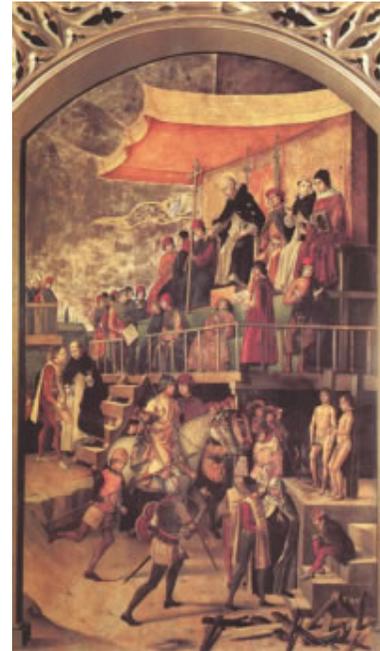


## The Inquisition: Dominic and Dominicans

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In his *History of France*, so characteristic of the nineteenth century, Jules Michelet has painted a fresco in which he shows the Church of the thirteenth century in Languedoc checking "the spirit of free thought" that represented heresy. The sentences pour out, nervous, breathless, romantic . . . and inexact. "This Dominic", he writes, "this terrifying founder of the Inquisition, was a Castilian noble. No one surpassed him in the gift of tears, a thing so often joined to fanaticism." (1) And in the following chapter he continues: "The Pope could only vanquish independent mysticism by himself opening great schools of mysticism: I refer to the mendicant orders. This was fighting evil with evil; attempting that most difficult of contradictions, the regulation of inspiration, the determination of illuminism . . . delirium unleashed!"

Pedro Berruguete's (d. 1504) tableau, the *Scene of Auto da fé* in the Prado museum in Madrid, is equally well known. St. Dominic, recognizable by his mantle ornamented with stars, is seated on a throne presiding over a tribunal and surrounded by six magistrates, almost all of them laymen. Below, to the right, are heretics roped to stakes soon to be set ablaze. The contrast is striking and the composition noteworthy. The tableau was doubtless intended for the glory of Dominic: the same painter designed several altar pieces for the Dominican convent in Avila at the request of Thomas of Torquemada (d. 1493), Inquisitor General in Spain in 1483.



If we go back a little further in history we shall find Dominican witnesses to show how Dominic took part in the first Inquisition against the Catharists and Vaudois in Languedoc. A reference made by Bernard Gui (1261-1331) in a *Life of St. Dominic* does not hesitate to claim for his Founder the title of First Inquisitor, following the "legendary" texts of the thirteenth century. (2) Nor has the author of the celebrated "Manual for Inquisitors" hesitated to interpolate on his own authority the *Albigensian History* of Pierre des Vaux de Cernai in order to prove Dominic's presence at the Battle of Muret during the bloody Albigensian Crusade on September 12, 1213: the Saint is pictured holding in his hands a crucifix riddled with wounds, which is still shown at St. Sernin in Toulouse. (3)

Lacordaire, on the contrary, at the moment when he was pleading before his "country" the cause of the reestablishment of the Order of Preachers in France in 1838, that is to say, a few years after the impassioned words of Michelet about the foundation of the mendicant orders, affirmed boldly (chap. 6) that "St. Dominic was not the inventor of the Inquisition, and never performed the duties of an inquisitor. The Dominicans were never the promoters or principal agents of the Inquisition." The historical demonstration following these claims must unfortunately be viewed with some reserve. It was - and not only on the basis of historical accuracy - vehemently attacked, in particular by his friend Dom Prosper Guéranger, the restorer of the Benedictines of Solesmes; he accused Lacordaire of not having the courage to "accept his heritage".

What, then, are we to believe? Was Dominic the first of the inquisitors? The answer is categorically: by no means! Simple chronology suffices to resolve the problem: Dominic died in 1221, and the office of Inquisitor was not established until 1231 in Lombardy and 1234 in Languedoc.

Were the Friars the principal agents of the Inquisition? Or did they simply take part in it "like everyone else", as Lacordaire says? This time the answer must be more nuanced. But we must know exactly what we are referring to when we use the word inquisition, so deadly in its ordinary connotation, before we can attempt to define its significance.

We must first realize that there were two inquisitions or, to put it better, two currents of inquisition, quite dissimilar in their origins and functions. The first, in the thirteenth century, was the result of a long process set in motion by the popes; it is often called "the pontifical inquisition". The second answered to an initiative of the Catholic kings of Spain who, in 1478, asked the pope to reorganize the former institution. This tool of royal absolutism - aimed at the religious minorities of Jews and Moslems, who were being assimilated with difficulty into the national life, and at the current trends of thought which seemed to be threatening the social order - would not be suppressed until the nineteenth century. This was the object of "the black legend", so tenacious that even today the term "inquisition" immediately arouses emotional reactions and evokes concepts of fanaticism and intolerance among the people. The kings of Spain often appealed to Dominicans like Thomas of Torquemada, but more often, from the end of the sixteenth century on, to Jesuits. (4)

When we speak of the Inquisition today we often confuse two entities which it would be greatly to our advantage to distinguish: a procedure and a tribunal. The *Inquisitio* is first of all a juridical procedure. It is the procedure of inquiry which, in modern nations, is officially opened by public authority when some crime is brought to its attention. It precedes the registering of a complaint or accusation, which in its turn will set in motion the handling of the civil offense. The introduction of this procedure is very objective and detailed: this is its guarantee for the accused. The method has come a long way in comparison with the ancient procedure of accusation, which was in early times very general in its character. This was the situation at the beginning of the thirteenth century in regard to heretics: they were prosecuted only after having been formally accused. Toward 1230 the process of inquiry was used in regard to matters of faith. The problem lay not in the process of inquiry itself, but in the fact that the royal and ecclesiastical authorities considered that a manifestation of dissent in matters of faith was a crime, subject to official prosecution.

The Inquisition was also a tribunal, an emergency tribunal destined to identify the crime for heresy, using among other procedures that of inquiry. This was the origin of the Office of Inquisition, entrusted to various persons. Without voiding the tribunal of the bishop which, up to that time, had dealt with matters of faith, this new tribunal largely substituted for it.

Heretofore, heresy had been handled as a spiritual matter by the bishop's tribunal, which was charged with assessing the belief of the baptized in a given diocese. The prince, who used secular constraint to obtain the accusation and punishment of those condemned for heresy, according to the normal functioning of his penal law, left to the bishop the final decision as to the validity of the accusation of heresy.

At the beginning of the thirteenth century Pope Innocent III's many moves against heretics, in sending legates to various parts of Christendom, served only to arouse and increase the bishops' action. There were vast campaigns of preaching, destined to bolster the belief of Catholics and to lead heretics back to the Faith. It was with one of these campaigns of the Word, being conducted in the Midi, that Dominic was associated (1206-1209).

The frequent inefficiency of the bishops' tribunals led Emperor Frederick II of Germany and Pope Gregory IX to move toward the creation of an emergency tribunal. Its judge would be a cleric, but the prince would vouch for its foundation and temporal effectiveness. He would determine the locales, maintenance, the carrying out of arrests, and appearances before the courts, as well as the penalties incurred according to his own penal laws. In 1231 a joint decision of Pope and Emperor led to the creation of the Office of the Inquisition, to be erected from that time on in Germany and Italy. This tribunal was introduced in northern France in 1233 and in the Midi at the beginning of 1234. It is clear, therefore, that it was not especially designed for the latter region as is commonly supposed. It had nothing to do with St. Dominic.

This office may be defined as an emergency tribunal set up on a permanent basis to deal with all matters involving the defense of the Faith, and using the inquisitorial procedure, which was far more flexible and effective. (5) It was not a "religious policy". It was a matter of convincing a heretic of the contradictory position he held in regard to the Christian Faith, and of converting him. The Inquisitor must therefore be a good preacher. For the least grave faults the tribunal imposed penalties of a religious nature: to carry a cross, to visit churches, to make pilgrimages - or more weighty undertakings. If the heretic was obdurate, the Church handed him over to the secular arm

which could, from the thirteenth century on, decree the death penalty, forbidden however at the Third Lateran Council. From 1252 on, the Inquisition made use of the right to torture those charged with heresy, as was customary at the time in common law. We can see from this the importance of the role of the Inquisition.

The choice of the one who should be judge of the Faith was all the more serious in Pope Gregory IX's opinion, since he feared the danger of a judge too dependent on the prince, in whose service he could slight honesty in the performance of his duties. This was often the case with bishops, especially in Germany. The Pope therefore tended to choose religious, and sometimes secular priests. The first known Inquisitor, Conrad of Marburg, was a secular priest. Soon, however, the Pope turned to the Dominicans, particularly for France (1233) and Languedoc (1234). Two years later he added a Franciscan. In the ensuing years the Inquisitors of Languedoc were regularly Dominicans, those of Provence, Franciscans. These religious could devote themselves to instructing the people in the Faith with more continuity and greater depth than could monks or secular clergy, who were frequently drawn away to other tasks. But the Inquisition was never, as such, an office of the Order of Preachers.

The inquisitors were not responsible for the creation of the Inquisition. If some of them lost their sense of proportion due to the fearsome power given them, like the too celebrated Roger of Bougre, named in 1235, who dishonored his name by his excesses in northern France, most fulfilled the duties of judge entrusted to them with competence, freedom of spirit and a concern for the salvation of souls. They were convinced of the salutary need for this charge, as were most Christians in the West.

The problem of the Inquisition is rooted in two far older problems: that of the prosecution of heresy in Christian society and, more generally, that of the feelings of this society about disagreements within the body of the faithful.

The latter goes back to the origins of the Church, when Christians were intensely attached to "being of one mind" (Phil 2:2): "one Lord, one Faith, one baptism, one God and Father of us all" as St. Paul wrote (Eph 4:5). Faith was indeed entirely a gift of God; but to be authentic, it required belief and a common objective content.

It was Western society, ecclesiastical and political, which was responsible for creating and perfecting the Inquisition by a series of decisions on many levels. Western Christianity, welding the Church and temporal society together, believed it a just and holy thing to make Christian Faith and morals the basis for civil legislation and to place in its service the power of temporal coercion, of which the Inquisition was but one tool.

This sense of responsibility on the part of Europeans for the rule of Faith and for the salvation of their subjects, and their desire to intervene for its defense with the help of their bishops, remained very much alive in the West until the sixteenth century, even until the seventeenth. To rebel against the Faith was to rebel against the prince.

In their concern about salvation, so preponderant at the time, nations were often the first to insist on the prosecution of those who propagated teachings or methods of obtaining salvation that, in the judgment of the Church, risked the eternal loss of Christians. The man of the Middle Ages could understand tolerance of pagans who had no way of knowing revelation, but he was rigorous in dealing with Jews. This was to be the attitude of the papacy. It could regard deviations from the Catholic Faith and the repudiation of baptism only as grave sins. (6)

Dissension regarding the Faith thus appeared as the gravest of faults, by far the most pernicious. This is why the inquisitorial process sought first to *cure*, as a physician does. Not only the society that was threatened, but also the heretic himself, must be saved. This was the famous dilemma posed by Dostoyevsky in the striking scene of the Grand Inquisitor, depicted by him as an expression of Ivan Karamazov's revolt.

Throughout the Middle Ages this sort of temporal and spiritual collusion culminating in the

Inquisition was considered normal. In none of the quarrels in which kings, emperors and rebellious clerics opposed the papacy - theologians like Marsile of Padua for example, so virulent and violent - do we find taunts about the Inquisition. Public opinion gave every evidence of approving, even desiring it. We must await the eve of the ideal of "tolerance", to find the challenging of at least the methods, if not the existence, of the institution. Erasmus, in this area as in others, seems to have been a precursor.

The Middle Ages were far more aware of social truths and values than of the sincerity of personal convictions. The deepening of the sense of the person and of liberty, though stressed by St. Paul as he considered Christian life to be ruled by grace (Gal 5:13) is a comparatively recent triumph. Our times cannot judge ages which thought otherwise. Our actual living out of this liberty is not, despite all the declarations of its intentions, favorable to the rights of man.

(Source : Bedouelle, Guy. *Saint Dominique. The Grace of the Word*. Ignatius, 1987.)

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1. Vol. II, r. IV, chap. 7, Oeuvres complètes, vol. IV, critical edition, P. Viallaneix (Paris, 1974). In the first edition, Michelet wrote: "He was a noble Castilian, singularly charitable and pure. He was unsurpassed for his gift of tears and for the eloquence which drew tears from others." These last words were suppressed in 1852 and replaced by the vengeful sentence of 1861. "Examination of the revision of the text of 1833", op. cit., p. 657.
2. For a statement of the question, see Vicaire, Dominique et ses Prêcheurs, pp. 36 57 ("Dominique et les Inquisiteurs", and also pp. 243 50).
3. Cahiers de Fanjeaux, 16, pp. 243 50 (M. Prin and M. H. Vicaire).
4. Guy Testas and Jean Testas, L'Inquisition (Paris, 1974).
5. Cf "Le Credo, la morale et l'Inquisition", Cahiers de Fanjeaux 6 (1971), in particular the contributions of Yves Dossat. By the same author, Les crises de l'Inquisition toulousaine (1233 1273) (Bordeaux, 1959). See also Henri Maisonneuve, Etudes sur les origines de l'Inquisition, 2nd ed. (Paris, 1960); on Dominic and the early brethren, see pp. 248 49.
6. For an exposition of the medieval attitude, see in the Summa Theologiae of St. Thomas, Ila Ilae, q. 10. It is here that the famous formula is found: "The acceptance of faith is a matter of free will, yet keeping it when once it has been received is a matter of obligation" (10, a 10 ad 3).