

# The Inquisition and the Renaissance

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ON 10 MAY 1291 A TURKISH HORDE stood before Acre, the last crusading stronghold. The siege had lasted for weeks and the Turks were about to attack. Suddenly, as the heavily outnumbered Christians were looking for ways of escape, a single knight took up his sword without consulting anyone else, rushed at the enemy, and was instantly cut to pieces. His exploit was retold in Paris a few months later, in a class run by the famous theologian Henry of Ghent, who raised the question, was the knight to be praised for his courage, or condemned for the reckless sacrifice of his life? Henry quoted this and that authority, but could think of no better answer than that, if all the knights had done the same, Acre might not have fallen.<sup>1</sup>

Why that story should occur to a medieval historian proposing to lecture on ‘The Inquisition and the Renaissance’ needs no explaining. Each of my two subjects on its own would be a lot for one historian to handle, and he would not be a medievalist. A whole shelf could easily be filled by volumes doing no more than list publications on the Inquisition,<sup>2</sup> while the Renaissance, with its various aspects—literature, art, and so on—could treble that. As for the medievalist, he normally ‘dies’ (with Louis XI) in 1483. The Spanish Inquisition was created in 1478, the Roman or Italian Inquisition in 1542, and both lasted in theory until 1834. The Renaissance may be an elastic period easily stretchable from Dante’s birth in 1265 to Galileo’s death in 1642. But its heartland is in what the French call the ‘longue’ sixteenth century (that is, with a bit at

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<sup>1</sup> Henricus de Gandavo, *Quodlibeta*, xv, q. 16; edn. of Venice, 1613, vol. 1, fols. 394v–398v.

<sup>2</sup> See below, nn. 4–7.

either end), emphatically not the Middle Ages. After all, is not that what the Renaissance was supposed to be about—burying the Middle Ages, with the Inquisition's being invented to stop that happening, and failing?

Let me explain first about the size of the literature, on both the Inquisition and the Renaissance. It reflects something even bigger about them, namely their importance in our historical understanding; and by 'our' I do not mean just academics, but everyone. For all of us, the Inquisition and Renaissance represent two poles, bad and good. The martyrology of modern European civilisation begins with Giordano Bruno, burned at the stake in 1600; when Garibaldi took Rome from the pope in 1870 he had a statue of Bruno put up where the pope could see it, and for years, the rallying-cry of Italian anti-clericals would be 'Long live Giordano Bruno!'.<sup>3</sup> The martyrology goes on, less improbably, with Galileo, who knew what awaited him if the worst had come to the worst; and there were others. Anglophones have also the testimony of their language. Our coroners hold 'inquests', governments, public 'enquiries'. Both words render the *inquisitio* of medieval Latin, whose lineal heir, 'inquisition', is blackballed from decent company. The word 'renaissance' has the opposite fortune. We all want one. Every century from the seventh to our own now claims a renaissance in some respect or other—not, be it noted, the vulgar 'rebirth', or even 'recrudescence' (though they mean almost the same thing).

So my two targets cannot be said to be unworthy of the attention of an over-intrepid knight. But why, you may ask, a *medieval* knight? That calls for a subtler explanation. In the 'long' sixteenth century, the nature and extent of our historical sources changed so radically—what with a multiplication of books after printing, and writers' use of a correspondingly 'reader-friendly' style—as to make medievalists and modernists into different kinds of animal. So the Renaissance and Reformation have largely had things their own way in interpreting the Middle Ages—witness, not least, that very term, not to mention a lot of others, like 'Gothic' and 'scholastic', all of them Renaissance neologisms. The caricature I gave a moment ago of the Renaissance as 'burying' the Middle Ages is itself a Renaissance product (as is the very term 'Renaissance'). These sixteenth-century events need examining from all points of view, not least by a medievalist, his eyes accustomed to the poor lighting of earlier centuries, his mind free of the preoccupations that crowded in on

<sup>3</sup> O. Chadwick, *A History of the Popes, 1830–1914* (Oxford, 1998), pp. 302–3, 402–4.

European powers after 1500, and therefore perhaps able, from a medieval perspective, to cast a flash of light on the two subjects of my title.

A flash of light is all I shall offer. But a flash can sometimes reveal a landscape, inviting exploration later, and I hope that may happen here. In case, in the course of my lecture, darkness should gather so heavily as to shroud even my flash of light, let me say at once what the landscape is that I hope it will reveal: that the Inquisition and the Renaissance, apparently antithetical, were actually two aspects of one phenomenon, the halting emergence, in the generations just before and after the year 1500, of a new entity, the territorial state.

A claim so counter-intuitive clearly calls for a lot of demonstration. Mine will fall into three main parts. In the first, introductory part I shall say what the Inquisition was, at least as it affected the sixteenth-century Renaissance; and that will be followed by two reflections on an element underlying the rest of my lecture, namely violence, *alias* killing people. My second part will be all medieval. I shall say a very short, very conventional word about the creation of the Inquisition, and then be unconventional: first, by making an excursion backwards to take stock of two all-important elements in the world on which the Inquisition impinged; and second, by seeing what had happened—had to happen, I shall argue—to the Inquisition once it had been invented. The third, final, section will look at certain states: France first, then a range of others, above all in Italy, above all in what we call the papal state.

Let me start, then, by saying what the sixteenth-century Italian Inquisition was.<sup>4</sup> ‘The Holy Office’ (to use its more official title), it was the re-creation, in 1542, by Pope Paul III Farnese, of the medieval heresy-Inquisition, which had been vigorous in some Italian cities in the thirteenth and fourteenth centuries, but had by the late fifteenth become moribund. Its revived form was called ‘Roman’ partly to distinguish it from the Spanish Inquisition—founded in 1478 on Spanish royal initiative, and already at work in Spanish-controlled southern areas of Italy—and partly because the new Inquisition was now strongly centralised on Rome. It was run by a small sub-committee of cardinals, sitting weekly,

<sup>4</sup> I mention here the most accessible introductions to the literature respectively on the medieval, Spanish, and Roman Inquisitions: B. Hamilton, *The Medieval Inquisition*. Foundations of Medieval History (London, 1981); H. Kamen, *The Spanish Inquisition. An historical revision* (London, 1997); J. Tedeschi, *The Prosecution of Heresy. Collected Studies on the Inquisition in Early Modern Italy*. Medieval and Renaissance Texts and Studies, 78 (Binghamton, NY, 1991). Further titles will be mentioned below as they occur. Writings on all aspects of the Inquisition can be found through the index-entries (‘Inquisitio’) to the bibliographies published annually in *Archivum Historiae Pontificiae* by the Gregorian University in Rome.

often in the pope's presence (thus by-passing the unwieldy college as a whole). For each Italian province (which might or might not share boundaries with the new states) the committee would appoint an inquisitor, whose authority overrode, theoretically, that of the local bishop, and was subject only to the recall of a case to Rome—at the committee's pleasure: there were no appeals. In practice, things were much less tidy. A strong-willed inquisitor could nevertheless be a powerful man: in the sixteenth century, four of them ended as popes.

Nearer ground level, the procedure of the Holy Office was mostly inherited.<sup>5</sup> A person suspected of heresy would be summoned for examination, without knowing who had accused him (to prevent the intimidation of witnesses). In some times and places—to indignant disapproval in others—names of suspects were obtained through sacramental confession despite the 'seal' that was meant to protect it. (In fact the seal was easily broken: absolution required contrition, and the priest could require you to prove contrition by promising *in* confession to produce *after* confession a list of associates.)<sup>6</sup> The suspect would then be examined, without an advocate or at best with one appointed by the court, and in some cases under torture. The sentence would follow, normally without appeal. The worst that could happen to the accused was to be burned alive. This was called being 'relaxed to the secular arm'. However rarely that might happen (between a half and two per cent of all sentences are high-ish estimates)<sup>7</sup> everyone knew it *could* happen, and sometimes through unex-

<sup>5</sup> H. C. Lea, *The Inquisition of the Middle Ages. Its Organization and Operation*, with an Historical Introduction by W. Ullmann (London, 1963); this is a reprint, with commentary, of chapters 8–14 of Lea's 3-volume *A History of the Inquisition of the Middle Ages* (New York and London, 1887). For the Holy Office see also, above all, J. Tedeschi, 'The organization and procedures of the Roman inquisition: a sketch', in Tedeschi, *Prosecution of Heresy*, pp. 127–203. Fundamental for the background in criminal procedure generally are A. Esmein, *A History of Continental Criminal Procedure, with special reference to France* (Boston, 1913), and J. H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France* (Cambridge, MA, 1974).

<sup>6</sup> A practice documented by E. Brambilla, *Alle origini del Sant'Uffizio. Penitenza, confessione e giustizia spirituale dal medioevo al XVI secolo*. Saggi, 525 (Bologna, 2000), 239–41, 480, 504, 505, 550; the same author's 'Il "foro della coscienza". La confessione come strumento di delazione', *Società e Storia*, 81, (1998), 591–608; and—with subtler contours—by A. Prosperi, 'L'inquisitore come confessore', in *Disciplina dell'anima, disciplina del corpo e disciplina della società tra medioevo ed età moderna*. Annali dell'Istituto Storico-italo-germanico. Quaderno, 40 (Bologna, 1994), 187–224. Prosperi mentions (200) a group of Sicilian ecclesiastics who fled to Naples to escape this practice, imposed on them (they protest indignantly) by the Spanish Inquisition. On the seal in general: A. Murray, 'Confession as a historical source', in R. H. C. Davis and J. M. Wallace-Hadrill (eds.), *The Writing of History in the Middle Ages. Essays presented to R. W. Southern* (Oxford, 1981), pp. 275–322, esp. pp. 281–5.

<sup>7</sup> W. M. Monter and J. Tedeschi, 'Towards a statistical profile of the Italian inquisitions, sixteenth to eighteenth centuries', in W. M. Monter (ed.), *Enforcing Morality in Early Modern*

pected procedural trap-doors like the changing of one's evidence, which counted as a 'relapse'. That kept everyone on their toes. Thanks to the overwhelming contribution of the Roman-law concept of *lèse majesté* in this procedure, the condemned man's property would then be confiscated and his descendants for two generations barred from public office—although these and other details varied according to the interests and policies of different operators (cities, for instance, had their own views on confiscation). To add to it all, you could if necessary also be condemned posthumously, and your remains burned, with those last-mentioned consequences for your heirs.

In an age heavy with jurisprudence the authorities normally fell over backwards to ensure that the procedure was 'just', more than in most secular courts, by the rigorous critique of evidence, moderation of torture and of prison and other sentences. The system remained, for all that, the very embodiment of top-down authority, aiming at the discipline not so much of action as of thought, and with an ultimate sanction—the main reason it was feared—of burning its victim alive. Before trying to reassess the Inquisition in other respects it may be useful to reflect on the context of this burning, that is, on violence in general.

Johann Huizinga, author of the classic study of the fifteenth-century Netherlands, *The Waning of the Middle Ages*,<sup>8</sup> was a Sanskritist by training, and came to medieval chronicles with sensitivities undulled by familiarity with their atrocities, which may be why he devoted his first chapter to what he called 'The Violent Tenor of Life'. Read it if you do not know it. It is revolting. Its cruelties, private and public, premeditated and otherwise, leave nothing to recent events in Iraq. I always knew about this in the Middle Ages. But to make sure that 1483 brought no big change I read Nicolas Versoris' Paris journal of 1519–30, and counted twenty-eight executions, including multiple ones where 'many were hanged or burned' in one day (in one case 'because the prisons were full'), together with at least ten other burnings, sometimes after the victim had been half-hanged first. Other refinements included the amputation of hands before hanging or being 'dragged'. Most executions were for normal criminal offences like murder, rape, and/or robbery, the extras (like burning) being added when there was something especially heinous, like gang-rape. Two of the twenty-eight cases were of so-called Lutherans, one of them being

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*Europe* (London, 1987), pp. 130–57, esp. 142–3; reprinted in Tedeschi, *Prosecution of Heresy*, pp. 89–126, esp. 103–4.

<sup>8</sup> Trans. F. Hopman, (London, 1924; and Harmondsworth, 1955), pp. 9–30.

burned *with his books*.<sup>9</sup> Then, to see if Rome was any different, I did the same with Montaigne's Italian journal of 1581. Montaigne (who was a judge at home) hated executions, so there are fewer of them. But he walked straight into one of a notorious robber, whose public, ritualistic beheading he described at length.<sup>10</sup> And his secretary, who kept part of the journal, had a positively 'tabloid' mind. I looked for executions of heretics, but the nearest I could find (and it is not very near) was the burning of eight members of a gay-marriage sect.<sup>11</sup> Otherwise, the secretary beats even Versoris with a detailed account of the torturing-to-death of two brothers who had murdered their master—disloyalty, clearly, being a crime right out there on its own.<sup>12</sup>

But the Inquisition was meant to be Christian, devoted to a God who had himself been tortured to death with the connivance of religious authorities. How do we square that circle? History is in fact full of examples of individuals and movements which begin with conspicuously peaceable ideals and end by accepting some degree of violence, and Christianity is notable among these. The Gospel says that when Christ was arrested, Peter raised his sword, but was told by Christ to put it away (John, 18:10–11). Christ's words on that occasion send a clear message, which some have said is either the heart of Christianity or very near it. Others—historians are pitiless—have to observe that the apostle was carrying a weapon which would have had him arrested in modern London, for fear of what he might do with it. 'Authority has a waxen nose.' In Christianity's first three hundred years no one dreamt of using Gospel authority in aid of swords, if only because the main Christian contact with violence was to suffer from it, and by doing so, leave to the medieval Church the granite bedrock of its saint-cult, in the martyrs. Then, c.312, the Empire became Christian. It fell to Saint Augustine, later in the same century, to clarify what Christianity might teach when, instead of being the religion of a sect of enthusiasts, it was applied to millions, including rulers with the problems inseparable from the running

<sup>9</sup> *Le Journal d'un modeste bourgeois parisien (1519–1530)*, ed. Ph. Joutard, under the title *Journal d'un bourgeois de Paris sous François I* (Paris, 1963). Burnings: §§149, 151, 169, 295, 299, 300, 317, 321\*, 326, 396\*, 404, 421. Beheading: §§177, 312, 317, 343, 399. Hanging: §§ 182, 284, 317, 328, 351, 358, 384, 392. Mixed punishments: §§ 265\*, 368, 383, 422. Cases marked \* involve heresy. A preacher of Lutheran doctrines is sentenced to 'perpetual imprisonment' in §292.

<sup>10</sup> M. de Montaigne, *Journal de Voyage en Italie*, in A. Thibaudet and M. Rat (eds.), *Oeuvres Complètes* (Paris, 1962), pp. 1101–1342, and notes on 1678–1718. Catena the robber: 1120–1 (11 Jan. 1581).

<sup>11</sup> Montaigne, *Journal*, 1227–8 (18 March 1581).

<sup>12</sup> Montaigne, *Journal*, 1221 (14 Jan. 1581).

of states. After anguished hesitation, Augustine came up with the two doctrines of the ‘just war’, and of *coge intrare* (‘compel them to come in’, from Luke, 14:23), which licensed the Emperor respectively to fight wars and to persecute heretics. That message, too, would pass with the martyrs into the bedrock of the medieval Church, where it served to justify a lot of sword-wielding by Christians.<sup>13</sup>

Or by some of them. That these licences to kill were a *pis aller* was reflected in the law that clergy, from the Greek *klerikos* (elite), could not themselves kill. What Augustine had allowed them was to tell other people to do so. Hypocrisy this may be; but an unwilling tribute to virtue (which hypocrisy is), may be better than none at all and this tribute, at least, was stubbornly maintained, if at times with subterfuges—like Bishop Odo of Bayeux’s celebrated use of a club at the battle of Hastings (because the law said a bishop could not bear a sword), or the practice by which an ecclesiastic on a secular law court would walk out of the court room when a death sentence was passed. The ban on clerical violence can sometimes look indistinguishable from a pollution taboo. Everyone had those. Executioners, who did butcher living victims, were in many places banned from physically touching the persons of the citizens in whose name they acted.<sup>14</sup>

Christian doctrinal authorities accepted violence after hesitation, and always with reservations, engendering strict sets of rules. The same applies to the Inquisition’s own violence. In 1077 a man had been reported to the bishop of Cambrai for trying to organise a boycott of incontinent priests. The bishop summoned him for questioning and put him in jail during the lunch break. A crowd broke into the jail, took the man out and burned him alive. Pope Gregory VII, hearing of the incident, was horrified at the ‘cruelty’ (his word) and ordered an urgent enquiry.<sup>15</sup> By the early thirteenth

<sup>13</sup> Cf. R. A. Markus, ‘The Latin Fathers’, in J. H. Burns (ed.), *The Cambridge History of Medieval Political Thought, c.350–c.1450* (Cambridge, 1998), pp. 92–122, at 113–15 (‘Religious coercion’), and 115–16 (‘The just war’).

<sup>14</sup> J. N. Hillgarth, *The Spanish Kingdoms*, 1 (Oxford, 1976), 77; J. Huizinga, *The Autumn of the Middle Ages*, trans. R. J. Payton and U. Mammitzsch (Chicago, 1996), p. 50. Duke John the Fearless had an executioner put to death after the duke has accidentally touched his hand. This anecdote is omitted from Hopner’s more widely used but abbreviated translation of Huizinga’s *Herfstij der Middeleeuwen* (1919) (see above, n. 8; cf. p. 46 there); F. Irslinger and A. Lassotta, *Bettler und Gaukler, Dirnen und Henker. Aussenseiter in einer mittelalterlichen Stadt. Köln, 1300–1600* (Munich, 1989), pp. 228–30—with a faint note of scepticism belied by the foregoing examples.

<sup>15</sup> *Registrum*, iv, ep. 20; E. Caspar (ed.), *Mon. Germ. Hist., Epistolae selectae separatim editae*, 2nd edn. (Berlin, 1955), 328.22–34, at lines 28–30: ‘si eos ad tantam crudelitatem impias manus suas extendisse cognoveris . . .’.

century the climate had changed; and when the Emperor Frederick II formally decreed death by burning for heretics—perhaps to buy papal favour on other matters—the popes—hesitation again just detectable in the dating of their bulls—agreed.<sup>16</sup> By mid-century, after city rioters had occasionally tried to *rescue* prisoners, preachers can be heard explaining publicly why burning heretics is actually a good thing ('they should be punished, bitterly and publicly').<sup>17</sup>

The Inquisition's torture had a comparably hesitant history. In 866 Pope Nicholas I was asked by his missionaries in Bulgaria whether they should allow judicial torture (that is, torture used to get evidence rather than just to be unpleasant). He said no, because torture was both barbarous and useless.<sup>18</sup> In the early thirteenth century, Continental secular criminal courts were beginning to use torture: partly because they had been left without a system of proof when the ordeal was banned by the Fourth Lateran Council in 1215,<sup>19</sup> and partly because Roman law, then enjoying a revival, assumed that slaves would not tell the truth unless pain was inflicted. So from the 1230s criminal law in France began inflicting it; and when Innocent IV introduced torture into the inquisitorial armoury in 1252 he expressly alluded, as if in justification, to its contemporary use in criminal proceedings.<sup>20</sup> He and later popes enshrined their misgivings

<sup>16</sup> H. Maisonnevve, *Études sur les origines de l'Inquisition*, 2nd edn. (Paris, 1960), pp. 243–50.

<sup>17</sup> Humbertus de Romanis, *De modo prompte cudendi sermones*, tract 2, cap. 62; in M. de la Bigne, *Maxima Bibliotheca Veterum Patrum* (Lyons, 1677), vol. 25, col. 555C: 'In condemnatione haereticorum quando sententia fertur contra eos solent publice homines convocari et quia sunt multi qui quadam falsa pietate moventur circa eos, et iudicant Ecclesiam de nimia crudelitate circa illos, expedit in sermone publice ostendere, quare Ecclesia de haereticis plusquam de aliis peccatoribus diligentius inquirat, et quare gravius istos punit, et quare eos difficilius ad poenitentiam recipit . . . [E] Item publice, quia coram omnibus hoc faciunt. Sic autem omnes acerbe et publice puniuntur, et omni animae incuteretur timor similia perpetrandi.' A riot: E. Dupré-Théseider, 'L'eresia a Bologna nei tempi di Dante', in idem, *Mondo cittadino e movimenti ereticali nel medio evo. Saggi*. (Bologna, 1978), pp. 261–315.

<sup>18</sup> *Mon. Germ. Hist., Epist.*, 6 (= *Epist. Karolini Aevi*, 4), 568–600; 595.26–29 (§99): 'Si fur vel latro deprehensus fuerit et negaverit quod ei impingitur, asseritis apud vos, quod iudex caput eius verberibus tundat et aliis stimulis ferreis, donec veritatem depromat, ipsius latera pungat. Quam rem nec divina lex nec humana prorsus admittit . . .'

<sup>19</sup> R. van Caenegem, 'La preuve dans le droit du moyen âge occidental. Rapport de synthèse', in *La preuve*, 2. Recueils de la société Jean Bodin, 17 (Brussels, 1965), 691–753 (maps, 430–1).

<sup>20</sup> J. D. Mansi, *Concilia*, 23 (Venice, 1779), 569: 'Teneatur praeterea Potestas seu Rector omnes haereticos quos captos habuerit cogere, citra membri diminutionem et mortis periculum, tamquam vere latrones et homicidas animarum, et fures sacramentorum Dei et fidei christinae, errores suos expresse fateri et accusare alios haereticos quos sciunt, et bona eorum, et credentes, et receptatores et defensores eorum, sicut coguntur fures et latrones bonorum temporalium accusare suos complices et fateri maleficia quae fecerunt' (my emphasis). On antecedents in Uguccio and Ulpian: Maisonnevve, *Études*, pp. 309–18; and on Innocent III's misgivings: Van Caenegem, 'La preuve' (see above, n. 19), 739 n. 4.



in rules that inquisitors could only use a special, clergy-oriented, *moderate* torturer, and could only use torture once per case—a rule which, like most of them, could be circumvented, by calling a second round of torture a continuation of the first. When the French crown used the Inquisition to suppress the Knights Templar in 1314, their Grand Master, Jacques de Molai, said before dying at the stake that he would have confessed to killing God to avoid the tortures inflicted on him.

A lot more could be, and has been, said on medieval violence in general and on its measured authorisation by the Church. But it is time to become purely medieval, and look, first, at the creation of the medieval Inquisition, supposedly in 1231. I say ‘supposedly’, because the procedure known immemorially as *inquisitio*, from which the heresy Inquisition took its name, was a normal Roman law procedure, if one much elaborated by early medieval canon lawyers.<sup>21</sup> It was a procedure which allowed authority to conduct and conclude an investigation, as distinct from waiting for someone to bring an *accusatio*. *Inquisitio* is in fact the procedure used by a school headmaster who hears a boy has been smoking cigarettes (or cannabis): he calls the suspect in, asks him questions, decides if the charge is true and, if so, what measures to apply. (The Human Rights Act may have changed this, but it worked when I was at school.) An early medieval bishop could ‘inquisit’ in this way about anything—illicit girlfriends, peculation, anything; and that included heresy when it joined the bishops’ list of headaches after the millennium. That lunch-eating bishop of Cambrai was about to ‘inquisit’ the jailed preacher. By the end of the twelfth century bishops were regularly inquisiting heresy cases, whence their increasing interest in ‘the secular arm’. But the headache got worse, and developed into what we call the Albigensian crusade of 1209, when a few hundred knights from northern France conquered the Languedoc, killing such supposed heretics as they could lay hands on.

From a theological point of view the Albigensians represented the most serious heresy the medieval Church had to face, dualism: the idea that God—the good spiritual god, that is, as distinct from the bad material god—had not created the world, nor thought it good, nor taken the trouble (when man had messed it up) to come down and save it, nor gone on caring for it afterwards. No one has finally decided just how big a part this essentially non-Christian doctrine played in the Albigensian movement, many of whose members were mere anti-clerical Christians (a kind of proto-protestants). But the dualism played some part, and it was the

<sup>21</sup> Langbein, *Prosecuting Crime* (see above, n. 5), pp. 133–8.

part that had finally roused the authorities to intervene. When the worst was over, the political powers which survived the Albigensian crusade made a peace settlement for the Languedoc in 1229, which allowed the crown in Paris to start the slow process of absorbing the Languedoc into its kingdom. The Church, for its part, sought to do the same for Catholic Christianity. Part of the problem had been that there were no bishops to speak of in the Languedoc, Toulouse, the main one, being in chronic debt. Later popes would sprinkle the area with new bishoprics. But in 1229, the area was short of bishops, so there could be no episcopal *inquisitio* to match the seething dissent everyone knew was under the surface. Gregory IX, heir to this supposedly 'mission accomplished' war, therefore created an *inquisitio* of his own, in 1231, and to make it work, two years later entrusted its exercise to the brand-new Order of Preachers, known already for precocity in theology and religious discipline. After a slow start, chequered by guerilla warfare, the Dominicans got to work, and, in the course of the next eighty-or-so years, succeeded in wiping out most of the heretics, the rest fleeing to Italy.

Everything I have just said can be read in any history of the Albigensian crusade or of the medieval Inquisition. At least I hope so.<sup>22</sup> From now on, we shall have to make our own way. So let us follow logic. The heresy Inquisition was invented for a specific cleaning-up operation, with two purposes: to introduce legal procedure into what had previously often resembled lynch law (as in the notorious massacres of Béziers in 1209 and Montségur in 1244); and to ferret from hiding the radical clerics who inspired the movement, the *perfecti*. In eighty or ninety years it achieved those purposes. Emmanuel Le Roy Ladurie's famous book *Montaillou* is based on an inquisitorial register made in 1319–24 (the area had a new bishop by then and he had taken back the inquisitorial function).<sup>23</sup> *Montaillou* readers will remember, besides the amazing beliefs the inquisitor discovered on all sorts of subjects, also that his main quarry was just two dualist *perfecti*, the Autier brothers. And he got them. By 1324, that is to say, the job for which the Inquisition had been created was all but done.

*Montaillou* readers will have noticed something else, especially if they have gone back to its source, Bishop Fournier's register (now available in print, in three volumes):<sup>24</sup> namely, the quality of the inquisitorial record,

<sup>22</sup> Outline and guide to literature: M. Lambert, *Medieval Heresy. Popular Movements from the Gregorian Reform to the Reformation*, 3rd edn. (Oxford, 2002), pp. 97–157.

<sup>23</sup> *Montaillou, village occitan, de 1294 à 1324* (Paris, 1975).

<sup>24</sup> J. Duvernoy (ed.), *Le Registre d'Inquisition de Jacques Fournier, évêque de Pamiers (1318–1325)*, 3 vols. (Toulouse, 1965). A fascicule of *Corrections* (1972) is available from the same publisher (Privat).

its scrupulous recording of witnesses' statements, with dates, names, ages, and other details—a quality reassuringly reminiscent of that other type of truth-finding tribunal, perfecting its procedures at roughly the same period and again staffed usually by friars, namely the tribunal which examined accounts of miracles in the run-up to a canonisation.<sup>25</sup> By the 1320s, in other words, the Inquisition had become the most streamlined, best-trained, scrupulous first-instance law-court in Christendom—its quality matched in France only by the appeal courts in the Paris Parlement, rising similarly in these same generations.

The new heresy Inquisition, then, had been created to do a job, which it had done; and in doing so it had perfected its procedures. And there it was. It was like a rat-catcher who has perfected his trade, and in doing so caught all the rats. We are engaged in an exercise in logic. It does not take much logic to see that this was bad news for mice. Or for some mice. Calculations from the work load of sixteenth-century inquisitors suggest that an inquisitor could handle about thirty cases per annum.<sup>26</sup> There were far too many supposed Christians—the European population was perhaps some seventy million just then—to be handled at that rate. To save any beating about the bush let me now make a bold statement: in the fourteenth century (and fifteenth for that matter) everybody in Christendom was, in someone's eyes, by some definition, potentially or actually, a heretic, or had views which only needed obstinacy (or obstinacy in someone's eyes) to become so.

Let us start at the top. We can all think of one saint later canonised, who was burned as a heretic, on the advice of Paris theologians, namely Joan of Arc. Other saints later canonised underwent press campaigns as 'heretics' in their lifetimes, like Bernardino of Siena, and Vincent Ferrer; while the author of a book so highly extolled by Pope Eugenius IV that she might well have been beatified if she had lived nearer to his time, had in fact been burned as a heretic a century before.<sup>27</sup> As for late medieval popes themselves, two of them had charges of heresy launched against them (Boniface VIII, John XXII), and a third, the Avignon antipope Benedict XIII, was told by critics that by persisting in schism he implicitly denied the doctrine of the unity of the Church, and was therefore a

<sup>25</sup> Orientation: A. Vauchez, *La sainteté en occident aux derniers siècles du moyen âge, d'après les procès de canonisation et les documents hagiographiques* (Rome, 1981).

<sup>26</sup> G. Parker, 'Some recent work on the Inquisitions in Spain and Italy', *Journal of Modern History*, 54 (1982), 519–32, at 528.

<sup>27</sup> A turnaround (on Margaret Porrete, †1310) explained by Brambilla, *Alle origini del Sant'Uffizio* (see above, n. 6), 214.

heretic. Popes could be deposed only for heresy, so their position was special. But by saying everyone was a heretic I mean everyone. I sweat as I make that claim. But I am not the first to make it, though perhaps the first for seven hundred years. Hear the Dominican, Fra Giordano of Rivalto, preaching in the vernacular in Florence in 1305:

Who now believes in the blessings of paradise? Who cares about them? People do not care about them at all. They do not know what they are. Today the whole world is full of this sin. . . . They feel no fear of the threats and pains of Hell [because] they simply do not believe in them, . . . or place hope in any other life than the present.<sup>28</sup>

Florence was Florence, you will say. It was the city then just vacated in haste by Dante, whose views can be read in the *Inferno*. Dante had a circle for heretics. You would think he had enough to choose from, from the long list of sects in histories of ‘Medieval Heresy and the Inquisition’. Dante chooses none of them, but puts in *Inferno X* a ‘sect’ most of us have never heard of but which one authoritative fourteenth-century commentator said Dante chose because it ‘seemed to have more followers than any other,’ namely the ‘Epicureans’, who, all the commentators explain, are those who believe in no other life than the present and (half the commentators add) in no God either.<sup>29</sup> The late Beryl Smalley would have corroborated Fra Giordano. She began compiling a dossier of late medieval references to what she called ‘tavern unbelief’ but stopped, because there were too many examples, of people (that is) saying religiously careless or godless things. Many is not all, you will say. But let me reply, that they did not even have to *say* it. Around 1350 a Paris theologian, browsing through the vast *oeuvre* of Saint Augustine, found the saint saying that to persist in mortal sin once you have been told that that is what it is, is by implication heresy.<sup>30</sup> Pity the poor prostitutes and thieves. Pity the bankers, for that matter (until the Florentines got the law changed).

<sup>28</sup> Florence, Bibl. Naz., MS xxxv, 222, fol. 158v: ‘Or mi di, quanti cia di questi infideli? Chi crede oggi i beni invisibili, i beni di paradiso, chissine cura? Non si ne curan le genti. Non sanno che se . . . Ma oggi ne pieno tutto il mondo di questo peccato’; fol. 59v: ‘oggi, sicuri delle minacce e delle pene dininferno, nullo non credono’. These and similar passages are printed in my ‘Piety and Impiety in Thirteenth-Century Italy’, in C. J. Cuming and D. Baker (eds.), *Popular Belief and Practice*. Studies in Church History, 8 (Cambridge, 1972), pp. 83–106, on pp. 100–2.

<sup>29</sup> These and other references are given in my ‘The Epicureans’, in P. Boitani and A. Torti (eds.), *Intellectuals and Writers in Fourteenth-Century Europe*, the J. A. W. Bennett Memorial Lectures, Perugia, 1984 (Tübingen and Cambridge, 1985), pp. 138–63.

<sup>30</sup> L. Buisson, *Potestas et Caritas: die päpstliche Gewalt im Spätmittelalter*. Forschungen zur kirchlichen Rechtsgeschichte und zum Kirchenrecht, 2 (Cologne and Freiburg, 1958), 182–95, esp. 187.

I have left out the learned clergy, and notably the theologians, whose task was to define what heresy was. So let us look at the theologians more closely. Jaroslav Pelikan's big history of dogma devotes a chapter to 'doctrinal pluralism'. It sets out, rather as Abelard's *Sic et non* had done, theologians' disagreements on a whole range of points in theology, important points—not excluding (on some interpretations) justification by faith.<sup>31</sup> Late medieval theology would not have been the powerhouse it was unless these disagreements had been normal. Its exponents were protected both by the formality of academic procedures, and by an *esprit de corps* which united them when throwing stones at outsiders—be they popes or peasants—but allowed differences when talking domestically.<sup>32</sup> Religious orders might have their own private discipline. It was unwise, for instance, for an early fourteenth-century Dominican to dissent from Aquinas.<sup>33</sup> Back in 1277 a bishop of Paris had called its scholars to order to staunch, especially, an intellectual version of that Albigensian dualism; and his intervention was remembered. Otherwise theologians just debated away, differing from each other on scores of details, only ready, always, to close ranks with a *communis opinio* when outsiders challenged them to produce one.

The Inquisition, then, had become a judicial weapon of unique sharpness whose original purpose, of condemning heretics *qua* heretics, had become confused. People still thought that was its purpose. But it was a purpose it could not serve, because there were far, far too many heretics. It follows that other considerations had to enter the choice of defendant, considerations related—necessarily, because there was no other source for them—to the personal and political priorities of those who could control the court. Let us now look at the evidence.

I shall start this time at the bottom, and explain that the job of inquisitor was commonly given to a mendicant convent, as such, and a

<sup>31</sup> J. Pelikan, *The Christian Tradition: A History of the Development of Doctrine, 4: Reformation of Church and Dogma* (Chicago and London, 1984), pp. 10–68. A. McGrath, *The Intellectual Origins of the European Reformation* (Oxford, 1987), pp. 21–2, 28–31.

<sup>32</sup> A function explained by R. W. Southern, *Scholastic Humanism and the Unification of Europe*, Vol. 1: *The Foundations* (Oxford, 1995), 144–7, 190–5. Fourteenth-century views on the theologians' independence are the subject of A. E. Bernstein, 'Magisterium and license: corporate autonomy against papal authority in the medieval university of Paris', *Viator*, 9 (1978), 291–307, and S. Menache, 'La naissance d'une nouvelle source d'autorité: l'université de Paris,' *Revue historique*, 268 (1982), 305–27, citing further literature.

<sup>33</sup> As learned painfully by the subject of I. Iribarren, *Durandus of St Pourçain. A Dominican theologian in the shadow of Aquinas* (Oxford, 2005). I thank Dr Iribarren for allowing me to read her text before publication.

prior had to make an appointment. There is reason to think the job was unpopular, a 'hot potato', as well it might be after Peter Martyr's assassination in 1252, to mention no others.<sup>34</sup> A conscientious inquisitor like the famous Bernard Gui would be praised by his biographer as devout, merciful, chaste, *et cetera*, and 'a most zealous inquisitor'. There might not be an over-supply of these, so less piously motivated brethren would take the job on. One such was the Franciscan Fra Mino of San Miniato, Tuscan inquisitor in 1333.<sup>35</sup> With the help of his clerk he would spot a rich man, discover something imprudent he had said, and launch proceedings. The rich man's secretary would knock on the inquisitor's door next day and protest his master's astonished innocence. Mino would hear the protest benignly and regret only that it was difficult to stop proceedings once begun; difficult, and therefore expensive. Local rumour soon caught up with Fra Mino: when his niece was sumptuously married in Siena the children cried 'Look, look at the inquisitor's fine horse!' More slowly, Avignon caught up with him too, but only because he had made the mistake of not sending Avignon its share of the proceeds. Boccaccio spoke of such inquisitor-blackmailers, and this time we know he was not just inventing. Historians of the two mendicant orders involved have uncovered similar protection-rackets operating in Tuscany and the Veneto, and briefly in the March of Ancona, at various times in the fourteenth century.<sup>36</sup>

Those cases are worth our attention because they give a pure illustration of the vulnerability of the Inquisition to factors irrelevant to heresy. If everyone makes careless remarks, other considerations than heresy are needed to stir up a prosecution. Blackmail is only one such consideration. Others, a step up from it, are those of 'micro-politics'. Some of Dante's Epicureans can be traced through inquisitorial sources, and it is clear,

<sup>34</sup> Reluctance to serve: Y. Dossat, *Les crises de l'inquisition toulousaine au xiiième siècle (1233–1273)* (Bordeaux, 1959), pp. 202–4; Tedeschi, 'Organization and procedures' (see above, n. 5), 140.

<sup>35</sup> Fra Mino's career is set in a general survey of the early fourteenth-century Florentine Inquisition by G. Biscaro, 'Inquisizione ed eretici in Firenze (1319–1344)', *Studi Medioevali*, ns 2 (1929), 346–75 (= pt. i); vol. 3 (1930), 266–87 (= pt. ii); vol. 6 (1933), 161–207 (= pt. iii). Mino is in pt. iii. I discuss his case in my 'The Medieval Inquisition: an instrument of secular politics?', *Peritia*, 5 (1986), 161–200, on 166–76.

<sup>36</sup> P. Mariano da Alatri, 'Inquisitori veneti del duecento', *Collectanea Franciscana*, 30 (1960), 398–452; and 'Un processo dell' inverno 1346–1347 contro gli inquisitori delle Marche', in the same author's *Eretici e inquisitori in Italia. Studi e documenti*. 2 vols. (Rome, 1986, 1987); 2. 77–107; cf. his 'Una sentenza assolutoria dell'anno 1347 per l'inquisitore Giovanni di Spello', *ibid.*, 2. 109–16. A less sceptical picture is that in Dupré-Theseider, 'L'eresia a Bologna' (see above, n. 17).

when they are, that the prosecution has always, always, been brought because the accused has made an enemy who has alerted the Inquisition.<sup>37</sup> The same goes for many cases with a higher public profile. A good example here is the prosecution of a prévost of Paris in 1380–1, Hugues Aubriot.<sup>38</sup> The zero-tolerance policy of this police-chief endeared him to many Parisians. But it did not endear him to the university, whom he loathed, and vice versa. In 1380, at the funeral of King Charles V (who had backed Aubriot) there was a squabble about precedence, in which Aubriot's police physically attacked the professors, forcing them to jump into the Seine to escape. Nor did they get satisfaction when they complained next day. But Aubriot had pressed the professors too far. For some years, he had on occasion been heard using somewhat freethinking language, for instance, when arresting someone in a church while Mass was being celebrated. He had also—how he must have rued it later—made free with the wives of certain Parisian citizens. So all the disgruntled academics had to do now was to send a message to the Dominican convent at Saint-Jacques, home of the inquisitor (who belonged to the theology faculty anyway), and then to the bishop, who had his own grounds for resenting Aubriot. And in no time at all Aubriot's ducal protectors were gaping in stupefaction as their high-ranking protégé was led out to ritual humiliation in front of a large crowd in front of Notre Dame, and sentenced—the court was merciful—to life imprisonment. Some of the victim's riotous supporters did him the disservice of rescuing him from jail, and Aubriot, knowing only too well what the rules were—that escape would constitute 'relapse', and involve burning—escaped by night and made his way solo and secretly to Avignon where he got a papal pardon. Sir Walter Scott should have found the story. Its meaning for us, meanwhile, is that, for all his careless remarks and sexual misconduct, Aubriot would have died respectably and posterity know nothing about it, if he had not offended an institution with the Inquisition at its elbow.

These little snatches have, I hope, made their point: that an activation of the Inquisition depended on other forces than the presence of heresy. Let me be clear: I do not for a moment deny that there is such a thing as heresy, or that heresy of some sort was usually present in these cases. But other factors than heresy were needed if the machinery of persecution was to be set in motion, factors are to be sought for in the interests and

<sup>37</sup> Shown in my 'Epicureans' (see above, n. 29).

<sup>38</sup> The story is told *in extenso* in my 'Beware of universities. A cautionary tale from late fourteenth-century Paris', in S. Hayes-Healy (ed.), *Medieval Paradigms: Essays in Honor of Jeremy duQuesnay Adams*, 2 vols. (New York, 2005), 1. 29–54.

ideas of those with power. To find who those might be, let me recall what I said earlier about the clergy and violence. The clergy could not use violence themselves but could call on *other people* to use it. Getting other people to do violence on one's own behalf usually puts those other people in a powerful position, not to be wasted. It is time to see who these other people might have been.

It will be useful at this point to leave our luggage here in the fourteenth century and make a quick excursion back to the earlier Middle Ages, and first, to the six centuries before the year 1000, when the barbarians were converted to Christianity. We have only a hazy idea of what this entailed. But one feature stands out: the boost Christianity gave to national identity. Bede's *Ecclesiastical History* did not actually invent the English, out of the dozen or more identifiable groupings who had migrated from Germany; but the churchmen whom Bede wrote about (like Archbishop Theodore), and those who read what he wrote, combined to have that effect, especially if these latter had Bede's *History* read aloud in vernacular translation, as Alfred did when rallying the English against their cousins the Danes.<sup>39</sup> With the Franks the process worked the other way round. A relatively small tribe of immigrants, by adopting Catholic rather than Arian Christianity, were able to fuse both genetically and socially with natives of Gaul—who long fooled historians by adopting Frankish names—to create, by the eighth century, a nation self-consciously both Frankish and Christian.<sup>40</sup>

The barbarians chose Christianity for two reasons. It consecrated ordered society, with its wealth-producing agriculture, trade, justice, and (not least) its royal authority. Second, with the aid of even the smallest of literate elites, it expanded horizons. Those relics of Roman martyrs, each with its legend, which flowed steadily northwards in these centuries, formed so many telephone wires linking hitherto isolated forest settlements to a universe they had not dreamed of: to a history going back to

<sup>39</sup> H. E. J. Cowdrey, 'Bede and the "English People"', *Journal of Religious History*, 11 (1981), 501–23. In the large literature on this subject attention may be drawn also to N. Bainton, 'Monastic reform and the unification of England', *Studies in Church History*, 18 (1982), 71–85.

<sup>40</sup> E. Ewig, 'Volkstum und Volksbewußtsein in Frankenreich im siebten Jahrhundert', in *Caratteri del secolo vii in occidente*, Settimane di Studio del Centro Italiano di Studi sull'Alto Medioevo, 5 (Spoleto, 1958), 587–648 (explaining, for instance, on 614–20, how the word *barbarus* began to mean 'pagan' from the seventh century). Mingling of races to form 'Franks': R. Wenskus, *Stammesbildung un Verfassung. Das Werden der frühmittelalterlichen Gentes* (Cologne and Graz, 1961), pp. 512–41. The religious theme in national identity is dominant in C. Beaune, *Naissance de la nation France* (Paris, 1985), especially but not exclusively in the long second section (pp. 77–229), 'La France et Dieu'.



Adam and Julius Caesar, to a geography centred on Rome, far beyond the flat-earth imagination of *Beowulf*. In return, Christianity made no impossible demands. A Bible which kept its Old Testament allowed these new nations a modicum of corporate aggression, by the simple expedient—employed by both the English and the Franks, and destined to serve some nations long after the Middle Ages—of identifying one's own nation with God's Chosen People.

That is the first part of our excursion. It will help, in a moment, to explain one side of our equation, the desire of rulers for religious uniformity. The second part follows the year 1000, and will explain the other, all those 'renaissances'. To choose a date with more material significance, we can start it in 1059, when the Hildebrandine reformers in Rome revived the old rule demanding clerical celibacy.<sup>41</sup> So far as the new decree was obeyed (no one knows how far that was) it tended to abstract men from their native milieu and attach them instead to a Europe-wide elite (*klerikos*: 'elite'). This clergy needed a principle of cohesion. It found it at three levels. The highest was cult: of God, and his saints, subjects for theology and church history. Next down was canon law, itself theoretically apostolic in origin but in fact mostly made up from case law, and then, from 1140 on, from a revived and specially adapted Roman law, giving the papalist Church its bone structure. Third, down on the ground, was territorial organisation, in nodes of authority dotted over Europe, the dots mostly having been left by the Romans, each with its diocese, now ruled by a bishop.

These nodes of authority were the source of any renaissances there were to be; and first, in that which began around the year 1100. To bind cult, canon law, and local authority together the post-Hildebrandine clergy needed a common language, Latin, in the course of perfecting which they produced what has become known as the 'twelfth-century renaissance'. This cultivation of Latin and its arts had numerous unintended consequences. One was a collapse—the opposite of a renaissance—in written vernaculars. The fact that Iceland, the only Christian country too barren to support a specialist priesthood, produced the biggest vernacular literature anywhere, while its Old English analogue died out in the twelfth century, is a measure of that effect. Another unintended consequence happened at the heart of the Latin culture itself. The more assiduously a budding priest worked at his Latin, the better to serve the universal church, the closer he was brought to the influence of its

<sup>41</sup> Cf. Southern, *Scholastic Humanism* (see above, n. 32), 1. 136–7.

paragons, Cicero and Seneca, whose elegant Stoicism thereby entered the heart of early scholastic ethics without immigration formalities. When the Stoics were ousted in the late thirteenth century, it was to make room for a newcomer without their privileges and who was held up at immigration for years, namely Aristotle. And because Aristotle's appeal lay in his substance, not his style (the Latin translations are stylistic monsters), it would be left to style-conscious civil servants (in those nodes of authority, that is, not to the academics) to revive the Latin Stoics. Whence it was that a restive papal secretary, his Latin polished by writing to all those bishops, could 'discover' (his word), in the library of one of those bishops, Cicero's *Tusculan Disputations*, and by doing so claim a prize for having started the Renaissance with a big 'R'. We should not take Petrarch's claim to novelty too seriously. Without Gregory VII, Petrarch and his Renaissance would have been inconceivable; as too (incidentally), would have been Marsilius of Padua: his and other anti-clerical treatises of the late Middle Ages would have been damp squibs if Europe had been so many huddles of Icelanders.

Religious uniformity; nodes of authority. That excursion through time has brought us back to our luggage, left somewhere near the *Montaillou* register. And what has happened? Those semi-tribal kings and their nations, new from baptism, have by the fourteenth century come half-way to being states, each with its little bureaucracy, each with a law increasingly consigned to writing, much of it flecked with Roman law (adapted yet again), and each with its territorial network, dotted, again, with nodes of authority. For these states, too, had become territorial. Economists will see that this was necessary. In the early Middle Ages there was so much land that the need was for men to work it; now there were more men, so land was the issue—as even Venice, happy for centuries on the sea, had to admit, in 1400, as it set out to conquer a *Terra Ferma* dominion the size of Switzerland. Even the pope, in his 'patrimony', always late in the day, had to admit it (but more of the pope later).

Now these budding states had become what they were by two means. On the one hand, forms of social organisation inherited from pre-Christian times had been welded together by royal and other rulers, their swords red with the blood of opposition, individual and collective (for they *were* allowed to kill). On the other, the states had leached ideas, techniques, offices, revenues, and men from the Church. History undergraduates have to write essays on Otto the Great and his bishops: how he sent them out from his palace school, full of loyalty and uplifting doctrine, to rule dioceses all over Germany as a literate, non-hereditary counterbalance to the

regional duchies. But that was one reign. With appropriate adjustments the same story can be told of every reign in the Middle Ages. From time to time the popes would make a fuss at all this leaching—making for more undergraduate essays, on the Investiture Contest, on Innocent IV and Frederick II, on Boniface VIII and Philip the Fair, and more. But the leaching went on. There was one, supremely important exception, when the papal fuss was effective. The popes managed to destroy the towering western Empire of the Hohenstaufen; and that papal triumph determined that Europe would grow up as a collection of states with a shared ideology rather than (as common elsewhere in world history) a super-state with a semi-divine ruler.

Everywhere else, however, papal opposition was a long, slow failure. You will recall that the celebrated dispute between Boniface VIII and Philip the Fair, between 1296 and 1303, arose, not over high political theory—though a lot of that steamed out of it—but over the king's matter-of-fact claims to be allowed to tax the clergy for war and to summon bishops to a royal court. The king won, and did so partly because most of his bishops were already behind him. And one fruit of his victory, left there deliberately to mislead (like those cigarette-advertisements, now banned, showing them smoked by young and healthy people), was Philip's procurement of the title 'saint' for his grandfather, Louis IX. Of Louis IX, Georges de Lagarde wisely said: 'In the reign of a king who seemed most opposed to all we would expect of a modern sovereign, there came into existence, in the thirteenth century, the first modern state.'<sup>42</sup>

Now is not the time to summarise Victor Martin's *Les origines du gallicanisme*,<sup>43</sup> with its account of how, after Philip the Fair, through the Avignon papacy, the Great Schism of 1378, the fifteenth-century councils called to heal the schism, and the many-cornered tugs of war that followed the councils, the French crown and its backers consolidated, by the early sixteenth century, Philip the Fair's nationalisation of the French church. But it *is* the time, I hope, to fit into his picture the feature that concerns us now: jurisdiction over heresy. Paris's theologians had by Philip's time been toppled from the day-to-day government of their university. But they made up for this retreat by the clarity of their claims in theology, on which no one was allowed to pronounce without passing

<sup>42</sup> G. de Lagarde, *La naissance de l'esprit laïque au déclin du moyen âge*, 1: *Bilan du xiiième siècle*, 3rd edn. (Louvain and Paris, 1956), 129. Even in Catholic states, the Reformation did not halt the 'leaching' process described in the last two paragraphs; O. Chadwick, *The Popes and European Revolution* (Oxford, 1981), pp. 297–8.

<sup>43</sup> Paris, 1939.

long years of training and becoming a master. Since it was the faculty who made him a master, the faculty *qua* faculty had the *magisterium*.<sup>44</sup> And there was a pregnant ambiguity here: did that mean *magisterium* just in the university, or in the Church as a whole? The Paris theologians were content to read it their way, and claim ‘l’orthodoxie, c’est moi’.

Now the theologians taught just over the river from the king, and, more important, over only half the river from his Parlement, where faculty members and *alumni* normally provided the clerical element which regularly sat in this royal court. The effect of this enmeshment was already plain from the confidence with which Philip the Fair prosecuted the Templars as ‘heretics’, dragging along poor Clement V, down in the Rhône valley, like a dog on a lead.<sup>45</sup> Parlement, with in-house theologians, came to see itself as the embodiment of long-term national interest, more even than the king, and spawned replicas of itself in various provinces. Since Louis IX’s reign, Parlement had heard appeals from excommunication, showing that it was effectively above Church courts.<sup>46</sup> By the time Lutherans and Calvinists appeared, the Parlements had long established that it was they, not any purely Church authorities, who had to decide who was a heretic.<sup>47</sup> If the bishops made a fuss, as they did, they overwhelmingly got one answer: you are too soft on heretics and will not be respected.<sup>48</sup> The Parlements did not show this weakness, and there was much bloodshed (one of the reasons why Montaigne hated executions: he had to order them). The answer is worth remembering: we shall meet it elsewhere. It is now time to turn there.

<sup>44</sup> For the literature, see the articles by Bernstein and Menache mentioned above n. 32.

<sup>45</sup> In his otherwise excellent account of this trial, N. Cohn, *Europe’s Inner Demons. An Enquiry Inspired by the Great Witch-Hunt* (London, 1975), p. 90, after rightly saying that ‘the Inquisition [in this trial] was subordinate to the royal power’, begs too many questions when he goes on to describe the situation as ‘without parallel in medieval Europe’—and that quite apart from the question of counter-examples (like Joan of Arc).

<sup>46</sup> As revealed by the anecdote in Joinville, N. de Wailly (ed.), *Vie de saint Louis*, cc. 61 and 135; (Paris, 1888), pp. 26–8, 282–4. Parlement: F. Lot and R. Fawtier, *Histoire des institutions françaises au moyen âge, 2: Institutions royales* (Paris, 1958), 332–54.

<sup>47</sup> While it is technically correct for W. Monter, *Judging the French Reformation. Heresy Trials by Sixteenth-Century Parlements* (Cambridge, MA, 1999), p. 85, to say that ‘France became the last major European state to transfer the crime of heresy to secular courts’, this could only happen because France had in fact, through the mechanisms described earlier in this paragraph, been the first to give the crown effective control of heresy jurisdiction. The consequent legal confusion is given as much clarity as it admits by N. M. Sutherland, ‘Was there an Inquisition in Reformation France?’, in that author’s collected essays, *Princes, Politics, and Religion, 1547–1589* (London, 1984), pp. 13–29.

<sup>48</sup> Examples: Monter (as in the last note), pp. 1, 38–9, 75–6, 78–9, 87, 118–19, 189, 195.

'Elsewhere' is a big place; but some generalisation is possible. France was exceptional, but was not alone. Wherever we look, we find political authorities taking the initiative in the pursuit of heresy, either *via* a Church strongly in their grip, or through participation in the court's judgment. A large and growing literature excuses me from labouring the example of the Spanish Inquisition, in whose creation and supervision, the literature agrees, the crown played the leading part. England, to turn to another nascent state, faced its first serious heresy crisis with the Lollards. A central doctrine of the Lollards was that the king should govern the Church. My Oxford colleague, Jeremy Catto, has shown that (to their discomfort) he already did, that Henry V acted 'in all but name, more than a century before the title could be used . . . as the supreme governor of the Church of England'.<sup>49</sup> Germany, with its long-entrenched, political bishops, and its religiously restive towns, with its weak big state and its vigorous rising ones, has a persecution-imprint peculiar to itself, one whose metamorphosis in 1545, into a pattern drawn on the formula *cuius regio, ejus religio*, can already be presaged in the late Middle Ages.<sup>50</sup> One example, from a time when the metamorphosis was just beginning, will have to serve for demonstration: the ferocious anti-heretic legislation in 1527–9 of Archduke Ferdinand I of Austria. One historian, in my view misleadingly, attributes to Ferdinand the 'first decisive steps towards secularising the crime of heresy'.<sup>51</sup> The truth is surely the reverse. Ferdinand's laws were the *last* decisive steps. Faced by an unprecedented crisis, he dropped at last the ecclesiastical veil under which persecution had hidden hitherto.

This is not the occasion for a Cook's Tour of late medieval states or for an inspection of all their ecclesiastical veils. It is, however, the occasion to look more closely at one area, Italy, homeland of both elements in my title. The rest of this lecture will be devoted to it.

Henry Charles Lea described the Inquisition in fourteenth- and fifteenth-century Italy as 'decadent'.<sup>52</sup> A more constructive summary is possible. The last survivors of the Albigenians, for whom the Inquisition

<sup>49</sup> J. Catto, 'Religious change under Henry V', in G. L. Harriss (ed.), *Henry V. The practice of kingship* (Oxford, 1985), pp. 97–115, on p. 115; a view confirmed, with new nuance (and an observation of the erastianism of both contestants), by I. Forrest, *The Detection of Heresy in Late Medieval England* (Oxford, 2005), chapter 2 ('The Investigation of Heresy'). I thank Dr Forrest for allowing me to read this chapter before publication.

<sup>50</sup> Orientation and literature: P. Segl, 'Dominikaner und Inquisition im heiligen römischen Reich', in *Praedicatores inquisitores*, 1 (Rome, 2004), 211–48.

<sup>51</sup> Monter, *Judging the French Reformation*, p. 33.

<sup>52</sup> Lea, *Inquisition* (see above, n. 5), 2. 253.

had been invented, fled into Italy, and effectively vanished.<sup>53</sup> To judge from nomenclature, they soon became indistinguishable from that 'large sect' of 'Epicureans' who suffered in Dante's Hell.<sup>54</sup> Going to Hell is not the same as being condemned by the Inquisition, which apparently did not trouble these Epicureans, any more than any other heretics, unless there were other motives for prosecution. Let us consider what other motives there were for the prosecution of heretics, Epicurean or other. Leaving the motives of blackmailers on one side, we discern two others, over the later Middle Ages. One, mainly in the Avignon period, belonged to what I called the papal 'fuss' at the leaching to states of former episcopal property and rights, in this instance by anti-ecclesiastical *signori*. The difficulty in dealing with these *signori* did not lie in discovering supposedly heretical things they had said, but in doing anything about it. The best example here is the prosecution in 1321–2 of Matteo Visconti, effective ruler of Milan.<sup>55</sup> Away in Avignon, John XXII watched aghast as Matteo helped himself to ecclesiastical rights and property in and near Milan. So the pope sent Franciscan inquisitors to collect evidence of heresy. They were under no illusions about what would happen if they so much as set foot in Matteo's territory, and set up their court in a village just outside it, Bergoglio, whither they encouraged opposition dare-devils to come and repeat, on oath, any careless remarks they overheard from Matteo or from his sons. The friars left a highly credible record entirely to the discredit of the Visconti's orthodoxy. None of it had any effect on Matteo except, apparently, to sharpen up his counter-strategy, which included a provision for his death. When he was no longer there to jail any inquisitors, Matteo appears to have calculated, a posthumous prosecution might lead to the Church's reconfiscation of his acquisitions. So when he felt himself to be dying, he had himself carried to the cathedral where, in the presence of the entire Milanese clergy and of a notary he recited the Apostles' Creed. The presence of the notary betrays the purpose of this charade. Matteo could have written this lecture better than I

<sup>53</sup> E. Dupré-Théseider, 'Le catharisme languedocien e l'Italie', *Cahiers de Fanjeaux*, 3 (Toulouse, 1968), 299–316; reprinted (in Italian) in the same author's *Monde cittadino* (see above, n. 17), pp. 345–60. See also J. N. Stephens, 'Heresy in medieval and renaissance Florence', *Past and Present*, 54 (1972), 25–60; with a comment by M. B. Becker, and Stephens's rejoinder, *ibid.*, 62 (1974), 153–66.

<sup>54</sup> Shifting nomenclature: A. Borst, *Die Katharer* (Stuttgart, 1953), pp. 148, 150, 154, 162–3; and my 'The Epicureans' (see above, n. 29), pp. 145–7.

<sup>55</sup> M. R. Michel, 'Le procès de Matteo et de Galeazzo Visconti', *Mélanges d'archéologie et d'histoire*, 29 (1909), 269–327, with the documents on 307–27; discussed in 'The Epicureans' (see above, n. 29), pp. 151–4.

can. He knew its central message first-hand, and used his knowledge to become the first of that new breed, the Renaissance despot.

The fourteenth century saw other miniature Matteos defying all-too-credible charges of heresy, as they incorporated ecclesiastical rights into their own state machines. This was one motive that spurred inquisitions to action. A second was urban corporate interest. By the fourteenth century the friars' first loyalty to the papacy had given way to another, to their own cities, from whose patriciates many friars were now recruited. The governments of these cities could either ignore an inquisitor's vagaries—as with those blackmailers—or mobilise him for agenda of their own. Typical of such agenda was a manoeuvre to save local real estate, left by a failed banker, from the claims of foreign creditors: a posthumous conviction for heresy allowed locally controlled interests (including the inquisitor) to carve up the estate and keep it from foreign hands.<sup>56</sup> Another, more enduring kind of agenda was the discouraging of subversive friars—like fraticelli or, later, Savonarola—from overmuch praising of poverty, in ways which might rouse the urban poor against the rich.<sup>57</sup>

Of such external motives, one category came to have growing importance. To see why, let us look at the way urban Italy evolved. When the Hohenstaufen empire fell, c.1250, Italian cities developed along lines laid down by the interests of the industrial and commercial oligarchies which ruled them. Behind the complications of Guelf and Ghibelline stands a simple formula.<sup>58</sup> What each city needed were raw materials (especially grain), labour (including military service), and markets (including a market for skills), all at rates economically favourable to itself. That naturally meant rivalry. The first urban rivalry had been one with their bishops. But by 1300, most Italian bishops had been reduced to the status of being one magnate among others. That left, as rivals, neighbouring towns. So the rivalry was played out by analogy with a modern football 'knock-out' competition, where winners in the first series of matches are left to play against each other in the second series, and so on until only a few giants are left. A victorious Italian town would thus amend the tariffs and trade laws of the one vanquished, merge its grain-producing land into its own

<sup>56</sup> On the case of Scaglia de' Tifi (†1326): Biscaro, 'Inquisizione ed eretici in Firenze' (see above, n. 35), pt. iii, 168–72.

<sup>57</sup> On the radical Franciscans: M. B. Becker, 'Florentine politics and the diffusion of heresy in the trecento: a socio-economic enquiry', *Speculum*, 34 (1959), 60–75.

<sup>58</sup> For the following: G. Luzzatto, *An Economic History of Italy from the Fall of the Roman Empire to the Beginning of the Sixteenth Century*, trans. P. Jones (London, 1961), esp. pp. 86–136. On the all-importance of grain supplies and the *divieto*: E. Fiumi, 'Sui rapporti economici tra città e contado nell'età comunale', *Archivio Storico Italiano*, 14 (1956), 18–68.

free-trade area (the *divieto*), receive immigration (of the sort Dante loathed), and start again. The endless Florentine wars described by Villani, begun on conspicuously frivolous grounds, are an illustration of this formula. Through it, in northern Italy as a whole, the big players got bigger and fewer. By the middle of the fifteenth century the chief powers were Milan, Florence, and Venice, with a few lesser ones lodged in the rocks around them. The big three were by then firmly territorial—Milan and Florence by long progress, Venice by sudden conversion.

We saw earlier how indispensable the French crown found the Church, with its organisation and its doctrinal unity, and we saw how this doctrinal unity was maintained by a happy relationship between the university and Parlement. The new Italian states felt the same need for religious unity, no less keenly. Their academic and legal institutions were less developed than those of France. All of them, while covering smaller territories than France, suffered a similar diversity in secular law, due to their absorption, in the ‘knock-out competition’ process, of cities with their own legal traditions.<sup>59</sup> None, finally, was totally sure of its legitimacy—a problem innate in Italy’s quasi-independent cities, and source of their precocity in political theory.<sup>60</sup> The founders of most of these states had mostly been anti-papal in their pioneer days, as they fended off charges of ‘heresy’ brought by the Church’s desperate rearguard action. But that battle was now over and won. All now shared an interest, similar in character to that of the early medieval kings, in their subjects’ uniform acceptance of Catholic belief. A leakage of ecclesiastical to secular power had already played its part in building up the strength of these states; and when religious harmony came into jeopardy, as it did increasingly after 1500, their princes needed the Inquisition. It joined the leakage.

The action of historical forces over a long period can be captured sometimes in a single scene. The enduring tension between ecclesiastical and secular claims to coerce heresy is encapsulated in a private *tête-à-tête* in Rome in 1550, between Pope Julius III and the Venetian ambassador to Rome, Matteo Dandolo. Venice, it should be explained, had unusually articulate, Byzantine-type views on its own religious autonomy, and had long kept one finger, at least, in the business of chasing heretics—if only by getting secret

<sup>59</sup> A. Mazzacane, ‘Law and jurists in the formation of the modern state in Italy’, in J. Kirshner (ed.), *The Origins of the State in Italy, 1300–1600* (Chicago and London, 1996), pp. 62–73, esp. 71–3, on the special needs of Venice. A. Molho, ‘The state and public finance’, in the same volume, pp. 97–135, refers to a comparable diversity in Florence.

<sup>60</sup> M. Ryan, ‘Bartolus of Sassoferrato and free cities’, *Trans. Royal Hist. Soc.*, 6th series, 10 (2000), 65–89.



reports on trials. Within the city itself, this non-ecclesiastical participation had recently been regularised (with the pope's grudging consent: he had no option) by the inclusion of government-appointed laymen to sit with the inquisitor and his two ecclesiastical colleagues, to 'assist' them. The Venetian authorities now wished to extend this power-sharing arrangement throughout its large territory, where the patriciates of subject-cities were showing symptoms of Lutheranism, and ecclesiastical measures were proving ineffective. In November 1550, Matteo Dandolo was therefore sent with a letter on this subject to seek Pope Julius III's approval.

Dandolo's long account of the interview could today provide a television script. The virtuoso diplomat played his role to perfection, wrapping his difficult request in layers of deference.<sup>61</sup> His Holiness had no more obsequious servant than the Venetian republic. Nothing could be further from the republic's intentions than to infringe Church liberty. The Venetian government had only one wish, namely to make papal authority *effective*. Julius III, though an equally seasoned diplomat, failed to suppress his anger that a world was slipping out of his hands. Knowing before the interview what was in store, his face had flushed as soon as Dandolo entered the audience chamber, letter in hand. Throughout the hours-long meeting, Julius would forever be removing his beret to fan his face (in November). When the formal audience was over the pope said, in a voice studiously quiet, 'come with me'. He led the envoy to the papal bedroom and took up a volume containing the *corpus juris canonici*. He made the envoy stand while he, Julius, read out the entirety of Boniface VIII's bull of excommunication against Philip the Fair. Dandolo then heard that a papal committee, even as they spoke, was busy preparing a new bull to be based on Boniface VIII's bull but going further, with the purpose, Julius explained, of informing all secular authorities — not just Venice; all were guilty — that any more creeping intrusion on church jurisdiction (the pope's phrase was: *se vogliono andar a poco a poco usurpando la libertà ecclesiastica*) would

<sup>61</sup> Long extracts from Dandolo's report, with commentary: P. Paschini, *Venezia e l'inquisizione romana da Giulio III a Pio IV* (Padua, 1959), pp. 55–8. Venetian context: N. S. Davidson, 'Il Sant' Ufficio e la tutela del culto a Venezia nel '500', *Studi Veneziani*, ns, 6 (1982), 87–101; idem, 'Chiesa di Roma ed inquisizione veneziana', in *Città italiane del '500* (Lucca, 1986), pp. 283–92; A. Dal Col, 'Organizzazione, composizione e giurisdizione dei tribunali dell'Inquisizione romana nella repubblica di Venezia (1500–1550)', *Critica Storica*, 25 (1988), 244–94; idem, 'L'inquisizione romana e il potere politico nella repubblica di Venezia (1540–1560)', *Critica Storica*, 28 (1991–2), 189–250. An English translation of the decree of 22 April 1547, establishing the participation of laymen: D. Chambers and B. Pullan (eds.), *Venice. A Documentary History, 1450–1630* (Oxford, 1992), p. 229. Venice's claim to religious autonomy: B. Pullan, *The Jews of Europe and the Inquisition of Venice, 1550–1570* (Oxford and Cambridge, MA, 1985), pp. 15–17.

incur instant excommunication. Dandolo knew that the pope was living in a world of his own, and laboured to explain to him the bad results that would follow publication of the bull, which he pleaded with the pope not to issue. But no, said Julius, hitting the nail on the head: 'What you are asking is that your citizens sit beside the ecclesiastical judges, nay, not just sit beside, but that they *supervise* them, as if they were their superiors.'<sup>62</sup>

Despite Julius's red face, the diplomacy on both sides was so polished that the envoy left without knowing if he had persuaded the pope to hold back. He had not. The bull was issued. The result was as Dandolo had predicted. The lay judges, never enthusiastic about the job anyway, were not going to add to its burdens the risk of excommunication. They stayed at home; and the anti-Lutheran campaign, going well so far, had therefore (to quote a slightly later report by another envoy) become ineffective ('non sta vigoroso come suole').<sup>63</sup> The simple reason was that the Inquisition on its own was not respected ('da molti per se stessa è poco temuta').<sup>64</sup> Chastened by a few months of these grim realities Pope Julius ended by qualifying the bull so heavily in Venice's favour that it might as well not have been issued.

The tension illustrated by this episode had a long Venetian history behind it, and another in front. We cannot now follow either. In any case, as Julius had indicated, the problem was not peculiar to Venice. To treat the question fully we would have to circumambulate Italy, city-state by city-state, to rehearse parallels: there are many, if with distinct local variations. One will have to do for them all: the most formidable, Milan. Soundings from Milan, taken from quite another angle, give an equally clear picture of the drift which so horrified Julius III. The soundings come from Federico Chabod's densely documented history of religious life in Milan between 1525 and 1555.<sup>65</sup> It will be remembered that this Lombard state had been built by the Visconti and the Sforza, and was now under the crown of Charles V of Spain. Its senate—analogue in this context to the French Parlement—kept a strong sense of the state's autonomy, and shared with Charles V's Spanish governor a zeal to suppress heresy (though not so great a zeal as to suppress its howl of protest at a suggestion that the *Spanish* Inquisition might be introduced to

<sup>62</sup> Paschini, *Venezia e l'inquisizione*, p. 56.

<sup>63</sup> Paschini, *Venezia e l'inquisizione*, p. 73.

<sup>64</sup> Paschini, *Venezia e l'inquisizione*, p. 76; for other examples of the severity of the Venetian lay authority towards heresy, in comparison with the ecclesiastical: *ibid.*, pp. 71–2, 74, 81–3.

<sup>65</sup> F. Chabod, *Per la storia religiosa dello stato di Milano durante il dominio di Carlo V. Note e documenti*. Studi di Storia Moderna e Contemporanea, 1. 2nd edn. by E. Sestan (Rome, 1962).

Milan). As in the Veneto, so in Lombardy, the patriciates of some of Milan's subordinate towns were infected with Lutheranism, the Church's manifest incapacity to suppress which evoked from the no-nonsense Spanish governors something approaching contempt. Left to him and to his pyres, gallows, and galleys, said one, Lutheranism would be a bad memory by now.<sup>66</sup> Again and again we find that it is accordingly the secular authority which initiates the anti-heretical measures: here, banning Lutheran books on pain of death;<sup>67</sup> there, setting watch on a suspect preacher;<sup>68</sup> here, threatening friars with prison if they preach 'bad doctrines';<sup>69</sup> there, arresting a priest.<sup>70</sup> Occasionally, it is true, we find the senate defending a suspect, but then it is always a question of jurisdiction, as once when an inquisitor demanded that a certain *dottore* be taken to Rome for questioning while the senate—almost certainly defending one of its own: most authorities did—expresses shock and dismay at the very idea that a Milanese citizen be judged outside the territory.<sup>71</sup> That attitude, too, was normal. It is indeed one more symptom of the political character the Inquisition was acquiring, that all Italian states of which we have knowledge did all they could—insufficient though that might usually be—to get inquisitorial boundaries changed to match their own.<sup>72</sup> Within Milanese territory, for its part, the ensemble of Chabod's cases show, it is the secular authority rather than the ecclesiastical which usually takes the initiative, as well as being the more severe in following prosecutions through.<sup>73</sup>

These soundings from Milan, like that episode from Venice, have a long and complex history both before and after the thirty-year period from which they have been taken. But we have again heard enough to acquaint us with disjunction, in inquisitorial practice, between canonical

<sup>66</sup> Paschini, *Venezia e l'inquisizione*, p. 23, n. 2. The recommendation of a secular heresy tribunal took up a proposal made ('at least for Piedmont and Lombardy') by one of the governor's lieutenants in 1539; Chabod, *Storia religiosa*, p. 120.

<sup>67</sup> Chabod, *Storia religiosa*, p. 103 and n. 3; cf. p. 130 and n. 31.

<sup>68</sup> Chabod, *Storia religiosa*, p. 139 and n. 1.

<sup>69</sup> Chabod, *Storia religiosa*, p. 124.

<sup>70</sup> Chabod, *Storia religiosa*, p. 161.

<sup>71</sup> Chabod, *Storia religiosa*, p. 175, n. 4. The senate: *ibid.*, pp. 74–6.

<sup>72</sup> A. Prosperi, 'Per la storia dell'Inquisizione romana', in *L'inquisizione romana in Italia nell'età moderna: archivi, problemi di metodo e nove ricerche*, Atti del seminario internazionale, Trieste 18–20 maggio, 1988. Pubblicazioni degli Archivi di Stato, Saggi, 19 (Rome, 1991), pp. 27–64; 38–9.

<sup>73</sup> An impression shared by Prosperi, 'Per la storia dell'Inquisizione romana', p. 58, who also endorses Sarpi's judgement that Venice found the friars too 'soft', and quotes a Genoese government view (c.1539) that the inquisitor was a 'persona . . . fredda ed alquanto timida' (*ibid.*, p. 61).

theory and political reality. It would be tempting to trace these political realities further round the Italian states. Each has its own stamp, as we should expect: if the Inquisition represents state interests, there will be as many patterns of inquisition as there are states.<sup>74</sup> Lucca, for instance, was well-known for its resolve to exclude the Roman Inquisition altogether, so that it could run its own court for suppressing (and defining) heresy.<sup>75</sup>

But there is one Italian state whose history is particularly instructive for our purpose. It is the matrix from which the Holy Office emerged, the papal state. Both economically and politically the papal state was—to borrow a dubious concept of progress today normal in western society—backward. So ‘backward’ was it that it is more than a little anachronistic to call it a ‘state’ at all. Like Venice, the popes had had the territorial concept thrust on them.<sup>76</sup> The reasons for its backwardness are not hard to find. Rome had not participated in the ‘knock-out’ competition I described earlier. Subject to one enormous qualification—Florence and its Renaissance will concern us in a moment—the papal state was a non-player. Like other cities, Rome had an industrial and commercial class, but it was a stunted one. Its bishop was just too strong, so that each time the city’s business oligarchy tried to play the game of the others, its bishop, simultaneously bishop of the world, was able to squash them—as Innocent II did when he stopped the Romans conquering Tivoli in 1132, and provoked the revolt which gave Arnold of Brescia his brief moment of glory; and as Innocent VI did at Viterbo in 1354, with similar consequences for Cola di Rienzo. The reason the bishops wished to

<sup>74</sup> Prosperi, ‘Per la storia dell’Inquisizione romana’, p. 36.

<sup>75</sup> S. Adorni-Braccesi, ‘La repubblica di Lucca e l’“aborita” Inquisizione: istituzione e società’, in *L’inquisizione romana* (see above, n. 72), pp. 233–62. Prosperi, ‘Per la storia dell’Inquisizione romana’, p. 56.

<sup>76</sup> The following picture of the economy and structure of the Renaissance papal state is based chiefly on: D. Waley, *The Papal State in the Thirteenth Century* (London, 1961); G. Mollat, *The Popes at Avignon*, trans. J. Lowe (London, 1963); P. Partner, *The Papal State under Martin V. The administration and government of the temporal power in the early fifteenth century* (London, 1958); idem, ‘The “budget” of the Roman Church in the Renaissance period’, in E. F. Jacob (ed.), *Italian Renaissance Studies* (London, 1960), pp. 256–78; idem, ‘Papal financial policy in the Renaissance and Counter-Reformation’, *Past and Present*, 88 (1980), 17–62. For the sixteenth century: J. Delumeau, *Vie économique et sociale de Rome dans la seconde moitié du xvième siècle*, 2 vols. Bibliothèque des Écoles Françaises d’Athènes et de Rome, 184 (Paris, 1957 and 1959), esp. (for what follows) 2. 521–646 (on grain supply); idem, ‘Rome: political and administrative centralization in the papal state in the sixteenth century’, in E. Cochrane (ed.), *The Late Italian Renaissance, 1525–1630*, Stratum Series (London, 1970), pp. 287–304 (= a translation of ‘Le progrès de la centralisation dans l’État Pontifical au XVIe siècle’, *Revue Historique*, 226 (1961), 399–410); and M. Caravalle and A. Caracciolo, *Lo stato pontificio da Martino V a Pio IX*. Storia d’Italia, vol. 14 (Turin, 1978), pp. 1–371.

squash them was that—as even Machiavelli acknowledged at the very moment Luther was declaring the opposite<sup>77</sup>—the bishops of Rome were not quite of this world. It was and is often said that the medieval popes worried too much about money and worldly politics. The truth was the opposite. The average medieval pope—the exceptions only prove the rule—was an ecclesiastically minded nobleman with ancient lands but little money, and an unprofitable partiality for the status quo. Rome and its so-called state did not, as a consequence, develop like the others. It kept its small towns—haven for all those Franciscans (who loved small towns)—and never became rich like the ‘Thatcherite’ north. Pius II, only too well aware of what I am saying, tried to mend matters in 1462 by developing the Tolfa alum mines, which created a profitable monopoly.<sup>78</sup> But such measures, then and later, made their owner rich (as is the way with mines) while doing little for the rest of the economy. When Montaigne passed into the papal state from Tuscany in 1581—even after the efforts of another new broom, Paul III—he was struck by the drop in the quality of roads and other public amenities.<sup>79</sup> Goethe made the same journey and got the same impression in 1786.<sup>80</sup> The fact was that, structurally, Rome remained an early medieval bishopric right through to Garibaldi and 1870. By then it was far too late to make a difference (which is why Englishmen like buying farmhouses in its ‘unspoiled’—alias economically backward—countryside).

Because Rome did not develop its own hinterland, it fell to its victorious northern neighbour to do so at one remove. Florence was residuary legatee of the great thirteenth-century duel between the papacy and the Hohenstaufen. Florence had a vibrant, ambitious, ruthlessly competitive economy, by contrast with the relatively static one of the papal state. Osmosis alone was enough to cause an overflow of Florentine economic interest to its neighbour’s lands, both in the Romagna and further south. There Florence found grain, soldiers, and jobs for its financial experts.

<sup>77</sup> *The Prince*, c.11.

<sup>78</sup> Caravalle and Caracciolo, *Lo stato pontificio*, pp. 84–6.

<sup>79</sup> *Journal* (see above, n. 10), 1192, 1203, 1226, 1241 (roads and countryside); 1191, 1244, 1204 (robbers in Rome and the duchy of Spoleto); 1251 (Montaigne finds ‘un país fertile’ only towards Ancona).

<sup>80</sup> *Italian Journey*, 25 Oct. 1786, trans. W. H. Auden and E. Mayer (London, 1962), p. 117: ‘The most striking thing about Tuscany is that all the public works, the roads and the bridges, look beautiful and imposing. They are at one and the same time efficient and neat, combining usefulness with grace, and everywhere one observes the care with which things are looked after, a refreshing contrast to the Papal States, which seem to keep alive only because the earth refuses to swallow them.’

For most of the fourteenth century Florentines took it for granted, and expected everyone else to, that all they did was for God, the Church, and John the Baptist. Underneath that ideology—as indeed under the restive republicanism which later replaced it—lay the deep subsoil of economic enmeshment. Whatever their language, they could not escape the popes, or vice versa.<sup>81</sup>

The enmeshment had a justly celebrated financial aspect in the bankers. This obeyed the same logic. Florence ran at a surplus, Rome, at a loss. So Florence lent money to Rome—whose credit-worthiness was (after all) an article of faith. Rome returned interest in a score of devious ways, including the award of senior posts in the curia, and at a lower level, a stream of ecclesiastical back-handers, like the excommunication of the banks' defaulting debtors (a fact which made fifteenth-century Tuscany Europe's unlikely Promised Land for excommunication).<sup>82</sup> The financial imbalance remained. It is a brutal oversimplification—omitting Genoa and other factors—but is not wholly misleading, to describe the Florentines as having done what bankers commonly end by doing with a failing client: they bought it. 'In 1513,' writes Peter Partner, 'with the election of Giovanni de' Medici as Leo X, the economic and administrative hold of Florence on Rome, which had become substantial for over a century, became almost absolute.'<sup>83</sup> History had turned upside down. Two millennia earlier, Rome had subdued the Etruscans of Fiesole. Latin, the patois of Rome's back garden, had become the language of Italy's empire. Now it was the turn of Florence's Tuscan dialect, kicking Latin upstairs, to become the basis of a national language, while Florence's new money married Rome's old prestige.

The marriage produced two children, the Inquisition and the Renaissance. Let me start with the Renaissance. There were two reasons why Florence gave it birth, both intimately linked with Rome; a link all the more deserving of emphasis now because nineteenth-century liberal historians—still at war with that early medieval Roman bishopric—bequeathed blinkers in this regard to the less cautious of their successors.

<sup>81</sup> P. Partner, 'Florence and the Papacy, 1300–1375', in J. R. Hale, J. R. L. Highfield, and B. Smalley (eds.), *Europe in the Later Middle Ages* (London, 1965), pp. 76–121; idem, 'Florence and the papacy in the earlier fifteenth century', in N. Rubinstein (ed.), *Florentine Studies. Politics and Society in Renaissance Florence* (London, 1968), pp. 381–402; G. Holmes, 'How the Medici became the Pope's bankers', *ibid.*, pp. 357–80. On Guelf ideology: G. A. Brucker, *Florentine Politics and Society, 1343–1378* (Princeton, NJ, 1962), pp. 74, 163–4.

<sup>82</sup> G. A. Brucker, 'Ecclesiastical courts in fifteenth-century Fiesole and Florence', *Mediaeval Studies*, 53 (Toronto, 1991), 228–57; excommunication for debt, 247–57 (esp. 255).

<sup>83</sup> Cf. P. Partner, *The Pope's Men. The papal civil service in the Renaissance* (Oxford, 1990), p. 209.

The first reason was religious. In the twelfth century, those competitive teams of city oligarchs had accompanied the disendowment of their bishops with an ideological barrage. Historians call it ‘the poverty movement’ (‘The apostles were poor; why cannot bishops be poor?’). Like all barrages, this one did collateral damage in the form of ‘heresy’—as notoriously in Arnold of Brescia. Then came Saint Francis, and the friars of his and other orders swarmed through urban Europe, their poverty-ideal reconciling the oligarchs with Catholic orthodoxy. The friars’ legal peculiarity was obedience, to their rule and to the Church: whatever they did, they were not to upset the Church’s unity—though a few found the temptation irresistible. Their peculiarity most influential then was their preaching. In particular it was their preaching of an aspect of theology easily neglected in an authoritarian society. Experts call it an emphasis on the second person of the Trinity, that is, the idea that the same God who had created the universe—a big place, even then—had also shared all the vicissitudes of human life. Francis had been an *alter Christus*, and that emphasis remained with all the friars. The word ‘Renaissance’ beguiles us. We ascribe the emergent realism of Tuscan literature and art to the rediscovery of classical models. But discoverers need a motive; and for nearly a century before Giotto and his generation started on the long voyage towards naturalistic realism, mendicant preachers, assiduously supported from Rome, had drummed into Tuscan ears that Christ had lived and died in the world everyone knew. So it was not blasphemous, rather the opposite, to portray Christ and the Virgin in settings which anyone might take—the more instantly they took it the better—as being one’s own street.<sup>84</sup>

The second reason why Florence and Rome combined to produce the Renaissance takes us back to those nodes of territorial authority, each with its clerks, scratching away at its communications and records. Florence and Rome were two such nodes, each girded with its territory, each peculiar in its development (or lack of it), and now, as a consequence, economically and politically enmeshed. They became two nodes in one, and took their clerks with them. ‘The curia of Rome’, wrote Hans Baron, ‘was not the chancery of just another Italian region-state, but an inter-Italian meeting place where the Florentines were constantly employed; a frequent epistolary exchange kept alive the connections

<sup>84</sup> C. Harrison, ‘Giotto and the “rise of painting”’, in D. Norman (ed.), *Siena, Florence and Padua*, 2 vols. (New Haven and London, 1995), 1. 76–95, esp. 89–90; on the influence (in this sense) of the Franciscan *Meditationes vitae Christi*: J. White, *Art and Architecture in Italy, 1250–1400*, 3rd edn. (New Haven and London, 1993), pp. 125, 312.

between the two cities.<sup>85</sup> Comparable conditions had once produced scholasticism. But the configuration was new. Now, the popes, as would-be rulers of the world, had pioneered the art of government by paper, which had halved the cost of writing things down and hence rolled out a red carpet for literate culture. The Florentines, republican would-be rulers of themselves, had for their part pioneered the art of government by speech. So emphasis within the scholastic *trivium* moved from Paris's logic (key to the interpretation of dogma), to grammar and rhetoric (key to republican government). Logic had led Paris to the apotheosis of Aristotle. Grammar and rhetoric led the Florentines back to those abandoned Latin stylists, and more, from whose ensemble they then learned all the other arts of antiquity, including that of civic patronage. It will be said that I have left out part of the Renaissance by concentrating on Florence and its economic enmeshment. But if we reflect that that other ruthless commercial city, Venice, had bought its Renaissance respectability by getting much the same edge on that other city of backward-looking aristocrats, Byzantium, then the Florentine model will not seem unrepresentative. And it remained the chief seat of the Renaissance. The more we reflect on its cultural and economic enmeshment with Rome, the more inevitable the Renaissance appears. 'S'il n'existait pas, il faudrait l'inventer.'

The same, finally, applied to the Inquisition. All emerging states set a high value on Catholic uniformity. To ensure it they wrested heresy jurisdiction from the Church's soft hands. When there were heretics to coerce, that is to say, it was the 'secular arm' that did the coercing, so it was they in the end who decided whom to coerce. But in the papal state the pope *was* the secular arm. What difference did that make to his relationship with the Inquisition?

In one way, it made none: the Inquisition was to the pope what it was to other rulers. This can be seen in the matter of a ruler's conflicting priorities. However keen they might be on religious uniformity, all rulers found occasions calling for tolerance. Part of their job, after all, was to foster education and trade, and both could pose problems. After *c.* 1500, Europe's leading pedagogue was Erasmus, his Latin schoolbooks a god-send to every teacher. But when does a schoolbook become propaganda? Erasmus's ideas were half-way to those of Luther, and nothing makes a finer litmus-test of the rising apprehensions of Italian rulers than their slow disenchantment with Erasmus's *oeuvre*, complete by 1560. The litmus-test shows no decisive difference between the papacy—which had

<sup>85</sup> H. Baron, *The Crisis of the Early Italian Renaissance* (Princeton, NJ, 1966), pp. 311–12.



once thought of making Erasmus a cardinal—and most other state rulers.<sup>86</sup> Conflicting priorities are even more palpable in respect of trade. Jews, ex-Jews, and a range of precariously partial Jews, had poured into Italy in flight from Iberian persecutions, promising wealth by their trading activity to any government prepared to lodge them. Venice was anyway well-practised in switching its Inquisition on and off in response to trading interests, and became the Jews' most favoured venue. But Florence, too, ferocious champions of orthodoxy as its Grand Dukes were, found its own way of squaring the same circle, by fixing behind the scenes, that prosecutions of merchants in Livorno—Tuscany's 'Hong Kong'—did not end in condemnation.<sup>87</sup> The pope *qua* ruler was in the same dilemma. In 1547 we are presented with the paradoxical spectacle by which the founder of the Holy Office, Paul III, promised personal protection to Jews fleeing from the Spanish Inquisition, if they wished to settle in Ancona (the papal Livorno). So paradoxical was it that a later pope, Paul IV, fresh from his career as inquisitor, cancelled the privilege—so that before harder heads (notably that of Sixtus V) came to repair the damage, a diaspora of wealth-producing 'D'Anconas' had been scattered over northern Europe.<sup>88</sup>

In one way, the pope *qua* ruler was no different from others, in respect of the Inquisition. In another way, he was unique. I hope no one will cavil, at this stage of my lecture, at my introducing an analogy rare in a historical context: that of gin and tonic, as a model for a compound of two elements of which one must be less in proportion as the other is more. Every territorial state in Renaissance Europe was a case of gin and tonic, that is, made up of institutions with ecclesiastical or secular origins. Over the centuries, the states had leached ecclesiastical institutions to fuse them with the armies, courts, and councils drawn from non-clerical sources. The gin and tonic were mixed in slightly different proportions in each. What distinguished the papal state was that it was nearly all gin: in the sense that it had much more of the ecclesiastical ingredient in its daily government. Here alone, Church institutions had not been leached away. They *were* the government, and in so far as government functioned at all,

<sup>86</sup> S. Seidel-Menchi, *Erasmus als Ketzer* (Leiden, 1993). I leave out of consideration here, as a source of possible confusion, the relative strictness of Rome in disciplining members of the religious orders (as for instance *ibid.*, pp. 192–4).

<sup>87</sup> L. Fratarelli Fischer, 'Ebrei a Pisa e Livorno nel sei e settecento tra inquisizioni e garanzie granducali', in *Le inquisizioni cristiane e gli Ebrei*, Atti dei Convegni Lincea, 191 (Rome, 2003), 253–95.

<sup>88</sup> Delumeau, *Vie économique*, 1. 96–102.

Church institutions functioned there without the tensions endemic in all other states—tensions, not so much with lawless ruffians (of whom the papal state had more than its ration), but with unexceptionably pious bodies like the French Parlement or the Venetian *Serenissima* whose practice was (I quote) to go *poco a poco usurpando la libertà ecclesiastica*. In the papal state, the unexceptionably pious bodies here were those of the Church itself.

The only rub was, there were not too many others. Secular institutions were present, but poorly developed. The problem had been one cause for the popes' absence in Avignon. That absence had made the problem worse, prompting Albornoz to try and treat it with his 'Egidian Constitutions' in 1357. But the fact that Albornoz would be remembered as the papal state's great law-maker (other states could boast half a dozen: law-making is a long job), betrays the relative vacuum he had tried to fill. And his failure to fill it more than partially became clear when the Great Schism came to weaken papal government again. After the Schism, a strong-arm Colonna was made pope, as Martin V, to establish law and order. But even then his state can still be described by its historian as 'in permanent crisis'.<sup>89</sup> Nor did later centuries bring permanent improvement. To take just one measure: the dilapidation and insecurity of highways in the papal state was a byword deep into the modern period.<sup>90</sup>

A vacuum in secular judicial institutions could only be filled by ecclesiastical. This put heresy in a special position. The medieval Inquisition had been a uniquely sharp instrument for top-down justice of all kinds, whence its attraction to state-builders. And here, in the papal state, the Inquisition could work at home, without distractions. As two leading specialists in the subject have written: 'only in the States of the Church . . . did the "pure" theory and legal practice of the Roman Inquisition find free expression in the courts'.<sup>91</sup> The purity of the jurisdiction had its own effect on the concept of heresy. We have seen how wide-ranging it could be. Academics might invoke it in the context of the fine theological distinctions. Popes had more tangible worries, including worries about the government of their state.<sup>92</sup> Here, more than anywhere, heresy was trea-

<sup>89</sup> Partner, *Martin V* (see above, n. 76), p. 157, where Partner adds that the state's subjects 'loved the Church for its weakness, not its strength'.

<sup>90</sup> Delumeau, *Vie économique* (see above, n. 76), 2. 81–90; cf. Montaigne, *Journal* (see above, n. 10), pp. 1191, 1244, 1204.

<sup>91</sup> Monter and Tedeschi, 'Towards a statistical profile' (see above, n. 7), p. 132.

<sup>92</sup> A difference again exposed by the Erasmus-test: Leo X's endorsement of Erasmus's New Testament in 1518 was not disavowed by any pope, not even Paul III, before mid-century,

son. Even the most independent-minded of papal subjects knew they could not leach away papal jurisdiction in heresy, whatever other legal privileges they enjoyed.<sup>93</sup> Inquisition apart, Paul III Farnese was actively concerned with law and order in the papal state. The Inquisition could not but help meet this concern. Every pastor knew that the criminal was a mortal sinner: the word *crimen* meant 'mortal sin' long before it joined the leaching process into secular use. We recall what St Augustine had taught about a mortal sinner who persists in his mortal sin, knowing it to be so. He was by implication a heretic. What need was there for tonic, when the gin came so far up the glass? Around 1600 the legist Prosper Farinacius, drawing on law from all over southern Europe, but with an experience almost wholly in the papal states, published a big volume on heresy law. In it he listed literally hundreds of offences which could count as that. They included persistent bigamy, fornication, habitual blasphemy, or errors on minor articles of belief, even, in some circumstances, when committed in ignorance. They also included breaches of public order, if persistent enough to imply misbelief. An inquisitor could proceed against such 'thieves, adulterers, homicides, and the like' if their conduct seemed to imply that they saw no reason to regret their way of life. To read the lists in *De haeresi* is to feel the blood drain from one's face (the opposite reaction to that of Julius III), at the tightness of the rein on which an inquisitor could hold everyone in the papal state. Or hold them theoretically: at thirty cases a year, he could not; and we know, from the continued disorders, that he did not. But it is not at all irrelevant to reflect that Paul III's creation of the Holy Office was contemporary with moves to reform Roman government in other ways, including its Chancery of Justice. He, too, may have been conscious that his new tribunal was filling a vacuum which in other states would have been assigned to criminal justice.<sup>94</sup>

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although the Sorbonne had condemned Erasmus's entire biblical methodology in 1526–7. Seidel-Menchi, *Erasmus als Ketzer* (see above, n. 86), pp. 241–3, 293–5.

<sup>93</sup> Partner, *Martin V*, p. 127 (the case of Bologna). For the shadowy character of the pope's public prosecutor see *ibid.*, pp. 57, 106, 136.

<sup>94</sup> Prosper Farinacius, *Tractatus de haeresi* (= *Operum criminalium pars VIII*) (Frankfurt, 1618), pp. 1–21, for the lists. See esp. Quaestio 178, ii, Amplia XI: 'Ut licet fures, adulteri, homicidae et similes consueti, et notorii delinquentes sic furando, adulterando, et occidendo, aut alias assi[d]ue delinquendo, agant contra veritatem scripturae, et non propterea reputentur haeretici, haeretici tamen reputantur, et contra eos inquisitores procedere possunt, quando pertinaciter assererent licitum esse furare, adulterare, et occidere.' Cf. Brambilla, *Alle origini del Sant'Uffizio*, p. 561.

The Church was promised immortality. But this inestimable privilege was not enjoyed without cost. Her terrestrial headquarters had been established in Rome in the political idiom of the declining Roman Empire and early Middle Ages. After the millennium the successes of Christendom faced its headquarters with new challenges. The main one until the thirteenth century was the threat of being swallowed whole by the German Empire. The popes won that battle. But even as they did so they had to watch helplessly as, beyond the Alps, their Church's universal powers were built into the foundations of the rising national monarchies. Nearer home rose a novelty more threatening still, as the Italian cities, former agents of the Emperors' military defeat, began their mutually competitive metamorphosis into Renaissance city-states. Some people (Dante was one) thought the metamorphosis a decline. Others thought it progress. Whichever it was, the papacy lagged behind: economically, so that it had to throw itself into the arms of Florence; politically, so that it had to stretch to its *nec plus ultra* the one jurisdiction no one could deny it. The Inquisition and the Renaissance, their antithesis a feature of every school history book, were thus twins, born of the same set of causes. Both had roots in specifically Christian doctrine: one, in respect of cognition; the other, in that of organisation; and in so far as the roots of both ranged more widely, the range still remained within the one configuration of circumstances—the emergence, all over Europe, of the territorial state, and to the unique position, within that process, of the head of the *societas christiana*.