was also reiterated by Bernard Gui and Nicholas Eymerich in their manuals.²³⁹ The ruling in heresy cases had to be considered with the help expert lawyers who were members of the inquisition tribunal. The sources use the terms *iurisperiti*, *iurisprudentes* or *boni viri*. As early as April 1223, Honorius III ordered that inquisition-related investigations take place only with the participation of expert lawyers.²⁴⁰ Their presence in ecclesiastical courts was considered an indispensable guarantee of the validity of the entire process (VI^o 5.2.20).²⁴¹ The methods of considering a sentence with lawyers were laid down in detail in manuals for inquisitors. In accordance with the recommendations of the Languedoc manual *Doctrina de modo procedendi contra haereticos* from the late thirteenth century, an inquisitor presented the body of experts with an abbreviated form of the testimonies of the suspect and

236 *Ad nullius condemnationem sine lucidis et apertis probationibus, vel confessione propria procedatis. Satius enim est facinus impunitum relinquere, quam innocentem condemnare. Texte zur Inquisition*, 66; cf. Maisonneuve, *Études*, 299.

237 [...] *melius est vobis purgationem indicere, vel differe sententiam quam dampnare adeo quia non crederem tutum ad vocem duorum testium hominem bone opinionis dampnare*. Gui, *Practica*, 216.

238 [...] *quia vero non est nostre intentionis innoxios cum nocentibus condemnare*. Register Innocenz' III, vol. 2, no. 219, 424.

239 Gui, *Practica*, 216; Eymerich, *Directorium*, 421; Eymerich, *Manuel*, 120.

240 Honorii III Romani pontificis *Opera omnia*, vol. 4, no. 97, 315.

241 [...] *ac nihilominus sive episcopus sive inquisitores processerint, aliquibus aliis personis providis et honestis iurisque peritis, quas ad hoc vocari, et eis per totum processum, super quo deliberandum est, seriose manifestari ac integraliter explicari, et de ipsorum consilio ad sententiam vel condemnationem procedi volumus [...]*. Friedberg 2, 1078; cf. Evans, "Hunting Subversion", 20–2.

witnesses to brief them on the most important information related to the suspect's ties to heresy.²⁴² They had access to the confidential list of witnesses for each case, which enabled them to check the testimonies against one another.²⁴³ On the basis of material collected, the experts, together with the inquisitors, assessed the guilt of the suspect and decided on an appropriate sentence.²⁴⁴

The surviving records of Languedoc inquisitors from the 1240s bear witness to the fact that lawyers were already participating in the work of the inquisition tribunals.²⁴⁵ The wording of sentences in the record contains standard formulas referring to legal consultations (*communicato bonorum virorum consilio, habito diligenti consilio et tractatu*).²⁴⁶ In most cases, consideration of sentences with experts was a pure formality. However, in some cases, legal experts insisted to their authority to stop a legal procedure or enforce an exceptional lightening of a penalty. When, in 1324, evidence surfaced that six people from Verdun-sur-Ariège had been charged unfairly with heresy and summoned before the tribunal of Bishop Jacques Fournier of Pamiers, the assisting experts were called upon to decide what kind of penalty to impose on dishonest witnesses. Some of them believed that Guillaume, a clergyman who had fabricated the case should be given the same kind of punishment that would have been assigned to the heretics. Eventually, Guillaume was sentenced to life imprisonment in a strict prison setting (*murus strictus*) without a possibility of release. His collaborators were also imprisoned. In addition, all the convicts had to carry out a public penance.²⁴⁷

When papal inquisitors were first appointed, they were required to discuss each condemnatory sentence with the local bishop or his representatives. This requirement was introduced by Gregory IX who wished to create a mechanism intended to control rulings which resulted in the transfer of convicts to the secular authorities and thence to execution.²⁴⁸ We may presume that the pope's decision constituted a response to abuses of power by the first papal inquisitors,

242 *Doctrina*, 1795.

243 *Doctrina*, 1815–6 (decree of Alexander IV from 1255).

244 Ullmann, "The Defence of the Accused", 481–2.

245 Douais, "La formule *communicato bonorum virorum consilio* des sentences inquisitoriales", *Le Moyen Âge* 11 (1898), 158–63.

246 See, for example, the register of Bernard de Caux and Jean de Saint-Pierre. *Documents*, vol. 2, no. 1, 2; cf. Douais, *Documents*, vol. 1, cclix-x.

247 Doat 28, ff. 49r-56v and 76v-86r. The first part of the experts' deliberations was published in Douais, "La Formule", 181–5.

248 Shannon, *Popes*, 72.

Conrad of Marburg in Germany and Robert le Bougre in France. In Chapter 2, we saw how many condemnatory sentences resulted from the activity of these two men, inspiring much protest on the part of local Church officials. Bishops were also responsible for interpreting unclear regulations pertaining to the inquisition in heresy cases.²⁴⁹ Some inquisitors believed that the requirement to have condemnatory sentences validated by a bishop put a considerable limit on their jurisdictional autonomy. By the end of the thirteenth century, debate on this matter had still not been resolved, as papal inquisitors turned to the Roman curia to request exemption from this requirement. Gregory IX's successors tried to work out new guidelines for the collaboration of bishops and papal inquisitors in an effort to respect the jurisdiction of the former and preserve the autonomy of the latter. In 1247, Innocent IV ordered the Dominican inquisitors in southern France to carry out their anti-heresy investigations only in places where they could call on the assistance of local ordinary bishops.²⁵⁰ It seems that the papal instruction was not respected, since three years later, Innocent IV rebuked papal inquisitors in Narbonne rather harshly annulled the sentences that had not been previously validated by the local archbishop.²⁵¹ Under the influence of the Lombardy inquisitors, the successor of Innocent IV, Alexander IV, in his 1257 bull *Ad capienda vulpeculas* lifted the contested requirement.²⁵² Thirteenth-century manuals for inquisitors, however, do cite the requirement to consider condemnatory sentences with a bishop or his representative.²⁵³ The question of the participation of bishops in the legal activities of papal inquisitors was regulated by the Council of Vienne (1311–1312). The decree *Multorum quaerela* emphasized that the authority of bishops and papal inquisitors was identical, as far as the *officium inquisitionis* was concerned. The Council decree stated, that “each of them, independently of one another, can summon [alleged heretics] before his tribunal, and arrest, capture and imprison him.” At the same time,

249 *BF* 2, no. 456, 314

250 *BOP* 1, no. 140, 179.

251 Shannon, *Popes*, 82.

252 [...] *in commisso vobis Inquisitionis hujusmodi negotio, liberius procedere valeatis, procedendi juxta traditam vobis formam, Diocesanis etiam et vicariis praedictis irrequisitis, contra illos, qui publice pravitatem hujusmodi confessi fuerint in iudicio coram vobis, et sua obstinata malitia ab errore non potuerunt revocari, et liberam concedimus auctoritate praesentium potestatem.* *BOP* 1, no. 131, 325; *BRP* 3.1, 379–80.

253 [...] *ordinarios, sine quorum consilio vel suorum vicarium numquam aliquem condemnent.* *Doctrina*, 1795.

however, *Multorum quaerela* required bishops and inquisitors to consult one another about every prison sentence within eight days.²⁵⁴

When delivering sentences and imposing punishment, the bishop and inquisitor were supposed to act in accordance with existing legal regulations and their own judgment. Bernard Gui emphasized that the inquisitor should be a fair judge free of anger or cruelty.²⁵⁵ In the process of declaring a suspect guilty and assigning an appropriate penalty, an inquisitor had to be informed by his love of truth and mercy.²⁵⁶ The sentence had to take into account the heretical past of a suspect, the gravity of his erroneous views and the degree of his involvement in heretical activity, as well as the attitude displayed at the trial, the context in which his testimony was given and his willingness (or lack thereof) to return to the Catholic Faith. Heresy differed from other transgressions penalized by the ecclesiastical courts. St Thomas Aquinas pointed out that heresy was an error of thinking (*error intellectus*), and an obstinacy of the will (*pertinacia voluntatis*).²⁵⁷ If these two elements were present, a condemnatory sentence (*sententia condemnatoria*) was justified. If there was evidence hinting at mental disorder afflicting a suspect or any kind of demonic control over him/her, the ecclesiastical court ruled that the suspect could not be held entirely responsible for his/her heretical beliefs. Those who proclaimed heretical views or made statements hostile to the Church while inebriated were treated in the same way. Another factor in evaluating the weight of a suspect's guilt was his age and (possible) lack of refinement (*simplicitas*).²⁵⁸ The sentences which ended heresy trials were final and irrevocable. The only moment when suspects could question the competences of the judge or report serious errors in the procedure was at the stage of the interrogations. In such cases, the parties were allowed to turn to the

254 Tanner, *Decrees*, vol. 1, 381.

255 *Inquisitor igitur velut justus iudex, sic teneat in condemnationibus penalibus rigorem justicie quod non solum in mente servet interius, set etiam in facie ostendat exterius compassionem, ut per hoc vitet notam indignationibus et iracundie, que argumentum et notam crudelitatis inducit.* Gui, *Practica*, 233; cf. Scharff, "Die Inquisitoren und die Macht der Zeichen. Symbolische Kommunikation in der Praxis der mittelalterlichen dominikanischen Inquisition", in *Praedicatores, Inquisitores*, 125.

256 *Sic etiam misericordia et veritas que mentem iudicis non debent deserere ejusdem faciem precedant, ut semper facies ejus eos pretendat, ut non sit processus deformis sive per notam cupiditatis sive crudelitatis.* Gui, *Practica*, 233.

257 *Hereticus est, qui a communi fide catholica discedit et contrarie opinioni vehementer inheret. Ad hereticum fiendum duo concurrunt: error in corde, pertinacia in voluntate* (*Super IV. dist. 13. a.1*); qtd. from Chenu, "Orthodoxie et hérésie", 10–11.

258 Ullmann, "The Defence of the Accused", 483–4.

pope, detailing the errors which, in their view, undermined the validity of the trial and request an appeal.²⁵⁹

If heretics made a voluntary admission of their faults and agreed to renounce them (*contriti*), the inquisition trial could close as soon as the conversion of the heretic (*conversio*) had been completed.²⁶⁰ The heretic's reintegration into the fold of the Church took place at a public ceremony of revocation of errors and reconciliation. The form of the rite resembled a renewed baptism, marking the transition from heresy to true faith.²⁶¹ The water of baptism cleanses an individual of original sin and incorporates him/her into the Church, and likewise, in the rite of reconciliation a contrite heretic became a member of the Church again after having renounced his errors in public and received his penance. Bernard Gui insisted on showing mercy and grace to the contrite sinner in an act of welcoming him/her back to the community. Before the reconciliation ceremony, a sincere act of contrition and a public renouncement of heresy were required. Staying true to her mission of caring for her flock, the Church could not deny access to any members willing to return and wishing to improve their lives.²⁶²

The stages of a heretic's reconciliation were detailed in the Statutes of the Synods of Tarragona (1242) and Narbonne (1243), and introduced into the pontifical and manuals for inquisitors. The returning heretic had to read in public in the vernacular the mandatory formula of heresy revocation. If the heretic was illiterate, he/she was asked to repeat the appropriate formula after the bishop or inquisitor. The question of how the oath and the creed was understood was of utmost importance in the reconciliation procedure as it enabled the sinner to realize the importance of the entire ceremony and the pledges. The entire rite comprised of symbolic gestures making the ceremony more solemn in character. At the moment of renouncing his/her heretical beliefs and embracing the faith of the Church, the heretic made an oath on a crucifix or the Scriptures.²⁶³ In the inquisition procedure, the rite of

259 Shannon, *Popes*, 70; examples are given in *Documents*, vol. 2, 196.

260 There is a description of the reconciliation of a repentant heretic (*Modus et forma reconciliandi et puniendi redeuntes ad ecclesiasticam unitatem*) in the *Processus inquisitionis* manual (*Processus inquisitionis*, 73–4).

261 Guillaume Mollat and Georges Drioux, "Introduction", in Gui, *Manuel*, liv.

262 [...] *nos tamen, considerantes attentius quod parcendum est multitudini maxime quando et ubi culpam suam recognoscit, seque humiliat, et gratiam et misericordiam implorat, correctionemque et emendam promittit, et ad penitentiam suscipiendam se offert; attendentes insuper quod hoc solum bene agitur ut vita hominum corrigatur et quod sancta mater Ecclesia nulli claudit gremium redeunti.* Gui, *Practica*, 168–70.

263 Gui, *Practica*, 168–70; Eymerich, *Directorium*, 475–81; Eymerich, *Manuel*, 164–70.

revocation and reconciliation tended to take place at a *sermo generalis*. *Doctrina de modo procedendi contra haereticos* recommended that the ceremony of reconciliation with the Church (*reconciliatio*) be completed on a first Sunday following the court ruling.²⁶⁴ It started with the ringing of the bells. After the first ring, all town residents had to gather at the place of the *sermo generalis* for the ceremony to begin. It comprised three separate parts: the confession (*confessio*), the renunciation of heretical views with an oath of loyalty to the Church (*revocatio et abiuratio*), and the imposition of penance (*poenitentia*).²⁶⁵

A fully developed sequence of the *sermo generalis* was discussed in Bernard Gui's manual. The ceremony was carefully arranged and followed a strictly determined order (*ordo sententiarum et penitentiarum*).²⁶⁶ Gui emphasized that the court ruling should be announced with due solemnity.²⁶⁷ The ceremony began with a short sermon, after which customary indulgences were announced. Next, royal officials and town councillors were sworn in before the inquisitor. They declared their will to collaborate with the inquisitor in the struggle against heresy. It was at that moment that the inquisitor proceeded to pronounce the sentences. The order they were read in depended on the weight of the crimes and the forms of imposed penalties. First, the inquisitor announced any changes or earlier expiatory penance assignments. People who had been required to wear penitential crosses were finally allowed to take them off and were told to complete the assigned penitential pilgrimages in exchange.²⁶⁸ Penitents released from prison had to put on the penitential crosses, set out on a pilgrimage to assigned sanctuaries and perform specified acts of piety (*opera pietatis*).²⁶⁹ All convicts heard a summary of their offence in an abbreviated form in the vernacular (*brevis extractio culparum*) and had to renounce their error in public by taking an oath of loyalty to the Catholic Faith.²⁷⁰ Following the revocation, the inquisitor lifted the excommunication and pronounced the sentence. It was read in Latin first, followed by a version in the vernacular, in this case, the

264 *Doctrina*, 1795.

265 *Doctrina*, 1796.

266 Gui, *Practica*, 84; see also the order of the first *sermo* recorded in the *Liber sententiarum* of Bernard Gui from 8 March 1307 (Gui, *Le livre des sentences*, vol. 1, 176–201).

267 Gui, *Practica*, 83–6. A latter part of the manual contains formulas of sentences used during the *sermo generalis*.

268 Gui, *Practica*, 83–4.

269 Given, *Inquisition*, 68–71.

270 Gui, *Practica*, 83–4.

Provençal tongue.²⁷¹ At last, penalties were assigned beginning with lighter ones, such as pilgrimages and the wearing of crosses on outer garments, ending with the toughest, such as imprisonment. More sentences were pronounced, this time against dead heretics whose remains had to be exhumed and burnt. Also, any individuals who failed to appear before the inquisitor at the appointed date were excommunicated. At the end of the ceremony, the condemnatory sentences were pronounced against those heretics who, in spite of an earlier reconciliation, returned to heresy (*relapsi*), as well as those who refused to renounce heretical views (*pertinaces*). These heretics, following their condemnation and excommunication by the ecclesiastical court (*sententia condemnatoria*) were handed over to the secular authorities (*relaxatio seculari brachio*) who were responsible for carrying out the appropriate punishment (*animadversione debita puniendi*). At the end of the *sermo generalis* a command was given to demolish the houses used by Cathars to administer their *consolamentum* or hide the Cathar *perfecti*.²⁷²

All sentences delivered by Bernard Gui at the *sermones generales* observed the order described in his manual. *Liber sententiarum* recorded the sentences announced at twenty consecutive *sermones*, the earliest of which was dated 3 March 1308²⁷³ and the latest 1322.²⁷⁴ The structure of each *sermo* followed the same format:

- Royal officers take an oath affirming their willingness to assist the inquisitors
- Town council representatives take an oath
- Excommunication of individuals preventing the execution of the inquisitor's office
- Exemption from the duty to wear cross marks
- Release from prison
- Reading the record listing the errors committed by individuals required to wear crosses and the delivery of sentences
- Reading the list of the errors of individuals sentenced to prison
- Pronouncement of sentences for deceased heretics
- Order to demolish houses in which heretical meetings had taken place

271 [...] *tam graviter et tam multipliciter in facto heresi deliquistis, sicut lectum et recitatum vobis intelligibiliter in vulgari*. Gui, *Practica*, 94.

272 Gui, *Practica*, 84–6; general sentence formulas are given in a later part of the manual (86–171); cf. Paul, “La mentalité de l’inquisiteur”, 295–6; Scharff, “Die Inquisitoren und die Macht”, 123–5.

273 Gui, *Le livre des sentences*, vol. 1, 177–201.

274 Gui, *Le livre des sentences*, vol. 2, 1636–9.

- *Reading of the official list of the errors of relapsed heretics, followed by their transfer to the secular authorities.*

At the first stage of activity of the papal inquisition in Languedoc, the sentences delivered during *sermones generales* tended to concern a small number of people. One of the earliest surviving Languedoc records were produced by the Carcassonne inquisitors, Bernard de Caux and Jean de Saint-Pierre, and contain sentences against 202 people, announced between 26 August 1244 and 14 June 1248. Sometimes, one *sermo generalis* could result in more than a dozen convictions.²⁷⁵ A far greater number of people received sentences during the *sermones generales* presided over by Bernard Gui. At one such ceremony, which took place on 23 April 1312, Gui assigned punishment to 194 people, and modified previous penalty assignments of fourteen others. The majority of Bernard Gui's *sermones generales* were attended by great numbers of people: 91 people on 25 May 1309, 110 people on 5 April 1310, 74 on 7 March 1316, 160 on 30 September 1319, and 152 people on 12 September 1322.²⁷⁶

The *sermo generalis* would be arranged for a holy day. The ceremony tended to take place at a parish church, a cathedral or a Dominican church where the seat of papal inquisitors was located. The surviving records of the Languedoc inquisition indicate that these ceremonies of reading sentences tended to take place in churches. Only seldom were they held elsewhere. In Carcassonne, the sentencing ceremony used to take at the churches of St Vincent or St Michael, located in a suburb called the Bourg. Later, these events were also organised in town markets, such as the *sermones generales* presided over by the inquisitors Étienne de Gâtine (1262–1276) and Hugh de Bouniols (1276–1283) in the 1270s.²⁷⁷ In the first decades of the fourteenth century the Carcassonne inquisitor, Geoffroy d'Ablis, also deliver his sentences there.²⁷⁸ In Toulouse, the sentences for heretics were usually announced at St Stephen's Cathedral or the Dominican Church of St Sernin.²⁷⁹ The majority of the sentences of the Toulouse inquisitors Bernard

275 Fragments of the *liber sententiarum* of Bernard de Caux and Jean de Saint-Pierre are to be found in Paris BN, MS 9992. Some of the sentences were published in *Documents*, vol. 2, 1–89. Most sentences apply to several people, for example on 24 May 1248 four sentences were pronounced (*Documents*, vol. 2, nos 44–7 and 83–5). There were also larger ceremonies such as that on 25 March 1246, where 24 individuals were sentenced (*Documents*, vol. 2, nos 2, 3–7).

276 Given, *Inquisition*, 73.

277 Molinier, *L'Inquisition*, 378.

278 Pales-Gobilliard (ed.), *L'inquisiteur Geoffroy d'Ablis et les Cathares du Comté de Foix (1308–1309)* (Paris, 1984).

279 Pales-Gobilliard, "Bernard Gui et auteur de la Practica", *CF* 16 (1981), 258–60.

de Caux and Jean de Saint-Pierre were made public at the Priory of Saint-Sernin (33), and only isolated sentences were read in other places, at the prior's house (3), at a town house (1), St Stephen's Cathedral (1), or the cathedral in Cahors (1).²⁸⁰ Seventy years later, Bernard Gui delivered his sentences and assigned punishment almost exclusively at St Stephen's Cathedral in Toulouse. The inquisition in Pamiers was one exception: there, the sentences were read at the local cemetery of St Jean.²⁸¹ In Pamiers, the place where *sermones generales* took place was the square in front of the Church of Notre-Dame du Camp. The sentences were read by both the Carcassonne inquisitor, Geoffroy d'Ablis²⁸², and the bishop of Pamiers, Jacques Fournier.²⁸³

The ceremonies of sentence reading which concluded heresy trials took place in the presence of numerous church officials, such as the bishop ordinary, bishops from other dioceses, chapter members, officials of the episcopal curia, as well as representatives of the secular authorities and the faithful. The register of sentences of Bernard de Caux and Jean de Saint-Pierre recorded the presence of the bishops of Toulouse and Agen, and the count of Toulouse, as well as some members of the cathedral chapter, the abbots of Sainte-Cecile of Albi, and Montauban, and the Dominican prior of Saint-Sernin, as well as the town authorities from Toulouse and Cahors.²⁸⁴ The ceremonies organised by Bernard Gui tended to include the archbishop of Narbonne and the bishop of Toulouse, the highest representative of the king in Languedoc, Seneschal Jean de Mauchenchy, as well as town authorities.²⁸⁵

East of the Alps, the task of being present at trials and reading the sentences fell to the representative of bishop ordinary, accompanied by the parish priest or a priest from the heretic's local parish. When, on 19 May 1299, Guido da Vicenza, the Dominican inquisitor for Lombardy and Genoa, read the sentence concerning two Cathars, Bompietro Giovanni and Julienne de Salimbene at the Dominican church in Bologna, the ceremony was attended by the cathedral

280 *Documents*, vol. 2, cclviii.

281 Pales-Gobilliard, "Introduction", in Gui, *Livre des sentences*, vol. 1, 26; e.g. on 15 June 1320 Friar Jean Filibert of Burgundy was defrocked and handed over to the secular arm. The sentence was delivered in St Stephen's Church.

282 *L'inquisiteur Geoffroy d'Ablis et les Cathares; Registre de Geoffroy d'Ablis* (Ms lat. 4269 B.N. Paris), ed. Duvernoy, available at <http://jean.duvernoy.free.fr/text/pdf/ablis>, accessed 24 October 2005.

283 *Registre* (see the Index).

284 *Documents*, vol. 1, cclviii-cclix.

285 Pales-Gobilliard, "Introduction", in Gui, *Livre des sentences*, vol. 1, 26.

priest Don Arpinello. The procedure of transferring condemned Cathars to the secular authorities was also witnessed by the town judge, a notary, and a lawyer, as well as four knights who attended on behalf of the town authorities.²⁸⁶

In fifteenth-century Poland, the ceremonies of sentences, abjuration and assignment of punishment for convicted heretics took place in cathedral churches. Their dates were set on important church holidays and they were celebrated with liturgical solemnity. In November 1440, the reconciliation rite of two protectors of Hussites in Greater Poland, Abraham Zbąski and Abraham Kębłowski, took place at Poznań Cathedral.²⁸⁷ Forty years later, a similar ceremony was held at Włocławek Cathedral on 11 May 1480.²⁸⁸ It was presided over by the bishop of Włocławek, Zbigniew Oleśnicki the Younger in the presence of the archbishop of Gniezno, Jakub of Sienno and Bishop Andrzej of Przemyśl. At the ceremony sentences were read, the revocation of errors and abjuration of four Utraquists from Cuyavia was accepted.²⁸⁹

The *sermo generalis* was the key moment of the entire inquisition: it was when the power of the Church manifested itself in its uncompromising will to punish hardened heretics and show mercy towards the repentant.²⁹⁰ Heretics who demonstrated contrition, renounced proclaimed errors and expressed their willingness to return to the Church were treated gently. The Church absolved their sins and imposed a “salutatory” penance enabling sinners to atone for their apostasy, and save their souls from eternal damnation. Nevertheless, at the *sermo generalis*, the Church administered harsh treatment to those heretics who “disconnected themselves from the community of the faithful and rose up against the pope and the Church”.²⁹¹ Those who defended their errors obstinately and relapsed into them after a previous abjuration were excluded from the ecclesiastical community and handed over to the secular authorities.

The public nature of the *sermo generalis* served an important didactic and propaganda role. Since the entire inquisition process was of a confidential nature, the *sermo generalis* provided the clergy with an opportunity to instruct

286 Paolimi and Orioli (eds), *Acta S. Officii Bononiae*, 302–9; cf. Paolini, *Leresia catara alla fine del duecento* (Rome, 1975), 110–26.

287 AC 2, no. 1002, 519–20; cf. Kras, *Husyci*, 288–9.

288 Stanisław Chodyński (ed.), *Monumenta historica dioecesis Wladislaviensis*, vol. 4 (Włocławek, 1884), 15–9.

289 Kras, *Husyci*, 289.

290 James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, Ct, 1990), 2–5.

291 Gui, *Practica*, 84.

the faithful on the realm of orthodoxy and heresy, *licitum* and *illicitum*.²⁹² The public abjuration of errors and swearing of the loyalty oath enabled the Church to safeguard the True Faith against the fallacy and evil represented by heretics. The public proclamation of sentences was a liturgical show serving to re-establish the religious and social order disrupted by the activity of heretics. It reinforced attachment to the diocesan and parochial community. It welcomed back those who demonstrated contrition and eliminated those who persisted in their errors with obstinacy.²⁹³ This was a way for the ecclesiastical authorities to demonstrate “who walks in the light of true faith towards salvation and who, in the darkness of errors, walks towards eternal damnation.”²⁹⁴ The rites of reconciliation of former Cathar *perfecti* had a particular strategic value. Their return to the bosom of the Church served to demonstrate the superiority of Catholic doctrine over Cathar beliefs in a spectacular way. Flavien Uhrlich’s calculations indicate that during the first half of the thirteenth century, the reconciliation rite in Languedoc showcased at least one *perfectus*.²⁹⁵

The *sermo generalis* was planned carefully. There was no room for any unexpected speech on the part of an interrogated heretic. Nicholas Eymerich recommended caution, given that some heretics displayed fake contrition. Seemingly willing to renounce their errors in public, they were in fact interested in turning the *sermo generalis* into a public proclamation of erroneous views, and causing scandal.²⁹⁶ The ceremony of abjuration and reconciliation was a one-time event: and could not be repeated. During the rite the ecclesiastical authorities warned against the consequences of a return to heresy. The duty of each repenting heretic was to inform the inquisitor about any observed manifestations of heresy in his/her vicinity once he had been set free. Should this

292 “Le *sermo generalis* possède sans doute une fonction de pédagogie religieuse: il marque fortement la frontière entre le licite et l’illicite [...]”. Biget, “L’inquisition en Languedoc”, 87–9, at 88.

293 For the propaganda functions of the *sermones generales*, see Merlo, “Il *sermo generalis* dell’inquisitore: una sacra rappresentazione anomala”, in Marina Benedetti, Merlo, and Andrea Piazza (eds), *Vite di eretici e storie di frati* (Milan, 1998), 203–20.

294 Given, *Inquisition*, 72–3; Biget, “L’inquisition en Languedoc”, 89.

295 The abjuration ceremonies involving repentant *perfecti* from Languedoc in the thirteenth century are the subject of recent analysis. Flavien Uhrlich, “Du catharisme au catholicisme: les parfaits repentis en Languedoc fin XII^e-XIII^e siècles”, *Heresis* 42–43 (2005), 41–53.

296 Eymerich, *Directorium*, 504.

obligation be neglected, such an individual was declared a relapsed heretic and this status resulted in severe sanctions.

In Languedoc, the reconciliation ceremony marked the moment when a heretic reconciled with the Church received a penitential document (*littera poenitentialis*) specifying the forms and the duration of his penance. It was an official document, marked with the seal of the inquisitor and the signatures of assessors.²⁹⁷ The first reference to penitential documents being used is related to the activity of the papal legate, Romanus Frangipani, cardinal of St Angelo. The chronicle of Guillaume de Puylaurens noted in 1229 that Cardinal Romanus celebrated the reconciliation rite of a group of Toulouse residents and imposed penance on them. The penitential documents issued for that event were handed over to Bishop Foulques of Toulouse and read in public at St James' Church.²⁹⁸ Starting in 1234, such penitential documents were an integral part of the documentation kept by the papal inquisitors of Languedoc. Such a document provided a formal closure to the inquisition, while the act of reading it in public and handing it to the heretic defined the beginning of his/her penance. A copy of the penitential document was incorporated into the inquisition records. It is worth noting that the penitential document was the only legal act from the inquisitor's office which was actually handed to the heretic. Just like the penitential marks on garments, *littera poenitentialis* accompanied the repenting heretic throughout the period of his penance. *Processus inquisitionis* also contains a form of such a penitential document.²⁹⁹ It could be considered a model form of penitential document widely used by Languedoc inquisitors.³⁰⁰

The penitential document was a summary of the entire inquisition procedure. Its rich form and solemn wording clearly indicate that it was destined for public reading. It described the inquisition trial step by step, followed by an account of the revocation and abjuration rite of the penitent. It also informed its audience as to whether the heretic appeared before the inquisition tribunal voluntarily and confessed his/her fault sincerely, and evaluated the gravity of his/her apostasy. The major part of the document was taken up by a detailed description of penitential practices, the assigned public penance, the required penitential cloak, pilgrimages, and participation in church services etc. The document closed with

297 *Processus inquisitionis*, 75.

298 Guillaume de Puylaurens, *Chronica*, 138.

299 *Processus inquisitionis*, 75.

300 Among others Bernard de Caux and Jean de Saint-Pierre made use of them when imposing penance on the inhabitants of Lauragais in 1245–1246. Pegg, *The Corruption of Angels*, 37–8.

an exhortation to all Christians to take appropriate care of repenting heretics and refrain from harassing them. The penitents themselves were reminded of the punishment awaiting them should they fail to complete penance and decide to return to heresy.³⁰¹

Inquisitors used the penitential document as an efficient instrument for controlling penitents. A heretic completing his penance at large had to produce the document at the request of his parish priest and the clergy in sanctuaries along his pilgrim's itinerary.³⁰² The parish priest would read the penitential document in the vernacular at a solemn Mass and, following the end of penance, he was required to inform the inquisitors of the completed obligation.³⁰³ Once the requirement of penitential pilgrimages had been satisfied, the completed obligation had to be confirmed by a cleric representing the visited sanctuaries. Afterwards, the penitent had to appear before the inquisitor and present letters confirming the completed requirement (*litterae testimoniales*).³⁰⁴ A written notice of completed penance was then incorporated into the inquisition records.

The penitential document also assumed the role of a guarantee for a heretic who had completed his penance at large. Each individual who had partaken in the rite of reconciliation had to produce his/her penitential document before the inquisitor or bishop when summoned. The surviving fragments of the 1249–1258 records kept by a prison guard at the episcopal prison in Carcassonne reflected the importance of this document in the ecclesiastical system of surveillance accurately.³⁰⁵ Heretics repenting at large were summoned by episcopal inquisitors in order to update them on their penance progress, produce requested attestation,

301 Dossat, "Le plus ancien manuel", 36–7.

302 *Testimoniales de singulis locis reportantes litteras, quod peregrinationes compleveritis nemoratas, dictasque peregrinationes facere incipiatis infra tres menses a presenti die computandos, earumque complecioni fideliter insistatis.* Gui, *Le livre des sentences*, vol. 2, 1454.

303 [...] *et tunc in locis ad que de episcopi licentia iverint faciant coram episcopo illius loci vel locum ejus tenente eamdem penitentiam, portantes litteras episcopi, vel illius qui locum ejus tenente eamdem penitentiam, portantes litteras episcopi, vel illius qui locum suum tenuerit, continentes penitentiam fecerint litteras episcopi illius loci ad Barchinonensem episcopum de peracta penitentia testimonium continentes.* Douais, "Saint Raymond", 324–5; cf. Scharff, "Schrift zur Kontrolle", 561–2.

304 *Processus inquisitionis*, 74; [...] *et missam majorem ex integro et sermonem, si fiat ibidem, audiant utrobique, et signum notarii inquisitionis qui presens ibidem aut cartellum reportent et habeant ab eodem quod visitationes fecerint illo anno.* Gui, *Practica*, 97.

305 A description of these records is given in Douais, *Documents*, vol. 1, cclxvii–ccxc.

ask for a change in penance or explain why they had failed to complete tasks assigned to them.

There were only two instances in which the activity of the ecclesiastical court was not penitential but repressive in nature. The Church was merciful towards each heretic returning after having renounced his/her errors (*Ecclesia nulli claudit gremium redeunti*). This principle, however, did not apply to heretics who relapsed into their errors after an earlier reconciliation (*relapsi*) or were obstinate in defending their views (*pertinaces*).³⁰⁶ A return to heresy (*relapsio in abjuratam heresim*) was regarded as tantamount to false contrition and perjury. The principles regulating the inquisitorial procedure stated that those who broke their oath taken at the rite of revocation and abjuration did not deserve another chance to take advantage of the grace and mercy of the Church. By not keeping their pledge to remain faithful to the Catholic creed, they showed contempt for both divine and ecclesiastical laws.³⁰⁷ Bernard Gui stated that the only way for the Church to deal with such heretics was hand them over to the secular authorities.³⁰⁸

The Fourth Lateran Council ordered that the heretics condemned by ecclesiastical courts be handed over to representatives of the secular powers so that they would be given due penalty (*animadversio debita puniendi*).³⁰⁹ This principle was reiterated by later papal decrees (VI^o 5.2.4).³¹⁰ The bull of Boniface VIII, *Ut inquisitionis negotium*, which featured a collection of laws pertaining to the inquisition in heresy cases, ordered the transfer of heretics condemned by the ecclesiastical courts to the hands of the secular authorities in order for

306 *Super eo, quod scriptum legitur: "Ecclesia nulli claudit gremium redeunti", quodque hi, qui post abiurationem erroris, vel postquam se proprii antistitis examinatione purgaverint, si deprehensi fuerint in abiuratam haeresim recidisse, saeculari decernuntur iudicio ulla penitus audientia, quum scripturae huiusmodi videantur sibi invicem adversari, quid tenendum sit per sedem edoceri apostolicam postulastis.* Friedberg 2, 1070.

307 Gui, *Le livre des sentences*, vol. 1, 530.

308 *Cum Ecclesia ultra non habeat quod faciat pro suis meritis contra eum, relinquimus brachio et iudicio saeculari.* Gui, *Practica*, 144.

309 Tanner, *Decrees*, vol. 1, 234. cf. Walther, "Haeretica pravitas und Ekklesiologie. Zum Verhältnis von kirchlichem Ketzerbegriff und päpstlicher Ketzerpolitik von der zweiten Hälfte des XI. bis ins erste Drittel des XIII. Jahrhunderts", in Adreas Zimmermann (ed.), *Die Mächte des Guten und Bösen. Vorstellungen im XII. und XIII. Jahrhundert über ihr Wirken in der Heilsgeschichte* (Berlin and New York, 1977: *Miscellanea Mediaevalia*, 11), 311–3.

310 Friedberg 2, 1070–1.

them to pay the appropriate penalty (VI^o 5.2.18).³¹¹ Formally, the inquisition courts reviewing heresy cases did not sentence anyone to death. This was forbidden by canon law. Nevertheless, the legal system formed in the thirteenth century allowed for a transfer of excommunicated and condemned heretics to a secular court (*relaxatio curiae saeculari*), a measure tantamount to capital punishment. Specifying the method of punishing heretics condemned by an ecclesiastical court, Gregory IX and his successors referred to the laws of Frederick II.³¹² Boniface VIII's bull *Ut negotium inquisitionis* included in *Liber sextus* clearly ordered that heretics handed over to the secular authorities be punished in accordance with Frederick II's decrees (VI^o 5.2.18).³¹³

* * *

The system of inquisition, still evolving in the thirteenth century, tried to reconcile two seemingly contradictory strategies for combatting heresy. On the one hand, following the early Christian principle of *persuasio fraternalis*, attempts were made to convert heretics. On the other, wherever such a conversion proved impossible, severe punishment imposed by the secular authorities was approved. The procedure of *inquisitio haereticae pravitatis* required bishops and papal inquisitors to search for heretics, verify received accusations on the basis of a suspect's testimony and information furnished by other witnesses in the trial, and deliver a sentence. The legal regulations elaborated in the first half of the thirteenth century placed strong emphasis on the need to acquire infallible evidence before issuing a condemnatory sentence. Whenever an alleged heretic confessed his/her fault, this was interpreted as the most important piece of evidence in the trial. This is why, wishing to extract such testimonies, ecclesiastical judges sometimes had recourse to the instrument of imprisonment or torture.

311 [...] *utque de haeresi a diocesano episcopo vel inquisitore seu inquisitoribus codnemnatos praefati potestates domini temporales sive rectores vel eorum officiales seu nuncii sibi relictos statim recipiant indilate animadversione debita puniendos [...]*. Friedberg 2, 1077.

312 *Les registres de Grégoire IX*, no. 535, 348; cf. Maisonneuve, *Études*, 246; Diehl, "Ad abolendam", 8–9.

313 *Ut inquisitionis negotium contra haeticam pravitatem ad Dei gloriam et augmentum fidei nostris temporibus prosperetur, leges quasdam, per Fredericum olim Romanorum imperatorem, tunc in devotione Romanae persistentem ecclesiae, promulgatas, quatenus Dei et ecclesiae sanctae sue honorem promovent, et haeticorum exterminium prosequantur, et statutis canonicis non obsistunt, approbantes et observari volentes, universos saeculi potestates et dominos temporales [...] requirimus et monemus*. Friedberg, vol. 2, 1077; cf. Griffe, *Le Languedoc cathare et l'inquisition (1229–1329)*, 35–8.

In their effort to convert heretics, ecclesiastical judges tried to demonstrate the incompatibility of heterodox beliefs with the doctrine of the Church. The inquisition procedure allowed no free discussion on the principles of the Church's proclaimed creed. Those who questioned Church teaching deliberately in spite of the bishop's or inquisitor's efforts, were regarded as hardened sinners. In their case, pastoral means were bound to result in failure. Unable to persuade such heretics to renounce their errors, the ecclesiastical authorities excommunicated them and handed them over to the secular authorities. This final step was informed by their desire to protect the good of the Church as a whole.

Chapter Four Inquisitorial procedure and the written word

1. Inquisitorial texts

Medieval inquisitors drafted and used many genres of texts that make up a diverse body of inquisitorial literature. The written word became an integral element of their investigations. From the very beginning of the systematic operations against heretics, both the bishops and papal inquisitors made documentation a basic instrument of their activity. It is impossible to imagine such a systematic and comprehensive procedure without manuals, *interrogatoria*, formal suit letters, penitential documents or records. At the inquisitors' hands, the written word became indispensable. It served to register all activities of the inquisitor from the moment he started his enquiry until the ruling of the final sentence and the assignment of penalty. At the same time, the inquisition-related documentation became an efficient instrument of social control. It was used to impose a desired religious order and discipline on those who contested it.¹ The inquisitors' libraries contained a rich collection of legal, polemical and pastoral literature indispensable for proper fulfilment of duties entailed by *officium inquisitionis*. The inquisitors had access to copies of papal documents, council and synod statutes, decrees issued by secular authorities defining the range of their jurisdiction, as well as the general tenets of the inquisition. The libraries used by inquisitors attributed an important role to various theological compendia. These works provided the inquisitors with detailed information on inquisition-targeted heretical beliefs and practices. They allowed to identify members of particular groups of heretical Cathars, Waldensians, Lollards or Hussites and evaluate the degree of their commitment to the activity deemed hostile to the Church. As far as pastoral literature was concerned, the inquisitors' collections offered manuals for preachers and confessors. Manuals for preachers facilitated the composition of sermons intended to contest heretical views and practices, while manuals for confessors helped to successfully probe alleged heretics and instructed confessors on how to persuade them to confess and renounce errors. The libraries of inquisitors were regularly stocked depending on the ongoing need.²

1 Given, *Inquisition*, 28–9.

2 Given, *Inquisition*, 44.

In the second half of the thirteenth century, the papal inquisitors did more than merely collect and consult literature in their anti-heresy activities. Their experience gained during the first few decades of *officium inquisitionis* yielded fruit and they went on to elaborate their own literature, either in the form of *interrogatoria* for investigations or more extensive polemic dissertations tailored to combat the errors of heretics with *auctoritates* and *rationes*. Most papal inquisitors were well educated theologians and preachers above all. Their preaching skills and theological knowledge enabled them to successfully detect any views incompatible with Church doctrine. At the same time, these competences provided them with instruments indispensable in entering a polemic with heretical opinions. Skilled preachers and confessors that they were, they could use the knowledge and skills to address appropriately the basic demands of *officium inquisitionis*. The papal inquisitors also had to be well-versed in the legal context of the procedure used for reviewing charges of heresy. The great number of papal regulations published in the course of the thirteenth century, documents from councils, synods and works of legal experts created a complicated system and specified the principles of inquisitorial procedures. It must have been difficult for inquisitors to get through this extensive and ever-growing body of documentation. Another challenge consisted in establishing an accurate interpretation of unclear and often contradictory legal clauses. In order to address this problem, the inquisitors and collaborating legal experts collected key works, including papal recommendations, council and synod documents, anti-heresy decrees issued by secular authorities and pieces of legal expertise and compiled them into handy *compendia*. Initially, these works contained loose copies of acts of law pertaining to the functioning of *officium inquisitionis*. Gradually, however, they started to include forms of documents used in the inquisition process and commentaries helpful in explaining particular elements of the procedure.

Individual collections of this kind, compiling papal, council, synod and imperial documents, were the property of particular inquisition tribunals and used by subsequent inquisitors who also added further notes and commentaries. The constant processing of data and updates was the primary reason for the increasing specialization of inquisitorial operations. In consequence, the entire Western Christianity implemented a unified procedure called *inquisitio haereticae pravitatis*. The accomplishment of such a high level of standardization in criminal investigations launched into heretics can be regarded as a great success of the inquisitors attributable to their high degree of literacy. In the mid-thirteenth century, the compendia tailored to the needs of ongoing inquisition evolved into specialized manuals for inquisitors. They provided them with practical information on the methods and techniques indispensable to conduct

enquiries related to heresy accusations. They presented the beliefs upheld by particular heretical movements and compiled *interrogatoria* for trials in a highly systematic way. They introduced categories and notions coining a specific register of legal language: the inquisition discourse. John Arnold pointed out that the production of manuals for inquisitors was one of the consequences of the quick structural development of *officium inquisitionis* operated by Mendicant friars. His analysis of subsequent manuals, their ever-increasing volume and increasingly complex structure allows one to track the process of specialization of the papal inquisition.³

Let us apply Antoine Dondaine's typology and divide the entire body of literature made for and by inquisitors into five main categories:

1. normative documents issued by both ecclesiastical and secular authorities;
2. legal recommendations prepared by representatives of the ecclesiastical hierarchy and lawyers;
3. formularies, e.g. model documents used in the inquisition process;
4. manuals for inquisitors: collections of normative documents, forms and comments on the operational principles of *officium inquisitionis*;
5. theological and legal treatises devoted to the heretical doctrine and explanations of the inquisition procedure.⁴

Considering the goals and operational principles of *officium inquisitionis*, papal documents provided the rudiments. In the realm of canon law, papal decrees were decisive in settling the most important questions regarding the authority of inquisitors and the different stages of court investigation of heresy accusations. The libraries of Dominican friaries, the headquarters of inquisitors, were stocked with key medieval collections of canon law: *Decretales* of Gregory IX, *Liber sextus* of Boniface VIII and *Clementinae* of Clement V. For the sake of the inquisition, copies of the most important legal documents regulating *negotium fidei* were made to increase their accessibility. The surviving legal codes of Languedoc, Lombardy or Bohemia inquisitors testify to the immense effort involved in the process of collecting and editing normative documents regulating the jurisdiction of the inquisitors and the principles of the inquisition procedure in heresy cases. The anonymous author of the thirteenth-century *De auctoritate*

3 "The development of these manuals points, firstly, to the fact that the inquisitorial task was also becoming increasingly 'professionalized'; not necessarily in the sense that inquisitors had assumed a permanent vocation, but in the abstraction and systematization of procedures and principals surrounding their project". Arnold, *Inquisition*, 50.

4 Dondaine, "Le manuel", 89.

et forma inquisitionis wrote that his compendium was intended to gather dispersed legal documents pertaining to the power and jurisdiction of the inquisitors published by various popes at different times. With such a compilation in hand, the inquisitor could learn the rudiments of his job easier.⁵ *De auctoritate et forma inquisitionis* elaborated on the principles of an inquisitorial investigation on the basis of papal documents. Zanchino Ugolini, an Italian public notary in the service of the Dominican inquisitor Donatus de Santa Agatha, perceived the role of his *Tractatus super materia hereticorum* (ca 1330) in a very similar way. In the introduction, Zanchino wrote that the goal of his work was to collect all regulations of both canon and secular law so that the inquisitor would know how to carry out court procedure and rule sentences in heresy trials. His succinct compendium was thus written to recall and strengthen the existing regulations of both canon, and secular laws.⁶

Bernard Gui, who wrote in the twenties of the thirteenth century, develops the fourth part of his *Practica* into a collection of papal decrees that regulated the questions of competences and tasks of *officium inquisitionis*. Gui did not copy their content in their entirety, but edited them so as to provide the inquisitors with succinct and practical information on the range of their authority and the principles indispensable for fulfilling their tasks. Aided by these edited and organised papal documents, inquisitors knew how to exercise their authority.⁷ As distinct from the earlier manuals, Nicholas Eymereich's *Directorium* compiles and quotes *in extenso* all key papal decrees and constitutions of general councils pertaining to *officium inquisitionis*. The texts were taken from *Decretales, Liber sextus* and *Clementinae*. All in all, the *Directorium* contained thirty-nine documents, the earliest issued by the Third Lateran council (*Sicut ait*) in 1179 and Lucius III's

5 *Quoniam potestas et iurisdictio officii [inquisitoris] sub diversis temporibus, a diversis pontificibus in variis et differentibus constitutionibus, legibus et privilegiis quampluribus diffusa est, et ideo quasi confusa, visum est ad ipsius officii pleniorum noticiam, eius, licet rudi, veraci tamen stilo, auctoritatem et formam executionis ipsius brevi compendio, ut facilius capi possit, pro modulo nostre capacitatis sub certis notulis et distinctis articulis enodare. De auctoritate et forma inquisitionis*, BAV, MS Vat. lat. 2648, f. 55va.

6 Zanchino Ugolini, *Tractatus super materia hereticorum*, BAV, MS Vat. lat. 2648, f. 1r.

7 *In quarta vero parte colligitur et describitur quedam brevis et utilis informatio inquisitorum de auctoritate et potestate ipsorum et officii inquisitionis heretice pravitate, maxime per privilegia et litteras ab Apostolica Sede eis concessas per diversos Romanos Pontifices [...] ut noverint quid possunt et qualiter debeant eis uti*. Gui, *Practica*, 2.

bull *Ad abolendam* from 1184, up until the decretals *Multorum quaerela* and *Ad nostrum* promulgated by the Council of Vienna in 1312.⁸

Apart from papal documents, synod statutes and legal recommendations also offered a wealth of information on the operational principles of the inquisition. A number of detailed legal solutions pertaining to the anti-heresy effort, assignment of punishment and conditions necessary to be granted an absolution were elaborated by the synods of the clergy in the South of France, held in the first half of the thirteenth century. Since these regulations were directly related to the practical aspect of the inquisition, they were considerably popular with the papal inquisitors who incorporated them into handy *compendia*. Later, they were used by authors of manuals for inquisitors.⁹ The most significant were the Synod Statutes prepared in Narbonne (1227) and Toulouse (1229), reiterated and completed by the Tarragona, Narbonne and Béziers Synods in 1242, 1243 and 1246, respectively. The systematic and transparent legal solutions earned them recognition outside of Languedoc. The synod statutes introduced different categories of apostasy, a clear classification of heretical actions, and a corresponding system of penalties.¹⁰

The most frequently copied statutes included the statutes of Peter of Albalat, the archbishop of Tarragona (1238–1251). In fact, their author was Raymond of Penyafort, a famous Dominican theologian and close collaborator of the archbishop. The Statutes of the Tarragona Synod constituted the first systematic *compendium* regulating the inquisitorial procedure to be applied against heresy suspects, from the launch of an investigation until the ruling of a sentence and the assignment of penalty. For this reason, some scholars regarded the decrees as the inquisition manual in the strict sense of the term (*Directorium*).¹¹ The statutes of Peter of Albalat, tailored to the needs of the inquisition in his archdiocese, became greatly popular with the papal inquisitors in the South of France and Italy. Many later manuals and *compendia* either incorporated them in their entirety or in an abbreviated form. The full version of Peter of Alabalat's statutes can be found in the manual *Doctrina de modo procedendi contra haereticos* used by Languedoc inquisitors at the turn of the thirteenth century, by an anonymous

8 Eymereich, *Directorium*, 80–114.

9 Dondaine, "Le manuel", 85–6.

10 Arnold, *Inquisition*, 37–47.

11 Mansi 23, 355–66; *Texte zur Inquisition*, 50–9; cf. Douais, "Saint Raymond de Peñafort et les hérétiques. Directoire à l'usage des inquisiteurs aragonais, 1242", *Le Moyen Âge* 12 (1899), 305–25; Dondaine, "Le manuel", 88–90 and 96–7.

author.¹² Extensive fragments were also featured in Bernard Gui's *Practica*.¹³ For this reason, the statutes seem to deserve a more detailed analysis.

The statutes of Peter of Albalat begin with a characteristic of various categories of heretics inspired directly by the bull *Excommunicamus* of Gregory IX from February 1231.¹⁴ The list comprised eleven groups. The first, termed heretics (*heretici*), included all those who persist in their errors with obstinacy. This category featured primarily the Cathar *perfecti* (*heretici*) and the Waldensian masters (*Insabbatati*). The latter were described in more detail; the statutes specified that the Waldensian heretics refused to take oaths, did not heed any ecclesiastical or secular authority and contested capital punishment.¹⁵ Moreover, other individuals who accepted the aforementioned errors were also regarded as heretics (*heretici-credentes*). Next, another three categories of alleged heretics were discussed (*suspecti de heresi*), that of an ordinary suspect (*suspectus simpliciter*), or any individual who had at least once listened to sermons or instructions of the Waldensian masters, prayed with them on their knees, exchanged a kiss of peace with them or believed them to be good people and a strong suspect, any individual who had listened to heretical sermons or prayed with Waldensian masters multiple times. In addition to these two categories, the Tarragona Statutes introduced the notion of a very strong suspect, an individual who had participated in activities considered heretical a great number of times. The following categories pertained to various supporters of the Cathar *perfecti* and Waldensian masters. The term *celatores* denoted those who had seen heretics in public places but failed to inform the ecclesiastical authorities of the event. The *occultatores* distinguished those who deliberately declared that they would conceal information about the Cathars and the Waldensians. The *receptatores* category covered all those who offered shelter to the Cathar *perfecti* or the Waldensian *magistri* at least twice. On the other hand, those who deliberately defended heretics with their words and actions, thus opposing the inquisition activity of the Church, were termed protectors (*defensores*). The broadest targeted category constituted

12 *Doctrina*, 1796–1804; cf. Dondaine, “Le manuel”, 97 and 108.

13 Gui, *Practica*, 173–233.

14 *In primis queritur qui dicantur heretici, qui suspecti, qui credentes, qui fautores, qui receptatores, qui defensores, qui relapsi, cum ista genera hominum in canone explicentur. Texte zur Inquisition*, 51.

15 *Et videtur quod heretici sint qui in suo errore perdurant, sicut Insabbatati, qui dicunt aliqua causa non esse jurandum et potestatibus ecclesiasticis vel secularibus non esse obediendum et penam corporalem non esse infligendam aliquo casu, et similia. Texte zur Inquisition*, 51.

the *fautores*. This group included the representatives of all the aforementioned categories, as well as those who had offered any kind of assistance to heretics and their supporters. Finally, the last categories were those of reoffending heretics (*relapsus*), who returned to their errors following an earlier renunciation of heresy.¹⁶ While defining the nature of their apostasy, it was necessary to discern whether the confession was made merely in avoidance of severe punishment.

After a detailed classification of various types of heterodoxy, the statutes went on to describe the methods of dealing with heretical leaders who went about propagating their errors, as well as their supporters who embraced heretical doctrine in spite of a previous abjuration. The statutes of Peter of Albalat contained a number of formulas useful in the inquisitorial procedure: a public revocation of heresy (*forma abiurationis*) or purifying oath taken by the suspects and their guarantors. The Tarragona Statutes also featured practical advice on how to handle heretics who had already been buried at a cemetery and how to conduct interviews with alleged heretics. The final element of these instructions was a description of expiatory punishment to be assigned to particular categories of heretics depending on the nature of their unorthodoxy and attitude displayed during the inquisitorial process.¹⁷

The provincial Synod at Narbonne in 1243 presided over by the Narbonne archbishop Pierre Amiel compiled a list of key principles of inquisitorial investigation against heretics and heresy suspects. The documents were addressed to the papal inquisitors of Languedoc and provided responses to their questions.¹⁸ They served as an overview of the inquisition procedure around which the activities of the papal inquisitors were organised, fine-tuning previously obscure regulations and incorporating more recent decrees of Innocent IV.¹⁹ The Statutes

16 *Texte zur Inquisition*, 51–2.

17 *Texte zur Inquisition*, 53–9.

18 *Dubitationes vestras, prout possumus, amputantes, devotioni vestrae duximus consulendum: quatenus haereticis, et eorum credentibus, receptatoribus, defensoribus, et fautoribus immunitatem carceris assequitis, quam ex vobis aliqui eis infra certam diem sponte venientibus, poenitentibus, et tam de se quam de aliis plenam dicentibus veritatem, consulte et laudabiliter promisistis, quia cum sponte confessis mitius est agendum, et quia per hoc latentem sanie haereticae pravitatis facilius et melius detegi merito sperabatis, sicut et rei eventus manifeste probavit.* Mansi 23, 356; *Texte zur Inquisition*, 60.

19 Dossat, *Crises*, 158–68; Maisonneuve, *Études*, 292–307; Kolmer, *Ad capiendas vulpes*, 193–7. Selge (*Texte zur Inquisition*, 60) and most authors date the statutes to 1243, however, Dossat (*Crises*, 159) and Kolmer (*Ad capiendas vulpes*, 193) postpone the date to 1244.

of the Narbonne Synod furnished twenty-nine clauses with detailed instructions on the inquisitors' range of authority and recommended working methods and ways of structuring trials of heresy supporters, the *credentes*. Finally, they also reminded the inquisitors of the key principles of the inquisition, which was the establishment of the guilty or innocent status of the suspect and the assignment of expiatory punishment, if applicable. What is more, the statutes offered advice on how to prove suspects guilty, what ought to be done at the rite of abjuration, what public penance should be like, or at what point the heretic can be released from prison. Some regulations were lengthy, while others were simply short answers to questions asked by inquisitors.²⁰

The regulations elaborated at the Narbonne Synod resembled legal recommendations (*consilia*), as they were addressed directly to the Languedoc inquisitors and inspired by their inquiries.²¹ Archbishop Pierre Amiel and other collaborating archbishops, Jean Baussan of Arles (1233–1258) and Raymond Aldiberti of Aix-en-Provence (1224–1246) expressed their hope that the recommendations they had prepared would be of use to the papal inquisitors as they engaged in further inquisition-related activity. The responses provided did not aim to be decisive and the inquisitors were given full freedom to use other instruction books devoted to the inquisition procedure.²²

Three years later, on 19 April 1246, a provincial synod convened at Béziers published new statutes devoted primarily to the principles of the inquisition in the Narbonne province.²³ The bishops elaborated sixteen articles focusing on the anti-heresy struggle. In the introduction, they stated that the primary goal of these new regulations was to clarify the existing laws and assist the bishops and papal inquisitors in carrying out tasks associated with the “strengthening of the faith and peace.”²⁴ The Béziers Synod Statutes drew heavily on earlier anti-heresy decrees proclaimed at Narbonne (1227), Toulouse (1229) and Tarragona (1242). The first article reminded the reader of the episcopal duty to search for heretics and their supporters with the assistance of synodal witnesses. Subsequent

20 BAV, MS Vat. lat. 3987, ff. 26r–28v; Mansi 23, 355–66; *Texte zur Inquisition*, 60–9.

21 In the copy preserved in the Vatican Library they are entitled *Consilium Narbonensis, Arelatensis et Aquensis archiepiscoporum* (BAV, MS Vat. lat. 3987, f. 26r); cf. Dondaine, “Le manuel”, 140–2.

22 *Texte zur Inquisition*, 68.

23 *Consilium concilii provincialis archiepiscopi Narbonnensis et suffraganeorum quorum: qualiter sit in inquisitione procedendum contra hereticos*, BAV, MS Vat. lat. 3978, ff. 28vb–29ra; Mansi 23, 689–704.

24 Mansi 23, 691.

articles discussed various penalties for heretics such as excommunication, confiscation of goods and pecuniary redemptions. The sixth article formulated a ban on jeering at penitent heretics wearing penitential crosses on garments, a ban whose violation subjected the culprit to ecclesiastical sanctions. The anti-heresy effort made it imperative to improve the quality of pastoral ministry in parishes. The seventh article addressed this issue directly, as it required all parsons to instruct the faithful on the rudiments of the creed. For example, boys from the age of seven had to be taught three prayers: *Hail Mary*, *Our Father*, and the Creed on Sundays. The following articles regulated the principles of participation of secular officers in the anti-heresy operations. In accordance with the Toulouse Synod Statutes from 1229, the representatives of secular authorities were required to take oaths of loyalty to the Church. In the eyes of Church lawmakers, this procedure facilitated the execution of the inquisition. The statutes also featured bans on providing assistance to heretics by notaries and physicians.²⁵

The Statutes elaborated at Toulouse (1229), Tarragona (1242), Narbonne (1243) and Béziers (1246) furnished practical instructions on how to exercise *officium inquisitionis*. For this reason, they were among the key normative documents used by bishops and papal inquisitors in their anti-heresy struggle. From the mid-thirteenth century onwards, these guidelines were copied and distributed widely, contributing to the unification of the inquisition procedure. Some statutes ended up incorporated into *compendia* for papal inquisitors in their entirety. Some others, on the other hand, were included in fragments in thirteenth- and fourteenth- century manuals for inquisitors.

In the course of the thirteenth century, the papal inquisitors carried out their activity by following the letter of the papal documents and synod statutes. Whenever they came across gaps or unclear passages in the instructions, they turned for legal recommendations to Church hierarchs and highly-esteemed law experts. Such legal recommendations and expertise (*consilia*, *consultationes*, *ordinationes*) interpreted unclear regulations pertaining to the *officium inquisitionis* and provided the inquisitors with practical advice on how to deal with cases on which the canon law was not specific. Since the inquisitors did not want to run the risk of making a formal error while the investigation was in progress, they put their questions and doubts in writing and sent them to brilliant law experts. In response, they received short texts of legal expertise that provided a solution to the reported problems. The majority of the preserved legal recommendations are rather brief. They tend to contain several responses to

25 Mansi 23, 691–5.

questions pertaining to the *officium inquisitionis*.²⁶ The aforementioned lengthy *consilia* elaborated at the Narbonne Synod (1243) are therefore exceptional both with regards to their form and content.

Consilia were addressed to inquisitors or religious superiors who reported questions and *dubia* related to inquisitorial investigations. At a later time, they were copied and distributed, becoming a circulating element of the inquisition literature. In the first half of the thirteenth century, apart from the papal documents and the synodal statutes, *consilia* became the basic source spelling out the principles of *officium inquisitionis*. Found in legal compendia made by inquisitors, they informed the anti-heresy activity. The Vatican Library has preserved an unpublished manuscript from the second half of the thirteenth century featuring the most popular *consilia*.²⁷

The oldest piece of legal expertise describing the operational principles of *officium inquisitionis* included the *consilia* of the Vienne archbishop and papal legate in Languedoc, Jean Bernin (*Consilium domini Viennensis quo tres consultationes solvuntur*). They featured three responses to three questions reported by Raymond Lillia, then provincial of the Dominican Order in Provence, dated 15 May 1235.²⁸ It was also roughly at that time that the Avignon *consilia* (*Consilium peritorum Avinionensium*) were edited by Jean, a Dominican prior from Avignon, and four local lawyers, Geoffroy Jaucelin, Bertrand Cavalle, Bertrand Guillelmi and Guillaume Isnardi (21 June 1235).²⁹ In response to the questions of a Dominican inquisitor Guillaume of Valencia, they described in detail the heretics of *credentes* category, compiling their characteristic beliefs and religious practices. This is also the provenance of another collection of anonymous *consilia* whose authors provided instructions on how to deal with

26 Dondaine, "Le manuel", 89–90. Two such texts by Cardinal Giangaetano Orsini, later Pope Nicholas III, and Cardinal Benedict Caetani have been examined by Peter Herde, "Antworten des Kardinals Giangaetano Orsini auf Anfragen von Inquisitoren über die Behandlung von Ketzern und deren Eigentum", in Klaus Herbers, Hans Henig Kortüm and Carlo Servatius (eds), *Ex ipsis rerum documentis. Beiträge zur Mediävistik. Festschrift für Harald Zimmermann zum 65. Geburtstag* (Sigmaringen, 1991), 345–61; Herde, "Ein *consilium* Benedikt Caetanis über die Frage der Behandlung des Erbes versorberer Häretiker", in Rosalius Iospehus Card. Castillo Lara (ed.), *Studia in honorem eminentissimi cardinalis Alfonsi M. Stickler* (Rome, 1992: *Studia et textus historiae iuris canonici*, 7), 171–205.

27 BAV, MS Vat. lat. 3978; for further information see Dondaine, "Le manuel", 140–4.

28 BAV, MS Vat. lat. 3978, f. 26r.

29 BAV, MS Vat. lat. 3978, f. 25r; MS 4265, ff. 113v–114v; HAB, MS Helmst. 315, ff. 228vb–229rb; *Quellen zur Geschichte der Waldenser*, 50–4.

those who converted out of fear in the face of death (*Consilium peritorum super quibusdam dubitabilibus propositis et solutis*).³⁰ The *consilia* of cardinal Peter of Colomieu, bishop of Albano, who was also the papal legate in Languedoc between 1243 and 1246, are among the most popular legal recommendations, addressed to the Dominican provincial in Provence (*Ordinatio domini Albanensis apostolice sedes legati in negotio inquisitionis*). Also, one needs to note the *consilia* of archbishop of Narbonne Guy de Foulques (1259–1265), later pope Clement IV (1265–1268), addressed to the Dominican inquisitors in Languedoc (*Consilium domini Guidonis Fulcodi*).³¹ The inquisitorial compendia considered the aforementioned Narbonne Synod Statutes from 1243 a part of *consilia* (*Consilium Narbonensis, Arelatensis et Aquensis archiepiscoporum*) and the same applied to the Béziers Synod Statutes from 1246 (*Consilium concilii provincialis archiepiscopi Narbonensis et suffraganeorum quorum: qualiter sit in inquisitione procedendum contra hereticos*).

Canon law experts were requested not only to interpret unclear regulations, but also to review the ongoing investigation and evaluate the validity of the ruled sentences. In this context, the *consilia* of an anonymous *iuris doctor* found in volume 32 of the *Doat Collection* at the Bibliothèque Nationale de France in Paris constitute an interesting source demonstrating the significance of canonists in the inquisition. Recently, these legal opinions have been brought to light by Caterina Bruschi who describes them as first-class sources in research on the discourse of the inquisition, as well as the methods of activity of inquisitors. Her scholarship has established that these *consilia* were probably created in the third decade of the fourteenth century in the territory of Languedoc. They were mostly responses to requests of local inquisitors who sought to confirm the validity of their condemnations published *post mortem*. The anonymous canon law expert received a dossier with the records from trials conducted in three different periods of time by various Languedoc inquisitors. The conclusions of the expertise author were disastrous for the inquisitors, as they contested the validity of their sentences. The author pointed to serious violations of canon regulations pertaining to the general know-how of the inquisition. He demonstrated a series of formal errors, the most serious being the incredibility of the

30 *Consilium peritorum super quibusdam dubitabilibus propositis et solutis*, BAV, MS Vat. lat. 3978, ff. 25v-26r.

31 *Consilium domini Guidonis Fulcodi*, BAV, MS Vat. lat. 3978, ff. 21r-25r; on the author see Dossat, “Gui Foucois, enquêteur-réformateur, archevêque et pape (Clément IV)”, *CF 7* (1972), 22–57.

submitted testimonies, which apparently contained a lot of inaccurate and contradictory information. His criticism also targeted the failure to follow through with the verification procedure of the collected testimonies. No inquisitor made the effort to rule out the possibility of the received allegations being reflective of personal resentment or conspiracy.³²

Manuals for inquisitors were key in the process of unification and popularization of the inquisition. The creation of this kind of inquisition literature addressed the real needs of the papal inquisitors. The first manuals for inquisitors were characterized by an unstructured form. They featured copies of documents and formulas useful for legal procedures conducted by the inquisitor. They also included quotes from papal documents, council and synod statutes, legal recommendations, as well as resolutions of religious chapterhouses provided they were related to *officium inquisitionis*. The *compendia* created in this way were collections of *auctoritates*, delineating the competences of the inquisitors and the methods of meeting the demands of *officium inquisitionis*. The emergence of manuals for inquisitors, therefore, must be embedded in a broader context of production of reference instruments for preachers or confessors.³³

The oldest manual *Processus inquisitionis (Ordo processus Narbonensis)* was elaborated by the Languedoc inquisitors and has survived in a single copy at the University Library in Madrid (MS 53).³⁴ In the light of Yves Dossat's findings, accepted by the majority of scholars, *Processus inquisitionis* was written at the end of 1248 or in early 1249. His authors or, more precisely, editors, were two Dominican inquisitors active in Toulouse and Carcassonne, Bernard de Caux (1245–1249) and Jean de Saint-Pierre (1248–1249).³⁵ Dossat established a connection between the creation of the manual and the order received from

32 Bruschi, "The Register in the Register": Reflections on the Doat 32 Dossier", in *Texts and the Repression*, 214–9.

33 Segl, "Einrichtung", 5–7; Scharff, *Schrift zur Kontrolle*, 547–9; Given, *Inquisition*, 44–9.

34 This manual was first published by Adolphe Tardiff, "Document pour l'histoire du *Processus per inquisitionem* et de l'Inquisitio heretice pravitatis", *Nouvelle Revue historique de droit français et étranger* 7 (1883), 670–8; new edition by Selge (*Processus inquisitionis*, 70–6) with the dating proposed by Dondaine ("Le manuel", 97–8); trans. *Heresies*, 250–8.

35 Molinier, "Étude sur quelques manuscrits des bibliothèques d'Italie concernant l'inquisition et les croyances hérétiques du XII^e au XVII^e siècle", *Archives des missions scientifiques et littéraires* 13 (1887), 184; Dondaine, "Le manuel", 97–8; see also Dossat, "Le plus ancien manuel de l'Inquisition méridionale: Le *Processus inquisitionis* (1248–1249)", *Bulletin philologique et historique* (1948–1950), 33–7 (repr. Dossat, *Église et hérésie*, xxiii); Dossat, *Les crises*, 167.

Innocent IV who wanted to provide the newly-appointed Aragon inquisitors with a brief work about the inquisition. In October 1248, the pope turned to the Archbishop of Narbonne and the papal inquisitors in Languedoc regarding the matter, requesting that the operational principles of *officium inquisitionis* be put in writing.³⁶ Lothar Kolmer's conclusions differ as far as the dating and the context are concerned, however. He excluded the possibility of the manual being written in 1248 and eliminated Bernard de Caux from the group of possible authors. The German scholar believed that *Processus* was the work of the two oldest inquisitors from Languedoc, Guillaume Durand and Ferrier. In his view, this hypothesis is supported by the apparent resemblance between the formulas in the manual and the surviving documents issued by these two inquisitors. Aided by this assumption, Kolmer moved the date of writing of *Processus* to 1244.³⁷ In his study devoted to the "great inquisition" waged against the people of Lauragais between 1245 and 1246 Mark Pegg, has argued that the inquisitors presiding over the hearings, Bernard de Caux and Jean de Saint-Pierre used the interrogatory and other formulas contained in *Processus*.³⁸ In the light of Pegg's findings, it is possible to reconcile the positions of Dossat and Kolmer. We can posit that the indisputable merit of the first Languedoc inquisitors was the creation of a whole series of formulas serving as references in the inquisition procedure. The surviving fragments of records of the oldest inquisitors make it impossible to ascribe particular formulas to a particular author. Therefore, the claim that Durand and Ferrier might have been authors, as Kolmer had suggested earlier, is plausible. The formulas of legal activities elaborated at that time were of such a universal nature that the later Languedoc inquisitors still resorted to them. The key contribution of the Toulouse inquisitors Bernard de Caux and Jean de Saint-Pierre, Yves Dossat argued, was their collecting various documents and compiling them into a unified form of manual. Ultimately, it was in this shape that *Processus inquisitionis* was sent to the Aragon inquisitors in late 1248 or early 1249.

Processus inquisitionis was a simple and short work. It contained only seven hundred words. Strictly speaking, it did not resemble any later works of this genre: those later publication discussed the operational principles of the papal inquisition in a highly consistent way, whereas *Processus inquisitionis* was a loosely arranged sequence of documents including the most important legal

36 Dossat, "Le plus ancien manuel", 35–6.

37 Kolmer, *Ad capiendas vulpes*, 198–203.

38 Pegg, *The Corruption of Angels*, 45–51; Pegg, "Questions about Questions", 111–25.

formulas used in the inquisition process. Each of them was annotated with a short commentary explaining how to use it. The manual began with a document from 20 October 1244, issued by Pons, a Dominican provincial in Provence, in which two Dominicans, Guillaume Raymond and Pierre Durand were granted authority to carry out the inquisition (*littera commissionis*). *Processus inquisitionis* also contained a general report summoning parish residents to appear before the inquisitor (*Modus citandi*); revocation and abjuration formulas (*Modus adjurandi et forma jurandi*); a questionnaire for trials (*Formula interrogatorii*); a report filed against particular persons (*Modus singulos citandi*); a reconciliation and penance form for heretics sentenced to life imprisonment (*Modus reconciliandi et puniendi redeuntes ad ecclesiasticam unitatem*); a form of the penitential document destined for prison-released heretics (*littere de penitentiis faciendis*); a sentence formula marking the relinquishment of heretics condemned by the inquisitor to the secular authorities (*Forma sententiae relinquendi brachio seculari*), as well as a formula of condemning sentence for deceased heretics (*Forma sententiae contra eos qui heretici decesserint*).³⁹

Processus inquisitionis is a first-class source demonstrating the functioning of the inquisition procedure at the first stage of activity of the papal inquisition. John Arnold was right to notice that *Processus inquisitionis* was also the first attempt of the inquisitors to create a mechanism that processed the discourse of dialogue taking place between the inquisitor and the heretic and summarized the trial into an entry of the inquisition records.⁴⁰ *Processus inquisitionis* was not much more than a collection of legal forms, unlike the later manuals for inquisitors which were increasingly lengthy and better organised, in semblance of legal and theological *compendia*. Apart from the forms they featured, they compiled key ecclesiastical and secular documents related to the inquisition, and offered detailed commentaries on particular stages of the procedure. A good example of this type of manual is the treatise *De inquisitione hereticorum*.⁴¹ For a long time, its authorship was attributed to a Franciscan preacher and inquisitor, David of Augsburg (ca 1200–1271).⁴² *De inquisitione hereticorum* survived

39 *Processus inquisitionis*, 70–6.

40 Arnold, *Inquisition*, 49.

41 *De inquisitione hereticorum*, 204–35; *Tractatus de heresi*, 1177–94.

42 In 1240s David of Augsburg together with Bertold of Regensburg preached and conducted inquisitorial operations against Waldensians in Bavaria. Kurt Ruh, “David von Augsburg”, in Kurt Ruh and Burghart Wachinger (eds), *Die deutsche Literatur des Mittelalters. Verfasserlexikon*, vol. 2 (Berlin and New York, 1980), 47–58; LMA 3, 604.

in two editions: a shorter French version preserved in manuscripts from the thirteenth and fourteenth centuries, and a longer German version preserved in a relatively late fifteenth-century copy. More recent research indicates that the treatise was written in the second half of the thirteenth century in the circle of German Franciscans. Although it is impossible to attribute it unanimously to David of Augsburg or his collaborator, Bertold of Regensburg, the author must have been from that milieu.⁴³

De inquisitione hereticorum was characterized by a coherent internal structure enabling the inquisitor to find useful information as quickly as possible. It featured an extensive commentary devoted to the technical aspects involved in an investigation, with special emphasis on the strategy for interrogating alleged Waldensian adherents. *De inquisitione hereticorum* also contained *interrogatoria* compiling data. On the one hand, the reader finds information on both repressed heretical groups, on the other, he/she can read theological arguments needed to contest their opinions. An approximate contemporary of *De inquisitione hereticorum* was *Doctrina do modo procedendi contra haereticos*, one of the most comprehensive thirteenth-century manuals written in the South of France.⁴⁴ Antoine Dondaine put forward a hypothesis situating this work between 1278 and 1298, with an apparent bias towards the first date.⁴⁵ *Doctrina de modo procedendi contra haereticos* discussed successive stages of the inquisition presided by the papal inquisitors in the territory of Languedoc. The manual comprised of four parts, *ordo processus*, featuring the operational principles for Languedoc inquisitors (*Isto modo procedunt Inquisitores in partibus Carcassonnensibus et Tholosanis*),⁴⁶ the statutes passed at Tarragona in 1242, called *Directorium* of Raymond of Penyafort,⁴⁷ two chapters inspired by *Processus inquisitionis* on the interrogations of alleged heretics (*Forma jurandi et inquirendi*),⁴⁸ and a form containing twenty-one documents.⁴⁹

The papal inquisitors active in the Apennine Peninsula used their own manuals. By the end of the thirteenth century, four manuals had been written, *Explicatio super officio inquisitionis*, *Constitutiones sacrae inquisitionis*, *Libellus*

43 Dondaine, "Le manuel", 104–5 and 180–3; Schneider, *Europäisches Waldensertum*, 142–5.

44 BAV, MS Vat. lat. 2648, ff. 82rb–87va; *Doctrina*, 1795–814.

45 Dondaine, "Le manuel", 108–11.

46 *Doctrina*, 1795–6.

47 *Doctrina*, 1797–804.

48 *Doctrina*, 1805.

49 *Doctrina*, 1806–14.

and *De auctoritate et forma inquisitionis*.⁵⁰ The oldest, *Explicatio* was written by a Franciscan inquisitor of unknown identity. He was active in Tuscany between 1262 and 1277.⁵¹ Also *Constitutiones*, dated between 1281 and 1302, are of Franciscan provenance.⁵² Their chronological successor, *Libellus*, is structured in a way very similar to other contemporary inquisition manuals. It contained the key normative documents pertaining to heresy and inquisition, legal recommendations, as well as forms.⁵³ An anonymous inquisitor from Lombardy wrote a manual *De auctoritate et forma inquisitionis*, which, Dondaine argued, ought to be regarded as the first systematic treatise pertaining to *officium inquisitionis* (*traité raisonné*).⁵⁴ Elaborated ca 1298, it was a brief and modest (in terms of volume) *compendium* intended to order the scattered legal regulations on the authority and tasks standing before the inquisition.⁵⁵ In the first half of the fourteenth century, Italian inquisitors used two more lengthy manuals, *De officio inquisitionis* (1320–1325) by an unknown Dominican inquisitor from Lombardy,⁵⁶ and *Tractatus super materia haereticorum* written by the lawyer, Zanchino Ugolini.⁵⁷

The thirteenth-century manuals for inquisitors represented an important instrument for the papal inquisitors. Some *compendia* were copied, completed and distributed to fellow inquisitors throughout Christendom. Given the absence of special courses destined for inquisitors, the manuals had a decisive role in educating the religious who were taking on the duties of *officium inquisitionis*. Through the manuals, these inquisitors could effectively gain indispensable knowledge of the law, theology and psychology involved in the execution of the assigned tasks. This was the only reference replete with practical recommendations on how to complete their duties in the service of the Church. They learnt both to recognize heretics and to conduct a successful interrogation in

50 *Constitutiones sacra inquisitionis*, 149–56; cf. Scharff, *Schrift zur Kontrolle*, 547–84; Paolini, “II modello italiano nella manualistica inquisitoriale (XIII–XIV secolo)”, in *L'inquisizione*, 95–118.

51 Paolini, “II modello italiano”, 96 and n. 3.

52 *Constitutiones sacre inquisitionis*, 157–244.

53 BAV, MS Vat. lat. 2648, ff. 33rb–55rb; cf. Dondaine, “Le manuel”, 111–2.

54 BAV, MS Vat. lat. 2648, ff. 55rb–59va.

55 Dondaine, “Le Manuel”, 113–5 (dated before 1292); Paolini, “II modello italiano”, 96 and n. 3.

56 Paolini (ed.), *Il “De officio inquisitionis”. La procedura inquisitoriale a Bologna e a Ferrara nel Trecento* (Bologna, 1976).

57 BAV, MS Vat. lat. 2648, ff. 1ra–28rb; cf. Paolini, “II modello italiano”, 96.

order to establish the truth about potential ties to heresy. Alongside the growth of the inquisition literature, the functioning of *officium inquisitionis* was becoming increasingly standardized. Manuals for inquisitors contributed to the popularization of a uniform legal procedure matching specific anti-heresy activities to the needs of the inquisition. In parallel, they introduced a specific terminology used to analyse and describe heresy and activities initiated by inquisitors.⁵⁸

Within less than eighty years from the publication of *Processus inquisitionis*, manuals for inquisitors developed into lengthy and specialist *compendia* amassing the entire theological and legal data needed for the anti-heresy effort.⁵⁹ These transformations were reflected in *Practica inquisitionis haereticae pravitatis* of Bernard Gui (1261/1262–1331), a work written most likely between 1322 and 1323. In comparison to earlier inquisitorial manuals, *Practica* of Bernard Gui was distinguishable by volume (120,000 words) and the detailed description of the inquisition procedure. Bernard Gui's work is therefore considered a model manual, equipped with copies of key normative documents, forms, *interrogatoria*, outlines of the inquisition procedure, as well as a characteristic of the most important heretical movements.⁶⁰ *Practica* comprised of five books, rather independent as far as their content and form were concerned.⁶¹ The first three books compiled forms (*formae litterarum*) used during the inquisition process. The first book contained different forms of legal correspondence, such as lawsuits and summoning letters, addressed both to the actual suspects and

58 Arnold, *Inquisition*, 39–46.

59 Given, "Inquisiteurs", 62.

60 Paul, "La mentalité de l'inquisiteur", 279–316; Pales-Gobilliard, "Bernard Gui inquisiteur et auteur de la *Practica*", *CF* 16 (1981) 253–64; Manselli, "Bernard Gui face aux spirituels et aux apostoliques", in Paul, "La mentalité de l'inquisiteur", 265–78; Bernard Guenée, "Bernard Gui (1261–1331)", in Guenée, *Entre l'Église et l'État. Quatre vies des prélats français à la fin du Moyen Âge (XIII^e–XV^e siècle)* (Paris, 1987), 49–85; Given, "A Medieval Inquisitor at Work: Bernard Gui, 3 March 1308 to 19 June 1323", in Steven K. Cohn Jr. and Samuel A. Epstein (eds), *Portraits of Medieval and Renaissance Living: Essays in Memory of David Herlihy* (Ann Arbor, 1996), 207–323; Agnès Dubreil-Arcin, "Bernard Gui, un inquisiteur systématique", in Albaret (ed.), *Les inquisiteurs. Portraits de défenseurs de la foi en Languedoc (XIII–XIV siècles)* (Toulouse, 2001), 105–13; Biller, "Umberto Eco et les interrogations de Bernard Gui", in *Inquisition et pouvoir*, 257–68; more extensively on the literary workshop of Bernard Gui see Anne-Marie Lamarrigue, *Bernard Gui (1261–1331): Une historien et sa méthode* (Paris, 2000).

61 In the Prologue Bernard Gui presents the structures and contents of his manual (Gui, *Practica*, 1–2).

the ecclesiastical and secular authorities assisting in the process.⁶² The second book featured forms of sentences organised according to the type of heterodoxy and various kinds of assigned punishment.⁶³ In the third book, Gui described the stages of the ceremony of pronouncing verdicts, and the reconciliation of heretics (*sermo generalis*), and suggested appropriate documents used at these stages.⁶⁴ The fourth part of the manual was devoted to the competences and range of authority of inquisitors. Drawing on another manual, *De auctoritate et forma inquisitionis*, Gui compiled and discussed the key papal documents pertaining to three areas: the appointment and inauguration of the inquisitor's office (*commissio officii inquisitionis*), the range of power and juridical authority (*eius potestas et jurisdictio*), and the methods of completion of the inquisitor's tasks (*eius executio*).⁶⁵ Gui's intervention into the material collected by the earlier manual was limited to simple updates and references to papal documents.⁶⁶ The corrections and complementary remarks introduced by Gui reflected accurately his legal erudition as well as his concern with strict observance of effective regulations. Bernard Gui used a precise language of the law with its characteristic terms and notions. When in doubt, he did his best to access the greatest number of papal documents and synod statutes possible in order to create a basis for a fair interpretation of regulations. His careful adherence to the law stemmed from his desire to prevent potential annulments of investigation.⁶⁷

The most original part of the manual is Book Five, in which Gui offered a description of five heretical groups encountered during his Toulouse appointment: these were the Manicheans (the Cathars), the Waldensians, the Pseudo-Apostles (Fratricelli), Beguines and Jewish converts. Gui discussed them separately, compiling data on their provenance, organisational structure, beliefs and religious practices. Each description began with a discussion of their origins, group leaders and operational methods. Next, Gui put together a list of key elements of their respective doctrines. This compilation of heretical beliefs did not develop into a complex theological dissertation. Gui neither attempted to explain the genesis of particular ideas nor entered into any polemic with them. The succinct characteristic of the beliefs of the Cathars, Waldensians, Beguines and Fraticelli was of informative nature, as it served to provide the reader with

62 Gui, *Practica*, 3–35.

63 Gui, *Practica*, 36–82.

64 Gui, *Practica*, 83–171.

65 Gui, *Practica*, 174.

66 Pales-Gobilliard, "Bernard Gui", 253–64.

67 Paul, "La mentalité de l'inquisiteur", 286–8.

the most basic information needed to recognize heresy supporters prior to the interrogation. The same motive was behind the detailed *interrogatoria* placed in the final parts of all chapters. For the most part, the descriptions drew on Gui's personal experiences as an inquisitor, although he was also, without a doubt, well-versed in the polemic literature written against particular heretical movements.⁶⁸

A still more developed form characterizes the work of the Aragon inquisitor, Nicholas Eymerich (1320–1399) *Directorium inquisitorum*, completed in 1376.⁶⁹ Eymerich's manual comprises of three parts. The first contains a lengthy presentation of the Catholic faith (*De fide catholica*) featuring 12 *quaestiones*.⁷⁰ The second part (*De haeretica pravitate*) contains the key papal decrees pertaining to heresy and the inquisition from three medieval codes of Gregory IX, *Liber Sextus* of Boniface VIII and *Clementinae* of Clement V.⁷¹ The third part (*Practica officii inquisitionis*) was devoted to a detailed discussion of all aspects of the inquisition. From the point of view of the practical needs of the inquisition, the most important was the last part of the work. In its opening lines, Eymerich inserted forms of documents used at different stages of the procedure of *officium inquisitionis*. Next, referring to a number of papal decrees, he discussed the range of the inquisitor's authority, operational methods and various stages of the investigation. Just like Gui, he described the characteristic elements of beliefs of several heretical groups enabling the inquisitor to identify their adherents.⁷² In terms of the work's composition, the third part of *Directorium* was the most comprehensive and systematic work devoted to the inquisition and it stood out among other medieval inquisition manuals.

Nicholas Eymerich's compendium deserves the title of medieval *summa inquisitionis*, marking the peak of an over a century-old process of development of inquisition manuals. The wealth of the collected material and the transparent layout earned the *Directorium* great popularity it had enjoyed until the twilight of modernity; we can venture to say that it set the inquisition standards throughout Christendom. The *Directorium* has survived in twenty-five medieval

68 Biller, "Umberto Eco", 259–60.

69 Claudia Heimann, *Nicolaus Eymerich (1320–1399) – praedicator veridicus, inquisitor intrepidus, doctor egregius: Leben und Werk eines Inquisitors* (Münster, 2001: Spanische Forschungen der Görresgesellschaft, 37); see also Jaume Oliver, de Puig, "Nicolás Eymerich, un inquisidor discutido", in *Praedicatores, Inquisitores*, 545–94.

70 Eymerich, *Directorium*, 55–79.

71 Eymerich, *Directorium*, 80–388.

72 Eymerich, *Directorium*, 389–686.

manuscripts scattered all over Europe.⁷³ By comparison, Gui's *Practica* has been passed on in no more than five medieval manuscripts.⁷⁴ It seems that even this number of known copies of Eymerich's work does not reflect the actual scale of its reception in the late Middle Ages. We know of at least two copies of Eymerich's manual used in the inquisition against heretics in the Polish lands. In the twenties of the fifteenth century, one of them was the property of the arch-deacon of Gniezno, Nicholas Kicki, and was later transferred to the chapterhouse library in Gniezno.⁷⁵

The papal inquisitors appointed for Bohemia and Poland made copies of the existing manuals and forms for personal use and appended new documents to them. The early fourteenth-century manual of the Prague inquisition used by Gallus (Havel) of Jindřichův Hradec was based on the Languedoc *Doctrina de modo procedendi contra haereticos*⁷⁶ in the section devoted to the principles of the inquisition entitled *Modus iste est procedendi inquisitorum*. It is also known that Silesian inquisitors used two succinct manuals compiling various works and forms related to the subject at the turn of the fourteenth century. The first one, *Tractatus de hereticis et eorum sectis* features sections such as an *interrogatorium* inspired by *De inquisitione hereticorum*, as well as forms of documents used in the inquisition.⁷⁷ The second, entitled *Tractatus bonus contra hereticos et de inquisitione eorum*, includes a compilation of the Waldensian beliefs, two *interrogatoria*, as well as forms used for the rite of abjuration, reconciliation and expiatory sentences.⁷⁸ Although no manual of the papal inquisitors from the territory of the Polish Kingdom has survived to this day, we can presume that the inquisitors' familiarity with the principles of *officium inquisitionis* came from the manuals of Bernard Gui and Nicholas Eymerich. At the turn of the fourteenth century, a compilation of Eymerich's *Directorium* tailored to the needs of local inquisitors was also made at the Dominican friary in Cracow.⁷⁹

73 Kaeppli 1, 158–9. The manuscripts of *Directorium* are scattered all across Europe, they are in Asti, Barcelona, Bologna, Brussels, El Eskurial, Gniezno, Kassel, Leipzig, Milan, Naples, Paris, Pommersfelden, Salamanca, Soest, Tortosa, Valencia, Vatican City, Vienna and Wolfenbüttel.

74 Kaeppli 1, 222. The manuscripts of *Practica* are in Dôle, London, Paris, Toulouse and Vatican City.

75 Edward Potkowski, "Heretic Stephan of Marchia", *Studi medievali* Ser.3 13 (1972), 283–4; Kras, "Dominican Inquisitors", 283–4.

76 Patschovsky, *Anfänge*, 9–11, and nos 1–2, 96–8.

77 BUWr., MS I F 230, ff. 33r–36v; Patschovsky, "Spuren", 367–87.

78 BUWr., MS I F 230, ff. 227r–235v.

79 Potkowski, "Heretic Stephan of Marchia", 283.

Various kinds of theological works proved instrumental to the inquisition. They ranged from structured theological treatises to simple compilations of heretical errors and *interrogatoria*. They discussed the most characteristic aspects of beliefs of particular heretical movements. Equipped with this type of written instruction, the bishops and the papal inquisitors were able to identify the provenance of erroneous views and recognize the adherence to a particular heresy in the individuals they were interrogating. The most popular polemic works included the aforementioned *Contra Waldenses* of Bernard de Fontcaude, *De fide catholica* by Alain de Lille and *Contra haereticos* by Ermengaud, all of which were written at the end of the twelfth century. These works were sources of knowledge on the doctrine of the key medieval heretical movements, the Cathars and the Waldensians. From the 1240s onwards, successive anti-heresy treatises were largely of Dominican authorship. Contrary to their twelfth-century counterparts, these new theological works written in the circles of the preaching brothers were created with the practical needs of the inquisition in mind, and the majority of them were written by inquisitors themselves. In the thirteenth century, the Dominican circles of Lombardy prepared a whole body of anti-heresy literature, targeting the beliefs of the Cathars and the Waldensians. The most comprehensive and popular works included *Summa contra Catharos et Valdenses*, written ca 1241 by a Lombardy inquisitor Moneta of Cremona (died ca 1260),⁸⁰ *Summa de Catharis et Leonistis seu Pauperibus de Lugduno* by Rainerius Sacconi, a former Cathar, and later Milanese inquisitor, written in 1250,⁸¹ as well as *De heresi Catharorum in Lombardia*⁸² by an anonymous author. The milieu of the Lombardy Dominicans also authored the *Tractatus de haereticis* of Anselm of Alessandria, a papal inquisitor in Piedmont and Lombardy in the late thirteenth century.⁸³

80 Moneta de Crémone, *Adversus Catharos et Valdenses libri quinque*, ed. Thomas A. Ricchini (Rome, 1743, repr. Ridgewood, 1964); trans. *Heresies*, 307–29 and 744–746; cf. Kaeppli 3, 137–39. The treatise is preserved in 15 medieval copies. Cameron, *Waldenses*, 46–7.

81 Dondaine, “Un traité”, 64–78; Raynerius Sacconi OP, *Summa de Catharis*, ed. Franjo Šanjek, *AFP* 44 (1974), 42–60; trans. *Heresies*, 329–45 and 746–48, Kaeppli 3, 293–4; LMA 7, 1220.

82 Dondaine (ed.), *De heresi Catharorum in Lombardia*, *AFP* 19 (1949), 306–12.

83 Anselme of Alessandria, *Tractatus de hereticis*, *AFP* 20 (1950), 308–24; trans. *Heresies*, 361–75 and 751–54. Anselm was appointed papal inquisitor in Giaveno (1256), Milan (1262), and in 1267–1279 carried out his inquisitorial operations in Lombardy and the March of Giaveno. The single copy of this work is preserved in the Országos Széchényi könyvtár in Budapest, MS 352, ff. 1–13v. Kaeppli 1, 79.

The absence of anti-heresy treatises authored by Languedoc inquisitors is rather striking. Marie-Hubert Vicaire argues that it might have been caused by the intellectual weakness of the Albigensian Catharism, less refined than the Catharism of Lombardy.⁸⁴ However, in the light of the most recent research on the doctrine of Languedoc Cathars, this argument does not seem plausible. It seems that the absence of new theological works on the Cathar or Waldensian doctrine must have been caused, to a great extent, by the very nature of the inquisition in the thirteenth-century Languedoc. While collecting information on heretical views, the Toulouse or Carcassonne inquisitors tended to turn to the already-existing works of Bernard de Fontcaude or Alain de Lille. The Cathars and the Waldensian trials completed during the inquisition effort provided them with information that confirmed the already-familiar elements of their respective heretical doctrines. These investigations were documented and compared against their knowledge to date. Later, the data from theological treatises, as well as the bits of information collected at trials, served the inquisitors to compile lists of heretical errors and assemble their own interrogatories.

Rarely do we come across preserved texts testifying to inquisitors' access to either Cathar or Waldensian literature. The lengthy seventeenth-century copies of the inquisition documents from the *Doat Collection* at the Bibliothèque nationale de France in Paris feature only one Cathar work known as *Interrogatio Iohannis*.⁸⁵ It was on this basis that James Given has concluded that inquisitors were not interested in collecting heretical books.⁸⁶ Instead, a more plausible hypothesis suggests that the perceptible lack of information on heretical books in the libraries of the Languedoc inquisitors was due to the particular nature of the activities of the two strongest heretical movements. Both the Cathars and the Waldensians relied on oral tradition. The Cathar *perfecti* and the Waldensian masters propagated their views by preaching sermons and giving instructions to their following. They did their best to pass down unified beliefs to their *credentes*. Prior to the launch of the regular investigation by papal inquisitors in the 1230s, the written word had indeed played a considerable role in public debates involving the Cathars and the Waldensians who presented their creed in the form of *manifestationes*. However, by the time the inquisition developed, former polemic methods were obsolete and the significance of the

84 Vicaire, *Les cathares albigeois*, 109–10.

85 Doat 36, ff. 26v-35r; Edina Bozóky (ed.), *Le Livre secret des Cathares. Interrogatio Iohannis. Apocryphe d'origine bogomile* (Paris, 1980: Textes, Dossiers, Documents, 2).

86 Given, *Inquisition*, 49.

written word also waned. We know of only a small number of works written by the Cathars.⁸⁷ The Waldensians did not attach great importance to literature either, apart from the first stage of their existence. Only later, in the fifteenth century, did the Waldensians start to recur to booklets outlining the principles of their beliefs and prayers.⁸⁸

The late Middle Ages transformed the dynamics of literacy. The growing numbers of *litterati* in milieux contesting Catholic doctrine was coupled with an increase in the number of works whose publication was outside the Church's control.⁸⁹ Such heretical books intercepted by the inquisition became objects of thorough analysis. For instance, we know that the supporters of Peter John of Olivi (1247/1248–1296) made frequent use of literature.⁹⁰ Bernard Gui was aware that the Beguines and Beghards in the Midi of France owned some of Olivi's works in Latin and in the vernacular. Their beliefs were directly inspired by them and thus they were concerned with preserving the texts in a form faithful to the original. Since they considered Peter Olivi a God-inspired preacher and author, his works were copied and distributed among his supporters. The most popular works were his commentary to the Book of Revelation (*Expositio super Apocalipsim*), a treatise on Gospel-inspired poverty (*Quaestiones de perfectione evangelica*), a commentary to the rule of Mendicant orders (*Expositio super regulam Fratrum Minorum*), and works repudiating papal indulgences.⁹¹

In contrast to the Cathars and the Waldensians, in the late Middle Ages both the English Lollards and the Bohemian Hussites used literature widely to popularize their views. Both movements produced works diverse in form and

87 Dondaine (ed.), *Un traité néomanichéen du XIII^e siècle. Liber de duobus principiis suivi d'un fragment de rituel cathare* (Rome, 1939), 81–147; Thouzellier *Livre des deux principes* (Paris, 1973); René Nelli (ed.), *Écritures cathares*, (Paris, 1959); Thouzellier (ed.), *Rituel cathare* (Paris, 1977: Sch, 236). Emanuel Le Roy Ladurie, "Cultural Exchanges: Early Fourteenth-Century Montaillou", in Harvey J. Graff (ed.), *Literacy and Social Development in the West* (Cambridge, London, New York, Sydney, New Rochelle, and Melbourne, 1981), 46–52.

88 Brenon, "The Waldensians Books", in *Heresy and Literacy*, 137–59; Gonnet and Molnár, *Les vaudois*, 336–47; Cameron, *Waldenses*, 216–26.

89 Robert N. Swanson, "Literacy, Heresy, History and Orthodoxy. Perspectives and Permutations for the Later Middle Ages", in *Heresy and Literacy*, 279–93.

90 Lambert, *Medieval Heresy*, 267–71; David Burr, *Olivi and Franciscan Poverty: The Origins of the "Usus Pauper" Controversy* (Philadelphia, 1989); Burr, *Spiritual Franciscans. From Protest to Persecution in the Century after Saint Francis* (University Park, 2001), 51–65, 75–7 and 131–2.

91 Gui, *Practica*, 273–4.

content, ranging from translations of the Bible and theological commentaries to collections of sermons.⁹² The Lollards and the Hussites turned literature into an important instrument in their struggle against the Catholic Church and her doctrine. The ecclesiastical authorities, aware of the danger, invested in the search and destruction of texts deemed heretical. The London statutes from 1382 and the constitutions of Archbishop Thomas Arundel of Canterbury published in 1407 put a ban on both reading and copying the works of John Wyclif pending excommunication. A special dean's commission was appointed at Oxford to control books used for university lectures. Gradually, the index of "forbidden books" started to include all theological, philosophical and polemic works of Wyclif. In the fifteenth century, all texts from the Lollard circles were also officially prohibited.⁹³ This intense inquisition effort resulted in a destruction of the majority of theological works of Wyclif as well as those written by his adherents at university. Luckily, the latter survived in Hussite copies.⁹⁴ The works that were deemed heretical were studied by theologians who analysed them and probed whether it was possible to reconcile their content with Church teachings. These works provided the basis for compilations of erroneous views and counter arguments. The best example of such a *compendium* is *Doctrinale antiquissimum fidei catholicae contra Wyclefistas et Hussitas*, written between 1422 and 1430 by the English provincial of Carmelite friars, Thomas Netter of Walden. Six lengthy volumes testified to Netter's systematic effort he put into the discussion about the views upheld by the Lollards and the Hussites. The volume contained extensive quotes of passages from Wyclif's works.⁹⁵

In the fifteenth century, the ecclesiastical authorities waged a war of arguments against the works of Jan Hus and his supporters with comparable zeal. Events in

92 E.g. Hudson, *The Premature Reformation*, 9–32; Hudson, "Laicus literatus. The Paradox of Lollardy", in *Heresy and Literacy*, 222–36; Šmahel, "Literacy and Heresy in Hussite Bohemia", in *Heresy and Literacy*, 237–54.

93 Margaret Aston, *Thomas Arundel. A Study of Church Life in the Reign of Richard II* (Oxford, 1967), 327–41; Aston, *Faith and Fire. Popular and Unpopular Religion 1350–1600* (London and Rio Grande, 1993), 73–7; Hudson, *The Premature Reformation*, 81–2.

94 Hudson, "A Lollard Compilation in England and Bohemia", in Hudson, *Lollards and their Books*, 38–40.

95 Hudson, *The Premature Reformation*, 50–5; Margaret Harvey, "The Diffusion of the *Doctrinale* of Thomas Netter in the Fifteenth and Sixteenth Centuries", in Lesley M. Smith and Benedicta Ward (eds), *Intellectual Life in the Middle Ages. Essays Presented to Margaret Gibson* (London and Rio Grande, 1992), 275–88.

Polish territory testify to this. From 1420 onwards, the ecclesiastical authorities launched a regular search for Hussite literature. The *interrogatoria* used during diocesan visitations featured a clause referencing the works of Wyclif, Jerome of Prague and Jakoubek of Stribro.⁹⁶ At the University of Cracow the works of Wyclif, Hus and other Hussite leaders were carefully supervised. These works could be accessed solely by expert theologians who used them for their own anti-heresy treatises.⁹⁷ The library of the Dominican friary in Wrocław, which was also the headquarters of the papal inquisitor, boasted a collection of some works of Wyclif, Hus and other Bohemian reformers.⁹⁸ They served as the basis for a multi-volume *Thesaurus* with a glossary of erroneous beliefs of the Hussites.⁹⁹

2. Documenting the investigation

The popularization of the inquisition procedure in the struggle against religious dissidents necessitated extensive use of documentation. The new court routine relied on documents on an unprecedented scale. Documentation accompanied all legal activities comprising the *officium inquisitionis* and constituted an integral element of heresy trials.¹⁰⁰ The papal inquisitors paid particular attention to the written record of ongoing anti-heresy activities. Their records noted particular stages of the inquisition trial and collected all information acquired at trials, including the information on heretics, their collaborators and abettors, their meeting places, and listed the views and practices contradictory to Church teachings. Early on, in the first half of the thirteenth century, the papal inquisitors were required to document anti-heresy activities. The oldest manual of the Languedoc inquisition *Processus inquisitionis* was a product of this requirement.¹⁰¹ Pope Alexander IV, in his bull *Prae cunctis* from 1255, described the principles of carrying out *officium inquisitionis* and reminded the French

96 Kras, *Husyci*, 215–9.

97 Kras, “Wyclif’s Tradition in Fifteenth Century Poland”, in Zdeněk V. David and David R. Holeton (eds), *The Bohemian Reformation and Religious Practice*, vol. 5.1 (Prague, 2004), 191–8.

98 Krystyna Zawadzka, “Biblioteka klasztoru dominikanów we Wrocławiu (1226–1810)”, in Jerzy Kłoczowski (ed.), *Studia nad historią dominikanów w Polsce 1222–1972*, vol. 2 (Warsaw, 1975), 321.

99 Paweł Kielar, “Studia nad kulturą dominikańską”, in Kłoczowski (ed.), *Studia nad historią dominikanów*, vol. 1, 512; Kras, “Dominican Inquisitors”, 285–6.

100 Given, “The Inquisitors”, 357–61; Given, *Inquisition*, 23–8.

101 *Processus inquisitionis*, 72.

inquisitors of the necessity to record various stages of their operations.¹⁰² On the one hand, the inquisition records enabled them to react systematically against all those who had any ties to heresy. On the other hand, they served to control the complementarity of the inquisition activities with the laws in effect at that time.¹⁰³

Detailed instructions pertaining to the way such process documentation ought to be prepared can be found in manuals for inquisitors. *Processus inquisitionis* drew the reader's attention to the indispensability of preparing *acta Inquisitionis* complete with the testimonies of both the alleged heretics and witnesses. The person responsible for their preparation was a qualified notary or a different authorized officer. The content of the testimonies edited by the notary was read in front of the testimony-provider for validation. Next, provided no objection was reported, it was placed in the inquisition records.¹⁰⁴ The preparation of trial documentation was the task of expert notaries. They worked in the immediate vicinity of the inquisitor (*familia inquisitoris*) and assisted him with all activities related to the *officium inquisitionis*.¹⁰⁵ The writers employed in the service of the papal inquisition tended to have demonstrated previous experience as public notaries. Their recruitment to the inquisition tribunal was the responsibility of the inquisitor. After taking an oath, they assumed their professional duties to the extent specifically assigned by the inquisitor. Pope Clement IV's bull, *Ut officium inquisitionis* from 1265 (VI° 5.2.11) discussed their duties and described the recruitment process.¹⁰⁶

102 *Facies tibi quaternos et alia scripta in quibus Inquisitiones factae contra haereticos, et processus contra ipsos per quoscumque contra ipsos habiti, continentur a quibuslibet assignari. Doctrina*, 1815.

103 Scharff, *Schrift zur Kontrolle*, 557–63.

104 *Tandem de hiis omnibus et quandoque de pluribus non sine causa rationabili requisitus, scriptis fideliter que de se confessus fuerit vel deposuerit de aliis, coram nobis ambobus vel altero et aliis duobus ad minus viris idoneis ad hec sollicitius exequenda adjunctis, universa que scribi fecerit recognoscet, atque hoc modo acta Inquisitionis ad confessiones et depositiones sive per notarium confecta, sive per scriptorem alium, roboramus. Processus inquisitionis*, 72.

105 Eymerich, *Directorium*, 425–26; Eymerich, *Manuel*, 125.

106 *Ad conscribendas quoque huiusmodi depositiones testium, et ad faciendum omnia, que in commissio vobis officio ad scrinariarii seu tabellionis officium pertinent, teneri districte parecipimus, quum per vos fuerint requisiti, omnes et singulos vestri ordinis fratres, qui, dum essent in saeculo, tabellionatus officium habuisse aut exercuisse noscuntur, et illos etiam, quibus idem ab apostolica sede commissum et in posterum committetur, concedentes huiusmodi fratribus, nec non et aliis religiosis quibuslibet, qui similiter,*

During the first years of existence of the papal inquisition in the Midi of France, the inquisitors were assisted by one notary only. He recorded the oaths, testimonies and court rulings in the records. One notary took care of the records of inquisitor Pierre Sellan (1234–1242) during his Quercy activity between 1241 and 1242.¹⁰⁷ The number of notaries collaborating with the inquisitors tended to reflect the complexity of the structure of a particular inquisition tribunal. At the turn of the thirteenth century and in the first decades of the fourteenth century, the inquisitors from Toulouse and Carcassonne usually employed several notaries for the needs of their tribunal. The inquisitor of Carcassonne, Geoffroy d'Ablis (1303–1316) was assisted by six notaries.¹⁰⁸ Bernard Gui, his contemporary, collaborated with four notaries in the course of his seventeen-years' appointment as Toulouse inquisitor. Both, however, employed at most two notaries at the same time. Between 1308 and 1309, the inquisition records of Bernard Gui were overseen by Pierre Clavièr and Jacques Marquès, parish priests from Saint Pierre-d'Avit. From 1319 onwards, Bernard Gui was assisted by a public notary, Guillaume Julia de Limoges. The final part of Gui's book of sentences, featuring fragments of the *sermo* from 12 September 1322 was signed by a new notary, Bernard Sutor de Saint Yrieix.¹⁰⁹

The majority of the medieval inquisition tribunals did not have a permanent seat. The notaries and assisting book-keeping personnel tended to be employed on a temporary basis, depending on the needs of the ongoing inquisition. Their job assignments ended as soon as the court procedure and the preparation of related documentation had been closed. The employment of just one notary to assist the inquisitor was the norm, not just for the well-developed inquisition tribunals of the Midi but also for other areas. One of the notaries who recorded the interrogations of Świdnica Beguines in 1332 was a public notary Nicholas, son of Henry of Panków, employed by the Wrocław inquisitor John of Schwenkenfeld.¹¹⁰

dum essent in saeculo, tabellionatus officium habuerunt, et exercuerunt. Friedberg, vol. 2, 1074.

107 Duvernoy (ed.), *L'inquisition en Quercy. Le registre des pénitences de Pierre Cellan, 1241–1242* (Castelnaud-la-Chapelle, 2001); cf. Duvernoy, *Le Catharisme: L'histoire des cathares* (Toulouse, 1979), 196; Jörg Feuchter, "L'Inquisition de Toulouse. Pierre Sellan (1234–1242), un vieillard expérimenté", in Albaret (ed.), *Les inquisiteurs*, 50–3.

108 Duvernoy, "Introduction", in *Registre de Geoffroy d'Ablis*, 4; Pales-Gobilliard, "Introduction", in Duvernoy, (ed.), *L'inquisiteur Geoffroy d'Ablis*, 1.

109 Pales-Gobilliard, *Introduction*, in Gui, *Le livre des sentences*, vol. 1, 9.

110 Kras, "Przesluchania, 83–4.

The Languedoc inquisitors elaborated a complex and multi-level procedure for documenting their activities. Contrary to the documentation kept at episcopal chancelleries, the records of the papal inquisitors recorded more than just the court rulings and abjurations of heretics; they covered practically all activities of the inquisition, from the first report filed, the submitted testimonies of the suspect and the witnesses, until the ruling and assignment of penalty. Virtually every single legal activity performed by the inquisitor was reflected in writing. Successive manuals for inquisitors provided an accurate reflection of the intense development of inquisitorial documentation and its increasingly detailed content. For instance, the thirteenth-century *Processus inquisitionis* contained no more than nine model documents serving to conduct an investigation, whereas Bernard Gui, who wrote his manual seventy years later, included as many as a hundred and seventy forms of various documents useful for the ongoing needs of the Toulouse tribunal.

In the process of preparing records, the key role was played by manuals for inquisitors and the *interrogatoria* used at hearings. As it has been mentioned previously, these were instrumental in determining the stages of the inquisition. They also influenced the composition and the content of the records directly. Such recorded “truth” about suspect’s past and his/her ties to heresy was in fact a product of diverse activities performed by inquisitors. At the trial, it was the inquisitors who decided on the stages of the investigation and were free to interpret the testimony of the suspects in any way they wished¹¹¹ The inquisition documentation was usually stored in several separate books. The major part of the records contained the material from trials. It featured the testimonies of witnesses and the statements made by the suspect him/herself. The rulings were usually placed into separate books of sentences. For the sake on the ongoing investigation, this basic body of documentation could be copied as needed. The testimonies from the trials often revealed new information on other potential heretics whom the inquisition could also target. The inquisition documentation underwent modifications in a permanent manner, as new information was coming in and copies were circulating. It proved useful at different stages of the inquisition. The inquisitors perused it whenever information was needed to launch a new anti-heresy investigation. They used it to validate charges or verify the testimonies recorded at the trial. The inquisition records also included information on the degree of satisfaction of assigned penance or new assignments of lighter or stricter penance. Finally, the documented abjuration and revocation

111 Arnold, *Inquisition*, 51–3.

formulas became the basis for condemning sentences and requesting assistance of secular authorities in case of those convicts who relapsed into heresy in spite of an earlier reconciliation.

The Languedoc inquisition produced various types of documentation reflecting the complex technique involved in the recording of inquisition-related activities. Some records were made on an ongoing basis and documented all activities of the inquisition tribunal in an abbreviated form. On the other hand, the records made for the investigation as a whole were of a different nature. They contained documentation of all legal actions involved in the inquisition procedure, including the summons, testimonies provided by witnesses and alleged offenders as well as abjurations and revocations of heretical opinions. Such records survived either in a draft form made by the notary of the inquisition tribunal, in which, apart from the document drafts in Latin, one also finds notes in the vernacular, or in the form of official process documentation in Latin. A good example of the latter are the records of the Pamiers bishop, Jacques Fournier, preserved in the collections of the Vatican Library (BAV, MS Vat. lat 4030). A third category of documentation constitute inquisitorial registers documenting the actual sequence of events at the trials conducted during the investigation. The testimonies of witnesses and suspects were trimmed as to fit the form. They used a highly schematic language characteristic of the inquisition discourse and recorded only the most essential heresy-related information. The inquisitors and bishops also kept separate books of sentences (*libri sententiarum*). These included the sentences read in public during the ceremonies closing the inquisition procedure (*sermones generales*). They contained a list of heretic's errors in the order suggested by the *interrogatorium*, the text of his/her revocation, abjuration and the ruling. The finest example of the records of sentences is the *Liber sententiarum* of Bernard Gui (BL, MS Additional 4697) preserved at the British Library. Scholars can also access the surviving abbreviated version of *liber sententiarum* of Toulouse inquisitors of Bernard de Caux and Jean de Saint-Pierre covering the period between 1244 and 1248 (BN, MS 9992).¹¹²

A good insight into the inquisition's record-keeping technique can be gained through a reading of bishop Jacques Fournier's records (1317–1326). They contained both a Latin-edited official part of the documentation recording all proceedings along with the book of sentences, as well as ongoing documentation featuring testimonies in the vernacular, complete with their Latin translation.¹¹³

112 Duvernoy, "Introduction", in *Registre*, vol. 1, 14–5. For further details see Dossat, *Les Crises*, 42–59.

113 Paul, "L'Inquisition de Carcassonne", 136–7.

The notaries who had the duty to prepare the inquisition tribunal recorded trial minutes, writing down both the questions of the inquisitors and the answers provided by the suspects. On the basis of these notes, the first draft of the testimonies was prepared and subsequently read to the suspect *intelligibiliter et in vulgari*. In the course of the investigation, it was vital to make sure that the suspect demonstrated a fair understanding of all the stages of the investigation. At the moment of the reading, he/she was allowed to modify the version suggested by the inquisitor. If the suspect considered that the testimony read to him reflected the original wording (*legitima et vera confessio*), he/she went on to validate it with an oath. It was then that the notary proceeded to prepare the final version of the Latin *confessio* and placed it in the records.¹¹⁴ The text of the testimonies, prepared in accordance with the Latin form (*processus verbalis*) had to be simplified and reduced to contain only the most essential information strategic for the inquisition trial.¹¹⁵ A similar procedure for editing the testimonies of the suspects applied to the records of Carcassonne inquisitor Geoffroy d'Ablis (1303–1316) preserved at the Bibliothèque Nationale in Paris (MS 4269). All testimonies given in the vernacular were edited by a notary and later presented to the suspect for validation. Once confirmed, the testimony served as the basis for the Latin version of *confessio*, incorporated into the inquisition records.¹¹⁶

In some exceptional cases, the inquisition records featured documents submitted by the alleged heretics themselves. The records of the Carcassonne inquisitor Geoffroy d'Ablis contain two testimonies from the suspects, alongside other types of trial documentation. The first case concerned Pierre de Gaillac, a notary from Tarascon. Summoned on 23 October 1308, he appeared before the

114 E.g. on 26 May 1321 the subsequent interrogation of Bernard Clergue by Bishop Jacques Fournier started from the reading of Bernard's earlier depositions which he had to confirm: [...] *lecta sibi precedenti confessione intelligibiliter et in vulgari, fuit interrogatus si volebat stare et perseverare in predicta confessione tanquam legitima et vera; qui respondit quod sic [...]* (*Registre*, vol. 2, 275).

115 Vidal, "Le Tribunal d'inquisition de Pamiers: Notice sur le registre de l'évêque Jacques Fournier", *Annales se Saint-Louis-des-Français* 8 (1903–1904), 377–435; Duvernoy, "Introduction", in *Registre*, vol. 1, 8–17.

116 Pales-Gobilliard, "Introduction", in Pales-Gobilliard (ed.), *L'inquisiteur Geoffroy d'Ablis et les Cathares du Comté de Foix (1308–1309)* (Paris, 1984; repr. 2001), 38–42; Duvernoy, *Introduction*, w: *Registre de Geoffroy d'Ablis, Ms Latin 4269 Bibliothèque nationale de Paris*, (1980), 10–1, available at <http://jean.duvernoy.free.fr/text/pdf/ablis>, accessed 12 November 2005; on the inquisitorial operation of Geoffroy d'Ablis see Charles Peytavie, "L'Inquisition de Carcassonne. Geoffroy d'Ablis (1303–1316), le Mal contre le mal", in Albaret (ed.), *Inquisiteurs*, 89–100.

inquisition tribunal and read a testimony he had prepared three months earlier.¹¹⁷ Pierre de Luzenac also presented his own documents in court. Later, at his 30 November 1308 interrogation, Pierre provided the Carcassonne inquisitor with his own version of the abjuration oath renouncing ties to heresy and accepting the doctrine of the Roman Church. However, Geoffroy d'Ablis questioned the sincerity of Pierre's confession and ordered that another hearing be held on a different day. Unable to come in person on that day, Pierre once again resorted to a written document explaining the reasons for his absence. At the following trial, held on 17 January 1309, Pierre de Luzenac appeared before the inquisitor and submitted a previously prepared written statement. In the document, he made an admission of having had contacts with the Cathar *perfecti*, brothers Pierre and Guillaume Autier, and detailed the time, place and named other participants of those meetings.¹¹⁸

Both written testimonies deserve our attention. They were penned by people who had a law degree and considerable office experience behind them. Pierre de Gaillac, following his studies at the University of Toulouse found employment as a notary in Alet. Pierre de Luzenac was a Toulouse attorney first. Later, he worked in the service of the count of Foix.¹¹⁹ It is possible that the two were primarily motivated by the desire to skip the inquisition trial with all its tediousness and hoped to achieve it by preparing their testimonies on their own. Regardless of their true intentions, the inquisitor, Geoffroy d'Ablis, did not consider their written *confessiones* exhaustive and sincere. Both had to undergo a lengthy trial including a term served at the inquisition prison and multiple interrogations.

Recent historical studies have put more emphasis on the linguistic structure of the inquisition documentation. The language not only reflected the functioning

117 [...] *predictam eius confessionem manu sua scriptam legit de verbo ad verbum prout continetur et scripta est superius per eundem in presentia mei Guillelmi Ramundi notarii officii inquisitionis et testium subscriptorum ad hoc specialiter vocatorum et juratus ad sancta Dei Evangelia dixit, confessus est et recognovit omnia et singula que in sua predicta confessione continentur et que nunc confessus est de novo coram dicto domino inquisitore confirmavit, et in eis dixit se velle stare et perseverare.* BN, MS Latin 4269, f. 47v; Pales-Gobilliard (ed.), *L'inquisiteur Geoffroy d'Ablis*, 344–6; Duvernoy (ed.), *Registre de Geoffroy d'Ablis* (Ms lat. 4269 B.N. Paris), 125, available at <http://jean.duvernoy.free.fr/text/pdf/ablis>, accessed 18 October 2005.

118 BN, MS Latin 4269, ff. 52r–54v, Pales-Gobilliard (ed.), *L'inquisiteur Geoffroy d'Ablis*, 376–8; Duvernoy (ed.), *Registre de Geoffroy d'Ablis*, 135–41, available at <http://jean.duvernoy.free.fr/text/pdf/ablis>, accessed 27 October 2005.

119 Pales-Gobilliard, "Introduction", in Pales-Gobilliard (ed.), *L'inquisiteur Geoffroy d'Ablis*, 42–3.

of the inquisition system but embodied its very essence. A textual analysis of the inquisition records enabled scholars to raise new source questions which examine the inquisitorial discourse, focus on the techniques of drafting records and address a broad cultural and linguistic context. The documents prepared during the inquisition trial employed a very precise jargon: the inquisition discourse. John Arnold viewed it as a “dialogue” of sorts between the inquisitor and the alleged heretic. This particular “dialogue” unfolded according to the inquisitor’s scenario. Given that he was in a position of power, he controlled the form of the interrogation and its successive elements. The genre of the inquisition discourse was subjected to the primary goal of *officium inquisitionis*: it served to establish the truth on the heretical past of the suspect and enforce a sincere confession. The technique of interrogation, its specific language forms, as well as the accompanying means of mental and physical pressure, forced the suspect to adopt an attitude desired by the inquisitor. John Arnold described this procedure as an act of *constructing the confessing subject*. The “subject” had to follow the form of the hearing. The suspect was granted no freedom to say anything beyond the imposed frame. The interrogation unfolded according to an *interrogatorium* prepared earlier. The questions enabled the jury to qualify the gravity of heterodoxy and describe it in the specific vocabulary of the inquisition. Engaging in a “dialogue” with the alleged heretic, the inquisitor used technical terms and language registers that he alone was able to master in their entirety. The inquisition discourse created a specific cognitive apparatus with interconnected notions describing the realm outside the Church. As a result, the suspect’s speech was interpreted freely by the inquisitor and recorded in the inquisition discourse. Considering that all testimonies were given in the vernacular and translated to Latin later, the inquisitor’s potential range of textual intervention was even greater.¹²⁰

The technique chosen for conducting a trial had bearing on the very form of the later inquisition procedure. Completing the entrusted task, the majority of inquisitors were more interested in identifying the heretical doctrine than learning more about it. While opening an interrogation, they employed their authoritative knowledge of the particular type of heresy they had to target. Their sources of information on the most characteristic beliefs and practices of target groups were various forms of anti-heresy literature, mostly *interrogatoria* and earlier records. These “signs of heresy” (*signa haeresis*) delineated the inquisitor’s area of interest in the realm of heresy. In order to carry out *officium inquisitionis*,

120 Arnold, *Inquisition*, 48–56.

he strove to detect and punish the greatest number of heretics possible. The suspects were expected to disclose their ties to different forms of heterodoxy that had been classified and described by the inquisition literature earlier. The extracted testimonies were recorded in a language combining theological and legal terminology. This language helped the clergy see and interpret the world of heresy.¹²¹

The documents published by the papacy and the synod statutes from the 1230s–1240s furnished the key notions and their potential usage within the inquisition discourse to identify and describe various manifestations of heresy. *Excommunicamus*, the 1231 bull of Gregory IX, as well as the 1242 Synod Statutes from Tarragona based on the bull (known as the *Directorium* of Raymond of Penyafort), introduced to the language of the inquisition more than a dozen categories defining various kinds of dissidents (*haereticus, credens, suspectus, vehementer suspectus, vehementissime suspectus, occultator, cellator, receptator, defensor, fautor, relapsus*).¹²² The records of the Languedoc inquisition indicate that these terms were used to establish the gravity of transgression of the suspect and the nature of any heterodoxy. The majority of the thirteenth-century records are characterized by schematic forms. The testimonies followed the homogenous form reflecting the trial as it unfolded, while the questions and their very order followed the *interrogatorium*. Due to the overwhelmingly dry nature of the inquisition documentation, the recorded text of depositions also tended to be a brief summary of the original. In spite of the records' focus on the process of establishing guilt and assigning punishment, they also included other documentation. For instance, the heterodoxy of the *credentes* would be evaluated in a quantitative way. In order to establish the gravity of an error, the inquisitors tried to establish how frequent the contacts with heretics, such as the Cathar *perfecti* or Waldensian masters, were, and what exactly these contacts entailed. Information on the participation in heretical sermons or sacraments was collected and ordered. That quantitative dimension of heterodoxy made it easier for the inquisitor to work

121 Grundmann, “Ketzerverhöre”, 365–8. The similar conclusions are drawn by Steven Justice (“Inquisition, Speech, and Writing”, 2) in his examination of the Lollard heresy trials in Norwich from 1428–1431: “[. . .] bishops did not want to know heresy except to reorganize it when they found it, did not want to understand the impulse to dissent except as perversity. The inquisitor thought of heresy discovered as lay ignorance confronted with ecclesiastical truth. Recasting all words of the heretics in the language of theological and procedural certainty ought simply to have reproduced the image of heresy that those recording it already entertained”.

122 *Texte zur Inquisition*, 51–2; cf. Arnold, *Inquisition*, 42–3.

out an appropriate ruling and punishment. The official version of the records did not leave room for any utterance which the inquisitors would have classified as random and redundant in the context of the ongoing investigation.

This mechanism of record-keeping and ordering the inquisition discourse is reflected in the records of Pierre Sellan, one of the first French inquisitors who led the anti-heresy effort in Quercy between 1241 and 1242. The records are among the oldest sources of this type. The depositions in Sellan's records are brief and succinct, providing merely basic information on the suspect's ties to heresy. Whenever the court case concerned the Cathar *credentes*, the evaluation was based on their contacts with the *perfecti*, primarily their participation in sermons and reception of Cathar sacraments. The records of the Quercy inquisition also featured information on the assistance offered to the *perfecti*, praise given to them (*adoratio hereticorum*), and the suspect's evaluation of their activity. Many testimonies contained a laconic indication that the suspect believed the *perfecti* to be good people.¹²³ Such a formulaic note enabled the inquisitors to evaluate the gravity of the transgression incurred by the suspect, place their unorthodoxy within a system of clear-cut categories and assign appropriate penance.

The early records of the Languedoc inquisition made note of all activities that associated the suspect with the realm of heresy. Inquisitors tried to find evidence for religious transgression; while doing so, they tended to overlook the reasons for the suspect's adherence to heresy. Later, in the late thirteenth century, inquisition records started to include more lengthy and individualized transcripts of interrogations. The suspects' speeches went beyond the scheme of the *interrogatorium*. The official version of depositions the inquisitors tried to record in Latin or in the vernacular reflected the actual words used by alleged heretics and shed light on their real religious views. The change in the documentation storage technique reflected the transformations of the inquisition itself. Striving to establish the truth on unorthodoxy, some judges tried to learn more about the circumstances and factors involved in the process. Distancing themselves from the strict interrogatory, they allowed the suspects to speak out. They were free to tell their stories, and talk about religious experiences in their own language. The words of suspects blended into the schematic canon of the records,

123 E.g. *Huga uxor quonda, R. Giraudi fuit receptorix hereticorum, audivit multotiens predicationem eorum et multotiens adoravit eos et dedit eis de bonis suis et venit ad eos pluries ad hospitia in quibus erant, ubi audivit pluries predicationem eorum, et credebat tunc quod essent boni homines. Et interfuit hereticationi dicti viri sui.* Duvernoy (ed.), *L'inquisition en Quercy*, 30.

the subaltern voices, as John Arnold put it, give us access to the realm of popular culture, in which a lack of understanding of theological nuance and naiveté are firmly intertwined with folk belief and superstition.¹²⁴

The records of bishop Jacques Fournier mentioned above are exemplary in this respect, as they recorded the speeches of the suspects amply and freely. When one analyses them, it becomes clear that the *interrogatorium* provided by the bishop was but a frame of the trial and served as a scheme for later records. By contrast, the abundant documentation provided faithful transcripts of lengthy passages from the original speeches of the suspects.¹²⁵ For this reason, besides the information pertaining strictly to various manifestations of religious heterodoxy, Jacques Fournier's records contain a wealth of information on the daily life, customs and values upheld by the Montaignou residents. This exceptional empirical value of these materials allowed Emmanuel Le Roy Ladurie to write his classic of cultural anthropology, in which he introduced the reader to the intricate microcosm of Montaignou residents.¹²⁶ For the sake of the present research, it is noteworthy that the diverse information provided by the suspects was not omitted in the process of writing up records as it had been done earlier. These elocutions became integrated into the body of official documentation.

The wealth of information and the freedom involved in the recording of the suspects' testimonies distinguish the records of Jacques Fournier from other artefacts of the medieval inquisition. Their form was largely influenced by the personality of the Pamiers bishop, who was keenly interested in the realm of popular culture and mentality. Other inquisition records were made to observe the scheme of the *interrogatorium*, although there were isolated cases of reiteration of particular testimonies, sometimes recorded *in vulgari*. These tended to come from individuals who presented original religious beliefs at the trial. The custom of including a limited number of testimonies in the vernacular in the official documentation was also observed by the notary who documented the Lollard trial in the Norwich diocese (1428–1431). The records from this trial were incorporated into the courtbook of Bishop William Alnwick (1426–1436).

124 Arnold, *Inquisition*, 164–226.

125 After his election to the Holy See Jacques Fournier took the original records of the interrogations to Avignon. Now they are deposited in BAV, MS Vat. lat. 4030. Duvernoy (ed.), *Le Registre d'Inquisition de Jacques Fournier, évêque de Pamiers (1318–1325)*, 3 vols, (Toulouse 1965); French edition: Duvernoy (ed. and trans.), *Le Registre d'Inquisition de Jacques Fournier, évêque de Pamiers (1318–1325)*, 3 vols, (Paris, 1978).

126 Emanuel Le Roy Ladurie, *Montaignou, village Occitan de 1294 à 1324* (Paris, 1975).

As such, they are also among the most valuable sources in Lollard history. The testimonies contained therein often went beyond the standard form and transcribed the speeches of the interrogated Lollards in Middle English.¹²⁷

The testimonies from the investigation into Margery Baxter of Martham, one of the leading Lollards, were particularly rich. They contained original speech excerpts going beyond the conventional formulas of the inquisition discourse. Some of them were written down *in vulgari* – for example the object of the pledge and remarks concerning the cult of the crucifix, while others, such as the opinion on the Eucharist, were recorded in Latin.¹²⁸ First, Margery Baxter claimed that one must avoid oath-taking, *in lingua materna: dame beware of the bee, for every bee wil styngge, and therfor loke that ze swer nother to Godd ne be Our Ladi ne be non other seynt, and if ze do the contrarie the be will styngge your tunge and veneme your sowle*. Further parts of the testimony noted that Margery Baxter defied the cult of the crucifix and religious imagery. She stated that it is not right to give praise to objects created by man. Criticizing her neighbour who attended church and prayed in front of the church crucifix, Baxter allegedly said: *lewed wrightes of stokkes hewe and fourme such crosses and ymages, and after that lewed peyntors glorie thaim with colours*. The notary of the Alnwick bishop faithfully transcribed the statement of Margery Baxter in Middle English right beside the Latin translation. Further, one finds a rather original note on how Margery Baxter attempted to demonstrate the absurdity of the cult of the crucifix. Standing up before her interlocutor with raised arms, she told him, “this is the true Cross of Christ and you should see this Cross and adore it all day in your own house”.¹²⁹ Her statement concerning the Eucharist was also noteworthy. Rejecting the dogma of the real presence of Christ in the Host consecrated by the priest, Baxter did not reach for the complex theological arguments of John Wyclif and his academic following. She was convinced that the consumption and digestion of God in the consecrated host was something absurd.¹³⁰ Margery Baxter’s

127 Justice, “Inquisition, Speech, and Writing,” 1–6

128 *Norwich Heresy Trials*, 43–51.

129 *Norwich Heresy Trials*, 44.

130 [...] *illud sacramentum quod presbiteri post consecracionem elevant supra capita sua et ostendunt populo non [est] corpus Christi, sicut illi falsi pesbiteri affirmant ad decipiendum populum, sed est nisi torta panis pistata per pastorem quam tortam panis sic consecratam presbiteri comedunt et per posteriora emittunt in sepibus, et ideo illud sacramentum nunquam erit Deus meus, sed magnus antiquus Deus qui nunquam exicit de celo elit Deus meus, et non iste Deus quem populus colit hiis diebus [...]*. *Norwich Heresy Trials*, 50–1.

thinking was untouched by nuanced theological discourse. She approached divine matters with plain common sense and explained them in a simple, often common language of everyday life.

As soon as papal inquisitors had been appointed, they made sure that the information acquired by their enquiries was carefully recorded in writing. The inquisition records played an important commemorative role, as they served to collect and store trial-acquired data concerning persons and places associated with heresy. The oldest manual of the Languedoc inquisition, *Processus inquisitionis*, recommended that the inquisitors responsible for territories “tainted by heresy” record the names of all individuals summoned before the inquisition tribunal. The inquisition records had to include information even on those who claimed they had nothing in common with heresy. The manual authors pointed out that those individuals often turned out to be liars later, as many of them did adhere to the heretics.¹³¹ A similar principle of keeping track of all individuals who appeared before the inquisitors was introduced in Italy in the second half of the thirteenth century.¹³²

Considering the main goals of *officium inquisitionis*, the importance of neat record-keeping for the success of the anti-heresy struggle could not be overestimated. The inquisition recorded testimonies of suspects and witnesses, data on heretics and their following and information on their meetings places. This solid body of documentation enabled a systematic inquisition effort, as it provided information on all those who had been accused of ties to heresy during trials. Moreover, the material collected in the inquisition became the basis for launching investigations into all those who were potentially guilty of adherence to an incriminated group. The records contained all the necessary data needed to compile lists of heresy suspects which, in turn, enabled the inquisitors to specify their inquisition target. A list like this can be found on the first pages of the records from a 1299–1300 process presided over by the Bishop of Albi, Bernard de Castanet. It contains information on five hundred and eighty-three people presented with heresy-related allegations. The list organised the suspects’ surnames in alphabetical order. Each name was followed by a list of the alleged heretics by their place of origin. The greatest number of people mentioned by one informant was eighty-nine.¹³³

131 *Processus inquisitionis*, 72.

132 *Libellus*, f. 47va; cf. Scharff, *Schrift zur Kontrolle*, 558–9.

133 Georgene W. Davis (ed.), *The Inquisition at Albi, 1299–1300: Text of Register and Analysis* (New York 1948: *Studies in History, Economics, and Public Law*, 538), 103–20.

As diverse as they were in their function, the inquisition records were considered quick reference material. The manuals for inquisitors contained instructions on how to prepare inquisition records to ensure that they were clear and functional. *Processus inquisitionis* recommended that inquisitors be selective while editing the material destined for the official documentation. The manual authors insisted that some information acquired in the inquisition trial was simply redundant.¹³⁴ The task of the inquisitor who, at the same time, acted as editor of the records, consisted in compiling the most essential facts pertaining to the beliefs and practices at odds with Church teachings. A later manual, *Doctrina de modo procedendi contra hereticos*, recommended that the inquisitors write down only the things immediately related to the ongoing needs of the anti-heresy struggle. A single testimony included in the records resembled a brief abstract of the interrogation (*brevis abstractio*), informing the reader about the nature of unorthodoxy and enumerating the offenses incurred by the suspect.¹³⁵

The two most comprehensive manuals for inquisitors also insisted on a skilful selection of the material destined for official documentation. In *Practica inquisitionis haereticae pravitatis*, Bernard Gui emphasized that the documentation has to be useful above all.¹³⁶ In his view, the transcript of a *confessio* ought to feature the key elements of the interrogation, showcasing “the truth” of a heretic’s heterodoxy. However, the inquisitor should omit all inconsequential details that add needless volume to the documentation. At the same time, he has to make sure that the provided summary was not too fragmentary.¹³⁷ Nicholas Eymerich, inquisitor general for Aragon, hinted at the vast amount of documentation that could potentially paralyze the entire court trial. In order to prevent this, Eymerich recommended that the inquisitor make notes on the ongoing investigation. The notes were to include information about informants, alleged heretics, as well as any reports filed to date. With these notes in hand, the inquisitor was able to plan his further action accordingly. He knew whom to summon for the hearing and in what order, and on what grounds. The notes were also helpful in the process of verification of the testimonies heard at the trial.¹³⁸

134 *Plura quidem et alia facimus in processu et aliis, que scripto facile non possent comprehendere, per omnia juris tenentes ordinem aut sedis ordinationem apostolice specialem. Processus inquisitionis*, 75–6.

135 *Doctrina*, 1795.

136 Gui, *Practica*, 188 and 214.

137 Gui, *Practica*, 243.

138 Eymerich, *Directorium*, 413; Eymerich, *Manuel*, 114–5.

The developments in the technique of drafting inquisitorial documents reflected the gradual decline in the more traditional techniques involved in data collection and preservation, largely dependent on the memory.¹³⁹ Papal inquisitors resorted to written records as an efficient tool in their systematic anti-heresy effort. It facilitated the search for heretics and helped them gather evidence of heretical activity. Inquisitors used both their own records and their predecessors' books while looking for information on previous court procedures related to heresy trials and the people involved in them. They also kept track of those who had participated in heretical activities. The constant need to reach for the collected documentation resulted in the development of a specific record structure. In the thirteenth-century Languedoc, where heresy was a mass phenomenon and the inquisition courts interrogated over a thousand people annually, the inquisitors elaborated efficient methods for organising the inquisition data for quick reference.

The Languedoc inquisitors created a relatively simple but practical system of drafting documents. The surviving fragments of the records of the inquisitors from Carcassonne, Bernard de Caux and Jean de Saint-Pierre covering their 1245–46 activities reflect the methods accurately. The Carcassonne inquisition tribunal interrogated over five thousand inhabitants of the Lauragais region within less than a year in connection with the 1242 murder of two Toulouse inquisitors, Guillaume Arnaud and Étienne de Saint-Thibéry. Their abjuration oaths and testimonies were neatly recorded in ten record books.¹⁴⁰ The fragmentary records of Bernard de Caux and Jean de Saint-Pierre enable us to take a closer look at the production of records in the earliest period of the papal inquisition. All notes were in geographical order, organised by the name of town or village of origin of the witnesses. The way these documents were organised corresponds to successive stages of the interrogations and the order in which they unfolded. On specific days, the residents of the places indicated by the inquisitors appeared before the Toulouse tribunal, most commonly accompanied by

139 Frances A. Yates, *The Art of Memory* (Chicago, 1966), 50–128 and 173–98; Mary Carruthers, *The Book of Memory. A Study of Memory in Medieval Culture* (Cambridge, 1990).

140 Duvernoy (ed.), *Enquête de Bernard de Caux et de Jean de St Pierre, Lauragais 1245–1246, 1253* (Ms 609 Biblio. Mun. Toulouse), available at <http://jean.duvernoy.free.fr/text/pdf/ms609>, accessed 25 October 2005. In the Bibliothèque nationale de France in Paris there is also the register of sentences produced by Bernard de Caux and Jean de Saint-Pierre from 1244–1248 (BN, MS, Latin 9992). Fragments of the records were published by Douais (*Documents*, vol 2, 1–89).

their parish priests. The parties interrogated by Bernard de Caux and Jean de Saint-Pierre took an oath and gave their testimony on the basis of a prepared *interrogatorium*. They inquisitors used it as a channel to communicate information on heretics and all identified manifestations of heresy. The ritual of abjuration was the next step. This system allowing the inquisitors to record thousands of testimonies enabled the inquisition to meet its basic goals. On the one hand, the information from the records made it possible for the inquisitors to launch investigations into heretics who were still at large, on the other, they became an efficient means of verification of previously received testimonies. Thanks to the organisation of testimonies by provenance, the inquisitors could easily access information on the suspects. References were also helpful, as they enabled the inquisitors to validate the charges.

The margins of the records were used for notes referencing other testimonies concerning the suspects. They also featured brief comments on the investigation in progress. The documentation from the process against two women from Le Mas-Saintes-Puelles which took place on 19 May 1245, is a good example of this practice: the entries of Comdors, wife of Étienne Herm, and Ermengarde, wife of Pierre Bernard, were annotated with a comment that the both could speak more.¹⁴¹ This commentary clearly indicated that the inquisitor had to conduct further investigation of the case. On the following page of the records, right beside the testimony of Saurimande, another woman from that town, the note read, *hec ad murum retineatur*.¹⁴² This hinted at her imprisonment, most likely implemented in order to extract a more exhaustive testimony. Next to another testimony, given by Pons Barrau de Le Mas-Saintes-Puelles on 26 May 1245, the inquisitors commented briefly on the demeanour of their interlocutor: “he is wiser and richer than anyone else in Le Mas-Saintes-Puelles”¹⁴³

At a later time, the structure of the inquisition documentation became even more complex. The primary text of the records describing the legal components (reports, testimonies and sentence) was annotated in the margins. These comments provided complementary information to the rudimentary text. They either pertained to the degree of completion of the assigned penance or contained instructions concerning further action. In the second half of the thirteenth

141 Duvernoy (ed.), *Enquête de Bernard de Caux et de Jean de St Pierre, Lauragais 1245–1246, 1253* (Ms 609 Biblio. Mun. Toulouse), 47–8.

142 Duvernoy (ed.), *Enquête de Bernard de Caux et de Jean de St Pierre, Lauragais 1245–1246, 1253*, 49.

143 Duvernoy (ed.), *Enquête de Bernard de Caux et de Jean de St Pierre, Lauragais 1245–1246, 1253*, 57.

century, the records of the Languedoc inquisition started to be organised alphabetically by persons' names or geographical location. This made them more accessible as the inquisitor was seeking information on the heretic and his/her family. The record-keeping technique was inspired by the book of sentences of Bernard Gui covering the period between 1308 and 1322. The original version survived at the British Library in London and was given due attention in a critical edition of Anette Pales-Gobilliard in 2002.¹⁴⁴ The *Liber sententiarum* of Bernard Gui revealed the massive effort of its author made to organise his material into a transparent and ordered structure.¹⁴⁵ The layout faithfully reflects the stages of *sermones generales* presided by Bernard Gui. The order of particular legal actions indicated in the documentation followed the real-life sequence of events. Lengthy lists at the beginning of the books made it even easier to use the records. The first pages of the *Liber sententiarum* featured an index of places of origin of the convicts (*Nomina locorum secundum ordinem alphabeti*). It covered ninety-seven towns or villages in alphabetical order beginning with *Appamie* (Pamiers) down to *Vayssis* (Vaychis, a parish of Ax-les-Thermes, in Ariège). The index was split into two columns and covered two more folios,¹⁴⁶ followed by a list of fourteen *sermones generales* of Bernard Gui in chronological order.¹⁴⁷ At each *sermo*, information about the place and the date of the event was provided. In addition, each note cited the corresponding records' folios in Roman numerals.¹⁴⁸

After the list of *sermones*, one finds the most exhaustive personal index featuring all heretics convicted by Bernard Gui (*Tabula omnium personarum sequentis libri*). The index was organised by the name of the convicts' town. At the names of their respective home towns, one finds the personal data of their

144 Margaret A.E. Nickson, "Locke and the Inquisition of Toulouse", *British Museum Quarterly* 36 (1971–1972), 83–92; Pales-Gobilliard, "Introduction", in Gui, *Le livre des sentences*, vol. 1, 14–5.

145 Paul, "La mentalité de l'inquisiteur", 289–316; Given, "A Medieval Inquisitor", 207–323; Dubreil-Arcin, "Bernard Gui", 108–13.

146 Philip van Limborch did not publish these indexes in his editions of Gui's sentences in 1692. Gui, *Le livre des sentences*, vol. 1, 84–93.

147 Actually, Gui's *Liber sententiarum* record 20 *sermones generales*, but only once the technical term of *sermo generalis* is used directly *Lata fuit hec sententia et injuncte penitencie Anno et die et loco quibus supra In presencia et testimonio predictorum, necnon cleni et populi in sermone publico congregati*. Gui, *Le livre des sentences*, vol. 1, 226.

148 Gui, *Le livre des sentences*, vol. 1, 94–7. E.g. *Quartus decimus sermo fuit factus Tholose dominica infra octabas nativitatis beate Marie virginis, anno Domini M° CCC° XXII°, folio CLXVIII°*. Gui, *Le livre des sentences*, 96.

convicted residents. The order corresponds to their position within the registers. Apart from the information on the name and surname, the index contained an abbreviated indication of the assigned penalty and the folio number of the records mentioning the original ruling. A single cross placed next to the name indicated that the inquisitor had assigned the penalty of cross-marks, whereas a double cross indicated that two crosses were to be worn as penance.¹⁴⁹ The first entry in the personal index by town name is *Agassier prope Guarrigas* (Lagassière nearby Garrigues) and mentions only one convict, Bernard de Pibres, sentenced to prison.¹⁵⁰ At the next town, *Altopullo* (Appelle), one finds a note pertaining to two people, Durand Teisseyre and Pierre Crisal d'Appelle. The former was released from prison by Gui, who ordered him to wear a single cross. The name of Pierre Cristol was annotated with two sentences. According to one, he was released from prison but had to wear penitential crosses. With the other sentence, Gui agreed to exempt Pierre from this form of penalty.¹⁵¹ The entry of the third town, Alzonne in the diocese of Rodez, features as many as twenty-six people whose sentences were documented in Bernard Gui's register.¹⁵²

An analysis of the main part of *Liber sententiarum* testified to Bernard Gui's concern with a transparent and functional layout of the collected material. Each page is structured in the same way. Several horizontal and vertical lines divided the page into several sections, each serving a specific function. At the top of the folio, one finds a rectangular frame for further comments. The main body of *sententiae* was separated from other notes by a double line. The notes in the margin served to record errors in the basic text (a narrower right margin), as well as all additional information obtained after the closure of the process (a wider left margin). Each note begins with the name of the convict in the centre.¹⁵³ The wording of each sentence ends with a formula in which the notaries working for the inquisitor provided their name, place of origin and role in the inquisition tribunal. The entry was annotated by a notary symbol.¹⁵⁴

149 Gui, *Le livre des sentences*, vol. 1, 98–175; cf. Given, *Inquisition*, 37–8.

150 Gui, *Le livre des sentences*, vol. 1, 98.

151 Gui, *Le livre des sentences*, vol. 1, 98.

152 Gui, *Le livre des sentences*, vol. 1, 98–101.

153 Given, *Inquisition*, 29–30; Pales-Gobilliard, “Introduction”, in Gui, *Le livre des sentences*, vol. 1, 8.

154 E.g. *Lata fuit hec sententia Anno et die et loco quibus supra in presencia predictorum. Et ego Jamesus Marquesii, notarius inquisitionis, presens interfui et recepi et hic me subscripsi et signo meo signavi* (Gui, *Le livre des sentences*, vol. 1, 198).

In the left-hand margin, the officials tended to make notes concerning the completed stages of the assigned penance, indicated whether the penance was exchanged or lifted, and sometimes noted the convict's flight from prison. The marginal note next to the sentence of Adémar Peyre de Bannières is particularly lengthy. Bannières was a village outside Lavaur. The note mentions the convict's merits in the anti-Cathar struggle and the imposed penance. Adémar had strong ties to the Cathar *perfecti* in the 1290s and in the early fourteenth century. In 1306, aware of the success of the inquisition in the struggle against Catharism, Adémar voluntarily appeared before Bishop Bérenger de Béziers, who also served as papal penitentiary at that time. He gave just a partial testimony, was cleansed of heresy and took an oath of loyalty to the Church. Shortly afterwards, he fled from prison and started to meet with the *perfecti*. On 28 November 1311, he was arrested again. If the inquisitor had chosen to follow the letter of canon law, the heretic should have been automatically handed over to the secular authorities without a trial. Bernard Gui, however, decided to be merciful toward him and give him one more chance to repent for his apostasy through service for the good of the inquisition. With Adémar's help, Gui wanted to capture a *perfectus*, Pierre Manche. Adémar's collaboration with the inquisitor resulted in his being assigned a relatively light prison sentence in Toulouse (*ad murum largum*). However, while in prison, he became so difficult to manage that the light prison sentence was exchanged for a stricter one (*ad murum strictum*), and from that moment on he had to stay in a single cell with chains on his arms and legs.¹⁵⁵

In the register of Bernard Gui, the margins also contained references to parallel inquisition records of testimonies given by interrogated individuals. The notaries working at Bernard Gui's tribunal used special symbols to facilitate their reading of *Liber sententiarum*. They underlined the names of the inquisitors who had convicted the individuals interrogated by Gui earlier.¹⁵⁶ Gui's contemporary,

155 London, British Library, MS Additional 4697, f. 92v; edited in Gui, *Livre des sentences*, vol. 1. 928–30. [...] *quamvis olim fuisset sibi promissa gracia de pena relapsus si plenam et meram veritatem confiteretur de facto heresis de se et de aliis, quod tamen non adimplevit, nec in prima vice quando fuit confessus, nec etiam antequam reciperet penitentiam pro confessatis ab ipso, nec etiam post, donec fuit per alios complices revelatus et detectus de aliquilibus, nec etiam postmodum infra terminum sibi prefixum per inquisitorem sub eadem promissione gracia, set abusus est et transgressus.*

156 E.g. in the recording of the *sermo generalis* which took place on 25 May 1309 the names of inquisitors who imposed the penance of wearing penitential crosses were underlined. London, British Library, MS Additional 4697, f. 4r; cf. *Documents*, vol. 1, clxvii; see remark of Given, *Inquisition*, 33.

Geoffroy d'Ablis, who was a Carcassonne inquisitor, used the margins of his records to write down the places of origin of the suspects, as well as the personal data of those who had met the Cathar *perfecti*. The margins also contained abbreviated bits of information concerning the form of contacts with the *perfecti*, praise-giving (*ador.* = *adoravit*), or offering shelter (*recep.* = *recepit*) etc.¹⁵⁷

A similar system of annotating records was also introduced by inquisitors in Italy. The fourteenth-century records of the Piedmont inquisition edited by Grado Merlo demonstrate the importance of such margin space. The records of the 1335 trial of the Waldensians of Giaveno, conducted by a Dominican inquisitor Alberto de Castellario, contained margins full of key information for inquisition purposes. The left-hand margin served to indicate legal actions of the investigation, one by one. It provided information on the order of the testimonies, reports, warnings, grace period, recourse to torture, as well as abjuration and reconciliation rites. The same margin was used to record the personal data of individuals accused of heresy ties during the trial or to note the names of places where heretical meetings had taken place.¹⁵⁸

In the light of the present research, it appears that the Languedoc inquisition's focus on the ongoing documentation was indeed something exceptional. Unfortunately, to date, no scholar has undertaken comparative source studies on the structure of investigation records in other parts of Europe. Therefore, I have decided to devote myself to this endeavour. My study starts with an analysis of the available material bearing resemblance to a questionnaire. The first goal is to establish the technique used in the documentation of heresy-related investigations and describe its internal structure. For the sake of my study, I will use resources from such heresy investigations from England, Brandenburg, Bohemia and Poland. As mentioned earlier, following the letter of canon law, papal inquisitors were required to document all actions performed in the context of *officium inquisitionis*. The surviving records indicate that the inquisitors from Bohemia and Poland regarded this duty with utmost seriousness.

A good example is this attitude can be found in the fragments of records of Gallus of Jindřichův Hradec who was the papal inquisitor for the Prague diocese (1335–ca 1353/5), as well as the records of the Wrocław inquisitor, John of Schwenkenfeld (1330–1341). Both records were made up of submitted

157 Duvernoy, "Introduction", in Duvernoy (ed.), *L'inquisiteur Geoffroy d'Ablis*, 4.

158 Merlo, *Eretici e inquisitori*, 163–225 (below the published interrogations Merlo notes all marginal glosses in italics. The structure of these records is well illustrated by the reproductions of two pages at 144–50).

testimonies. Gallus's fragments hint at the existence of more elaborate records recording the entirety of the inquisition carried out by one inquisitor. They contained material from the interrogations held before the tribunal of Gallus of Jindřichův Hradec from the very moment he assumed his office of Prague inquisitor in 1335 until the day when he stepped down, most likely in the mid-fourteenth century.¹⁵⁹ Ivan Hlavaček and Alexander Patschovsky presume that the surviving fragments of Gallus' records are in fact a copy which was made when his mandate was about to expire, of even later. Despite this, they allow one to develop a fair understanding of the structure of the original records of the Prague inquisitor. For instance, they indicate that the entire documentation was stored with utmost care. Particular parts were ordered according to the name of town/village targeted by the ongoing inquisition. Within the parts, the inquisitor did his best to observe the chronological order of the interrogations. The margins of the records served to write down town names and personal data of the suspects. Undoubtedly, it was supposed to enable a quicker search for necessary information inside the records.¹⁶⁰ The stages of the interrogation were documented and they followed a standard form. In some notes, we find both the inquisitor's questions and the answers provided by the suspect. In others, the inquisitor's questions were omitted. Some testimonies were short, for example in the case of individuals who claimed to know nothing about heresy.¹⁶¹ Each statement tantamount to a manifestation of disloyalty towards the Church's doctrine was, however, carefully noted.¹⁶² The testimonies of individuals who were more familiar with the activities of heretics and willing to disclose them to the inquisitor tended to be more complex. Since the majority of people interrogated by Gallus of Jindřichův Hradec were of Waldensian provenance, the testimonies concerned contacts (of any kind) with the Waldensian masters. The records scrupulously recorded information on meetings with the Waldensian *magistri*, participation in their sermons and rites of reconciliation. The places

159 Patschovsky, *Quellen*, passim.

160 Hlavaček, "Inkvisice v Čechach", 526–38; Patschovsky, *Quellen*, 11–8. For further information on the operations of Gallus of Hradec Jindřichův see Patschovsky, *Die Anfänge*, 27–8; Soukup, "Die Waldenser", 136–9.

161 E.g. *Item Waltherus iuratus interrogatus ut supra respondit se nihil scire*. Patschovsky, *Quellen*, No 4, 216.

162 E.g. [...] *interrogatus ut supra respondit, quod audivit ex relatu domini Henrici dicti Saphrani vicarii sui, quod quidam, cuius nomen ad presens ignorat, dixit hoc publice in una taberna quod omnes sacerdotes tam seculares quam religiosi essent heretici excepto uno. Ad omnia alia interrogata dixit se nichil scire*. Patschovsky, *Quellen*, No 4, 216.

where these heretical meetings had been held were of equal importance, as well as the hiding places of the masters. The records of Gallus of Jindřichův Hradec listed the names of individuals accused of ties to the Waldensian activity. They contained detailed information on where and when the culprit offered shelter to the Waldensian masters, gave them money, food or clothing or helped them relocate from one place to another.¹⁶³

Unlike the remarkably lengthy records of the Prague inquisitor, covering, in all likelihood, the data on several thousand people, the materials from the inquisitorial enquiry into the life and customs of the “cowled nuns” of the Świdnica Beguines are rather modest. As mentioned before, these materials contain testimonies of sixteen Beguines accused of propagating the heresy of the Free Spirit. The Beguines were questioned following the model of a standardized *interrogatorium* inspired by the 1312 bull of Pope Clement V *Ad nostrum*. The original records were written neatly on a piece of parchment and sent to the Holy See.¹⁶⁴

The documentation from heresy-related interrogations was typically prepared by one or more notaries employed in the service of the inquisition tribunal. The inquisitor proof-read the final version of the document prior to its incorporation into the record. Sometimes the inquisitor himself edited and documented his own legal actions. This is what Peter Zwicker did during his 1392–1394 anti-Waldensian trials carried out in the diocese of Kamień. Like the previously discussed records, Zwicker’s documentation contained only the testimonies of the alleged heretics transcribed by the inquisitor. The ostensibly disordered notes indicate that the records must have been drafted on an ongoing basis during the trial. Only in the final parts of each *depositio*, does neat handwriting inform us that the heretic’s excommunication was lifted and his abjuration completed. This particular anonymous notary also took notes at the opening of each meeting of the inquisition tribunal. Just like the Languedoc inquisition records, Zwicker used the top part of each page to write information on the witness.¹⁶⁵ The margins, on the other hand, were taken up by information about the meeting places of the Waldensians and people who were in attendance.¹⁶⁶ It is likely that on that basis Zwicker was able to launch further investigations. The margins also

163 Patschovsky, *Quellen*, 11–2.

164 Kras, “Przesłuchania”, 71–9.

165 E.g. *Andreas Vredewalde Rymsnyder de Stetyń natus in secta etate 50 annorum*, HAB, MS Novi 348, f. 1v; *Herman Gossaw de Grotten Wowiser*, HAB, MS Novi, 348, f. 9r.

166 Within the deposition of Herman Gossaw of Grotten Wowiser (dated 6 or 7 November 1392) the name of another individual who had introduced him to heresy was noted in the margins (*Heyne Hukman in Bernwalde deceptor*). Further down there

contained words from the original transcript of the testimony. We can find the German word *truwen* describing someone's refusal to take an oath, a tell-tale sign of the Waldensians (*quod non dicerent truwen*).¹⁶⁷ Sometimes, the margins also featured information on other activities of the inquisitor. Next to the testimonies of Hans Spigilman from 12 March 1394, the inquisitor scribbled *litteris inquisitoris*.¹⁶⁸ This note referred to Zwicker's letter to Bishop Nicholas of Poznań (1395–1399) concerning the investigation into Hans Spigilman. Because of his place of residence, Spigilman fell under the jurisdiction of the bishop of Poznań. Therefore, canon law required that Zwicker, who was active in the Kamień diocese, contact the bishop regarding Spigilman's case.¹⁶⁹

Unlike the papal inquisitors, specially mandated to combat heresy, the bishops' commitment to the inquisition was just one among their multiple juridical duties. In accordance with canon law, all matters *in causa fidei* could be decided by the bishop alone; for this reason, the courthouse documentation was a vital component of the paperwork at his episcopal office. Heresy-related activities tended to be registered in the bishops' courtbooks. Sometimes, however, the documentation from greater investigations was kept separately or extracted from the episcopal books later. In Languedoc, for example, the records from the 1299–1300 investigation presided over by the bishop of Albi, Bernard de Castanet and the records of Jacques Fournier of Pamiers covering the period between 1318 and 1325 constituted such distinct books.

In other European countries, separate heresy-related investigations were usually recorded in bishops' courtbooks keeping track of all legal and administrative activities of the bishop. The longest entries were those devoted to the sentences and abjurations of heresy marking the closure of the inquisition procedure. Even if one does come across some ongoing paperwork from trial with the testimonies of a suspect and witnesses, it usually served an auxiliary role at best and was not actually incorporated into the episcopal books. In contrast to the papal inquisitors, the majority of bishops did not pay much attention to the materials prepared during the court procedure. They were useful as a means to verify the testimonies of the suspect and establish his status, or as a basis for the abjuration rite documents and sentences. Once they had been read at the solemn

are the names of places where he confessed sins to the Waldensian masters. HAB, MS Novi 348, f. 9r-v; edited in Kurze, *Quellen*, 87–8.

167 HAB, MS Novi 348, f. 15; edited in Kurze, *Quellen*, 89.

168 HAB, MS Helmst. 403, f. 21r; edited in Kurze, *Quellen*, 237.

169 Kras, "Pro fidei defensione", 78–9.

reconciliation ceremony, they were placed in the episcopal books. In most cases, they constituted the only trace of heresy-related investigation carried out by the episcopal inquisition.

The English episcopal courts operated with a very similar dynamic as far as the preparation of documents was concerned.¹⁷⁰ Most documents recorded the followers of John Wyclif, condemned for heresy first by the 1382 Lambeth Synod, and re-sentenced at the 1415 Council of Constance. From the end of the fourteenth century onwards, Wyclif's adherents were called Lollards. The greater part of the legal activity directed against these heretics was recorded in the episcopal registers. These entries contain information both about the abjuration rite and the ruling in exceptional cases, one comes across courthouse testimonies given by the suspect and his witnesses. Most episcopal registers organised heresy cases in chronological order by the date of the closing reconciliation ceremony. This method of recording inevitably resulted in some mix-ups as there was some overlap with descriptions of other undertakings of the bishop. Only in a handful of cases, do we see evidence of clear attempts at a more deliberate extraction of heresy-related papers from the bulk of the episcopal documentation. For instance, the register of Bishop Thomas Trefnant of Hereford (1389–1404) inserted the materials from two different investigations of Lollard preachers William Swinderby (1392) and Walter Brut (1393) side by side.¹⁷¹

The courtbook of the archbishop of Canterbury, William Warham, constitutes an exceptionally rich trial register. His tribunal arbitrated in the case of fifty-three Lollards of Kent whose investigation unfolded between 1511 and 1512.¹⁷² The trial materials formed a distinct section of Warham's courtbook.¹⁷³ The entire documentation is characterized by transparent structure and it must have been prepared with utmost care. Particular documents begin with a title written in larger print and thicker line.¹⁷⁴ The majority of the recorded information corresponding to the aforementioned title contains full abjuration statements and

170 The best examination of the records of heresy trials in late medieval England is offered by Ian Forrest *The Detection of Heresy in Late Medieval England* (Oxford, 2005). Unfortunately, I was not able to consult his study before the publication of my 2006 book.

171 Hudson, *The Premature Reformation*, 32–5; Shannon McSheffrey, *Gender and Heresy. Women and Men in Lollard Communities 1420–1530* (Philadelphia, 1995), 11–4.

172 The register of William Warham is currently kept in Lambeth Palace Library in London. Norman Tanner's edition publishes these records in a chronological order.

173 *Kent Heresy Proceedings*, 26.

174 Tanner, "Introduction", in *Kent Heresy Proceedings*, x.

quotes the actual penitential sentences imposed on the Lollards who pleaded guilty and agreed to renounce their errors. The penitential sentences were written in Latin, and the abjuration formulas transcribed in Middle English. Each abjuration was signed with a cross, only occasionally do we see the full name of the person who renounced his/her earlier heretical beliefs.¹⁷⁵ The materials collected in the book of Archbishop Warham also include voluminous documentation from the investigation into five Lollards condemned as relapsed or obdurate heretics.¹⁷⁶ One finds there a description of the hearing, a list of errors attributed to each heretic, his/her response to the charges presented, and the testimonies of witnesses. The account following each step of the interrogation is exceptionally brief. The lengthy list of charges prepared by the archbishop constituted an accusation of sorts, whereas the notes on the suspect's responses were noticeably truncated. They tend to simply inform whether the suspect denied the charges or confirmed them. Occasionally, the responses of the convict were recorded in the vernacular.¹⁷⁷ Next, the testimonies of the suspect's heretical beliefs were recorded in Middle English, complete with his/her explanation. The trial records closed with a sentence of condemnation, in which the suspect was declared a heretic and, as such, fell under greater excommunication. The condemnatory sentence was tantamount to the court's decision to hand the excommunicated heretic over to the secular authorities.¹⁷⁸ There is no doubt that the investigations closing with a condemning ruling required ample documentation: such severe punishment had to be justified appropriately. The margins of Archbishop Warham's records contain just the personal data of condemned heretics and others who had completed the rite of abjuration. Next to the accounts from the interrogations, one

175 E.g. the form of abjuration of Christopher Grebill which took place between 2 and 5 May 1511 was recorded in the following way: *In witness wherof to these presents with myn owne hand I have made and subscribed the signe of the holy crosse. + Cristofer Grebill.* Tanner, "Introduction", in *Kent Heresy Proceedings*, 28.

176 Tanner, "Introduction", in *Kent Heresy Proceedings*, 1–25 and 43–58.

177 E.g. the depositions of Agnes Grebill from Tenterden which took place on 2 May 1511 recorded 14 articles. Her replies to particular charges were short and laconic: *Ad primum articulum respondet et fatetur. Ad secundum articulum respondet negative, sic dicendo in vulgari videlicet, that she hath always beleved in the sacrament of the aulter, that it is the body of God. Ad tercium articulum respondet etiam negative dicendo sic: that she hath always beleved, and so doeth beleve, that by baptising the child ys delivered owte of origynall synne. Ad IIII^{um}, V^{um}, sextum, septimum, VIII^{um}, IX^{um}, X^{um}, XI^{um}, XII^{um}, XIII^{um} et XIII^{um} articulos respondet negative ad singula contenta in eisdem.* *Kent Heresy Proceedings*, 17–8.

178 *Kent Heresy Proceedings*, 23–5.

finds an index of heretical views attributed to the interrogated heretic with corresponding Roman numerals for easy reference.

We gain more insight into the technique of trial records in England of the late Middle Ages by reading the two surviving courtbooks from the dioceses of Norwich (1428–1431) and Coventry–Lichfield (1511–1512).¹⁷⁹ They contain various documents prepared in the course of the inquisition: oaths, testimonies of witnesses and suspects, as well as abjurations and rulings.¹⁸⁰ As many as sixty people were summoned in the Lollard investigation in Norwich, presided over by Bishop William Alnwick (1426–1436), documented in the first of the aforementioned books. Norman Tanner believes that William Alnwick's courtbook did not include original documents prepared under the supervision of the bishop during the trial, but tended to contain drafts and copies compiled into a separate book later. Tanner's analysis clearly demonstrates that these are not ordered and consciously edited court records. Rather, they seem to reflect makeshift documentation efforts tailored to the urgent needs of the court procedure. The survival of such valuable materials, which are of great benefit to research on Lollardy and the Norwich trial, appears as a fortunate coincidence and not a deliberate decision on the part of their makers.¹⁸¹

The courtbook from the Coventry–Lichfield diocese, called the Lichfield Courtbook, was made in a similar way. It contains rich and diverse material from the investigations conducted by Bishop Geoffrey Blythe (1503–1531) between 1511 and 1512. The main components included interrogations of alleged heretics, testimonies of witnesses, as well as various types of legal forms and interrogatories. Apart from them, it contained original abjuration documents and rulings. At a later time, the original trial documentation from 1511 and 1512 incorporated other materials trial later chapters of the anti-Lollard inquisition. Thanks to the preserved courtbook of Bishop Blythe and the records from the diocesan visitations completed by his vicar general, we can gain better insight into the organisation of anti-heresy proceedings and the documentation techniques. The courtbook of Bishop Blythe featured only abjuration and sentences ruled in

179 McSheffrey and Tanner (eds), *Lollards of Coventry 1486–1522* (Cambridge 2003: Camden 5th Series, 23), 102–259; cf. John Fines, “Heresy Trials in the Diocese of Coventry and Lichfield 1511–1512”, *JEH* 14 (1963), 160–73, the manuscript description on 160–1; see also McSheffrey and Tanner, “Introduction”, in *Lollards of Coventry*, 47–51.

180 Hudson, *The Premature Reformation*, 33–5.

181 Tanner, “Introduction”, in *Norwich Heresy Trials*, 4–5.

heresy cases, all of them carefully edited and dated. On the other hand, the visitation records recorded a few statements of the Lollards from 1515.¹⁸²

Undoubtedly, the documentation found in both courtbooks was created in response to the ongoing needs of the investigation into the English Lollards. Initially, particular legal activities were recorded on loose pages and assembled into separate books once the investigation had been closed. Unlike the carefully edited episcopal registers, the courtbooks are characterized by a rather chaotic organisation and feature careless handwriting.¹⁸³ Moreover, in contrast to the parchment-inscribed episcopal registers, the courtbooks from Norwich and Coventry–Lichfield were written on paper. According to Anne Hudson, this was indicative of their being intended for internal use, as they were of auxiliary nature. In all likelihood, the English bishops deemed them useful as long as the individuals whom the documentation concerned were alive.¹⁸⁴

In fifteenth-century Poland, the majority of heresy accusations were reviewed by the episcopal court and recorded in bishops' courtbooks. In exceptional cases, some trial procedures (denunciations, preliminary hearings, cleansing oaths), were conducted by an official and, at that moment, recorded in the consistory books. Just like the previously analysed documentation of the English bishops, the entries pertaining to court procedures against alleged heretics were listed in chronological order, next to other legal cases reviewed by the episcopal or consistory court. The technique of preparation of the inquisition documentation is reflected in the courtbook of Bishop Andrzej Bniński of Poznań (1438–1471). The book documented most of his heresy investigations. The entries contained brief information on the interrogation of the suspect or witnesses and the legal measures implemented in the case.¹⁸⁵ We can presume that greater investigations into the Hussites from Zbąszyń and Kęblowo, conducted by Andrzej Bniński in collaboration with the papal inquisitor Nicholas of Łęczycza between 1439 and 1442, were accompanied by more ample documentation than that which is currently

182 McSheffrey and Tanner, "Introduction", 47–50.

183 Justice, "Inquisition, Speech and Writing", 11; cf. Tanner, "Introduction", 2; S. McSheffrey and Tanner, "Introduction", 50.

184 "The Alnwick and Blythe courtbooks are both made of paper, whilst the main episcopal registers of this period are without exception parchment. The reason for this discrepancy is doubtless that courtbooks were regarded as less permanent records, not important for legal purposes beyond the lifetimes of those sentenced within them, and not (it was hoped) useful for precedent documents." Hudson, *The Premature Reformation*, 34.

185 Kras, *Husyci*, 252–7.

available to scholars. The fragments of the records from the trial of the three Hussites associated with Abraham Zbąski, found and published in 1934, confirm indirectly the plausibility of this hypothesis. Their layout and pagination indicate that they might have been parts of a much bigger body of documentation.¹⁸⁶ The materials found in 1930s by Józef Nowacki were placed at the beginning of the first book of the *acta actorum* of Andrzej Bniński. They contain various entries and documents pertaining to the inquisition against the three Hussites from Zbąszyń, John of Pakość, Mikulas of Gniezno and James or Wroniawy. The first entry from 6 February 1439 informs the reader of the circumstances of the capture of John of Pakość and Mikulas of Gniezno and their first interrogation at the episcopal curia in Poznań. The following entries record their testimonies given at other hearings. They also contain a transcription of abjuration and rulings that were publicly read at the Poznań Cathedral on 1 and March 1439.¹⁸⁷ Moreover, the discovered records contain two more references to the trial of a Hussite clergyman, James of Wroniawy, carried out between 30 March and 1 April 1439 documenting the interrogations, abjuration and court ruling.¹⁸⁸

The majority of entries from the bishops' courtbooks are brief descriptions of particular legal activities in the context of the inquisition procedure. One finds testimonies of informants (*delationes*), reports establishing the date of the hearing (*citationes*), the announcement of obstinacy (*contumacia*), the imposition of excommunication (*excommunicatio*) on the individuals who failed to appear after having been summoned by the bishop, as well as a brief account of trials. More lengthy entries pertain to the closure of the court procedure *in causa fidei* and feature information on the abjuration rite, penance or the condemning sentence. Only occasionally did the Polish episcopal books feature more extensive and separate documentation of the entire inquisition process, complete with testimonies of witnesses and suspects, as well as full abjuration and sentence transcripts. A good example of the above is the courtbook of Bishop Zbigniew Oleśnicki of Włocławek (1473–1481), in which a separate book was devoted to the documentation from the trials of six Utraquists from Cuyavia: five residents

186 Nowacki, "Biskup poznański", 248–50.

187 Nowacki, "Biskup poznański", 265–74.

188 Nowacki, "Biskup poznański", 274–6; see my examination of these records of heresy trials: Kras, "Jak czytać protokoły inkwizycyjne? Sprawy husyckie w *acta episcopalia* Andrzeja Bnińskiego - uwagi wstępne", in Anna Adamska and Kras (eds), *Kultura pisma w średniowieczu: znane problemy, nowe metody* (Lublin, 2013: Colloquia mediaevalia Lublinensia, 2), 193–240.

of Nowa Nieszawa and a nobleman Frydan of Lubsin.¹⁸⁹ The records contain testimonies of both the suspects and witnesses who made their statements before the episcopal tribunal on 8 October 1480.¹⁹⁰ Apart from the testimonies, the surviving fragments of Bishop Oleśnicki's courtbook contains a number of formulas for revocation, abjuration and sentences ruled on 11 May¹⁹¹ and on 8 October 1480 (revocation and abjuration of Frydan of Lubsin).¹⁹² A closer analysis of the materials from the 1480 Hussite trials reveals that the testimonies of the witnesses and the suspects had been initially transcribed onto loose pages. Only later were they added to the revocation, abjuration and sentence documentation, and assembled with other materials into a separate episcopal book.¹⁹³ The technique involved in the preparation of the documentation used in heresy-related investigations bears a striking resemblance to the aforementioned English model.

If we were to compare the documentation from heresy-related investigations carried out by inquisitors and bishops, we notice key differences in both form and content. Undoubtedly, considering the amount of attention to detail and internal structure, the records of the papal inquisitors are of better quality compared to the episcopal documents, which tended to be chaotic unlike the detailed and systematic records of their counterparts. It looks as if the bishops used the documents as a temporary aid in ongoing court procedures and, once an investigation had been closed, they considered these documents redundant, whereas papal inquisitors regarded inquisition documentation as a key instrument in orchestrating further anti-heresy efforts. Papal inquisitors not only made every effort to produce detailed paperwork documenting heresy cases, but also paid attention to its preservation. Unlike the majority of the secular chanceries which did not put great emphasis on the collected body of documentations, the inquisitors went out of their way to keep order in their archives and prevent any potential damage. Their contemporaries, the monarchs of the Middle Ages, used their archives sporadically. They reached for them only when it was necessary to find

189 Kras, *Husyci*, 263–4 and 289–90.

190 AC 3, nos 515–532, 234–46.

191 Chodyński (ed.), *Monumenta Historica Dioecesis Wladislaviensis*, vol. 4 (Włocławek, 1884), 15–9.

192 AC 3, no. 532, 245–6.

193 Andrzej Tomczak, *Kancelaria biskupów włocławskich w okresie księgi wpisów (XV–XVIII w.)* (Toruń, 1964), 127–9.

evidence to back their political ambitions or property-related rights.¹⁹⁴ The papal inquisitors, on the other hand, had to refer to the collected body of documentation on a permanent basis. The testimonies placed in the records underwent constant revision: they were reviewed, copied, placed in indexes. As having been already pointed out, the records contained detailed information on the past activity of all individuals who had ever been targeted by the inquisition. They recorded earlier interrogations, abjurations and rulings. They also contained information about individuals whose adherence to heresy was newly exposed during the interrogation. Any recorded trace of contact with heretics in the previously collected documentation was invaluable to the inquisitor. The ongoing inquisition and its future course depended vitally on this type of information. The inquisitor and his collaborators reviewed the records searching for individuals who, at the stage of the interrogation, were considered suspect. The information from the records was used to prepare the official suit.¹⁹⁵

At the trial stage inquisitors had access to key information enabling them to verify the truth value of the suspects' testimonies. Should any doubt emerge as to the authenticity of the received testimony, the inquisitor was able to compare the testimonies against other information from the records. If an interrogated party had been previously heard in court, the inquisitor tried to find his/her earlier confession for reference. Another effective measure of controlling the authenticity of the suspect's statements was a comparison of his/her *confessio* with other written testimonies provided by other witnesses. Any evident incoherence in the testimony of the suspect was interpreted in his/her disfavour. Should the suspect be caught concealing information or lying about facts already familiar to the inquisitor from other sources, the credibility of the testimony was questioned and such an individual was charged with perjury in addition to earlier accusations. In such a case, the inquisitor would try to force the suspect to provide him a full and sincere testimony, assuming that since the suspect had deliberately lied or failed to mention something he knew about, then, certainly, he/she must be dissimulating much more.

Such permanent access to the inquisition documentation paved the way for an implementation of new strategies, as it is reflected by the case of the papal inquisitors of Languedoc. While conducting interrogations of alleged heretics,

194 Michael T. Clanchy, *From Memory to Written Record: England 1066–1307* (London, 1979), 166–72.

195 Duvernoy, *Le fragment du registre de Jean de St Pierre et Reginald de Chartres. Lauragais* (Manuscrit Bonnet), 3, available at <http://jean.duvernoy.free.fr/text/pdf/bonnet.pdf>, accessed 9 September 2005.

the papal inquisitors used their own records as well as those of their predecessors, depending on the current need. The key role of the documentation was apparent in the inquisition of the people of Lauragais carried out by two Toulouse inquisitors Bernard de Caux and Jean de Saint-Pierre between 1245 and 1246. The fragments of records indicate that at least seven hundred fifty-eight out of all five thousand five-hundred eighteen people interrogated (13.7 %) had submitted in-court testimonies earlier. Given that both Toulouse inquisitors had access to a copy of their testimonies, they could easily verify the truth of the testimonies provided by this group of suspects. Whenever the new testimony did not match the earlier testimonies, margins of the records contained a pertinent annotation.¹⁹⁶ While reviewing the collected material and comparing various testimonies, Bernard de Caux and Jean de Saint-Pierre managed to detect lies of almost a hundred people.¹⁹⁷

A few examples illustrate the efficiency with which Bernard de Caux and Jean de Saint-Pierre resorted to the records of other inquisitors using them as instruments for the validation of more recent testimonies. On 3 July 1246, Guillaume Bonet the Older from Villeneuve-la-Comptal gave a testimony in which he confessed his ties to Catharism. He admitted to having been in contact with the Cathar *perfecti* whom he had met thirty years earlier. He also confessed he had stayed at the Cathar stronghold of Montségur, where he had encountered a number of *perfecti* and *perfectae*. One of them was his mother whom, he claimed, he had taken from Montségur and persuaded to renounce heresy. Asked whether he had venerated the *perfecti*, Guillaume Bonet flatly denied. His testimony was intended to prove his Catholic orthodoxy. However, when the testimony was compared against the *confessio* given a few years earlier in the presence of Toulouse inquisitor Guillaume Arnaud, it turned out that Bonet was lying. The account from the interrogation before the tribunal of Bernard de Caux and Jean de Saint-Pierre indicates clearly that the inquisitors found the earlier interrogation documented in the records of Guillaume Arnaud, where Bonet had admitted to having given praise to the *perfecti* (*adoratio haereticorum*).¹⁹⁸

196 Given, *Inquisition*, 40.

197 Dossat, *Crises*, 243–4; Pegg, *The Corruption of Angels*, 63–73.

198 *Interrogatus dixit quod nunquam adoravit <hereticos> [...] nisi dictum est. [...] Hec deposuit apud Tholosam coram fratribus Bernardo et Iohanne inquisitoribus, et recognovit lecta sibi confessione quam fecit fratri Wilelmi Arnaudi quod vidit et adoravit hereticos [...]*. Duvernoy (ed.), *Enquête de Bernard de Caux et de Jean de St Pierre*, 479.

Another Cathar *credens*, Bernard de Alzen, was given a life sentence in prison for concealing his ties to the Cathar *perfecti* on 15 July 1246.¹⁹⁹ While proceeding to interrogate him, Bernard de Caux studied the records from his earlier trial and, as a result, found him guilty of perjury.²⁰⁰ In the same way, Bernard de Caux and Jean de Saint-Pierre detected the lie of a *perfectus*, Isarn de Hautpoul, who, most likely in an effort to avoid severe punishment, denied twice having ever been questioned by the inquisition. Having access to the records of one of the first inquisitors of Languedoc, Ferrier, who had in fact interrogated Isarn previously, both inquisitors accused the suspect of perjury.²⁰¹

Bernard Gui was equally well-versed in the matters related to the inquisition documentation. His register contained several cases in which earlier records played a part in ongoing investigations. Considering the number of citations from other records, we can venture a thesis that Bernard Gui perused the inquisition archives on a regular basis. He compiled dossiers for heresy-related cases arbitrated by his tribunal. For instance, while ruling a sentence against Pons Amiel de la Garde in March 1308, Gui recurred to his earlier testimony heard by inquisitor Pierre de Mulceone in November 1290.²⁰² During the same *sermo generalis*, Bernard Gui made a ruling in the case of Philippa de Toulouse who had been caught lying several times during the trial. Gui had no difficulty questioning the credibility of Philippa's testimonies since he had access to the records of as many as five of his predecessors. With such an advantage in hand, he was able to analyse the past of Philippa in details and charge her with providing a false testimony, not only before his tribunal but also during the earlier process. First, Gui pointed to the records of two Toulouse inquisitors Ranulf de Plassac and Pons de Parnac (1273–1279). They revealed that Philippa had renounced heresy in 1274, completed abjuration and was assigned penance: she had to wear cross marks and complete a number of lesser pilgrimages. Several years later, Toulouse inquisitor Hugh Amiel (1278–1281) and Carcassonne inquisitor Jean Galand (1278–1286) made Philippa exempt of her penance. Sixteen years after the first investigation, Philippa appeared before the inquisition tribunal of Pierre de Mulceone. During the interrogation, she concealed her earlier ties to heresy and abjuration. Yet, a detailed analysis of the heretical past of Philippa, “as was evident from the

199 *Documents*, vol. 2, no. 13, 34.

200 Doat 23, ff. 304v-309r; *Documents*, vol. 1, ccl.

201 *Documents*, vol. 2, no. 29, 63. [...] *negavit coram nobis et aliis inquistoribus veritatem contra proprium juramentum*. The depositions of Isarn before Dominican inquisitor Ferrier are recorded in Doat 23, ff. 226-233.

202 Gui, *Le livre des sentences*, vol. 1, 180.

inquisitorial records and books” did not leave a shade of doubt in Bernard Gui’s mind: he knew was dealing with a clever and persistent heretic.²⁰³ Bernard Gui also used his own documentation to verify testimonies. While conducting the process of Bernard Macip de Lugan, he recurred to the testimonies given by a Cathar *perfectus*, Pierre Autier and his *filius maior* Jacques. Thanks to this reference, he was able to question the sincerity of the testimonies given by Bernard and eventually forced him to admit his fault.²⁰⁴

The practice of such permanent perusal of the inquisition archives was not alien to the Languedoc bishops who carried out heresy trials single-handedly. During the interrogations of Montailou residents, bishop Jacques Fournier of Pamiers validated the testimonies given by comparing them against earlier documentation. While preparing the paperwork for the planned trial, he delved into available archive materials to extract useful evidence just like Bernard Gui, his contemporary. In many cases, he compared the suspect’s confession against his/her earlier testimonies. In February 1325, Fournier interrogated Guillaume Delaire de Quié using an authorized copy of his earlier testimony that the latter had given in front of the inquisitor of Carcassonne, Geoffroy d’Ablis. Thanks to this procedure, he was ready to charge Delaire with perjury whenever the suspect attempted to conceal his contact with heretics. The bishop of Pamiers chose a passage from 9 April 1318 and read it out loud. In that testimony, Delaire had admitted having falsely accused two individuals of heresy: Guillaume Autier and Prades Tavernier. Next, the Pamiers bishop quoted a fragment of his testimony given in front of inquisitors Geoffroy d’Ablis in which he had detailed his encounters with the Cathar *perfecti*. Even in the face of such clear evidence, Guillaume claimed that the testimony recorded in the inquisition documents was false. Fournier did not believe his words and chose to trust the inquisition records more than the in-court declaration of the perjurious heretic.²⁰⁵

In Languedoc, inquisition records turned into efficient tools to put pressure on secular officials who were required to engage in the war on heresy. They enabled the inquisitors to blackmail the obstinate officials and even remove them from office. In 1305, the information extracted from inquisition documentation

203 Gui, *Le livre des sentences*, vol. 1, 184.

204 *Predictus Bernardus negat adorationem et convenienciam seu pactam et credenciam hereticorum et reputatur male confessus, quia Petrus Auterii et Jamesus, filius ejus, dixerunt et scripserunt quod dictus Bernardus et alii fratres sui fecerunt eis pactum et audiverunt predicationem ipsorum et adoraverunt eos [...]*. Gui, *Le livre des sentences*, vol. 1, 684–5.

205 *Registre*, vol. 3, 450–1.

led to the stepping down of the *viguier* of Albi, Guillaume Faure de Pezens. Geoffroy d'Ablis, the Dominican inquisitor in Carcassonne, knowing how much resentment this particular move provoked, told his notaries to search through the inquisition documentation for information on the family of the *viguier*. The archival search brought to light some information on his great-grandmother. Apparently, in March 1244, she was burnt at the stakes along with other *perfecti* of Montségur. Moreover, the inquisition records contained bits of evidence concerning several relatives of Guillaume de Pezens who were also given sentences in heresy trials.²⁰⁶ With such strong evidence for the heretical ancestry of the Albi judge in hand, Geoffroy d'Ablis had no difficulty stripping him of his office. While doing this, he justified his decision by citing legal regulations banning heretics' descendants from holding public offices.²⁰⁷

The inquisition records enabled inquisitors to gain permanent control over anti-heresy efforts, evaluate their success or failure and make long-term inquisition plans. They contained information on the suspect's ties to heresy, as well as his/her attitude displayed during the entire court procedure. They recorded all forms of contact with heretics, indications of acceptance of their creed, as well as all manifestations of disobedience towards the ecclesiastical authorities. All information on the alleged heretic collected in the records was compiled into a dossier subject to permanent editorial work: it was frequently read, sorted and completed with new notes. James Given was right to point out that this dynamic made the inquisition documentation a peerless source of knowledge about the realm of heresy and an efficient instrument of pressure on the individuals whom the inquisitor deemed suspect. Each person who had, at least once, been interrogated as an alleged heretic, remained under the inquisitor's surveillance until the end of their life.²⁰⁸ The records were permanently perused by inquisitors wishing to gain insight into the cases not yet concluded by a ruling. Charge reports were repeatedly sent to those who failed to appear before the inquisitors on a specified day. Those who refused to comply with the inquisitors' orders were excommunicated. All of these activities were carefully

206 Doat 34, ff. 104r-107v; and BN, MS 4270, f. 266r.

207 Dossat, *Les Crises*, 33, 51 and 177; Dossat, "Le 'bûcher de Montségur' et les bûchers de l'Inquisition", *CF* 6 (1971), 362-3.

208 Given, "The Inquisitors of Languedoc", 349: "The inquisitorial registers were thus active instruments of knowledge and coercion". Given, "Les inquisiteurs," 61-2: "Les inquisiteurs, quant à eux, utilisèrent précisément leurs documents d'une façon analytique et activiste. Leurs registres devinrent des instruments effectifs non seulement de renseignement mais de coercion."

recorded in the inquisition records. This special attention paid to the documentation and the preservation of information acquired as the investigation unfolded made the entire inquisition process take on a new meaning. At the same time, the bureaucratic apparatus elaborated by the Languedoc inquisitors allowed the inquisitors to develop an efficient mechanism of social control, in which particular social and religious norms were imposed and obedience towards the ecclesiastical authorities was enforced.²⁰⁹

The crucial role played by records in ongoing inquisition-related endeavours made the inquisitors wary of any potential damage of the precious documentation. It was particularly important in the territories where the records were particularly exposed to the risk of unauthorized appropriation by heretics. The Languedoc Cathars resented the inquisitorial records as much as they hated their authors. The archive materials, full of information concerning hundreds of *bonhommes* and *bonfemmes* and related individuals embodied a great danger for the Cathar communities, given that these documents allowed the inquisitor to plan his anti-heresy activities carefully, target specific places to that end, and undertake successful searches for the Cathar *perfecti* and *credentes*. Therefore, it is not astonishing that the inquisition documentation inspired panic and fear in the midst of heresy adherents.²¹⁰ The Cathars resented the despicable inquisitors above all, but their records were also objects of hatred. When, in late May 1242 in Avignonet, a group of the Cathar knights (*faidits*) from Montségur murdered two Toulouse inquisitors, Guillaume Arnaud and Étienne de Saint-Thibéry, the entire record was also destroyed.²¹¹ Five years later in Caunes, the Cathars prepared an ambush targeting a notary working for the Languedoc inquisition. As a result of the assault, not only did the notary lose his life, but also the inquisition documents carried by him were taken over by the attackers.²¹²

The ecclesiastical authorities were quick to learn their lesson from both the Avignonet tragedy and other assaults on people employed by the inquisition tribunals. Within a few years, the French bishops and the hierarchy of the Dominican order made a number of moves to reinforce security measures with a view of protecting the inquisitors while, at the same time, preventing a destruction of their documentation. In 1251, the Synod of Isle-sur-la-Sorgue debated the

209 Scharff, *Schrift zur Kontrolle*, passim.

210 Given, *Inquisition*, 40.

211 Dossat, "Le massacre d'Avignonet", *CF* 6 (1971), 356–8; Roquebert, *Mourir à Montségur*, 335–47; Roquebert, *Histoire des cathares*, 363–8.

212 This fact is also mentioned in the bull of Innocent IV dated 4 February 1248 (Doat 31, ff. 105–7); Dossat, *Crises*, 50.

matter of preserving the inquisition records and issued some recommendations to prevent their destruction and scattering.²¹³ Four years later, the Albi Synod commanded the inquisitors to make copies of all records and keep them in separate quarters.²¹⁴ As a result of these decisions, copies were made based on records from the inquisition archives in Toulouse and Carcassonne. By October 1258, both Toulouse inquisitors, Guillaume Bernard de Dax (1257–ca. 1263) and Renaud de Chartres (1255–ca. 1258) had made paper copies of the records of Bernard de Caux and Jean de Saint-Pierre covering their investigations carried out in Lauragais between 1245 and 1246.²¹⁵

The practice of copying of records was intended to prevent their damage and facilitate the exchange of information between individuals carrying out *officium inquisitionis*. The recommendations elaborated at the Narbonne Synod in 1243 advised inquisitors to share all information on heretics with one another. Whenever the trials uncovered extra information on the alleged heretics outside of their local jurisdiction, the inquisitors were required to notify the appropriate inquisitor or bishop.²¹⁶ Copying records served the same role. The aforementioned cases in which the inquisitors used earlier inquisition documentation in heresy cases demonstrated that both inquisitors and the Languedoc bishops tried to obtain materials from various archives. We come across several cases in which relevant process documentation was copied to be passed on to other inquisitors. The records of heresy trials presided over by Bishop Bernard de Castanet between 1299 and 1300 were copied for the papal inquisitors. In 1319, Bernard Gui received such a copy.²¹⁷ Bishop Jacques Fournier also commissioned copies of his own investigation records.²¹⁸

In the second half of the thirteenth century, with a view to preserving the inquisition records, documents came to be stored in separate quarters. Only the inquisitors and authorized parties had access to them.²¹⁹ In Languedoc,

213 Mansi 23, 795–6.

214 Dossat, *Crises*, 30; Pales-Gobilliard, “Introduction”, in *L'inquisiteur Geoffroy d'Ablis*, 22; Given, *Inquisition*, 27; Albaret, “L'inquisiteur et ses archives”, in Albaret (ed.), *Inquisiteurs*, 21–3.

215 Dossat, *Crises*, 56–7; Pegg, *The Corruption of Angels*, 20–7.

216 *Ita tamen ut inquisitores ceteri, quicquid de illo nosse poterunt, inquirant nihilominus et scribant inquisitoribus illis, quibus idem culpabilis sit astrictus: sic enim quasi vir unus pugnabit, et vincetis. Texte zur Inquisition*, 66.

217 Douais, “Manuscrits du Château de Merville”, *Annales du Midi* 4 (1890), 173–6.

218 Duvernoy, “Introduction”, in *Registre*, vol. 1, 14–6.

219 *Cum domus seu hospicium inquisitionis sit valde necessarium omni tempore ad ea que incumbunt in ipso inquisitionis officio promptius exequenda, necnon ad conservandum*

the inquisition archives were located at the inquisitors' headquarters inside Dominican friaries. In Toulouse, the inquisition records were kept at the inquisitors' residence at the friary of St Sernin, in the vicinity of the royal castle, Château Narbonnais. In Carcassonne, the archives of the inquisition were stored in a tower next to Cité. A special secret passage connected the tower directly to the inquisitor's office.²²⁰ The security measures implemented by the Languedoc inquisitors enabled a successful protection of their documentation from deliberate destruction. In the mid-1280s, the Cathars attempted a takeover of the inquisition records in Carcassonne. Prior to the planned attack, they had managed to bribe one of the low-ranking employees of the inquisition tribunal, Bernard de la Garrigue of Lados, who agreed to steal and burn some materials from the archives of the inquisition. Taking advantage of Inquisitor Jean Galand's (1278–1286) out-of-town engagement, Bernard de la Garrigue sneaked into the inquisitor's headquarters at night to complete the requested task. However, he came out with nothing: it turned out that Galand had taken the key that fitted the record case lock.²²¹

The documentation in the archives of the Languedoc inquisition was extensive and diverse. Unfortunately, its current condition does not allow scholars to discover its entire content.²²² In the early eighteenth century, when the inquisition archive was being moved from Carcassonne to Montpellier, an inventory of the collections was made. It featured one hundred and fifteen entries, including nine volumes of records, fifty-six books and nine volumes. Fourteen items were from the thirteenth century with the oldest document dated at 1236.²²³

The opponents of the inquisition have accused the inquisitors of deliberate fabrication of records intended to condemn the innocent. For example, in 1306, Cordes burghers filed a complaint to the papal emissaries citing alleged record forgery.²²⁴ Bernard Délicieux, a Franciscan at the head of an early fourteenth-century campaign against the papal inquisitors who was investigated in 1319,

libros et acta inquisitionis tucius in eodem propter multos casus inopinatos subito emergentes, sicut ego sepius sum expertus, ideo volo et ordino vobisque districte impono ne predictam domum seu hospicium tradatis seu exponatis alicui ad habitandum in mea absentia. Gui, *Practica*, 66.

220 Dossat, *Crises*, 31.

221 Given, "The Inquisitors of Languedoc", 349.

222 Dossat, *Crises*, 29–55.

223 Dossat, *Crises*, 43–4.

224 *Documents*, vol. 1, 235–6.

testified that he was certain that these allegations were true. He said he had developed his opinion based on some information received from a Dominican friar, Jean Martin, suggesting that the Dominican inquisitors from Toulouse and Carcassonne were driven by their greed and used their unlimited power to blackmail wealthy townspeople and charge them with heresy. Apparently, two collaborators of the Carcassonne inquisitor, Geoffroy d'Ablis, Jean de Faugoux and Guillaume de Maluceric, extracted testimonies from wealthy widows concerning the heresy of their deceased husbands and thus obtained money from them. According to Délicieux, Jean Martin notified the archbishop of Narbonne of the matter. The latter ordered that the inquisitors' books be confiscated and studied in detail. He also turned to the pope with a request to have both of the Dominicans removed. Unsettled by the intervention of the archbishop, the inquisitors quickly prepared new records having removed all evidence of former abuse. In order to cover up their forgery, they fitted these new records between the old covers of the original.²²⁵

The Languedoc inquisition in both its papal and episcopal forms, elaborated a well-organised system for keeping track of heresy-related records. The sources still available to us indicate that access to process documentation from earlier investigations was not uncommon for inquisitors in other regions of Europe as well. We know that the inquisitors in the North of Italy used records of their predecessors to verify earlier testimonies.²²⁶ Similarly, the surviving records of the Prague inquisitor, Gallus of Jindřichův Hradec indicate that he was able to formulate charges of perjury based on earlier testimonies.²²⁷ It needs to be emphasized, however, that the inquisition documentation, including its role in the whole realm of all Christendom, has not been given due attention and requires further research. What we can gather from the existing scholarship is that because of a considerably low rate of heresy occurrence and a weaker

225 Alan Friedlander (ed.), *Processus Bernardi Delitiosi. The Trial of Father Bernard Délicieux 3 September–8 December 1319* (Philadelphia, 1996); Friedlander, *The Hammer of the Inquisitors: Brother Bernard Délicieux and the Struggle against the Inquisition in Fourteenth-Century France* (Leiden, 2000: Cultures, Beliefs and Traditions: Medieval and Early Modern Peoples, 9); see also Biget, "Autour de Bernard Délicieux. Franciscanisme et société en Languedoc entre 1295 et 1330", *Revue d'histoire de l'Église de France* 72 (1984), 83–93.

226 Carol Lansing, *Power and Purity: Cathar Heresy in Medieval Italy* (New York and Oxford, 1998), 38.

227 E.g. Patschovsky, *Quellen*, no. 3, 209–10.

structure of the inquisition tribunals in regions other than Languedoc, those territories could not boast such permanent and regular effort to preserve and keep the inquisition paperwork in order.

* * *

While creating documentation and using it to meet the needs of the ongoing anti-heresy activity, inquisitors participated in a more complex process: they made their contribution to the culture of writing. In the course of the twelfth century, the written document became an instrument of power and a means of establishing the law. The growing centralized monarchies relied more on the written word, considering it an efficient tool in both governance and social communication. In the context of these transformations, the attention given by papal inquisitors and bishops to the process of recording current procedures in writing was not unique to their context. The documentation of papal inquisitors, with its systematic and functional character, was distinguishable from its episcopal counterpart. In this sense, the inquisitors of Languedoc were pioneers. They developed a technology of production and storage enabling them to preserve information acquired during their investigations. The large body of documentation created by inquisitors was annotated and completed with indexes by persons' names or places of origin and the margins served to highlight important information or add updates. This system for ordering and annotating records allowed the inquisitors to find any necessary information quickly. The peak fruit of this technique was the original version of *Liber sententiarum* of the Toulouse inquisitor, Bernard Gui, from the period between 1308 and 1323.

The process of going back-and-forth between the archives and the trial became an integral element of the inquisition procedure. Its role was three-fold. Firstly, during trials, it enabled inquisitors to validate testimonies given by alleged heretics. Secondly, the information inquisitors recorded served as a basis for new investigations into other individuals. Carefully prepared and processed, the documentation enabled a systematic anti-heresy effort targeting heretics and their adherents. Third, official records served to control all heretics who, following their reconciliation, completed their penance outside of prison. The documentation contained information about the degree of completion of any assigned penalty, and any subsequent commutation or relaxation of it.

Both the papal and episcopal inquisitors made use of the written document as an instrument of social control. Each individual whose name featured in the inquisition records as that of an alleged heretic remained under the control of the ecclesiastical authorities, regardless of the actual category of his/her heterodoxy.

His/her statements and activities were closely examined and, if they gave rise to any suspicion, a new investigation ensued. The ability to collect and use acquired information granted the inquisition structure high efficiency in the war on medieval heresy.²²⁸

228 Given, *Inquisition*, 50.

Chapter Five Penance

1. The structure of ecclesiastical penances

The Middle Ages, just like Antiquity, regarded punishment as a form of retribution and atonement for transgressing the law (*retributio et satisfactio*). Penalty was meant to re-establish the original state of peace between the victim and the offender that the offence had disturbed.¹ Punishment deemed adequate to the weight of a given offense was the only way to accomplish the latter. Fair punishment reinforced the collective sense of justice and protected widely accepted norms and values. The harsher and more unescapable the penalty, the more terrifying it appeared to the offenders. Moreover, it sent a clear message to the society about practices of what particular community approved or disapproved.

The medieval penal system distinguished between a “healing” penalty and repressive punishment. The former served to reintegrate the offender into society. In the case of serious offenses, or when the offender violated the legal order for the first time, such a penalty enabled him to return to the society. The goal was to attain some form of reconciliation between the offender and the victim, along with the entire community, through adequate retribution for any harm inflicted. To this end, both civil and ecclesiastical courts imposed financial penalties and different forms of penitential practices, such as pilgrimages, fasts or almsgiving. Repressive punishments, on the other hand, excluded the criminal from the community, sentencing him/her to either temporary or life-long isolation (excommunication, exile, prison) or physical extermination (capital punishment). Such sentences were generally given only to those criminals who were unlikely to improve and whose reintegration into society was impossible. Such penalties were reserved for those who committed severe crimes violating the public order or for reoffenders.²

The question of punishing heretics became object of a heated theological and legal debate in the second half of the twelfth century. The majority of debate participants emphasized that all legal procedures against heretics should be informed by a desire to help the erring brother in his return to the Church, and not by the desire for vengeance. The ultimate goal to be attained by bishops, and later papal inquisitors, was the salvation of the souls of individuals who had

1 Humbert, “La peine en droit romain”, 143–4.

2 Dean, *Crime*, 134–5.

become instruments of Satan in their strife against the Church. Most twelfth-century theologians and lawyers were against the concept of the death penalty for heretics and recommended persuasion as a means to convert and penance to be completed afterwards. The most severe punishment they allowed was a life term in prison. Many theological and legal authorities of the thirteenth century expressed opinions in a similar vein. One example was Thomas Aquinas, who firmly opposed punishing heretics with death, lest they be deprived of the opportunity to atone for their sins. Referring to the New Testament and Patristic literature, St Thomas justified the necessity of making persistent attempts at bringing the delinquent back to the Church. Those heretics who, through persuasion and instruction, eventually renounced their heresy, were to be received back into the fold of the Church and atone for their sins (*Summa theologiae* II, q. 11, c. 3–4). Bernard Gui, following in Aquinas's footsteps, emphasized that the main goal of *officium inquisitionis* was the reintegration of heretics into the Church and society. Each heretic who, on his own accord, confessed his errors and abjured them, had to complete a penance adequate to the weight of his offense. The chance to do penance was denied to those who defended heresy obstinately or returned to the same errors they had previously abandoned.³

In the inquisitorial penal system, which had developed in the course of the thirteenth century, all forms of punishment of heretics imposed by ecclesiastical courts regarded the culprit as a penitent. They concerned only those individuals who, at the reconciliation ceremony, publicly renounced heresy.⁴ Zanchino Ugolini, in his manual *Tractatus super materia haereticorum*, wrote that penance-related forms of punishment served to chastise the body and, at the same time, worked towards the salvation of the soul.⁵ Within the inquisitorial structure, penitence was considered a cure for the soul's sins that saved it from eternal doom. This perspective helps us understand why punishment given to heretics was often referred to as "redemptive penance." A strong belief in the necessity of reparation of the committed crime was the reason why such expiation for one's sins was of dual nature in heretics. The heretic had to repent for

3 Gui, *Practica*, 217–8.

4 "The sentences which they received were not technically punishments, but penances. A punishment and a penance may look alike, but their purposes are quite different". Hamilton, *Medieval Inquisition*, 49; cf. Given, "Les inquisiteurs", 62–3.

5 *Et istae poenitentiales poenae sunt multae: et omnes tendunt, et imponuntur aut afflictionem corporis tantum, aut ad salutem animae tantum [...]*; qtd. from Paolini, "Il modello italliano", 113.

his/her sins against God and the Church.⁶ In the eyes of ecclesiastical authorities and theologians, only a sincere and harsh retribution enabled apostates to be reintegrated into the fold of the Church of all believers. Penal instrument played an important role in the ecclesiastical strategy elaborated for the war against religious dissent and the reinforcement of principles of the Catholic faith. In the eschatological dimension, the heretic's return to the fold of the Church, the mystical body of Christ, granted the individual the chance to save his/her soul from eternal damnation. In a 1328 sentence of strict confinement (*murus strictus*), the presiding inquisitors Henri de Chamayo from Carcassonne (1328–1336) and Pierre Brun from Toulouse (1324–1342) explained that such a severe form of punishment made the criminal atone for the sin of heresy and granted him salvation after death.⁷

To the mind of thirteenth century theologians and experts in canon law, heresy was such a grave violation of the divine order that the offender was not able to atone sufficiently for it in the course of his/her life on earth. For heretics, considered servants of Satan, earthly penitence was not sufficient. The concept of Purgatory, developed in the early thirteenth century by a Parisian theologian, William of Auvergne (1180–1249), reinforced the assumption that only the fire of Purgatory will manage to cleanse the soul of the evil caused by mortal sins. Purgatory was a separate place for those who violated the law of God and had to repent for their transgressions in the afterlife.⁸ These repenting souls also included the heretics who, in the course of their life on earth, expressed regret for their apostasy and reconciled with the Church. In this way, the penalty assigned to heretics in the reconciliation ceremony was a mere anticipation of the penance in purgatory that awaited them later. The more severe the earthly punishment, the greater the chance to pass through the fire of purgatory quickly and partake in the grace of salvation.⁹

The rationale of punishment inflicted on heretics took shape at the turn of the twelfth century, or at a time when the ecclesiastical teaching concerning the sacrament of reconciliation was undergoing a considerable change. The “invention” of Purgatory, in which the soul repents for its mortal sins, attributed new

6 [...] *ad agendam penitentiam de premissis, quibus Deum et ecclesiam nequiter offendisti*. Gui, *Practica*, 62.

7 Doat 27, f. 154v.

8 Le Goff, *La naissance du purgatoire* (Paris, 1981), 319–25; cf. Michaud-Quantin, *Sommes de casuistiques*, 19–20; Mary C. Mansfield, *The Humiliation of Sinners. Public Penance in Thirteenth Century France*, (Ithaca and London, 1995), 48–9.

9 Hamilton, *Medieval Inquisition*, 50.

significance to earthly forms of penance. Prior to the change, sinners who had confessed their errors were given absolution only after having completed their assigned penance. From the end of the tenth century onwards, absolution was granted right after the confession of sins. The penance assigned by a priest was supposed to lighten the punishment due to the sinner at the Final Judgment.¹⁰ While deciding on a particular form of penance, inquisitors could choose from a wide array of religious and ascetic practices inspired by those used in religious communities. These were supposed to guarantee penitential success, in other words, to cleanse the soul of sin. Completing his/her penance, which involved the chastising of the body through fasting and whipping, as well as spiritual discipline acquired through regular prayer and participation in the Church's liturgy, the penitent followed the principles of the religious life *par excellence*.¹¹ In some way, a repentant heretic became a pilgrim, alienated from his/her social context and compliant with the demands of monastic discipline. Devotion to ascetic practices allowed the transgressor to break free from the darkness of sin and strive for the light of truth. The religious mode of life was emphasized further by the penitent's clothes that resembled a monastic habit. Much later, at the end of the twelfth century, this repenting sinner's habit evolved into a shameful cassock marked with two crosses.¹²

A penitential document issued in 1208 by St Dominic is a good illustration of these principles. It is also the first available source that gives us insight into the various penitential practices given to heretics in the period when the inquisitorial system was at a formative stage. The document pertained to a Cathar *perfectus*, Pons Roger de Tréville who, influenced by St Dominic, renounced heresy and took on an assigned penance. As we can gather from the text, Pons Roger's penance was both public and private. To satisfy the public component, in which the entire parish community participated, Pons had to make a procession from the town gate of Tréville to the local church. He walked all the way with a bare chest, whipped by his parish priest. The same ritual of public penance had to be repeated on three successive Sundays following his reconciliation. On the other hand, Pons's private penance involved various religious and ascetic

10 Lester K. Little, "Les techniques de la confession", in André Vauchez (ed.), *Faire croire. Modalités de la diffusion et de la réception des messages religieux du XII^e siècle* (Rome, 1981), 87–99; Sumption, *Pilgrimage. An Image of Mediaeval Religion* (Totowa, 1973), 100–1.

11 Caldwell, "Dominican Inquisitors", 28–30.

12 Andrew P. Roach, "Penance and the Making of the Inquisition in Languedoc", *JEH* 52 (2001), 412.

practices. For an entire year, he was not allowed to eat meat, eggs or cheese, with exemption granted solely at Easter, Pentecost and Christmas. During three forty-day periods he had to refrain from eating fish. What is more, he was not allowed to eat fish, drink wine or consume olive oil three days per week. In the penitential document, one also comes across a reservation that the required fast be observed unless the nature of his work and health condition prevent it. Apart from this form of chastisement of the body with regular fasts, Pons was required to participate in services celebrated at his church regularly. As much as possible, he had to attend Holy Mass and vespers. He had to recite the canonical hours seven times a day, and the prayer of *Our Father* ten times a day and twenty times at night. St Dominic also ordered him to observe perfect chastity. His status of repenting sinner was indicated by a special penitential garment, comprising a religious-like habit with two small crosses sewn onto the chest.¹³ We can suppose that the penance described in Pons Roger's document was not an exception but reflected the general penitential routine used more frequently by both St Dominic and his closest collaborators.¹⁴

If we look more closely at the form of penance assigned to Pons Roger, we can conclude that it resembles the strict discipline of a religious community. The life of such a repenting sinner followed the rhythms of devotional and ascetic practices that the religious observed in accordance with their order's particular rule. Both prayer and participation in services were intended to cleanse a soul of sinful propensities and lift one's mind to God. Fasting and whipping served to chastise the sinful body. The status of repenting sinner subjected to monastic discipline with its principles of *vita ascetica* was emphasized by his clothes, the quasi-religious habit marked with crosses. The tradition of ascetic penance imposed on Pons Roger goes back to the tradition of early Christianity. In the Middle Ages it was still alive in some religious communities, such as the Benedictines, the Cistercians, and later the Dominicans. It is noteworthy that, just like the repenting Pons Roger, a Cistercian convert was required to say ten *Pater noster* seven times a day and twenty times at night.¹⁵ In the period prior to the formation of the inquisitorial structure, the ecclesiastical authorities imposed severe penance on all who had committed mortal sins. The penitentiaries from

13 *Monumenta diplomatica sancti Dominici*, 16–8; Constantine of Orvieto, *Legenda sancti Dominici*, ed. Heribert Christian Scheeben, in *Monumenta historica sancti patris nostri Dominici*, vol. 2 (Rome, 1935), 321–2.

14 Vicaire, *Histoire*, vol. 1, 300–1.

15 Clifford H. Lawrence, *Medieval Monasticism* (Harlow, 1989), 181.

the eleventh and twelfth centuries reveal that such sinners were required to participate in daily Mass and vespers and to observe fasts at specific times of the liturgical year.¹⁶

In the inquisition's penal system, which evolved in thirteenth-century Languedoc, one finds most forms of penance described in the document of Pons Roger. There is no question that the penance rites imposed on heretics by St Dominic inspired later papal inquisitors. Most of them were recruited from the community of the Dominicans and regarded the principles of penance elaborated by their founder as a model to follow. The group of the first Languedoc inquisitors included the closest collaborator and friend of St Dominic, Pierre Sellan, who knew his methods of converting sinners from his own experience.¹⁷ He was part of the first generation of Dominican inquisitors who played a key role in popularizing various penitential rituals both in Languedoc and outside of the province.

The problem of adequate reparation for the sin of heresy obtained with the help of appropriate penitential rites was an area of particular pastoral concern for the clergy. In a popular manual *Summa de poenitentia*, Raymond of Penyafort (1225–1235) devoted a separate chapter to penance given to heretics (*De hereticis et fautoribus eorum*).¹⁸ In this work, which contributed greatly to the transformation of the perception of the sacrament of reconciliation, Raymond provided a lot of instruction on how to weigh faults of sinners and decide on appropriate penance. As pointed out in Chapter 4, Raymond of Penyafort was also the author of an instruction manual for inquisitors elaborated at the Tarragona Synod in 1242. His instructions also specified different kinds of penitential retribution assigned in accordance with the evaluated offence.¹⁹ The most severe form of punishment mentioned in his work was a life term in goal. This form of penance was to be inflicted on Cathar *perfecti heretici*, and also on those of their followers (*credentes*) who reverted to their errors following a previous

16 Mansfield, *The Humiliation of Sinners*, 126–7.

17 On the relations between Pierre Sellan and St Dominic and the inquisitorial activities of the former see Duvernoy, “Albigeois et vaudois en Quercy d’après le Registre de pénitences de Pierre Sellan”, in Duvernoy (ed.), *Cathares, vaudois et béguins: dissidents du Pays d’Oc* (Toulouse, 1994), 85–97; Jörg Feuchter, “L’Inquisition de Toulouse. Pierre Sellan (1234–1242), un vieillard expérimenté”, in Albaret (ed.), *Les inquisiteurs*, 44–54.

18 Raymond of Penyafort, *Summa de poenitentia*, 322–3.

19 *Texte zur Inquisition*, 57–9; cf. Lorenzo Galmés Mas, “San Ramon de Penyafort y la Inquisición en la Alta Catalunya”, in *Praedicatores, Inquisitores*, 85–104.

revocation (*relapsi in credenciam*).²⁰ All individuals who qualified as *credentes* and *fautores*, once they had completed the rite of reconciliation, had to meet the requirement of public penance and take part in a crusade against the Saracens or other heretics. Moreover, depending on the nature of the transgression, they had to go on a penitential pilgrimage to assigned sanctuaries in the territory of France (*peregrinationes minores*), as well as to Santiago de Compostela, Rome, Canterbury and Cologne (*peregrinationes maiores*). In the process of their repentance, they were required to attend Mass and vespers regularly on all Sundays and Church feast days. They also had to attend each *sermo generalis* at their place of residence. As part of their penance, they had to observe fasts, both strict (bread and water only) and qualitative, including abstinence from meat and animal products on determined days of the week, most commonly on Wednesdays and Fridays or during specific times of the liturgical year. This set of penitential rites also included almsgiving. According to what is referred to as the Directorium of Raymond of Penyafort, heretics who belonged to a wealthier class had to provide for one or more pauper for a determined period of time.²¹

A year later, detailed instructions pertaining to the forms of penance assigned to heretics in Languedoc were specified by the provincial Synod at Narbonne (1243). The statutes of the synod distinguish between two categories of heretics: those released after their reconciliation and those who ended up incarcerated. Being given penance without a prison sentence was considered a particular act of grace granted only to those who appeared before the inquisitorial tribunal on their own accord, expressed contrition and gave a truthful testimony about their association with heresy. Following their release, they had to complete public penance. This included wearing crosses on their clothes, public whipping, fasting, and penitential pilgrimages. They were also required to participate in a crusade at their own expense, should the pope or his legate declare one.²²

The forms of penitential documents (*litterae poenitentiales*) appended to inquisition manuals enable us to learn in detail about particular forms of penance. On the basis of these, inquisitors elaborated their penitential sentences, read them in public at reconciliation ceremonies, and later incorporated them into inquisition records (*libri sententiarum*). The oldest known form of the penitential document comes from the manual *Processus inquisitionis* from late

20 *Perfecti vero heretici et dogmatisantes et relapsi in credenciam, absolute habita et abjuracione facta, in perpetuo carcere intrudantur. Texte zur Inquisition*, 57.

21 *Texte zur Inquisition*, 57–9.

22 Mansi 23, 355–6; *Texte zur Inquisition*, 60–1; cf. Gui, *Practica*, 184.

1248. Thanks to this text, we can gain some insight into the forms of penitential practices used by the Languedoc inquisitors in the first half of the thirteenth century. Their content reveals that released heretics, after their abjuration, had to complete solemn public penance (*solempnis poenitentia publica*) during which heretics had to appear dressed in cassocks marked with two yellow crosses, one on the chest and the other on the back. Until the end of his/her days, the penitent had to attend all festive Masses, vespers, as well as *sermones generales* in their parish church. At liturgical processions, the penitent walked between the clergy and the other faithful, and at one procession halt he had to confess his sins publicly. When we read the penitential document further, we learn about mandatory penitential pilgrimages, with specific information on how many of them were required, to which sanctuaries, and until when. Each pilgrimage had to be confirmed by a document issued by the sanctuary which was the destination of the pilgrimage (*littera testimonialis*).²³

Such forms of penitential documents were used by the Languedoc inquisitors from the 1240s onward. This routine is confirmed by fragmentary records of two inquisitors from at least Carcassonne: Ferrier (1235–1244) and Pierre Durand (1242–1244). In the penitential sentence issued in 1244 for a female Waldensian supporter of unknown name, the forms of assigned punishment were discussed in the same order as in the aforementioned *littera poenitentialis*. First, the inquisitors told her to wear two yellow crosses on her outer garments until the end of her days. A reservation was made at that clause, stating that the colour of her garment must be distinct from the colour of the crosses. For her public penance, she had to attend Masses and vespers regularly on holy days/feast days, as well as each *sermo generalis*, also until the end of her life. For seven years, she was told to walk between the clergy and the faithful, holding a whip up high at parish processions. At one procession halt, the priest administered whipping. The further part of the sentence contained a detailed description of the penitential pilgrimages she had to complete within the next five years. During the first year, she had to go on a pilgrimage to the Notre-Dame Church at Le Puy, during the second to the sanctuaries of St Gilles at Saint-Gilles outside of Nîmes, during the third to the Notre-Dame church in Montpellier, and during the fourth and fifth to the sanctuary of Our Lady at Sérignan. Both inquisitors emphasized that the penitent had the duty to document all pilgrimages with appropriate certificates.²⁴

23 *Processus inquisitionis*, 74.

24 *Quellen zur Geschichte der Waldenser*, 63–4.

An equally wide range of penitential practices was contained in the 1258 sentence given to Raymond-Marie. It included fasts, pilgrimages, prayers and almsgiving. The sentenced individual had to refrain from eating meat on all Sundays. However, the penitential document allowed him to pay penal wages, or alms, to obtain an exemption: he had to give one denarius to the poor. Every day, Raymond had to recite the prayers of *Our Father* and *Hail Mary* seven times. The penitential pilgrimages he had to complete covered four sanctuaries: Notre-Dame at Roche-Amour, St Rufus at Aliscamp, St Gilles at Vauvert, and Saint-Guilhelm-de-Désert and one *peregrinatio maior* to Santiago de Compostela. As part of his penance, Raymond-Marie had to give a donation to the bishop of Albi of six pounds for the construction of a chapel. He was also reminded of his duty to participate in holiday Masses.²⁵

Flexibility was the characteristic trait of the penal system developed by papal inquisitors.²⁶ Apart from the clear regulations applying to two categories of heretics, reoffenders (*relapsi*) and obstinate sinners (*contumaces*), punished with excommunication and handed over to the secular authorities, the severity of penance given to remaining individuals depended solely on the bishop or inquisitor.²⁷ In this aspect, the inquisitorial tribunals differed from other courts. The only thing that both papal and synodal documents recommended was that the penance assigned to individuals who appeared before the court on their own accord and confessed their error sincerely be of a lighter nature. However, more severe forms of penance awaited those heretics who were detected following a denunciatory procedure, as well as those who, during their interrogations, tried to conceal their association with heresy.²⁸ A French manual from the end of the thirteenth century, *Doctrina de modo procedendi contra haereticos* mentions three kinds of punishment: penance given by an inquisitor according to his own judgment (*poenitentia ad arbitrium inquisitorum*), incarceration (*immuratio*) and relinquishment to the secular arm (*brachium saeculare relinquere*).²⁹

The surviving books of sentences from the territory of Languedoc demonstrate a great degree of consistency in penitential rites assigned to heretics in

25 Doat 31, f. 255.

26 “Probably few medieval judges were as resourceful as the inquisitors in devising a varied and flexible set of punishments. Not only could they make fine distinctions among degrees of culpability, they could alter punishments they had previously imposed if those sentenced proved contrite and cooperative.” Given, *Inquisition*, 67.

27 *Texte zur Inquisition*, 62.

28 Shannon, *Popes*, 90–6; Paul, “La mentalité de l’inquisiteur”, 296–302.

29 *Doctrina*, 1795–6.

the thirteenth and fourteenth centuries. According to the model of *poenitentia salutaris*, elaborated at the first stage of activity of the papal inquisition, standard penance included fasting, prayers and pilgrimages. Their number, nature and duration were individually specified by an inquisitor or bishop. In some cases, the form of penance took into account the particular beliefs of concerned heretics or the circumstances of his/her conversion. This principle is reflected in the sentences published by a Pamiers bishop, Jacques Fournier, for the trials between 1318 and 1325, in particular in the sentence given to Aude Fauré de Merviel, who refused to receive the Eucharist for many years, as she did not believe in the real presence of Christ in the consecrated Host. Following an episcopal admonition and, above all – as she confessed herself – thanks to the intercession of Our Lady, she abandoned her former belief during the trial and accepted the dogma of Transubstantiation. For her penance, she had to wear crosses on her outer garments. Over the next three years, she had to confess her sins to her priest at Easter, Pentecost, All Saints' Day and Christmas. For three years, she had to fast on bread and water every Fridays, as well as on the vigils of the feast days of Our Lady. In addition, she had to complete three penitential pilgrimages, one each year: to Rocamadour, Notre-Dame at Le Puy, and Notre-Dame at Vauvert. Each year, she had to visit the Church of Our Lady in Montgauch for which she had special devotion.³⁰ As we can gather from the assigned religious practices (fasting on vigils of feast days honouring Our Lady, pilgrimages to Mary's sanctuaries), the sentence considered the context of Aude Fauré's conversion, which was thought to have occurred through Our Lady's intercession. We could interpret these practices not so much as mere forms of penance for heresy, but also as tokens of gratitude to Our Lady for her particular role in this woman's return to the true faith. Penitential rites assigned to converted heretics were logical and coherent. The degree of severity was calculated to the physical and mental condition of the convict. Inquisitors' manuals recommended that juveniles who adhered to heresy influenced by their parents be treated more lightly. Assuming that children had limited awareness of the gravity of evil deeds, inquisitors believed that they should not be punished in the same way as adults.³¹

30 *Registre*, vol. 2, 82–105.

31 [...] *attendentes quoniam etas juvenilis in adolescentia sua facile flectitur ad quecumque, ad ea maxime circa que versari conspicit studiosam voluntatem parentum quorum parentum quorum imperio subditur, verbis et exemplis eruditur et magisterio gubernatur, necdum si quidem plene discernit etas illa quid agat, quid eligat, ratione nondum plenarie dominante, et deficiente sibi experientia temporis longioris, ideoque*

In the context of the inquisition procedure, penance became an important element of the struggle against various forms of doctrinal unorthodoxy and disobedience towards the Church. The inescapable and systematic process of sentencing and punishing heretics reinforced the collective sense of justice, constituting a defence of the religious and social order.³² The transparent or, better, the ostentatious nature of penance for one's errors was both a lesson in humility and a warning signal to others. Severe penance completed under the eyes of a town populace played an important didactic role, as it showed the terrifying consequences of apostasy to other supporters of the heresy.³³ Penitential rites became an instrument used to impose and reinforce desired cultural and spiritual values important to the Church. The determination of the ecclesiastical judges in inflicting punishment on heretics enforced the observance of the Church teachings and principles of religious and moral life derived from the *Magisterium*. The public aspect of the punishment imposed on heretics was a kind of catechesis for the faithful, as it allowed the Church to promote whatever was deemed good and praiseworthy, and condemn things viewed as evil and destructive. Thus, the ecclesiastical authorities had the opportunity to popularize the notions of both orthodoxy and heresy, strengthening the vision of a powerful Church which punished all forms of apostasy and disobedience.

The attainment of the basic goal of penance, which was the full reintegration of heretics into the Church, required the creation of an efficient mechanism of surveillance over penitents. Only a few of them were incarcerated. Supervised by inquisitors or bishops, these heretics followed the rhythm of prayer and ascetic life. However, the majority completed their penitential duties whilst remaining at large. In their case, the supervision was entrusted to their priests. In Languedoc, each repentant heretic had to give his/her priest a penitential document issued by the inquisitorial tribunal. On its basis, the priest controlled the penitential process. Having satisfied himself that all the required stages of the penance had been fulfilled he informed the inquisitor.

delictis et ignorantibus juventutis jure parcitur a toto sepius vel a tanto [...]. Gui, *Practica*, 44–5.

- 32 “Punishment can be part of a strategy of crime control. But it can also perform other functions: therapy or moral instruction for the condemned, the control of labour, and the terrorization of onlookers. Punishment can also have a non-instrumental, expressive aspect, reaffirming deeply held societal notions about personal responsibility and the social order.” Given, *Inquisition*, 66–7.
- 33 David Garland, *Punishment and Modern Society. A Study in Social Theory* (Oxford, 1990), 18–22 and 58–6.

2. Public penance

Penance assigned to heretics had both a private and a public component. The first comprised of various religious practices, prayers, services, fasts, almsgiving as well as whipping. In contrast to private penance, which guaranteed the sinner a considerable degree of discretion, public penance had to be done in a visible and solemn manner, and all parishioners participated in it. It was associated with the requirement to wear a special garment that distinguished the penitent (*ordo poenitentium*).³⁴ Such a form of public retribution for sins could be traced back to the Jewish tradition. Some indication of it can be found in the Old Testament where particularly grave offenses against the law of God required public penance. The earliest description of such a rite comes from the Book of Kings. It is a description of the penance of the Israelite King Ahab (ca 874–853 BC). When Ahab heard of Nebot's death from Elias and learned that Nebot had been stoned on the basis of false witness, he "tore his garments and put on sackcloth on his bare flesh. He fasted, slept in the sackcloth, and went about subdued" (1 Kgs 21.27).³⁵

As discussed in Chapter 1, early Christian bishops imposed public penance for grave violations of God's commandments and Church discipline. Throughout his/her penance, a penitent would wear a special garment and followed a determined routine of ascetic practices. Although the individual in question did participate in the religious life of the Church, he/she could not receive the sacraments. During services, the penitent had to stand in a separate place, usually close to the church entrance. By the early Middle Ages, public penance had virtually disappeared. Some of its elements survived in the monastic tradition only.³⁶ The renewal of the rite of public penance took place in the Carolingian period. It was imposed on the criminals whose transgressions disrupted public order. In this form, public penance became part of the penal system that developed between the twelfth and thirteenth centuries. According to Raymond of Penyafort, public penance had to be given for a public and notorious crime.³⁷ In canon law, public expiation was required in cases of grave sins such as the murder of kin, adultery, incest, and heresy.³⁸

34 Arnold, *Inquisition*, 62–3; Caldwell, "Dominican Inquisitors", 32–3.

35 Francesco Peña in his comments to the *Directorium* of Nicholas Eymerich drew attention to this biblical origins of this penance (Eymerich, *Manuel*, 171).

36 Sumption, *Pilgrimage*, 98–9.

37 Vogel, "Le pèlerinage pénitentiel", *Revue des sciences religieuses* 38 (1964), 120.

38 Mansfield, *The Humiliation of Sinners*, 161; Arnold, *Inquisition*, 60–1.

In the Middle Ages, solemn public penance (*solemnis poenitentia publica*) took on the form of a carefully planned ritual of exclusion and reconciliation, a step-by-step description of which can be found in synodal statutes. It would typically begin on Ash Wednesday when the penitent, wearing a sackcloth (*cilicium*) was excluded symbolically from the community of the faithful. Throughout Lent, this person would participate in services and stood by the church entrance. His/her status was indicated by appearance: a sackcloth, bare feet and canes held in the hands. Public penance completed at this time of the liturgical year was of special significance. For each Christian, Lent was a time for reflection and penance for his sins. Public penance was especially meaningful as a means of preparation for living the mystery of the Passion, Death and Resurrection of Christ. On the one hand, it was supposed to make the sinners aware of the great weight of their offenses; on the other hand, it served to demonstrate the mercy of God and the Church. The time of exclusion and public penance finished on Holy Thursday. The penitent could then receive the sacrament of reconciliation and become a full member of the Church again. Purified of all sin, he/she could celebrate the Feast of the Resurrection in the community of all the faithful at Easter. Through public expiation during Lent, the Church showed each returning sinner the significance of the Redemption accomplished on Golgotha.³⁹

In inquisitorial procedure, solemn public penance became an important element of the reintegration of the heretic into the fold of the Church. Thanks to this form of penance, the heretic demonstrated in public his/her willingness to renounce past errors and return to the Church. Converted heretics made up a separate group of penitents (*ordo poenitentium*), required to perform a determined set of religious practices, such as a regular participation in services, public whipping, fast and almsgiving. Their status was clearly visible, as they were dressed in penitential clothes, had no headwear and walked barefoot. In Languedoc, and in other parts of Europe later, converted heretics had to wear symbols of penance, most commonly crosses, sewn onto their outer garment. Public penance given to heretics was described in detail in the 1242 Synodal Statutes of the archbishop of Tarragona, Peter of Albalat, in the *Directorium* of Raymond of Penyafort, and instructions for inquisitors written up by archbishop of Narbonne, Pierre Amiel in 1243. In the first work, the kind of public penance and the exact time of its completion were precisely determined and correlated with the weight of

39 Pontal (ed.), *Les statuts synodaux français du XIII^e siècle*, vol. 1, 101. The *ordo* of the ceremony of public penance is also included in the statutes of William of Auvergne (Mansi 22, 767).

the offence. Supporters of heresy, called *credentes*, had to do solemn penance (*solempna poenitentia*) in their parish church, as well as in Barcelona Cathedral. For this rite, a heretic dressed in a penitential cloak, barefoot, wearing just trousers and a shirt, took part in processions to the cathedral of Barcelona on the following feast days: All Saints (1 November), the first Sunday of Advent, Christmas (25 December), Circumcision (1 January) Epiphany (6 January), The Feast of the Purification of the Blessed Virgin Mary, (2 February), St Eulalia's Feast (12 February), Annunciation (15 March) and all Sundays in Lent. What is more, twice each year, on the Feast of the Purification of the Blessed Virgin Mary and Palm Sunday, they had to take part in a reconciliation ceremony at the Church of St Mary del Mar. In the course of the ceremony, public whipping was performed on them by the bishop or a designated priest. In accordance with the aforementioned penitential regulations, the cycle of public penance was repeated each year between Ash Wednesday and Holy Thursday. The overall duration of the assigned penance reflected the nature of the transgression. *Credentes*, as well as those who, in spite of their former reconciliation, continued to provide assistance to heretics (*relapsi in fautoriam*), had to do public penance for ten years. A shorter term of public penance was given to heretics in other, less serious categories. Depending on the nature of their relationship with the Cathar *perfecti* or the Waldensian masters, their followers had seven (*vehementissime suspecti*), five (*vehementer suspecti*) or three (*fautores*) years of public penance.⁴⁰

A similar procedure was described in the statutes of the 1243 Narbonne Synod.⁴¹ The sequence of public penance was also specified in the instructions for inquisitors, more precisely, in the form of the penitential document (*littere de penitentiis faciendis*), a component of a manual entitled *Processus inquisitionis*.⁴² All later instruction manuals for inquisitors contained similar descriptions of public penance given to heretics, as is the case with the books of Bernard Gui⁴³

40 *Texte zur Inquisition*, 58.

41 [...] *his poenitentias injungatis: videlicet ut cruces portent, quaque Dominica die inter epistolam et evangelium vestibus aliquibus denudati, prout visum fuerit pro qualitate temporis faciendum, sacerdoti parochiae suae Missam celebranti cum virgis in manu publice se praesentent, ibique recipiant disciplinam: et idem faciant in omni processione solemni. In prima etiam Dominica cujuscumque mensis, post processionem, vel Missam, visitent nudi similiter et cum virgis domos omnes, in quibus aliquando viderunt haereticos in eadem civitate seu villa, et intersint omni die Dominica Missae, ac vesperis, et sermoni generali, si fiat in villa: nisi impedimentum habuerint sine fraude.* (*Texte zur Inquisition*, 60; Mansi 23, 356).

42 *Processus inquisitionis*, 74.

43 Gui, *Practica*, 38.

and Nicholas Eymerich,⁴⁴ for instance. Sources available to us indicate that this form of public penance was familiar to the Languedoc bishop and the papal inquisitors. We have information about the types and stages of penance administered by Carcassonne bishops in the 1240s. Condemned heretics had to journey to churches in the area of Carcassonne outside the castle precincts, called the Bourg, on each first Sunday of the month, dressed in penitential garments and holding a bunch of canes.⁴⁵

In Languedoc, the most severe form of public punishment was assigned to heretics who had given false testimony in the course of the investigation. The *Liber sententiarum* of Bernard Gui quotes eight sentences imposed for perjury.⁴⁶ Each of the convicts in question had to satisfy the requirement of public penance prior to the completion of their life sentence in prison. He or she had to stand in front of prominent Toulouse churches dressed in a penitential cloak Jean de Salvetat, condemned on 6 March 1319 performed public penance in front of St Stephen's Cathedral, the Dominican Church of St Sernin, Saint-Pierre-de-Cuisines and Notre-Dame de la Delbade on four consecutive Sundays. As we can gather from the particular wording of the sentence, he had to stand from morning until night on a special platform in front of the main entrance to the church. Two tongues made of red fabric marked the penitential garment as an indication of perjury. Both the visible location and the stigmatizing symbol allowed the entire local community to learn about his offence.⁴⁷ Another perjurer condemned by Bernard Gui, Pons Arnaud de Pujols, was found guilty of hiding from the tribunal of the inquisition his twenty-year history of supporting the Cathar *perfecti*. According to Bernard Gui's sentence, he had to stand on the stairs, in front of the entrance to the Cathedral of St Stephen from the morning until night on two consecutive days. On the following Sundays, the same form of public penance had to be completed in front of the Dominican Church of St Sernin in Toulouse and the Church of Notre-Dame de la Daurade. As Gui

44 Eymerich, *Manuel*, 168–9.

45 *Injunctum fuit Ulixi in penitentia per inquisitores pro perjurio, quia non resumpsit cruces sicut juraverat, quod dominica post instantem dominicam in LXXa veniat Carcassonam visitaturus omnes ecclesias Burgi Carcassonensis nudis pedibus in camisia et braccis, cum virgo in manu, eundo de una ecclesia ad aliam; et idem faciat in prima dominica mensium singulorum quousque transeat ultra mare. Documents*, vol. 2, no. 2, 116–7 and no. 64, 198–9 (five heretics were sentenced to visit all churches of the Bourg, the suburbs of Carcassonne, all Sundays of Lent).

46 Gui, *Le livre des sentences*, vol. 2, 1646.

47 Gui, *Le livre des sentences*, vol. 1, 854–5.

himself indicated, this humiliating form of penance was supposed to serve as a warning to all the faithful.⁴⁸

The form of penance assigned to individuals who had forged documents clearly reflected the nature of their crime. Guillaume Maurs de Montaillou, convicted by Bernard Gui at his *sermo generalis* on 4–5 July 1322, had to stand in a visible place, dressed in a penitential garment and wearing the symbol of a seal hung about his neck. As it turned out during the trial, Guillaume had forged a document of the Carcassonne inquisitor, having got hold of the original seal. What is more, later the seal helped him blackmail other people and acquire money from them by force.⁴⁹

In the spirit of canon law, solemn public penance applied to converted heretics in throughout Western Christendom. Sometimes the rite required that a heretic be displayed in a special paper cap. One Austrian Waldensian, convicted by the inquisitor Peter Zwicker in 1398, had to stand by the pillory on the Steyer market square for seven consecutive days. A paper cap with a depiction of a devil pulling at the heretic's tongue was placed on his head.⁵⁰ The intention behind this image was clear: the Waldensian's heretical errors were thought to have been inspired directly by the devil.

In late medieval England, where the proceedings against heretics were conducted by bishops, the routine public penance of heretics introduced an additional rite. Lollard heretics reconciled with the Church, just like repenting heretics on the continent, were required to participate in a determined number of services both on Sundays and Church holidays. They attended these dressed in penitential clothes, holding a faggot on their shoulders. Once the church service had ended with a liturgical procession, the faggot was deposited in the porch of the church. The faggots carried by penitents were of a special didactic value, symbolizing the kind of death that would await them if they returned to heresy.⁵¹

The place where the requirement of public penance was satisfied was the parish church, the cathedral, a square in front of the church or the town square. In case of the latter, the converted heretic either stood on the market square for

48 Gui, *Le livre des sentences*, vol. 1, 556.

49 Gui, *Le livre des sentences*, vol. 2, 1294–7.

50 Paul Peter Bernard, "Heretics in Fourteenth Century Austria", *Mediaevalia et Humanistica*, 10 (1956), 62.

51 Tanner, "Introduction", in *Norwich Heresy Trials*, 24; Tanner, "Penalties imposed on the Kentish Lollards, 1511–1512", in Margaret Aston and Colin Richmond (eds), *Lollardy and the Gentry in the Later Middle Ages* (Stroud and New York, 1997), 234–40; Thomson, *The Later Lollards*, 183–90.

a determined duration or had to go around the square several times, reciting assigned prayers in each corner and subject him/herself to whips (*fustigatio*).⁵² Public penance in a frequented quarter of the urban landscape increased the visibility of the heretic and served to condemn the committed apostasy.⁵³ A sentence pronounced at the end of the trial of one the most fervent Lollard supporters in the diocese of Norwich, Margery Baxter, illustrates these various stages of public penance in fifteenth century England. Dressed in penitential clothes, she had to take part in processions around the parish church on four consecutive Sundays. Apart from that, she had to satisfy another required type of public penance by going around the market square in Acle in Norfolk the town nearest her place of residence.⁵⁴ Almost a hundred years later, archbishop William Warham assigned a similar form of public penance to six Lollards from Kent on 5 May 1511. On the first Saturday following their reconciliation, they had to walk around the market square of Canterbury dressed in penitential clothes and holding a stack of wood. On Sunday, they had to through another ceremony of public penance in the cathedral. The penitents were at the head of the procession, with faggots on their shoulders that remained there while they were standing in front of the main altar until the end of Mass. A similar ritual had to be repeated on the following Sunday in the parish church.⁵⁵

Papal inquisitors used public penance as an efficient instrument to supervise heretics released from prison. It also enabled inquisitors to decide whether the conversion of given heretics was genuine.⁵⁶ While penance was being completed in the presence of all town residents, it was easy to detect those who adhered to their past heretical beliefs in spite of abjuration. The Statutes of the 1243 Narbonne Synod indicated clearly that the end of penance is the correction of the sinner (*vita culpabilium corrigatur*) and the detection of those who regretted his/her sins genuinely, walking in the light of the true faith and those who, on the other hand, simulated contrition, walking in the darkness of error.⁵⁷ Heretics who were assigned public penance formed a separate and clearly recognizable group, which made them easy to supervise. The external symbol of repenting heretics became yellow crosses sewn onto the outer garment. The error of heterodoxy,

52 Fines, "Heresy Trials", 170; Thomson, *The Later Lollards*, 231.

53 Dave Postles, "Penance and the Market Place: A Reformation Dialogue with the Medieval Church (c. 1250–c. 1600)", *JEH* 54 (2003), 445–7.

54 *Norwich Heresy Trials*, 43.

55 *Kent Heresy Proceedings*, 39–40.

56 Caldwell, "Dominican Inquisitors", 32–3.

57 *Texte zur Inquisition*, 61.

rendered visible by both the cross marks and public penance of heretics, could not go unnoticed by the local community.⁵⁸

3. Imprisonment

Imprisonment (*immuratio, murus, carcer*) was the most severe form of penitential retribution administered to heretics by ecclesiastical courts. In the inquisitorial system it played a dual role; on the one hand, it served to facilitate the control over the completion of penance, on the other, it was a means of isolating dangerous apostates. The relatively frequent assignment of prison sentences in thirteenth century Languedoc made this form of penalty more significant than ever before. In medieval Europe, prison was most commonly used as a place for detaining criminals during trial. Criminals would typically remain there until the sentence was pronounced and punishment assigned.⁵⁹ In such a form, prison was not considered punishment in itself. Secular jurisdiction was built around instant forms of punishment, such as the death penalty, maiming or fines.⁶⁰ Keeping criminals in prison was expensive: it required that buildings or rooms be constructed or adapted, guards remunerated, and prisoners' room and board expenses covered.⁶¹ For this reason, those who received prison sentences tended to be wealthy citizens for whom a generous ransom was expected. This logic applied both to prisoners of war captured on the battlefield and those who were imprisoned for ransom only. Medieval monarchs sometimes imprisoned their political opponents, potential royal rivals or threatening family members. When, due to the blood bond, the ruler had to refrain from imposing the death penalty on a family member, prison was the only way to get rid of the inconvenient individual. Up until the end of the twelfth century, there was virtually no designated prison space to isolate criminals from society. Only a relatively small

58 Given, "Inquisiteurs", 63; Given, *Inquisition*, 85–6; Arnold, *Inquisition*, 67–8.

59 Nicole Castan, "La préhistoire de la prison", in Jacques-Guy Petit et al. (eds), *Histoire des galères, bagnes et prisons, XIII^e-XX^e siècles: Introduction à l'histoire pénale de la France*, (Toulouse, 1991), 20–2; for further detail see Annik Porteau-Bitker "L'imprisonnement dans le droit laïque du Moyen Âge", *Nouvelle revue historique de droit français et étranger* 46.2 (1968), 211–45 and 389–428.

60 Roman law did not include the penalty of imprisonment. Humbert, "La peine en droit romain", 177. Michel Foucault argues that the institution of prison as a place of isolation for criminals was invented in early modern times (*Surveiller et punir. Naissance de la prison* (Paris, 1975), 21–8.

61 Gonthier, *Le châtement du crime*, 114–120; Jean Dunbabin, *Captivity and Imprisonment in Medieval Europe 1000–1300* (New York, 2002), 46–50.

group of prisoners was kept in some makeshift secluded space in royal castles.⁶² As an instrument of penance, imprisonment was first used in monastic orders. The isolation of a sinner-brother from the rest of the community constituted a form of expiation for the committed offence. The Rule of St Benedict deemed it necessary to impose an “excommunication” of sorts on a monk who had violated the order discipline and separate him from fellow brothers. He was supposed to “complete his assigned tasks in solitude, in deep penitential sorrow”. Throughout his penance he was excluded from common prayers and meals. No one could meet or speak with him (chapter 25).⁶³ Later, this form of individual penance for sins was used both for religious and diocesan clergy. Monasteries and episcopal courts had special quarters where the religious offenders spent their time in prayer and fasting.⁶⁴ This monastic space designated for penance, called an *ergastulum*, was typically a small cell that could only accommodate one person.⁶⁵ The existence of separate penance quarters is confirmed by the Cluny abbot, Peter the Venerable. His treatise *De miraculis* recommends that such a separate underground cell, resembling a tomb, be created in the monastery, where a monk guilty of violating the order’s discipline could repent for his sins.⁶⁶ A similar rite of penance completed in solitude was also used by the Cistercians. It was assigned for serious crimes, such as murder, sodomy, arson and forgery.⁶⁷

In the course of the thirteenth century, the practice of isolating delinquent friars was adopted by the Mendicant orders. In 1238, the general chapter of the Dominicans passed a decision to build special quarters for friars who “violated the rule and were restless” and had to repent for their sins.⁶⁸ In this context, let us recall the in-community prison sentence given to the first French inquisitor,

62 Dunbabin, *Captivity and Imprisonment*, 22–31

63 *Is autem frater, qui gravioris culpae noxa tenetur, suspendatur a mensa, simul ab oratorio. Nullus ei fratrum in nullo iungatur consortio nec in conloquio. Solus sit ad opus sibi iniunctum persistens in paenitentiae luctum [...].* St Benedict of Nursia, *The Rule*, 128–31.

64 Ralph B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968), 374–83.

65 Peters, “Prison before the Prison: The Ancient and Medieval Worlds”, in Norval Morris and David J. Rothman (eds), *The Oxford History of the Prison. The Practice of Punishment in Western Society* (New York, 1995), 28.

66 Peter the Venerable, *De miraculis*, in PL 189, 919.

67 Pugh, *Imprisonment*, 376–7.

68 Benedict M. Reichert (ed.), *Acta capitulorum generalium Ordinis Praedicatorum*, vol. 1 (Rome, 1898: MOPH, 3), 10; cf. Castan, “La préhistoire de la prison”, 26–7.

Robert le Bougre, whom the Dominican order accused of abuse of power and violation of the order rule.⁶⁹ Penitential practices also included referrals of serious religious violators of canon law to strict monasteries. The Fourth Lateran Council created a law according to which any priest who betrayed the secret of confession had to be given a life sentence in a monastery with a strict rule.⁷⁰ The penal system of the inquisition specified that such monastic penance was assigned primarily to the clergy, both diocesan and religious. The records of the Toulouse inquisitors, Bernard de Caux and Jean de Saint-Pierre, feature such a sentence pronounced on 24 June 1246. The case concerned a nun, a widow of the late Bernard de la Tour, from the convent of Lespinasse (Haute Garonne). On the strength of the imposed sentence, she was supposed to complete her penance in her own convent. During that time, she had to be isolated completely from her fellow sisters, cloistered in an individual cell, and only given things of absolute necessity. Her mother superior had the duty of ensuring that the rite of penance was respectfully observed.⁷¹

From the late twelfth century onwards, imprisonment was becoming increasingly popular as a helpful instrument to both secular and ecclesiastical courts wishing to exact punishment for various crimes.⁷² It was the 1119 Toulouse Synod that introduced imprisonment as punishment for heretics formally.⁷³ In 1157, the Rheims Synod ordered that heretical group leaders (*maiores*) be imprisoned.⁷⁴ In both cases, imprisonment was regarded as the most severe type of punishment for heretics, an instrument that separated them from society. In this sense, imprisonment was authorized by Innocent III in his bull *Vergentis in senium* from 1199, who described it as the most severe type of punishment that could be given to heretics by ecclesiastical courts.⁷⁵

69 Tugwell, "The Downfall of Robert le Bougre OP", 753–6.

70 Tanner, *Decrees*, vol. 1, 245; cf. Griffe, *Le Languedoc cathare et l'inquisition (1229–1329)*, 27–8.

71 *Documents*, vol. 2, no. 11, 34.

72 Peters, "Prison", 34–45; Chiffolleau, *Les justices du Pape. Délinquance et criminalité dans la région d'Avignon au quatorzième siècle* (Paris, 1984), 229–32; A. Porteau-Bitker, *L'imprisonnement*, 389–409; Pugh, *Imprisonment*, 18–47; Gonthier, *Le châtement du crime*, 118–9.

73 [...] *tanquam haereticos ab Ecclesia Dei pellimus et damnamus; et per potestates exteras carceri praecipimus*. Mansi 21, 226–7.

74 Mansi 21, 843.

75 *Register Innocenz' III*, vol. 2, no. 1, 4–5.

In the inquisitorial system, a life term in prison tended to be given to leaders of heretical groups, such as the Cathar *perfecti* and the Waldensian *magistri*. Canon law, on the other hand, prescribed life prison sentences for heretics categorized as *pertinaces* and *relapsi*. The statutes of Gregory IX, included in *Excommunicamus* from 1231, instructed courts to impose life-long imprisonment on those who defended their views with obstinacy, the *pertinaces* (X 5.7.13).⁷⁶ A few years later, in the documents issued to regulate the activity of newly-appointed papal inquisitors, the pope also recommended that heretical reoffenders (*relapsi*) be imprisoned.⁷⁷ In both cases, the prison sentence was viewed as an act of grace that enabled persistent heretics to escape the death penalty.⁷⁸

Imprisonment was given either for life (*carceres perpetuales*), or for a determined period of time (*ad tempus*). In inquisitorial practice imprisonment played a dual role. On the one hand, it served to isolate heretics from the society of the faithful whenever their conversion was perceived as rather doubtful, on the other, it enabled the execution of severe penance. In the logic of the former, prison was a preventive measure, separating dangerous heretics from the community of fellow faithful.⁷⁹ Heretics who pretended to be returning to the Roman Church had to be isolated from communities lest they popularize their errors.⁸⁰ The Statutes of the Toulouse (1229)⁸¹ and Tarragona Synods (1243) specified that life imprisonment be assigned to the heretics who recalled and abjured their errors

76 *Si in haeresi deprehensi nolunt redire ad fidem, detrudendi sunt in perpetuo carcere ad poenitentiam peragendam, et credentes erroribus haereticorum haeretici sunt. Texte zur Inquisition, 41.*

77 BOP 1, no. 84, 55, and vol. 7, no. 209, 9.

78 *Texte zur Inquisition, 65.*

79 [...] *ad custodiam non ad penam regulariter carcer est inventus. Tractatus super materia hereticorum*, BAV, MS Vat. lat. 2648, ff. 9ra-b. The same function of imprisonment is also mentioned in the charters of French kings (*Historie générale de Languedoc*, vol. 8, 379 and 428). Pales-Gobilliard speaks about “prison préventive” (“Bernard Gui”, 262); cf. Philippe Combessie, *Sociologie de la prison* (Paris, 2001), 53–5.

80 *Ad agendam poenitentiam [...] in muro tali includantur, cautela quod facultatem non habeat alios corrumpendi. Texte zur Inquisition, 38; cf. [...] ne ipsum pecus morbosum inter homines persistens inficeret alias oves sanas*; similarly in the bull of Gregory IX *Excommunicamus* from 1231 (*Texte zur Inquisition, 41*) and in *Tractatus super materia hereticorum* (BAV, MS Vat. lat. 2648, f. 9ra).

81 *Haeretici autem qui timore mortis, vel alia quacumque causa, dummodo non tamen sponte, redierint ad catholicam unitatem: ad agendam poenitentiam per episcopum loci in muro cum tali includatur cautela, quod facultatem non habeat alios corrumpendi. Mansi 23, 196; Texte zur Inquisition, 32; cf. Kolmer, *Ad capiendas vulpes*, 74–5.*

from fear of death.⁸² A similar principle was adapted by Emperor Frederick II in the constitutions issued between 1224 and 1232.⁸³ Bernard Gui also referred to synod and imperial decrees, recommending a life sentence for those who had renounced heresy fearing death (*metu mortis*).⁸⁴ The Church did not lose hope as to the full and genuine conversion of this category of heretic.

The inquisition structure regarded imprisonment as a form of penance above all, alongside regular prayers, fasting and participation in church services. When we analyse papal and synodal documents, we come to the conclusion that the most important end was the rehabilitation of the sinner and his/her complete reintegration into Christian society.⁸⁵ In *Excommunicamus*, Gregory IX described prison as a place where “appropriate penance was completed” (X 5.7.15).⁸⁶ The strictly punitive nature of prison was the common trait in all medieval manuals for inquisitors.⁸⁷ The oldest inquisition manual from Languedoc, *Processus inquisitionis*, written in accordance with the 1246 Statutes of Béziers, assigned a life sentence in prison (*tolerabilis et humanus carcer*) to individuals who revoked their errors in the inquisition trial.⁸⁸ In turn, an Italian manual *Tractatus super materia haereticorum* from the 1330s, considered a prison or a monastery sentence mild penance (*poena poenitentialis*), serving to chastise the body (*afflictio corporis*) and reject sin (*detestatio criminis*). A heretic who completed his penance in prison remained under close supervision of an inquisitor or a bishop, who, depending on their perception of the different stages of the process, could exercise their right to make the penalty harder or lighter at any time. If the imprisoned heretic demonstrated signs of sincere contrition and amendment, they could decide to release such an individual.⁸⁹

82 [...] *agentes misericorditer cum eodem, ipsum ad perpetuum carcerem condemnamus [...]. Texte zur Inquisition*, 53.

83 *Statuimus itaque sanctientes, ut heretici, quocumque nomine censeantur, ubicumque per imperium dampnati fuerint ab ecclesia et seculari iudicio assignati, animadversione debita puniantur. Si qui vero de predictis, postquam fuerint deprehensi, territi metu mortis redire voluerint ad fidei unitatem, iuxta canonicas sanctiones ad agendum penitentiam in perpetuum carcerem retrudantur. Texte zur Inquisition*, 38.

84 Gui, *Practica*, 183 and 219–220.

85 Combessie, *Sociologie de la prison*, 52–3.

86 Friedberg 2,789; *Texte zur Inquisition*, 41.

87 Gui, *Practica*, 37.

88 *Processus inquisitionis*, 73.

89 *Ad penam autem carceratio nam potest Inquisitor dampnare reum duro carceri vel detrudere in artum monasterium in perpetuum vel ad tempus, in penam et afflictionem*

Imprisonment could be either softer (*murus largus*) or stricter (*murus strictus*). *Murus largus* meant a prison sentence that allowed the convict to move freely within the prison quarters and meet with family members. *Murus strictus* meant a strict-discipline prison. The penitent stayed in a single cell, often chained to the wall or the floor. He was not allowed to contact the world outside. This strict kind of punishment applied to heretics who, during trial, gave false witness or relapsed into heresy following an earlier revocation.⁹⁰ As the surviving inquisition records from Languedoc indicate, *murus strictus* was rarely used. Bernard Gui sentenced thirty-one people to strict prison, which represented less than 5 % of all of his sentences. Almost all convicted individuals were found guilty of perjury or attempts to deceive during the trial.⁹¹ Bernard Gui's contemporary, the Pamiers bishop, Jacques Fournier, responsible for trials held between 1318 and 1325, sentenced forty-six people to prison, one third of whom had to serve a life sentence in a strict prison. Inquisition documents provide the reader with quite a precise description of *murus strictus*. A good example is the sentence pronounced on 2 August 1321 by Bernard Gui. It was a life sentence for four women to be served at the Tour des Allemans prison in Pamiers and in their case, *murus strictus* meant wearing iron chains on their feet and lengthy fasts with bread and water only.⁹² Still, some prisoners sentenced to *murus strictus* enjoyed more freedom than we would think, assuming the rigorous nature of punishment. In the early fourteenth century, Guillaumette Tornier de Tarascon, placed *in stricto carcere muri* in Carcassonne, was allowed to talk to a prisoner from the neighbouring cell through a hole in the wall.⁹³

Imprisonment was one of the most commonly used types of punishment given by inquisitors from the South of France.⁹⁴ As the surviving fragments of the 1244–1248 registers of Bernard de Caux and Jean de Saint-Pierre demonstrate, out of 207 reported persons, 146, or over 70 %, were sentenced to prison.⁹⁵

sui corporis et detestationem sui criminis [...]. Tractatus super materia hereticorum. BAV, MS Vat. lat. 2648, f. 9ra.

90 *Practica*, 102 and 105.

91 Given, *Inquisition*, 67–71.

92 [...] *ad perpetuum carcerem stricti muri predicti castri de Alamanis cum vinculis et cathenis ferreis in pedibus, ubi panis doloris et aqua tribulationis vobis ministrentur, in et cum hiis scriptis sentencialiter condempnamus.* Gui, *Livre des sentences*, vol. 2, 1258.

93 Doat 28, f. 132; cf. Given, *Inquisition*, 82.

94 Given, *Inquisition*, 53–65 and 73–4.

95 Dossat, *Les crises*, 251–7.

Between 1308 and 1323, Bernard Gui pronounced this form of penance for 316 out of 633 convicts, which accounted for nearly half of all types of punishment (48.7 %).⁹⁶ An equally high percentage of heretics were given prison sentences in the trials presided over by Bishop Jacques Fournier of Pamiers, between 1318 and 1325. More than a half (46) of the 89 heretics interrogated by the Pamiers bishop had to complete a prison sentence. Out of that number, 32 people remained in prison for several years, and were released later, whereas 14 people were sentenced for life.⁹⁷

Languedoc was unique in its wide use of imprisonment for repentant heretics. In other parts of Europe imprisonment was a helpful instrument for detaining heretics during the inquisition trial. We do not have any information about the existence of any separate inquisitorial prisons that would serve the same punitive function as they did in Languedoc. In England, some Lollards were sent to prison to complete their penance. As we can gather from the 1511–1512 records of the archbishop of Canterbury, William Warham, seven heretics he had convicted had to complete a life prison sentence in a monastery. Such a sentence could be served in the Benedictine, Cistercian and Augustinian monasteries in the archdiocese of Canterbury. They tended to be chosen on the basis of their proximity to the convicts' home towns. If the penitent left the convent on his own initiative, this act was considered tantamount to a relapse into heresy and exposed the individual to the risk of being punished as one of the *relapsi*.⁹⁸

According to the letter of canon law, a life sentence had to be given to all heretics from the categories *relapsi* and *contumaces*.⁹⁹ The lack of special inquisition prisons often hindered the execution of these regulations. The fourteenth century records of Bohemian inquisitors show that prisons were most typically used during the trial. In the 1336 interrogation of Gallus of Jindřichův Hradec, a Prague tailor named Philip confessed that his mother Mecza was charged with heresy and imprisoned, and ended up spending twenty-three weeks in prison.¹⁰⁰ In the period preceding the appointment of the first Dominican inquisitors in 1318, alleged heretics were kept in the premises belonging to the Dominican friary, most likely in a space temporarily adapted to that end.¹⁰¹

96 Mollat, "Introduction", liii; Given, *Inquisition*, 69; Gui, *Livre des sentences*, vol. 2, 1646.

97 Pales-Gobilliard, "Bernard Gui", 262.

98 Tanner, "The Penances", 240–1.

99 E.g. Patschovsky, "Straßburger Beginenverfolgungen", no. 19, 187–8.

100 Patschovsky, *Quellen*, no. 9, 253.

101 Patschovsky, *Die Anfänge*, no. 2, 87.

In the 1330s–1340s, intense anti-heresy action enabled the detection of a great number of Waldensian groups, especially in the South Western of Bohemia. The absence of specifically designated inquisitorial prisons forced the inquisitors to use town prisons, as well as the episcopal prison in Prague where alleged heretics were detained. However, the demand for prison space greatly exceeded that granted to inquisitors. A Prague inquisitor, Gallus of Jindřichův Hradec, complained to Pope Benedict XII that the lack of prisons prevented the execution of an efficient anti-heresy action. This problem was solved temporarily when inquisitors were given access to the episcopal prison. In a letter dated 13 September 1341, Benedict XII ordered the Prague bishop, Arnošt of Pardubice, to grant the papal inquisitors access to his prison.¹⁰² Two years later, the pope ordered that money from the confiscation of heretical property be used to purchase a residence in Prague where an inquisition prison could be located.¹⁰³ On 30 June 1346, the pope, once again, drew the attention of the Prague archbishop to the scarcity of space for individuals held in inquisitorial custody and requested that appropriate steps be taken to improve the functioning of the inquisition.¹⁰⁴ However, we do not know the final outcome of these papal interventions. In the inquisition manual of the Prague papal inquisitor, Gallus of Jindřichův Hradec, one finds a sentence delivered in the case of Leo of Časlav. Charged with a blasphemy against the Holy Virgin Leo was sentenced to three-months in prison in the city tower.¹⁰⁵ It is highly questionable whether such a short sentence could have been considered real penance.

Just like Bohemia, fifteenth-century Poland used imprisonment almost exclusively at the stage of the inquisitorial trial. Alleged heretics were kept there until the completion of the judicial procedure and the pronouncement of a sentence. The Hussites associated with the land judge of the Poznań Province, Abraham Zbąski were detained at an unknown location, from where they were taken to subsequent hearings.¹⁰⁶

102 Emler (ed.), *Regesta diplomatica necnon epistolaria Bohemiae et Moraviae*, vol. 4, no. 2122, 864.

103 Holinka, "Sektářství", 76; Koudelka, "Zur Geschichte," 88.

104 *Monumenta Vaticana res gestas Bohemicas illustrantia*, no. 684, 406; *Regesta diplomatica necnon epistolaria Bohemiae et Moraviae*, vol. 4, no. 2233, 873; cf. Patschovsky, *Anfänge*, no. 115, 198–9; Holinka, "Sektářství", 76–7; Soukup, "Die Waldenser", 138–9.

105 Patschovsky, *Anfänge*, no. 22, 130–2.

106 Nowacki, "Biskup poznański", no. 1, 266 and no. 8, 270; AC 2, no. 1108, 521; cf. Kras, *Husyci*, 285.

The bishop of Płock, Paul Giżycki, also used custody for alleged heretics.¹⁰⁷ Sometimes heretics captured by secular officers were kept in royal prisons. This was the case for two Bohemian Hussites, Maticzek and Osieczek, imprisoned in the Chęciny castle where they awaited their trial.¹⁰⁸ Available sources provide little information about imprisonment as a punitive measure. In 1430, the inquisition court presided over by the Cracow vicar general *in spiritualibus*, Stanisław of Skarbimierz and papal inquisitor John from the Cracow Dominican friary sentenced a university master and royal astronomer Henry Czech to a life term in prison. In his case, imprisonment gave him the chance to escape the death penalty, as he was categorized a *relapsus*. We may suppose that this milder sentence was given after royal intervention: King Ladislas Jagiełło and Queen Sophia had had the birth of their male offspring predicted by this Bohemian scholar. Henry remained in prison for a relatively short period of time and, a few years later, was released.¹⁰⁹

From the very outset, the papal inquisition faced the problem of limited prison space. This was especially true in Languedoc where, following the end of the Albigensian crusade thousands of Cathars and Waldensians found themselves the target of the inquisition. In 1243, the Narbonne synod recommended that only the most dangerous heretics should be imprisoned given the lack of space in inquisitorial prisons.¹¹⁰ At first, the Languedoc inquisition used royal and municipal prisons. In Toulouse, heretics were imprisoned in the premises that were the property of the Count of Toulouse or the local bishop, whereas in Carcassonne and Béziers they served their terms in royal prisons.¹¹¹ In Pamiers, heretics were placed in the royal prison, the Tour des Allemans.¹¹² The need for space was so urgent, however, that in the early forties of the thirteenth century inquisitors from Toulouse and Carcassonne began to raise money for the

107 In 1457 vicar Maciej of Bulkowo, who denied the charges of administering Eucharist *sub utraque* to the laity, was sentenced to imprisonment. Bolesław Ulanowski (ed.), *Acta capitulorum Plocensis selecta (1438–1523)* (Cracow, 1891: Archiwum Komisji Historycznej, 6), no. 402, 102; cf. Kras, *Husyci*, 285.

108 Aleksander Sokołowski and Józef Szujski (eds), *Codex epistolaris saeculi decimi quinti*, vol. 1 (Cracow, 1876: Monumenta Medii Aevi Historica, 2), 148–9.

109 Kras, *Husyci*, 291–2.

110 *Texte zur Inquisition*, 62.

111 *Histoire générale de Languedoc*, vol. 8, 1206. Cf. Biget, “L’Inquisition en Languedoc”, 77.

112 Given, *Inquisition*, 81–2; Matthias Benad, *Domus und Religion in Montailou: Katholische Kirche und Katharismus im Überlebenskampf der Familie Pfarrers Petrus Clerici am Anfang des 14. Jahrhunderts* (Tübingen, 1990), 51.

construction of separate inquisitorial prisons. In 1246, Toulouse inquisitors Bernard de Caux and Jean de Saint-Pierre purchased a house in the vicinity of the Dominican friary with money acquired from the confiscated possessions of heretics. These new prison quarters were used both as a place where penitential terms were served by heretical convicts and a temporary jail for those whose investigation was in progress. The penitential sentences published by Bernard de Caux and Jean de Saint-Pierre described the location of the prison as being near the Cathedral of St Stephen (*domus carceris apud Sanctum Stephanum*).¹¹³ Before long, a similar inquisition prison was built in Carcassonne. Due to their proximity to the municipal walls, they were termed *murus*.¹¹⁴

We know little about the actual size of Languedoc's inquisitorial prisons. In the mid-thirteenth century, the average number of prisoners incarcerated in Toulouse was one hundred and seventy people. This figure is just an approximation. The inquisitorial prison did not have a determined capacity and the number of prisoners, even in the course of a single year, varied greatly. For instance, on 6 May 1255, the Toulouse prison records registered only eighty-five prisoners, while nine months later, on 6 February 1256, the number rose to two hundred and nineteen. At the turn of the fourteenth century, the number of Toulouse prisoners did not exceed an average of one hundred and fifty people. In the first decades of the fourteenth century, the number was even smaller. In 1310 the prison had a hundred and thirteen people, by 1322 the number was down to sixty-nine. With regards to the Carcassonne inquisition prison, the only data available comes from 1312, when one hundred and sixty-two convicts were placed in its quarters.¹¹⁵ The falling number of prisoners reflected to a great extent the declining strength of Catharism in Languedoc and demonstrated the success of the war on heresy.

The cost of a prison stay was the responsibility of the prisoner him/herself, provided he/she was wealthy enough. If the sentence was served by a poor citizen, the financial burden was assumed by the ecclesiastical authorities. In Languedoc, the majority of funds spent on prisons came from the confiscated property of heretics.¹¹⁶ A prison stay was expensive and could ruin even those who were wealthier than average. Guillaume Martini, who was detained at the

113 *Documents*, vol. 2, no. 34, 69.

114 Eymerich, *Directorium*, 587; Eymerich, *Manuel*, 203–4.

115 Given, *Inquisition*, 79.

116 Mansi 23, 196; *Texte zur Inquisition*, 2; Gui, *Practica*, 6–7; cf. Duvernoy, “Création et crises”, 154.

inquisition prison in Carcassonne for seven weeks, had to take out a loan of 50 pounds in order to assume the expenses of his prison sentence. Following his release from prison, he had to sell some land to pay it off.¹¹⁷

Most evidence concerning the inquisition prisons in Languedoc presents a rather bleak image of the conditions in which the prisoners had to live. We need to keep in mind, however, that the sources in question come from the final decades of the thirteenth century and the early fourteenth century. Between 1285–1286 the town councillors from Carcassonne filed a complaint to the papal curia concerning the activity of a local papal inquisitor, Jean Galand. The letter contains a terrifying description of the conditions at the inquisitorial prison in Carcassonne.¹¹⁸ We read that the prisoners were confined in narrow cells with no windows and no access to fresh air. Many of them were chained to the walls in a way that prevented them from moving.¹¹⁹ A longer stay in such conditions resulted in many serious illnesses, and even became the cause of death for some prisoners.¹²⁰

A similar complaint was sent to Pope Clement V twenty years later by some residents of Albi. The letter accused the local bishop Bernard de Castanet and his inquisitor collaborators of having sentenced a great number of innocent people to prison and keeping them in scandalous conditions. Responding to the plea of the citizens of Albi, Clement V formed a special Commission of Cardinal Bishops in 1306, presided over by the legates Bérenger Frézouls and Pierre de la Chapelle Taillefer. The task of the commission was to inspect the Albi prison, as well as some of the other inquisition prisons in Languedoc. The visit to the Albi prison was a shocking experience for the legates. As we read in the report written after the inspection, the prisoners were crowded in small dark cells. Some were chained to the wall, others had their legs chained. The first decision made by the commission after their inspection was an immediate release of the prisoners from handcuffs and chains. They also demanded that no more than three or four people be placed in one cell. The information collected by the papal legates revealed a lot of abuse of prisoners within the inquisitorial procedure, for which the bishop of Albi was personally responsible. To make matters worse, it turned

117 *Registre*, vol. 3, 288.

118 Given, *Inquisition*, 64–5.

119 Vidal, *Un inquisiteur jugé par se "victimes": Jean Galad et les Carcassonnais (1285–1286)* (Paris, 1903), 40.

120 *Documents*, vol. 2, 331–2.

out that some prisoners had spent five years in the episcopal prison without any formal sentence.¹²¹

A different perception of prison conditions emerges from the records of the Pamiers bishop Jacques Fournier. Reported testimonies furnish some information about the royal prison of Pamiers. The prisoners placed there had considerable freedom of movement within the prison and were able to meet with other people.¹²² Most of them were in permanent contact with their relatives who could visit them in prison.¹²³ Sometimes family members made attempts to bribe the members of the inquisition tribunal and prison guards in order to see their loved ones released.¹²⁴ The documentation from the trial of Bernard Clergue, brother of the Mointaillou priest and leader of the local Cathars, tells us about access to prisoners and their attempts at flight. We also learn that he visited the Pamiers prison on several occasions in order to see his brother and other residents of Montaillou. One of the trial witnesses, Bernard Bénet de Montaillou, confessed that during an earlier stay at the Carcassonne prison, Bernard Clergue had encouraged him to conceal his relationship with the Cathars from the inquisitor.¹²⁵ Even in 1321, when Bernard Clergue was sentenced to prison at Pamiers's Tour des Allemans himself, Bernard had easy access to the prisoners, and tried to blackmail and bribe them into changing their testimonies that implicated his brother.¹²⁶

Philip IV the Fair of France, having received repeated complaints about the extremely poor conditions in the inquisition prisons of Languedoc, finally decided to intervene in the matter and forced the ecclesiastical authorities to take a closer look at the system of supervision of inquisition penalties. New regulations concerning the structure and monitoring of inquisitorial prisons were introduced by the Council of Vienne between 1311 and 1312. The *Multorum quaerela* constitution was an effort to reduce the arbitrary nature and unfettered freedom of action in assigning prison sentences. To that end, inquisitors were required to have each prison sentence confirmed by the local bishop or his representative.

121 A detailed analysis is offered by Julien Théry, "Les Albigeois et la procédure inquisitoire: le procès pontifical contre Bernard de Castanet, évêque d'Abli et inquisiteur (1307-1308)", *Heresis* 33 (2000), 7-48.

122 *Registre*, vol. 2, 278-80.

123 Given, *Inquisition*, 62-3.

124 *Documents*, vol. 2, no. 4, 12.

125 *Registre*, vol. 1, 395; cf. Griffe, *Le Languedoc cathare et l'inquisition (1229-1329)* (Paris, 1980), 274-7.

126 *Registre*, vol. 2, 277-90; cf. Given, "The Inquisitors", 236.

In order to tighten control over prisoners' living conditions, inquisition prisons would now be under the joint care of both the bishop and the inquisitor. Each of them had to appoint his own "honest and trustworthy man" as wardens. The two guards were supposed to have two different prison keys. Before taking on their duties, they had to take an oath on Holy Scripture and declare that they would "show great zeal and care [...] in supervising the prisoners". They were not allowed to talk with the prisoners, and wishing to prevent incidents (noted earlier) of robbery, the guards were told to give the prisoners food packages in the same form as they were received from their relatives.¹²⁷ Similar means of control were applied to episcopal prisons.

The fourteenth century manuals for inquisitors, written by Bernard Gui and Nicholas Eymerich, devoted separate chapters to the structure of inquisitorial prisons and the surveillance of convicted heretics. Eymerich included a detailed description of the procedure for appointing prison guards. In accordance with the resolutions of the Council of Vienne, one guard had to be appointed by the bishop, and the other by the inquisitor. All inquisition prison guards had to take an oath of loyalty to the bishop and the inquisitor. The council also recommended that prisoners should have limited access to the world, justifying this opinion with the statement that only true Catholics whose faith does not give rise to any suspicion should be granted access to the convicts.¹²⁸

Security measures and systems of surveillance of heretics imprisoned by the Languedoc inquisition must have been far from sufficient, given the number of prisoners who managed to escape. It was fairly easy to escape from the inquisition prison, especially in the early years of operation. This is what we gather from the information registered in the records of Bernard de Caux and Jean de Saint-Pierre. Dated 15 March 1248, the records registered a sentence passed on two heretics, Raymond de Syld and Arnaud Gerreri de Toulouse who, in spite of their previous oath, had fled from the Toulouse prison.¹²⁹ Similarly, Guillaume Falquet de Verdun-en-Lauragais after being sentenced *ad murus largus* in 1307, managed to break free of his handcuffs and leave the Toulouse jail.¹³⁰

According to papal decrees, bishops and inquisitors were allowed to release a given heretic at any time, provided they believed that the prison sentence to date had yielded the desired outcome. Heretics who demonstrated "clear signs of

127 Tanner, *Decrees*, vol. 1, 380–1.

128 Eymerich, *Directorium*, 507.

129 *Documents*, vol. 2, no. 38, 76, and no. 47, 85.

130 Gui, *Livre des sentences*, vol. 1, 226.

contrition" (*manifesta signa poenitencie*) could hope to be released from prison.¹³¹ The indispensable condition for such a release was the guarantee given by several people of immaculate repute.¹³² Reading the surviving inquisition records, we gather that the majority of convicts sentenced to life imprisonment were released after several years, sometimes a dozen years or more. There were some instances of "exchange" of sentences in that a prison sentence could be exchanged for a different form of penance after twenty or thirty years. On 25 May 1309, Bernard Gui released six people from prison. These people had spent over twenty years in jail, having been captured and sentenced to prison in the late 1270s–1280s. Pons Espigoti de Garrigues, put in prison in 1283 spent twenty-six years there. Durand Teisseyre was imprisoned for twenty-four years, Pierre Crisal d'Appelle 23 years, and Bernard Amiel de Le Mas-Saintes-Puelles 22 years. The longest term served at the Toulouse inquisition prison, over thirty years, was served by two women, Tholosana de Roquevidal (33 years) and Raymonde, the widow of Étienne Got de La Garde, convicted *ad murum* in the 1260s.¹³³

The records of bishop Jacques Fournier indicate that out of thirty-two people convicted to *murus largus* between 1318 and 1325, as many as twenty-four left the prison. Some regained their freedom within less than twenty months, while in some other cases, the process took several years after the sentence was pronounced. The shortest term, only eleven months, was served by Mengarda Buscalh de Prades (from 2 August 1321 to 5 July 1322).¹³⁴ In contrast, Guillaume Austatz, bailiff of Ornodac, was imprisoned longest, almost eight years following his conviction on 6 March 1321. He was released on 16 January 1329.¹³⁵ An equally long period of penance at Tour des Allemans was the lot of six other individuals.¹³⁶ Nine convicts stayed in prison for fourteen to sixteen months.¹³⁷ Seven other heretics completed their penance within three to five and a half years.¹³⁸

Bernard Gui and Jacques Fournier's decisions to let heretics go free after several decades of imprisonment could be attributed, in all likelihood, to the success of the inquisition in the struggle against Catharism. In the first decades

131 Eymerich, *Manuel*, 224.

132 Gui, *Practica*, 39.

133 Gui, *Livre des sentences*, vol. 1, 206–9.

134 *Registre*, vol. 1, 554.

135 *Registre*, vol. 1, 553.

136 *Registre*, vol. 1, 554.

137 *Registre*, vol. 1, 553–4, and vol. 3, 467.

138 *Registre*, vol. 1, 554; vol. 2, 520–1, and vol. 3, 467.

of the fourteenth century, the last Languedoc *perfecti*, the brothers Autier and Guillaume Bélibaste, were captured by inquisitors. This led to the final disintegration of the Cathars' organisational structures.¹³⁹

The obligation to complete an assigned prison sentence could be suspended for pregnant women, the elderly and the seriously ill. The Toulouse and Carcassonne inquisition records from the thirteenth century note many cases where consent was given for an individual to leave the prison during an illness or after the birth of a child. Just like with other people exempted from the prison sentence, the condition for obtaining such a consent was the presentation of a few guarantors. Each prisoner to whom such a grace was granted, had to return to prison on a determined day.¹⁴⁰

4. Penitential symbols

In parallel with the previously discussed forms of punishment, the medieval penitent was also generally required to wear penitential symbols. Heretics who had renounced their past errors and become reconciled with the Church had to wear two cross marks sown onto their outer garment (*cruces poenitentiales*). Both the synodal laws and manuals for inquisitors specified different kinds of symbols for different categories of repentant heretics. Perjurers wore patches with the depiction of a cross with a double bar, and false witnesses were distinguished with two tongues made of red fabric.¹⁴¹ In England, repenting heretics had to wear a band on their shoulder with an image of a burning stake (*fasciculum*).¹⁴² Heretics, appropriately marked, formed a separate social category, the *ordo poenitentium*, subjected to special surveillance by the Church. Their clothes served the same function as sackcloth (*cilicium*).¹⁴³ This type of penitential clothing with crosses sown onto them is the origin of the *sanbenito*, a special penitential cloak used by

139 Biget, *L'inquisition en Languedoc*, 74–5.

140 E.g. on 16 April 1250 Bernard Raymond was released from the inquisitorial prison of Carcassonne (*Documents*, vol. 2, 122). Arnaud Brunel de Couffelens was allowed to leave the prison for 8 days to cure his sickness (*Documents*, vol. 2, 128).

141 Gui, *Practica*, 105.

142 [...] *quilibet eorum gestabit fasciculum depictum cum rubies coloribus mixtis et circumdatis in modum flame ignis circumposite – videlicet, masculi sinistro humero ex parte exteriori in sinistra manica vestimenti sui superioris, et femine in sinistra manica husiumodi vestimenti sui superioris*. *Kent Heresy Proceedings*, 39–40; cf. Tanner, “The Penances”, 234–8.

143 Eymereich, *Manuel*, 168–9.

Spanish and Portuguese inquisitors. The *sanbenito* was made of a yellow fabric and had two red crosses painted on the front and back.¹⁴⁴

The cross has become the most universal sign of Christianity, a symbol of Christ's victory over death and an anticipation of eternal life for all those who believe in the Redemption and Resurrection. Christians regarded the cross as a sign of adherence to the Church of Christ. In Antiquity, the sign was attributed apotropaic powers as it symbolized the redemptive death of Christ. It was believed that the sign of the cross granted protection of the body and soul to everyone who used it. The cross painted on the forehead or a prayer hand gesture was supposed to bring protection from evil and Satan. The third-century *Apostolic tradition* by presumed to have been written by Hippolytus the Roman, recommended that Christians make the sign of the cross on the forehead as "a protective shield against the devil".¹⁴⁵

In the Middle Ages, a cross marked on a garment was interpreted as a visible manifestation of a commitment, such as participation in a crusade or a profession of religious vows. The inclusion of the sign of the cross in the inquisitorial penal system was inspired by this ancient ecclesiastical tradition. Crosses worn on the outer garment, just like the cross painted on the forehead in early Christianity, were supposed to protect the wearer from Satan, the main cause of heresy and schism. While striving for unity with the Church, heretics needed special protection from the power of the Prince of darkness who had previously succeeded in pulling them away from the truth of God. In the first half of the eleventh century, heretics had to validate their public confession with the sign of the cross. This rite was intended to testify to their conversion, and protect them on Doomsday (the Arras trial in 1025).¹⁴⁶ The required *ordo* of absolution and reconciliation of previously excommunicated individuals, included in the *Pontifical* of Guillaume Durand (ca 1235–1296) from the second half of the thirteenth century, put a lot of emphasis on the ritual of making the sign of the cross on the sinner who, from then on, was marked with the sign of Christ and Christianity. In the text of the *ordo*, in the clause for the ceremony of reconciliation, the cross that the

144 Eymereich, *Manuel*, 170–2. The *sanbenito* is presented at the well-known painting of Pedro Berrugete's of St Dominic from 1495, now housed in the Prado Museum in Madrid. Ruth Mellinkoff, *Outcasts: Signs of Otherness in Northern European Art of the Late Middle Ages* (Los Angeles and Berkeley, 1993), vol. 1, 45 and vol. 2, illustration no. II, 18.

145 Stanisław Kobieliński, *Krzyż Chrystusa. Od znaku i figury do symbolu i metafory*, (Warsaw, 2000), 214–27.

146 Mansi 19, 460.

excommunicated individual had formerly rejected through his/her sin was given to them again as a sign of return to the ecclesiastical community.¹⁴⁷ A similar meaning was attributed to the signs of the cross put on heretics at the ceremony of reconciliation. They were read as symbols of the rejection of heresy and a sign of conversion.¹⁴⁸

We do not know the exact time or context in which this form of penance for heretics was introduced. As we have mentioned previously, during his preaching mission in Languedoc, St Dominic introduced the requirement to wear a habit with two crosses on all the Cathars whom he converted.¹⁴⁹ Patches with these penitential crosses were also used during the Albigensian crusade to distinguish heretics who had attended the revocation and abjuration ceremony.¹⁵⁰ For this reason, we can suppose that the 1229 Toulouse Synod, which closed the crusade, merely authorized a penitential practice previously known. According to the synod statutes, all heretics who renounced heresy willingly and satisfied the requirement of reconciliation, had to wear two crosses sewn onto their outer garment. The colour of these had to be clearly distinguishable from the rest of their clothing. The synod statutes emphasized that these crosses signified rejection of past errors (*in detestationem veteris erroris*).¹⁵¹ The chronicle of Guillaume of Puylaurens confirms that this custom was in effect immediately after the closure of the Toulouse Synod. The penitential crosses were imposed by a papal legate, Romanus de Sancto Angelo, who conducted two town visitations in Languedoc in 1229.¹⁵² Later synods in Tarragona (1242)¹⁵³ and Béziers (1246)¹⁵⁴ continued to implement this form of penance.

At the next stage, the practice of wearing penitential signs was popularized by papal inquisitors, first in Languedoc, and next in other areas of Europe.¹⁵⁵ A closer analysis of thirteenth century records of the Toulouse and Carcassonne inquisition proves that the cross marks worn on heretics' clothing became a standard form of public penance of reconciled and released heretics. During the

147 Andrieu (ed.), *Le Pontifical Roman au Moyen-Âge*, vol. 3, 616.

148 Gui, *Practica*, 64.

149 Koudelka (ed.), *Monumenta diplomatica sancti Dominici*, 16–8; Constantine of Orvieto, *Legenda sancti Dominici*, 321–2.

150 Dossat, “La répression”, 230–1.

151 Mansi 23, 196; *Texte zur Inquisition*, 32; cf. *Processus inquisitionis*, 74.

152 Guillaume de Puylaurens, *Chronica*, 138.

153 *Texte zur Inquisition*, 57–8.

154 Mansi 23, 693.

155 Eymerich, *Manuel*, 171–2.

inquisition in the Quercy region in 1241, a Dominican inquisitor Pierre Sellan put penitential crosses on one-third of all heretics for whose legal process he was responsible. Most of them had to continue wearing crosses from one year up to three years.¹⁵⁶ We find an order to wear crosses in the penitential document from *Processus inquisitionis* from 1248, used by Toulouse inquisitors, Bernard de Caux and Jean de Saint-Pierre, and their successors later.¹⁵⁷ Later manuals for inquisitors regarded the act of wearing two crosses as a standard type of punishment given to heretics who were being released from prison. A detailed description of this penitential practice can be found in Bernard Gui's manual. The penitential signs had to measure 2.5 palms in height and width, 2.5 whereas the thickness of the arms of the cross had to measure 2.5 fingers. One of the crosses was placed in the front, on the chest, whereas the second one went on the back, between the shoulder blades. Gui emphasized that penitential marks needed to be worn until death, at all times, at home and in public. An inquisitor or a bishop was the only person who could lift this obligation. Failure to do so was considered return to heresy (*relapsio*) and, as such, deserved the most severe punishment.¹⁵⁸ The sentences registered in *Liber sententiarum* of Bernard Gui specified the dimensions, colour and placement of the penitential crosses in accordance with the instructions from his *Practica*.¹⁵⁹

Originally, the penitential requirement to wear the marks of the cross was closely associated with the obligation to complete a pilgrimage to the Holy Land.¹⁶⁰ In the second half of the twelfth century, the signs of the cross were worn by pilgrims from Flanders.¹⁶¹ Sources accessible to us described these heretics, distinguishable by their crosses, as *crucesignati*, or with the same term that referred to the Holy Land crusaders. In this sense, the cross sown onto the outer garment could play a dual role. On the one hand, it was a symbol of penance; on the other hand, it symbolized the commitment to complete a penitential pilgrimage or a crusade to the Holy Sepulchre in Jerusalem. Up until the 1270s, many heretics required to wear the signs of the cross, had to go on such a pilgrimage to the Holy Land. The 1233 entry in the chronicle of a Dominican inquisitor, Guillaume Pelhisson, mentions twelve inhabitants of Albi who were marked with crosses and, therefore, were required to complete

156 Roach, "Penance", 422.

157 Pegg, *The Corruption of Angels*, 128.

158 Gui, *Practica*, 37–9.

159 E.g. Gui, *Le livre des sentences*, vol. 1, 224.

160 Guillaume Pelhisson, *Chronique*, 52–4.

161 Mansfield, *The Humiliation of Sinners*, 125.

a pilgrimage to the Holy Land.¹⁶² The surviving books of sentences arbitrated by the first inquisitors from Languedoc, Guillaume Arnaud, Étienne de Saint-Thibéry and Pierre Sellan, mentioned penal assignments: a pilgrimage to the Holy Land or Constantinople along with the obligation to wear cross marks on outer clothing. Étienne de Gourdon, convicted on 1 December by Pierre Sellan, had to wear penitential crosses and spend two years in Constantinople defending the Latin empire from the Saracens.¹⁶³ The records of the episcopal inquisitors of Carcassonne from the thirteenth century indicate that *peregrinatio transmarina* was part of the standardized penitential assignment for heretics. Featured sentences defined with precision the required length of stay in Palestine and specified the time frame of the journey.¹⁶⁴ It was not until the fall of the Christian kingdom of Jerusalem that such a penitential pilgrimage ceased to be used.

These penitential marks worn by heretics were often described as humiliating punishment (*poenitentia confusa, poene confusibiles*), as they intended to make the condemnation of a heretic a public issue. In the Middle Ages, the practice of marking criminals was widespread. It was also a form of distinguishing “outsiders” who lived on the margins of Christian society.¹⁶⁵ According to R.I. Moore, the act of distinguishing and stigmatizing groups considered dangerous to Christians with special patches of fabric was one of the characteristic traits of a “persecuting society” formed between the eleventh and the twelfth century.¹⁶⁶ In medieval society, being different meant being rejected and humiliated. Individuals ousted to the social margin were exposed to derision and harassment. Apart from repentant heretics, all Jews, Muslims, lepers and prostitutes were also required to wear special marks. The repertoire of such distinguishing marks for those ostracized groups did not end there. The marks could also include everyday accessories such as shoes, hats and clothes. Their shape and colour also mattered, sending a specific message in social communication.¹⁶⁷

162 Guillaume Pelhisson, *Chronique*, 58.

163 *Stabit per duos annos in terra Constantinopoli, et portabit cruces ad mensuram palmi per humeros, et accipiet iter a prima Domini usque ad annum*. Duvernoy (ed.), *L'inquisition en Quercy*, 30.

164 *Documents* 2, 90–312.

165 Gonthier, *Le châtement du crime*, 120–34.

166 Moore, *The Formation*, 45–60.

167 Robert Jütte, “Stigma-Symbole: Kleidung als identitätsstiftendes Merkmal bei spätmittelalterlichen und frühneuzeitlichen Randgruppen (Juden, Dirnen, Aussatziige, Bettler)”, *Saeculum* 44 (1993), 65–89.

The effort to distinguish non-Christian people with special symbols was a practice authorized by the Fourth Lateran Council in 1215. It ordered Jews and Muslims to wear a special type of clothing that would make them distinguishable from Christians.¹⁶⁸ Possibly, this European custom of wearing pieces of fabric of specific colour by non-Christians was a practice inspired by Islamic regulations from the seventh century, which required that infidels have specific headwear or pieces of fabric sown onto their clothing, yellow for Jews and blue for Christians.¹⁶⁹ Jews tended to be marked off with a yellow circle painted on the back.¹⁷⁰ In addition, they had to wear yellow bands or patches shaped like the star of David on the right shoulder.¹⁷¹ The signs worn by Jews emphasized their distinct religion and ethnicity, and, at the same time, ensured protection from state officials.¹⁷²

Lepers constituted yet another distinct group within society and were specifically marked as such. In order to minimize their contact with the healthy part of the population, they were forced to live away from residential areas. An indispensable accessory with which a leper was equipped was a rattle or a bell used to inform others of their presence. The lack thereof could result in severe punishment.¹⁷³ Prostitutes also had a duty to wear characteristic elements of clothing in different parts of Europe, women of ill repute were required to wear a red or yellow band on their right shoulder.¹⁷⁴

Among the aforementioned marks worn by distinctive groups of individuals, the colour was of great importance. The ecclesiastical and civil authorities

168 Tanner, *Decrees*, vol. 1, 266; cf. Alan Cutler, "Innocent III and the Distinctive Clothing of Jews and Muslims", *Studies in Medieval Culture* 3 (1970), 94–110; Jütte, *Stigma-Symbole*, 68–79; Solomon Grayzel, *The Church and the Jews in the 13th century*, vol. 2 (New York and Detroit, 1989), 8.

169 Ilse Lichtenstadter, "The Distinctive Dress of Non-Muslims in Islamic Countries", *Historia Judaica* 5 (1943), 35–52.

170 E.g. Mansi 23, 792 (the Statutes of the Béziers Synod from 1246).

171 Guido Kisch, "The Yellow Badge in History", *Historia Judaica*, 19 (1957), 123–33; Grayzel, *The Church and the Jews*, 60–70; Cutler, *Innocent III*, 111–6; Alfred Rubens, *Jewish Costume* (London, 1973), 80–98; Diane Owen Hughes, "Distinguishing Signs: Ear-Rings, Jews and Franciscan Rhetoric in the Italian Renaissance City", *Past and Present* 112 (1986), 3–59.

172 Cutler, "Innocent III", 113.

173 Saul Nathaniel Brody, *The Disease of the Soul* (Ithaca, 1974), 67.

174 Vern Bullough and Bonnie Bullough, *Prostitution: An Illustrated Social History* (New York, 1987), 122–3; Leah Lydia Otis, *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc* (Chicago, 1985), 79–80.

purportedly chose bright colours, such as yellow or red, to ensure the culprits' visibility. Thus, the owners of humiliating patches were easily recognizable and could not blend into society.¹⁷⁵ The negative value attributed to these two colours also played a role. These, to the Christian mind, were symbols of infidelity, betrayal and adultery.¹⁷⁶ Even if the situation of repentant heretics could seem very similar to that of other groups distinguished from the rest of the society, heretics could not be described as a socially marginalized group. Contrary to the Jews or prostitutes, heretics wore their patches only during their penance. What is more, throughout their penance, they continued to belong to the Church, forming a distinct group within it, the *ordo poenitentium*. At the reconciliation ceremony, excommunication was lifted and former heretics were reintegrated into the ecclesiastical community. The crosses sewn onto outer clothing were, above all, a sign of penance. At the same time, their role was to protect repenting heretics from persecution.¹⁷⁷ After penance, with the consent of a bishop or an inquisitor, penitents were allowed to take them off. As the 1246 Béziers statutes emphasized, the Church rejoiced in each converted heretic, and all the faithful were supposed to take care of and support the penitents. For this reason, canon law included a ban on mocking repentant heretics.¹⁷⁸

Similar prohibitions could be found in thirteenth century manuals for inquisitors. The form of the penitential document included in the *Processus inquisitionis* features a request not to let any other onlooker harass repentant heretics because of their cross marks.¹⁷⁹ Bernard Gui's manual also forbade

175 "In all this variety of colors and patterns chosen as distinguishing elements for the badges of Jewish outcasts and other pariahs, certain guiding principles are visible: the badge or badge-clothing – its color or shape or both – had to be different from what the majority wore, but that dissimilarity had to be recognizable by the majority of populace. Moreover, the badge, whether an attachment or an article of clothing itself, had to be clearly visible. This accounts for frequent choice of bright colors such as red and yellow." Mellinkoff, *Outcasts*, vol. 1, 47.

176 Mellinkoff, *Outcasts*, vol. 1, 45.

177 Arnold, *Inquisition*, 66–7.

178 *Cum peccatores sint ad poenitentiam invitandi iuxta Dominicam vocem, gaudere oportet si poenitentiam libenter suscipiunt et supportant. Quocirca statuimus, et in virtute sancti Spiritus inhibemus, ne poenitentibus, quibus cruces pro crimine haeresis imponuntur, irrisio ulla fiat, ne 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.* Mansi 23, 693.

179 *Processus inquisitionis*, 74.

derision and harassment of heretics wearing penitential symbols. Gui explained that one ought not to deride penitents as it delays their full return to the Church, or could even result in their refraining from penance.¹⁸⁰ He compared convincingly the converted heretic with the prodigal son returning to the home of his father. Just like the father from Christ's parable rejoices in seeing his son return, thus the Church rejoices in the conversion of each heretic.¹⁸¹

Wearing easily recognizable penitential marks subjected the heretics to strict surveillance by the ecclesiastical authorities, preventing them from keeping their penance private. In the inquisition's penal system, penitential crosses were both clear signs of severe punishment given for heterodoxy and of the grace granted by the Church to sinners who had renounced their errors and returned to the Catholic faith.¹⁸² Public humiliation of cross-marked heretics added extra punitive value. It was intended to remind them of the yoke of sin committed against God and the Church. In spite of the anti-harassment recommendations of the ecclesiastical authorities, cross-marked heretics experienced various forms of social ostracism.¹⁸³ They were often objects of derision and humiliation. Many of them had difficulty finding an occupation and starting a family. Driven to the margin of society, they tried to break free from this form of penance and sometimes took off the marks of "shame" on their own initiative.¹⁸⁴ They went against the regulations requiring that the cross marks be worn until death and, as a result, in general, this form of penance was mostly observed for a few years, and then dropped. James Given's calculations demonstrate that the average duration of this form of penance was over four years (1601 days). The shortest period recorded was less than a year, the longest over thirteen years (4.858 days).¹⁸⁵ In thirteenth-century Languedoc, repentant heretics could obtain consent for an exchange of

180 [...] *cruces sunt impositae ad portandum, et peregrinationes injuncte ad faciendum, pro hiis in quibus in facto seu crimine heresis commiserunt, aliquis audeat irridere, nec a locis propriis seu communibus commercis excludere, vel quoquo modo alias molestare, ne ex hoc retardetur conversio peccatorum, et ne conversi propter scandalum, abjecta penitentia, relabatur.* Gui, *Practica*, 60.

181 Gui, *Practica*, 60 and 100.

182 "The inquisitors' flexible system of punishments allowed them to create a new social grouping, that of the penitent heretic or heretical sympathizer. Its members, once they had passed through the hands of the inquisitors, were not simply reintegrated once-and-for-all into the society of the faithful: they were marked out and set apart from everyone else." Given, *Inquisition*, 84.

183 Roach, "Penance", 424.

184 Given, *Inquisition*, 85.

185 Given, *Inquisition*, 100.

this form of punishment for a certain number of penitential pilgrimages. On 5 October 1251, the inquisitors of the bishop of Carcassonne exempted the citizens of Preixan, Coufoulens, Cavanac, Corneze, Leuc and Villefloure from the obligation of wearing crosses. At the same time, they assigned a new form of penance that required all penitents to complete several shorter pilgrimages to local sanctuaries within eight days, and to begin a longer pilgrimage to the Holy Land within the following fifteen days.¹⁸⁶ The exchange of humiliating crosses for pilgrimages was common practice for the Toulouse inquisitor Bernard Gui. As his register indicates, out of the 135 people exempt from the requirement to wear crosses, the majority had to complete penitential pilgrimages.¹⁸⁷

It was also possible to obtain consent to take off the crosses in exchange for a financial donation for the construction or a renovation of a church. For example, on 20 March 1255, Pons Olmier, grateful for permission to take off his crosses, “voluntarily” made a pledge to deliver 150 *solidi* to the Rieunette abbess.¹⁸⁸ At the request of an abbot, R. Maurel confessed that his wife had been granted consent to take off her crosses and, in exchange, bought stone for the construction of an abbey portico whose value was estimated at 10 *solidi*.¹⁸⁹ In order to avoid this humiliating form of penance, heretics made attempts at bribery, using influential relatives or friends in the milieu of the bishop or the inquisitor. In the mid-thirteenth century, Guillemette Bonet gave three geese to a woman named Berenferre, who promised her that she would obtain permission from the bishop of Carcassonne for her marks of penance to be removed.¹⁹⁰

The act of unauthorized removal of the crosses was regarded as equivalent to blatant disregard for the assigned penance and presumed a return to heresy. Each case of this type was examined in detail and the person who did not wear the symbols of penance had to offer an explanation for having removed them.¹⁹¹ When, on 2 October 1252, Raymonde Mainfrere de Sauzens appeared before Raymond David, the inquisitor of Carcassonne (1248–1255) without her penitential marks, he demanded that she provide a reason for their removal. In response, Raymonde said that the patches she had been wearing became damaged and she had found no place to buy new ones. She also admitted that the

186 *Documents*, vol. 2, no. 81, 149.

187 Gui, *Livre des sentences*, vol. 2, 646; cf. Given, *Inquisition*, 85–6.

188 *Documents*, vol. 2, no. 221, 224–5.

189 *Documents*, vol. 2, no. 244, 225.

190 *Documents*, vol. 2, no. 245, 225.

191 In 1323 Bernard Gui sentenced Arnaud Savignan to life imprisonment because the latter did not wear penitential crosses. Gui, *Livre des sentences*, vol. 2, 1636.

woman for whom she worked as a wet nurse forbade her to wear the dress with the crosses in her home.¹⁹² The records of the Languedoc inquisition speak of individuals who, because of the humiliation they had experienced, decided to take off penitential crosses on their own initiative, and changed their place of residence hoping that life would be better elsewhere. A good illustration of the problems encountered by cross-wearing heretics is the fate of Arnaud Isarn de Villemur-sur-Tarn. As recorded in the register of Bernard Gui, because of his penitential marks, Arnaud could not find any occupation for over a year. Only following the removal of his symbols did he take up work on a ship sailing on the Garonne between Moissac and Bordeaux. For almost ten years, Arnaud was careful not to reveal his heretical past. However, in June of 1321, he was captured by some inquisition collaborators and imprisoned in Moissac. From there, following an unsuccessful flight, he was transferred to the inquisition prison in Carcassonne. His removal of the crosses and flight from prison was judged by Bernard Gui as an apparent return to heresy. During the *sermo generalis* of 12 September 1322, Arnaud Isarn was declared a relapsed heretic and given a life prison sentence.¹⁹³

In other areas of medieval Europe, the observance of the requirement to wear penitential crosses was not as strict as in Languedoc. In the 1260s a few citizens of Orvieto who had been sentenced to this form of public penance removed their penitential marks shortly after their reconciliation. The inquisitorial intervention intended to force them to put them on again resulted in failure.¹⁹⁴ English sources also tell us about cases of removal of penitential marks. The famous sixteenth century English historian of the Reformation and its precedents, John Foxe, described the case of a Lollard, John Brewster of Colchester, whose patches, with a depiction of a stake, were removed by an official acting on behalf of the earl of Oxford. Unfortunately, we do not know the motives behind this decision.¹⁹⁵

192 *Documents*, vol. 2, no. 154, 194.

193 Gui, *Livre des sentences*, vol. 2, 1484–8; at 1486; cf. Given, *Inquisition*, 85–6.

194 Lansing, *Power and Purity*, 146–7.

195 “[...] away from hym. The other (which was Brewster) left of hys, at the commaundement of the comptroller [...] K. Henry. 8. VV. Sweting, Ioh. Brewster. Rich. Hunne, Martyrs. badges, duryng theyr lyues, or so long as it should please theyr ordinary to appoynt, and not to leaue them of vpon payne of relaps, vntill they were dispensed withall for the same.” John Foxe, *Acts and Monuments of the English Martyrs (Book 7)*, ed. Josiah Pratt, vol. 4 (London, 1877), 215–6; The Unabridged Acts and Monuments Online or TAMO (The Digital Humanities Institute, Sheffield,

5. Pilgrimages

In the early Middle Ages, pilgrimage became one of the basic components of penance assigned for offences deemed disruptive to the public order. The prototype of the penitential pilgrimage was the Biblical punishment given to Cain by God. Following Cain's murder of his brother Abel, God sentenced the killer to exile.¹⁹⁶ In the Middle Ages, the model of penitential pilgrimage formed in Irish monasteries from whence, in the course of the sixth century, it migrated to the continent through the mediation of Irish missionaries.¹⁹⁷ In early *libri poenitentiales* the pilgrimage, alongside exile, was termed one of the most demanding types of penitential retribution, given for grave sins, such as murder, prostitution, sacrilege, blasphemy or heresy.¹⁹⁸ As Aleksandra Witkowska has noticed, "secular law sometimes resorted to the penitential pilgrimage to replace exile, offering the convicted a chance to repent for the error, restore their morality and reintegrate into society".¹⁹⁹ Pilgrimages to Rome, Compostela or Jerusalem became routine punishment in murder cases. They played a dual role. On the one hand, they served to expiate for the committed crime, on the other hand, they were supposed to restore the social order that had been violated by the crime.²⁰⁰

At the turn of the twelfth century, in parallel with changes introduced in the sacrament of reconciliation, pilgrimage became a form of canonical public penance (*poenitentia publica non solemnis*) assigned for grave sins.²⁰¹ The penitential pilgrimage resembled exile, given that the penitent, banished, far from his home region, was not allowed to make a halt anywhere for more than a day or two.²⁰² Pilgrims undertaking the penitential pilgrimage had to be distinguishable from other pilgrims. Their appearance was indicative of the specific nature of

2011), available at <http://www.dhi.ac.uk>, accessed on 14 October 2005; cf. Tanner, "Pencances", 243.

196 Aleksandra Witkowska, "Peregrinatio religiosa w kulturze dawnej Europy", in Halina Manikowska and Hanna Zaremska (eds), *Peregrinationes. Pielgrzymki w kulturze dawnej Europy* (Warsaw, 1995: Colloquia Mediaevalia Varsoviensia, 2), 15.

197 Zaremska, *Banici w średniowiecznej Europie* (Warsaw, 1993), 28–31.

198 Sumption, *Pilgrimage*, 98–113.

199 Witkowska, "Peregrinatio religiosa", 15.

200 Zaremska, *Banici*, 83–90; Zaremska, "Pielgrzymka jako kara za zabójstwo: Europa Środkowa XIII–XV w.", in Zaremska and Manikowska (eds), *Peregrinationes*, 152–4.

201 Vogel, "Le pèlerinage pénitentiel", 116–23; Sumption, *Pilgrimage*, 99.

202 Roach, "Penance", 413.

their peregrination. They went barefoot, scantily dressed (*nudi homines, nudis pedibus*), and their arms and legs were often in chains (*nudi homines cum ferro*).²⁰³

In the inquisitorial penal system, pilgrimage replaced exile which, up until the mid-twelfth century, had been considered one of the most severe forms of chastisement given to obstinate heretics by the ecclesiastical authorities. In 1178, the papal legate, Peter of Pavia ordered the converted Toulouse Cathars to complete a penitential pilgrimage to the Holy Land. Their leader, Pierre Maurand, was sentenced to a three-year stay in the Holy Land.²⁰⁴ The papal inquisitors in Southern France and Northern Italy used the instrument of penitential pilgrimage on a larger scale.²⁰⁵ In the inquisitorial system, pilgrimages were regarded as a less severe punishment.²⁰⁶ Just like penitential marks, they were given only to those heretics who, following abjuration, were released. The ecclesiastical judge, bishop or inquisitors personally decided on the number of pilgrimages to be made and types of sanctuaries included in the itinerary. He also determined the time frame to complete this requirement. Throughout his pilgrimage journey, the penitent walked barefoot and wore penitential clothing with cross marks.²⁰⁷

The pilgrimages assigned by the Languedoc inquisitors included greater (*maiores*) and lesser pilgrimages (*minores*). Pilgrim sanctuaries, which were the destinations of greater pilgrimages, were located outside France. Among them were the greatest pilgrim centres in medieval Europe, Santiago de Compostela with the relics of St James, Rome itself, Canterbury with the relics of St Thomas Becket and Cologne with the relics of the Three Magi.²⁰⁸ Sometimes Constantinople and the Holy Land (*peregrinatio transmarina*) were also assigned.²⁰⁹ A pilgrim walking to the Holy Land had to stay there for several years and defend the Kingdom of Jerusalem from the Saracens. Such an assignment of penitential pilgrimage was by no means accidental. Heretics who, by their apostasy, threatened the unity of the Church, now had to defend her from an external enemy, which the Saracens represented. Shortly after the end of

203 Vogel, "Le pèlerinage pénitentiel", 130–1; Sumption, *Pilgrimage*, 100–3.

204 Griffe, *Les débuts*, 90–100.

205 Dossat, "Types exceptionnelles de pèlerins: l'hérétique, le voyageur déguisé, le professionnel", *CF 15* (1980), 207–25.

206 Vogel, "Le pèlerinage", 129.

207 Roach, "Penance", 416–22.

208 Sumption, *Pilgrimage*, 102–3.

209 Vogel, "Le pèlerinage", 135.

Albigensian crusade, in 1229, the papal legate, Romanus Frangipani, cardinal of Sant'Angelo assigned a *peregrinatio transmarina* to converted Cathars.²¹⁰

The first Languedoc inquisitors imposed the obligation of penitential pilgrimages on the majority of heretics released from prison. The surviving fragments of the inquisition records of Guillaume Arnaud and Étienne de Saint-Thibéry from 1241 indicate that almost all alleged heretics (*suspecti*) who completed the rite of abjuration, had to complete one greater pilgrimage and several lesser pilgrimages. During *peregrinatio maior*, pilgrims followed a determined trail visiting the sanctuaries assigned by the inquisitor. Ninety-eight people who set out on a pilgrimage to Compostela had to halt at Le Puy and Saint-Gilles. Thirty-eight citizens of Gourdon, on their way to Canterbury, had to visit the shrines viz. St Léonard at Noblat, St Martial in Limoges and Saint-Denis.²¹¹ Pierre Sellan, who coordinated a parallel inquisitorial action in Quercy, used the penitential instrument of pilgrimage with similar frequency. Almost all heretics who had renounced their errors had to complete a number of *peregrinationes*. On their pilgrimage trail we can distinguish eight pilgrimage shrines, Le Puy, Saint-Gilles, San Salvador in Oviedo, St Martial in Limoges, Saint-Léonard-de-Noblat, Saint-Denis, Santiago de Compostela and Canterbury.²¹² Sellan often required a trip to Constantinople from male heretics, as it included several years of participation in the defence of the Latin Empire.²¹³

It seems that, in spite of the efforts of papal inquisitors, pilgrimages of converted heretics were not practiced on a mass scale. Jerusalem, as a destination, was too distant and the journey was very expensive. Many convicted heretics were incapable of meeting this type of penitential requirement due to their advanced age and deteriorating health. For this reason, they sought an exemption from the obligation of travelling to Holy Land (*peregrinatio transmarina*) from inquisitors and bishops and asked to be given a different type of penance instead. Moreover, the Carcassonne prison records from the mid-thirteenth century show that some of them died prior to setting out for the Holy Land.²¹⁴ Some others managed to exchange this pilgrimage for lesser ones or financial compensation.²¹⁵ Even ecclesiastical authorities themselves had a number of reservations as to the formula of

210 Guillaume de Puylaurens, *Chronica*, 138–40.

211 Sumption, *Pilgrimage*, 104.

212 Duvernoy (ed.), *L'inquisition en Quercy*, 30.

213 Roach, "Penance", 417.

214 E.g. *Documents*, vol. 2, no. 130, 181.

215 E.g. in the sentences issued by the inquisitors of Carcassonne bishop on 18 and 25 August 1252 the penalty of a pilgrimage to the Holy Land was replaced by fines of 20 and 10 marks. *Documents*, vol. 2, nos 148–9, 88, and no. 170, 201.

penitential pilgrimages involving sending former heretics to the Holy Land. We can suppose that these pilgrims, unsupervised by the ecclesiastical bodies, must have caused some problems. Complaints about their behaviour reached the pope who, on the grounds of received information, forbade this type of penance for heretics. Following his decision, the Narbonne synod assembled in 1243 decided not to send heretics on pilgrimages to the Holy Land lest they constitute a risk to other faithful.²¹⁶ From the mid-thirteenth century onwards, Languedoc inquisition records did feature penitential sentences sending heretics to the Holy Land but they represented a small percentage of all penitential pilgrimages.

From the point of view of the pastoral objectives of penance, lesser pilgrimages played a more important role than the greater ones. Some good insight into the topography of destinations to which Languedoc inquisitors sent pilgrims can be obtained from the penitential document (*forma littere testimonialis*), included in Bernard Gui's *Practica*. It describes a pilgrimage to Rome, where the repenting heretic had to stay for forty days, visiting local churches and securing indulgences.²¹⁷ *Peregrinationes maiores* also included Santiago de Compostela, Canterbury and Cologne.²¹⁸ Gui's list of shrines, which were the lesser pilgrimages for heretics (*peregrinationes minores*), featured eighteen centres in France: Rocamadour, Notre-Dame in Le Puy, Vauvert, Sérignan, Notre-Dames-Tables in Montpellier, Saint-Guilhem-de-Désert, Saint-Gilles, St Peter in Mont Majour, St Martha in Tarascon, St Leonard in Limousin, Notre -Dame in Chartres, Saint-Denis, St Suerin in Bordeaux, Notre Dame in Souillac, Sainte Foi in Conques, Saint Paul in Narbonne and St Vincent in Castres. Moreover, the Dominican Church of Bologna was also on the list.²¹⁹ The presence of the Bologna sanctuary in the pilgrimage catalogue seems to be of significance. In this case, the object of peregrination was the tomb of St Dominic, the founder of the Order of Preachers, who, in the light of the Dominican hagiographic tradition, was regarded as a role model for all inquisitors as "a persecutor of heretics".²²⁰

Apart from the penitential pilgrimages, drawn from the aforementioned list, persistent heretics were also required to visit six churches in Languedoc per year. These were St Stephen's Cathedral and the Dominican Church of St Sernin in Toulouse, the Cathedral of St Nazare in Carcassonne, Cathedral of St

216 Mansi 23, 356–7; *Texte zur Inquisition*, 61.

217 Gui, *Practica*, 37 and 94; see also remarks by Mollat, "Introduction", lvi.

218 Gui, *Practica*, 37 and 97.

219 Gui, *Practica*, 37–8.

220 Vicaire, "Persequutor hereticorum", 75–83.

Cecilia in Albi, St Anthony's Cathedral in Pamiers and Notre Dame Cathedral in Auch. The penitential document from the *Practica* indicated the exact time when these places of worship had to be visited. The visit to St Stephen's Cathedral in Toulouse was scheduled for its patronal feast day on 3 August and St Sernin Church in Easter week. Likewise, visits to the four other churches had to take place on each one's patronal feast, St Nazarius in Carcassonne on 28 July, St Cecilia in Albi on 22 November, St Anthony in Pamiers on 13 June and Notre-Dame in Auch on 8 September.²²¹ During this type of penitential visitation, the penitent had to attend a solemn Mass and listen to the sermon. The assigned penitential pilgrimages had to be completed within a year, six months or three months from the day the sentence was heard.²²² Once the pilgrimages had been completed, the pilgrim had to see the inquisitor and show him documents certifying the fulfilment of the required penance.²²³

Gui's manual recommended that one or two greater pilgrimages be assigned or replaced with a greater number of lesser pilgrimages. Out of four *peregrinationes maiores* destinations, Compostela was the primary choice. Gui believed that all pilgrims had to be sent there. Changes in the lesser pilgrimages were also possible. Bernard Gui recommended that penitent heretics be sent to shrines located as close as possible to their residence.²²⁴ This strategy helped cut down on travel expenses and allow local clergy to supervise the pilgrim. Bernard Gui's records demonstrate that almost a half of released heretics had to complete a few penitential pilgrimages. It might seem surprising, because during his *sermones generales* only sixteen people, or 2.7 % of all sentences, were required to complete penance. However, these concerned only those who were released directly after the sentence. The others took on peregrination to determined shrines in exchange for the obligation to wear penitential crosses. Most sentences mention several penitential pilgrimages, but one found in Bernard Gui's *Liber sententiarum*, pronounced on 12 September 1322, is an exception. It was a sentence given to three Waldensians, Guillaume Dubosc de Born, Jeannou Aimon and Elie Aimon de Alzonne. The sentence stated that each one of them had to complete as many as seventeen penitential pilgrimages to the sanctuaries located in the area between Bordeaux and Vienne.²²⁵

221 Gui, *Practica*, 97.

222 Gui, *Practica*, 38 and 41.

223 Gui, *Practica*, 38.

224 Gui, *Practica*, 39.

225 Gui, *Le livre des sentences*, vol. 2, 1452–4.

No other region of Europe could boast as many penitential pilgrimages as medieval Languedoc. In Northern Italy, papal inquisitors required converted heretics to make local pilgrimages only. In the Piedmont inquisition records of Alberto de Castellario from 1335, penitential pilgrimages had to be completed by fourteen out of seventeen Waldensians of Lanzo, but the destination was only to a nearby Benedictine Abbey, San Michele Della Chiusa. It is noteworthy that the abbot from there was the feudal lord of the town of Lanzo and of the surrounding territory. On the one hand, the choice of this particular abbey for the pilgrimage destination of the Lanzo Waldensians enabled him to have tight control over their penance, on the other it allowed the penitents to return fairly quickly to their everyday life. Depending on the gravity of their transgression, the Lanzo Waldensians had to complete penitential pilgrimages between two and nine times. Penitential sentences required that the pilgrimage to San Michele della Chiusa be completed two or three times a year for a period between one and three years.²²⁶ In a trial conducted forty years later in case of Waldensians from a different Piedmontese town, Giaveno, Inquisitor Tommaso di Casasco assigned a penitential pilgrimage to Santiago de Compostela in four cases. The sentence delivered on 11 June 1373 specified exact requirements: upon their arrival at the Compostela sanctuary, each of them had to prostrate himself in front of the main altar and say a *Pater noster* and *Ave Maria* thirty-five times.²²⁷

Based on the model of the Languedoc inquisitors, the penitential pilgrimage was regarded as a healing type of punishment even in civil jurisdiction. In the thirteenth and fourteenth centuries, town courts in Flanders and Northern France routinely recommended pilgrimage for criminals and offenders such as thieves or murderers. Criminals tended to be sent on penitential pilgrimages to Rocamadour, Saint-Gilles and Compostela.²²⁸ In the fourteenth century, penitential pilgrimage became a form of exile that forced the penitent to stay away from his place of residence for a considerable period of time.²²⁹

226 Merlo, *Eretici e inquisitori*, nos 228–45, 251–5.

227 Merlo, *Eretici e inquisitori*, no. 1, 257–9.

228 Gérard Jugnot, “Le pèlerinage et le droit penal d’après les lettres de remission accordées par le roi de France”, *CF* 15 (1980), 191–206; Pascal Texier, “Les fonctions du pèlerinage impose dans les lettres de remission du XIV^e siècle”, *Memoires de la société pour l’Histoire du Droit et des Institutions des anciens pays bourguignons, comtois et romands* (= *Études d’histoire du droit medieval en souvenir de Josette Merman*) 45 (1988), 423–34.

229 Zaremska, *Banici*, 90–5.

6. Whipping and fasting

In the inquisitorial penal system, whipping (*verberatio, flagellatio*) was an integral element of public penance. At an earlier period, it was a basic ascetic practice serving to chastise the evil impulses of the body. Jewish law used whipping as punishment for offenses which violated the law of Moses. The culprit was sentenced to a pre-determined number of blows, never fewer than forty (Dt 25.1–3). Whipping was also a disciplinary and educational measure used by parents and teachers towards children. The objective was to force children to think about their wrong behaviour and obtain amendment: “Folly is bound up in the heart of a child, but a rod of discipline will drive it far away” (Pr 22.15). Roman law allowed whipping in three cases. Flagellation was a form of physical violence administered to individuals sentenced to death and it preceded the execution itself. Sometimes it served as a correctional measure for disobedience towards a Roman official or landowner. Whipping was also administered to rebellious slaves and soldiers who did not observe the chain of command. In ancient Rome, whipping was also a kind of torture used to extract truth at an interrogation.²³⁰ In the Christian tradition, from the fifth century onwards, whipping became popular in monastic milieux as an element of religious discipline. It was a voluntary practice of both ascetic and penitential nature, motivated by the desire to chastise the body and train the spirit. In the second half of the sixth century, St Benedict of Nursia introduced whipping as penitential punishment for a violation of the order’s rule. Assigned by the abbot, it became one of the ultimate measures to enforce obedience from a delinquent member of the religious community. At the same time, whipping was used in attempts to make monastery-educated boys renounce their sin.²³¹

In the tenth and eleventh centuries, under the influence of Peter Damiani’s treatise *De laude flagellorum*, religious milieux observed a rise in so-called discipline of the whip (*disciplina flagelli*). Flagellation became an important component of an individual ascetic rite designed to control the urges of the sinful body and awaken spiritual zeal. In the mid-thirteenth century, Humbert of Romans, a Dominican Master General, viewed whipping in a similar way. In his opinion, it was one of the ascetic practices which could awaken devotion (*devotio*), chastise the body (*castigatio*), develop humility (*humilitas*) and act as penance for one’s sins (*poenitentia*).²³² At the same time, whipping became a permanent element

230 Theodor Mommsen, *Römisches Strafsrecht* (Berlin, 1899), 981–5.

231 St Benedict of Nursia, *The Rule*, 134–8.

232 Humbert of Romans, *Expositio in constitutiones*, ed. Joachim J. Berthier, in *Opera de vita regulari*, vol. 2 (Turin, 1956), 146–7.

of public penance given for grave sins, notably recommended by Raymond of Penyafort.²³³

The introduction of whipping as a standard form of public penance assigned to heretics was inspired by the disciplinary and expiatory punishment popular in religious communities. To a great extent, its popularization was the work of Dominican inquisitors who regarded whipping as an efficient measure for cleansing the soul of sin.²³⁴ The first legal regulations for whipping were introduced in Languedoc. The 1243 Narbonne synod statutes imposed the penalty of whipping on all heretics completing public penance. The parish church was the place this punishment was administered. At Sunday Mass, between the reading of the Acts of the Apostles and the Gospel, heretics were to be scourged by the celebrant. Public whipping was also administered at one of the halts of the liturgical procession in which the repentant heretic participated. Moreover, following Mass on each first Sunday of the month, repentant heretics had to visit houses in which they had seen the Cathar *perfecti* and receive a whipping there.²³⁵ Whipping was also an important element of solemn public penance during Lent. According to the Tarragona Synod Statutes in 1242, the heretic standing in front of the church entrance had to hold whips in his/her hands. Each passer-by was free to scourge him/her.²³⁶ The category of ascetic rites also included fasting. The inquisitorial tribunal determined the exact number and duration of fasts. Bread-and-water fasts tended to be assigned on Fridays, and sometimes on specific church holidays and their eves. Some penitent heretics had to observe their fasting assignments either until death, or for shorter periods.²³⁷

7. Fines

Fines were an important element of jurisdiction in the Middle Ages. Alongside exile, they were most commonly used as a form of punishment for heresy. In both cases, punishment resulted in a social degradation of the convict. As much as exile interrupted the social stability of the criminal by forcing him/her to leave their place of residence, financial wages usually resulted in a considerable loss of material resources.²³⁸ In the inquisitorial penal system one distinguished between

233 Raymund of Penyafort, *Summa de paenitentia*, 835–9.

234 Caldwell, “Dominican Inquisitors”, 34.

235 *Texte zur Inquisition*, 60; Mansi 23, 356 (article 1); cf. Gui, *Practica*, 38 and 44.

236 *Texte zur Inquisition*, 57–9; Mansi 23, 324–5.

237 Gui, *Practica*, 41.

238 Dean, *Crime*, 130.

a mere confiscation of goods, imposed by the ecclesiastical court, and financial punishment regarded as a form of penance.²³⁹ In the latter function, financial penalties qualified as light penalties (*poenae minores*). They tended to be assigned in addition to the primary penalty, such as a prison sentence, pilgrimage or being marked with penitential crosses. The first half of the thirteenth century witnessed a debate concerning the right to apply financial penalties by papal inquisitors. In 1243, at the synod of Narbonne, even inquisitors were banned from imposing and collecting fines in order not to jeopardize their good reputation.²⁴⁰ Bernard Gui recommended prudence in assigning this type of penalty. On the pages of his manual, he emphasized that penalties- literally the wages of sin, had to be correlated with the gravity of transgression and the material status of the convict. He warned inquisitors lest they give in to avarice and recommended that they maintain a sense of justice while assigning this type of punishment.²⁴¹ Three centuries later, a similar opinion was expressed by Francisco Peña in his commentary to the *Directorium* of Nicholas Eymerich. He warned inquisitors against too frequent a use of fines to avoid their being accused of greed.²⁴²

The money from the fines was often used to cover specified religious expenses (*opera pietatis*), church renovation, purchase of a devotional image or candles for the altar. Bernard Gui, in one of his penitential formulas from his manual, mentions wax candles purchased by a penitent. They had to be lit during the Mass at the moment of Transubstantiation.²⁴³ Sometimes fines compensated for material damage caused by a given heretic. Yet another aspect was the actual amount of money given as alms that a repentant heretic had to give to the poor. In 1241, the Toulouse inquisitor Pierre Sellan liked to assign alms as an additional form of penance for released heretics. Depending on their material wealth, a repenting heretic had to provide for one or more poor citizens until the end of heretic's day.²⁴⁴ The records of Bernard de Caux and Jean de Saint-Pierre cite only one instance when this type of penalty was imposed. Alaman de Roais, sentenced on 19 January 1248, had to give 50 *solidi* annually to provide clothing

239 Gui, *Practica*, 180.

240 *Texte zur Inquisition*, 64–5; cf. Molinier, *L'Inquisition*, 389.

241 *Sic etiam in condemnationibus pecuniariis servet interius iudicii severitatem, quod pretendat in facie exterius iusticie veritatem, quasi hoc faciens coactus iusticie necessitate, nec allectus cupiditate avaricie.* Gui, *Practica*, 233.

242 Eymerich, *Manuel*, 226.

243 Gui, *Practica*, 44.

244 *L'inquisition en Quercy*, passim. E.g. Huga, wife of R. Guiraudi was sentenced to provide for one begger until her death (at 30).

and food for a poor man named Pons. In addition, he was required to compensate for all the damage (*rapina, dampna, iniuria*) that his activity had caused the Hospitallers.²⁴⁵ Meanwhile, for individuals who had supported the Waldensian masters or the Cathar *perfecti* financially, the amount to be paid had to reflect the amount spent on assistance to heretics.²⁴⁶

In the inquisitorial process, fines were often assigned in exchange for other forms of penance. People who obtained consent to take off their penitential marks tended to be fined in exchange for such a permission. Inquisitorial tribunals also exempted individuals who could not complete the assigned pilgrimages because of their old age or serious illness again in exchange for financial compensation. The records of the Carcassonne episcopal inquisition from the mid-thirteenth century provide examples of such arrangements.²⁴⁷ Some of the money received from heretics served to cover the maintenance of the inquisitorial tribunal and to build inquisition prisons. The Waldensians from Lanzo and Piedmont, sentenced in 1335, had to make their fines payable to inquisitor Alberto de Castellario or their own parish church.²⁴⁸ Forty years later, another group of Waldensians from Lanzo, alongside other forms of penance, had to pay a fine of 150 gold florins on 11 June 1371. Following the sentence pronounced by Tommaso di Casasco, inquisitor for Giaveno, a hundred florins had to be transferred *pro fabrica* of the Church of St Dominic in Cherito, twenty went to the inquisitor and his collaborators (*socii*), and thirty to those who were harmed by the activities of the heretics in some way.²⁴⁹ In some exceptional cases, fines were assigned collectively. In 1319, the Carcassonne inquisitor Jean de Beaune (1316–1324) told Albi residents to cover the cost of construction of the stone tombs of his predecessors, Geoffroy d'Ablis and Foulques de Saint-Georges. These tombs were placed in the Dominican Church of St Jacques in Lyons.²⁵⁰

* * *

Medieval inquisition used penance as a means to make heretics atone for their error and enable them to return to the fold of the Church. In most cases, papal and episcopal inquisitors assessed the weight of errors and the attitude of

245 *Documents*, vol. 2, no. 34, 69–72, at 72.

246 Eymerich, *Manuel*, 225.

247 Molinier, *L'Inquisition*, 391.

248 Merlo, *Eretici e inquisitori*, nos 229–45, 252–5.

249 Merlo, *Eretici e inquisitori*, no. 1, 257–9.

250 Jacques Échard and Jacques Quéatif, *Scriptores Ordinis Praedicatorum*, 2 vols (Paris, 1719–1721; repr. 1910–1914), 523.

the heretic during the trial and decided on appropriate punishment. Heretics who appeared before the ecclesiastical court of their own accord and confessed their fault with sincerity could hope for a more lenient penance. In accordance with the principles of the *officium inquisitionis*, provided their conversion was genuine, they were allowed to complete their penance without serving a prison term. However, the heretics who did not turn up before the inquisition tribunal willingly and tried to conceal their relationship with heresy during the trial, had to face severe penance. A similar approach was applied to those who revoked and abjured their errors out of fear of death.

The inquisitorial penalty system included various penitential practices meant to make the heretic atone for his/her transgression and cleanse the soul of sin. All heretics who reconciled with the Church had to complete public penance that entailed wearing penitential garments, pilgrimages, public whipping and regular attendance at assigned church services. The most severe penitential punishment enforced by the ecclesiastical court was imprisonment. In the view of the Church authorities, prison was the place for penance and an instrument serving to isolate those heretics whose conversion was rather questionable. Due to the lack of dedicated inquisition prisons, this form of punishment became popular only in Languedoc. Penance was deemed impossible in case of those heretics who did not want to renounce their errors and return to the Catholic faith or those who, having reconciled with the Church, relapsed into heresy.

The process of imposing punishment for heresy reinforced the visceral collective sense of responsibility for disruption and violation of the social order. Public penance completed in the presence of the entire parish community became an efficient instrument of social control, serving to popularize desired and beneficial behaviour and to condemn all things destructive and evil. Thanks to this tool, the ecclesiastical authorities popularized the notions of orthodoxy and heresy. Public penance, wearing crosses, completing pilgrimages or suffering whipping manifested the power of the Church, demonstrating at the same time its mercy towards those who renounced their errors and expressed their willingness to return to the unity of faith. The inquisitorial system of penalties was uniform all across Western Christendom. Its structure was based on canon law regulations and the principles of penance assigned for mortal sins. The surviving sources allow us to learn a lot about the types of punishment in Languedoc. In many respects, the penitential routine used by inquisitors in Languedoc can be considered a model. In other regions the penal system never attained such a high level of development as in thirteenth and fourteenth century Languedoc.

Chapter Six Secular punishment

1. Secular legislation against heresy

Medieval canon law defined heresy as one of the most serious crimes against the religious and social order. The war on heresy, carried out in Languedoc in the early thirteenth century, was termed *negotium pacis et fidei* because it aimed to defend public order (*pax*) and the Catholic Faith (*fides*), both of which were greatly exposed to heresy. The activity of heretics was equally dangerous to the Church and the state. Therefore, a close collaboration between their respective institutions was necessary.¹ The inquisition procedure, formed in the first half of the thirteenth century, provided the principles of joint combat for the religious and the secular authorities. The task of the ecclesiastical hierarchy was to fight off heresy with pastoral means and canonical penalties. In the framework of *inquisitio haereticae pravitatis*, ecclesiastical courts reviewed all heresy cases, assessed the fault of alleged offenders, and issued sentences. All individuals who demonstrated contrition and declared themselves ready to return to the Catholic Faith were given the opportunity to renounce heresy and receive adequate penance. A different procedure applied to those who were unwilling to renounce their errors and reconcile with the Church. In accordance with canon law, such individuals, excommunicated by the ecclesiastical court, had to be handed over to secular officials (*brachium saeculare*) in order to receive appropriately severe punishment (*animadversione debita puniendi*). Civil law in the Middle Ages had only one type of punishment in store in such cases: death. In an effort to justify the need to punish obstinate dissidents with death, the ecclesiastical and civil authorities pointed to the clause from Roman law that identified heresy with the crime of lese-majesty (*crimen laesae maiestatis*).

The first half of the twelfth century was a time when detailed studies of Roman law were being developed, contributing to a quick reception of the anti-heresy constitutions of Roman emperors. The most basic collections of Roman law, such as the *Codex Theodosianus* and *Corpus iuris civilis*, widely read and commented on, contained detailed instructions on the principles and methods of punishing violators of *bonum publicum*.² Bologna became a lively centre of Roman law studies, attracting scholars such as the Benedictine monk Gratian in the first

1 Moore, *The Formation*, 60–8.

2 Dębiński, *Ustawodawstwo antyheretyckie*, 83–7.

half of the twelfth century. It is to him that we owe the introduction of the notion of heresy as a crime of lese-majesty into canon law in the Middle Ages. His *Decretum* collects and discusses several key documents, providing instructions for reviewing heresy cases and applying punitive principles in cases involving heretics.³ Following the guidelines of the Gregorian Reforms the *Decretum* insisted on a strict distinction between the areas of competence of ecclesiastical and secular authorities. In principle, all heresy accusations should be presented to ecclesiastical courts for examination. Quoting St Paul's Letter to Titus (Tit 3.10), Gratian argued that the primary mission of the Church should consist in admonishing heretics and encouraging them to amend their life (*correctio*). If, however, these actions proved fruitless, excommunication was in order (C 24.3.29). The role of the *brachium saeculare* in the anti-heresy struggle was treated as auxiliary and entirely subjected to the Church (C 23.4).⁴ While enumerating the duties of the secular authorities, Gratian, or, to more precisely his continuator, quoted passages from the most important anti-heresy constitutions of the Roman emperors, adopting the qualification of heresy as *crimen laesae maiestatis* (C 6.1.22).⁵

During the second half of the twelfth century, the decretalists who commented on *Decretum Gratiani* came across several clauses in which heresy was defined as a public crime (*crimen publicum*) and, as such, incurred severe civil penalties. Lotario dei Conti di Segni, later Pope Innocent III, was one of these scholars. During his studies in Bologna, he became familiar with both Gratian's *Decretum* and the accompanying commentaries. Following his ascension to the papacy, Innocent III's strategies in the war on heresy became the cornerstone of the later inquisition procedure. He was also the one to introduce the notion of heresy as a crime of lese-majesty into the realm of canon law. It is apparent that Innocent III's bull *Vergentis in senium* from 25 March 1199 used the term *crimen laesae maiestatis* in the same way as Roman law (X 5.7.10). Just like the Christian Roman emperors, Innocent III regarded heresy as a public crime that not only hurt the Church, but also the entire Christian community. What is more, the pope insisted that the act of drifting away from Christ hurt the majesty of God and, therefore, was far more serious than a crime committed against the secular authorities.⁶ Innocent III's legal evaluation of heresy justified the participation of

3 Maisonneuve, *Études*, 67–8; Walter, “Häresie und päpstliche Politik”, 111–2.

4 Müller, “Les bases juridiques”, 123.

5 Trussen, “Von den Anfängen”, 62; Ragg, *Ketzer und Recht*, 65–6.

6 [...] *quanto magis qui aberrantes in fide Deum Dei filium Iesum Christum offendunt, a capite nostro, quod est Christus, ecclesiastica debent districtione precidi et bonis*

the *brachium saeculare* in the war on heresy. It also paved the way for the application of the most severe secular penalty in heresy cases.⁷

The Statutes of the Fourth Lateran Council from 1215 reiterated earlier resolutions regulating the procedure concerning heretics who rejected the possibility of reconciliation with the Church. This particular category of heretic had no right to exist within the Church or in Christian society at large. Ecclesiastical courts were required to prosecute them, while the faithful were instructed to avoid any interaction with those who were now excluded. Heretics condemned by the Church were to be handed over to the secular authorities who, in turn, were responsible for assigning appropriate punishment (*animadversione debita puniendi*).⁸ Following the Fourth Lateran Council, some European countries included an oath in their *ordo coronandi* requiring the ascending monarch to rise against heretics. This particular custom was the response of the secular authorities to *De haereticis*, which summoned the secular powers to support the war on heresy orchestrated by the Church.

Between the twelfth and thirteenth centuries, the notion of heresy as *crimen laesae maiestatis* was introduced into civil law as an instrument justifying the use of the death penalty and the confiscation of property of heretics. We need to keep in mind that the most elementary social and ethical norms of medieval Europe derived from Church doctrine. Therefore, any religious transgression or any act of disobedience towards Church authorities was considered an assault on Christian society and its moral code. The duty to defend the public order threatened by heretics rendered the intervention of *brachium saeculare* necessary.⁹ Upon closer analysis of anti-heresy regulations, one can find the motives behind the involvement of the secular authorities in the anti-heresy struggle. These documents spelled out the principles of participation of secular officials in the anti-heresy inquisition and specified different types of penalty for heretics condemned by the ecclesiastical courts. One of the oldest anti-heresy decrees published by King Pedro II of Aragon (1196–1213), emphasized the

temporalibus spoliari, cum longe sit gravius eternam quam temporalem ledere maiestatem. Friedberg, vol. 2, 783; Register Innocenz III, vol. 2, no. 1, 5.

- 7 Cf. Hageneder, "Studien zur Dekretale *Vergentis*", 143–5; Maccarrone, *Studi su Innocenzo III* (Padua, 1972), 35–8; Chiffolleau, "Sur le crime de majesté médiéval", 183–5; cf. Trusen. "Von den Anfängen", 66–7; Ragg, *Ketzer und Recht*, 138–41.
- 8 *Dampnati vero secularibus potestatibus presentibus aut eorum balivis relinquuntur, animadversione debita puniendi, clerici prius a suis ordinibus degradatis, ita quod bona huiusmodi damnatorum, si laici fuerint, confiscentur.* Tanner, *Decrees*, vol. 1, 233.
- 9 Éric Palazzo, *Liturgie et société au Moyen Âge* (Paris, 2000), 198.

responsibility of the monarch for the defence of the Church and all the faithful. In his edict of 1198, Pedro II stated that God entrusted royal powers to him so that he could defend His people and see to their salvation (*sollicitudo de salvatione et defensione*).¹⁰ From this perspective, the activity of heretics, viewed as public enemies (*hostes publici*), went against the mission of the Christian monarch and thus offenders had to reckon with severe legal measures.¹¹ Louis IX of France (1226–1270) perceived his duties in a similar way. Issuing his 1228 decree, titled *Cupientes*, the French king emphasized his gratitude to God who had granted him the royal throne and declared his willingness to take on the duty of defending the Church.¹²

A more comprehensive programme detailing the duties of the monarch in the anti-heresy struggle can be found in Frederick II's constitutions against heretics. In his decree published in 1232, like Pedro II and Louis IX, the emperor wrote that his royal and imperial authority had been entrusted to him so that he would combat the enemies of God and the Church *in iudicio et iustitia*. He insisted that Christian society must not tolerate the disobedient, as they constituted a threat to the entire community of believers.¹³ No monarch should remain indifferent in the face of heresy. God granted him authority (*gladius materialis*) and all powers (*plenitudo potestatis*) to fight against the enemies of the Faith and the Church.¹⁴ Frederick II's constitutions considered all individuals rising against

10 *Quoniam Deus populo suo nos praeesse voluit, dignum et iustum est ut de salvatione et defensione eiusdem populi continuam pro viribus geramus sollicitudinem*. Mansi 22, 673.

11 Mansi 22, 673–4; cf. Selge, “Die Ketzerpolitik”, 328.

12 *Cupientes in pirms aetatis regni nostri primordiis, illi servire, a quo regnum recognoscimus, et id quod sumus: desideramus ad honorem ipsius, qui nobis culmen dedit honoris, quod ecclesia ei, quae in partibus vestris longo tempore fuit afflicta, et tribulationibus innumeris conquassata, in nostro dominio honoretur, et feliciter gubernetur*. Mansi 23, 185.

13 *Commissi nobis celitus cura regiminis et imperialis, cui dante Domino presidemus, fastigium dignitatis materiale, quo divisim a sacerdotio fungimur, gladium adversus hostes fidei et in exterminium heretice pravitatis exigent exercendum, ut vipereo perfidie filios contra Deum et ecclesiam insultantes, tamquam materni uteri corrosores, in iudicio et iustitia persequamur: maleficos vivere non passuri, per quorum scientiam seductricem mundus inficitur corruptela*. *Texte zur Inquisition*, 37–40, at 38; MGH. *Constitutiones*, vol. 2, no. 158; cf. Förg, *Die Ketzerverfolgung*, 53–6; Maisonnewe, *Études*, 249–50.

14 *Erit igitur dissimulandum a nobis, aut sic negligenter agemus, ut contra Christum et fidem catholicam ore blasphemo insultent impii, et nos sub silentio transeamus? Certe ingratitude et negligentie nos arguet Dominus, qui contra inimicos sue fidei nobis gladium materiale indulsit et plenitudinem contulit potestatis*. *Texte zur Inquisition*, 36–7; cf. Selge, “Die Ketzerpolitik”, 324.

the Church to be rebels against the Empire.¹⁵ Thus, the war on heresy started to be included in the duty of each Christian monarch who cared for the maintenance and reinforcement of public order.¹⁶ Similar ideas can also be found in later anti-heresy decrees.

The identification of heresy with the crime of lese-majesty played a key role in the process of establishing penal guidelines for heresy cases. It was the first instance when such a notion was incorporated into the realm of civil law. This legal breakthrough is credited to King Alfonso II of Aragon, who published the *Lerida Edicts* in October 1194. In the decree, Alfonso II ordered that heretics be punished in the same way as criminals charged with the crime of lese-majesty. On the strength of this decree, all heretics were forced to leave Aragon or face severe sanctions, including the confiscation of property. The 1194 decree targeted the Waldensians above all, who at the end of the twelfth century, started to penetrate further into Aragon from the territory of France. The scale of this phenomenon must have been rather significant given the firmness with which the king turned to such severe forms of punishment to inhibit the growth of heresy.¹⁷ Four years later, Pedro II (1196–1213), son and successor of Alfonso II, reiterated the anti-heresy decree of 1194. His edict established a deadline of Sunday, 23 March 1198 by which heretics had to leave the Kingdom of Aragon.¹⁸ Contrary to the careful wording of the decree of his father, Pedro II was explicit when he wrote about the punishment awaiting heretics captured after that date: he threatened them with burning at the stake. What is more, heretics condemned by ecclesiastical courts had their property confiscated, with two-thirds destined for the royal treasury, and one-third granted to the informant who facilitated the identification of the heretic.¹⁹

15 *Die Konstitutionen Friedrichs II für das Königreich Sizilien*, ed. Wolfgang Stürner (Hannover, 1996: MGH, Constitutiones, Supplementum, 2), 150; *Texte zur Inquisition*, 40; Selge, “Die Ketzerpolitik”, 335–6.

16 *Cum ad conservandum pariter et fovendum ecclesiastice tranquillitatis statum ex commisso nobis imperii regimine defensores simus a Domino constituti [...]* in *Texte zur Inquisition*, 36–7; MGH. *Constitutiones*, no. 100, 126–7; cf. Masionneuve, *Études*, 246.

17 Selge, *Die ersten Waldenser*, vol. 1, 259–60; Ragg, *Ketzer und Recht*, 243–7.

18 Mansi 23, 673–6. On the background see Vones, “Krone und Inquisition”, 199–200.

19 *[...] si post tempus praefixum aliqui in tota terra nostra eos invenerint, duarum rebus suorum confiscatis, tertia sit inventoris, corpora eorum ignibus cremantur.* Mansi 22, 674.

Pedro II's edict was the first medieval normative document to introduce the death sentence as a punishment for heresy. As such, it reflected the regulations inherited from Roman law along with its perception of heresy as *crimen laesae maiestatis* and capital punishment assigned to the utmost gravity of this crime. Some scholars argue that the knowledge of the anti-heresy constitutions of the Roman emperors could have been passed down from the Visigothic Code, known in Aragon at the time. In the 645 legal code of the Visigothic King Recceswinth, heresy was described as a crime of lese-majesty for which criminals had to face the death penalty or blinding (*Lex Visigotorum Reccessvindi*, lib. XII, tit. 2, c. 2).²⁰ The innovative character of the edicts issued by Alfonso II and Pedro II is further confirmed by their incorporation of the entire state apparatus into the war on heresy. The Aragonese kings ordered all their officials and city authorities to collaborate with the Church authorities in the search for and arrest of heretics and heresy suspects. Every official had to take an oath on Holy Scripture before the bishop or his representative to be active in the struggle against heresy. The disobedient were threatened with the loss of royal favour and a fine of 200 golden ducats.²¹ An analysis of the edicts reveals that by the end of the twelfth century, the war on heresy had become a priority in the internal politics of the sovereigns of Aragon and a component of *raison d'état* of the kingdom.²²

In France, the key anti-heresy regulations were published at the time when King Louis VIII decided to get involved in the military intervention in Languedoc. In April 1226, the king of France published an edict in which he ordered his officials to assist the bishops in their inquisition-related efforts. Royal officials had to punish all convicted heretics with appropriate severity (*animadversio debita*). Without any doubt this term hinted at capital punishment. All supporters of heretics and their hosts were threatened with the loss of public office and confiscation of property. Moreover, in the October 1226 decree, Louis VIII imposed severe punishment on all those who took excommunication lightly.²³ Continuing the politics of his father, Louis IX published a decree entitled *Cupientes*, which, until the close of the Middle Ages, remained the most important anti-heresy document in France. His regulations threatened heretics and their supporters with infamy and confiscation of goods. Complying with the regulations of canon law, the French king required all his officials to hunt out

20 Selge, "Die Ketzerpolitik", 328.

21 Mansi 22, 676.

22 Ragg, *Ketzer und Recht*, 247–50.

23 Dossat, "La répression", 226; Ragg, *Ketzer und Recht*, 218.

heretics and punish all individuals who had been previously condemned by the ecclesiastical courts.²⁴ For each captive heretic who was later condemned, they were awarded two bonus salaries over the period of two years. In Languedoc, similar principles regulated the participation of secular officials in the war on heresy. They were echoed in the peace treaty concluded in Paris in 1229. On the strength of this, Raymond VII completed his reconciliation, regained the County of Toulouse and, at the same time, pledged to support anti-heresy action.²⁵ Four years later, Raymond VII published an edict of his own, applying the anti-heresy measures from the Treaty of Paris.²⁶

If we analyse the process of popularization of the notion of heresy as *crimen laesae maiestatis* in civil law, we can conclude that a key role was played by the anti-heresy constitutions of Emperor Frederick II (*leges Frederici secundi*).²⁷ Frederick II issued a whole series of documents between 1220 and 1249. They all dealt with particular areas of his jurisdiction, including the principles informing the participation of the secular authorities in the inquisition, as well as types of punishment for heresy-related transgressions. The anti-heresy constitutions of Frederick II regarded heresy as something tantamount to the crime of lese-majesty, punished with capital penalty and confiscation of property. This perception of heresy was inspired directly by the *Quisquis* constitution published by Roman Emperors Honorius and Arcadius in 397 (*Codex Theodosianus*, IX 14.3).²⁸

The first anti-heresy law of Frederick II was announced at the Imperial Diet in Frankfurt on 22 April 1220.²⁹ This was the moment when the newly-elected monarch declared his willingness to engage actively in the war on heresy in the

24 [...] *ad ipsorum exterminationem statuimus, quod haeretici, qui a fide catholica deviant, quocumque nomine censeantur, postquam fuerint de haeresi per episcopum loci, vel per aliam ecclesiasticam personam, quae potestatem habeat, condemnati, indilate animadversione debita puniantur.* Mansi 23,185–86; *Histoire générale de Languedoc*, vol. 8, 1326; cf. Griffe, *Le Languedoc cathare et l'inquisition*, vol. 3, 29–30; Kolmer, *Ad capiendas vulpes*, 64 and n. 2; Ragg, *Ketzer und Recht*, 221–2.

25 Mansi 23, 163–72; cf. Maisonnewe, *Études*, 239–40.

26 *Histoire générale de Languedoc*, vol. 8,936–9.

27 Giovanni De Vergottini, *Studi sulla legislazione imperiale di Federico II in Italia. Le leggi del 1220* (Bologna, 1952: Pubblicazioni straordinarie dell' Accademia delle scienze di Bologna. Classe di scienze morali, 11), 110–5; Selge, “Die Ketzerpolitik”, 314–21.

28 *Die Konstitutionen Friedrichs II*, 149–51. Schminck, *Crimen laesae maiestatis*, 23–4; Kolmer, “Christus als beleidigte Majestät”, 1–13; Ragg, *Ketzer und Recht*, 152–9.

29 *MGH. Constitutiones*, vol. 2, 90–2.

German territory. At his coronation ceremony in Rome in November 1220, Frederick II published a still more detailed anti-heresy decree (*Constitutio in Basilica Beati Petri*) in which he expressed his support for the operational principles behind *inquisitio haereticae pravitatis*. Adhering to canon law regulations from *Ad abolendam* (1184), and *De haereticis* of the Fourth Lateran Council (1215), he threatened heretics with infamy, exile and confiscation of property. All public officials were encouraged to join in the war. Disobedience resulted in removal from office. Justifying the need for severe punishment for heretics, the emperor referred to Innocent's *Vergentis in senium* from 1199, where heresy was identified with the crime of lese-majesty. Ultimately, Frederick II's decree echoed the papal document as it stated that heresy was a more serious crime than the crime of lese-majesty.³⁰

In March 1224, Frederick II published a constitution targeting the heretics of Lombardy (*Constitutio contra haereticos Lombardiae*). It was very clear on the principles of collaboration of the clergy and secular authorities in the war on heresy. In keeping with its resolutions, heretics who were found guilty in the course of an investigation were to be handed over to public officials and burned. Grace could be granted only to those heretics who demonstrated contrition and promised to amend their lives during their interrogation. Still, they had their tongues pulled out, a prevention measure lest they ever again use it to speak against the Church and offend God.³¹ A similar method of punishment for heretics featured in the 1231 Constitutions of Melfi issued for the Kingdom

30 *Catharos, Patarenos, Leonistas, Speronistas, Arnaldistas, Circumcisos et omnes hereticos utrisque sexus, quocumque nomine censeantur, perpetua dampnamus infamia, diffidamus atque bannimus, censentes ut bona talium confiscentur nec ad eos ulterius revertantur, ita quod filii ad successionem eorum pervenire non possint, cum longe sit gravius eternam quam temporalem offendere majestatem [...]. MGH. Constitutiones, vol. 2, no. 85, 109; Texte zur Inquisition, 35–6.*

31 *[...] ut quicumque per civitatis antistitem vel diocesis, in qua degit, post condignam examinationem fuerit de heresi manifeste convictus et hereticus iudicatus, per potestatem, consilium et catholicos viros civitatis et diocesis earundem ad requisitionem antistitis illico capiatur, auctoritate nostra ignis iudicio concremandus, ut vel ulticibus flammis pereat aut, si miserabili vite ad coercionem aliorum elegerint reservandum, eum lingue plectro deprivent, quo non est veritus contra ecclesiasticam fidem invehi et nomen Domini blasphemare. MGH. Constitutiones, vol. 2, no. 100, 126; Texte zur Inquisition, 37; cf. Scharff, "Häretikerverfolgung", 48–53; Ragg, *Ketzer und Recht*, 124–9.*

of Sicily.³² Capital punishment was to be imposed on heretics who defended their errors with obstinacy and rejected the opportunity to reconcile with the Church.³³

The most important decree in the entire corpus of Frederick II's anti-heresy decrees was his *Mandatum de haereticis Teutonicis persequendis*, published in March 1232. Its nine articles described the participation of the *brachium saeculare* in the struggle against heresy throughout German lands.³⁴ The majority of the constitution's regulations referred to the anti-heresy legislation for Lombardy from 1224. They stated that the heretics categorized as *relapsi*, who were in consequence condemned by the ecclesiastical courts, were to be handed over to the secular authorities and administered the death penalty. However, those who renounced heresy in the face of death were to be imprisoned.³⁵ In the spirit of canon law, similar forms of punishment were to be given to all abettors of heretics (*fautores*). This punishment also extended to the children of the condemned heretics; they were denied access to public offices. Moreover, Frederick II required all public officials to collaborate closely with the clergy in the inquisition against heretics. Individuals indicated by the ecclesiastical judges

32 *Die Konstitutionen Friedrichs II*, 149–51. Actually the constitutions against heretics in the Kingdom of Sicily were published three times: in Cremona (14 May 1238), Verona (26 June 1238) and Padua (22 February 1239). Cf. Trusen, "Die Inquisitionsprozeß", 219–20; Yoichi Nishikawa, "Die *inquisitio* in den Konstitutionen von Melfi Friedrichs II.", in Richard H. Helmholz, Paul Mikat, Jörg Müller, and Michael Stolleis (eds), *Grundlagen des Rechts. Festschrift für Peter Landau zum 65. Geburtstag* (Paderborn, Munich, Vienna, and Zürich, 2000: Rechts- und Staatswissenschaftliche Veröffentlichungen der Görres-Gesellschaft, Neue Folge, 91), 375–89; Ragg, *Ketzer und Recht*, 52–9.

33 *Per quos* [= ecclesiastical judges] *si inventi fuerint a fide catholica saltem in articulo deviare, ac per ipsos pastoralis more commoniti tenebrosis diaboli relictis insidiis noluerint agnoscere Deum lucis, sed in errore concepta constantia perseverant, presentis nostre legis edicto dampnatos mortem pati. Patarenos aliosque hereticos, quocumque nomine censeantur, decernimus, quam affectant: ut vivi in conspectus hominum conburantur, flammaram commissi iudicio. Die Konstitutionen Friedrichs II*, 151; *Texte zur Inquisition*, 40.

34 *MGH. Constitutiones*, vol. 2, no. 158, 197–8. *Texte zur Inquisition*, 37–40.

35 *Statuimus itaque sanctientes, ut heretici, quocumque nomine censeantur, ubicumque per imperium dampnati fuerint ab ecclesia et seculari iudicio assignati, animadversione debita puniantur. Si qui vero de predictis, postquam fuerint deprehensi, territi metu mortis redire voluerint ad fidei unitatem, iuxta canonicas sanctiones ad agendum penitentiam in perpetuum carcerem retrudantur. MGH. Constitutiones*, vol. 2, no. 158, 197; *Texte zur Inquisition*, 38.

(*per inquisitores ab Apostolica Sede datos et alios orthodoxae fidei zelatores*) were to be arrested and held in prison until the day of the ruling.³⁶ All clergymen involved in the war on heresy could count on the assistance and protection of the emperor and his officials. A particular form of support was offered to the Dominican inquisitors, whose mission was to coordinate anti-heresy activities in the territory of Germany as a result of Pope Gregory IX's decision from 1231.

The anti-heresy constitutions of Frederick II paved the way for a whole body of legislative regulations that specified the principles governing the participation of the secular authorities in the ecclesiastical inquisition. In accordance with the resolutions of *Ad abolendam* and the constitution *De haereticis* of the Fourth Lateran Council the task of the *brachium saeculare* was to arrest alleged heretics and to detain them throughout the investigation process. If a heretic admitted his fault and completed reconciliation, the control of the secular authorities over such an individual ended as soon as the penance assigned by the ecclesiastical court had been completed. Those who were deemed *pertinaces* and *relapsi*, on the other hand, had to face further legal consequences at the hands of secular officials. In keeping with Frederick II's decrees, heretics who had been transferred to the secular authorities were to be burned at the stake and their property was confiscated. The term found in imperial documents, hinting at "adequately severe" punishment (*animadversione debita puniendi*), was a code of sorts, as it referred to nothing else but capital punishment (*sententia mortis*).

Before long, the anti-heresy law of Frederick II earned the approval of the Holy See and was included in canon law. Earlier on, Honorius III had been rather reluctant to accept the imperial constitutions with the clause introducing capital punishment for heretics. He had expressed his strong disapproval of any attempts to introduce the imperial constitution for Lombardy in 1224.³⁷ However, Honorius III's successor, Gregory IX, considered the *leges Frederici* to be an important element of the emerging inquisition procedure. In spite of the political rivalry of the times, Gregory IX and Frederick II saw eye to eye on matters related to the defence of the Catholic Faith. Convinced of the great

36 [...] *quicumque haeretici reperti fuerint in civitatibus, opidis seu locis aliis imperii per inquisitores ab Apostolica Sede datos et alios orthodoxae fidei zelatores, hii iurisdictionem ibidem habuerint ad inquisitorum et aliorum catholicorum virorum insinuationem eos capere teneantur et captos artius custodire donec per censuram ecclesiasticam condemnatos dampnabili morte perimant [...].* MGH. *Constitutiones*, vol. 2, no. 158, 197; *Texte zur Inquisition*, 38.

37 MGH. *Epistolae saeculi XIII*, vol. 1, no. 341, 258; cf. Maleczek, *Innocenz III, Honorius III*, 41–3.

threat that heresy represented for Church and state, both were in favour of close collaboration of *sacerdotium* and *imperium* in the war against dissidents. In parallel, they supported the tightening of punitive measures for heretics who refused to renounce their errors and follow through with penitential discipline. In 1230, Gregory IX approved the anti-heresy constitution of Frederick II for Lombardy, issued in March 1224.³⁸ While doing so, the pope formally accepted the principle of capital punishment for heretics excommunicated by the Church. Although no papal document mentioned capital punishment explicitly, the term *animadversio debita puniendi* referred to it indirectly.³⁹ The bull *Excommunicamus* of February 1231 contained a statement “application of severe punishment”, ordering the transfer of heretics condemned by the ecclesiastical courts to the secular authorities. (X 5.7.13).⁴⁰

The entire body of Frederick’s II anti-heresy laws of was approved by Innocent IV (1243–1254). The bull of 31 October 1243, addressed to city authorities and feudal lords in Lombardy, Treviso and Romagna, ordered that local legislations incorporate the anti-heresy constitutions of Frederick II effective in February 1239.⁴¹ Extensive passages of the constitutions of Frederick II of 1232 and 1238/39, included in Innocent IV’s bull *Cum adversus haereticam* of 30 October 1252, were sent to municipalities all across northern Italy.⁴² The key role in the reception of these imperial anti-heresy regulations was played by yet another papal bull, *Ad extirpanda* issued in May 1252. It defined the principles of collaboration of the ecclesiastical judges with the secular authorities. According to it, any heretics condemned by a bishop, his vicar general or the papal inquisitors were to be handed over to a representative of the secular arm within five days, and

38 Auvray (ed.), *Les registres de Grégoire IX*, no 535, 348; cf. Maisonneuve, *Études*, 246; Diehl, *Ad abolendam*, 8–9.

39 Maisonneuve, *Études*, 245–8; Kolmer, *Ad capiendas vulpes*, 115.

40 *Dampnati vero per Ecclesiam seculari iudicio relinquuntur animadversio debita puniendi. Texte zur Inquisition*, 41; see the constitutions of Frederick II against heretics in Lombardy from March 1224 (*Texte zur Inquisition*, 36); cf. Ragg, *Ketzer und Recht*, 147–51.

41 BOP 1, no. 34, 125–7; cf. Shannon, *Popes*, 113–6; Scharff, “Häretikerverfolgung”, 51–3.

42 *Cum adversus hereticam pravitatem quondam Fredericus tunc Romanorum imperator promulgaverit quasdam leges, [...] dilectis filiis, potestatibus, consiliis et communitatibus civitatum [...] nostri damus litteris in mandatis, ut eas, quorum tenores ipsis mittimus insertos nostris litteris, faciant singuli in forum capitularibus annotari.* BOP 1, no. 259; Potthast, no. 14607; for further details see Segl, *Ketzer in Österreich*, 52–4.

punishment was to be imposed on the basis of Frederick II's regulations.⁴³ In this way, Innocent IV permitted the use of capital punishment against heretics. One of the pope's letters addressed to Franciscan inquisitors spoke openly about the need to put heretics to death.⁴⁴ On the order of Innocent IV, the anti-heresy constitutions of Frederick II were incorporated into the municipal statutes in the territory of the Papal State, as well as in Lombardy.⁴⁵

At a later period, *Ad extirpanda's* resolutions were reiterated by Innocent IV's successors, Clement IV, Boniface VIII and Clement V, thus making this particular papal document one of the most fundamental texts for defining the role of the secular authorities in penalizing heretics.⁴⁶ The imperial decrees became an important feature of the inquisitorial manuals. Frederick II's constitutions survive in two fourteenth-century manuals used by papal inquisitors. One of them, was written in France after 1265, showcased them as the key component of the book, while the other, which was the property of Lombardy inquisitors, placed them between *Tractatus super materia hereticorum* by Zanchino Ugolini and an anonymous manual *Libellus italicus*.⁴⁷ The imperial documents were also incorporated into the *Directorium* of Nicholas Eymerich.⁴⁸

The manuals for inquisitors did not leave any doubt as to the form of punishment that awaited those who defended their beliefs with obstinacy or returned to heresy after an earlier reconciliation. *De auctoritate et forma inquisitionis*, a manual by an author of unknown identity, as well as the *Practica* of Bernard Gui feature statements about the procedure for handing over such heretics to the secular judges responsible for carrying out their execution.⁴⁹ Bernard Gui quoted extensive passages from papal documents that authorized the assignment of death penalty to heretics.⁵⁰ At the same time, he emphasized that no ecclesiastical court held the right to either pronounce a death sentence or to even suggest to

43 *Damnatos vero de heresi per diocesanum vel eius vicarium seu per inquisitores predictos, potestas vel rector vel eius nuncius specialis eos sibi relictos recipiat statim, vel infra quinque dies ad minus circa eos constitutiones contra tales editas servaturus*. BOP 1, no. 257, 210; *Texte zur Inquisition*, 77; Potthast, no. 14592.

44 *Haereticos, quos vos tenere contigerit, qui ad mortem, vel perpetuum carcerem [...] debeant condemnari*. BF 1, no. 248, 497; cf. Segl, "Dominikaner und Inquisition", 230–3; Ragg, *Ketzer und Recht*, 75–6.

45 Scharff, "Häretikerverfolgung", 72–80.

46 Friedberg 2, 1076–7.

47 BAV, MS Vat. lat. 2648, ff. 29r-30r.

48 Eymerich, *Directorium: Appendix*, 5–6.

49 BAV, MS Vat. lat. 2648, f. 58r; Gui, *Practica*, 218.

50 Gui, *Practica*, 219–22.

civil authorities that such a form of punishment should be applied. The formula of rulings resulting in handing over heretics to secular courts mentioned the assignment of severe punishment in accordance with current regulations and did not specify the matter any further. All that the ecclesiastical court could do was request mercy for such individuals.⁵¹

The most prominent theologians of the thirteenth century made efforts to justify the need to administer the death penalty to heretics by arguing that their souls were under Satan's control.⁵² Thomas Aquinas demonstrated this problem most systematically in *Summa theologiae*. Dedicating an entire article to the question, *Utrum haeretici sunt tolerandi*, St Thomas cited the arguments from Sacred Scriptures, the works of the Fathers of the Church and papal decrees on the use of death penalty. He compiled arguments in favour of showing mercy to heretics and compared them against some others that justified capital punishment. When dealing with heretics who do not seem sorry for their errors and who remain obstinate in the defence of their erroneous beliefs, St Thomas argued, the Church had no other choice but to excommunicate them and hand them over to the secular arm. While doing this, the ecclesiastical authorities opted for a lesser evil, putting the safety of the entire community before the good of the individual. He continued: "if [...] one always received the converted heretics, preserved their lives and other earthly goods, it could harm the salvation of others; for one, because they could fool others with a new heresy, or because, if they carried on unpunished, others could easily fall into heresy" (*Summa theologiae*, II-II, q. 11, c. 3). St Thomas's arguments can be considered representative of the majority of thirteenth-century theologians.

The conceptualization of heresy as a public crime set the stage for the severe anti-heresy legislation soon issued in most European countries. The decrees of the kings of Aragon between 1194 and 1198, followed by Frederick II's constitutions between 1220 and 1239, presented heresy as tantamount to the crime of lese-majesty. At the same time, they introduced death by burning, arbitrated by the ecclesiastical court. *Leges Frederici* became a model for later anti-heresy decrees that spelled out the tasks and duties of the secular arm in the

51 *Cum Ecclesia ultra non habeat quod faciat pro suis demeritis contra ipsum, idcirco eundem relinquimus brachio et iudicio curie secularis, eamdem affectuose rogantes, prout suadent canonice sanctiones, quatinus citra mortem et membrorum eius mutilatione circa ipsum suum iudicium et suam sententiam moderetur.* Gui, *Practica*, 127 and 129.

52 De la Roncière, "L'Inquisition", 12–3.

inquisition procedure.⁵³ In the first half of the thirteenth century, not long after the issue of the anti-heresy constitutions of Frederick II, they were incorporated into the majority of Italian municipal statutes along with the decrees of Senator Annibaldo. They defined the tasks and duties of city officials in the effort of the anti-heretical operations orchestrated by bishops and papal inquisitors.⁵⁴ In these statutes, town authorities declared that they would punish heretics condemned by the ecclesiastical authorities with death by burning.⁵⁵

In German lands, the anti-heresy constitutions of Frederick II were incorporated into the most important legislative collections, such as *Sachsenspiegel* (*Speculum Saxonum*) and *Schwabenspiegel*, as well as town statutes.⁵⁶ *Sachsenspiegel*, the oldest and the most popular German legislative code, written between 1220 and 1230, ordered in keeping with Frederick II's constitutions that heretics be burned at the stake.⁵⁷ The *Schwabenspiegel*, compiled in 1275, featured an extensive article describing in detail the principles of participation of the secular arm in the war on heresy. It emphasized the exclusive authority of the ecclesiastical courts in reviewing heresy cases. Only in the cases of heretics condemned by the ecclesiastical authorities, were the secular authorities required to carry out executions. At a later time, the *leges Frederici* were cited as a key reference for the anti-heresy decrees published in Bohemia, England and Poland.

In the Kingdom of Bohemia, the participation of the secular arm in the war against heresy was described in the code *Maiestas Carolina*, legislation drafted by Emperor Charles IV in 1350. The third chapter of this document, *De haereticis*, features a statement that all harm done to the clergy hurts God and the whole Christian society. Therefore, the task of the monarch, appointed by God to reign over *regnum nostrum Christiana religione clarissimum*, was to fight against heresy with all available means. Referring to papal decrees and Frederick II's constitutions, Charles viewed heresy as a public crime (*crimen publicum*) and a crime of lese-majesty (*crimen laesae maiestatis*). Charles IV commanded his officials to pursue heretics in the same way as other criminals. Arrested heretics

53 Schminck, *Crimen laesae maiestatis*, 86–92.

54 Scharff, "Häretikerverfolgung", 161–246.

55 Luigi Frati (ed.), *Statuti di Bologna dall'anno 1245 all'anno 1267*, vol. 1 (Bologna, 1896: Monumenti storici pertinenti alle provincia della Romagna, Ser. 1, 1), 67.

56 Ragg, *Ketzer und Recht*, 180–7.

57 *Si quis Christianus, Christianaue apostaverit, vel venenum cui ministraverit aut incurit igneis flammis in craticula puniantur.* (*Speculum saxonum*, lib. 2, art. 13.6); *Collectio consuetudinum et legum imperialium*, ed. M. Goldast (Frankfurt a. M., 1613), 142.

were to be handed over to Church officials and inquisitors whose duty it was to produce a sentence. Those who were found guilty of heresy were to be burned at the stake. In the fifth chapter, *De receptatoribus haereticorum et credentibus et complicitibus eorum*, Charles IV threatened all supporters, including those who provided heretics with shelter (*receptatores*), listened to their teaching (*credentes*) or collaborated with them (*complices*), with confiscation of property and lifelong exile. Justifying the need for severe punishment of heretics administered by royal officials, Charles IV insisted on the close bonds that united the monarch with the kingdom and the Church. In the first chapter of *Maiestas Carolina* (*De fide catholica*), Charles IV declared that he would defend all residents of the Kingdom of Bohemia. The deep, personal devotion of Charles IV and his profound conviction about his particular mission in the defence of the faith and the Church made him regard with resentment all symptoms of heterodoxy, as well as non-Christian religions. In the second chapter entitled *De paganis et Saracenis*, he forbade his subjects to have any contacts with pagans or Saracens. He also addressed a warning to non-Christians intending to travel through the Bohemian realm urging them to refrain from any activity offensive to the Catholic Faith.⁵⁸

For a long time, it has been widely accepted that the anti-heresy regulations of *Maiestas Carolina* were inspired primarily by Roman law and the imperial constitutions of Emperor Frederick II, which were also of Roman inspiration.⁵⁹ Some scholars went so far as to demonstrate a direct relationship between the legislative regulations of Charles IV and the 1231 anti-heresy Constitutions of Melfi. Quite recently, however, Jiří Kejř has demonstrated that, along with the *leges Frederici*, an equally important source of anti-heresy inspiration behind the articles of *Maiestas Carolina* was canon law, and particularly the *Decretales* of Gregory IX.⁶⁰

58 Bernd-Ulrich Hergemöller (ed.), *Maiestas Carolina. Der Kodifikationswurf Karls für das Königreich Böhmen von 1355* (Munich, 1995: Veröffentlichungen des Collegium Carolinum, 74), 24–6; Cf. Michael Tönsing, “*Contra hereticam pravitatem*. Zu den Luccheser Ketzerlassen Karls IV (1369)”, in Friedrich Bernward Fahlbusch and Peter Johaneck (eds), *Studia Luxemburgensia. Festschrift Heinz Stoob zum 70. Geburtstag* (Warendorf, 1989), 285–311.

59 Edward Emil Ott, *Beiträge zur Receptions-Geschichte des römisch-canonischen Processus in der böhmischen Ländern* (Leipzig, 1879; repr. 1968), 162–74.

60 Jiří Kejř, “Právní vzdělanost v Čechách v době Karlově”, in Vacláv Vaněček and Jaroslav Přibramský (eds), *Karolus Quartus piae memoriae fundatoris sui Universitas Carolina D.D.D.* (Prague, 1984), 127–34. A discussion of this matter is given in Bernd-Ulrich Hergemöller, “Enleitung”, in Bernd-Ulrich Hergemöller (ed.) *Maiestas Carolina*, xxi–xxii.

The primary target of the anti-heresy regulations of *Maiestas Carolina* was the Waldensians who, in the first half of the fourteenth century, were pursued in an intensive inquisition effort under the joint auspices of the bishop of Prague and papal inquisitors. Alexander Patschovsky has demonstrated that almost all Waldensians recorded in these records were associated with German settlers who lived in tight communities in south-west Bohemia in particular, in the vicinity of Jindřichův Hradec and České Budějovice.⁶¹ On the basis of the surviving fragments of court records, Patschovsky calculated that until the mid-fourteenth century, inquisition tribunals had summoned about 2,640 Waldensians, 160 heretical Beguines and Beghards, as well as about 580 people who testified in other cases.⁶² Taking into account the significant scale of heresy, we can assume that the anti-heretical decrees of *Maiestas Carolina* were intended to reinforce the ongoing inquisition. They engaged public officers in the war on heresy and clarified the principles of their collaboration with bishops and papal inquisitors.

The Kingdom of England introduced the death penalty for heresy much later, in 1401. The act *De haeretico comburendo*, published with the support of King Henry IV, resolved that all heretics condemned by the Church and handed over to the secular arm were to be burned. While introducing capital punishment, the English legislators made direct reference to Frederick II's constitution. *De heretico comburendo* targeted the followers of John Wyclif who, in spite of ecclesiastical bans, popularized their master's anti-Church views. *De haeretico comburendo* made this particular group responsible for the decline of church practices and deemed it disruptive to the social order.⁶³ When it turned out that the Lollard preachers continued their activity in spite of successive trials and canonical sanctions, the ecclesiastical authorities had to turn to more severe measures. The introduction of the death penalty for heresy was also part of a political game involving Henry IV and his knightly opponents, some of whom were Lollard supporters.⁶⁴

61 Patschovsky, *Quellen*, 24–36; Patschovsky, *Die Anfänge*, 65–73; overviews in Gonnet and Molnár, *Les Vaudois*, 154–8; Schneider, *Europäisches Waldensertum*, 117–20; Lambert, *Medieval Heresy*, 153–6; Cameron, *Waldenses*, 112–8.

62 Patschovsky, *Quellen*, 19–20.

63 Wilkins (ed.), *Concilia*, vol. 3, 252–3.

64 Peter McNiven, *Heresy and Politics under the Reign of Henry IV. The Burning of John Badby* (Woodbridge, 1978), 79–117; Alison C. McHardy, “*De haeretico comburendo*, 1401”, in Margaret Aston and Colin Richmond (eds), *Lollardy and the Gentry in the Later Middle Ages* (Stroud and New York, 1997), 112–26.

In Polish territory, the question of the participation of secular authorities in the struggle against heresy was regulated by the Wieluń Edict issued by King Ladislas Jagiełło on 9 April 1424. Its regulations targeted the Polish adherents of Hussitism.⁶⁵ Prioritizing the effort to stop the spread of heretical ideas, Ladislas Jagiełło forbade his subjects to travel to Bohemia, given that it was consumed by the Hussite revolution at the time. Those who disobeyed were threatened with defamation and confiscation of property. In parallel, the royal document specified the duties of the secular authorities in the anti-heresy effort. In accordance with the regulations of canon law and the constitutions of Frederick II, royal officials and municipal authorities were required to collaborate with the clergy in the search for and arrest of alleged heretics. It was also their duty to impose severe punishment on all who ignored ecclesiastical sanctions. The Wieluń Edict did not name explicitly the form of punishment for heretics condemned by the ecclesiastical courts. However, the perception of heresy as a crime of lese-majesty (*velut Regiae Maiestatis offensore capiatur*) indicated that the document must have hinted at the death penalty.⁶⁶ This hypothesis seems to be confirmed by the content of later edicts published for papal inquisitors by Jagiełło's sons, Ladislas III Jagellon for Nicholas of Łęczycza (on 7 August 1436), and Casimir IV Jagellon for Jakub of Dzierżonów (1 February 1454), and Marcin of Kietrze (January, 1463). In the light of their resolutions, heretics previously condemned by ecclesiastical court and handed over to the secular authorities were to be punished with due severity. The reference to the corpus of laws of Frederick II does not leave any doubt that the only form of punishment corresponding to this type of transgression was death by burning.⁶⁷

65 Kras, *Husyci*, 234–5.

66 *Nos subire pericula a finibus nostris propulsare, et in gladio deiciere, ut qui censura ecclesiastica non terrentur, humana severitate mulcentur. Volumina legum*, vol. 1 (Petersburg, 1859), 38.

67 The charter of King Ladislas III Jagellon for the Dominican inquisitor Nicholas of Łęczycza published by Karol Koranyi, "Konstytucje cesarza Fryderyka II", 338 (see also his analysis on 331–333); Edward Raczyński (ed.), *Codex diplomaticus Maioris Poloniae* (Poznań, 1840), no. 125, 173; a summary of the royal charter for Dominican inquisitor Marcin of Kietrze is published in Teodor Wierzbowski (ed.), *Matricularum Regni Poloniae Summaria*, vol. 1 (Warsaw, 1905), no. 626.

2. Death at the stake

As a penalty for heresy in the Middle Ages, death by burning can be traced back to Antiquity. The Law of Moses imposed capital punishment for thirty-six crimes. In eighteen cases, the criminals had to be stoned, in ten, decapitated, and in six, hanged.⁶⁸ The most common punishment for crimes of religious nature was stoning the culprit in public. The procedure associated with this punishment was described in detail in the Book of Deuteronomy (Dt 17.2–7). In ancient Rome, the practice of burning criminals at the stake developed on a larger scale. Roman law assigned this type of punishment for serious crimes, disruptive to the social order. Death by burning also became a form of punishment exacted for offences against the official religion. The death sentence threatened those who were either alleged witches or Christians.⁶⁹ Emperor Diocletian, who was equally merciless in eliminating Christians and Manicheans, ordered in 302 that the latter be burned along with their books.⁷⁰ Christian emperors, introducing the death penalty for the Manicheans, did not specify what method of inflicting death should be used.⁷¹ However, the execution of Priscillian of Ávila, charged with Manicheism in 385/6, seems to suggest that in such cases the culprit tended to endure death by burning.⁷²

In the medieval penal structure, death by burning at the stake became the ultimate form of punishment given by the secular authorities to heretics condemned by the ecclesiastical court. The oldest cases of execution of heretics were documented in the first half of the eleventh century.⁷³ In 1022, more than a dozen heretics from Orléans were sentenced to death in flames for the first time. The execution of the Orléans heretics was an unprecedented event in medieval penal practice, and historians still debate possible sources that might have inspired the executors.⁷⁴ Some scholars have ventured to trace this form of execution to Roman law. Others regard it as the fruit of the belief in the diabolical

68 Megivern, *Death Penalty*, 10–1.

69 Maisonneuve, *Études*, 35–6; Ragg, *Ketzer und Recht*, 23–4.

70 *Iubemus namque auctores quidem ac principes una cum abominandis scripturis eorum severiori poene subici, ita ut flammeis ignibus exurantur*. Girard, Paul Frédéric, and Félix Senn (eds), *Textes de droit romain*, vol. 1 (Paris, 1967), 582–3.

71 Humbert, “La peine en droit romain”, 176–80.

72 Megivern, *Death Penalty*, 30–1.

73 Megivern, *Death Penalty*, 54–61.

74 Borst, *Katharer*, 74–6; Russel, *Dissent and Reform*, 31–2; Gorre, *Die ersten Ketzer*, 102–16; Merlo, *Contro gli eretici*, 51–73; Fichtenau, “Die Ketzer von Orléans (1022)”, 417–27.

nature of heresy in Orléans.⁷⁵ The heretics from Orléans were charged with Luciferianism, incest, infanticide and cannibalism. All these practices were blatantly contradictory to the Christian Faith and morality and, as such, clearly testified to the diabolical inspiration of their crimes. In this context, fire, perceived as a cleansing force of nature, achieved a total annihilation of those whose souls and bodies were possessed by evil forces.

The cleansing power of fire was a familiar motive in ancient mythologies, both Greek and Germanic. In the eschatological sense, the burning of the corpse was supposed to free the spirit from a body tainted by evil. We may suppose that this kind of belief in the cleansing power of fire influenced the development of medieval penal practice, which demanded that all perpetrators of the most ignominious crimes be burned at the stake. All individuals who violated the Divine Law with their offences and went against moral norms sanctified by it were subjected to the ordeal of fire. Apart from heresy, death by burning tended to be assigned for other transgressions such as magic, necromancy, infanticide, and sodomy. The act of burning heretics or witches was perceived of as a rite of self-cleansing, a collective elimination of evil embodied in the culprits. Wishing to restore the disrupted social and cosmic order, the remains of those who had served evil had to be eliminated completely.⁷⁶ This way of thinking was reflected by chronicler Adémar de Chabannes. In the closing part of his account of the Orléans execution, he wrote that “the bodies of heretics were burned down to ashes in such a way that they left no trace.”⁷⁷ Alongside the heretics, all things associated with their impure practices were also burned. Flames also consumed the “devil’s powder”, a substance believed to have been made from children conceived in incestuous unions, who were then murdered ritually and burned.⁷⁸

75 Gorre, *Die ersten Ketzer*, 113; Patschovsky, “Ketzer als Teufelsdiener”, 319–20; Ragg, *Ketzer und Recht*, 189–90.

76 Nicole Gonthier, *Le châtement du crime et la procédure inquisitoriale au Moyen Âge, XII^e-XVI^e siècles* (Rennes, 1998), 163–6. “[...] cette peine sanctionne des crimes qui semblent exiger une purification extrême par l’élimination totale du corps du coupable” Gonthier, *Le châtement du crime et la procédure inquisitoriale au Moyen Âge*, 163.

77 *Et a flammis se inlesos exire promittebant, et ridentes in medio ignis ligati sunt, et sine mora penitus in cinerem redacti sunt, ut de ossibus residuum inveniretur eorum.* Adémar de Chabannes, *Chronicon*, 180–1; Adémar de Chabannes, *Chronique*, 278–9; trans. *Heresies*, 76.

78 *Cartulaire de l’abbaye de Saint-Père de Chartres*, 115; trans. *Heresies*, 81.

From the earliest publication of the works of the Fathers of the Church, theological discourse often articulated the destructive effects of heresy in medical terminology, with the consequences of heresy often being compared to a canker or leprosy. Thus, it established a connection with the words of St Paul in the Second Letter to Timothy, in which he issued a warning against pagan teaching spreading like a canker: “But shun profane and vain babblings: for they grow much towards ungodliness. And their speech spreadeth like a canker” (2 Tim 2.16–17). Moreover, in a passage from the Gospel of St Matthew, often commented upon by medieval theologians, Christ explains that it is better to get rid of one eye or one hand that causes sin and enter eternal life maimed than keep one’s body intact and be cast into hellfire (Mt 18.8–9). The reiteration of these warnings shaped the imagination of people struggling with the impurity of the body and soul. In the eleventh century, Rabanus Maurus was one of the first medieval thinkers to describe heresy as leprosy.⁷⁹ Later works insisted on the insight that heresy in the soul compares with leprosy in the body. Heresy, identified with a canker or leprosy, must have inspired hysterical reactions in people who lived in constant fear of disease and epidemics.⁸⁰ Leprosy was one of the most terrifying ailments known in the Middle Ages. In the medical sense, it was an incurable disease which disfigured a person and caused a slow death. In the social sense, a leper was considered an outcast, living on the fringes of a society of healthy individuals.⁸¹

The hysterical fear of heresy perceived as a “deadly epidemic” was the trigger which inspired numerous attempts to restore the original social order. To the collective mind, the death of heretics was the only means to prevent the threat and cleanse the entire community of “heretical iniquity.” The only absolutely efficient measure for eliminating the danger was burning the dissident at the stake. Only the power of fire guaranteed that one would remain uncontaminated by the terrifying leprosy or canker of the soul. A Benedictine chronicler, Guibert de Nogent, noted in 1114 that the residents of Soissons had two suspects of heresy burned at the stake as a way of inhibiting the development of heretical canker.⁸²

79 [...] *lepra est doctrina hereticorum falsa atque varia*. Rabanus Maurus, *De universo*, PL 111, 501–2.

80 Moore, “Heresy as a Disease”, 1–11.

81 Jean-Claude Schmitt, *Le corps, les rites, les rêves, le temps. Essais d'anthropologie médiévale* (Paris, 2001), 324–6.

82 *Quorum ne propagaretur carcinus, justum erga eos zelum habuit Dei populus*. Guibert de Nogent, *Autobiographie*, 434; trans. *Heresies*, 104.

The act of burning individuals who were in the service of evil was a ritual expiation of sorts and a way to cleanse the Christian community of impurity. Medieval society had a visceral sense of collective responsibility for the sins of each of its members, which called for a quick and severe punishment for all violations of the Divine Law. The example of Sodom and Gomorrah had great impact on their imagination, since it recalled how God punished the citizens of the two Biblical towns for their innumerable sins and iniquity with a sea of fire (Dt 29.22). The desire to go back to what had been lost through the offense and to save the entire community from Divine vengeance justified the need for severe repressive measures towards heretics.

From an eschatological perspective, death inflicted at the stake was regarded as a passage from earthly fire to eternal flames. Not only did it destroy the heretic's body completely, but also denied any hope of resurrection.⁸³ Rodulfus Glaber and later writers agreed that the flames of the stake where heretics perished were but an anticipation of the fire awaiting these sinners in hell.⁸⁴ Peter the Venerable, describing the death of Peter of Bruys in flames at the stake in 1139 stated that "thus he went from the fire of this world to eternal fire".⁸⁵ This view was echoed by Caesarius of Heisterbach almost a hundred years later. He believed that heretics, servants of evil, would meet the same fate as their master and they would be consumed by eternal fire right beside him.⁸⁶

The remains of the heretics who died without having been reconciled with the Church were also burned. The oldest manual for inquisitors from Languedoc, *Processus inquisitionis*, stated that heretics who died in sin met the same fate as those who were obstinate in the defence of their views. The burning of the heretics' bodies at the stake was a form of a *post mortem* punishment serving to condemn their apostasy.⁸⁷ Exhuming and burning the remains of heretics were both practices derived from canon law that forbade a burial in consecrated ground of all those who died in a state of mortal sin.⁸⁸ To the medieval mind,

83 Müller, "Les bases juridiques", 121.

84 Fichtenau, *Heretics and Scholars*, 33.

85 [...] *plane impius ille de igne ad ignem, de transeunte ad eternum transitum fecit*. Peter the Venerable, *Contra Petrobrusianos*, 5.

86 *Diaboli ministros cum Diabolo in ignibus aeternis cruciandos in ignem perpetuam proiecerunt*. Caesarius of Hesterbach, *Dialogus miraculorum*, vol. 1, 298, and vol. 2, 207.

87 [...] *comburimus in detestationem criminis tam nefandi*. *Texte zur Inquisition*, 75.

88 Friedberg 1, 1301; 2, 774.

strongly dominated by eschatological thinking, the presence of heretical remains in church graveyards was considered a contamination of sacred space.⁸⁹

The first passage mentioning the practice of a *post mortem* exhumation of the remains of an alleged heretic comes from the previously discussed investigation into the heretics of Orléans in 1022. When the inquiry there uncovered the fact that Canon Theodatus, who had died three years earlier, was the leader of heretics, Bishop Odalric of Orléans (1021–1034) ordered that his corpse be exhumed and left at an inaccessible place.⁹⁰ The first half of the thirteenth century refined a number of previous guidelines for dealing with the corpses of heretics buried in consecrated ground. The Synodal Statutes of Tarragona in 1242 ordered the exhumation and burning of heretical remains, provided their identification was possible.⁹¹ A similar recommendation was given by Bernard Gui in his manual. He considered the act of burning the heretics' remains a way of condemning them for their heterodoxy.⁹² At the first stage of their activity, papal inquisitors in Languedoc undertook a massive effort to exhume and burn the corpses of heretics at the stake. The chronicle of Guillaume Pelhisson contains a detailed description of the exhumations carried out in Toulouse, Carcassonne and Albi. This Dominican chronicler and inquisitor was convinced that such an elimination of the earthly remains of heretics reflected the fate of their souls. He reasoned that since the heretics condemned by the Church "could not be among the saved in the Book of Life", their souls must have been subjected to the suffering of hell and their bodies destined for it.⁹³

The practice of burning the corpses of heretics was also driven by a desire to satisfy the social sense of justice. In medieval legal thought, crimes deemed particularly heinous demanded punishment be inflicted on the body of the

89 See the regulations of the Synodal Statutes of Nîmes from 1252. Pontal (ed.), *Les statuts synodaux français du XIII^e siècle*, vol. 2, 130; cf. Wakefield, "Burial of Heretics in the Middle Ages", *Heresis*, 5 (1985), 29–32.

90 *Quidam etiam Sancte Crucis Aurelianensis canonicus cantor, nomine Theodatus, qui mortuus erat ante triennium in illa haeresi, ut perhibebant heretici ipsi, religiosus visus fuerat. Cujus corpus, postquam probatum est, ejectum est de cimiterio, jubente episcopo Odolrico, et projectum in invium.* Adémar de Chabannes, *Chronicon*, 180; Adémar de Chabannes, *Chronique*, 278–9.

91 [...] *si in inquisitione inveniatur aliquis hereticus vel Insabbatatus vel credens fuisse sepultus in cimiterio, ossa ejus extumentur et comburantur, si possint discerni. Texte zur Inquisition*, 56.

92 Gui, *Practica*, 125.

93 [...] *corpora hic combusta et animae cruciantur in inferno.* Guillaume Pelhisson, *Chronique*, 108.

perpetrator even in cases in which society had failed to judge the culprit while he/she was still alive. This was a symbolic attempt to make up for the harm inflicted by the criminal on the entire community. This principle also applied to those who had died before the completion of an inquiry. In his entry for the year 1364, the French chronicler Philippe de Vigneulles described a noteworthy episode that reflects this type of logic. When a certain Waldensian died in prison, his corpse was kept in limewater for fifteen days. As soon as the inquiry had been closed and the condemnatory sentence had been pronounced, the corpse of the heretic was then cremated.⁹⁴

Burning heretics, whether living or dead, became a standard form of punishment throughout Christendom. Religious dissidents were punished by hanging or drowning only sporadically. For example, in 1052, a group of heretics captured in the vicinity of Goslar (Lower Saxony) was hanged on the order of Emperor Henry III.⁹⁵ At the end of the twelfth century, an unknown number of Cathars were punished in Orvieto, also by hanging.⁹⁶ In the light of the surviving inquisition records from fourteenth-century Piedmont, out of twenty-two heretics sentenced to death, twenty were burned at the stake, one hanged (Raimondo Bermondi), and one drowned (Giovanni Maresalco). The penalty in these two distinct cases was based on charges only indirectly associated with heresy: these individuals were found guilty of participating in a conspiracy threatening the life of a Dominican inquisitor, Alberto de Castellario.⁹⁷

The executions of heretics were carefully arranged rituals that followed a particular scenario. Capital punishment was administered in the presence of a crowd of town residents and constituted a spectacle of sorts.⁹⁸ Just like public penance, a public execution was an integral element of medieval judicial practice. It played an important therapeutic role. Such public punishment of criminals was a form of collective revenge for particularly hideous crimes. The death of the convicts served to restore the previously-disturbed social order and reinforce the unity of a community affected by the transgression.⁹⁹ The public ritual of burning

94 Charles Bruneau (ed.), *La Chronique de Philippe de Vigneulles et la mémoire de Metz*, vol. 2 (Metz, 1933), 49; cf. Gonthier, *Le châtement*, 175.

95 Herman the Cripple of Reichenau, *Chronica*, in *MGH. Scriptores*, vol. 5 (Hanover, 1844), 130; cf. Köhler, *Die Ketzerpolitik*, 1–5; Kieckhefer, *The Repression*, 16.

96 Lansing, *Power and Purity*, 31.

97 These executions took place in 1333–1334. Merlo, *Eretici e inquisitori*, 135.

98 Given, *Inquisition*, 75; Arnold, *Inquisition*, 57–8.

99 Claude Gauvard, “*De Grace Especial*”: *Crime, état et société en France à la fin du Moyen Âge*, vol. 2 (Paris, 1991), 902–3.

condemned heretics at the stake emphasized the inevitable and severe nature of punishment awaiting those who dared rise against *societas christiana*. As Grado Merlo has pointed out, the rite served to restore the unity and harmony of a society torn asunder by heretical error.¹⁰⁰ At the same time, the public execution of heretics had an important didactic function. *De haeretico comburendo* from 1401 ordered that heretics be burned on a high platform constructed specially for that purpose. The terrifying ritual of execution was supposed to strike fear into the hearts of other supporters of heresy.¹⁰¹

The actual execution tended to take place on the same day or the day after the ecclesiastical court had pronounced the condemning sentence. Heretic who was sentenced to death was accompanied in a procession to the place of execution, church bells ringing in the background. He/she was dressed in the garment of a convict and wore a paper cap with an image of a burning stake or dancing devils. This characteristic element of heretical clothing worn by those escorted to the stake is quite familiar to us from many chronicle accounts and iconographical depictions from fourteenth-century collections of laws. The most detailed descriptions of the clothes worn by a heretic sentenced to death come from accounts from the execution of Jan Hus. Two independent sources provide us with such a description: the *Chronicle* of Ulrich of Richental, who was the city chronicler of Constance, and the *Relatio* of Peter of Mladenovice, a friend of Hus's and secretary of the Bohemian delegation at Constance. Both accounts tell us of a heretical mitre placed on Hus's head. According to Ulrich of Richental, the image featured two devils and, between them, an inscription *heresiarcha*.¹⁰² A similar description can be found in the *Relatio* of Peter of Mladenovice. We can gather that the cap worn by Hus was one cubit high (about 1.14 m) and featured an image of three devils. Between them, the onlookers read an inscription *heresiarcha*. By contrast, the cap placed on the head of another condemned heretic, Jerome of Prague, featured only two red devils and had no inscription.¹⁰³

100 Merlo, *Eretici ed eresie medievali* (Milano, 1989), 90–1.

101 [...] *post huius sententias prolatas recipiant et eosdem coram populo in eminenti loco comburi faciant, ut huiusmodi punitio metum incutiat mentibus aliarum*. Wilkins (ed.), *Concilia*, vol. 3, 252–3; cf. Duffy, “The Repression of Heresy in England”, 446.

102 “Und hat ain wisse ynfel uff sinem hop mit bappir gemacht, und stünden zwen tüfel daran gemalt und zwischen den tüfeln geschrieben ‘Heresiarcha’, das ist ein erzketzer [...]”. Ulrich von Richental, *Chronik des Konstanzer Konzils. Text der Konstanzer Handschrift*, ed. Otto Feger (Constance, 1965), chapter 156; Ulrich von Richental, *Chronik des Konstanzer Konzils* (Augsburg, 1483), 38.

103 Peter of Mladenovice, *Pašije M. Jeronyma*, ed. Václav Novotný in *Fontes rerum Bohemicarum*, vol. 8, (Prague, 1932), 365.

Peter of Mladenovice's work developed into a hagiographic vision of the execution of his master, inspired by the Passion of Christ. The headwear of Hus, which he described as a "shameful crown" (*corona contumeliosa*), evolved into a symbol of martyrdom of the Prague reform leader.¹⁰⁴ At a later time, more iconographic representations of the scene appeared in Bohemia, and the paper mitre became a standard attribute of Jan Hus, venerated by the Hussites as a martyr saint.¹⁰⁵ A paper cap was also put on the heads of the heretics sentenced to death by the Spanish inquisition. The tryptic of Pedro Berruguete (ca 1450–1504) featuring scenes from the life of St Dominic, made at the end of the fifteenth century, includes an image of two convicts. They are dressed in a yellow *sanbenito*, with ropes about their necks, and high mitres on their heads with images of the stake and devils.¹⁰⁶

In the carefully choreographed ritual of the execution, a paper cap adorned with depictions of devils, a burning stake and an inscription were all elements chosen from a wide array of options and designed to humiliate the heretic in public on his/her last journey to the place of execution. It was a sign of rejection and shame, a visible element of social stigmatization.¹⁰⁷ The presence of the devils on the cap, and sometimes even on the convict's garment, was far from accidental. The heretics condemned by the Church were naturally associated with the *civitas diaboli*. Rejecting the opportunity to reconcile with the Church and repent for their errors, they sided with Satan and offered their souls to eternal damnation. The fire of the stake, on which the body of the heretic was burning, was merely an anticipation of hellfire by which his/her soul was going to be consumed later. The visualization of this belief served a didactic role as a

104 Peter of Mladenovice, *Relatio de Magistro Iohanne Hus*, ed. Novotný, in *Fontes rerum Bohemicarum*, vol. 8 (Prague, 1932), 140. For further detail see Milena Kubiková, "The Heretic's Cap of Hus", in Zdeněk David and David Ralph Holeton (eds), *The Bohemian Reformation and Religious Practice*, vol. 4 (Prague, 2002), 143–50; Kejř, *Husův proces* (Prague, 2000), 284–6.

105 Holeton, "O Felix Bohemia – O Felix Constantia: the Liturgical Commemoration of Saint Jan Hus", in Ferdinand Seibt (ed.), *Jan Hus Zwischen Zeiten, Völkern, Konfessionen* (Munich, 1997), 385–404; Holeton, "Oslava Jana Husa v životě církve", in *Jan Hus na přelomu tisíciletí*, 83–112. The iconography of Hus's execution in the Hussite tradition is discussed by Jan Royt, "Ikonomie Mistra Jana Husa v 15. až 18 století", in *Jan Hus na přelomu tisíciletí*, 405–51.

106 Mellinkoff, *Outcasts*, vol. 1, 44–5.

107 Kubiková, "The Heretic's Cap", 146–7.

warning issued to prevent the faithful from following the dissidents, now sentenced to death and awaiting eternal damnation.

Among the number of rulings pronounced by bishops or inquisitors, only the sentence of condemnation (*sententia condemnatoria*) was considered final and unchangeable. If, however, in the face of death, the convict clearly expressed his/her willingness to give up his errors, the execution was stopped and the culprit was summoned once again before the inquisition tribunal. Cases of contrition *in extremis* seemed to be particularly suspicious and called for a careful examination. A full confession of errors and an act of contrition could prove that the individual's conversion was inspired by something more than mere fear of death. If the conversion was deemed genuine, such converted heretics were given a life term in prison. If, however, the inquisitor concluded that the renunciation of errors had been simulated, he would hand the convict over to the secular arm once again. In 1295, a Dominican inquisitor in Pavia, Lanfranco di Bergamo, stopped the execution of a Waldensian, Pietro da Martinengo, who demonstrated contrition for his errors and begged for mercy while burning. The flames were extinguished promptly and the half-burned heretic was transferred to a house and attended to by a doctor. Having recovered, Pietro denied having renounced his heretical beliefs. In this case, the execution resumed and the heretic, holding fast to his beliefs this time, was burned at the stake.¹⁰⁸

Up until the end of the thirteenth century, there had been many debates over whether heretics condemned by the Church and sentenced to death should receive the Eucharist. Canon law allowed *relapsi* to receive the Eucharist provided they demonstrated genuine contrition and made such a desire known. This was also how the question was settled by Alexander IV's bull addressed to Dominican inquisitors in Toulouse on 14 March 1257 (VI^o 5.2.4).¹⁰⁹ Thomas Aquinas also expressed a similar opinion (*Summa theologiae* II, q. 11, c. 4). The inquisition manuals allowed the condemned heretics to receive the Eucharist if they demonstrated genuine contrition for their sins.¹¹⁰ The *Liber sententiarum*

108 Merlo, "Le origini de l'inquisizione medievale", 38.

109 [...] *sit tamen postmodum* [= after convicted heretics had been handed over to the secular authorities] *poenitent et poenitentiae signa in eis apparuerint manifesta, nequaquam sunt humiliter petita sacramenta poenitentiae ac eucharistiae denegando*. Friedberg 2,1070; Potthast, no. 17845.

110 *Et debet eis dari Eucharystia, si petent et appareant signa poenitentiae*. *Doctrina*, 1796; cf. Dondaine, "Le manuel", 147. [...] *si tamen postmodum poenitent et poenitentiae signa in eis apparuerint manifesta, nequaquam sunt humiliter petita sacramenta poenitentiae et eucharistiae deneganda*. Gui, *Practica*, 127, 144–5 and 221; cf. Pales-Gobilliard, "Introduction", in Gui, *Livre des sentences*, vol. 1, 27–8.

of Bernard Gui contains sentences that indicated his permission for heretics currently handled by the *brachium saeculare* to receive the sacrament of the Eucharist, provided they completed a valid confession.¹¹¹ Receiving the sacrament of reconciliation and the Eucharist was the only means to obtain spiritual support from the Church for heretics sentenced to death.¹¹²

Lay participants of the execution believed strongly that when a heretic wished to complete reconciliation and receive the Eucharist, he/she should not be denied the sacrament. The reaction of Bologna residents in 1299 illustrates this phenomenon: the witnesses of the execution of a local purse maker, Bompietro di Giovanni, were present when the convict begged for grace with tears in his eyes. In spite of the dramatic request, the Lombardy inquisitor Guy da Vicenza denied him the Eucharist. The lay onlookers at the execution reacted with indignation, cursing the inquisitor.¹¹³ In order to pacify their hostile emotions, inquisitors took firm action against the most zealous defenders of the heretic who was being burned at the stake.¹¹⁴

The public executions of heretics were dramatic shows that long remained engraved in the memory of the onlookers. At later encounters, witnesses described and commented on the various stages of the execution and the conduct of the convict, pondered his/her guilt and debated whether the assigned penalty was appropriate.¹¹⁵ The execution of the Waldensian Raymond de la Côte that took place in Pamiers on 1 May 1320 inspired great emotion in the people who knew him well. Some people pitied Raymond, convinced that he died an innocent death. One debate participant stated directly that his death was a form of revenge of the clergy for the heretic's critical comments on the conduct of priests. The majority of the onlookers present at the execution were greatly impressed by the heroic behaviour of Raymond in the face of death. The image of Raymond who endured his death with devotion and internal peace was vividly present in their memory.¹¹⁶

111 [...] *si digne penitueritis vobis petentibus sacramentum penitencie et eucharystie non negamus*. Gui, *Le livre de sentences*, vol. 1, 532.

112 Pales-Gobilliard, "Pénalités inquisitoriales", 146.

113 Paoloni and Orioli (eds), *Acta S. Officii Bononiae*, 302–9. The register records 255 individuals who on 13 May 1299 took part in the demonstrations against the papal inquisitor. Paolini, *L'eresia catara alla fine del duecento* (Rome, 1975), 63–79.

114 Augustine Thompson, "Lay versus Clerical Perceptions of Heresy: Protests Against the Inquisition in Bologna, 1299", in *Praedicatores, Inquisitores*, 701–30.

115 Given, *Inquisition*, 75–6.

116 *Registre*, vol. 1, 169–73.

James Given has pointed out that many onlookers interpreted the behaviour of heretics during their execution in order to evaluate whether the penalty was justified.¹¹⁷ Everything they did, their gestures and words were carefully watched and analysed so as to inform individual opinions later. If the dying heretics shouted, cursed or threatened the inquisitors, their behaviour was frowned upon by onlookers. If, they maintained their dignity and endured their suffering in peace, it was considered a testimony to their innocence. Pierre Tort de Montréal was a person who attended executions regularly. He was greatly impressed by the behaviour of Beguines who, in the second decade of the fourteenth century, were burned at the stake in Béziers. Their peace and courage in the face of death made such a great impression on him that he considered them holy and innocent. His evaluation of some other Beguines burned in Narbonne and Pézenas was very different. In these two cities, according to Pierre, the women did not behave with dignity; they insulted the inquisitors and the bishops who took part in the execution.¹¹⁸

Sometimes even members of the clergy did not conceal their admiration for the peace with which heretics endured their death in flames. In 1143, Ewervin of Steinfeld wrote to Bernard of Clairvaux, and gave a very respectful account of the death of two Cathars who “entered into the flames not only patiently but also joyfully”. Trying to explain the heroic behaviour of the heretics in the face of death, which could be compared to martyrdom in defence of the Christian Faith, Ewervin attributed it to some devilish intervention.¹¹⁹

Whenever criminals were declared public enemies, the execution ritual did not end at death. Their bodies were later abandoned at the place of death or hung on city walls, where they served as a grim reminder to all potential adherents of heresy. Sometimes the remains of criminals were used for terrible sport by youths who participated in the execution: body parts would sometimes be dragged across city streets, kicked, cut up or hung.¹²⁰ Executions of heretics were carried out by the secular authorities. They had to decide on the location of the execution.¹²¹ Medieval sources indicate that the majority of executions took place outside the city walls. This measure was implemented to prevent a contamination of residential areas.¹²² Following the execution, the remains of the victims were left

117 Given, “The Béguins in Bernard Gui’s *Liber sententiarum*”, in *Texts and the Repression*, 158–9.

118 Gui, *Le livre des sentences*, vol. 2, 1406–8.

119 *Epistola Evervini Steinfeldensis*, 416.

120 Dean, *Crime*, 136–7.

121 Given, “The Beguins”, 160.

122 Guibert de Nogent, *Autobiographie*, 434.

at the place of torture, from where they were sometimes picked up by relatives or fellow believers. All medieval heretical groups regarded death at the stake as an act of martyrdom, a symbol of resilient faith and courageous resistance in the face of persecution. Heretics burned at the stake were considered saints and sometimes became objects of a posthumous religious cult. The manual *Tractatus de haeresi* from the late thirteenth century warned against such supporters of the executed heretics. They would come to the place of execution at night to collect the victims' remains and worship them as relics.¹²³ This is also how Bernard Gui described the cult of the burned remains of the Beghards and Beguines observed by their fellow believers. They came to the place of execution in secret, collected burned body parts, and venerated them with devotion as relics of martyrs.¹²⁴

The information provided by Bernard Gui in his manual reflected his personal experiences from investigations into Beguines and Beghards.¹²⁵ His inquisition records contain detailed descriptions of how the remains of burned heretics were collected and kept at homes. The burned body parts of heretics were carried in small bags or kept in cases.¹²⁶ Some heretics interrogated by Bernard Gui regarded the collection of remains of other heretics burned by the inquisition as a hobby of sorts. This was so in the case of Raymond d'Antusan and his wife Bernarda who, in July of 1322, were imprisoned by Bernard Gui. At the trial, both of them admitted to having collected a great number of bones and ashes of their brethren. Bernarda kept the remains of the burned heretics in a case and treated them as "relics" of martyrs.¹²⁷

123 [...] *si aliqui furtive inveniuntur ossa haereticorum combustorum nocte colligere quasi reliquias, dubium non est, quin eos pro sanctis venerentur, quorum ossa pro sanctuario recondunt, et esse haereticos sicut illi. Tractatus de haeresi, 1787.*

124 [...] *multi Beguini et Beguine ac etiam credentes ipsorum recollegerunt occulte ossa combusta et cineres predictorum combustorum qui fuerunt velut heretici condemnati ad conservandum sibi pro reliquiis, et tanquam reliquias sanctorum osculabantur et venerabantur, sicut aliorum sanctorum. Gui, Practica, 271.*

125 Manselli, *Spirituels et Béguines du Midi* (Toulouse, 1989), 151–80.

126 See the testimony of Bernard de Na Jaime, sentenced by Bernard Gui in July 1322; Gui, *Le livre des sentences*, vol. 2, 1332.

127 [...] *in domo quorundam quos nominat apud Narbonam vidit unum caput cum humeris et cum pectore et collo et quasdam alias partes corporis cum cruribus cujusdam mulieris combuste postquam fuerat tanquam heretica condemnata per judicium episcopi Magalonensis et inquisitoris Carcassonnensis apud Lunellum [...] dicta ossa dictasque partes habebant et tenebant et conservabant pro reliquiis sanctis. Gui, Le livre des sentences, vol. 2, 1340–2; cf. Given, "The Beguines", 160.*

There were also instances in which the living commemorated burned heretics by erecting tombstones at the place of their execution. English Lollards used to gather at the place where Richard Wyche, a Lollard preacher, had been burned on 17 June 1407. They even built a symbolic tomb made of stone and put money and wax figurines on it. Wishing to put a stop to this heretical cult, the city authorities finally turned this memorial of execution into a midden.¹²⁸ Later, at the close of the Middle Ages, efforts were made to supervise the places where heretics were executed to prevent such a collection of burned remains. It is noteworthy that the ashes of the leaders of the Hussite movement, Jan Hus and Jerome of Prague, burned at Constance, were thrown into the river Rhine. This measure was intended to hinder the development of a cult of their remains among their Bohemian following.¹²⁹

3. The death penalty in numerical perspective

The structure of the inquisition, formed in the course of the thirteenth century, regarded the death penalty as an exceptional type of punishment and, as such, applied it relatively seldom. An analysis of the surviving court records indicates that the number of heretics handed over to the secular authorities *cum animadversione debita puniendi* constituted a small percentage of all convicts. Most heretics were burned at the stake during the Albigensian crusade.¹³⁰ The Cathar *perfecti* who refused to renounce their beliefs were burned in great numbers by the crusader army led by Simon de Montfort. The first stage of the crusade in particular produced a high number of burned heretics. Following the fall of Minerve in July 1210, one hundred and forty heretics were burned at the stake.¹³¹ In other towns captured by the crusader army, the number of burned heretics was equally high. Lavaur saw between three hundred and four hundred *perfecti* burned in May 1211,¹³² and between sixty and one hundred a few days later, in Les Cassés.¹³³

128 Thomson, *The Later Lollards*, 149–50; Hudson, “Which Wyche? The Framing of the Lollard Heretic and / or Saint”, in *Texts and the Repression*, 226.

129 Peter of Mladenovice, *Relatio*, 140; Ulrich von Richental, *Chronik*, chapter 156.

130 Dossat, “Le ‘bûcher de Montségur’ et les bûchers de l’Inquisition”, *CF* 6 (1971), 369–70.

131 Pierre de Vaux-de-Cernay, *Histoire*, 66–7.

132 Guillaume de Tudèle, *La Chanson*, 71 (he records 400 burned heretics); Guillaume de Puylaurens speaks about 300 (*Chronica*, 70).

133 Guillaume de Tudèle speaks about 94 heretics put to the flames (*La Chanson*, 84), but Guillaume de Puylaurens (*Chronica*, 72) and Pierre de Vaux-de-Cernay reduce this number to 60 (*Historia*, vol. 1, 230–2; *Histoire*, 97).

After the Albigensian crusade, such mass executions of heretics were rare. One of the bloodiest executions took place at Mons Wimer in Champagne on 13 May 1239. As we can gather from an account provided by an eye witness, the chronicler Alberic of Trois-Fontaines, on the order of Robert le Bougre, one hundred and eighty-three Cathars were burned on that day.¹³⁴ A still greater number of heretics were killed after the fall of the Montségur castle.¹³⁵ On 16 March 1244, over two hundred *perfecti* who had been hiding in the last Cathar stronghold were burned at the stake, women and men alike.¹³⁶ In other parts of Europe, such massive executions of heretics were extremely rare. For this reason, the 13 February Verona execution was considered an absolute exception. It consumed the lives of a hundred and sixty-six heretics burned at the stake. It was the largest execution of this type in Italy. A considerably smaller number of heretics died at the executions orchestrated by the Spanish Inquisition. At one such *auto-da-fé* in Toledo, on 16 July 1485, twenty-five people lost their lives in flames.¹³⁷

It is impossible to estimate how many sentences arbitrated by the ecclesiastical courts ended with a formula that sent heretics to the stake. Guillaume de Puylaurens' and Guillaume Pelhisson's chronicles report isolated cases of death sentences given to the heretics interrogated by the first Languedoc inquisitors. Guillaume Pelhisson, who was an inquisitor himself, was particularly scrupulous in registering the names of individuals condemned for heresy who ended up burned at the stake by representatives of secular authorities, either the bailiffs or the royal seneschal of Toulouse. The information he provides concerns the activity of the inquisitors Ferrier, Guillaume Arnaud, Pierre Sellan and Arnaud Cathala, and covers the period between 1233 and 1241.¹³⁸ In each case, the

134 Despy, "Les débuts", 86.

135 In secondary literature the number of heretics burned in Montségur varies; for example M. Roquebert records 244 casualties (*Histoire des cathares*, 77), but Z. Oldenbourg notes fewer, 210–215 (*Le bûcher de Montségur. 16 mars 1244* (Paris, 1989), 512. The records of the interrogations are published by Duvernoy (ed.) *Le dossier de Montségur: Interrogatoires d'inquisition 1242–1247* (Toulouse, 1998).

136 The number varies: Guillaume de Puylaurens records 200 (*Chronica*, 174), the chronicle of Berdouse notes 205 (*Histoire de Languedoc*, vol. 8, 214), and Guillaume Pelhisson speaks about 210 heretics burned at the stake (*Chronique*, 56).

137 Dossat, "Le bûcher de Montségur", 371.

138 E.g. in 1233 two inquisitors Arnaud Cathala and Guillaume Pelhisson carried out an enquiry in Albi which ended with the condemnation of two Cathars Pierre de Puechperdut and Pierre de Bomassip. After their condemnation they were handed over to the secular authorities and burned at the stake (Guillaume Pelhisson, *Chronique*, 59).

death penalty was given only to heretics who were obstinate in defending their beliefs and rejected the opportunity to reconcile with the Church. Jean Tesseyre, a Toulouse resident, was one of the first heretics burned in 1233. He was accompanied by an unknown number of Cathars. The death sentence was arbitrated jointly by the papal inquisitors and Bishop Raymond de Fauga. The execution was carried out by the bailiff of Toulouse.¹³⁹ A year later, a female Toulouse citizen, Peytavi Boursier was burned. Bishop Raymond de Fauga found her out in person as she attempted to receive the Cathar *consolamentum*.¹⁴⁰

What is rather striking, at the first stage of the activity of the papal inquisitors in Languedoc the flames consumed mainly the corpses of dead heretics.¹⁴¹ Lothar Kolmer puts forward a hypothesis that the practice of mass exhumations and the cremation of corpses of heretics testifies to the weakness of the papal inquisition: it was easier to punish the dead than the living.¹⁴² Yves Dossat believes that prior to 1246 only one in a hundred convicts on average was handed over to secular authorities to be punished *cum animadversioe debita*.¹⁴³ At a later period, which Dossat associated with the reign of Alphonse of Poitiers in the County of Toulouse (1245–1271), the death penalty was issued in one per fifteen sentences (which accounts for 7 %).¹⁴⁴ Yet, there were some investigations in which a greater percentage of heretics received the death sentence. The surviving fragments of the records of Bernard de Caux and Jean de Saint-Pierre, covering the period between 1244 and 1248, reveal about forty-seven condemned individuals, or over 23 % of all known sentences). The notes found in the margins provide a clear indication of the type of punishment assigned to heretics transferred to the secular authorities.¹⁴⁵ Let us bear in mind that, in this case, we only know about a small percentage of sentences issued by both inquisitors. Drawing conclusions on such a basis could be misleading.

139 Guillaume Pelhisson, *Chronique*, 54–7.

140 Guillaume Pelhisson, *Chronique*, 60–5.

141 Guillaume Pelhisson, *Chronique*, 42–56 and 96–7.

142 Kolmer, *Ad capiendas vulpes*, 129–30.

143 Dossat, “Le bûcher de Montségur”, 371.

144 Dossat, *Les Crises*, 250; Dossat, “Le bûcher de Montségur”, 370.

145 Pegg, *The Corruption of Angels*, 25–6.

The *Liber sententiarum* of Bernard Gui furnishes a more representative sample of the death penalty figures. It contains a complete set of rulings arbitrated by Gui spanning the fifteen years of his inquisition mandate in Toulouse (1308–1323).¹⁴⁶ During that time, Gui delivered a guilty sentence on forty-three people and transferred them to the secular authorities. This number constitutes less than 7 % of all sentences he pronounced; in other words, it corresponds with the calculations made by Dossat for the second half of the thirteenth century. At *sermones generales*, Gui tended to pronounce isolated sentences. Out of twenty documented *sermones generales*, at only one of them were there any death penalties. On 5 April 1310, seventeen people were condemned and handed over to the secular authorities.¹⁴⁷ This confirms the rule that such a guilty sentence, formally sentencing the heretic to death, was as exception. During ten years of his inquisition-related activity, between 23 April 1312 and 12 September 1322, Gui assigned *sententia condempnatoria* to only five individuals. A still smaller percentage constituted the condemnatory sentences arbitrated by Bishop Jacques Fournier of Pamiers. Out of eighty-nine sentences registered in his trial records, only five resulted in the transfer of the heretic to the secular arm and his/her subsequent execution. This represented less than 5.6 % of all sentences.¹⁴⁸

In northern Italy, the percentage of heretics executed seems to have been even smaller than in Languedoc. Some surviving notes available from the turn of the thirteenth century and the early fourteenth century indicate that in Bologna, where the headquarters of the inquisition tribunal for Lombardy was located and most investigations were carried out, capital punishment was arbitrated in a few cases. The surviving records of the Bologna inquisition, covering the period between 1297 and 1310, document only ten cases of heretics handed over to the secular arm, which accounts for less than one execution per year.¹⁴⁹ A still

146 Gui, *Livre des sentences*, vol. 2, 1646, tab. 1. The results collected by A. Pales-Gobilliard look similar to those presented by Y. Dossat (“Le bûcher de Montségur”, 371) and J. Given (*Inquisition*, 75).

147 Gui, *Livre des sentences*, vol. 1, 530–7.

148 Pales-Gobilliard, “Bernard Gui”, 262.

149 Paolini and Orioli (eds), *Acta S. Officii Bononiae*, no. 10, 20–5 (Bonigrino), no. 566, 302–6 (Giuliano Salimbene), no. 567, 306–9 (Bompietro di Giovanni), no. 585, 347 (Rolandiono), no. 586, 350 (Pietro dal Pra), no. 917, 704 (Giovanni), and four lawyers who defended heretics (no. 809, 599–600, no. 868, 624–5, no. 819, 606, no. 865, 623–4).

smaller percentage of heretics punished *cum animadversione debita* is recorded in the fourteenth-century records of inquisitors from Piedmont. Grado Merlo's research indicates that between 1312 and 1395 capital punishment was applied in twenty-two cases. One execution was carried out once every four years on average.¹⁵⁰

The available information concerning the executions of heretics in Germany is even more fragmentary. Apart from the persecution orchestrated by Conrad of Marburg in the 1230s, there is virtually no evidence of burnings at the stake until the end of that century. Some information about heretics sentenced to death comes from the fourteenth century, when the inquisitors began to pursue the Waldensians, the Beghards and the Beguines. Between 1311 and 1315, they coordinated a remarkable inquisition effort against the Waldensians in Austria. As a result of this, the "cleansing fire" consumed at least several dozen heretics. Peter Segl analysed several sources that mention a great number of heretics burned at the stake (*multi heretici, multitudo hereticorum*), although they fail to provide actual figures.¹⁵¹ We know that sixteen heretics died in Krems, three in Vienna and eleven in St. Pölten.¹⁵² In 1311, an unknown number of heretics was also burned in Steyr.¹⁵³ More mass executions of heretics took place in the fifteenth century. Heinrich Schönfeld, inquisitor for Thuringia and Meissen between 1414 and 1416, is thought to have burned about three hundred people from Saalfeld and Sangerhausen with assistance of the local secular authorities. His successor Friedrich Müller (died 1460) delivered the last condemnatory sentences in medieval Germany, as a result of which twelve heretics were killed.¹⁵⁴

The death penalty was approved for heresy by act of Parliament in England in 1401 with *De haeretico comburendo*. We know very little about the actual execution of heretics in England prior to that date. The Cathars condemned in 1166 at the Synod of Oxford died of cold and hunger. We know about just two executions by burning before 1401. In 1210, an individual charged with the Cathar heresy was burned at the stake. Twelve years later, a deacon was also burned for having abandoned the Christian Faith and marrying a Jewish woman.¹⁵⁵ Another piece of information about an executed heretic comes from 1401 and concerns a

150 Merlo, *Eretici e inquisitori*, 135–6 and tab. 13.

151 Bernard, "Heresy in Fourteenth century Austria", 50–5; Segl, *Ketzer im Österreich*, 280–341.

152 Segl, *Ketzer im Österreich*, 300–1.

153 Segl, *Ketzer im Österreich*, 280–3.

154 Springer, "Dominican Inquisition", 311–4.

155 McHardy, "*De haeretico comburendo*", 112–4; Duffy, "The Repression of Heresy", 445.

Lollard preacher, John Badby. His death at the stake was the first English execution after the approval of *De haeretico comburendo*.¹⁵⁶ Up until the end of the Middle Ages, executions of heretics in England occurred only sporadically. The bishops who fought against the Lollards were rather lenient in their rulings. Until the time of King Henry VIII's Reformation, numbers of heretics sentenced to death amounted to dozens rather than hundreds of people. For the sake of this particular study, I do not take into account the participants of the rebellion led by Sir John Oldcastle against the rule of Henry V, given that they were not punished as heretics, but rebels. An English scholar, John A. F. Thomson was browsing through some surviving episcopal records when he came across evidence pointing to thirty-four executions of heretics between 1414 and 1522.¹⁵⁷ The primary group burned at the stake were Lollard preachers, known for their active ministry, among them Robert Mugdane, William White, John Waddon, Hugh Pye, and Richard Wyche. The surviving records of the two largest investigations into the Lollards from the diocese of Norwich (1428–1431) and the archdiocese of Canterbury (1511–1512) reveal that death sentences were unusual. The courtbook that recorded the heresy trials of Lollards in the diocese of Norwich contains no delivery of the death penalty. Even so, Norman Tanner believes that such sentences might have been assigned to two people declared to be *relapsi* in keeping with canon law: John Fynche and Margery Baxter.¹⁵⁸ The former admitted that he had previously completed the canonical cleansing of heresy.¹⁵⁹ Margery Baxter, who was one of the most fervent supporters of Lollardy, voiced her anti-ecclesiastical opinions after she had abjured heresy.¹⁶⁰ Assuming that both individuals received capital punishment, the number of heretics sentenced to death would account for just 2.5 % of all sentences issued by Bishop William Alnwick of Norwich.

At a later trial against the Lollards of Kent, over seventy years later, the archbishop of Canterbury, William Warham condemned five people and had them burned at the stake. Among these convicts, four were men, Robert Harryson of Canterbury, William Carder of Tenterden, John Browne of Ashton, Edward Walker of Maidstone and one woman, Agnes Grebill of Tenterden. All of them initially denied the charges brought against them, even if the testimony of

156 McNiven, *Heresy and Politics*, 199–219.

157 Thomson, *The Later Lollards*, 235–8.

158 Tanner, "Introduction", in: *Norwich Heresy Trials*, 22.

159 *Norwich Heresy Trials*, 41–51

160 *Norwich Heresy Trials*, 183–6.

witnesses did not leave a shadow of a doubt as to their guilt. Out of the sixty people whose punishment was noted in the records of Archbishop Warham, death sentences account for 7.6 % of outcomes.¹⁶¹

In pre-Hussite Bohemia fragmentary sources record several dozen executions of heretics though the figures must have been much higher. The inquisition action carried out in Prague in 1315 resulted in the execution of fourteen Waldensians.¹⁶² At the same time, dozens Waldensians were burned at the stake in Wrocław, Nysa and Świdnica.¹⁶³ The surviving fragments of the court records of Bohemian inquisitors from the first half of the fourteenth century hint at fifteen other Waldensians who died in defence of their beliefs. Alexander Patschovsky estimated that the lost records of the Prague inquisition might have documented as many as two hundred and twenty heretics given the death penalty. The majority of heretics burned at the stake were Waldensian preachers and their abettors, according to the scattered information from the testimonies of people appearing in the surviving fragments of the records of the Dominican friar, Gallus of Jindřichův Hradec, a papal inquisitor in the diocese of Prague. The compiled list mostly contains the names of those individuals who had appeared before the inquisition tribunal and completed abjuration.¹⁶⁴

In contrast to Bohemia fourteenth-century Poland was almost untouched by the spread of Waldensianism.¹⁶⁵ This started to change when the Hussite agenda, popularized in neighbouring Bohemia, gained a considerable number of supporters in Poland. They constituted the target of the local inquisition. Despite some gaps in the sources, surviving Church records allow us to gain some insight into the number of instances of the death penalty assigned to

161 Tanner, "The Penances", 233.

162 Patschovsky, *Die Anfänge*, 3–43.

163 Patschovsky, "Waldensenforschung in Schweidnitz 1315", *Deutsches Archiv für Erforschung des Mittelalters* 36 (1980), 137–39.

164 A. Patschovsky notes: 1. Kunla, wife of tailor Hertlin of Ceske Budejovice, 2. Wencla, aunt of Margaret, burned at the stake in Prague, 3. Conrad, uncle of Margaret, 4. unknown furrier, 5. Jan, Waldensian preacher burned in Jindřichův Hradec, 6. unknown aunt of Waldensian Gottfried of Wilhelmsdorf, 7. unknown Bavarian living in Velky Bednarec, 8. Ulrich of Lišnica, 9. Gisel, sister of Perchta, 10. Walkinius of Velky Bednarec, 11. Goczlin, brother of Henry of Jarošov by the Nažárka river, 12. Plawnerinus burned in Prague, 13. Rydlin Weredei, father of Philip exhumed in Hradec Kralove and burned, 14. unknown stepmother Peter, son of Peczold nicknamed Kaczer, living in the Old Town of Prague, 15. cousin of Peczold (*Quellen*, 19 and n. 30).

165 Kras, "Pro fidei defensione", 69–80.

heretics in Poland. Out of almost two hundred people charged with heresy registered in fifteenth-century church sources, virtually all embraced renunciation and abjuration of their errors. Only the most fervent supporters of Hussitism who had failed to flee to Bohemia were found guilty of heresy and handed over to royal officials for “appropriate punishment”. In the light of more recent research, we gather that eight cases of people burned at the stake can be established in the fifteenth century. In three cases, those of Nicholas of Kłodawa (before 1430), the former mayor of Zbąszyń Nicholas Grynberg (between 1453 and 1470) and priest Adam of Radziejów (1499), the executions appear in Church documentation.¹⁶⁶ The group of Polish heretics who were burned at the stake in the defence of their beliefs can be extended to five Hussite priests from Zbąszyń and Kębłowo. Some information on their execution was provided by the chronicle of John Długosz.¹⁶⁷

On the basis of such fragmentary data, it is difficult to determine the scale of executions that cost the lives of heretics. The surviving records lead us to believe that out of all sentences pronounced by ecclesiastical courts, formal death sentences constituted a small percentage. Putting aside the mass executions of the Cathar *perfecti*, which took place in Languedoc during the Albigensian crusade, and following the fall of the Cathar stronghold of Montségur, as well as the persecutions carried out by the first papal inquisitors, Conrad of Marburg and Robert le Bougre, the death penalty was applied sporadically. In the light of available sources, it seems that the number of heretics sentenced to death by the medieval inquisition could amount to hundreds rather than thousands of individuals. The death penalty was assigned only to those heretics whose amendment seemed unlikely to the inquisition tribunals. All remaining heretics who expressed their desire to return to the Church were punished by the instrument of penance rather than persecution. This applied also to the *relapsi* who returned to heresy following an earlier abjuration.

4. The confiscation of property

The confiscation of property was an additional form of punishment closely associated with a condemnatory sentence (*sententia condemnatoria*). Adopting the regulations of Roman law, it was the direct consequence of heresy's being

166 Kras, *Husyci*, 302–17.

167 Jan Długosz, *Annales seu chronicae inclyti Regni Poloniae, Libri 11–12 (1431–1444)*, ed. Jerzy Wyrozumski et al. (Warsaw, 2001), 206; Długosz, *Catalogus episcoporum Poznaniensium*, ed. Ignacy Polkowski and Żegota Pauli (Cracow, 1887), 512.

qualified as *crimen laesae maiestatis*. In the constitutions of the Roman emperors, such confiscations included only the buildings where forbidden religious gatherings had taken place. In 407, Emperor Honorius changed this and ordered the confiscation of all goods (*publicatio bonorum*) belonging to the Donatists, the Manicheans, the Montanists and the Priscillianists.¹⁶⁸

In the period preceding the formation of the inquisition structure, the confiscation of property was the main type of punishment imposed on heretics. This method was featured in twelfth-century synodal statutes, as well as in the constitutions of the Second and Third Lateran councils. For heretics, the confiscation of property was the consequence of an earlier excommunication. In the spirit of canon law, an individual excluded from the Church was simultaneously stripped of the right to own earthly goods.¹⁶⁹ Referring to Roman law, Innocent III regarded the confiscation of goods as the consequence of heresy's being identified with the crime of lese-majesty. In his decretal letter *Vergentis in senium* of 1199, this pope ordered that all heretics who ignored canonical sanctions be deprived of property. This order was grounded in his belief that severe secular punishment could force heretics to amend their behaviour in a way that ecclesiastical punishment alone could not ensure (X 5.7.10).¹⁷⁰ The practice of punishing heretics with the confiscation of property was approved by the Fourth Lateran Council in 1215.¹⁷¹

In civil law, the order to take over the property of heretics condemned by the ecclesiastical courts was popularized by Emperor Frederick II. Just like Innocent III, he regarded the confiscation of goods as one type of punishment resulting from heresy being qualified as crime of lese-majesty.¹⁷² In spite of the fact that the confiscation of property was announced by the ecclesiastical courts, carrying it out was the duty of the secular authorities. The Papal State was the only exception, as its secular authority was represented by the pope. In 1207, Pope Innocent

168 Dębiński, *Ustawodawstwo karne*, 106–13.

169 Vodola, *Excommunication*, 44–69.

170 *In terris vero temporalis nostre iurisdictioni subiectis bona eorum statuimus publicari; et in aliis ide fieri precipimus per potestates et principes seculares, quos ad id exequendum, si forte negligentes existerent, per censuram ecclesiasticam admonitione premissa compelli volumus et mandamus. Nec ad eos bona ipsorum ulterius revertantur, nisi eis ad cor redeuntibus et abnegantibus hereticorum consortium aliquis voluerit misereri: ut temporalia saltem pena corripit, quem spiritualis non corrigit disciplina.* Friedberg 2, 782–783; *Register Innocenz' III*, vol. 2, no. 1, 4–5.

171 Tanner, *Decrees*, vol. 1, 230–1; cf. Shannon, *Popes*, 96–7.

172 *Texte zur Inquisition*, 39.

III decided that in the territories of the Realm of Saint Peter the confiscated property of heretics had to be divided into three parts; one third was destined for the person who captured the heretic, one third was to go to the court that condemned him/her and one third was transferred to the town authorities for reparation of the city walls.¹⁷³ Similar guidelines about the confiscated goods of heretics featured in the statutes from Gregory IX's *Excommunicamus* of 1231. The property of a punished heretic was divided into three parts, one given to the informant, one to the Commune of Rome and one-third covered the renovation of city walls (X 5.7.15).¹⁷⁴ These rules, introduced by Gregory IX, were changed in 1252 by Innocent IV. Taking into account the financial needs of inquisition tribunals, he decided that the goods acquired *via* confiscation needed to be divided into three equal parts and given, respectively, to the town, the employees of the inquisition tribunals, and to the local bishop or inquisitor.¹⁷⁵ At the same time, Innocent IV forbade the confiscation of the dowry of women whose husbands were found guilty of heresy, provided they did not participate in their heretical activity.¹⁷⁶ At a later time, Boniface VIII changed this clause to exclude the women who had been aware of their spouse's heresy prior to marriage. (VI° 5.2.14).¹⁷⁷ In some European countries, the guidelines for the confiscation of property of heretics became embodied in separate regulations. Appropriate rules were included in all of the previously discussed anti-heresy decrees.

Up until the end of the twelfth century, punishment for heresy had been imposed only on individuals found guilty of heterodoxy. In the court inquiry, the fault of the heretic was reviewed case by case. Depending on its gravity, appropriate punishment was assigned. At the end of the twelfth century, the

173 [...] *ita ut de ipsis unam partem percipiat qui ceperit illum; alteram curia quae ipsum punierit, tertia vero deputetur ad constructionem murorum illius terrae ubi fuerit interceptus.* PL 215, 1226.

174 *Bona vero ipsorum omnia infra eundem terminum [= 8 days] publicentur, ita quod de ipsis unam partem percipiant quo eos revelaverint hii qui eos ceperint, senator alteram, et tertia murorum Urbis refectionibus deputetur.* Friedberg 2, 789; *Texte zur Inquisition*, 43; cf. Paolini, "Il modello italiano", 115–8.

175 [...] *omnia bona haereticorum, que per dictos Officiales fuerint occupata, seu inventa, et condemnationes pro his exactas dividere tali modo. Una pars deveniat in Commune Civitatis, vel Loci; secunda in favorem, et expeditionem officii detur officialibus, qui tunc negotia ipsa peregerint; tertia ponatur in aliquo tuto loco, secundum quod dictis dioecesano, et inquisitoribus reservanda, et expendenda per consilium eorundem in favorem fidei, et ad haereticos extirpandos.* BRP 3.1, 327; BF 1, no. 549, 725.

176 BF 1, no. 247, 496.

177 Friedberg 2, 1075.

punishment was extended to all individuals who helped the heretic in any way. Penal co-responsibility in heretical activities became a standard element of the inquisition system. Considering heresy to be a public crime (*crimen publicum*) resulted in serious social consequences. The punishment of infamy, inspired by the Roman law, stripped the culprit, as well as his children, of public rights.¹⁷⁸ It was Innocent III who introduced the principle of punishing the heretics' children to canon law. In *Vergentis in senium*, the pope ordered that both heretics and their children be deprived of rights of ownership. While doing so, he emphasized that punishing children for their parents' transgressions was the will of God (X 5.7.10).¹⁷⁹

An even greater range of punitive measures applied to the children of heretics came into force during the pontificate of Gregory IX. In *Excommunicamus* from 1231, he forbade the children and the grandchildren of heretics, as well as all of their followers, to hold any public office (X 5.7.15).¹⁸⁰ A year later, a similar ban was introduced by Emperor Frederick II in the anti-heresy constitution for Germany. The disowning of the heretics' children and imposing the ban on public offices was the result of heresy's being qualified as a crime of lese-majesty. In his decree, the emperor reiterated the formula previously used by Innocent III, justifying the necessity of punishing children for the sins of their fathers.¹⁸¹ The question of how to punish heretics was finally settled by Pope Boniface VIII. He decided that both infamy and the confiscation of goods needed to apply to children and grandchildren of those heretics who had not renounced their errors prior to their death. The progeny of those who had completed abjuration and assigned penance was declared exempt from all penalty. (VI^o 5.2.15)¹⁸².

For medieval canonists, the punishment given to the children of heretics was a serious moral and legal problem. In the thirteenth century, the majority of them

178 Shannon, *Popes*, 93; for further comments see Dębiński, *Ustawodawstwo karne*, 92–6.

179 *Nec huius severitatis censuram orthodoxorum etiam exhereditatio filiorum quasi cuiusdam miserationis pretextu debet ullatenus impedire, cum in multis casibus etiam secundum divinum iudicium filii pro patribus temporaliter puniantur et iuxta canonicas sanctiones quandoque feratur ultio non solum in auctores scelerum sed in progeniem damnatorum.* Friedberg, vol. 2, 782–3; *Register Innocenz III*, vol. 2, no. 1, 3–5.

180 *Filii autem hereticorum, receptatorum; defensorum eorum, usque ad secundam generationem, ad nullum ecclesiasticum officium seu beneficium admittandi.* Friedberg 2, 789; *Texte zur Inquisition*, 42.

181 *Texte zur Inquisition*, 39.

182 Friedberg 2, 1075–6.

supported the persecution of the convicts' descendants, while some questioned the benefit of punishment assigned for crimes committed by someone else. Kenneth Pennington has noticed that the majority of commentators on papal decrees who discussed the content of *Vergentis in senium* of Innocent III in particular were more interested in the punishment assigned to heretics than the fate of the heretics' penalized children.¹⁸³

* * *

The rate of success in the war against heresy depended to a great extent on the support granted to the clergy by the secular arm. The inquisition system defined the duties of monarchs and their officials precisely. In keeping with canon law, the review of heresy cases was the exclusive domain of ecclesiastical courts, with the power exercised by bishops or papal inquisitors. In the context of *officium inquisitionis*, secular officials had to collaborate closely with them in the search for all alleged heretics. At the request of the bishop or papal inquisitors, secular authorities had to keep suspects in custody during the investigation. Heretics who were condemned as obstinate during the inquisition trial (*pertinaces*) or reoffenders (*relapsi*) were handed over to secular officials for appropriately severe punishment. The only punishment that the secular law envisaged in this case was death by burning at the stake.

The use of the death penalty was the direct consequence of the application of the qualification of heresy as a crime of lese-majesty, inspired by Roman law. The introduction of the term into canon law was the contribution of Pope Innocent III. In the domain of secular law, heresy as crime of lese-majesty was defined by the constitutions of Emperor Frederick II. These regulated the principles by which representatives of the secular arm participated in the war against heretics in particular areas under the jurisdiction of Frederick II (the Empire, Lombardy, Sicily). According to the resolutions of contained therein, heretics condemned by the ecclesiastical courts and handed over to secular officials were to be punished by burning at the stake and confiscation of their property. Their descendants, down to the second generation, lost the right to hold any public office. The Constitutions of Frederick II as introduced into canon law had great impact on the development of the medieval corpus of anti-heresy laws. They were the primary reference for the majority of decrees issued in other European countries to regulate the principles of collaboration between the secular and ecclesiastical powers in an inquisition orchestrated by the Church.

183 Pennington, "Pro peccatis patrum puniri", 139–40.

The surviving inquisition records indicate that the death penalty accounted for a small percentage of all sentences delivered in heresy cases. During the inquisition inquiry, most bishops and papal inquisitors made efforts to convince the heretic to give up his/her errors and embrace the doctrine of the Church. The condemnation of heretics and their subsequent transfer to the secular authorities was considered to be the last resort. Whilst approving the death penalty carried out by the secular arm, ecclesiastical authorities regarded it as a lesser evil. The execution of heretics allowed the Church authorities to remove dangerous and implacable enemies, and thus to protect the faithful from “heretical iniquity”.

Conclusion

The inquisitorial system established in the late twelfth century operated until the sixteenth century Reformation and served to suppress religious dissent and disobedience towards Church authorities. Its key objective was to enforce Roman Catholic orthodoxy identified with the teaching of the papacy all across Latin Christendom. Adopting the concepts and definitions worked out in Late Antiquity, canon law treated heresy as an opinion or set of opinions contradicting the teaching of the Roman Church publicly taught and obstinately upheld. Heretics whose opinions and activities confronted orthodox doctrine were regarded a serious threat to the Church and her pastoral mission. By questioning Church teaching and rejecting the ministry of the clergy, heretics opposed this mission. Religious dissidents were perceived as servants of evil whose activities were intended to destroy the Church from within. Church leaders could not just turn a blind eye to heretics' actions, for this would facilitate a further dissemination of errors and, as a consequence, threaten the security of the entire Church. In medieval society faith was not a matter of conscience and did not depend on individual choice. The act of baptism entailed a number of religious, moral and social duties and as such could not be revoked. It is worth noting the words of St Thomas Aquinas who argues that "good will is necessary to accept faith, but once accepted the faith must be kept" (*Summa theologiae*, II q. 10, a. 8). In the Middle Ages all those baptised in the Roman Church had to accept her teaching and to observe obligations imposed by the Holy See. Any dissent from orthodox doctrine, or disobedience required counter action by the Church authorities to bring the heretic back to fold of the Church. Medieval theologians adopted St Augustine's principle of *compelle intrare* which legitimized any methods leading to the conversion of heretics, coercion included. Following St Augustine, heresy was treated as a mortal sin originating from bad will. As such, heresy should be countered first by persuasion and prayer. St Augustine argues that sometimes threats successfully encourage heretics to recant errors and embrace orthodox faith. Heretics who refused to recant their errors and be reconciled with the Church were regarded as people possessed by the devil and predestined to eternal damnation. Excommunicated from the Church he/she became a religious and social outcast.

From Late Antiquity onwards the suppression of heresy belonged to the duties of bishops. In the Middle Ages, the entire clergy from popes down to parish priests and monks were obliged to spread and defend Church teaching. The

key problem concerned forms and methods by which heresy should be extirpated. Some bishops and theologians rejected violence as a legitimate weapon of enforcing religious conformity and confronting dissenters. Promoting the early Christian principle of *persuasio fraternalis* they argued that erring brothers and sisters should be converted to Catholic orthodoxy by instruction and admonishment. According to this view, priests should act first as “doctors of souls” whose duty was to convert heretics to the Catholic faith by “spiritual medicine”. Their main purpose was to lead all Christians to eternal life and spare them, even heretics, from damnation. The concept of fraternal admonishment prescribed excommunication as the worst-case scenario for those heretics who stubbornly refused to reject their errors. The excommunicated were not allowed to participate in church sacraments, were denied Christian burial, and were forbidden to maintain any relations with church members.

In the Middle Ages the process of framing the limits of Catholic orthodoxy and combating heresy ran parallel to the rise of papal supremacy. Before the inquisitorial system was put into operation, popes did not possess instruments to coordinate and supervise actions against heretics who spread in different parts of Christendom. Before the middle of the twelfth century it was the duty of bishops to seek out and persecute heretics operating in their dioceses. Many bishops found themselves poorly prepared for such a task. In the eleventh and early twelfth centuries, some bishops reacted blindly to encountered groups of heretics, while others ignored the threat and allowed them to operate undisturbed. Until the beginning of the thirteenth century bishops rarely conducted systematic searches for heresy suspects. Reports or just gossip about individuals or small groups deviating from the “common code of conduct” were handed over to bishops by local clergy or the laity. Such denunciations usually led to investigations whose purpose was to expose unorthodox beliefs and practices. Parish visitations facilitated a more systematic search for religious dissidents. Pope Lucius III was the first to make visitations a key element of the inquisitorial procedure. In the decree *Ad abolendam* published in 1184 bishops were requested to carry out regular visitations of their diocese to collect information about heresy suspects. A new papal strategy of confronting heresy was based on the network of parishes, the smallest units of Church structure which started to form a new frontline in the total war against heresy. Synodal witnesses, men of good morals and high standing, were to be questioned about anyone whose ideas or demeanour seemed suspicious. On a local level, they were much better informed about dissent or misconduct on the part of parishioners which deserved to be reported to the church authorities. Thus, the combat against heresy was no longer considered exclusively the business of bishops and their assistants. The papacy

realised that to combat heresy effectively ecclesiastical and secular officials had to cooperate. The strategy introduced by Lucius III and implemented by his successors, in particular Innocent III and Gregory IX, required all Church members, clergy and laity alike, to be active in the prosecution of dissidents. In the war against heresy no one could stand aside.

The success of the Gregorian Reforms made the popes unquestioned spiritual leaders of Latin Christianity and champions of Catholic orthodoxy. As vicars of Christ they claimed supreme authority to interpret Scripture, impose their rulings, and to set the limits of orthodoxy. New codifications of canon law and pastoral reforms promoted by the thirteenth century popes strengthened the Church in its confrontation with popular heterodox movements. In the late twelfth century, the Roman procedure of *inquisitio* was set in operation, providing church courts with precise guidelines related to the prosecution of heretics. Inquisitorial investigation was based on the principle claiming that “it is better to release the guilty than to punish the innocent”, which pope Innocent III defended so fervently. The introduction of *inquisitio* as a standard procedure of ecclesiastical jurisprudence put an end to ordeals and lynchings which had previously caused the death of alleged heretics at the hands of angry mobs.

The *inquisitio* procedure required ecclesiastical judges: bishops and inquisitors, to search out actively anyone who adhered to heretical doctrine. Bishops' operations against heretics, sometimes termed “the episcopal inquisition”, constituted an ordinary element of their pastoral and jurisdictional activities. As successors of apostles bishops were obliged to teach and defend the doctrine of the Church in their dioceses. They also had to proceed against anyone who contradicted church teaching or violated the prescriptions of canon law. Negligence was punished by excommunication and deposition from offices and benefices. The medieval *inquisitio* allowed – and expected – bishops to take legal action by virtue of their office (*ex officio*) wherever heresy was reported, without any formal accusation or denunciation being submitted to their court. In the combat against heretics, the inquisitorial procedure proved highly effective.

In contrast to bishops, papal inquisitors operated as extraordinary judges delegate who represented the judicial power of the Holy See (*inquisitores haereticae pravitatis a Sede Apostolica delegati*). Formally they remained independent of local ecclesiastical authorities, although they had to consult bishops about their operations. First papal inquisitors were appointed for the areas where heresy was deep-rooted and local bishops had problems confronting dissidents. Papal inquisitors were recruited mostly from the Dominican and Franciscan orders. Thanks to their training in theology such friars demonstrated the skills necessary to identify and confront heretics. Pastoral competences and loyalty to

the papacy made the Mendicant friars perfect candidates to operate as papal inquisitors. Pope Gregory IX was the first to entrust *officium inquisitionis* to the Mendicants. The first Dominican inquisitors were appointed in 1231 for the Holy Roman Empire. Two years later a similar appointment was made for the Dominican, Robert le Bougre who conducted his inquisitorial operations in the Kingdom of France. Gregory IX's bull *Ille humani generis* dated October 1231 and addressed to Dominican priors in a couple of German friaries became the model document which defined the competences of papal inquisitors and clarified their objectives. The bull became a matrix for later papal commissions of *officium inquisitionis*. By the middle of the thirteenth century papal judges delegate started to operate in most countries of continental Europe. The appointment of papal inquisitors for Bohemia, Poland and Hungary in 1318–1327 completed the formation of the inquisitorial system in Christendom.

The repression of heresy took different forms and involved a number of institutions and individuals, both religious and lay. The struggle against heretics was closely associated with the promotion of Catholic orthodoxy framed and endorsed by the papacy. The “business of faith” (*negotium fidei*) ran parallel to and directly included the “business of inquisition”. Therefore, in thirteenth-century sources the terms *officium inquisitionis* and *negotium fidei* were used interchangeably. Richard Kieckhefer has demonstrated that the *officium* delegated to papal inquisitors referred only to the powers entrusted to individuals-inquisitors, and not an institution of the Inquisition *per se*. Literally the medieval *inquisitio* meant a procedure of litigation which made judges responsible for collecting evidence, making judgment about someone's guilt and pronouncing sentence. In the case of papal inquisitors of heretical depravity *officium inquisitionis* meant the powers entrusted to them by the pope to proceed against heretics, both on the judicial and pastoral level. These powers allowed them to preach against heresy, search for heresy suspects, detain and interrogate them, make the final judgement and impose penalties.

The Latin term *officium inquisitionis* epitomizes in a way the system of heresy persecution which cannot be limited only to the operations of papal inquisitors or identified with the procedure of *inquisitio haereticae pravitatis*. The system of the inquisition was established to combat heresy, but it also served to enforce papal supremacy which set the limits of religious orthodoxy and morality throughout Latin Christendom. This system made every Christian responsible for opposing religious dissent, but at the same time it subjected him to the universal power of the Holy See. The medieval inquisition was defined by categories, terms and images which embodied a uniform knowledge about the Church and heresy. The inquisitorial investigations carried out by papal inquisitors, bishops and other

ecclesiastical officials significantly influenced the perception of heretics attributed some features to them regardless of their different origins, doctrine and organisation.

The rise and growth of the inquisitorial system reflected significant religious and social developments during the twelfth and thirteenth centuries. To enforce Catholic orthodoxy the papacy in cooperation with bishops stimulated new forms of lay religiosity. The pastoral reform introduced by Innocent III and the Fourth Lateran Council was focused on the Sacraments which should be easily accessible to the faithful. The Sacraments were regarded as necessary instrument of salvation for every Christian. By means of the Sacraments Christians cleansed their souls from sins (Baptism, Penance), established a mystical unity with Christ (Eucharist) and formed a well-organised society subject to Divine Law (Marriage). New lay piety stressed Christ's sacrifice for mankind and made regular (annual) participation in the Sacraments of Penance and Eucharist the basic foundation on the path towards spiritual perfection. The reforms of the Fourth Lateran Council also served to discipline the clergy who acted as intercessors between God and His people. Parish priests were required to reside in their parishes and respond to the pastoral needs of parishioners. The bishop's duty was to control moral conduct and discipline of his priests, and to take severe measures wherever priestly abuse or negligence was reported. In the thirteenth century preaching developed by mendicant orders became central to the papal programme of evangelization. Dominican and Franciscan friars worked hard to explain Holy Scripture to the people and instruct them in how to live a Christian life. Devoted to pastoral activities they became "doctors of souls" who "by word and example" confronted sins and promoted individual piety based on regular participation in the Sacraments of Penance and the Eucharist.

The *inquisitio* procedure served to expose heretics, offering them opportunities to return to the bosom of the Church by rejecting errors and undertaking penance. Ecclesiastical officials who conducted operations against heretics within *officium inquisitionis* acted first of all as preachers and confessors, and only secondly as judges. Their main objective was to expose and exterminate errors with the intention to save their errant flock. Inquisitorial investigation was intended to extract a complete and sincere confession of a heretic's errors which was regarded as the starting point of the process by which he/she might be reintegrated within the Church. During the public ceremonies of *sermo generalis* heretics who recanted their errors, were granted absolution from excommunication. The *sermo generalis* provided a perfect occasion to manifest the power of the Church triumphant over heresy. Simultaneously, it served to show the mercy of the Church which extended to every sinner and rejoiced in the return

of dissenting brothers. Complete reintegration within the Church required a penance adequate to atone for the sin of heresy. The penances imposed on heretics were adjusted to the gravity of crime, but the sex, age and social status of penitents were also taken into consideration. The penance of heretics was done in public and required the participation of the local parish community. Public penance became an instrument of social control. It served to brand heresy among onlookers who were given a lesson on the errors they should avoid. The public nature of such penance enabled church judges to control how it was performed. Most penances were intended to bridle the body and discipline the sinful will by means of fasting and flogging. Monetary fines and “works of piety” (such as almsgiving to the poor, donations to church institutions) adjusted according to a penitent’s wealth were aimed at restoring the order and harmony destroyed by the crime of heresy.

In the inquisitorial strategy of combating heresy the admonishment and conversion of dissidents should have taken priority over coercion. Wherever pastoral methods and ecclesiastical censures proved ineffective, repression became a legitimate weapon of dealing with heretics. In the inquisitorial system the secular authorities were requested to support church operations against heretics who were considered not only religious dissidents but also social rebels and violators of public order. Adopting and implementing the prescriptions of Roman law, heresy was qualified as a crime of *lèse-majesté* which was to be tackled jointly by the ecclesiastical and secular authorities. A close cooperation of *imperium* and *sacerdotium* in the struggle against heresy was initiated in the last quarter of the twelfth century, and developed in the first half of the thirteenth century. The principles of this cooperation were described in papal decrees, constitutions of general councils, and statutes of diocesan synods. These regulations defined the duties of the *brachium saeculare* in the inquisitorial operations against heretics. Secular officials were requested to assist Church judges who carried out investigations detaining heresy suspects and handing them over for interrogation. They were also required to ensure the safety of church judges. Heretics condemned by ecclesiastical courts were threatened with capital punishment and the confiscation of property. Condemnation, the most severe penalty prescribed by canon law, excluded the defendant from the community of the Church and deprived him of her spiritual grace. This penalty was imposed on heretics who either stubbornly upheld their ideas and refused to be reconciled with the Roman Church (*pertinaces*), or returned to the opinions they had abjured previously (*relapsi*). Condemnation by the ecclesiastical court was followed automatically by a sentence of death. Technically, the condemned heretic was handed over to the secular authorities for “appropriate judgement”, which could be only

one: the death penalty. Death sentences were pronounced and carried out only by secular officials, for canon law forbade clergymen not only to participate in execution but also to assist in the pronouncement of judgements resulting in bloodshed. The papacy accepted severe punishment of obdurate and relapsed heretics, inserting into the thirteenth codifications of canon law the constitutions of Emperor Frederick II which prescribed the death penalty for heretics. In the rather unanimous opinion of the church authorities and theologians capital punishment was present as a minor evil which served to safeguard the entire Church against the spread of heresy. The partnership of the Church and the *brachium saeculare* proved necessary to enforce laws against heresy and make the inquisitorial system effective.

The medieval inquisition has been offered different interpretations; it has been associated with the judicial procedure of heresy trials, a papal institution coordinating the struggle against heresy, or a group of papal judges delegate entrusted with papal authority to chase heretics. Over recent decades the concept of the medieval inquisition as a bureaucratic and well-organised institution operating throughout Latin Christendom has been challenged. The inquisition perceived as a centralized institution of religious violence staffed by Mendicants and supervised by the pope did not exist, at least not in the Middle Ages. As Edward Peters demonstrated succinctly, the concept of “the Inquisition” was produced in the sixteenth century by the Protestant polemicists who pictured the Spanish monarchy of Philip II as a key bastion of Catholic orthodoxy in Europe. In Protestant historiography, which intentionally challenged the grand narrative of the history of the Roman Church, the medieval inquisition took shape of the infamous Spanish Suprema and became a dramatic symbol of religious violence promoted by the papacy.

Although there was no institution operating in the Roman Curia and supervising all papal inquisitors during the Middle Ages, there did exist a universal procedure of *inquisitio haereticae pravitatis*, which provided ecclesiastical judges (bishops, papal inquisitors) and secular officials with a coherent record of operations against heretics and heresy suspects. In some areas, in particular in Languedoc, where repression of religious dissidents was enforced on a mass scale and lasted for a long time, papal inquisitors developed some premature structures. In Toulouse and Carcassonne Dominican inquisitors resided in their headquarters (*domus inquisitionis*), located inside mendicant friaries, where heresy suspects and witnesses were questioned and records of these investigations were kept. They employed assisting personnel and ran prisons where heretics did penance under their surveillance. The extant registers of Languedoc inquisitors

reflect how efficiently they carried out investigations against heretics and how complex a system of record-keeping they developed.

While discussing the status of papal inquisitors who operated as judges delegate within the papal jurisdiction one can recall Richard Kieckhefer's studies on "the office of the inquisition" (*officium inquisitionis*), which was frequently used to describe operations against heretics. Kieckhefer argues that it is wrong to interpret *officium* in medieval Latin as an office in the modern English sense. Actually, *officium* means rather a function or some duties. Thus, the *officium inquisitionis* refers to pastoral and judicial operations against heretics. Duties of inquisitors delegated by popes or bishops were detailed in medieval collections of canon law and later excerpted into the diocesan statutes, legal treatises and manuals for inquisitors. The anti-heretical regulations introduced by the papacy ensured the uniformity and coherence of the inquisitorial system operated by papal representatives (legates and inquisitors) and local church authorities (bishops and their collaborators: vicars general, deputy judges, archdeacons). Papal inquisitors who conducted their investigations on behalf of the pope were supervised by their superiors. Medieval popes were not able to control all papal inquisitors scattered throughout Christendom directly, although any irregularities or abuses in their operations might have been reported to the Holy See. The pope had the power to suspend or cancel an inquisitor's commission at any time. The suspension of Robert le Bougre, Dominican inquisitor in France, by Gregory IX in 1240 or the investigation into the irregularities of Languedoc inquisitors by the special commission established by Clement V in 1305 testify to the fact that popes felt responsible for the operations of their judges delegate and, if needed, intervened to terminate any abuses.

Papal inquisitors and bishops kept records of their actions against heretics which included citations, interrogations of suspects and witnesses, abjurations of errors and sentences. Papal inquisitors in Languedoc were the first to record their enquiries against the Cathars systematically as early as the 1240s. Their first registers were rather concise and formulaic, reporting in an abbreviated form heretics' confessions of errors and the sentences imposed by inquisitors. However, just a few years after the first papal inquisitors started work in Languedoc, a more complex system of record-keeping was introduced to handle greater amounts data acquired during interrogations. The so-called Great Inquisition in 1245–1246 whose purpose was to investigate the 1242 murder of two papal inquisitors in Avignon, ended up with ten thick volumes of depositions from more than 5.000 individuals. The enormous scale of this single investigation was without precedent and forced two Mendicant inquisitors to make a deliberate use of records. Thousands of depositions were put down,

scrutinized, edited and arranged in a way which offered inquisitors easy access to desired information. Inquisitorial records functioned as a well-organised repository of knowledge about heresy and its exponents. They were constantly scrutinized, annotated and copied. They were studied to check a deponent's past involvement in heresy, to produce or rework an interrogatory for interrogation, and to verify depositions. In the hands of inquisitors, the registers became an important tool of anti-heretical operations. They provided them with first-hand and sometimes very detailed information about doctrine, religious practice and organisation of heretics targeted by their investigation. The data collected during interrogations and recorded in the registers facilitated the planning of further operations. Anyone whose name was mentioned – and recorded – in conjunction with heresy was to be summoned and interrogated as a heresy suspect. The advanced system of record-keeping enabled inquisitors to pursue more methodical investigations and effectively chase heretics operating underground. The registers proved to be efficient instruments of social control enabling inquisitors to supervise heretics doing their penance at large. Sentences and penances constituted the most important pieces of inquisitorial documents to be recorded. Usually, the entire text of sentence was transcribed into Latin registers, and sometimes annotated later with information about any relaxation, suspension or modification of the penance imposed. Any violations of prescribed penance were also recorded.

Although the medieval inquisition did not develop as a uniform organisation, papal inquisitors and bishops who operated the inquisitorial courts were obliged to cooperate with one another, sharing information and coordinating investigations. The 1243 Statutes of Narbonne regarded all inquisitors as parts of one and the same mechanism, forcing them to act together and combat heresy “as a single man” (*quasi vir unus pugnabitis, et vincetis*).¹ A close cooperation of all ecclesiastical and secular officials was requested and enforced by law. This made the inquisitorial system more effective in its dealings with religious dissidents. The extinction of Catharism proved the effectiveness of the inquisitorial system. In the first decades of the fourteenth century the Cathar organisation in Languedoc was totally destroyed and its last members were forced to look for shelter in the remoter parts of the Pyrenees, their last *perfectus* Guillaume Bélibaste was put to the flames in 1321. The final executions of Cathar *credentes* took place in 1325 and 1329. The year 1328 witnessed the final exhumations of heretics' remains in Pamiers and the destruction of the house in Carcassonne

1 *Texte zur Inquisition*, 66.

which had been the meeting place of the Cathars.² Much earlier, before the end of the thirteenth century, Catharism was eradicated in Italy.³

In contrast with the Cathars, the inquisitorial operations did not cause a total extinction of Waldensians who survived until the outbreak of the sixteenth-century Reformation, mostly in the French Dauphiné and the Italian Alps. In England, where papal inquisitors were never introduced, the persecution of heretics remained exclusively the business of bishops. The hunt for Lollards, adherents of the teachings of John Wyclif, started in the late-fourteenth century and continued until the first quarter of the sixteenth century. Wyclif himself was never put on trial for heresy, even though his controversial opinions on the Church and dominion were condemned by Pope Gregory XI as early as 1377. Even when more than 200 articles were picked out from his writings and condemned as heretical by the Synod of the Province of Canterbury in 1382, Wyclif was neither charged with heresy nor deprived of his parish living. As a man of academic prominence and a royal clerk he was spared the repressions which later fell on his followers. The investigations against Lollards supervised by bishops followed the prescriptions of *inquisitio haereticae pravitatis* detailed in the collections of canon law. Their actions against heretics were supported by the royal administration, and the enactment of *De heretico comburendo* by King Henry IV in 1401 introduced the death penalty and confiscation of property as an obligatory punishment for heretics condemned by church courts.

The only medieval dissidents who did not fall into the clutches of the inquisitorial system, at least not within the Kingdom of Bohemia, were the Hussites, the followers of Jan Hus. In the first half of the fifteenth century they developed a strong national and socio-religious movement, which successfully resisted ant-heretical operations conducted by the papacy. Jan Hus, a spiritual father of the Bohemian Reformation, was exposed to inquisitorial procedure as an enthusiastic promotor of Wyclif's doctrine. Being accused of heresy by Archbishop Zbyněk Zajíc of Prague, he underwent subsequent stages of an inquisitorial trial which started in Prague, continued in the Papal Curia, and ended at the Council of Constance in July 1415. Like Wyclif, Jan Hus was a respected scholar who for some time enjoyed the protection of King Wenceslas IV. As demonstrated by Jiří Kejř, Hus's trial was conducted in accordance with the inquisitorial procedure. When the archbishop of Prague pronounced his sentence declaring Hus's

2 Duvernoy, "Le Catharisme en Languedoc au début du XIV^e siècle", *CF* 20 (1985), 27–56; Lambert, *The Cathars*, 230–71.

3 Manselli, "La fin du catharisme en Italie", *CF* 20 (1985), 101–18.

contumacy and imposing excommunication, Master Jan made an appeal against this judgment to the Papal Court. His appeal was presented to the special commission presided over first by Cardinal Giordano Orsini and later by Cardinal Peter degli Stefaneschi. Hus himself ignored the summons to the Papal Curia and sent Jan of Jesenice, a Prague layman and friend, in his stead. His strategy of handling the charges of heresy and ignoring the works of the papal commission bore dramatic fruits. In 1412 Cardinal Stefaneschi announced the Commission's judgment, condemning Hus's contumacy and aggravating his excommunication. The Council of Constance, whither Hus travelled in October 1414 to cleanse himself from heresy charges, continued the trial which had started in the Papal Curia. Contrary to his expectations Master Jan was not permitted to present his reformatory views on the Council forum, but instead was imprisoned shortly after his arrival in Constance and treated as a heretic. During three-day interrogations before the Council Commission in June of 1415 Hus questioned some articles ascribed to him and tried to discuss his teachings, instead he was reminded brutally of his status as an excommunicated heretic. Being presented with a list of 30 erroneous articles excerpted from his works, in particular from *De ecclesia*, Hus was offered a chance to abjure heresy and save his life. When he refused to do so, his fate was sealed. In accordance with canon law Hus was condemned as an obstinate heretic, deposed from priestly office, and handed over to the secular authorities. King Sigismund of Luxembourg who had invited Hus to the Council of Constance and offered him a letter of safe-conduct, was bound by anti-heretical laws to sentence him to death and enforce its execution.

Contrary to the expectations of the Council leadership the deaths of Jan Hus in 1415 and Jerome of Prague in 1416 did not extinguish the fire of the Bohemian Reformation. On the contrary, shocked by the condemnation of Hus, which was found unjust and regarded as a slap in the face of all Bohemians, his followers rose in rebellion against the Roman Church and its leaders: the newly-elected pope, Martin V, and King Sigismund of Luxembourg. Working in parallel with the conciliarist reforms, the Bohemian Hussites developed their own religious programme intended to strengthen clerical discipline and to promote new forms of lay piety. Hussite doctrine took shape in 1420 in the Four Prague Articles. The central place was given to Holy Communion in both kinds administered to the laity, which was first introduced in a few Prague churches in November 1414. This liturgical practice reflected a new model of Eucharistic piety which rapidly gained much popularity all across Bohemia. Communion *sub utraque* and other articles of Hussite doctrine openly challenged the teaching and the tradition of the Roman Church. In April 1415 the Council of Constance condemned Communion in both kinds and endorsed the routine practice of

administering the sacrament of the Altar. Alongside the condemnation of Hus and his teachings the Council's ruling against Utraquism set up the first front-line of smouldering conflict between the Hussites and the Roman Church. The growing gap between Bohemian reformers and the church leadership could not be bridged easily, for the former would not bow down to the authority of the pope, and the latter treated the Hussites as heretics who should be suppressed by all means. The Council's prescriptions against the Hussites met with a vacuum, for after the death of King Wenceslas IV in 1419 there was no secular power in Bohemia willing or able to carry out the pope's orders with regard to the suppression of Hussite heresy. Blamed for Hus's death, King Sigismund of Luxembourg, successor to the throne of Bohemia, was boycotted by the powerful lords and the majority of nobles and forced to flee Bohemia soon after his coronation in 1420. When his attempts to crush the Hussites by crusade failed, Luxembourg had to negotiate the terms of his rule in Bohemia directly with Hussite nobles. The Jihlava Agreement of 1436, which marks the end of the Hussite wars, restored the rule of Sigismund of Luxembourg in Bohemia, but simultaneously secured the position of the Utraquist Church which developed its own ecclesiastical structures and continued to administer the Eucharist to the laity in both kinds. Although temporary and never accepted by the papacy, the Jihlava Agreement and the earlier Prague Compactata of 1433 dealt a serious blow to the anti-heretical strategy promoted by the papacy from the late twelfth century. The concessions made to dissident Hussites pioneered the concept of toleration by necessity, heralding the fall the inquisitorial system which for more than two centuries had served the popes to impose their supremacy and to safeguard the religious unity of Latin Christendom.

Heresy and inquisition, the two terms so closely intertwined with each other, constitute a fertile research area of medieval history. Critical studies on religious dissent and repression of heresy conducted from the late nineteenth century have shed new light on the rise and growth of the medieval inquisition. Recent decades of scholarship have focused on researching the inquisition operating in different parts of Christendom. The suppression of Catharism by the inquisition has remained one of the leading research topics. The editions of primary sources, the registers of heresy investigations preserved for the Midi of France in particular, have stimulated intensive studies on the operations of individual inquisitors and bishops, but also have inspired new methodological approaches to inquisitorial documentation. The studies of Grado G. Merlo, James B. Given, John H. Arnold, Mark G. Pegg and Catherina Bruschi –to mention just a few scholars– have explored the technique of inquisitorial interrogations and the system of record-keeping. They have demonstrated the complex and multi-fold process

by which the records of heresy investigations were produced, and the role they played in the systematic persecution of heretics. A careful analysis of the structure and terminology of inquisitorial registers have given refreshing insights into the technical (inquisitorial) discourse inquisitors invented to record their actions and describe various phenomena related to religious transgression. Some recent studies on the Dominican inquisition have shed new light on the religiosity of the medieval Friars Preacher, and in particular on the motives which made them eager exponents of Catholic orthodoxy in the service of papacy. The 2009 book by Christine Caldwell Ames occupies a central place among these studies, for her meticulous reading of thirteenth-, and fourteenth-century Dominican writings has allowed to reconstruct a “persecuting spirituality” of the Friars Preacher which significantly influenced the way they looked at the universe and assess their own role within the medieval Church. Intensive research on the Dominican inquisitors, much inspired by the Dominican Historical Institute in Rome, has made it possible to reassess various involvements of Friars Preacher in the anti-heretical operations which were not limited exclusively to their work for the papal inquisition. New studies on the inquisitorial operations in Germany, Aragon, England, Bohemia, Poland, Hungary, and Scandinavian countries have brought important contributions which filled the gaps in the general picture of the medieval inquisition. Thanks to such intensive research it is possible to identify Dominicans who staffed the papal inquisition and outline their intellectual profiles.

There are still some conflicting views on the structure of the inquisition, and the debate on its role in the history of medieval Christendom is far from being closed. Despite this it is fair to say that inquisitorial procedures have been extensively examined and the operating methods used by bishops and papal inquisitors to suppress heresy are relatively well-known. The mechanism of religious violence associated with the inquisition was set up by papal decrees, constitutions of general councils and synodal statutes, which were copied into canon law collections and popularised all across Latin Christendom. These documents formed the blueprints for inquisitorial investigations, providing both ecclesiastical and secular officials with procedures and instructions informing their response to religious dissidents: they knew how to search out and detain heresy suspects, collect evidence and extract depositions, make final judgements and impose penances. However, it is worth stressing that inquisitorial procedure was a mere backbone of a more complex political and socio-religious system which served to enforce papal supremacy and safeguard Roman Catholic orthodoxy.

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