

# Death Penalty in Catholic States for Obstinate Dangerous Heretics

Compiled by Richard Joseph Michael Ibranyi

## Introduction

Jesus Christ commanded His Apostles to teach and convert not just individual men but also nations. “*Going therefore, teach ye all nations... Teaching them to observe all things whatsoever I have commanded you.*” (Mt. 28:19-20) And Jesus prophesied that this, indeed, would come to pass. “*And this gospel of the kingdom shall be preached in the whole world, for a testimony to all nations...*” (Mt. 24:14) As Christ’s Kingdom was to be taught and spread throughout the whole world, it naturally follows that at some point in time, when there were enough conversions, Catholics would also control once pagan lands, such as states, countries, nations, and empires. The blood of the martyrs from the first three centuries of the Church paved the road for many conversions and the eventual control of land. Once Catholics controlled land, it was then their obligation to maintain the Catholic State, to see that it observed all that Christ commanded, and to fight to death if necessary in order to do so. Once a Catholic State exists, woe to any man who tries to separate it from the Catholic Church:

Pope Pius X, *Vehementer Nos*, 1906: “Our soul is full of solicitude and our heart with anguish when we think of you. How could it be otherwise, indeed, on the day after the promulgation of the laws which, in violently sundering the ancient ties by which your nation was united to the Apostolic See, has created for the Catholic Church in France a situation of humiliation for her and lamentable to all... To separate the state from the Church is a premise utterly false, a very pernicious error. Based in effect on the principle that the State should not recognize any religious cult, it is firstly gravely sinful towards God; because the Creator of man is also the founder of human societies and preserves them in existence and sustains them. We thus owe Him not only private worship, but should also honour Him publicly. Indeed this thesis clearly negates the supernatural order. It limits the action of the State to the sole pursuit of public prosperity during this life, which is not the end of political societies to act thus then they ought to keep in mind the eternal happiness awaiting man at the end of their brief life... Thus, the Roman Pontiffs have, in season and out, refuted and condemned the doctrine of separation of Church and State... In fact, there is nothing more contrary to the freedom of the Church than this law.”

Woe to any man who attempts to introduce pagan ways or allow non-Catholics to publicly propagate their false religions in Catholic States:

Pope Pius VII, *Post Tam Diuturnitas*, 1814: “The fact itself that the liberty of all the cults without distinction is established, truth is intermingled with error, and the holy and immaculate Spouse of Christ, the Church outside of which there can be no salvation, is put into a class with the heretical sects and even with the Jewish perfidy. Moreover, by promising favor and support to the sects of the heretics, one tolerates and favors not only their persons but also their errors. It is implicitly the disastrous and forever deplorable heresy that St. Augustine mentions in these terms: ‘It affirms that all the heretics are on the right path and speak the truth, an absurdity so monstrous that I cannot believe that any man really professes it.’”

Pope Leo XIII, *Immortale Dei*, 1885: “...The unrestrained freedom of thinking and of openly making known one’s thoughts is not inherent in the rights of citizens, and is by no means to be reckoned worthy of favor and support...[it is not permitted] to place this license under the tutelage of the protection of the laws...no one is allowed to be remiss in the service due to God, and...the chief duty of all men is to cling to religion in both its teaching and practice—not such religion as they may have a preference for, but the religion which God enjoins, and which certain and most clear marks show to be the only one true religion...”

Hence once Catholics control nations, states, countries, and empires, it is their duty to preserve these Catholic lands in the purity and holiness of the Catholic faith, which includes upholding all law and order by force if necessary. If pagan rulers have this right and duty, which St. Paul speaks of, to use force to keep law and order, then how much more do Catholic rulers have this right and duty:

“Let every soul be subject to higher powers. For there is no power but from God: and those that are ordained of God. Therefore, he that resisteth the power resisteth the ordinance of God. And they that resist purchase to themselves damnation. For princes are not a terror to the good work, but to the evil. Wilt thou then not be afraid of the power? Do that which is good: and thou shalt have praise from the same. For he is God’s minister to thee, for good. But if thou do that which is evil, fear: for he beareth not the sword in vain. For he is God’s minister: an avenger to execute wrath upon him that doth evil. Wherefore be subject of necessity: not only for wrath, but also for conscience’ sake.” (Rom. 13:1-5)

The belief, then, that the Catholic Church does not have the right and duty to rule forcefully and with power is heresy. The first Catholic State, observing all that Christ commanded, conducted inquisitions, made judgments, denounced and abolished sinful laws and practices, and denounced and punished sinners (criminals) and especially obstinate and dangerous heretics because they kill souls and defile Catholic lands. Hence Jesus Christ’s words “*buy a sword*” (Lk. 22:36) and “*Do not think that I came to send peace upon earth: I came not to send peace, but the sword*” (Mt. 10:34) and “*As for those my enemies, who would not have me reign over them, bring them hither, and kill them before me*” (Lk. 19:27) began to be fulfilled when nations and not just men became Catholic. Different punishments were incurred by the heretics depending on the degree they endangered the faith and purity of Catholics and the Catholic State. The punishments ranged from confinement within a certain area within Catholic States, to loss of temporal possessions, to imprisonment, and even to death. Obstinate heretics who were also a great danger to the faith and purity of Catholics and Catholic States justly incurred the death penalty.

## **History of death penalty and other punishments against heretics**

*The Delict of Heresy*, Rev. Eric F. MacKenzie:

“[p. 7] To all these spiritual ecclesiastical punishments were added various secular penalties, once the Empire was reconciled to the Church and Christianity became the religion of the Emperors. ...Christian emperors...issued many decrees for the repression of apostasy and heresy, in as much as these involved disturbance of the public order. From all this came a secular penalization of sins against the faith: forfeiture of goods, annulment of wills, exile, and even death...

“[p. 8] ...Civil officials were faced by disturbances on a vast scale instigated by Donatists and Manicheans. The putting down of these disturbances was a practical matter of vast importance and difficulty. In view of these practical considerations, Saint Augustine, starting from the advocacy of complete tolerance to heretics and entire reliance on spiritual penalties, came finally to approve restricted persecution (*temperate severitas*), and to defense of the state’s right to inflict even capital punishment when the heretics seriously disturbed the public order. This theoretical approval of the severest secular punishments was accompanied by insistence that the right be exercised with mercy and forbearance. This came to be the accepted attitude of the Church: that in the Christian state, heresy is not merely a religious delict, but likewise a civil

crime; and in the later aspect it may be punished by the state, even though the determination of the fact of heresy be ecclesiastical.

“After the developments we have indicated, there was in existence at the end of the sixth century a whole body of legislation visiting heresy with spiritual penalties, —excommunication, infamy, suspension, deposition, obligation to [p. 9] undergo public penance,—and also severe secular punishments,—loss of right to bequeath property, confiscation of property, and even death. With the waning of active heresy, this law was less commonly applied, although it retained its juridical vigor.<sup>1</sup> There was little new development; so that when Gratian made his compilation toward the middle of the twelfth century, he recorded only old canons, in the matter of heresy.

“The next era in which the Church was faced with vigorous heresy began in the middle of the eleventh century, when the old Manichean doctrines reappeared in Europe. The adherents of these doctrines called themselves variously Albigensians, Cathari, Patari, etc. They were not merely numerous, but also well organized upon a secret basis which made their detection very difficult... From the middle of the eleventh century onwards, synods and councils, both ecclesiastical and secular, were occupied with the problem of discovering these delinquents and suppressing their secret organization. During the same period the death penalty was often inflicted on those who were discovered and proved guilty...<sup>2</sup> It is quite clear that these heretics were found guilty and punished not merely for spiritual faults, but also for lives and teachings that outraged the secular conscience of the day...

“[p. 10] The suppression of the heretics was a task undertaken by both the Popes and Emperors. Pope Alexander III, in the Lateran Council of 1179, pronounced against them the spiritual penalty of anathema, implying infamy, denial of Christian burial, deprivation of the Sacraments, etc.; and in addition called upon all princes to protect their Christian subjects from the outrages of heretics who were disturbing the public welfare. The same pronouncement inflicted the penalty of excommunication upon all those who defended and received the heretics. The secular penalty indicated for heresy was imprisonment and confiscation of property; but various rulers, such as Pedro II of Aragon (1179), added the further penalty of death at the stake.

“The next Pope, Lucius III, found that even these measures were not sufficient. He concerted action with the Emperor, Fredrick Barbarossa, at Verona in 1184. The ecclesiastical penalties against heretics were to be excommunication, deprivation of every benefice and office, infamy, and inability to perform legitimate actions. The administration of this law was entrusted to the local bishops, who were bound to go once or more each year to every part of their dioceses, and there investigate all suspected persons. Those found guilty were to be handed over to the secular officials to receive the secular punishment deserved by their crime,—the *animadversio debita*.<sup>3</sup> At the same time that this legislation issued from the Pope, the Emperor decreed that all heretics were under the ban of the Empire, a punishment which involved banishment, confiscation of property, destruction of the house occupied by the criminal, public infamy, and inability to hold office; it did not involve the death penalty.<sup>4</sup>

“Innocent III next reigned as pope, and exerted his powers vigorously to overcome the heresy whose evil influence still was rampant. He likewise secured co-operation from Emperor

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<sup>1</sup> Footnote 56: Wernz, *Jus Decretalium*, VI, n. 283. In the Decree to Gratian C. XXIII; C. XXIV; the introduction of Friedberg's edition of the *Corpus Juris* indicates the sources which Gratian used.

<sup>2</sup> Footnote 59: Death penalties were inflicted at Orleans, in 1022; at Goslar, in 1052; at Cambrai, in the presence of Emperor Henry III, 1076; at Toulouse, 1114; at Liege, 1144. Note that these dates extend back over a century before the establishment of the inquisition. Cf. Vacandard, *L'Inquisition*, pp. 40-45.

<sup>3</sup> Footnote 62: C. 9, X, *de haereticis*, V. 7; Vacandard, *o.c.*, p. 68.

<sup>4</sup> Footnote 63: Vacandard, *o.c.*, p. 67.

Frederick II. Innocent's legislation was largely devoted to systematizing the previous law and developing administrative processes.<sup>5</sup> It was approved and applied to the whole Church by the Fourth Council of the Lateran, in 1215.<sup>6</sup> In 1220, the Emperor issued a constitution, applying to the whole Empire, in which he ordered the strict punishment of heretics.<sup>7</sup> In this constitution he compared heresy with the crime of *laesa majestas*, and noted that rebellious insult directed against the majesty of God was more heinous than crime directed against human majesty. The import [p. 11] of this text was quickly noted. The secular penalty for the civil crime of *laesa majestas* was death at the stake; and while this penalty had often been applied to heretics, there had been no imperial law justifying this extreme punishment until the Emperor made this comparison."<sup>8</sup>

### **Another history of death penalty and other punishments against heretics**

*The Catholic Encyclopedia*, Inquisition, 1913:

"The Church established by Christ, as a perfect society, is empowered to make laws and inflict penalties for their violation. Heresy not only violates her law but strikes at her very life, unity of belief; and from the beginning the heretic had incurred all the penalties of the ecclesiastical courts. When Christianity became the religion of the Empire, and still more when the peoples of Northern Europe became Christian nations, the close alliance of Church and State made unity of faith essential not only to the ecclesiastical organization, but also to civil society. Heresy, in consequence, was a crime which secular rulers were bound in duty to punish. It was regarded as worse than any other crime, even that of high treason; it was for society in those times what we call anarchy. Hence the severity with which heretics were treated by the secular power long before the Inquisition was established. ...Heresy should be punished with death, seeing that it was confessedly no less serious an offence than high treason...

"Theologians and jurists based their attitude to some extent on the similarity between heresy and high treason (*crimen laesae maiestatis*), a suggestion that they owed to the Law of Ancient Rome. They argued, moreover, that if the death penalty could be rightly inflicted on thieves and forgers, who rob us only of worldly goods, how much more righteously on those who cheat us out of supernatural goods—out of faith, the sacraments, the life of the soul. In the...legislation of the Old Testament (Deut., xiii, 6-9; xvii, 1-6) they found another argument. And lest some should urge that those ordinances were abrogated by Christianity, the words of Christ were recalled: 'I am not come to destroy, but to fulfill' (Matt., v, 17); also His other saying (John xv, 6): 'If any one abide not in me, he shall be cast forth as a branch, and shall wither, and they shall gather him up, and cast him into the fire, and he burneth' (*in ignem mittent, et ardet*)...

"St. Optatus of Mileve defended the civil authority (De Schismate Donnitarum, III, cc. 6-7) as follows: '...as though it were not permitted to come forward as avengers of God, and to pronounce sentence of death! ...But, say you, the State cannot punish in the name of God. Yet was it not in the name of God that Moses and Phineas consigned to death the worshippers of the Golden Calf and those who despised the true religion?'...

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<sup>5</sup> Footnote 64: Vacandard, *o.c.*, p. 68.

<sup>6</sup> Footnote 65: Cap. III, Mansi, XXII, 986.

<sup>7</sup> Footnote 66: Vacandard, *o.c.*, p. 127.

<sup>8</sup> *The Delict of Heresy*, "In Its Commission, Penalization, Absolution, a Dissertation," Rev. Eric F. MacKenzie, A.M., S.T.L., J.C.L., of the Archdiocese of Boston. *Nihil Obstat*: Patrick J. Waters, Ph.D., *Censor Deputatus*. Imprimatur: +William Cardinal O'Connell, Archbishop of Boston, Boston, June 3, 1932. Catholic University of America Canon Law Studies.

“In 447 Leo the Great had to reproach the Priscillianists with loosening the holy bonds of marriage, treading all decency under foot, and deriding all law, human and Divine. It seemed to him natural that temporal rulers should punish such sacrilegious madness, and should put to death the founder of the sect and some of his followers. He goes on to say that this redounded to the advantage of the Church: *‘quae etsi sacerdotali contenta iudicio, cruentas refugit ultiones, severis tamen christianorum principum constitutionibus adiuratur, dum ad spiritale recurrunt remedium, qui timent corporale supplicium’* – ‘though the Church was content with a spiritual sentence on the part of its bishops and was averse to the shedding of blood, nevertheless it was aided by the imperial severity, inasmuch as the fear of corporal punishment drove the guilty to seek a spiritual remedy’ (Ep. xv ad Turribium; P. L., LIV, 679 sq.).”<sup>9</sup>

### **Tale illustrating the mediaeval attitude towards heretics**

*Readings in European History*, by James Harvey Robinson:

“IV. Tale Illustrating the Mediaeval Attitude towards Heretics - The body of a burned heretic turns into toads. (From *Luke, Bishop of Tuy*, Thirteenth Century.) The popular horror in which heresy was held in the twelfth and thirteenth centuries is well shown in the following account.

‘From the lips of the same brother Elias, a venerable man, I learned that when certain heretics were scattering the virulent seeds of error in parts of Burgundy, both the Preaching Friars and the Minorites drew the two-edged sword of God’s word against these same heretics, opposing them valiantly, until they were finally taken by the magistrate of the district. He sent them to the stake, as they merited, in order that these workers of iniquity should perish in their wickedness as a wholesome lesson to others.

‘Quantities of wood having been supplied in plenty to feed the flames, suddenly a toad of wonderful size appeared, and without being driven, betook itself of its own accord into the midst of the flames. One of the heretics, who was reported to be their bishop, had fallen on his back in the fire. The toad took his place on this man’s face and in the sight of all ate out the heretic’s tongue.

‘By the next day his whole body, except his bones, had been turned into disgusting toads, which could not be counted for their great number. The inhabitants, seeing the miracle, glorified God and praised Him in His servants, the Preaching Friars, because the Lord had, in His mercy, delivered them from the horror of such pollution.

‘God omnipotent surely wished to show through the most unseemly and filthiest of animals, how foul and infamous are the teachings of heretics, so that all might thereafter carefully shun the heretic as they would the poisonous toad. Just as among four-footed creatures the toad is held the foulest, so the teachings of the heretic are more debased and filthy than those of any other religious sect. The blindness of heresy justifies the perfidy of the Jews. Its pollution makes the madness of the Mohammedans a pure thing in contrast. The licentiousness of the heretics would leave Sodom and Gomorrah stainless. What is held most enormous in crime becomes most holy when compared with the shame and ignominy of heresy. Therefore, dear Christian, flee this unspeakable evil, in comparison with which all other crimes are as trifles.’”<sup>10</sup>

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<sup>9</sup> *Catholic Encyclopedia*, 1913 English version. Actual work on the English *Catholic Encyclopedia* was begun in January 1905. It was completed in April 1914. However, it is referred to as the 1913 English *Catholic Encyclopedia*. It contains 15 volumes.

<sup>10</sup> *Readings in European History*, by James Harvey Robinson, Professor of History in Columbia University; Abridged Edition in One Volume, 1906; Chapter XVI: The Mediaeval Church at Its Height, pp. 167-168.

## Attitude of civil governments towards heretics

*Readings in European History*, by James Harvey Robinson:

“II. Attitude of the Civil Government toward Heretics – Concerning heretics. (From the laws issued by Frederick II of Hohenstaufen, for Sicily, about 1235.) The following document is a good example of the cordial manner in which the temporal rulers cooperated with the Church in the detection and punishment of heresy, which was universally regarded as the most horrible of crimes (see above, pp. 167 *sq.*). It is taken from the laws of the enlightened Frederick II of Hohenstaufen.<sup>11</sup>

‘The heretics endeavor to rend the seamless garment of our Lord, and in accordance with their vicious name, which means division, they would destroy the unity of that same indivisible faith. They would withdraw the sheep from Peter’s guardianship, to which they were entrusted by the Good Shepherd. They are ravening wolves within, but feign a love for the flock, until they shall have crept into the Lord’s fold. They are bad angels, sons of perversity, appointed by the father of lies and deception to mislead the simple-minded. They are serpents who deceive the doves. Like serpents they creep stealthily abroad; with honeyed sweetness they vomit forth their virus. While they pretend to offer life-giving food they strike with their tail, and prepare a deadly draught, as with some dire poison. These sects do not assume the old names lest they should be recognized, but, what is perhaps more heinous, not content like the Arians, who took their name from Arius, or the Nestorians, from Nestorius, and others of the same class, they must imitate the example of the martyrs who suffered death for the Catholic faith. They call themselves Patarins,<sup>12</sup> as if they, too, were sufferers...

‘Against these, who offend alike against God, themselves, and their fellow-men, we cannot restrain ourselves, and must draw forth the sword of merited retribution...

‘We decree, in the first place, that the crime of heresy and of reprehensible teaching, of whatever kind, by whatever name its adherents may be known, shall, as provided by the older laws, be included among the recognized crimes. (For should not what is recognized to be an offense against the Divine Majesty be judged more terrible than the crime of leze majesty directed against ourself, although in the eyes of the law one is not graver than the other?) As the crime of treason deprives the guilty of life and property, and even blackens the memory of the dead, so in the aforesaid crimes of which the Patarins are guilty, we wish the same rules to be observed in all respects.

‘And in order that the wickedness of those who walk in darkness, since they do not follow God, should be thoroughly exterminated, we desire that those who practice this class of crimes should, like other malefactors, be diligently sought for and hunted out by our officers. If such be discovered, even if there be only the slightest suspicion of their guilt, we command that they shall be examined by churchmen and prelates. If they shall be found by these to have deviated from the Catholic faith, even in a single respect, and if, when admonished by such churchmen in their function of pastors, they refuse by leaving the wiles of the devil to recognize the God of light, and stubbornly adhere to their error, we command, by this our present edict, that such condemned Patarins shall suffer the death they court; that, condemned to the sentence of the flames, they shall be burned alive in the sight of the people. Nor are we loath to satisfy their cravings in this respect, for they only suffer the penalty of their crime and reap no further gain.

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<sup>11</sup> Footnote: Extracts from the laws in France and Germany relating to heretics will be found in *Translations and Reprints*, Vol. III, No. 6.

<sup>12</sup> Footnote: The name Patarin, which seems here to be derived from the Latin word *patior*, to suffer, appears to have been given to the Cathari of Milan because they lived among the ragpickers (*patari*).

No one shall dare to intercede with us for any such, and should any one presume to do this, we shall properly direct the darts of our indignation against him, too...

‘All who shall receive, trust, aid, or abet the Patarins in any way, seeking to shield others from a penalty which they rashly do not fear for themselves, shall be deprived of all their goods and banished forever. Their sons shall thereafter be excluded from all honors whatsoever and shall be branded with perpetual disgrace. They shall not be permitted to act as witnesses in any case, but shall be rejected as infamous.

‘But if any one of the sons of such harborers or fautors shall point out a Patarin, whose guilt shall be thus proven, he shall, by the imperial clemency, be freed from the opprobrium and restored to his full rights, in view of the good faith which he has shown.’<sup>13</sup>

### **Attitude of ecclesiastical and civil governments against heretics**

*Translations and Reprints from the Original Sources of European History*, Published for The Department of History of the University of Pennsylvania:

“5. (b) FROM THE SCHWABENSPIEGEL. Der Sachsenspiegel, herausgegeben von Wackernagel, pp. 241-3 (Cap. 258). Old German. *Concerning Heretics*.

‘Where persons are believed to be heretics, they shall be accused before the spiritual court, for they should in the first place be tried by ecclesiastics. When they are convicted they shall be taken in hand by the secular court, which shall sentence them as is right; that is to say, they shall be burned at the stake. If, however, the judge protects them, or makes any illegal concessions and does not sentence them, he shall be excommunicated, and that in the most severe form. This shall be done by a bishop. The delinquent judge shall, moreover, be judged by his superior temporal judge, if he have one, as he himself should have judged the heretic. In case a feudal prince does not bring heretics to judgment, but protects them, the ecclesiastical court shall excommunicate him. If such prince does not yield within the space of a year, his bishop, who excommunicated him, shall report his evil deeds to the pope and the length of time he has remained excommunicated for the same. Then shall he [the pope] with propriety deprive him of his princely office and of all his dignities. The pope shall bring his sentence to the notice of his king and his other judges. These shall substantiate the sentence of the pope with their sentence. The offender shall be deprived of all his goods, his fiefs and all his worldly honors. Thus shall lords and poor men be judged. The fitness of this is thus shown. There was once a pope at Rome called Zacharias. In his time there was a king of France called Lescandus who protected the heretics unlawfully. He was king before King Pippin, King Charles’ father. Him the pope deposed from his kingship and from all his honors, and Pippin became king in his stead during his natural life. We read, too, that Pope Innocent deposed King Otto [IV] of the Roman Empire on account of his ill deeds. This the popes have a right to do, as God spake to Jeremiah, saying, “I have set thee over all the nations and over all the kingdoms to judge.” ’ ”

“6. (a) FROM AN EDICT OF SAINT LOUIS DIRECTED AGAINST THE HERETICS OF LANGUEDOC (1228). Isambert, *Recueil general des anciennes lois francaises*, Vol. I., p. 233. Latin.

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<sup>13</sup> *Readings in European History*, by James Harvey Robinson, Professor of History in Columbia University; Abridged Edition in One Volume, 1906; Chapter XVII: Heresy and the Friars, pp. 173-175.

‘Moreover, since the keys of the church are often despised in that country [Languedoc], we command that excommunicated persons shall be avoided according to the canonical provisions, and that if any one shall contumaciously remain in a state of excommunication for a year, he shall be forced by material means to return to the unity of the Church, in order that those who are not induced to leave their evil way by the law of God, may be brought back by temporal penalties. We therefore order that our bailiffs shall, after one year, seize all the property, both real and personal, of all such excommunicated persons. And on no account shall such property be in any way returned to such persons, until they have been absolved and have rendered satisfaction to the Church, and then only by our special order.’ ”

“6. (b) FROM THE ETABLISSEMENTS OF SAINT LOUIS. Etablissements de Saint Louis (ed. Viollet), Livre I., Cap. 90. Old French.

‘If any one be suspected of heresy, the magistrate shall lay hold of him and send him before the bishop. If he be convicted, he shall be burned, and all his personal property shall revert to his lord.’ ”

“7. (a) FORM OF OATH TAKEN UPON THE BOOK OF THE GOSPELS BY THE SENESCHALS AND MAGISTRATES OF THE LORD KING. B. Guidonis Pratica Inquisitionis Pravitatis Heretice (ed. Douais), Paris, 1886, p. 87. Latin.

‘We, \*\*\*\*, a Seneschal and a Vicarius of Toulouse, and, \*\*\*\*, a judge in ordinary, (and so with other officials then present) swear by these holy Gospels of God, that we will hold to the faith of our Lord Jesus Christ and the holy Roman Church, and will cause it to be held, and will defend it with all our power against every one. We will likewise pursue, and take, and cause to be taken, wherever we can, all heretics with their adherents, aiders, abettors, helpers and defenders, as well as all fugitives on account of heresy. These aforesaid, if we know where they are to be found, or where any one of them is to be found, we will accuse and denounce to the Church and to the inquisitors. Moreover, we swear that we will not commit any bailliage, judicature, administrative or other public office, to any one of the pestiferous persons, nor will we permit any one to use or hold any public office who is suspected or defamed for heresy, or any one sentenced for the crime of heresy, or otherwise precluded by the inquisitors, or by law, from holding a public office. We will not receive anything from the aforesaid, nor have them in our family, or society, or service, or knowingly take council with them. If the contrary should result from ignorance, we will expel the aforesaid straightway, so soon as the matter shall be brought to our notice by the inquisitors of heresy, or others worthy of faith. In these things, and in all others which relate to the office of the inquisition for heresy, we will be obedient to God, the Roman Church, and the inquisitors of \*his same heresy. So help us God and these, His Holy Gospels.’ ”<sup>14</sup>

## **Death sentence against obstinate dangerous heretics**

*Translations and Reprints, Ibid.*

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<sup>14</sup> *Translations and Reprints from the Original Sources of European History*, Published for The Department of History of the University of Pennsylvania. Published by University of Pennsylvania Press, 3438 Walnut Street, Philadelphia, USA. Volume 3, number 6, section 2, Heresy and the Inquisition (XIII.-XIV. Centuries).



“7. (b) FORM OF RELAXATION TO THE SECULAR ARM. B. Guidonis Pratica, etc., pp. 143, 144. Latin.

‘[After enumerating the errors of those to be sentenced, the writ continues :] Since after salutary exhortations, ample refutations and a regular trial, the said A , sinking to the lowest depths of evil, stubbornly and perversely persists in the said errors and doctrines, and defends them in the most obstinate and impudent fashion, clinging to them, and preferring to die in and for them, rather than leave his evil ways and return to the unity of the church, we, the aforementioned, having maturely considered and taken council in this matter with good men, expert in both systems of law, having called upon the name of Christ, and having before our eyes God only, the purity of the orthodox faith, and the unity of the holy Catholic Church, in the presence of such and such persons, and with the holy Gospels of the Lord before us, that our judgment may go forth before the face of the Lord and our eyes behold equity, we, sitting as a tribunal, on the day and in the place especially assigned for passing judgment upon the said A , by the authority in virtue of which we act, do by these presents, assert, and as the final sentence, pronounce and declare the said A to be a pestilential assertor of perverse doctrines, to be a rebel and opposed to the authority and power of the Catholic Church. We declare that he is, moreover, a manifest heretic and that, as an obstinate heretic, since the Church can, in view of his conduct, do nothing further for him, we do relinquish him to the arm and judgment of the secular court... This sentence was given, etc.:’ ”

*Malleus Maleficarum*, by Revs. Kramer and Sprenger:

“We, N., by the mercy of God, Bishop of such city, or Judge in the territories of such Prince, seeing that you, N., of such a place in such a Diocese, have been accused before us of such heresy (naming it); and wishing to be more certainly informed whether the charges made against you were true, and whether you walked in darkness or in the light; we proceeded to inform ourselves by diligently examining the witnesses, by often summoning and questioning you on oath, and admitting an Advocate to plead in your defence, and by proceeding in every way as we were bound by the canonical decrees.

“And wishing to conclude your trial in a manner beyond all doubt, we convened in solemn council men learned in the Theological faculty and in the Canon and Civil Laws. And having diligently examined and discussed each circumstance of the process and maturely and carefully considered with the said learned men everything which has been said and done in this present case, we find that you, N., have been legally convicted of having been infected with the sin of heresy for so long a time, and that you have said and done such and such (naming them) on account of which it manifestly appears that you are legitimately convicted of the said heresy.

“But since we desired, and still desire, that you should confess the truth and renounce the said heresy, and be led back to the bosom of Holy Church and to the unity of the Holy Faith, that so you should save your soul and escape the destruction of both your body and soul in hell; we have by our own efforts and those of others, and by delaying your sentence for a long time, tried to induce you to repent; but you being obstinately given over to wickedness have scorned to agree to our wholesome advice, and have persisted and do persist with stubborn and defiant mind in your contumacious and dogged denials; and this we say with grief, and grieve and mourn in saying it. But since the Church of God has waited so long for you to repent and acknowledge your guilt, and you have refused and still refuse, her grace and mercy can go no farther.

“Wherefore that you may be an example to others and that they may be kept from all such heresies, and that such crimes may not remain unpunished: We the Bishop and Judges named on behalf of the faith, sitting in tribunal as Judges judging, and having before us the Holy Gospels that our judgement may proceed as from the countenance of God and our eyes see with equity, and having before our eyes only God and the glory and honour of the Holy Faith, we judge, declare and pronounce sentence that you standing here in our presence on this day at the hour and place appointed for the hearing of your final sentence, are an impenitent heretic, and as such to be delivered or abandoned to secular justice; and as an obstinate and impenitent heretic we have by this sentence cast you off from the ecclesiastical Court and deliver and abandon you to secular justice and the power of the secular Court... This sentence was given, etc.

“The Bishop and Judges may, moreover, arrange that just men zealous for the faith, known to and in the confidence of the secular Court, shall have access to the prisoner while the secular Court is performing its office, in order to console him and even yet induce him to confess the truth, acknowledge his guilt, and renounce his errors.

“But if it should happen that after the sentence, and when the prisoner is already at the place where he is to be burned, he should say that he wishes to confess the truth and acknowledge his guilt, and does so; and if he should be willing to abjure that and every heresy; although it may be presumed that he does this rather from fear of death than for love of the truth, yet I should be of the opinion that he may in mercy be received as a penitent heretic and be imprisoned for life. See the gloss on the chapters *ad abolendam* and *excommunicamus*. Nevertheless, according to the rigour of the law, the Judges ought not to place much faith in a conversion of this sort; and furthermore, they can always punish him on account of the temporal injuries which he has committed.”<sup>15</sup>

## **Inquisition and burning of heretics**

*Characters of the Inquisition*, by William Thomas Walsh:

“The sensation in Spain was tremendous. The Emperor Charles [V], at his retreat in Yuste, wrote his daughter, the Princess Juana, then acting as regent, and the Inquisitor General, Don Fernando Valdes, Archbishop of Sevilla, that the thing discovered must be put down decisively. King Philip was notified in Flanders, and he, horrified in his turn, wrote similar instructions to Juana.

“The result of all this was an impressive revival of the activities of the Inquisition. Not since the days of Fernando and Isabel had there been such a sensational *auto* as the one held at Valladolid on May 21, 1559.<sup>16</sup> The prominence of several of those found guilty and unrepentant, and the fact that the court was then at Valladolid, ensured a huge attendance by the aristocracy and the *hoi polloi* alike. The Regent, Princess Juana, a gentle and pious soul, felt it her duty to attend with her nephew, Don Carlos, the hapless child who was heir to the throne. A few days before the event, she sent an affectionate note to Doña Magdalena de Ulloa, wife of Luis Quijada, inviting her to come to see the *auto de fe*, and suggesting that she bring ‘the boy she had

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<sup>15</sup> *Malleus Maleficarum* (also known as the *Witches’ Hammer*), by Professors of Theology Heinrich Kramer, O.P., and James Sprenger, O.P. Original version from the 15<sup>th</sup> century. Authorized by a Bull from Pope Innocent VIII on December 9, 1484. Printed by Dover Publications, Inc., 180 Varick Street, New York, N.Y. 10014. The Dover edition, first published in 1971, is an unabridged republication of the work originally published by John Rodker, London, in 1928. It also contains an Introduction by the Rev. Montague Summers prepared for the 1948 reprint. Part 3, Question 31, Of one taken and convicted of the heresy of witchcraft but denying everything.

<sup>16</sup> Footnote 5, Chapter 7: “In the first edition of my *Philip II*, the date is erroneously given as *March 21*.”

with her.’ This boy was Jeronim, about whom the Princess had heard strange rumors lately. She was about to learn that he was her own half-brother.



“Early on the morning of May 21, more than 200,000 persons began to assemble. They came from as far as Aragon, Estramadura and Andalusia; and already the *familiares* of the Holy Office were making their way on horseback, through the crowded streets, shouting that no one could use arms in Valladolid that day, under pain of excommunication; and that carriages, litters, chairs, horses and mules were prohibited on the streets where the procession would pass, or in the *Plaza Mayor*, where the *auto* was to be. Never had Valladolid seen such a crowd. Think of it—rich people to be humiliated, fifteen men and women to be executed! The mob doubtless had already

looked over the preparations in the *Campo Grande*, sometimes called the Field of Mars, outside the city limits; there they had seen fifteen little scaffolds around the open space called the *quemadero*, and under each one a great pile of chopped wood, grimly significant of what was to happen; while over each was a garrote, by which the *reo* was mercifully strangled, as a rule, before the flames were lighted under him. Only obstinate impenitents or blasphemers were burned alive. Today there would be only one, a well known official who had had charge of the contraband court in a northern seaport—the Bachelor Herreruelos. One was enough; and already the friars of various orders were moving among the crowds, their voices rising above the sea of murmurs and cries, imploring God to grant the man the grace of repentance lest he die in his sins and be buried in Hell, and begging the people to pray for his soul. The crowd answered with groans and supplications to the blue sky. Here and there pious people were weeping, or falling on their knees to ask God’s mercy for the poor blind soul that so far had rejected it.

“The *Plaza Mayor*, where the *auto* itself was to be held, was full of people at five o’clock that morning, waiting for the sound of the sad music that would announce the forming of the procession. The crowd extended all the way to the *Campo Grande*, where the grim finale would be, and to the street now called the *Calle del Obispo*, where the prisons of the Holy Office were. Not a few inhabitants made a good profit selling seats or standing room to the curious, some of whom paid the equivalent of three, four and even five modern *pesetas* for the privilege. In little squares and corners of the streets, members of various orders had set up temporary pulpits, where they preached over the heads of the multitudes on how vile and horrible a thing heresy was, being an offense to the divine Majesty, and what a misfortune it was to lose the Faith. This went on all morning.

“It was already afternoon when the sermons stopped, and a deathlike hush fell over the mighty crowd. A distant solemn music was heard. The procession of the Green Cross must have started at last from the chapel of the Holy Office.

“The *Cruz Verde* was the ordinary symbol of the Inquisition. Like every institution in Medieval Spain, the Holy Office had its own coat of arms; a green Cross on a black field. On the right was a branch of olive, on the left a sword; and underneath a burning bramble bush—with the cross of Saint Dominic on the reverse side. Everything on this blazon was symbolic. The black field represented the sorrow of the Church for the apostacies and crimes of the heretics, and the persecutions she endured at their hands. The green cross stood for her hope that they would repent before it was too late, and save their souls; it represented also the eternity, truth and purity of the gospel of Christ, and its vivifying effect upon human society. The olive branch suggested the peace and clemency offered to heretics who repented; and that good olive tree to

which St. Paul had so eloquently compared the divine revelation. The sword of justice reminded one of the punishment in store for the obstinate and the impenitent. The burning bramble bush signified the one in which Moses had seen the Lord God, and the faith of the Catholic Church, whose fundamental truths he handed down, and whose prophet and forerunner he was.



**Standard of the Inquisition**

“At the head of the long line, that May day in 1559, walked the members of all the religious communities in Valladolid and the nearby villages, the monks in their various habits passing two by two, each holding a burning wax taper in his hand. Next came the commissaries, consultors, and various other officials of the Holy Office, with their secretaries, the *alguacil* mayor and the *fiscal*; and these all carried lighted candles of huge size. Then came a Dominican friar bearing, under a pallium of black velvet, a large green wooden cross, covered with mourning crape. Behind this symbolism of sorrow and of hope came the musicians of the chapel of the Holy Office, chanting the *Vexilla regis*, the ancient and magnificent hymn so often sung in the Good Friday processions.

‘Forth comes the Standard of the King:  
All hail, thou Mystery adored!  
Hail, Cross, on which the Life Himself  
Died, and by death our life restored....

‘O sacred wood, in Thee fulfilled  
Was holy David’s faithful lay,  
Which told the world that from a tree  
The Lord should all the nations sway....’<sup>17</sup>

“Slowly and sadly, as if it were a repetition of the journey to the Mount of Calvary, the procession passed, with many solemn pauses, through all the principal streets of Valladolid, until, when the sun was low in the west and the shadows were long across the city, the head of the column began to file into the *Plaza Mayor*. There draped in black was the great platform, and on it an altar, before which twelve candles, watched all through the night by Dominican friars, were burning. At the right and at the left were rows of steps where the condemned would sit. In front was a pulpit for the preacher.

“The people looked on, almost breathless with curiosity and dread, as the condemned appeared, in two long files, bearing lighted candles in their hands, while the bells of the Holy Office tolled dismally. Between the two rows walked officials of the Inquisition, at several paces apart: one carrying the parochial cross of the Saviour; the *fiscal*, Jeronimo de Ramirez, with the standard of the Holy Inquisition, made of crimson damask, with the white and black escutcheon of the order of Saint Dominic, and the royal arms embroidered in gold; and on the ends of the great flag were the words, *Exurge, Domine, et iudica causam tuam*.

“It was toward the prisoners themselves, however, that all eyes were turned. They walked twelve to fourteen paces apart, each guarded by two *familiares* of the Holy Office and four

<sup>17</sup> Footnote 6, Chapter 7: “I have taken the translations of these two stanzas from the Daily Missal of Dom Caspar Lefebvre, O. S. B. p. 681. The classic English translation, a very free one, is that of Blount.”

soldiers. First of all came a man of fifty who in other days had heard friendly and flattering salutations as he crossed that square, but now seemed to have grown old and emaciated, after his months of incarceration, and hardly able to drag himself along. He wore about the upper part of his body a yellow garment called a *sanbenito*, something like a priest's short chasuble, with a green cross of Saint Andrew on the breast. (This, by the way, was one of the reforms of Cardinal Ximenes, who did not think that secret enemies of the Church should be allowed to wear the Saviour's cross, and so decreed the diagonal one.) On his head was a pasteboard conical hat, painted over with flames and devils. The famous Doctor Agustin Cazalla, whose sermons had made thousands weep, had come to this sorry state; not because some of his ancestors were said to be Jews, still less because he was a believing Jew, for he was not, but because, as a member of the Catholic Church, he had tried to destroy it from within. Many people along the way probably looked on him as little short of a devil incarnate, while the friars kept reminding them that he was a human soul about to face his God, and in need of their prayers that he might with all his heart accept the sacrifice that Christ had made for him on the cross.

"After him came his brother, Francisco Vivero, another Catholic priest found guilty of betraying his office and his flock. This man is said to have uttered such horrible blasphemies that he had to be gagged along the way. Then came their sister, Doña Beatriz; then the Maestro Alonso Pérez, a priest of Palencia; then the...silversmith García, whose wife had brought about the arrest of them all; then Cristóbal del Campo; then another man who was bound and gagged, and people said with horror that he was the Bachelor Antonio Herrezuelo, who had refused to retract his heresies, and had uttered things too shocking to be heard; then Doña Catalina Ortega, widow of a captain; then the Licenciata Calahorra, *alcalde mayor* of the houses of the Bishop; then Catalina Roman, Isabel Estrada and Juana Velazquez; and finally, in this group, Gonzalo Baez, a Portuguese condemned not for Lutheranism but for judaizing. Of these persons, Herrezuelo alone was to be burned alive. All the others were to be strangled first, and burned dead. The house of Doña Leonor de Vivero, where they had discussed their plans to destroy Christian Spain, was to be razed to the ground, and the site strewn with salt.

"A second, less terrifying section of the melancholy parade now filed up to the platform. Here were sixteen men and women who had got off with lesser penalties, and therefore did not have to wear *sanbenitos* or caps decorated with flames or devils. The men walked bareheaded, and each woman was allowed to wear a piece of cloth over her hair and face to hide her shame. In this group were some notable personages. There was, for example, Don Pedro Sarmiento, *comendador* of the Order of Alcantara and a relative of the Admiral of Castile. He was deprived of his uniform and office and condemned to life imprisonment, wearing a *sanbenito* as long as he lived; he must hear Mass and a sermon every Sunday, and communicate at Christmas, Easter and Whitsuntide; never was he to use silk, gold, silver, horses or jewels—such were the rules of the Holy Office for serious offenders not judged worthy of death. His wife, Doña Mencia de Figueroa, who had been a lady of the royal palace, also was to spend her life in prison.

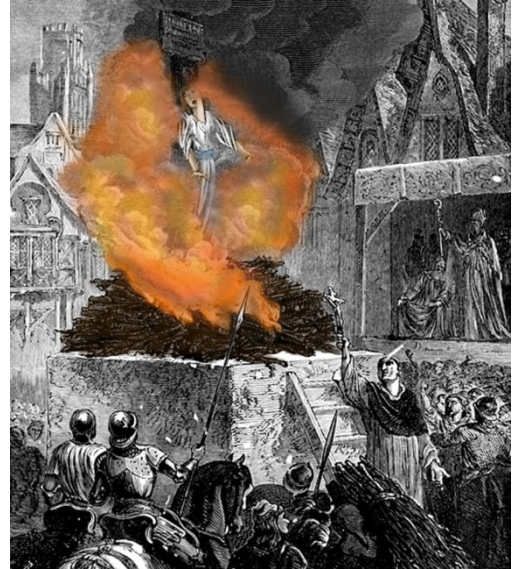
"There was also a very gay young aristocrat, the Marqués de Poza, whose sentence was to be exiled forever from the Court and deprived of all the honors of a *caballero*. Another prisoner in this group was a very beautiful girl, Doña Ana Enriquez, daughter of the Marqués of Alcanices. Her sentence was lighter still: she was to go to the platform wearing a *sanbenito* and carrying a candle; then she was to fast for three days, in her home; then she was to return in her penitential habit to the prison, and then go free. On hearing her sentence read, she fainted.

"When all were seated, there was a flourish of music down the street, and the murmur that the Court was coming. Presently appeared the Royal Guard on foot, opening a way through the crowd for the notables; then came the grandees of the Council of Castile, followed by the Constable and the Admiral, the Marquéses of Astorga and of Denia, the counts of Asorno, Nieva,

Módica, Saldaña, Monteagudo, Ribadeo and Andrade; the Duke of Lerma; Don García of Toledo; the Archbishops of Santiago and Sevilla and some bishops. Then, in two files, came some ladies in waiting of the Regent, all dressed in mourning, richly relieved with jewels. Following them walked the Marqués of Sarria, *mayordomo mayor* of the royal household, and that stately and holy Portuguese lady, Doña Leonor de Mascareñas, who had been a friend of the Empress Isabel and governess of young Philip II.

“Then came all the august trappings of the majesty of Castile: two *maceros* with gold-studded maces on their shoulders; four kings-at-arms wearing dalmatics of crimson velvet, embroidered before and behind with the royal arms; the Count of Buendia, with the great sword of justice, unsheathed, which was carried only before God’s anointed rulers; and immediately after, the Princess Juana herself, and her nephew Don Carlos.

The slender Regent wore that day a black skirt of rather coarse material, with a black mantle and toque of crape, and a little Russian jacket; white gloves, and in one of her dainty hands a black fan bordered with gold. Don Carlos, who was then about thirteen, with a great head and a small hump on his back, came limping along beside her (for one leg was slightly shorter than the other) and showing his sad yellowish face to the curious crowd—poor Don Carlos, son of double first-cousins, and born to live a short unhappy life. At that moment, however, it seemed possible he might be King of Spain, with all that implied; and observing eyes noted that he was dressed, like his aunt, in coarse mourning clothes—a black cape and jacket, with half hose of wool and velvet breeches, with a sword at his side. Behind the representatives of the absent King Philip came other members of the Royal Guard, on horseback, attended by the shrilling of fifes and the booming of drums.



A heretic burning at the stake

“When all were assembled and seated, a white-robed Dominican father mounted the pulpit and preached, according to one account, ‘with marvelous eloquence and energy,’ on a text taken from the warning words of Christ, ‘Beware of false prophets, who come to you in the clothing of sheep, but inwardly are ravening wolves. By their fruits you shall know them. Do men gather grapes of thorns, or figs of thistles? Even so every good tree bringeth forth good fruit, and the evil tree bringeth forth evil fruit. A good tree cannot bring forth evil fruit, neither can an evil tree bring forth good fruit. Every tree that bringeth not forth good fruit shall be cut down, and shall be cast into the fire. Wherefore by their fruits you shall know them. Not every one that saith to Me: Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of My Father who is in heaven, he shall enter into the kingdom of heaven.’<sup>18</sup>

“After the sermon came the real *auto de fe*, the act of faith on the part of princes, officials, people and penitents. All, from highest to lowest, presented themselves before the Inquisitor General Valdes, who held a jeweled cross of gold, the Inquisitor Vaca of Valladolid, who bore the Missal, and the secretary who held up the parchment with the ancient formula illuminated upon it. First of all the Princess and the Prince swore on the cross and the gospels that as Catholic rulers they would defend with all their power and their lives the Catholic Faith held by the Holy Apostolic Mother Church of Rome, and to the end that it might be preserved and

<sup>18</sup> Footnote 7, Chapter 7: “St. Matthew, VII: 15-21.”

increase, they would give all aid and favor to the Holy Inquisition and its ministers, that heretics, perturbers of the Christian religion which they professed, might be punished in accord with the apostolic decrees and sacred canons, without fear or favor, or the exception of any persons whatever. Finally, after all the notables had sworn, the parchment was read to the crowd, who were asked by an official if they were willing to swear, and who answered, in a thunderous shout that rumbled like the echo of a passionate sea through faraway streets,

*'Si, juramos!'*

“Then the sentences were read, beginning with Cazalla’s. The sixteen penitent *reos* were absolved by the Archbishop, who welcomed them back to the bosom of the Church, and they were taken back to their prisons to begin doing their penance. Immediately afterwards the fourteen who had been relaxed to the secular arm were taken in charge by the civil officials, and started, some on foot and some on mules, for the last tragic mile to the *Campo Grande de Marte*.<sup>19</sup> The *auto de fe* was finished.”<sup>20</sup>

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<sup>19</sup> Footnote 8, Chapter 7: “These and other details are to be found in a very vivid account by P. Gabriel, *La Santa de la Raza*, Vol. III, pp. 125-145. See also Menendez y Pelayo, *op. cit.*, lib. V.”

<sup>20</sup> *Characters of the Inquisition*, William Thomas Walsh, 1940, P.J. Kennedy & Sons, New York, 1940. Chapter 7, Some Sixteenth Century Victims, pp. 225-232.