

CHAPTER
VII.Final organization of the
Inquisition.

1483.

Aug. 2, and
Oct. 17.

same year, he expedited two briefs, appointing Thomas de Torquemada inquisitor-general of Castile and Aragon, and clothing him with full powers to frame a new constitution for the Holy Office. This was the origin of that terrible tribunal, the Spanish or Modern Inquisition, familiar to most readers, whether of history or romance; which, for three centuries, has extended its iron sway over the dominions of Spain and Portugal.³⁸ Without going into details respecting the organization of its various courts, which gradually swelled to thirteen during the present reign, I shall endeavour to exhibit the principles which regulated their proceedings, as deduced in part from the code digested under Torquemada, and partly from the practice which obtained during his supremacy.³⁹

Edicts were ordered to be published annually, on the first two Sundays in lent, throughout the churches, enjoining it as a sacred duty on all, who knew or suspected another to be guilty of heresy,

Forms of
trial.

³⁸ L. Marineo, *Cosas Memorables*, fol. 164. — Zuñiga, *Annales de Sevilla*, p. 396 — Pulgar, *Reyes Católicos*, part. 2, cap. 77. — Garibay, *Compendio*, tom. ii. lib. 18, cap. 17. — Paramo, *De Origine Inquisitionis*, lib. 2, tit. 2, cap. 2. — Llorente, *Hist. de l'Inquisition*, tom. i. pp. 163–173.

³⁹ Over these subordinate tribunals Ferdinand erected a court of supervision, with appellate jurisdiction, under the name of Council of the Supreme, consisting of the grand inquisitor, as president, and three other ecclesiastics, two of them doctors of law. The principal purpose of this new cre-

ation was to secure the interest of the crown in the confiscated property, and to guard against the encroachment of the Inquisition on secular jurisdiction. The expedient, however, wholly failed, because most of the questions brought before this court were determined by the principles of the canon law, of which the grand inquisitor was to be sole interpreter, the others having only, as it was termed, a "consultative voice." Llorente, tom. i. pp. 173, 174. — Zurita, *Anales*, tom. iv. fol. 324. — Riol, *Informe*, apud *Semanario Erudito*, tom. iii. pp. 156 et seq.

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to lodge information against him before the Holy Office ; and the ministers of religion were instructed to refuse absolution to such as hesitated to comply with this, although the suspected person might stand in the relation of parent, child, husband, or wife. All accusations, anonymous as well as signed, were admitted ; it being only necessary to specify the names of the witnesses, whose testimony was taken down in writing by a secretary, and afterwards read to them, which, unless the inaccuracies were so gross as to force themselves upon their attention, they seldom failed to confirm.⁴⁰

The accused, in the mean time, whose mysterious disappearance was perhaps the only public evidence of his arrest, was conveyed to the secret chambers of the Inquisition, where he was jealously excluded from intercourse with all, save a priest of the Romish church and his jailer, both of whom might be regarded as the spies of the tribunal. In this desolate condition, the unfortunate man, cut off from external communication and all cheering sympathy or support, was kept for some time in ignorance even of the nature of the charges preferred against him, and at length, instead of the

⁴⁰ Puigblanch, *Inquisition Unmasked*, vol. i. chap. 4. — Llorente, *Hist. de l'Inquisition*, tom. i. chap. 6, art. 1 ; chap. 9, art. 1, 2. — The witnesses were questioned in such general terms, that they were even kept in ignorance of the particular matter respecting which they were expected to testify. Thus, they were asked "if they knew any thing which had been said or done contrary to the Catholic faith, and

the interests of the tribunal." Their answers often opened a new scent to the judges, and thus, in the language of Montanus, "brought more fishes into the inquisitors' holy angle." See Montanus, *Discovery and Playne Declaration of sundry subtil Practises of the Holy Inquisition of Spayne*, Eng. trans. (London, 1569,) fol 14.

original process, was favored only with extracts from the depositions of the witnesses, so garbled as to conceal every possible clue to their name and quality. With still greater unfairness, no mention whatever was made of such testimony, as had arisen in the course of the examination, in his own favor. Counsel was indeed allowed from a list presented by his judges. But this privilege availed little, since the parties were not permitted to confer together, and the advocate was furnished with no other sources of information than what had been granted to his client. To add to the injustice of these proceedings, every discrepancy in the statements of the witnesses was converted into a separate charge against the prisoner, who thus, instead of one crime, stood accused of several. This, taken in connexion with the concealment of time, place, and circumstance in the accusations, created such embarrassment, that, unless the accused was possessed of unusual acuteness and presence of mind, it was sure to involve him, in his attempts to explain, in inextricable contradiction.⁴¹

If the prisoner refused to confess his guilt, or, as was usual, was suspected of evasion, or an attempt to conceal the truth, he was subjected to the torture. This, which was administered in the deepest vaults of the Inquisition, where the cries of the victim could fall on no ear save that of his tormentors, is admitted by the secretary of the Holy

Torture.

⁴¹ Limborch, Inquisition, book 4, chap. 20. — Montanus, Inquisition of Spayne, fol. 6-15. — Llorente, Hist. de l'Inquisition, tom. i. chap. 6, art. 1; chap. 9, art. 4-9. Puigblanch, Inquisition Unmasked, vol. i. chap. 4.

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Office, who has furnished the most authentic report of its transactions, not to have been exaggerated in any of the numerous narratives which have dragged these subterranean horrors into light. If the intensity of pain extorted a confession from the sufferer, he was expected, if he survived, which did not always happen, to confirm it on the next day. Should he refuse to do this, his mutilated members were condemned to a repetition of the same sufferings, until his obstinacy (it should rather have been termed his heroism) might be vanquished.⁴² Should the rack, however, prove ineffectual to force a confession of his guilt, he was so far from being considered as having established his innocence, that, with a barbarity unknown to any tribunal where the torture has been admitted, and which of itself proves its utter incompetency to the ends it proposes, he was not unfrequently convicted on the depositions of the witnesses. At the conclusion of his mock trial, the prisoner was again returned to his dungeon, where, without the blaze of a single fagot to dispel the cold, or illuminate the darkness of the long winter night, he was left in unbroken silence to await the doom which was to consign him to an ignominious death, or a life scarcely less ignominious.⁴³

⁴² Llorente, *Hist. de l'Inquisition*, tom. i. chap. 9, art. 7. — By a subsequent regulation of Philip II., the repetition of torture in the same process was strictly prohibited to the inquisitors. But they, making use of a sophism worthy of the arch-fiend himself, contrived to evade this law, by

pretending after each new infliction of punishment, that they had only suspended, and not terminated the process!

⁴³ Montanus, *Inquisition of Spayne*, fol. 24 et seq. — Limborch, *Inquisition*, vol. ii. chap. 29. — Puigblanch, *Inquisition Unmasked*, vol. i. chap. 4. — Llorente, *Hist.*

The proceedings of the tribunal, as I have stated them, were plainly characterized throughout by the most flagrant injustice and inhumanity to the accused. Instead of presuming his innocence, until his guilt had been established, it acted on exactly the opposite principle. Instead of affording him the protection accorded by every other judicature, and especially demanded in his forlorn situation, it used the most insidious arts to circumvent and to crush him. He had no remedy against malice or misapprehension on the part of his accusers, or the witnesses against him, who might be his bitterest enemies; since they were never revealed to, nor confronted with the prisoner, nor subjected to a cross-examination, which can best expose error or wilful collusion in the evidence.⁴⁴ Even the poor forms of justice, recognised in this court, might be readily dispensed with; as its proceedings were impenetrably shrouded from the public eye, by the appalling oath of secrecy imposed on all, whether functionaries, witnesses, or prisoners, who entered

de l'Inquisition, ubi supra. — I shall spare the reader the description of the various modes of torture, the rack, fire, and pulley, practised by the inquisitors, which have been so often detailed in the doleful narratives of such as have had the fortune to escape with life from the fangs of the tribunal. If we are to believe Llorente, these barbarities have not been decreed for a long time. Yet some recent statements are at variance with this assertion. See, among others, the celebrated adventurer Van Halen's "Narrative of his Imprisonment in the Dungeons of the

Inquisition at Madrid, and his Escape in 1817-18."

⁴⁴ The prisoner had indeed the right of challenging any witness on the ground of personal enmity. (Llorente, *Hist. de l'Inquisition*, tom. i. chap. 9, art. 10.) But as he was kept in ignorance of the names of the witnesses employed against him, and as even, if he conjectured right, the degree of enmity, competent to set aside testimony, was to be determined by his judges, it is evident that his privilege of challenge was wholly nugatory.

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within its precincts. The last, and not the least odious feature of the whole, was the connexion established between the condemnation of the accused and the interests of his judges; since the confiscations, which were the uniform penalties of heresy,⁴⁵ were not permitted to flow into the royal exchequer, until they had first discharged the expenses, whether in the shape of salaries or otherwise, incident to the Holy Office.⁴⁶

Autos da fe.

The last scene in this dismal tragedy was the *act of faith*, (*auto da fe*), the most imposing spectacle probably, which has been witnessed since the ancient Roman triumph, and which, as intimated by a Spanish writer, was intended, somewhat profanely, to represent the terrors of the Day of Judgment.⁴⁷ The proudest grandees of the land, on

⁴⁵ Confiscation had long been decreed as the punishment of convicted heretics by the statutes of Castile. (*Ordenanças Reales*, lib. 8, tit. 4.) The avarice of the present system, however, is exemplified by the fact, that those, who confessed and sought absolution within the brief term of grace allowed by the inquisitors from the publication of their edict, were liable to arbitrary fines; and those who confessed after that period, escaped with nothing short of confiscation. Llorente, *Hist. de l'Inquisition*, tom. i. pp. 176, 177.

⁴⁶ *Ibid.*, tom. i. p. 216. — Zurita, *Anales*, tom. iv. fol. 324. — Salazar de Mendoza, *Monarquía*, tom. i. fol. 337. — It is easy to discern in every part of the odious scheme of the Inquisition, the contrivance of the monks, a class of men, cut off by their profession from the usual sympathies of social life, and who, accustomed

to the tyranny of the confessional, aimed at establishing the same jurisdiction over thoughts, which secular tribunals have wisely confined to actions. Time, instead of softening, gave increased harshness to the features of the new system. The most humane provisions were constantly evaded in practice; and the toils for ensnaring the victim were so ingeniously multiplied, that few, very few, were permitted to escape without some censure. Not more than one person, says Llorente, in one or perhaps two thousand processes, previous to the time of Philip III., received entire absolution. So that it came to be proverbial that all who were not roasted, were at least singed.

“Devant l'Inquisition, quand on vient à jubé,
Si l'on ne sort rôti, l'on sort au moins
flambé.”

⁴⁷ Montanus, *Inquisition of*

this occasion, putting on the sable livery of familiars of the Holy Office and bearing aloft its banners, condescended to act as the escort of its ministers; while the ceremony was not unfrequently countenanced by the royal presence. It should be stated, however, that neither of these acts of condescension, or more properly, humiliation, were witnessed until a period posterior to the present reign. The effect was further heightened by the concourse of ecclesiastics in their sacerdotal robes, and the pompous ceremonial, which the church of Rome knows so well how to display on fitting occasions; and which was intended to consecrate, as it were, this bloody sacrifice by the authority of a religion, which has expressly declared that it desires mercy and not sacrifice.⁴⁸

P.C. Monumental de la Alhambra y Generalife
CONSEJERÍA DE CULTURA

Spain, fol. 46. — Puigblanch, *Inquisition Unmasked*, vol. i. chap. 4. — Every reader of Tacitus and Juvenal will remember how early the Christians were condemned to endure the penalty of fire. Perhaps the earliest instance of burning to death for heresy in modern times occurred under the reign of Robert of France, in the early part of the eleventh century. (Sismondi, *Hist. des Français*, tom. iv. chap. 4.) Paramo, as usual, finds authority for inquisitorial autos da fe, where one would least expect it, in the New Testament. Among other examples, he quotes the remark of James and John, who, when the village of Samaria refused to admit Christ within its walls, would have called down fire from heaven to consume its inhabitants. "Lo," says Paramo, "fire, the punishment of heretics; for the Samaritans were the heretics of those times." (De Origine In-

quisitionis, lib. 1, tit. 3, cap. 5.) The worthy father omits to add the impressive rebuke of our Saviour to his over-zealous disciples. "Ye know not what manner of spirit ye are of. The son of man is not come to destroy men's lives, but to save them."

⁴⁸ Puigblanch, vol. i. chap. 4. — The inquisitors after the celebration of an auto da fe at Guadaloupe, in 1485, wishing probably to justify these bloody executions in the eyes of the people, who had not yet become familiar with them, solicited a sign from the Virgin (whose shrine in that place is noted all over Spain) in testimony of her approbation of the Holy Office. Their petition was answered by such a profusion of miracles, that Dr. Francis Sanctius de la Fuente, who acted as scribe on the occasion, became out of breath, and, after recording sixty, gave up in despair, unable to keep pace with

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The most important actors in the scene were the unfortunate convicts, who were now disgorged for the first time from the dungeons of the tribunal. They were clad in coarse woollen garments, styled *san benitos*, brought close round the neck and descending like a frock, down to the knees.⁴⁹ These were of a yellow color, embroidered with a scarlet cross, and well garnished with figures of devils and flames of fire, which, typical of the heretic's destiny hereafter, served to make him more odious in the eyes of the superstitious multitude.⁵⁰ The greater part of the sufferers were condemned to be *reconciled*, the manifold meanings of which soft phrase have been already explained. Those who were to be *relaxed*, as it was called, were delivered over, as impenitent heretics, to the secular arm, in order to expiate their offence by the most painful of deaths, with the consciousness, still more painful, that they were to leave behind them names branded with infamy, and families involved in irretrievable ruin.⁵¹

their marvellous rapidity. Paramo, *De Origine Inquisitionis*, lib. 2, tit. 2, cap. 3.

⁴⁹ *San benito*, according to Llorente (tom. i. p. 127.), is a corruption of *saco bendito*, being the name given to the dresses worn by penitents previously to the thirteenth century.

⁵⁰ Llorente, *Hist. de l'Inquisition*, tom. i. chap. 9, art. 16. — Puigblanch, *Inquisition Unmasked*, vol. i. chap. 4. — Voltaire remarks (*Essai sur les Mœurs*, chap. 140.) that, "An Asiatic, arriving at Madrid on the day of an *auto da fe*, would doubt whether it were a festival, religious celebration, sac-

rifice, or massacre; — it is all of them. They reproach Montezuma with sacrificing human captives to the Gods. — What would he have said, had he witnessed an *auto da fe*?"

⁵¹ The government, at least, cannot be charged with remissness in promoting this. I find two ordinances in the royal collection of *pragmáticas*, dated in September, 1501, (there must be some error in the date of one of them,) inhibiting, under pain of confiscation of property, such as had been *reconciled*, and their children by the mother's side, and grandchildren by the father's, from holding any

It is remarkable, that a scheme so monstrous as that of the Inquisition, presenting the most effectual barrier, probably, that was ever opposed to the progress of knowledge, should have been revived at the close of the fifteenth century, when the light of civilization was rapidly advancing over every part of Europe. It is more remarkable, that it should have occurred in Spain, at this time under a government, which had displayed great religious independence on more than one occasion, and which had paid uniform regard to the rights of its subjects, and pursued a generous policy in reference to their intellectual culture. Where, we are tempted to ask, when we behold the persecution of an innocent, industrious people for the crime of adhesion to the faith of their ancestors, where was the charity, which led the old Castilian to reverence valor and virtue in an infidel, though an enemy? Where the chivalrous self-devotion, which led an Aragonese monarch, three centuries before, to give away his life, in defence of the persecuted sectaries of Provence? Where the independent spirit, which prompted the Castilian nobles, during the very last reign, to reject with scorn the purposed interference of the pope him-

office in the privy council, courts of justice, or in the municipalities, or any other place of trust or honor. They were also excluded from the vocations of notaries, surgeons, and apothecaries. (Pragmáticas del Reyno, fol. 5, 6.) This was visiting the sins of the fathers, to an extent unparalleled in modern legislation. The sovereigns might

find a precedent in a law of Sylla, excluding the children of the proscribed Romans from political honors; thus indignantly noticed by Sallust. "Quin solus omnium, post memoriam hominum, supplicia in post futuros composuit; *quibus prius injuria quàm vita certa esset.*" Hist. Fragmenta, lib. 1.

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self in their concerns, that they were now reduced to bow their necks to a few frantic priests, the members of an order, which, in Spain at least, was quite as conspicuous for ignorance as intolerance? True indeed the Castilians, and the Aragonese subsequently still more, gave such evidence of their aversion to the institution, that it can hardly be believed the clergy would have succeeded in fastening it upon them, had they not availed themselves of the popular prejudices against the Jews.⁵² Providence, however, permitted that the sufferings, thus heaped on the heads of this unfortunate people, should be requited in full measure to the nation that inflicted them. The fires of the Inquisition, which were lighted exclusively for the Jews, were destined eventually to consume their oppressors. They were still more deeply avenged in the moral influence of this tribunal, which, eating like a pestilent canker into the heart of the monarchy, at the very time when it was exhibiting a most goodly promise, left it at length a bare and sapless trunk.

Convictions
under Tor-
quemada.

Notwithstanding the persecutions under Torquemada were confined almost wholly to the Jews, his activity was such as to furnish abundant precedent, in regard to forms of proceeding, for his successors; if, indeed, the word forms may be applied to the conduct of trials so summary, that the

⁵² The Aragonese, as we shall see hereafter, made a manly, though ineffectual resistance, from the first, to the introduction of the Inquisition among them by Ferdinand.

In Castile, its enormous abuses provoked the spirited interposition of the legislature at the commencement of the following reign. But it was then too late.