

# JUAN ANTONIO LORENTE

*Excerpts from A Critical History of the Inquisition of Spain*

IN HIS OWN WORDS

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## **History of the Inquisition Chapter 1**

The Christian religion was scarcely established before heresies arose among its disciples. The Apostle St. Paul instructs Titus, the Bishop of Crete, in his duty towards heretics, saying, that a man who persists in his heresy, after the first and second admonition, shall be rejected but St. Paul does not say that the life of the heretic shall be taken and our Saviour, addressing St. Peter, commands that a sinner shall be forgiven, not only seven times, but seventy times seven, which infers that he ought never to be punished with death by a judgment of the church. Such was the doctrine of the church during the three first centuries, until the peace of Constantine. Heretics were never excommunicated until exhortation had been employed in vain...

### **From the Fourth to the Eighth Century...**

If the primitive system of the church towards heretics had been faithfully pursued, as it ought to have been, after the peace of Constantine, the tribunal of the Inquisition would never have existed, and, perhaps, the number and duration of heresies would have been less but the popes and bishops of the fourth century, profiting by the circumstance of the emperors having embraced Christianity, began to imitate, in a certain degree, the conduct which they had reprehended in the heathen priests.

These pontiffs, though respectable for the holiness of their lives, sometimes carried their zeal for the triumph of the Catholic faith, and the extirpation of heresy, to too great a height and to ensure success, engaged Constantine and his successors to establish civil laws against all heretics. This first step, which the popes and bishops had taken contrary to the doctrine of St. Paul, was the principle and origin of the Inquisition for when the custom of Punishing a heretic by corporeal pain, although he was a good subject, was once established, it became necessary to vary the punishments, to augment their number, to render them more or less severe, according to the character of each sovereign, and to regulate the manner of prosecuting the culprit. The Emperor Theodosius published, in 382, an edict against the Manicheans, decreeing that they should be punished with death, and their property confiscated for the use of the state, and commissioning the prefect to appoint inquisitors and spies to discover those who should conceal themselves. It is here that inquisition and accusation are first mentioned in relation to heresy, for until that time only those great crimes which attacked the safety of the empire were permitted to be publicly denounced. The successors of Theodosius modified these edicts, some of which menaced heretics with the prosecutions of the impartial judges, if they did not voluntarily abjure their errors. Notices were given to known heretics who did not abjure after the publication of the edicts, that if they were converted in a certain time, they would be admitted to a reconciliation, and would only suffer a canonical penance. When these conciliatory measures were unavailing, various punishments were adopted. Those doctors who, in contempt of the laws, promulgated their false opinions, were subjected to considerable fines, banishment from cities, and even transportation. In certain cases, their property was confiscated; in others they were obliged to pay a fine of ten pounds of gold, or they were scourged with leathern thongs, and sent to islands from whence they could not escape. Besides these punishments, they were forbidden to hold assemblies, and the offenders were liable to proscription, banishment, transportation, and even death in some cases. The execution of these decrees was intrusted to the governors of provinces, magistrates charged with the administration of justice, commanders of towns and their principal officers, who were all liable to various punishments in case of negligence. The establishment of most of these laws had been solicited by popes and bishops of known sanctity, and it must be allowed, that it was not their intention to carry those which decreed the punishment of death into execution they only desired to intimidate innovators by their publication. The church of Spain continued faithful to the general discipline,

under the authority of the Roman emperors. The Arian heresy was afterwards established among them under the Goths; but since their princes have embraced the Catholic faith, the laws and councils of Spain inform us of their treatment of heretics. The fourth Council of Toledo, assembled in 633, at which St. Isidore, Archbishop of Seville, assisted, was occupied with the Judaic heresy. It was decreed, with the consent of King Sisinand, that they should be at the disposal of the bishops, to be punished, and compelled by fear to return to Christianity a second time, they were to be deprived of their children, and their slaves set at liberty. In 655, the ninth Council of Toledo decreed, that baptized Jews should be obliged to celebrate the Christian festivals with their bishops, and that those who should refuse to conform to this discipline should be condemned either to the punishment of scourging, or abstinence, according to the age of the offender. We find that greater severity was shown towards those who returned from Christianity to idolatry. King Rccarede I. proposed to the third Council of Toledo, in 589, that the priests and civil judges should be commissioned to extirpate that species of heresy, by punishing the culprits in a degree proportioned to the crime, yet without employing capital punishment. These rigorous measures did not appear sufficient, and the twelfth Council of Toledo, in 681, at which King Erbigius assisted, decided that, if the offender was noble, he should be subject to excommunication and exile if he was a slave, he should be scourged and delivered to his master loaded with chains, and if the proprietor could not answer for him, that he should be placed at the disposal of the king.

In 693, the sixteenth Council of Toledo assembled in the presence of King Egica, added, to the measures already established, a law, by which all who opposed the efforts of the bishops and judges to destroy idolatry were condemned, if noble, to be excommunicated and pay a fine of three pounds of gold and if of a low condition, to receive a hundred strokes of a whip, and have half his property confiscated. Recesuinte, who reigned from 663 to 672, established a particular law against heretics; it deprived them indiscriminately of the wealth and dignities they might possess, if they were priests, and added to these punishments, perpetual banishment for laymen, if they persisted in heresy...