

The Spanish Inquisition

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The idea of an Inquisition was not of Spanish origin. The Holy Office existed long before the creation of the Spanish Inquisition and operated in many countries other than Spain. It originated as a special court, created by the pope, for the detection, trial and punishment of heresy, and it was first established by Pope Gregory IX in 1233 to deal with the Albigensian heresy in southern France. Its aim was to convert the heretic as well as to punish him, and in matters of heresy the local bishops now had to defer to the new tribunal; but it was more than a court of law, for the inquisitor was an investigator as well as a judge and had police functions as well as judicial ones. Papal control was the characteristic feature of the medieval Inquisition, but while the pope was the source of its authority he delegated his powers to the General and Provincials of the Dominican order who actually appointed the inquisitors and established new tribunals where necessary. Although the medieval Inquisition was international in scale, in practice it was mainly confined to France, Germany and Italy. It entered Aragon - not Castile - but never flourished there. It only functioned in England for the trial of the Knights Templar in 1309. In France too it soon came up against royal resentment of papal intervention. Everywhere the papal Inquisition was virtually obsolete by the fifteenth century, although it was re-established in Rome in 1542 as part of the papal reaction to Protestantism.

THE ORIGIN OF THE SPANISH INQUISITION

The Spanish Inquisition differed from the papal Inquisition both in its origin and in its organization. In the first place, there was no serious heresy in fifteenth-century Spain and no one was trying to found a new religion. The Spanish Inquisition was created to deal with convert Jews. During the middle ages the Jews had secured a prominent place in the political and economic life of Spain, and had established themselves in many professions, even as royal counsellors. Their success and prosperity aroused resentment in many people and from the fourteenth century onwards there was a dangerous and irrational hatred of them which erupted at times into violence, like the massacres of 1391.

To save their lives and their fortunes many Jews, especially in Andalusia, became Christians, and these baptized Jews were known as conversos or New Christians. Protected by their new religion they made even further progress, for now the church as well as the state was open to them and in both they acquired positions of responsibility. In many cases, as conversion to Christianity had been simulated, it was known or suspected that they continued to practise the Jewish religion in secret, and some were actually thought to proselytize. It is not surprising that many of the converts were insincere, because almost all of the chroniclers speak of mass conversions in the fourteenth and fifteenth centuries as a result of popular persecution. Moreover, this persecution did not cease with the conversions : there were frequent and sometimes murderous clashes between Old and New Christians, as in Toledo in 1467 and in Cordoba in 1473. Jews and Judaisers were accused also of crimes against Christians, some of them so revolting that they are difficult to believe; nevertheless,

trials were held and made their impression on the popular mind. Finally, many of the New Christians became the bitterest enemies of their former brethren. Anxious to protest their own orthodoxy and to protect themselves against the suspicions of the Old Christians, converts denounced not only Jews but also fellow converts, and this spirit of rivalry and jealousy may have aggravated the intolerance of the Inquisition itself: many officials of the early Spanish Inquisition, including Torquemada, were descended from New Christians.

The Origin

Fear of the apostasy of the Judaisers and the conviction that church and state were being undermined from within were the decisive factors in the establishment of the Inquisition in Spain. Moreover, the Catholic monarchs, Ferdinand and Isabella, were prepared to use force to ensure unity of religion, and they did not have to take that decision in isolation, for they were pressed for it by powerful groups among the clergy and the Old Christians. For some time, however, the monarchs did not respond to this pressure: they were fully occupied establishing their rule in Spain and curbing an unruly aristocracy. During this period Pope Sixtus IV renewed previous attempts made by the papacy to introduce the papal Inquisition, but without success, for Ferdinand and Isabella were habitually jealous of papal jurisdiction and anxious to limit rather than extend opportunities for papal intervention. Moreover, many of the most important posts in their own administration were filled with conversos, and there must have been a desperate and discreet struggle on their part to prevent the introduction of a tribunal that could only mean anguish for themselves.

However, when their hands were eventually free, Ferdinand and Isabella requested licence from the pope to establish the Inquisition - but not the papal Inquisition. What they were seeking was a tribunal which would be entirely under their control, excluding the intervention of Rome. For this reason Sixtus IV hesitated to grant their request, but he finally capitulated and by bull of 1 November, 1478, he authorized the crown to appoint Inquisitors with jurisdiction over heretics, and so the Spanish Inquisition came into being. Owing perhaps to further opposition within Spain, two years passed before it began to operate. Then, on 27 September, 1480, by virtue of the powers received from the pope, the Catholic monarchs appointed the first inquisitors for Seville which was regarded as a hot-bed of Judaisers.

The early actions of the Inquisition in Seville were ruthless and violent: the first auto de fe was held on 6 February, 1481, and six victims were burned. Other tribunals sprang up elsewhere, and judging by the number and frequency of the death sentences and by the heavy confiscation of property their measures were harsh and oppressive. This early reign of terror provoked frantic opposition from the conversos - appeals to Rome, to regional immunities, to local magistrates, and also to the crown, to whom they offered money. When nothing else availed them, they had recourse to violent counter-measures, the most spectacular being the assassination of the Inquisitor of Aragon, Pedro de Arbues, in the cathedral of Zaragoza (Saragossa) in 1485.

Such resistance only prompted the Inquisition to greater efforts and in spite of opposition from the other regions it spread beyond Castile into the length and breadth of Spain. It was also deaf to the protests of Rome. Perturbed by the violence of the first tribunals, Sixtus IV had had second thoughts about the extensive powers he had granted to the Spanish Crown which limited not only papal authority but also that of the local bishops. He tried to stop the drastic programme of the Spanish Inquisition and issued orders restricting its independence and its powers. But in face of the

determination of Ferdinand and Isabella and of the negotiations undertaken on their behalf by Cardinal Rodrigo Borgia - the future Alexander VI - he gave way. He authorized the establishment of a Supreme Council of the Inquisition and the appointment of an Inquisitor-General with ample delegated powers in the person of Fray Tomas de Torquemada, royal confessor and prior of the Dominican monastery of Santa Cruz in Segovia.

Beyond the fact that he was a pious and sombre man and an implacable enemy of heresy, little is known for certain about Torquemada, and his biography remains to be written. In spite of many assertions to the contrary, he was not the architect of the Spanish Inquisition and there is no evidence that his was the deciding influence in the actual establishment of the new tribunal. But once he had been appointed Inquisitor-General in 1483 he was responsible for giving the Inquisition its definitive organization. Among the powers granted to Torquemada was that of modifying the traditional rules of the Inquisition to meet the requirements of Spain. This made the institution virtually self-governing and gave the Spanish Inquisition a character of its own quite independent of Rome. Between 1484 and 1498, the year of his death, Torquemada drew up a series of Instructions which defined the constitution and the regulations of the tribunal and established its procedure. These were extended periodically, and finally in 1561 Inquisitor-General Valdes issued a revised constitution in the Instructions of Toledo which, with a few later modifications, governed the Inquisition for the rest of its history.

ORGANIZATION AND OFFICIALS

The Spanish Inquisition was created in the form of a council of state, the Council of the Supreme and General Inquisition - usually called the Suprema - with jurisdiction in all matters of heresy. To procure royal control over the Inquisition and exclude that of the pope the crown had to ensure that the president of the Suprema had full control of the appointment and dismissal of individual inquisitors. Therefore it created a new office, unknown to the older medieval Inquisition, an Inquisitor-General, who presided over the meetings of the Suprema and was head of the entire Inquisition. Appointment to the office of Inquisitor-General rested exclusively with the crown, as did appointment of subordinate officials, though in practice these were usually appointed by the Inquisitor-General and the Suprema. In this way the crown avoided both the possibility of papal intervention and the danger of the Inquisition itself becoming independent. The Suprema, also appointed by the crown, consisted of six members who included representatives of the Dominican order and the Council of Castile. Gradually the Suprema was characterized by greater centralization, culminating in 1647 with the rule that all sentences of the local tribunals were to be submitted to it for its confirmation, whereas previously it had only heard appeals. The Suprema also controlled the financial administration of the Inquisition, its property and the proceeds of its confiscations, the profits of which went to the royal treasury.

Canonically, as the Inquisition was an ecclesiastical tribunal, the pope was its head. In theory this was admitted by the Spanish crown and by the Inquisition, but in practice papal jurisdiction was rigidly excluded. The principle was admitted that the pope, as supreme head of the church, had delegated power to the Spanish Inquisition, but once the authority had been delegated it was regarded as beyond recall. The practical effect of this was that it became impossible to appeal a case from the Spanish Inquisition to Rome. In matters of heresy the Inquisition had jurisdiction over all persons, laymen and clergy - but not bishops - to the exclusion of all other courts. From its judgement there was no appeal, not even to the pope. Here, too, the papacy managed to cling to the principle of its appellate jurisdiction and refused to grant away its own supremacy, but in practice

no one had a chance of getting an appeal to Rome unless he managed to escape in person. In the three centuries of the Spanish Inquisition's existence the pope managed to claim only three cases for his judgement, and one of these was the case of Bartolome de Carranza, archbishop of Toledo and primate of Spain whose arrest and imprisonment on a charge of Protestantism by the Inquisition - acting under a temporary papal license to scrutinize even the Spanish hierarchy - and its reluctance to hand him over to his rightful judge, the pope, was one of the major ecclesiastical scandals of the sixteenth century.

Independent of the papacy, the Spanish Inquisition was a close and subordinate ally of royal power, and on more than one occasion its authority was abused for political purposes, as in the case of Antonio Perez, former secretary of Philip II, who was pursued by the Inquisition on a trumped-up accusation of heresy which was really a mask for political charges. This dual character of the Spanish Inquisition was one of its most peculiar features: it belonged to both church and state.

Operating under the central council of the Inquisition there were permanent local tribunals which represented for the mass of the people the real embodiment of the Inquisition's power. There were thirteen of these tribunals in Spain, situated in Toledo, Valladolid, Seville, Granada, Cordoba, Llerena, Murcia, Cuenca, Santiago de Compostella, Logrono, Zaragoza (Saragossa), Barcelona, and Santa Cruz de Tenerife (Canaries), with the addition of Madrid in the eighteenth century. Outside Spain there were tribunals in the Indies, Sicily and Sardinia.

In each of these tribunals there were two or three inquisitor-judges, a prosecuting attorney, various secretaries, together with calificadores, or theological experts, to whom books and doctrines were submitted for opinion as to their orthodoxy; there were also minor officials such as doctors and gaolers. The wages of these officials were generally modest and the calificadores were unsalaried. The senior officials were usually chosen from the regular clergy - though they could be laymen. Attached to each tribunal, however, were a number of part-time and unpaid agents called familiares, many of whom were laymen. Their identity was not always public knowledge and they were used for various duties ranging from spying to providing armed escorts. The familiares formed a kind of police force at the disposal of the Inquisition, and although they were unpaid they enjoyed various advantages which made them a privileged class with a vested interest in the Inquisition.

PROCEDURE AND PUNISHMENTS

In studying the legal procedure of the Spanish Inquisition it has to be remembered that the tribunals combined two functions, judicial and police. They were not ordinary courts of law, because they also had powers of investigation, and in addition to the punishment of offenders they also wanted their confession and renunciation in order to save their souls. This dual purpose was reflected in the actual procedure of the Inquisition. The procedure of the medieval Inquisition was by pure inquisitio, that is to say the inquisitor acted as both prosecutor and judge. Superficially the Spanish Inquisition proceeded more impartially, by way of accusatio, with a public prosecutor as an accuser and the inquisitors acting only as judges. But this was a legal fiction and simply meant that the inquisitors had the assistance of a trained lawyer in making the prosecution; it was the inquisitors who gathered evidence, and like their medieval predecessors they were prosecutors as well as judges.

Each locality had to be visited every year by an inquisitor who solemnly published an Edict of Faith which, in the form of a minute questionnaire, imposed on every Christian under pain of major excommunication the obligation to denounce known heretics. When the tribunal itself saw a

suspicious situation - which was mainly in the first century of its existence - it would begin by publishing an Edict of Grace which gave a period of grace of 30-40 days to all who wished to come forward voluntarily to confess faults and errors. Confession usually meant pardon and only light penalties, but there was a condition attached - that the penitent reveal his accomplices. Both edicts were open to serious abuses; in particular, the Edict of Faith, by enjoining denunciations, forced the faithful to co-operate in the work of the Inquisition and made everyone its agent or its spy, offering moreover an irresistible temptation for the relief of private malice. The two edicts usually led to a crop of denunciations - which were also expected to contain the names of witnesses - and it was either these or the investigations of the inquisitors themselves which initiated the legal proceedings. There had to be at least three denunciations before proceedings could begin in any given case, and the inquisitors usually declined to act on anonymous denunciations; witnesses were also compelled to take oath that they were not motivated by enmity or malice.

If the accusations were accepted then the accused was imprisoned in the secret gaol of the Inquisition, utterly secluded from the outside world and deprived of all contact with his family and friends. The case then proceeded, slowly and in strict secrecy, and based throughout on the assumption that the accused was guilty. But the greatest defect in the legal procedure of the Spanish Inquisition was the fact that the accused was kept uninformed about the identity of his accusers and their witnesses, who were thereby relieved from responsibility, while the accused was left largely in a state of helplessness in preparing his defence. His only safeguard was that he could draw up a list of his enemies, and if it contained any of the accusers then their evidence would be discounted. Otherwise almost any kind of evidence and any type of witness were accepted for the prosecution, whereas the questions put to the defence witnesses, and whether they were called at all, were entirely at the discretion of the inquisitors.

Once the case for the prosecution was ready, the organization of the defence could begin. The accused was allowed an officially appointed lawyer, but he could refuse him and request another. He was also provided with a counsellor whose function it was to convince him that he should make a sincere confession. The pressure of the counsellor, together with the secrecy of the accusers and witnesses, undoubtedly weakened the position of the defendant which his own lawyer and witnesses could hardly be expected to redress. In fact, the secrecy of informers and witnesses was an innovation in Spain and contrary to the procedure of other courts of law.

After evidence had been taken and qualified theologians consulted if necessary - all of which invariably took a long time, sometimes four or five years - sentence was passed. If the accused confessed his guilt in the course of the trial before sentence was passed and the inquisitors accepted his confession as sincere, then he was reconciled to the church. But heresy was regarded as a crime as well as a sin, and although the sin could be forgiven the crime had still to be punished. Consequently the penitent who confessed and was absolved was still subject to punishments, but not the death penalty. A valid sentence needed the unanimity of the judges and the approval of the local bishop or his delegate in the tribunal. Sentence could be either acquittal or condemnation.

A verdict of guilty did not necessarily mean death. It depended in the first place on the gravity of the offence, and the penalties, which were derived from medieval civil and canon law, might have involved a penance, fine or flogging for minor offences, and the dreaded galleys or crippling confiscation of property for more serious ones. But it also depended on many other factors, such as the circumstances of the time, the character of the accused and above all on the character of the judge. It is a mistake to regard all the tribunals as equally relentless and all the judges as equally

implacable. In proportion to the number of cases the death penalty was rare. On the other hand a repentant heretic who relapsed again never escaped the death penalty. Those who persisted in heresy, or in their denial of guilt, were burnt alive. Those who repented at the last minute and after sentence, whether sincerely or not, were strangled first, then burnt.

The execution itself was not performed by the Inquisition. Canon law merely asserted that the state must give the heretic due punishment - but the church and the Inquisition accepted the fact that this might involve burning at the stake. The Spanish auto de fe was merely an elaborately staged public exhibition at which the sentence was pronounced and discussed amidst much ceremony. The heretic was then 'relaxed' to the secular arm, which carried out the sentence of burning, often at a different time and place. Beginning as a means of instilling awe and terror in the faithful, the auto de fe soon degenerated into a social occasion of perverse excitement and became a kind of religious entertainment to celebrate a royal wedding or a monarch's visit or some other public function. However, only grave cases involved an auto de fe. In minor cases the sentences were published privately.

The Spanish Inquisition, like other tribunals of the time, used torture to procure evidence and confession. Bloodshed and anything likely to produce permanent injury were forbidden, but this still left room for three main classes of torture, all of which were well known and not peculiar to the Inquisition: the rack, the hoist, and the water-torture. Not every victim of the Inquisition suffered torture; it was regarded as a last resort for the extraction of evidence, was infrequently used and generally with medical safeguards. Sensational writers have applied their imaginations not only to the torture-chambers of the Inquisition but also to its prisons. In spite of their unsavoury reputation the secret gaols of the Spanish Inquisition compared well with those of other authorities both inside and outside of Spain. Allowing for variations according to time and place, conditions inside the tribunal's gaols were generally humane. There were individual or communal cells, prisoners could move around and visit each other, and women were allowed companions. Blankets and food were sufficiently provided, and prisoners had the opportunity to complain about their rations which could also be increased if their family and friends were prepared to subsidize them. The prisons were inspected and the prisoners visited regularly by a doctor. In fact most commentators agree that the Spanish Inquisition did something for the welfare of its prisoners at a time when few authorities in Europe cared about such things.

It is impossible to calculate accurately the incidence of the death penalty in the history of the Spanish Inquisition. On this subject many myths were originated by Juan Antonio Llorente, a liberal clergyman who was himself an official of the Inquisition from 1789 to 1808 and subsequently wrote its history. For the period 1481-1808 he gives the following figures: 31,912 burnt alive; 17,659 burnt in effigy; 291,450 heavily punished. But these are imaginary calculations, based on arbitrary and in some cases non-existent evidence. The calculations of Lea rest on surer evidence, and although this does not provide a complete record, it does give some indication of the numbers involved. In the tribunal of Toledo, 1483-1501, 297 were burnt in person, 600 in effigy, and 200 imprisoned; 1575-1610, 11 burnt in person, 15 in effigy, and 904 penanced; 1648-1794, 8 burnt in person, 63 in effigy, and 1,094 penanced. In the tribunal of Zaragoza (Saragossa), 1485-1502, 124 were burnt in person: Barcelona, 1488-98, 23 burnt in person; Valencia, 1485-1592, 643 burnt in person; Valladolid, 1485-92, 50 burnt in person; Majorca, 1488-1691, 139 burnt in person; Canaries, 1504-1820, 11 burnt in person; in all tribunals, 1721-27, 77 were burnt in person. In the

case of Protestants in Spain, never very numerous and confined to the sixteenth century, Schafer has shown that 220 suffered the death penalty, of whom 12 were burnt alive.

PURSUIT OF HERESY IN SPAIN AND OVERSEAS

Although the Spanish Inquisition was established primarily to deal with conversos, its jurisdiction extended to all matters of heresy, and consequently it also turned its attention to convert Moors, or moriscos, and to native Spanish heretics, Protestant or otherwise. The jurisdiction of the Inquisition, however, was confined to Catholics, and it was not a means of forcing those outside the church to be Catholics. It punished heresy and apostasy, but not the profession of a different faith, for baptism is a pre-condition of heresy; the unbaptised were regarded as outside the church and the Inquisition had no jurisdiction over them. For this reason, Jews, Moslems and American Indians were excluded from its authority. The Inquisition never prosecuted a Jew for being a Jew, or a Moslem for being a Moslem. It pursued converts from each faith who were suspected, rightly or wrongly, to be secret apostates. Those Moors and Jews who refused baptism were expelled from Spain, the latter in 1492, the year Columbus discovered America.

The Spanish crown was also concerned to preserve unity of belief in its new colonial possessions, and agents of the Inquisition were sent to the New World as early as 1522. Following a decree of Philip II that a separate Inquisition be established in the Spanish empire, three different courts were subsequently set up, one in Lima in 1570, one in Mexico City in 1571, and one in Cartagena in 1610. Contrary to popular belief, Indians were never subject to the Inquisition: in fact, because of their 'ignorance and weak minds' they were expressly exempt from its jurisdiction and assigned to that of the bishops. If they were subject to any force in matters of religion it was due, not to the Inquisition, but to a few misguided missionaries, and there is only one case on record of a converted Indian being put to death by a religious court for 'backsliding to heathen practices'. Throughout the colonial period there were few inquisitorial trials for heresy, as heretics were seldom able to obtain legal passage to the colonies. In the three centuries of Spanish rule 30 heretics were burnt in Lima, 41 in Mexico City.

Some of these victims were foreign Protestants, including Englishmen, who were captured while raiding or illegally trading in the Spanish empire. This partly accounts for the lurid tales of the Spanish Inquisition which became current in England. Yet most of the English victims of the Inquisition in Spain and America came into conflict in the first instance with the civil authorities, being arrested as pirates or for breaking the Spanish trade laws. Before the Inquisition came into the case some special denunciation would be necessary, and this would be readily forthcoming if the prisoners gave any cause of offence in matters of faith or in committing sacrilege, as they sometimes did. Those Englishmen who escaped or who completed their term of imprisonment and returned to England brought with them tales of horror and cruelty which caused popular hatred of Spain and the Inquisition in the English-speaking world. But these were uncorroborated stories and modern research has not supplied the evidence to support them. Nor has it provided the numbers of English victims of the Inquisition. The figures are available, however, for one tribunal, that of the Canary Islands which were much frequented by English traders and seamen: one burnt in person for attacking the Catholic faith and refusing to abjure, four burnt in effigy as apostates, and twenty-four reconciled and penanced.

By the Treaty of London, 1604, which ended the Elizabethan war with Spain, the Spanish crown undertook that no English subjects should be molested in matters of conscience as long as they gave

no occasion for scandal and no offence to the Catholic faith. This had some effect on the Inquisition in its dealings with Englishmen but it could still be troublesome and there were further occasions of dispute. The regulations of 1631 covering foreign Protestants clarified a distinction already admitted, between travellers, who were not to be molested for religion as long as they gave no offence, and residents, who were to be kept under surveillance but not forced into the church.

MISCELLANEOUS ACTIVITIES

The work of the Spanish Inquisition was not confined to heresy; it also had jurisdiction in cases of bigamy, sodomy and blasphemy, and on occasion, because of its efficiency, it even received administrative functions from the state, such as the performance of customs duties on the frontier. Of all its activities, however, one of the most characteristic and perhaps one of the most abhorrent was related to the question of *limpieza de sangre*, or 'purity of blood'.

The New Christians, as has been seen, were objects of suspicion and prejudice which took the form of a spirit of exclusiveness among Old Christians and which was evident even before the establishment of the Spanish Inquisition. One of the first official indications of this spirit was the Edict of Toledo of 1449 under which all conversos were to be deprived of official positions as they were persons suspect in the faith. Pope Nicholas V denounced such legislation as unchristian and forbade discrimination between Old and New Christians. But prejudice against Jewish blood continued, and even some religious orders tried to exclude conversos. By the end of the sixteenth century various bodies excluded men of 'tainted' descent from admittance: these included the Inquisition itself, the Orders of Santiago, Alcantara, Calatrava and St. John, many cathedral chapters including that of Toledo, and all the university colleges. All these institutions required the most rigorous investigation to trace the slightest stain in the remotest grade of parentage. And there were two sources of descent which caused impurity of blood - from an ancestor who was Jewish or Moorish, or from one who had been sentenced by the Inquisition. Therefore, people applied to the Inquisition for certificates attesting their purity of blood, and for this purpose they described their genealogy, named witnesses and paid a fee. The whole process encouraged perjury, bribery and collusion, and offered yet another occasion for the gratification of spite.

In addition to all these activities, the Spanish Inquisition had jurisdiction in yet another sphere, that of sorcery and witchcraft. Sorcery and allied superstitions were all pursued by the Inquisition, and though the sentences in these cases were severe enough they were much less severe than those of the secular courts. The culmination of sorcery was witchcraft, and witch-hunting was prevalent in most European countries from the fifteenth to the eighteenth centuries, accompanied by much controversy as to the meaning of the myth. Some held it to be real, others argued that it was a delusion. Those who thought it was real were naturally more ferocious in their persecution of witches.

The Spanish Inquisition in general ranged itself on the side of the sceptics and considered witchcraft to be a delusion, born not of malice but of insanity. The debates within the Inquisition as to how to treat witches and the Instructions of 1614 which made witchcraft difficult to prove show considerable humanity and enlightenment, as well as a desire to protect witches from the secular courts where, if homicide were alleged against a witch, it would be treated not as a delusion but as real and punished as such. From the records of the tribunals of Toledo and Cuenca, which between them covered New Castile, it is clear that in the case of witchcraft the inquisitors proceeded with prudence and caution and admitted very few cases of which even fewer were taken to a conclusion;

torture was rarely applied and of the persons condemned in the course of over three centuries none were committed to the secular arm and none were burnt to death. In short, the Spanish Inquisition, by refusing to panic, saved Spain from some of the horrors of witch-burning that afflicted many other parts of Europe.

Spain, like other countries, had its censorship of books, and this too was in the hands of the Inquisition. The University of Louvain prepared the first Index of prohibited books in 1546, and on the basis of this the Spanish Inquisition published its own in 1551-2, to be distinguished from the Roman Index which was first published by Pope Paul IV in 1558 and which was not accepted as binding in Spain. From time to time a new and revised Index was published, and on the Spanish list we can find the names not only of enemies of the church like Luther and Voltaire but also of great Catholic thinkers like St. Thomas More and historians like the Bollandists. On the other hand in the field of science it never prohibited a single line of Copernicus, Galileo or Newton.

Here, however, statistics are of little value, and the extent to which the Inquisition repressed freedom of thought cannot be accurately assessed. It is a mistake to imagine that speculation and writing ceased in Spain with the founding of the Inquisition. In fact there were few actual prosecutions on these grounds and those that did take place were mainly confined to a humanist group of theologians and biblical scholars at the University of Salamanca in the second half of the sixteenth century. Martinez de Cantalapiedra, Gaspar de Grajal, and Fray Luis de Leon were imprisoned, tried and gravely molested by the Inquisition on charges of heterodoxy in biblical criticism ; these charges were largely inspired by personal and academic resentment on the part of a group of conservative scholastics, and after enduring prolonged mental anguish the accused were acquitted.

Together with the biblicist Fray Alonso Gudiel, and Francisco Sanchez de las Brozas, who had simply asserted that the Catholic faith was not founded on Aristotle and St. Thomas Aquinas, these were the only important cases in which the Inquisition prosecuted scholars, and such cases were a reflection not only on the Inquisition but also on conditions in Spanish universities where rival groups of scholars vented their envy and competed for power by denouncing others to the Inquisition. This had a pernicious effect on scholarship and creative work in Spain and affected the climate of opinion in which they could flourish. Moreover, the fear among writers engendered by the Inquisition cannot be measured in terms of the number of prosecutions: its hostile gaze circumscribed intellectual activity and encouraged the adoption of conventional and conformist attitudes, even outside of faith and morals. On the other hand, the Inquisition handled mysticism, so open to aberration, with fairness and discrimination. In spite of the panic caused by the Illuminists, the Inquisition did not molest the Spanish mystics of the second half of the sixteenth century, and while it inspected their writings and asked for some emendations, it was neither an enemy nor an obstacle to mysticism.

DECLINE AND ABOLITION OF THE SPANISH INQUISITION

The Spanish Inquisition existed for over three centuries, and although it was always a force to be reckoned with, its efforts were not sustained with equal vigour during the whole of that period. After the expulsion of the moriscos from Spain at the beginning of the seventeenth century there was no longer an identifiable section of Spanish society suspect in the faith. Having secured uniformity of religion, however, the Inquisition was determined to maintain it, and it continued its activities unimpaired in the seventeenth century. Indeed under the ineffective rule of the later

Hapsburgs the Spanish Inquisition was powerful enough to operate almost independently of the crown. At the beginning of the eighteenth century it was still active: between 1721 and 1728 there were 64 autos and 962 offenders of whom 151 were relaxed.

Gradually, however, in the course of the eighteenth century its operations diminished, as can be seen in the tribunal of Toledo where between 1740 and 1794 there were only 57 cases or an average of 1 a year. Dwindling business, lack of revenue, inferior personnel, all led to a weakening of the Inquisition and a decline of its reputation. This was particularly noticeable in the second half of the century when greater royal control and the appointment of more moderate inquisitors took much of the sting out of its actions. The impact of the French Revolution stirred it out of its lethargy, but meanwhile many Spaniards had come to regard their Inquisition as an anachronism and to seek its suppression. After the invasion of Spain by the forces of Napoleon in 1808 Spanish constitutional resistance was continued in the Cortes of Cadiz. There, after fierce debates, in which the liberals attributed the entire decline of Spain to the Inquisition while the conservatives behaved as though the fate of the church itself depended on the tribunal's survival, it was suppressed in 1813. After the overthrow of the French regime, however, absolute monarchy was restored in Spain in 1814 in the person of Ferdinand VII who imposed a savage despotism on the country and restored the Inquisition. But it was only a pale reflection of its former self. Financially crippled, lacking in confidence or respect, and with little business coming its way, it was finally suppressed by decree of 9 March, 1820, confirmed by decree of 15 July, 1834.

The Spanish Inquisition cannot be described in general terms which are valid for the whole period of its existence. It requires historical treatment. Like any other institution it must be studied with an awareness of chronology: it did not behave in exactly the same way in every period of its history. Moreover, an institution is comprised of men, who modify old policies or form new ones: the personalities of different inquisitors are important and are, in fact, insufficiently known. A study of the Spanish Inquisition, however, involves the application not only of historical principles but also of theological and moral ones. Granted the facts of the Spanish Inquisition, can its activities be justified?

It is not sufficient to argue that in Spain the Inquisition was a 'popular' institution: it was always feared and often bitterly criticized, and even if it was accepted as a defence of the faith, that is not to say that all its activities were welcomed. Again, in an attempt to shift responsibility, it has been argued that the Spanish Inquisition was a state institution and therefore can be treated in purely political terms. While it is true that the Spanish Inquisition operated independently of the papacy and often in opposition to it, it was clearly an important part of the Spanish church. The Inquisitor-General was usually a leading Spanish prelate; the majority of the tribunal's officials were clergymen; the laws of heresy were the church's laws. In fact, the Spanish Inquisition had a dual character, deriving from the close alliance of church and state in Spain. Unlike the medieval Inquisition, which was purely ecclesiastical, the Spanish Inquisition combined the spiritual authority of the church with the temporal power of the crown. This reliance on the state in matters of religion and its corollary, state intervention in affairs of the church, is open to many criticisms and corresponds to a period of the church's history which is now past and from which she was happy to free herself. Moreover, the particular methods employed by the Spanish Inquisition - secret accusation and use of torture are repugnant in any circumstances but especially in matters of conscience.

Nevertheless, the principle on which the Inquisition worked was long accepted by Catholic theologians and is clearly expressed by St. Thomas Aquinas: while it is not the function of the church to punish infidels, there is no toleration for heretics, that is those who have accepted Christianity and then deviate. Heretics deserve 'not only to be separated from the church but to be eliminated from the world by death'. But the reason he gives is not a valid one: it is that common and misleading analogy between material evil and spiritual evil. If, it is argued, material evil - such as disease - is removed by force, or serious criminal offences are punished by death, how much more justification is there for removing heresy which is the death of the soul. But this is a false analogy. The spiritual and the material are different not simply in degree but in kind and exist in two different orders: it does not follow that because disease and crime must be removed by force therefore the same treatment is valid for religious error. However, we have to distinguish between the perennial teaching of the church and the statements of particular theologians which often reflect the age in which they live. The Spanish Inquisition was never rooted in Catholic dogma, nor was it an essential part of the church's disciplinary code.

Doctrinally it has no claim to justification and it is not an obstacle to a Catholic view of religious toleration. Indeed, judged by traditional Catholic teaching - that faith is a unique gift of God and that even an erring conscience has its rights - the Spanish Inquisition was a tragic episode in the history of the church.

Bibliographical Note

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