‘The punishment of heresy in Languedoc during the mid thirteenth century.’

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Abstract

During the thirteenth century a number of papal inquests were held across Languedoc with the purpose of uncovering and suppressing support for heresy. One key aspect of these inquests was the sentencing of guilty deponents. Papal inquisitors employed a variety of penances to punish those found guilty of supporting two heresies: Catharism and Waldensianism. Such penances included pilgrimage, wearing crosses, financial penalties and imprisonment. The most obstinate heretics were handed over to the secular authorities for execution, or if deceased, exhumed and burned. In historiographical debates, discussion about penances has often been overlooked in favour of focusing on the procedure which preceded the sentencing. However, by examining inquisitors' decision-making and the penances which they imposed, new light may be shed upon matters such as inquisitors' attitudes towards punishment, the development of the post-interrogation procedure, and the relationships between inquests.

Chapter one, 'Proportional Punishment' examines the penances imposed during the inquests led by Peter Sellan and Bernard of Caux respectively, offering quantitative analyses of the inquisitors' sentences. By comparing the content of depositions to corresponding penances, the thesis argues that inquisitors usually employed a proportional approach when punishing heresy. Chapter two, 'Inquisitorial Flexibility' considers a number of issues which do not fit into a proportional framework. Occasions on which inquisitors were lenient or flexible are evaluated with respect to canon law and the extent to which they were allowed to make their own decisions. Chapter three, 'Problems with Penances' evaluates the extent to which completing penances like pilgrimages and imprisonment potentially facilitated the spread of heretical beliefs. Strategies used by inquisitors to ensure that penitents completed their penances are also examined with respect to historiographical views regarding

inquisitors' use of penances as a means of social control. Finally, chapter four, 'Lessons to be Learned' explores the progression of punishing heresy throughout the thirteenth century. The quantitative analysis provided in chapter one is compared to the sentences imposed by the earliest inquisitors, like Robert le Bougre and William Arnold. The resources which were created to support inquisitors are analysed, such as ecclesiastical councils, legal consultations, and inquisitors' guides and manuals. Chapter four aims to suggest: that punishing heresy in the 1240s shared more similarities to inquests held in the 1230s than previously thought; that the development of inquisitorial procedure influenced wider legal Church trends; and to highlight the importance of the relationship between the inquisitors and the communities which they investigated.

This thesis concludes that the pastoral aspects of confession were key to inquisitorial attitudes towards punishing heresy, and that inquisitors imposed penances in reaction to the varied support shown towards heresy by the people of Languedoc. The combination of quantitative and qualitative approaches used in this thesis ensures that thorough analysis is offered for sources which are only just beginning to be explored in the detail that is possible. This thesis seeks to complement the scholarship which is currently taking place by those examining and translating the early volumes of the Doat Collection.

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Abbreviations

Arnold and Biller, HIF - Arnold, J. H. and Biller, P. (eds.), *Heresy and Inquisition in France 1200-1300* (Manchester, 2016).

CDH - Hamilton, B. and Hamilton, J. (eds.), *Christian Dualist Heresies in the Byzantine World, c.650-c.1450* (Manchester, 1998).

Douais, *Documents* - Douais, C. (ed.), *Documents pour server à l'histoire de l'Inquisition dans le Languedoc*, vols. 1-2 (Paris, 1977).

HGL - Vic, C. and Vaissète, J. J. (eds.), *Histoire Générale de Languedoc, avec des notes et les pieces justificatives*, 3rd edn. A Molinier et al (eds.), 16 vols (Toulouse, 1872-1905).

HHMA - Wakefield, W. and Evans, A. (eds.), *Heresies of the High Middle Ages* (Chichester, 1991).

Mansi - Mansi, G. D. (ed.), *Sacrorum conciliorum nova et amplissima collectio*, vols. 22-3 (Graz, 1961).

MGHS - Monumenta Germaniae Historica Scriptores

Pelhisson - Guillaume Pelhisson, *Chronique 1229-1244*, ed. and trans. J. Duvernoy (Paris, 1994).

PVC - Peter of les Vaux-de-Cernay, *The History of the Albigensian Crusade*, trans. and eds. W. A. Sibly and M. D. Sibly (Woodbridge, 1998).

Puylaurens - *The Chronicle of William of Puylaurens*, trans. and eds. W. A. Sibly and M. D. Sibly (Woodbridge, 2003).

RG - *Les Registres de Grégoire IX*, eds. L. Auvray et al. 4 vols. (Paris, 1896-1955).

Tardif, 'Documents' - Tardif, A. 'Documents pour l'histoire du processus per inquistionem et de l'inquisitio heretice pravitatis', *Nouvelle revue historique du droit français et étranger,* 7 (1883), pp. 669-78.

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0. Introduction

Since Henry Charles Lea's extensive examination of inquisitorial sentences, historians' focus has generally shifted to other features of medieval inquisition. Whilst a number of detailed examinations of specific inquests have taken place, their focus has been on inquisitorial interrogation procedure and the creation of depositions. Moreover, although comprehensive, Lea's analysis of the sources is undermined by a predisposition to depict inquisitors as primarily motivated by greed and power.[1] Yet, as argued by Claude Carozzi, the Order of Preachers developed alongside, and in conjunction with, the Church's efforts to promote pastoral reform during the twelfth and thirteenth centuries.[2] The debate regarding inquisitors' intentions and motivations must be firmly rooted in light of this relationship. Yet, Marie-Humbert Vicaire's suggestion that one of the inquisitors' key functions was their pastoral duty has been strongly contested by historians who favour the view that inquisition was an institution strongly influenced by repressive goals and tendencies.[3]

Christine Caldwell Ames notes that the main reason why such a divergence of opinion exists is the manner in which coercion and power is perceived to have been

[1] H. C. Lea, *History of the Inquisition in the Middle Ages*, vols. 1-3 (London, 1922), vol. 1, pp. 557-60. For examples of inquest specific research see: E. Le Roy Ladurie, *Montaillou*, (Paris, 1975), Y. Dossat, *Les Crises de l'Inquisition Toulousaine au XIIIe siècle 1233-1273* (Bordeaux, 1959); J. Feuchter, *Konsuln und* B*üsser: die städtischen Eliten von Montauban vor dem Inquisitor Petrus Cellani (1236/1241)* (Tübingen, 2007)*;* M. Pegg, *Corruption of Angels: the Great Inquisition of 1245 - 1246* (Oxford, 2001); C. Taylor, *Heresy, Crusade and Inquisition in Medieval Quercy* (Woodbridge, 2011), C. Taylor, 'Heresy in Quercy in the 1240s: Authorities and Audiences' in eds. A. Roach and R. Simpson (Ashgate, 2013), pp. 239-55. For an overview of inquisitorial use of penances see, A. Roach, 'Penance and the Making of the Inquisition in Languedoc', *Journal of Ecclesiastical History*, 52 (2001), pp. 490-33.

[2] C. Carozzi, 'Le ministère de la confession chez les Prêcheurs', *Cahiers de Fanjeaux*, 8 (Toulouse, 1973), pp. 321-8.

[3] M-H. Vicaire, 'Saint Dominque et les inquisiteurs', *Annales du Midi*, 79 (1967), 173-94; J. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in the Medieval Languedoc* (Philadelphia, 2001).

used in different contexts.[4] For example, Elie Griffe accepted that inquisition was based on a penitential framework, but argued that pastoral duties could not have been a key concern for inquisitors due to differences between voluntary and forced penitents.[5] Similarly, Annie Cazenave concluded that due to significant differences between judicial and sacramental confession, any pastoral action undertaken by inquisitors was overridden by their judicial powers. Furthermore, Cazenave suggests that a comparison of both confessor and inquisitor manuals highlights the lack of any tangible discussion of pastoral duties in the latter, whose true purpose came to be the defence of the ever increasingly institutionalized Church.[6] Consequently, historians such as Cyrille Vogel and James Given have argued that penances were coercive, with the intention of enforcing social control.[7]

This portrayal of inquisitorial attitudes has now been firmly challenged by Caldwell Ames, who argues that the tendency in the historiography to view inquisitors as insincere and coercive is misguided.[8] Instead, Caldwell Ames suggests that sincere religious convictions led Dominican inquisitors to undertake such oppressive action. By exploring Dominican approaches to dealing with all types of sin, she has demonstrated that papal inquisitors were influenced by monastic practices, for example the imprisonment of disobedient monks.[9] Caldwell Ames also argues that

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[4] C. Caldwell Ames, *Righteous Persecution: Inquisition, Dominicans and Christianity in the Middle Ages* (Philadelphia, 2009), p. 139.
[5] E. Griffe, *Le Languedoc cathare et l'inquisition, 1229-1329* (Paris, 1980), pp. 14-34.
[6] A. Cazenave, 'Aveu et contrition: Manuels de confesseurs et interrogatories d'inquisition en Languedoc et en Catalogne, XIIIe-XIVe siècles', in *La Piete populaire au moyen age: Acts du 99e Congrès national des sociétiés savants, Besançon, 1974: Philologie et histoire I* (Paris, 1977), pp. 333-52.
[7] C. Vogel, 'Le pèlerinage penitentiel', *Revue des sciences religieuses*, 38 (1964), pp. 129, 135; J. Given, *Inquisition and Medieval Society* (London, 2001), pp. 62-5.
[8] C. Caldwell Ames, 'Does Inquisition belong to religious history?' *The American Historical Review,* 110, (2005), pp. 11-2, Caldwell Ames, *Righteous Persecution*. Caldwell Ames provides some examples: J. B. Russel, *Dissent and Reform in the Early Middle Ages* (Berkeley, 1965), p. 257.
[9] Caldwell Ames, 'Does Inquisition belong', p. 21; J. Dunbabin, *Captivity and Imprisonment in Medieval Europe 1000-1300* (New York, 2002), pp. 36-43; E. Peters, 'Prison before the prison: the ancient and medieval worlds', in eds. N. Morris and D. J. Rothman, *The Oxford History of the Prison: The Practice of Punishment in Western Society* (New York, 1995), pp. 26-32.

the development of pastoral care and inquisition were not mutually exclusive, and were both responses to the problem of defining the boundaries of orthodoxy, which the Church believed required close examination of the soul.[10] Sentencing of penitents was a very public affair, thus provided an opportune moment for the Church's definition of orthodoxy to be explained to the laity, through the punishment of those who had failed to remain inside the Church's boundaries. Consequently, analysis of inquisitorial sentences used in this thesis provides an insight into the Church's wider legal development and categorization of orthodoxy.

Notably, although Andrew Roach suggests that the inquisition came to resemble a permanent police force in Languedoc, he acknowledges that the origins of Dominican led inquests were rooted in a combination of spiritual discipline and pastoral care. Roach argues that in order to fulfil their duties, inquisitors employed strategies of social control to ensure penitents did not have to be handed over to the secular arm. The most successful of these strategies was the imposition of penance.[11] Hence, the imposition of penance by inquisitors must be seen in the context of the increasing power of the papacy, the monasticization of the laity by the Church and the mendicant orders, and the development of increasingly complex canon law.[12]

In response to Roach's view regarding inquisitorial penances, Caldwell Ames suggests that inquisitorial practice should not be viewed in relation to coercion or social control, but as part of the Church's wider efforts to protect the souls of its

[10] Caldwell Ames, 'Does Inquisition belong', p. 21; C. Caldwell Ames, 'Dominican Inquisitors as doctors of the soul: the spiritual discipline of inquisition 1231-1331', *Heresis*, 40 (2004), pp. 23-40; Caldwell Ames, *Righteous Persecution*, pp. 140-5.
[11] Roach, 'Penance', pp. 410-17.
[12] A. Vauchez, *The Laity in the Middle Ages: religious belief and devotional practices*, ed. D. E. Bornstein and trans. M. J. Schneider (Notre Dame, 1993), p. 72; Caldwell Ames, *Righteous Persecution*, p. 141; M. C. Mansfield, *The Humiliation of Sinners, Public Penance in thirteenth century France* (London, 1995), p.128; C. Matthews, 'Crux a cruciate dicitur: Preaching self-torture as pastoral care in twelfth-century religious houses', in ed. R. J. Stansbury, *A Companion to Pastoral Care in the Late Middle Ages* (Leiden, 2010), p. 308.

community, of which the threat of heresy was only one aspect. The categorization of heretics and their supporters is just one example of the Church's attempts to govern the religious aspect of people's lives. This was achieved by defining the spiritual boundaries by which the individual was judged as part of the Church's universal community.[13] In addition, Talal Asad notes that the extension of monastic discipline to the laity was the Church's strategy to ensure their obedience. Yet, as the primary purpose of contemporary monastic penance was to promote self-awareness and correction, Asad concludes that it seems unlikely that the Church's actions were consciously manipulative with regards to social control.[14]

In support of this view, Sarah Hamilton has suggested that bishops' ambitions for the laity over the course of the middle ages had already established a connection between individual responsibility and discipline within the community. Thus, the papacy's championing of the monasticization of the laity after 1215 was not innovative. Instead, it provided fresh impetus to an ongoing process which had been set into motion by the actions of bishops.[15] The self-reflection required of the laity has led John Arnold to argue that the inquisitors' actions cannot be described as simply repressive. Arnold suggests that the high standards to which the laity were held led to new definitions of what lay people should be like, and although inquisitors and mendicant orders played an important role in this development, the process began with the work of bishops.[16] This view of the inquisitors' place in the wider context of the development of pastoral care is vital to exploring inquisitorial attitudes

[13] Caldwell Ames, *Righteous Persecution*, pp. 146, 227.
[14] T. Asad, 'On ritual and discipline in medieval Christian monasticism', *Economy and Society*, 16 (1987), pp. 159-60, 186-93.
[15] S. Hamilton, 'Bishops, education and discipline', in ed. J. Arnold, *The Oxford Handbook of Medieval Christianity* (Oxford, 2014), pp. 532-43. For the importance of local contexts also see: I. Forrest, 'Continuity and change in the institutional Church', in ed. J. Arnold, *The Oxford Handbook of Medieval Christianity* (Oxford, 2014), pp. 185-200.
[16] J. Arnold, 'Repression and power', in eds. M. Rubin, and W. Simons, *Christianity in Western Europe c.1100 – c.1500* (Cambridge, 2009), pp. 355-71.

to penance, because it highlights the continuity which preceded and informed the actions of early inquests.

0.1 Confession and the *Cura Animarum*

The issue of pastoral care, the *cura animarum*, was an issue for the Church long before inquisitors began their inquests, and a consideration of historical research regarding the development of pastoral care is essential for understanding inquisitorial attitudes to punishing heresy. Research into the pastoral education of Dominican friars was first championed by Leonard Boyle in the 1950s. Seventeen essays written between 1955 and 1986 firmly established the foundations of pastoral care and literature, *pastoralia*, as key areas of inquiry for furthering the historical understanding of the Order of Preachers' development.[17] Boyle examined twelfth-and thirteenth-century confessional literature and concluded that pastoral care was central to the origins and development of the Order of Preachers. For instance, Boyle studied the work of confessors such as Robert Grosseteste, who argued that a priest's job was to care for the souls of their congregation in the same way that a physician cared for the corporeal bodies of their patients.[18]

Moreover, Boyle highlighted two confessors' manuals written by Raymond of Peñafort and John of Freiberg as exemplars of *pastoralia*. Whilst Raymond's *Summa de casibus* was the most influential manual of the thirteenth century, by 1280 it was considered to be dated and was replaced by John's work, the *Summa confessorum*. Significantly, Boyle notes that the *Summa confessorum* was not particularly

[17] J. Goering, 'Leonard E. Boyle and the invention of Pastoralia', in ed. R. J. Stansbury, *A Companion to Pastoral Care in the Late Middle Ages* (Leiden, 2010), pp. 15-6. Many of Boyle's essays are collected and reprinted in: L. Boyle, *Pastoral Care, Clerical Education and Canon Law 1200-1400* (London, 1981).
[18] L. Boyle, 'Robert Grosseteste and the pastoral care', in *Pastoral Care, Clerical Education and Canon Law 1200-1400* (London, 1981), I, pp. 10-1.

innovative, and was essentially the spiritual successor to Raymond's manual.[19] The lack of significant change in confessional literature throughout the thirteenth century is very relevant to inquisitorial attitudes towards penance and inquisitor manuals, because it sets the papal inquests within a context of continuity. This thesis will seek to determine how inquisitorial literature developed within this wider picture, and what light can be shed on the matter by examining inquisitorial sentences.

The Church's pastoral obligations and attitudes towards penance had been the topic of Paris university masters for much of the twelfth century, and John Baldwin has built upon Boyle's work by drawing further attention to the importance of contributions from twelfth-century scholars like, Peter Abelard and the circle of Peter the Chanter, whose works saw attitudes towards penance shift from favouring public to private penance, with an emphasis on individuality and internal contrition.[20] Yet, Mary Mansfield argues that public penance continued to be used during the thirteenth century and suggests that the relationship between private and public penance was nuanced.[21] Significantly, these ideologies shared a platform during the Fourth Lateran Council in 1215, the canons of which officially enshrined the foundations of pastoral care in Church law, and endorsed the fledgling Order of

[19] L. Boyle, 'The Summa confessorum of John Freiburg and the popularization of the moral teaching of St. Thomas and some of his contemporaries', in *Pastoral Care, Clerical Education and Canon Law 1200-1400* (London, 1981), III, pp. 249, 258-9, 267-8.
[20] L. Boyle, 'The inter-conciliar period 1179-1215 and the beginnings of pastoral manuals', in ed. F. Liotta, *Miscellanea Rolando Bandinelli, Papa Alessandro III* (Siena, 1986), pp. 43-56; J. Baldwin, 'From the ordeal to confession: in search of lay religion in early thirteenth century France', in eds. Biller, P. and Minnis, A. J. *Handling Sin: Confession in the Middle Ages*, (Woodbridge, 1998), pp. 200-5. See also, M. W. F. Stone, 'The care of souls and practical ethics', ed. R. Pasnau, *The Cambridge History of Medieval Philosophy* (Cambridge, 2009), pp. 531-3.
[21] Mansfield, *The Humiliation of Sinners*, pp. 33-66.

Preachers.[22] The papacy's support for the Order of Preachers was strengthened even further in 1221 by Honorius III.[23]

Moreover, scholars from Peter Chanter's circle, like James of Vitry, backed the Order of Preachers' pastoral work, and believed that the friars were the solution to the failings of uneducated clergy and ineffective bishops. The relationship between centres of education and the Order of Preachers proved a powerful tool in the Church's efforts to meet the laity's pastoral needs.[24] Similarly, Boyle has compared the absence of written guidance for confessors and priests before 1215, and the prompt appearance of confessors' manuals which followed the Council, which were surely intended to support the work of the new Order.[25] Significantly, Jessalyn Bird notes that the bishop of Toulouse, Fulk, had already commissioned the early Dominicans to begin the tasks of preaching and education prior to the Council, foreshadowing its tenth canon, which ordered other bishops to follow in Fulk's wake.[26]

Bird's research has challenged the commonly held view that the Paris masters had no tangible effect on the fight against heresy outside of their academic influence.[27] By exploring the network of relationships which developed between Paris masters

[22] S. E. Young, 'The subsidiary sins as guides to early Dominican pastoral care and moral reformation in Stephen of Bourbon's Tractatus de diversis materiis predicabilibus', *Mediaeval Studies*, 76 (2014), pp. 178-9. N. Tanner, (ed.), *Decrees of the Ecumenical Councils*, 2 vols. (London, 1990), vol. 1, pp. 230-71.
[23] R. Cessario, 'Early Dominican confessional practice', *New Blackfriars*, 75 (1994), p. 425.
[24] J. Bird, 'The Religious's role in a post-Fourth Lateran Council World: Jacques de Vitry's Sermones ad Status and Historia Occidentalis', in ed. C. Muessig, *Medieval Monastic Preaching* (Leiden, 1998), pp. 209-230; R. J. Stansbury, 'Preaching and pastoral care in the Middle Ages', in ed. R. J. Stansbury, *A Companion to Pastoral Care in the Late Middle Ages* (Leiden, 2010), pp. 23-8.
[25] L. Boyle, 'Notes on the education of the fratres communes in the Dominican Order in the thirteenth century', in *Pastoral Care, Clerical Education and Canon Law 1200-1400* (London, 1981), VI, pp. 249-58; Boyle, 'The inter-conciliar period, pp. 49-56.
[26] Bird, 'The Religious's role', p. 219.
[27] J. Bird, 'The Wheat and the tares: Peter the Chanter's circle and the fama-based inquest against heresy and criminal sins, c.1198 - c.1235', in ed. U-R. Blumenthal, *International Congress of Medieval Canon Proceedings of the Twelfth International Congress of Medieval Canon Law: Washington, D. C. 1-7 August 2004* (Vatican, 2008), pp. 763-5.

and their colleagues who worked for episcopal and papal inquests, Bird has highlighted the transmission of ideas to northern France and Languedoc by Paris masters like Robert Courson, Oliver of Paderborn, James of Vitry and Peter Capunano.[28] For example, Paris masters were involved in the extended episcopal inquest at La Charité-sur-Loire, 1197-1221, and were a moderating influence on Robert le Bougre, ensuring that those who abjured their heresy were imprisoned instead of being burned at Robert's instruction.[29]

Furthermore, Bird suggests that Raymond Peñafort would have met a number of Paris trained cardinals, including James of Vitry. These partnerships were central to the development of the concept of infamy, which saw its legal safeguards surrounding accusations loosened, with the intention of making the process less likely to be mired in legal appeal and more reliant on judges' discretion. Nonetheless, the challenge was to reconcile the aims of returning the guilty back to the Church, protecting the wider community from the influence of sinners, and imposing punishments which would provide a beneficial impact. To achieve this, the legal and confessional forums were merged together.[30] Bird argues that these efforts must be viewed in relation to the wider projects of pastoral reform and the Albigensian Crusade, for which a number of Paris masters acted as recruiters by encouraging early inquisitors to offer indulgences in return for abjuring heresy and joining the Crusade.[31] In addition, at the end of the Crusade in 1229, the Peace of Paris stated that a university was to be founded at Toulouse, run by Dominicans and Paris masters. Thus, the influence of Paris masters on issues of anti-heretical and penitential preaching, and their contribution to the development of judicial

[28] Bird, 'The Wheat and the tares', pp. 766-70.
[29] Bird, 'The Wheat and the tares', pp. 804, 829-31.
[30] Bird, 'The Wheat and the tares', pp. 782-9.
[31] Bird, 'The Wheat and the tares', pp. 783, 835.

procedure, was transmitted to Languedoc via the Albigensian Crusade. As a result, this communication of knowledge set the tone for the procedures and sentences of early papal inquests.[32] This thesis intends to analyze the extant registers of inquisitorial sentences in light of the early influence of Paris masters on the Order of Preachers in Languedoc.

Indeed, prior to the work of the Paris masters, contrition and repentance were dealt with separately in two different forums. Consequently, it became essential to develop a set of legal rules which organized the relationship between the sacrament of penance and the restitution to God which followed. Raphaël Eckert suggests that decisions made regarding penances were largely based on the harm inflicted on the Church by the sinner, and the effect this had on the Church's universal community.[33] Moreover, the emphasis on making restitution led to the view that it was a penitent's duty to generate a beneficial spiritual impact for their community and fellow sinners. As noted by Diekstra, this led to penance being seen as the perfect tool for facilitating Christian charity and ensuring obedience.[34] Thus, the interplay between private and public penance is important when considering inquisitorial attitudes towards penance, because the sentencing of penitents by inquisitors was one of the key ways in which the developing interaction between the internal forum of penance and the external forum of a church court was expressed.[35] This relationship will be considered throughout this thesis, and the importance of the role played by communities in the punishment of heresy will be explored through the analysis of inquisitorial sentences.

[32] Bird, 'The Wheat and the tares', pp. 841, 855-6.
[33] R. Eckert, 'Peine judiciaire, pénitence et salut entre droit canonique et théologie, XIIe siècle – debut du XIIIe siècle', *Revue de l'Histoire des Religions*, 228 (2011), pp. 483-508.
[34] Fn. M. Diekstra, 'Confessors and penitent: Robert de Sorbon and the Cura animarum', in *Mediaeval Studies*, 71 (2009), pp. 157-8, 159.
[35] Caldwell Ames, *Righteous Persecution*, p. 177.

Finally, it is important to consider the historiographical debates regarding the purpose of penance and the similarities between the imposition of penance by confessors and inquisitors. Twelfth-and thirteenth-century confessors and theologians were largely in agreement that it was only natural for people to fall into sin, and that the Church's role was to help such people return to orthodoxy.[36] For example, John Baldwin has noted that during the late twelfth century Peter the Chanter argued that it was the priest's job to use a penitent's confession to provide guidance on how such sin might be avoided in the future.[37] Moreover, Lesley Smith has shown that during the early thirteenth century William of Auvergne believed penance and confession were extremely important and that making amends was a spiritual, not temporal, affair.[38] The purpose of penance was not simply to ensure God's satisfaction, but to restore the spiritual well-being of the penitent and repair their relationship with God.[39] Nonetheless, it is undeniable that the imposition of penances also allowed the Church to control and moderate what it considered to be proper Christian behaviour.[40]

Furthermore, a number of historians have noted the flexible attitude that priests were expected to show when imposing penances, comparing the sentencing to a physician treating a wound. A priest was supposed to ask about the circumstances surrounding the sinner and their sin so that they might give the correct guidance and

[36] J. Arnold, *Belief and Unbelief in Medieval Europe* (London, 2005), p. 153.
[37] Baldwin, 'From the ordeal', p. 202; P. Chanter, *Summa de Sacramentis et animae consiliis*, ed. J. A. Dugauquier (Louvain, 1954), vol. 2, pp. 279, 306, 420.
[38] L. Smith, 'William of Auvergne and confession', in eds. P. Biller and A. J. Minnis, *Handling Sin: Confession in the Middle Ages*, (Woodbridge, 1998), pp. 98-9; edition cited: *Guilelmi Alverni Episcopi Parisiensis Opera omnia*, 2 vols. ed. F. Hotot, (Paris, 1674), vol. 1, 503aB.
[39] A. E. Bernstein, 'Teaching and Preaching Confession in Thirteenth-Century Paris', in A Ferreiro (ed.), *The Devil, Heresy and Witchcraft in the Middle Ages* (Leiden, 1998), pp. 117-8; P. J. Payer, *Sex and the New Medieval Literature of Confession, 1150-1300* (Toronto, 2009), p. 196.
[40] K. Wager, 'Cum aliquis venerit ad sacerdotem: penitential experience in the central middle ages', in ed. A. Firey, *A New History of Penance* (Leiden, 2008), p. 201; T. N. Tentler, Sin and confession on the eve of the reformation (Princeton, 1977), p. 13.

'cure'.[41] However, such a view was not new to the thirteenth century. During the Carolingian period a system of tariffs was employed to gain control over an increasingly wide range of sins. It was the role of the priest to decide the extent of the sin and what penance was appropriate in light of the circumstances surrounding the penitent.[42] In the twelfth century this view was repeated in Gratian's *Decretum* and theologians continued to use Gratian's work to build upon his ideas about penance.[43] In approximately 1215 a canon was added to the *Decretum*, stating 'where a penance has not been established by a canon, it is left to the decision of a good man, because God considers a better measure of exertion, that is, of the heart as of time.'[44] The kernel of this view was developed throughout the period and the thirteenth-century confessor Robert Grosseteste stated in his *De modo confitendi* that 'penances are to be gauged, heavier or lighter, by the discretion of a confessor as he considers the quantity and quality of the offences and the person's condition.'[45] Grosseteste's ideas provided inspiration throughout the century, influencing the works of both Walter of Cantilupe in 1240 and Peter Quinel in 1287.[46] These texts offered a list of questions for confessors to use in order to elicit the best possible

[41] P. Biller, 'Confession in the Middle Ages: Introduction', in Biller, P. and Minnis, A. J. (eds.), *Handling Sin: Confession in the Middle Ages*, (Woodbridge, 1998), pp. 7-8; A. Murray, 'Counselling in Medieval Confession', in Biller, P. and Minnis, A. J. (eds.), *Handling Sin: Confession in the Middle Ages*, (Woodbridge, 1998), p. 66; C. Rider, 'Lay religion and pastoral care in thirteenth-century England: the evidence of a group of short confession manuals', *The Journal of Medieval History* 36 (2010), p. 328.

[42] Murray, 'Counselling in Medieval Confession', p. 65; Arnold, *Belief and Unbelief*, p. 158; R. Means, 'The Frequency and nature of early medieval penance', in Biller, P. and Minnis, A. J. (eds.), *Handling Sin: Confession in the Middle Ages*, (Woodbridge, 1998), p. 36.

[43] J. Goering, 'A scholastic turn (1100-1500): penitential theology and law in schools', in A. Firey (ed.), *A New History of Penance* (Leiden, 2008), pp. 219-38; citing: Gratian, *Decretum*.

[44] 'In qua dicitur quod ubi poenitentia non statuitur a canone, relinquitur arbitrio boni viri, quia Deus inspicit magis mensuram laboris, id est, cordis quam temporis', ed. J. Goering in 'A scholastic turn', p. 223, originally found in Gratian, *Decretum, De pen. D. 1*, c. 84. The translation from the Latin provided by Goering is my own.

[45] 'Iste quidem penitentie taxande sunt levius vel gravius per discrecionem confessoris considerantis quantitatem et qualitatem delictorum et personarum condiciones', trans. by A. Murray in 'Counselling in Medieval Confession', p. 66.

[46] J. Goering, and D. S. Taylor, 'The Summulae of Bishops Walter de Cantilupe (1240) and Peter Quinel (1287)', *Speculum*, 57 (1992), pp. 588-90.

confession, whilst still accounting for varying circumstances.[47] Moreover, the Church's support for this type of confession is best shown in the twenty-first canon of Lateran IV.[48] Hence, attitudes supporting flexibility when sentencing penitents were well established prior to the start of inquisition in Languedoc. This thesis will seek to explore to what extent there was continuity in the attitudes towards penance between confessors and inquisitors.

Additionally, it was deemed acceptable for priests to negotiate with penitents over the type and severity of their penance if the confessor felt it would increase the likelihood of the penance being accepted and completed. The ability to balance the need for the penance to be suitably severe with the penitent's willingness to receive it was a difficult task which required great skill. Often penitents would be more concerned with the social implications of their public humiliation rather than healing their relationship with God.[49] For instance, completed between 1208 and 1213, Robert of Flamborough's *Liber poenitentialis* bemoans the difficulty he often faced when trying to impose penances, and suggests that priests should progressively lessen the penance until the penitent was willing to receive it.[50] Alexander Murray notes that Robert specifically did not wish to hinder 'a scholar in his studies, a smith in his workshop, or a peasant or other work, so that he cannot support his family by working, for the sake of an incautiously-given penance.'[51] Likewise, Robert Grosseteste argued that farm work, travel, or military service were reasonable excuses for a penitent to be exempt from fasting. Instead, Robert suggested that

[47] Rider, 'Lay religion and pastoral care', pp. 330-2.
[48] J. Alberigo (ed.), *Conciliorum oecumenicorum decretal* (Rome, 1972), p. 221; Biller, 'Confession in the Middle Ages', p. 8.
[49] Arnold, *Belief and Unbelief*, pp. 171-80; Tentler, Sin and confession, p. 113.
[50] Tentler, Sin and confession, p. 17; Robert of Flamborough, *Liber poenitentialis*, ed. J. J. Francis Firth (Toronto, 1971), V, pp. 273-7, lines 12-6.
[51] 'Nolo ut sub pondere penitencie incautum gemat quis ut domui sue providere no possit vel ut dominum suum sequi non possit cusor, vel claustralis conventum', trans. by A. Murray in 'Counselling in Medieval Confession', p. 76, the translation is made from Flamborough, *Liber poenitentialis*, V, p. 204, lines 27-31.

giving alms to the poor, a church, or for a bridge could all provide suitable replacements, alongside reciting the paternoster forty times for each day the penitent should have fasted.[52] Consequently, by examining the extant registers of inquisitorial sentences with regards to the influence of contemporary confessional literature, it is possible to shed further light on the development of the inquisitorial judicial process.

0.2 The Legal Framework and Inquisitorial Manuals

Although the work of Paris scholars and confessors' manuals had already discussed the use of penance extensively, in the 1230s the papal inquisitors quickly found that the existing legal framework relating to the punishment of heretics and their supporters was inadequate, and lacked the answers needed to deal with the complex legal and political situations that inquisitors faced. The detailed study of Peter Sellan's inquest at Montauban by Jörg Feuchter has highlighted the issues faced by the early inquests, and the strategies used by inquisitors to account for local factors and political pressures. Citing Peter Sellan's negotiation with Montauban's elite families regarding their penances, Feuchter describes Peter's approach as both innovative and flexible.[53] This view is supported by Roach who states that despite attempts by inquisitors like Peter Sellan to stick to their Dominican principles, the political realities of inquests often led to concessions and compromises.[54]

The rapidly expanding genres of legal consultations throughout the 1230s and 1240s, and inquisitor manuals from the late 1240s onwards, highlights the uncertain

[52] Murray in 'Counselling in Medieval Confession', p. 76, cites R. Grosseteste, *De modo,* p. 96.
[53] J. Feuchter, 'Pierre Sellan, un vieillard expérimenté', in ed. L Albaret, *Les Inquisiteurs, portraits de defenseurs de la foi en Languedoc* (Toulouse, 2001), pp. 43-58; J. Feuchter, 'Le pouvoir de l'inquisition a travers ses peines. Le cas de Montauban', in ed. G Audisio, *Inquisition et Pouvoir* (Aix-en-Provence, 2003), pp. 233-55; Feuchter, *Konsuln und* B*üsser*.
[54] Roach, 'Penance', p. 433.

legal position from which the inquisitors had to make important decisions regarding the imposition of penances.[55] Riccardo Parmeggiani has stressed that the development of both legal consultations and inquisitor manuals were inextricably linked, noting that manuals interpreted the precise legal consultations in ways which were not only practicable for the inquisitorial courts, but which were also the most advantageous reading of the advice.[56] Indeed, in many cases the arbitrary authority of inquisitors and the power they accrued was challenged by the papacy, especially with regards to the inquisitors' financial activities. Yet, over time the influence of consultations shifted power away from the papacy into the hands of individual tribunals.[57] Additionally, John Van Engen argues that in the process of defining canon law, the work conducted by Church lawyers came to resemble that of civil lawyers over time. As a result, Van Engen has proposed that the ecclesiological impact of the development of canon law should be considered more thoroughly.[58] The analysis of inquisitorial sentences in this thesis will seek to engage with this view, and shed light on the relationship between legal and inquisitorial procedures and culture.

Nonetheless, despite the explosion of works commenting on inquisitorial procedure, Parmeggiani suggests that an official inquisitorial code never existed. Nevertheless, through the development and refinement of consultations and manuals, a legal maturity was reached by the fourteenth century. Parmeggiani suggests this development culminated in the work of three particular manuals: Bernard Gui's

[55] For a thorough overview of inquisitor manuals and guides from the period see: A. Dondaine, 'Le manuel de l'inquisiteur 1230-1330', ed. Y. Dossat, *Les hérésies et L'Inquisition, XIIe-XIIIe siècles* (Aldershot, 1990), pp. 85-194.
[56] R. Parmeggiani, 'Un secolo di manualistica inquisitoriale (1230-1330): intertestualità e circolazione del diritto', *Rivista Internazionale di Diritto Comune*, 13 (2002), pp. 258; R. Parmeggiani, *I Consilia Procedurali Per l'Inquisizione Medievale* (Bologna, 2011), pp. 215-7.
[57] Parmeggiani, *I Consilia*, pp. 232-54, 260-1.
[58] J. Van Engen, 'From Practical Theology to Divine Law: The Work and Mind of Medieval Canonists', in eds. P. Landau and J. Mueller, *Proceedings of the Ninth International Congress of Medieval Canon Law* (Vatican City, 1997), pp. 873-96.

Practica inquisitionis heretice pravitas, the anonymous *De officio inquisitionis* (1322-1325), and Zanchino Ugolini's *Tractatus de haereticis* (1330).[59] Ultimately, Parmeggiani concludes that consultations and inquisitors' manuals not only forged inquisitorial procedure, but also the institution of inquisition.[60]

The nature of inquisition across Languedoc and Italy has been the subject of much debate, and historians have been unsure whether to view the separate inquests as part of an institution as Parmeggiani suggests. Henry Charles Lea was a proponent of 'The Inquisition' as a developed institution,[61] and this stance is supported by Andrew Roach, who states that the building of prisons and the use of crosses evolved inquisitorial duties into an institution.[62] Roach has also highlighted the tendency in the historiography to focus on the period after 1250, and has looked at the development of inquisitorial procedure from the Fourth Lateran Council up to the appearance of the first inquisitors' manual in the 1240s.[63] However, Henry Kelly and Richard Kieckhefer have questioned this view, arguing that the lack of a centralized body prevents inquisitors responsible for *inquisitio hereticae pravitatis* from being viewed as an institution.[64] Whilst it is true that there was no physical centralizing body coordinating inquisitors, Parmeggiani is correct to stress the regulatory and standardizing impact of consultations and inquisitor manuals on inquisitorial procedure.[65] Indeed, the records of inquisitorial sentences provide evidence of the consultations and manuals put into practice, and offer further insights into the relationship between different inquests across the thirteenth century. As a result,

[59] Parmeggiani, *I Consilia*, pp. 218-20.
[60] Parmeggiani, *I Consilia*, p. 261.
[61] Lea, *Inquisition*, vols. 1-2.
[62] Roach, 'Penance', p. 409.
[63] Roach, 'Penance', pp. 410-1.
[64] H. A. Kelly, 'Inquisition and the prosecution of heresy: misconceptions and abuse', *Church History* 58 (1989), pp. 439-51; R. Kieckhefer, 'The office of inquisition and medieval heresy: the transition from personal to institutional jurisdiction', *Journal of Ecclesiastical History* 46 (1995), pp. 36-61.
[65] Parmeggiani, I Consilia, p. 261.

this thesis aims to consider what conclusions can be made regarding the potential institutionalization of papal inquests during the thirteenth century in light of Caldwell Ames's view that inquisition should be viewed alongside the Church's wider pastoral mission.

0.3 Contemporary Secular Justice

In order to begin to understand inquisitorial sentences it is worth considering how secular justice was viewed by contemporaries and how inquests should be viewed as part of such a society. Gillian Evans notes that during the Middle Ages legal scholars often perceived law to be a form of ethics.[66] In agreement, Istvàn Bejczy adds that laws defined the rules by which people were meant to live their lives, rules which had developed from ancient Greek politics onwards.[67] Regarding this relationship, Bejczy has explored ways in which the resulting parallels between moral and legal thought progressed throughout the Middle Ages, noting that, 'intention would normally require acts: the just man must accomplish what is right whenever he can reasonably be expected to do so in order not to lose his credibility.'[68] This is important because during interrogations inquisitors were primarily concerned with uncovering the deponents' actions, not their beliefs, and often assumed certain actions to be indicative of particular beliefs. Consequently, the categorization of heretics and their supporters by inquisitors was matched by the development of the secular judicial process, and the categorization of temporal crimes.

In addition, the majority of canonists, including Pope Innocent III, were supporters of leniency in the enforcement of law, and the papacy often employed *aequitas and*

[66] G. R. Evans, *Law and Theology in the Middle Ages* (London, 2002), p. 15.
[67] I. P. Bejczy, 'Law and ethics: twelfth-century jurists on the virtue of justice', *Viator*, 36 (2005), p. 197.
[68] Bejczy, 'Law and ethics', pp. 206-7.

misericordia as principles to be adhered to by legates and bishops.[69] The papacy's approach to justice is significant because, like the papacy, inquisitors employed leniency when appropriate, highlighting the link between general and inquisitorial approaches to punishment. Furthermore, John Hine Mundy has drawn attention to the use of penitential pilgrimage outside of inquisitorial penances. For instance, in March 1237 Peter Sobaccus gave his wife, Martha, the right to act on behalf of the family in the context of Peter's pilgrimage to the Holy Land.[70] As such, it is important to remember that inquisitors did not impose penances within a vacuum and that their actions must be considered in terms of contemporary opinions and practices.

Research into the use of medieval justice in action has also highlighted the relationship between punishment and social control. L'Engle's work on justice in thirteenth-century Toulouse has established that the most serious punishments, banishment and executions, were sparingly used by the town's consuls, bishop and count, all of whom shared authority on such matters. For less serious offences, criminals were subjected to forms of mutilation, and the most minor of crimes were punished with public humiliation.[71] Indeed, the negative effect on a criminal's social standing appears to have been central to the rationale behind the majority of secular punishments. The public announcement of crimes supports this assertion.[72] For example, those found guilty of adultery were forced to walk through the streets with limited to no clothing.[73] The importance of the degradation of criminals can also be traced back to Gratian's *Decretum* which significantly influenced contemporary

[69] Bejczy, 'Law and ethics', p. 203, citing, Innocent III, *Die Register Innocenz III*, ed. O. Hageneder, W. Malaczek and A. A. Srnad (Graz, 1964), 2.408.
[70] J. H. Mundy, *Men and Women at Toulouse in the Age of the Cathars* (Toronto, 1990), pp. 15, 153.
[71] S. L'Engle, 'Justice in the margins: punishment in medieval Toulouse', *Viator*, 23 (2002), pp. 139-45.
[72] L'Engle, 'Justice', p. 139.
[73] J. M. Carbasse, 'Curant Nudi, La répression de l'adultère dans le Midi medieval (XIIe-XVe siècles)', in eds. J. Poumarède and J. P. Royer, *Droit, Histoire et Sexualité* (Paris, 1987), pp. 90-1.

thought regarding the imposition of penances.[74] Esther Cohen notes that in medieval society the pain inflicted by punishment was perceived not only to serve as a warning against future crime but also to cleanse criminals' souls.[75] This thesis will seek to explore how these contemporary attitudes towards secular justice influenced the development of inquisitorial procedure and the judicial framework which was created to support it.

0.4 Heresy in Languedoc

During the thirteenth century, papal inquisitors' efforts were focused towards two heresies in particular: Catharism and Waldensianism. Catharism began to establish itself in the late twelfth century and continued to gain support into the early thirteenth century. Cathar preachers taught one of two variations of dualist belief. Absolute Cathars thought that the material world had been created by an evil god and the spiritual world by a good god. Moderate Cathars believed that there was only one god, who allowed the devil to shape and control the material world. Informed by such beliefs, Catharism rejected the authority of the Catholic Church, its priests and the sacraments they performed.[76] At the same time, Waldensianism, originating in Lyon during the 1170s, also began to gain popularity. Waldensians also believed in living ascetically and valued reading the bible in the vernacular, an act the Church

[74] L'Engle, 'Justice', p. 141; Gratian, *Decretum,* ed. E. Friedberg, *Corpus iuris canonici*, vol. 1 (Leipzig, 1879-81).
[75] E. Cohen, 'Symbols of culpability and the universal language of choice: the ritual of public executions in Late Medieval Europe', *History of European Ideas*, 11 (1989), pp. 407-16; L'Engle, 'Justice', p. 145.
[76] For general reading on Catharism see: H. Grundmann, *Religious Movement in the Middle* Ages, trans. S. Rowen (Notre Dame, 1995); C. Thouzellier, *Hérésie et Hérétiques: Vaudois, Cathares, Patarins,* Albigeois (Rome, 1969); M. Roquebert, *L'Épopée cathare*, 5 vols. (Toulouse, 1970-98); J. Duvernoy, *Le Catharisme I: la religion de cathares* (Toulouse, 1976); J. Duvernoy, *Le Catharisme II: L'histoire des Cathares* (Toulouse, 1979); B. Hamilton, 'The Cathars and Christian perfection', *Studies in Church History Subsidia,* 11 (Woodbridge, 1999), pp. 5-23; M. Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation* (Oxford, 2002); P. Biller, 'Cathars and the material world', *Studies in Church History*, 46 (2010), pp. 89-110; the historiographical debate regarding dualist belief in the West is discussed on pp. 20-5.

found to be particularly threatening. Unlike Catharism, Waldensianism did not diverge from Catholic beliefs so radically. Hence, it was not actively suppressed by the Church until the start of inquisition after the Albigensian Crusade.[77]

The existence of a tangible dualist heresy has not been accepted by all of modern scholarship. Mark Pegg contends that inquisitorial depositions do not provide evidence of a structured dualist heresy.[78] Nonetheless, the normal focus of this historiographical debate is not central to this thesis because inquisitors were not concerned with deponents' beliefs, and instead focused almost entirely on their actions.[79] Decisions made by inquisitors post-interrogation were informed by their categorization of different actions and deponents' involvement with heretical networks.[80] Notably, whilst the categorization of heretics became more regulated throughout the thirteenth century, inquisitors did not change the manner of their questioning and continued to focus on actions. The legal ramifications of this focus for inquisitorial sentences will be explored throughout this thesis.

John Arnold argues that inquisitors' perceptions of deponents' testimony deeply affected how the world was recorded in the depositions. Arnold cites the binary questions presented to deponents as one of the reasons why belief was often presumed only through deponents' actions. Deponents had no choice but to agree

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[77] For general reading on Waldensianism see: G. Audisio, *The Waldensian Dissent, Persecution and Survival c.1170-c.1570* (Cambridge, 1999); E. Cameron, *Waldenses: Rejections of Holy Church in Medieval Church* (Oxford, 2000); P. Biller, *The Waldenses, 1170-1530* (Aldershot, 2001).

[78] M. Pegg, 'Historiographical essay: On Cathars, Albigenses, and good men of Languedoc', *Journal of Medieval History* 27 (2001), pp. 181-95; Pegg, *Corruption of Angels*; M. Pegg, 'The Paradigm of Catharism; or, the Historians' Illusion', in ed. A. Sennis, *Cathars in Question* (York. 2016), pp. 21-52. See also, J. Théry-Astruc, 'The Heretical Dissidence of the 'Good Men' in the Albigeois (1276-1329): Localism and Resistance to Roman Clericalism', in ed. A. Sennis, *Cathars in Question* (York. 2016), pp. 79-111.

[79] For the more recent debate regarding the existence of a dualist heresy see: A. Sennis, *Cathars in Question* (York. 2016).

[80] H. Maisonneuve, *Études sur les origins de l'Inquisition* (Paris, 1960), pp. 287-93; Arnold, *Inquisition and Power*, pp. 44-5.

with inquisitors' interpretation of their answers, or at the very least come to an agreement over the reality of the testimony, otherwise they would be condemned as unrepentant. Arnold concludes that this unequal dialogue between deponent and inquisitor could have led to new meanings and categorizations.[81] Such distortion leads Arnold to question the extent to which familial links are evidence of shared belief, pointing out the need to question individual motivations for attendance at dualist rituals, which is rarely mentioned in inquisitorial depositions.[82]

On the other hand, Anne Brenon and Michel Roquebert contend that support given to heretics was enforced by family links which existed throughout Languedoc, and suggest that this is why the inquisitorial tactic of targeting material wealth and inheritance was so successful, due to their importance to the structure of families.[83] Thus, the question of 'construction' can be reinterpreted by focusing on the post-interrogation elements of inquisitorial procedure. If belief was not central to inquisitors' questioning then why were they so concerned with discovering networks of heretics and their supporters? This thesis will explore the social aspect of inquisitorial penances by examining both the act of sentencing during general sermons, and the rationale behind different types of penances.

Finally, Peter Biller notes a number of examples which demonstrate the exchange of doctrine during debates in the twelfth century: at Lombers in 1165; Toulouse in 1178; and Narbonne in 1190.[84] A number of debates in the early thirteenth century

[81] J. Arnold, 'The Cathar Middle Ages as a Methodological and Historiographical Problem', in ed. A. Sennis, *Cathars in Question* (York. 2016), pp. 67-8.
[82] Arnold, 'The Cathar Middle Ages', p. 67.
[83] A. Brenon, 'Catharism in the family in Languedoc in the thirteenth and fourteenth centuries: an investigation based on inquisition sources', in eds. K. Reyerson and J. V. Drendel, *Urban and Rural Communities in Medieval France: Provence and Languedoc 1000-1500* (Leiden, 1998), pp. 291-314; M. Roquebert, 'Le Catharisme comme tradition dans la familia languedocienne in effacement du Catharisme', in *Cahiers de Fanjeaux*, 20 (Toulouse, 1985), p. 229.
[84] P. Biller, 'Goodbye to Catharism?', in ed. A. Sennis, *Cathars in Question* (York. 2016) pp. 210-3.

are also recorded in the chronicles of Peter of les Vaux-de-Cernay and William Pelhisson.[85] Significantly, Biller contests Pegg's view that the rituals recorded in inquisitorial depositions were only local customs. Biller demonstrates that Cathar rituals such as the *adoratio* had to be taught to people by heretics, attaching specific importance to such actions. For instance, Biller refers to a deponent who tried to deceive an inquisitor by describing the way he bowed his head in the simplest fashion possible. Yet later the same deponent admitted to participating in a more elaborate ritual resembling the adoration.[86]

Consequently, this thesis accepts the view that inquisitors did not invent dualist beliefs, and that the use of names of rituals like, the *consolamentum*, is methodologically sound, and will be used throughout the thesis, albeit with caution and clarification. On occasion inquisitors may have mistakenly believed deponents' actions to be evidence of participation in rituals, or association with heretics, but for this thesis, the inquisitors' categorization of these actions is the key issue. Questions will be asked about how this understanding was used by inquisitors to develop their post-interrogation procedure, and how this affected their attempts to suppress support for heresy in thirteenth-century Languedoc.

0.5 Inquests in the Thirteenth Century

During the early thirteenth century the Catholic Church became increasingly concerned by the growing popularity of Catharism in Languedoc, despite the best efforts of the Cistercian Order in preaching against the heresy.[87] The Languedocian

[85] Biller, 'Goodbye to Catharism?', p. 298; Peter of les Vaux-de-Cernay, *The History of the Albigensian Crusade*, ed. and trans. W. A. Sibly and M. D. Sibly (Woodbridge, 1998), part II, pp. 17-20, 25-30, hereafter PVC; *The Chronicle of William of Puylaurens*, ed. and trans. W. A. Sibly and M. D. Sibly (Woodbridge, 2003), chs. 8-9, pp. 23-7, hereafter Puylaurens.
[86] Biller, 'Goodbye to Catharism?', p. 285; MS. 609. f. 169r.
[87] B. M. Kienzle, *Cistercians, Heresy and Crusade in Occitania, 1145-1229* (York, 2001).

papal legates were aware of the situation and upon Pope Innocent III's appointment in 1198 requested that the papacy take further action against heresy. Innocent III commissioned a number of legatine missions, but their success was limited.[88] On 15 January 1208 the papal legate Peter Castelnau was assassinated which resulted in Pope Innocent III's decision to call for a crusade against the region. The Albigensian Crusade, which was fought between 1215 and 1225 then 1226 and 1229, was concluded with the peace Treaty of Paris in 1229. In the Crusade's second period, the French crown became increasingly involved in leading the military effort and gained effective control over the region via the marriage between the king's brother, Alphonse of Poitiers, and Joan, the daughter of the count of Toulouse.[89]

However, whilst the Crusade may have been a political success for the kings of France, it categorically failed to put an end to the support of Catharism in Languedoc. Heretics and their supporters were forced to operate largely in secret after the Crusade[90], especially in areas which the Crusade had targeted.[91] Yet the heresy persisted, forcing Pope Gregory IX to appoint a number of Dominican friars as papal inquisitors for Languedoc in 1233.[92] This was not the first time the papacy had initiated inquisition in Europe though. In 1227 Conrad of Marburg began to oppose heresy in Germany and was given further papal approval in 1231, along with greater

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[88] J. C. Moore, *Pope Innocent III (1160/61-1216): to Root up and to Plant* (Leiden, 2003), pp. 135-202.
[89] For contemporary accounts of the Albigensian Crusade see: PVC; Puylaurens; William of Tudela, *The Song of the Cathar Wars*, trans. J. Shirley (Aldershot, 1996). For modern accounts of the crusade see: J. Sumption, *The Albigensian Crusade* (London, 1975); M. Costen, *The Cathars and the Albigensian Crusade* (Manchester, 1997); M. Barber, *The Cathars, Dualist Heretics in Languedoc in the High Middle Ages* (Harlow, 2000), pp. 107-63; M. Lambert, *The Cathars* (Oxford, 1998), pp. 92-111; L. W. Marvin, *The Occitan War: a Military and Political History of the Albigensian Crusade* (Cambridge, 2008); Pegg, *A Most Holy War: The Albigensian Crusade and the Battle for Christendom* (Oxford, 2008).
[90] M. Roquebert, *L'Épopée cathare*, Mourir à Montségur, vol. 4, (Toulouse, 1986), pp. 107-8; Duvernoy, *Le Catharisme II*, appendice II, pp. 347-51.
[91] Costen, *The Cathars*, pp. 68-9.
[92] Lea, *Inquisition*, vol. 2, p. 8; A. P. Evans, 'The Albigensian Crusade', in eds. K. M. Setton, R. Wolfe and H. Hazard, *A History of the Crusades*, vol. 2 (Philadelphia, 1962), p. 294; Dossat, *Les Crises*, pp. 325-9; Pelhisson, pp. 44-5.

powers to preside over cases as a judge and to impose penances on people he found to be guilty.[93] Yet, Conrad's methods and harsh punishments quickly garnered hostility towards the inquisitor and he was murdered on 30 July 1233.[94] In addition, the inquest conducted intermittently by Robert le Bougre in the north of France between 1232 and 1239 shared many similarities with that of Conrad of Marburg. During his tenure as inquisitor Robert was also very zealous and enacted the full extent of punishment available to him, presiding over many burnings. Charles Haskins has argued that correspondence with the papacy, and between the papacy and other ecclesiastics, demonstrates that Robert abused his power as a papal inquisitor.[95] Nonetheless, more recently Georges Despy and Michael Lower have argued that the papacy and secular authorities provided authority and impetus for the decision to burn such large numbers of people, especially at Mont-Aimé in 1239.[96]

Therefore, the appointment of inquisitors by Gregory IX in 1233 for the dioceses of Toulouse, Cahors and Albi, who form the core of this thesis, was made with the knowledge and experience of previous and existing inquests in Germany and the north of France.[97] William Arnold led the inquest at Toulouse and remained active

[93] Lea, *Inquisition*, vol. 2, pp. 330-7; R. Kieckhefer, *Repression of Heresy in Medieval Germany* (Liverpool, 1979), pp. 14-5; K. Sullivan, *The Inner Lives of Medieval Inquisitors* (London, 2011), pp. 75-98; Aubri of Trois-Fontaines, *Chronica Albrichi monachi trium fontium*, ed. P. Scheffer-Boichorst, Monumenta Germaniae Historica Scriptores, vol. 23, p. 931, hereafter MGHS.
[94] A. Patschovsky, 'Zur ketzerverfolgung Konrad von Marburg', *Deutsches Archiv fur Enforschung des Mittelalters*, 37 (1981), pp. 641-93; Lambert, *The Cathars*, pp. 116-20; Sullivan, *Inner Lives*, pp. 87-92.
[95] C. H. Haskins, 'Robert le Bourge and the beginnings of the Inquisition in Northern France', *The American Historical Review,* 7 (1902), pp. 437-57.
[96] G. Despy, 'Les debuts de l'Inquisition dans les anciens Pays-Bas au XIIIe siècle', Problèmes d'histoire du Christianisme, 10 (1980), pp. 71–104; M. Lower, 'The burning at Mont-Aimé: Thibaut of Champagne's preparations for the Barons Crusade of 1239', *Journal of Medieval History*, 29 (2003), pp. 97-8, 105-7.
[97] For a narrative of the early inquisition in Languedoc see: Lea, *Inquisition*, vol. 2, pp. 1-16; Dossat, *Les Crises*, pp. 112-31; Griffe, *Le Languedoc cathare,* pp. 50-3; Wakefield, *Heresy, Crusade and Inquisition*, pp. 131-42.

until 1242.[98] Arnold Catalan was tasked with investigating heresy in Albi, but after resistance from the townsfolk his inquest only lasted a year.[99] Brother Ferrer began his career at Narbonne, and in 1237 became responsible for the area surrounding Narbonne, Béziers, Carcassonne, Albi, and Elne.[100] Inquisitors did not usually work alone. William Arnold was joined periodically by William Pelhisson, Pons of Mons, and Peter Sellan. In 1236 Peter Sellan began his own inquest in Quercy after the Dominican inquisitors were expelled from Toulouse in late 1235. During this time William Arnold travelled to Carcassonne and also assisted Peter in Quercy in early 1237.[101] Like their counterparts in other areas of Europe, the early Languedocian inquisitors were also extremely unpopular. Consequently, between 1238 and 1241, the papacy officially ordered the cessation of all inquests in the region. On the resumption of the inquests in 1241 Peter Sellan continued his work in Quercy.[102] A number of quantitative analyses have been conducted for the records of Peter's inquest at Quercy: Jörg Feuchter has investigated Peter's inquest at Montauban; and Jean Duvernoy briefly analysed the depositions as an introduction to his edition and translation of the register.[103] In addition, Claire Taylor has also considered Peter

[98] Lea, *Inquisition*, vol. 2, p. 8; L. Albaret, 'Guillaume Arnaud et Étienne de Saint-Thibéry, la vengeance populaire', in ed. L Albaret, *Les Inquisiteurs, portraits de defenseurs de la foi en Languedoc* (Toulouse, 2001), pp. 59-70; Pelhisson, pp. 44-5, 56-7; Puylaurens, c. 41, pp. 91-2.
[99] Lea, *Inquisition*, vol. 2, p. 10, Pelhisson, pp. 46-7, 58-61.
[100] C. Douais, *Documents pour server à l'histoire de l'Inquisition dans le Languedoc*, vol. 1 (Paris, 1977), p. cxxx, hereafter Douais, *Documents*; Lambert, *The Cathars*, p. 125. On Ferrer also see: W. L. Wakefield, 'Friar Ferrier, inquisition at Caunes, and escapes from prison at Carcassonne', *Catholic Historical Review*, 58 (1972), pp. 220-37; W. L. Wakefield, 'Friar Ferrier, inquisitor', *Heresis*, 6 (1986), pp. 33-41; L. Albaret, 'L'inquisition de Carcassonne, Ferrer ou Ferrier', in ed. L Albaret, *Les Inquisiteurs, portraits de defenseurs de la foi en Languedoc* (Toulouse, 2001), pp. 33-9.
[101] Lea, *Inquisition*, vol. 2, pp. 20-1; Dossat, *Les Crises*, pp. 131-5; Griffe, *Le Languedoc cathare,* pp. 52-62; Wakefield, *Heresy, Crusade and Inquisition*, pp. 146-8, Pelhisson, pp. 69-79; Puylaurens, c. 41, p. 93.
[102] Lea, *Inquisition*, vol. 2, pp. 24-6, 30-33; Dossat, *Les Crises*, pp. 142-4; Roquebert, *L'Épopée cathare*, vol. 4, pp. 283-86; Feuchter, 'Pierre Sellan', pp. 43-58.
[103] Feuchter, *Konsuln und* B*üsser;* J. Duvernoy, *L'Inquisition en Quercy, Le registre de penitences de Pierre Cellan* (Castelnaud la Chapelle, 2001).

Sellan's inquest of Quercy as part of wider research into heresy and inquisition in the region with a prosopographical focus.[104]

Although William Arnold and his colleague Stephen of Saint-Thibéry also resumed their inquest in 1241, the pair were assassinated at Avignonet in 1242.[105] Their successor, Bernard of Caux, had already been active as an inquisitor in the Agenais during the early 1240s and conducted itinerant inquisition around Toulouse from 1242 until he began an intense period of investigation between 1245 and 1246 centred at Toulouse, assisted by his colleague, John of Saint-Peter. Bernard continued in his role as inquisitor of Toulouse until his retirement in 1249.[106] The most extensive analysis of the Toulouse inquest throughout the thirteenth century has been conducted by Yves Dossat.[107]

Inquests continued during the 1250s and 1260s, and were led by a large number of different inquisitors, including: John of Saint-Peter at Toulouse until 1256; Raymond David at Carcassonne between 1251 and 1254; and William Bernard of Dax between 1258 and 1267.[108] In 1268 the offices of inquisition at Toulouse and Carcassonne merged under the leadership of Pons of Pouget and Stephen of Gâtine.[109] The next significant period of inquisition with extant records was led by Ranulph of Plassac and Pons of Parnac between 1273 and 1282, who were assisted by a number of other

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[104] Taylor, *Heresy, Crusade and Inquisition*.
[105] Lea, *Inquisition*, vol. 2, pp. 35-7; Y. Dossat, 'Le massacre d'Avignonet', *Cahiers de Fanjeaux, 6* (Toulouse, 1971), pp. 343-59; Griffe, *Le Languedoc cathare,* pp. 76-9; Wakefield, *Heresy, Crusade and Inquisition*, pp. 169-71; Puylaurens, c. 43, p. 103.
[106] C. Molinier, *L'Inquisition dans le Midi de la* France (Paris, 1880), pp. 55-77, 163-95; Y. Dossat, 'Bernard de Caux et l'Agenais', in Y. Dossat, *Eglise et heresie en France au XIIIe siècle, XXIV*, (London, 1982), pp. 75-9; Dossat, *Les Crises*, pp. 159-75; Pegg, *Corruption of Angels*.
[107] Dossat, *Les Crises*, pp. 226-68.
[108] Lea, *Inquisition*, vol. 2, pp. 51-2; For a full list of all active inquisitors during the 1250s see: Douais, *Documents*, pp. cxxxi-cxxxii.
[109] Dossat, *Les Crises*, pp. 193-5; P. Biller, C. Bruschi and S. Sneddon, eds. *Inquisitors and Heretics in Thirteenth-Century Languedoc: Edition and Translation of Toulouse depositions 1273-1282* (Leiden, 2011), pp. 37-9.

inquisitors throughout the period.[110] Although sources show that inquisitors were active until the end of the thirteenth century, there is limited evidence of their inquests. Proof of their positions is largely a result of the opposition they faced, owing to complaints of abuse of authority and the incorrect application of procedure and due process.[111] For example, at the end of the thirteenth century there was unrest at Albi, Carcassonne, and Limoux as a result of hostility towards the inquisitors Jean Galand and Jean Vigoureux.[112] The struggle reached a climax at the beginning of the fourteenth century when the Franciscan friar, Bernard Délicieux, led protests against inquisition in Languedoc led by Nicholas of Abbeville and Bernard of Castanent.[113]

0.6 Inquests in the Fourteenth Century

Inquisitio haereticae pravitatis continued into the early fourteenth century during which key inquests were led by Bernard Gui, 1306-1325, James Fournier, 1318-1325, and Geoffrey of Ablis, 1303-1316. The extant records of the three inquisitors' inquests are extensive and have been the focus of many historians. Bernard Gui is perhaps one of the most famous medieval inquisitors and his character as an inquisitor and the penances he imposed have been the subjects of much debate. A number of quantitative analyses of Bernard's inquest has been conducted by Célestin Douais, Charles Henry Lea, Jacques Paul, Annette Pales-Gobilliard, and James

[110] Douais, *Documents*, p. cxxxii; Biller, Bruschi and Sneddon, eds. *Inquisitors and Heretics*, pp. 42-51, 65-116.
[111] Douais, *Documents*, p. cxxxii.
[112] Molinier, *L'Inquisition*, pp. 79-105; J-M. Vidal, *Un inquisiteur jugé pars ses "victims": Jean Garland et les Carcassonnais (1285-1286)* (Paris, 1903); J. L. Biget, 'Un Procès d'Inquisition à Albi en 1300' *Cahiers de Fanjeaux*, 6 (1971), pp. 273-341.
[113] Lea, *Inquisition*, vol. 2, pp. 58-73, 78-87; J. Théry-Astruc, 'Bernard de Castanet, une politique de la terreur', in ed. L Albaret, *Les Inquisiteurs, portraits de defenseurs de la foi en Languedoc* (Toulouse, 2001), pp. 71-88.

Given.[114] Opinions are largely divided over Bernard Gui's intentions and rationale as an inquisitor. Paul suggests that Bernard acted like a confessor, eager to embrace the pastoral side of imposing penances, in order to save the souls of those who had strayed.[115] On the other hand, Given believes that Bernard was primarily concerned with establishing the authority and legitimacy of inquisition, as demonstrated in Bernard's use of the general sermon, the ceremony in which penitents were publically sentenced.[116] Karen Sullivan largely concurs with Given's view, albeit acknowledging examples in which Bernard showed leniency towards penitents.[117] Moreover, Raoul Manselli has portrayed Bernard as a bureaucrat who was primarily concerned with official procedure and lacked the depth of thought of his contemporary James Fournier.[118] Bernard Gui's manual, *Practica inquisitionis heretice pravitas*, has also received a great deal of attention as part of wider research into inquisitorial documents. Bernard's manual drew on many previous manuals and treatises on heresy and a number of historians have undertaken research regarding the sources which influenced Bernard.[119] Notably, Lucy Sackville's research on the manner in which guides and manuals were actually used in the thirteenth and

[114] Douais, *Documents*, pp. cciii-ccvi; Lea, *Inquisition*, vol. 1, p. 495; J. Paul, 'La mentalite de l'inquisiteur chez Bernard Gui', *Cahiers de Fanjeaux*, 16 (1981), pp. 279-316; A. Pales-Gobilliard, 'Penalties inquisitoriales au XIVe siècle', in *Crises et réformes dans L'Eglise de le réforme Grégorienne à la préréforme*, (Paris, 1991), pp. 143-54; J. Given, 'A medieval inquisitor at work: Bernard Gui, 3 March 1308 to 19 June 1323', in S. Cohn and S. Epstein (eds.), *Portraits of Medieval and Renaissance Living: Essays in Memory of David Herlihy* (Ann Arbor, 1996), pp. 207-32. Given also discusses Bernard Gui further in: Given, *Inquisition*.

[115] Paul, 'La mentalite de l'inquisiteur', pp. 296-9.

[116] J. Given, 'The inquisitors of Languedoc and medieval penal practice', in N. Van Deusen (ed.), *Tradition and Ecstasy: the Agony of the Fourteenth Century* (Ottawa, 1997), pp. 27-50.

[117] K. Sullivan, *Inner Lives* (London, 2011), pp. 126-145.

[118] R. Manselli, 'Bernard Gui face au spirituels et aux apostoliques', *Cahiers de Fanjeaux*, 16 (Toulouse, 1981), pp. 265-78.

[119] For a thorough overview of inquisitor manuals and guides from the period see: Dondaine, 'Le manuel', pp. 85-194; for discussion of Bernard's manual see: Molinier, *L'Inquisition,* pp. 197-236; J. A. Dane, 'Inquisitorial hermeneutics and the manual of Bernard Gui', *Tenso*, 4 (1989), pp. 59-76; Paul, 'La mentalite de l'inquisiteur', pp. 80-5; A. Pales-Gobilliard, 'Bernard Gui, inquisiteur et auteur de la Practica', *Cahiers de Fanjeaux*, 16 (1981), pp. 253-64; Given, *Inquisition*, pp. 46-7, 54-7, 71-2.

fourteenth centuries has highlighted the practical application of the texts and explores their development throughout the period in relation to inquisitors' tangible experiences and the canon law created by ecclesiastical councils.[120]

Indeed, comparisons have often been drawn between the different fourteenth-century inquisitors. At the start of the twentieth century, Jean-Maire Vidal provided an apologetic portrayal of James Fournier's inquest, not accounting for the contrasting positions of power held by the inquisitor and deponent.[121] Similarly, Emmanuel Le Roy Ladurie's work focused on the anthropological and sociological aspects of Fournier's inquest. Whilst Ladurie's work has since been heavily criticized for its methodological failings, it does highlight James Fournier's unusual interest in the beliefs of the people whom he interrogated.[122] Subsequently, Fournier's registers have been reconsidered by James Given who emphasized the inquisitor's display of authority and power in a similar way to his treatment of Bernard Gui.[123] Additionally, John Arnold has analysed the registers, evaluating the impact of inquisitorial authority on the creation of the documents.[124]

More recently, Irene Bueno has revisited James Fournier's inquests, offering further insight into the inquisitor and the way he worked. Bueno's comparison of James Fournier and Geoffrey of Ablis demonstrates that the differences in approach were often stimulated by the circumstances in which the two inquisitors found themselves. Geoffrey was concerned with stopping the remaining few heretics who perpetuated

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[120] Sackville, *Heresy and Heretics in the Thirteenth Century, the Textual Representation* (Woodbridge, 2011), pp. 190-1; L. J. Sackville, 'The inquisitors' manual at work', *Viator*, 44 (2013), pp. 201-16.
[121] J. M. Vidal, *Le tribunal d'Inquisition à Pamiers* (Toulouse, 1906).
[122] Le Roy Ladurie, *Montaillou*; criticism of Ladurie's work can be found in, M. Peltonen, 'Clues, margins, and monads: the micro-macro link in historical research', *History and Theory*, 40 (2001), pp. 147-59; R. Rosaldo, 'From the door of his tent: the fieldworker and the inquisitor', in eds. J. Clifford and C. E. Marcus, *Writing Culture: The Poetics and Politics of Ethnography* (Berkeley, 1986), pp. 77-97.
[123] Given, *Inquisition*, pp. 58-61, 151-8, 172-8, 214-6.
[124] Arnold, *Inquisition and Power*, pp. 165-225.

the surviving network of supporters. In contrast, Fournier understood that he needed a deeper investigation which sought out the roots of their support for Catharism in order to unravel the support of heresy within the complex social setting of small villages and tightly knit families.[125] In addition, Bueno has conducted a quantitative analysis of Fournier's register and has contrasted the inquisitorial procedure to that of thirteenth-century inquisitors.[126] Subsequently, Bueno shows that although the general framework of early inquests formed the basis of Fournier's questioning in the form of *factum haeresis*, the bishop went further than ever before, by interpreting existing practices in innovative ways. In particular, Bueno demonstrates that Fournier was far more interested in deponents' beliefs, citing comparatively detailed answers to a less rigidly defined set of questions as evidence.[127] With regards to Fournier's use of the general sermon, Bueno shares a similar view to Given: the general sermon provided, 'an opportunity to publically celebrate success of repression and the institution that was the guarantor of orthodoxy, indicating to the faithful the way to salvation.'[128] Furthermore, Bueno notes that Fournier's use of formulae in the general sermon and imposition of penances matches the advice offered by Bernard Gui's *Practica*, indicating the cooperation and exchange of knowledge between the two inquisitors.[129]

[125] I. Bueno, 'A comparison of interrogation in two inquisitorial courts of the fourteenth century', *Annual of medieval studies at the CEU*, 12 (2006), pp. 49-68. On Geoffrey of Ablis see: Molinier, *L'Inquisition*, pp. 107-61; C. Peytavie, 'Geoffroy d'Ablis, le Mal contre le mal', in ed. L Albaret, *Les Inquisiteurs, portraits de defenseurs de la foi en Languedoc* (Toulouse, 2001), pp. 89-104.
[126] I. Bueno, *Defining heresy: inquisition, theology and papal policy in the time of Jacques Fournier*, trans. I. Bolognese, T. Brophy and S. R. Prodan (Leiden, 2015), pp. 82-6, 90.
[127] Bueno, *Defining heresy*, pp. 94-128.
[128] Bueno, *Defining heresy*, p. 87.
[129] Bueno, *Defining heresy*, pp. 81-4, 108.

0.7 A Constructed Argument

With regards to the influence of contemporary confessional literature and the influence of Paris masters, Chapter one, 'Proportional Punishment', will explore the wide range of penances used by the inquisitor Peter Sellan when sentencing penitents at Quercy in 1241-1242. Whilst Feuchter has conducted a thorough analysis of the depositions for Montauban, a comprehensive quantitative analysis of the penances across the whole register is lacking.[130] Chapter one addresses this issue and the resulting data is used to explore Peter Sellan's decision-making, in addition to Bernard of Caux and John of Saint-Peter's inquest at Toulouse. A key concept in the chapter is proportionality. The early inquisitors faced considerable political pressures and their legitimacy was questioned by the secular authorities in Languedoc. Thus, this chapter seeks to explore why proportionality was key to early inquisitorial sentencing. Although it is hard to suggest that inquisitorial justice was in any way fair from a modern perspective, the manner in which Peter and Bernard sentenced penitents does suggest there was an element of proportionality, thus the link between confession and penance will be examined.

Chapter two, 'Inquisitorial Flexibility', focuses on the penances which do not fit into the model of proportionality discussed in the first chapter. These anomalous examples will be evaluated against the circumstances surrounding specific deponents in order to highlight different factors which affected inquisitorial decision-making. As well as considering penances imposed by Peter Sellan and Bernard of Caux, the career of Brother Ferrer will be analysed to re-evaluate his zealous reputation in light of all the extant sentences he imposed.[131] Additionally, canon law developed by

[130] Feuchter, *Konsuln und* B*üsser;* Duvernoy, *L'Inquisition en Quercy*.
[131] A portrayal offered for example by: C. Delpoux, 'L'Inquisition à Narbonne', *Cahiers d'études cathares*, 30 (1979), p. 29.

ecclesiastical councils, primarily of the 1240s, will be examined to determine the extent to which the leniency and flexibility employed by inquisitors was due to their own decisions and if canon law was created as a result of their experience, or whether they simply followed the advice offered to them. The concept of inquisitorial flexibility is not new to historians. Caldwell Ames and Sackville, amongst others, refer to it, [132] but detailed consideration of how the concept relates to actual penances will contribute to historical understanding.

The debate regarding the influence of dualism from the East is ongoing, yet the strong evidence of transmission of dualist ideas to Languedoc[133] prompts the question: why did Peter Sellan sentence penitents to go on pilgrimage to Constantinople? Chapter three, 'Problems with Penances', seeks to answer this question by examining the pragmatic aspect of inquisitorial sentencing procedure. From this platform, the problem of sentencing penitent heretics and their supporters to go on pilgrimage will be discussed alongside the existing historiography regarding completion rates of pilgrimages and the abuse of pilgrimage by impenitent heretics.[134] The chapter will explore the relationship between the inquisitors' desires to ensure penitents completed their pilgrimages, the purpose of the pilgrimages, and penitents' perception of, and attitude towards, penance. The chapter will also seek to reconcile the views expressed in the historiography regarding inquisitors'

[132] Caldwell Ames, *Righteous Persecution*, pp. 170-1; Sackville, *Heresy and Heretics*, p. 100.
[133] For discussion of this debate see: J. Lavrin, 'The Bogomils and Bogomilism', *The Slavonic and East European Review*, 8 (1929), 269-83; B. Hamilton, 'The Cathar Council of Saint-Félix reconsidered', *Archivum Fratrum Praedicatorum*, 48 (1978), pp. 23-53; B. Hamilton, 'Wisdom from the East', in eds. P. Biller and A. Hudson, *Heresy and Literacy 1000-1530* (Cambridge, 1994), pp. 38-60; B. Hamilton, 'Cathar links with the Balkans and Byzantium', in ed. A. Sennis, *Cathars in Question* (York. 2016), pp. 112-30.
[134] Y. Dossat, 'Types exceptionnels de pèlerins: l'hérétique, le voyageur déguisé, le professionnel', *Cahiers de Fanjeaux*, 15 (Toulouse, 1980), pp. 207-22; Feuchter, 'Le pouvoir', p. 246; see also: Kelly, 'Inquisition and the prosecution', p. 449; Sumption, *Pilgrimage*, p. 112; Taylor, *Inquisition, Crusade and Heresy*, pp. 123-4.

motivations. In particular, the extent to which penances were used by inquisitors as a means of social control will be evaluated.[135]

Finally, chapter four, 'Lessons to be Learned', addresses the questions raised throughout the previous three chapters. Historians have debated whether history can view the inquisitorial inquests conducted throughout the thirteenth and fourteenth centuries as an institution, 'The Inquisition', or whether inquisitors worked in isolation.[136] By examining the development of the Dominican Order, further light will be shed on the factors which influenced the imposition of penances by early inquisitors like William Arnold. Such discussion will build upon Caldwell Ames's view that Dominican inquisitors were very much concerned with the pastoral aspect of their duty.[137] Moreover, influenced by the work of Lucy Sackville on the practical use of inquisitor guides and manuals, the fourth chapter will explore the cooperation between different inquisitors, the exchange of their ideas and the role which manuals, guides and consultations played in the development of the post-interrogation procedure.[138] Lastly, the problematic concept of 'progress' will be considered, not only in chapter four but throughout the entire thesis. Reconciling what historians might consider to be progress and what inquisitors perceived to be progress is not an easy task. The nature of inquisitorial progress will be questioned. The possibility that inquisitors simply became more efficient over time will be examined, and the corresponding impact of the greater categorization of heretics and their supporters will be considered in relation to this. As a result this thesis

[135] Caldwell Ames, 'Does Inquisition belong', pp. 11-2; Given, *Inquisition*, pp. 78-84; Griffe, *Le Languedoc cathare*, pp. 14-34; Vogel, 'Le pèlerinage penitentiel', pp. 129, 135.
[136] Lea, *A History of the Inquisition*, vols. 1-2; Roach, 'Penance', p. 409; Tentler, Sin and confession, p. 12; Kelly, 'Inquisition and the prosecution', pp. 439-51; Kieckhefer, 'The office of inquisition', pp. 36-61; C. Léglu, R. Rist, and C. Taylor, eds. *The Cathars and the Albigensian Crusade: a Sourcebook*, (Oxon, 2014), pp. 131-2.
[137] Caldwell Ames, 'Dominican Inquisitors', pp. 23-40.
[138] Sackville, 'The inquisitors', pp. 205-6.

ultimately seeks to evaluate how the decision-making of thirteenth-century inquisitors interacted with the legal culture and procedure which developed alongside papal inquests.

0.8 Methodology

Inquisitorial sentences are not extant for the majority of depositions made during the thirteenth century, but there are some key registers, whole and fragmentary, which provide a sufficient quantity of data to work with. The majority of sources which contain inquisitorial sentences are found in the Doat Collection, volumes 21-32.[139] The inquisitorial depositions in the Doat Collection are not the original sources, but duplicates made by seventeenth-century copyists, charged by Doat and the king of France to preserve the inquisitorial records.[140] Within the Doat Collection, the only complete set of sentences is found in Peter Sellan's register, whose inquest was held at Quercy between 1241 and 1242, and is recorded in Doat 21.[141] The six hundred and forty-four sentences imposed by Peter were the result of investigations carried out at nine towns and other settlements in Quercy: Almont, Beaucaire, Castelnau-Montratier, Gourdon, Moissac, Montauban, Montcuq, Montpezat, and Sauveterre.[142] The significant size of data available in Peter's register lends itself very readily to a quantitative analysis, and chapter one compares the deponents' faults with their corresponding penances. This straightforward comparison allowed any wider patterns

[139] B.N, Paris, MSS. Lat. Doat 21-32.
[140] C. Bruschi, *The Wandering Heretics of Languedoc* (Cambridge, 2009), p. 9.
[141] D21. ff. 185r-312v.
[142] Taylor, *Heresy, Crusade and Inquisition*, p. 23, states that the register contains 724 sentences. This number is correct, however, a number of sentences imposed at Gourdon are simply copies of penances found earlier in the register, with identical names and punishments. The deponents' faults are omitted in the second version. Jean Duvernoy states that there are only six hundred and twenty-two deponents recorded in the register but this does not account for entries which refer to multiple people, Duvernoy, *L'Inquisition en Quercy*, p. 25. For example, at Moissac there are five entries which refer to two people: D21. ff. 286v, 293r, 299r, 300v.

of sentencing to be highlighted, which then formed the basis for focused qualitative analysis in the subsequent chapters.

Additionally, a number of fragmentary sets of sentences are found within the Doat Collection. Doat 21 also records sentences imposed at Toulouse between 1237 and 1241 by William Arnold and Stephen of Saint-Thibéry.[143] Significantly, these sentences are not from one continual inquest like Peter Sellan's, and overall the inquisitors punished eighty-five deponents across twenty-six sentences. Due to the limitations of size and continuity of William and Stephen's sentences, it is not possible to analyze their sentences in the same manner as is possible for Peter Sellan. However, they provide contemporary context for the wider data sets, and cautious comparisons can be made with Peter's register.

Furthermore, Doat 22 contains twenty-nine depositions collected by Bernard of Caux and John of Saint-Peter between 1243 and 1247 in the dioceses of Agen and Cahors.[144] However, the majority of evidence relevant to Bernard and John's inquisitorial activity is for their inquest at Toulouse. The evidence for this inquest is found chiefly in the document known as MS. 609, held in the Bibliothèque Municipale de Toulouse.[145] Bernard and John were most active between 1245 and 1246, when around 5,471 people were summoned to Toulouse.[146] Fortunately, in 1263, two Dominicans, William Bernard of Dax and Renaud of Chartres, ordered the original depositions to be copied and these manuscripts have resided at Toulouse since 1790. Even so, Mark Pegg suggests that only a fraction of the original depositions are extant, with eight of the ten original volumes lost or destroyed. The imbalance of testimony from different sized towns and villages is compelling evidence for this

[143] D21. ff.143r-84v.
[144] D22. ff. 1v-88r.
[145] Toulouse, Bibliothèque Municipale, MS. Lat. 609.
[146] Pegg, *Corruption of Angels*, p. 3.

theory, as some of the smallest settlements like Mas-Saintes-Puelles have over ten times more extant depositions than larger towns such as Castelnaudary.[147] Although it is possible that some places were simply more heavily affected by heresy than others, on the balance of probability it seems unlikely that some of the largest settlements would have been disproportionately free of the heresy's influence.

Yet, MS. 609 and Doat 22 do not include the depositions' associated sentences, which are found in MS. 9992, held in the Bibliothèque Nationale in Paris. These sentences, made between 1244 and 1248, record one hundred and ninety-seven sentences imposed by Bernard of Caux and John of Saint-Peter.[148] It is likely that these sentences were once part of the original ten volumes from which MS. 609 originates, and that their extant form is simply a scribal draft. The manuscript itself was only discovered in 1781 when it was salvaged from materials intended to bind a school alphabet.[149] The version of the manuscript used in this work is the edition transcribed by Célestin Douais.[150] By cross-referencing all three manuscripts relating to Bernard of Caux's work as an inquisitor, this thesis aims to shed further light on the ways in which Bernard chose to punish heretics and their supporters during the 1240s. In addition, it is important to be aware of the differences between Bernard and John's two inquests. Taylor notes that the ranges of families interrogated at Cahors and Agen was very narrow in comparison to the inquest at Toulouse, and suggests this was due to the nature of the inquest, which aimed to uncover the involvement of key political figures in heretical networks.[151] Thus, when making

[147] Pegg, *Corruption of Angels*, p. 24.
[148] B.N, Paris, MS. Lat. 9992, the edition used is: Douais, *Documents*, pp. 1-89.
[149] Pegg, *Corruption of Angels*, p. 25.
[150] Douais, *Documents*, pp. 2-89.
[151] Taylor, *Heresy, Crusade and Inquisition*, p. 141.

comparisons between data sets it is imperative to account for the political and local contexts which affected the different inquisitors.

The evidence for Brother Ferrer's sentences is by far the most fragmentary data examined in this thesis, and it is not possible to conduct any kind of quantitative analysis. The Doat Collection contains detailed records of the depositions undertaken by Ferrer in volumes 23 and 24, but no explicit mention of the corresponding sentences.[152] Instead, examination of references to Ferrer in the documentation of other inquests is one of the key methods for exploring his sentencing. For example, MS. 609, Bernard of Caux's register of his inquest at Toulouse includes many references to Ferrer's past.[153] There are also references to his sentences in sources which recount the inquisitor's interaction with the papacy, as recorded in Histoire Générale de Languedoc.[154] Lastly, fifteen sentences imposed by Ferrer in 1243 are recorded in Doat 21,[155] and an anonymous inquisitors' manual from 1265 records one sentence from 1244.[156] As a result, chapter two synthesizes the varied evidence of Ferrer's sentences to make conclusions about his use of the judicial framework and attitude towards punishing heresy.

Finally, sources exploring the legal development of inquisitorial procedure are considered throughout the thesis, including: ecclesiastical councils, legal consultations, and inquisitors' manuals. The ecclesiastical councils have been edited

[152] D23, D24. ff. 1-237.
[153] MS. 609. ff. 47r, 73r, 117r, 121v.
[154] C. Vic, and J. J. Vaissète, (eds.), *Histoire Générale de Languedoc, avec des notes et les pieces justificatives*, 3rd edn. eds. A Molinier et al, 16 vols. (Toulouse, 1872-1905), vol. 8, cols. 1143-6, hereafter HGL.
[155] D21.
[156] 'Quellen zur Geschichte der Waldenser', in eds. A. Patschovsky and K. V. Selge, *Texte zur Kirchen und Theologie-Geschichte,* 18 (Guterslöh, 1973), pp. 55-69, for the English translation used see: '38. Formulae from a later inquisitor's handbook', in eds. trans. J. H. Arnold and P. Biller, *Heresy and Inquisition in France 1200-1300* (Manchester, 2016), pp. 266-7, hereafter HIF. The extant manuscript is held by the Bibiloteca Apostolica Vaticana, MS. Vat. Lat. 3978.

by Giovanni Domenico Mansi in *Sacrorum conciliorum nova et amplissima collectio*.[157] The two key consultations considered in this thesis are the 1235 consultation of the Avignon jurists,[158] and Guy Foulques's *Consilium*,[159] 1238-1243.[160] Lastly, a number of manuals have been examined including: the *Ordo Processus Narbonnensis*, 1248-9,[161] an anonymous manual from 1265,[162] the *Doctrina de Modo Procedendi contra Hereticos*, 1271-1273,[163] and Bernard Gui's fourteenth-century *Practica inquisitionis heretice pravitatis*.[164] Notably, the authorship of the *Ordo Processus* is disputed. Whilst it was thought that Bernard of Caux and John of Saint-Peter may have written the first inquisitors' manual, Kolmer Lothar has suggested that it was in fact written by Peter Durand, William Raymond, and Brother Ferrer.[165] Consequently, analysis of the *Ordo Processus* must be conducted with caution. Although it may not represent the explicit opinions of Bernard of Caux, it nevertheless demonstrates contemporary attitudes towards inquisitorial procedure. Thus, comparing Bernard's sentences to the advice given by the *Ordo Processus* can provide a useful insight into the dissemination of knowledge between different inquisitors.

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[157] G. D. Mansi (ed.), *Sacrorum conciliorum nova et amplissima collectio*, 55 vols. (Graz, 1961), vols. 22-3.
[158] 'Quellen zur Geschichte der Waldenser', pp. 50-4, for the English translation quoted see: '33. A legal consultation, 1235', HIF, pp. 213-7.
[159] G. Foulques, *Consilium*, ed. Bivolarov, *Inquisitoren-Handbucher*, pp. 231-2
[160] The Consilium has been recently dated by Vasil Bivolarov, *Inquisitoren-Handbucher, Papsturkunden und juristische Gutachten aus den 13. Jahrhundert* (Wiesbaden, 2014), pp. 214-7. An English translation is available in '35. The Consilium of Guy Foulques', HIF, pp. 230-5.
[161] A. Tardif, 'Documents pour l'histoire du processus per inquistionem et de l'inquisitio heretice pravitatis'*, Nouvelle revue historique du droit français et étranger,* 7 (1883), pp. 669-78, hereafter Tardif, 'Documents'.
[162] 'Quellen zur Geschichte der Waldenser', pp. 55-69, for the English translation quoted see: '38. Formulae from a later inquisitor's handbook', HIF, pp. 262-9.
[163] 'Doctrina de Modo Procedendi Contra Haereticos', ed. E. Martène and U. Durand, in *Thesaurus Novus Anedcotorum*, 5 vols (Paris, 1717), vol. 5, cols. 1795-1814. For the English translation quoted see: '39. An inquisitorial manual: instruction about the way in which one should proceed against heretics', HIF, pp. 270-88; the extant manuscript is held by the Biblioteca Apostolica Vaticana, MS. Vat. Lat. 3978, ff. 82rb-7va.
[164] B. Gui, *Practica inquisitionis heretice pravitatis*, ed. C. Douais (Paris, 1886).
[165] Parmeggiani, 'Un secolo di manualistica', pp. 233-4.

These sources are used to explore the relationship between the registers of sentences from actual inquests, and the legal framework which was developed to assist and support inquisitors. Moreover, by comparing the legal sources and inquisitors' manuals, this thesis considers the extent to which progress was made as a result of the increasingly refined categorization of heretics and their supporters. The sentences considered in this thesis mainly belong to the 1230s and 1240s, so generic comparisons are not made with the later stages of the thirteenth century. However, the extant legal sources and manuals do span the entire century, so judgements regarding the development of the post-interrogation procedure can be made. To begin then, chapter one will quantitatively analyse the penances imposed by Peter Sellan and Bernard of Caux during the 1240s.

1. Chapter One, Proportional Punishment

Unlike the fate of many accused heretics during the Albigensian Crusade, those found to be guilty by inquisitors seldom found themselves condemned to the stake. Instead, the array of penances imposed on deponents included: providing financial support, wearing crosses, going on pilgrimages of various difficulties, imprisonment, and the confiscation of their property. This diverse list of possible punishments begs the question, what rationale was behind the imposition of such a variety of penances? At the council of Narbonne 1243, the archbishops of Languedoc decreed that sanctions should be appropriate to the accused penitents' crimes.[1] The extent to which inquisitors were accommodating of this will be determined. The background of Peter Sellan and Bernard of Caux, the inquisitors responsible for the inquests at Quercy and Toulouse respectively, will be considered first. Each inquest's socio-political context will also be discussed and the historiographical debates will be addressed. The completeness of Peter Sellan's register in Doat 21 lends itself well to a quantitative analysis. Therefore, corresponding faults and penances will be compared in order to determine the extent to which Peter imposed proportionate sentences. Similarly, Bernard of Caux's sentences are quantitatively analysed, and the incomplete record of his inquest is discussed.

1.1 The Inquisitors

As a local of Toulouse, Peter Sellan was equipped with a detailed knowledge of the region and its social networks. On the other hand, as a member of the community under scrutiny it is possible that the inquisitor felt empathy towards accused heretics or supporters of heresy.[2] Nevertheless, a look at Peter's early life demonstrates that

[1] Mansi, col. 357, c. 5; Feuchter, 'Le pouvoir', p. 94.
[2] Feuchter, 'Pierre Sellan', p. 45.

he was committed strongly to the Catholic cause and became heavily involved in the beginning of the Dominican movement. His close tie with St. Dominic, the founder of the Order of Preachers, led to a monastic career in Toulouse and Limoges.[3] Jordan of Saxony, a contemporary of Peter Sellan, states that at the Lateran Council in 1215 Peter Sellan offered to work for Dominic. Jordan notes that Peter was a wealthy citizen of Toulouse and in 1215 he gifted Dominic some houses near the Château Narbonnaise at Toulouse to use as a base of operations.[4] Peter also contributed to the Dominican cause by founding a convent at Cahors in 1226.[5] From 1235 to 1237 he was the prior of the Dominican convent at Toulouse.[6] Moreover, it appears that none of the Sellan family had been involved with heresy and that many of them worked for the counts of Toulouse in administrative roles, including Peter before he became involved with the Order of Preachers.[7] It seems unlikely that the Sellans were connected with heresy because the seventh canon of the Council of Toulouse in 1229 prohibited heretics, or those who had been linked with heresy, from holding administrative positions or positions of authority.[8] Therefore, evidence of Peter's life prior to becoming an inquisitor suggests that he possessed extensive knowledge of Languedoc and was unlikely to have held any Cathar or Waldensian sympathies detrimental to his credibility as an inquisitor.

Peter did not start his inquest in Quercy unprepared or inexperienced. His first involvement with the inquisitorial process began in the early 1230s when he accompanied the inquisitor William Arnold, and from 1235 onwards, William

[3] E. Albe, 'L'hérésie albigeoise et l'inquisition dans le Quercy', *Revue d'histoire de l'Église de France*, 1 (1910), p. 276; Feuchter, 'Pierre Sellan', pp. 43-5.
[4] Jordan of Saxony, *Libellus de principiis Ordinis Praedicatorum,* ed. H. C. Scheeben, *Monumenta Ordinis Fratrum Praedictorum Historica*, (Rome, 1935), vol. 16, pp. 37-8; R. Brooke, *The Coming of the Friars* (London, 1975), pp. 92, 168-9; M. Roquebert, *Saint Dominique* (Perrin, 2003), pp. 188-9.
[5] Taylor, *Heresy, Crusade and Inquisition*, p. 114.
[6] Duvernoy, *L'Inquisition en Quercy*, p. 19.
[7] Feuchter, 'Pierre Sellan', p. 48.
[8] Mansi, vol. 23, col. 195, c. 17.

Pelhisson and Pons de Mons as well. Jean Duvernoy suggests that this was a form of apprenticeship which allowed promising inquisitors to be trained during an actual inquest.[9] At this point in the thirteenth century, inquisitor manuals had not yet become an important part of the developing inquisitorial process in the way that they would later.[10] Thus, the oral transmission of knowledge and experience would have been particularly invaluable to Peter. During his apprenticeship in 1234, one of the first inquisitorial tactics that Peter came across was the exhumation of posthumously condemned heretics. Whether this tactic was intended to promote fear in the communities of Languedoc, it made the inquest extremely unpopular and turned the majority of the population against the inquisitors. Jörg Feuchter also argues that the resort to exhumation demonstrates the weakness of early inquisitors because the dead were the only people unable to defend themselves against accusations.[11] In 1235, responding to this lack of success, the inquisitors began to employ a period of grace in an attempt to increase the number of deponents coming forward. Promising more lenient penances for those who came forward to testify proved extremely successful, and was used by Peter in the subsequent inquests which he first led at Quercy in 1236.[12] The success and importance of periods of grace is also evident through their use by other inquisitors throughout the thirteenth century.[13]

Additionally, the confessions given by reconciled heretics, such as Raymond Gros, also provided momentum to inquisitors in Languedoc and arguably they were one of the most important factors in the success of early inquests.[14] However, papal inquests' power during the late 1230s and early 1240s must not be overstated. Peter

[9] J. Duvernoy, *Cathares, Vaudois et Béguins, dissidents du pay d'Oc* (Toulouse, 1994), pp. 86-7.
[10] Sackville, *Heresy and Heretics*, p. 135.
[11] Duvernoy, *L'Inquisition en Quercy*, p. 19; Feuchter, 'Pierre Sellan', p. 49.
[12] Lea, *Inquisition*, vol. 2, pp. 21-2; Feuchter, 'Pierre Sellan', pp. 53-4; Feuchter, 'Le pouvoir', p. 239.
[13] Lea, *Inquisition*, vol. 2, pp. 16, 30, 33; Bruschi, *Wandering Heretics,* p. 16.
[14] Barber, *The Cathars*, p. 149.

first began investigating the Quercy region in 1236, but by 1238 inquisitorial activity in Languedoc came to a halt as the papacy ordered the inquisitors to stop their work. Peter did not resume the inquest at Quercy until 1241.[15] Although the counts of Toulouse insisted that they were loyal to the Catholic Church, many of their vassals were not and inquisitors often had to deal with a lack of support from secular authorities. One of the best examples of open hostility towards inquisitors took place at Toulouse in 1235 when twelve of the town's most affluent citizens refused to respond to inquisitor William Arnold's requests for them to attend interrogations. They attempted to intimidate William with threats of violence but he did not sway in his determination to bring the citizens to justice. Subsequently, William was removed from Toulouse by force and when he moved to Carcassonne in response, he found the treatment of the inquisition there to be little better.[16]

The unpopularity of the early inquest was an important reason why many people called for investigation into heretical activity to stop. Even Raymond, the count of Toulouse, eventually petitioned the papacy for a stop to inquisition. This was due to the population's perception of the inquistors' actions as unjust and cruel. Raymond's petition originally resulted in the cessation of inquisition for three months, but was quickly extended due to the fact that the papacy desired the support of the count of Toulouse against Emperor Fredrick II.[17] Resumption of inquisitorial activities only began shortly before Gregory IX's death in 1241. The inquisitors' turn of fortune was likely due to Raymond's desire to be absolved of his excommunication.[18] Yet, Raymond's renewed support for papal inquisitors was not surprising. After concluding the treaty of Paris in 1229, the count had offered his backing to the episcopal

[15] Feuchter, 'Pierre Sellan', pp. 50-1.
[16] Lambert, *The Cathars*, p. 127; Lea, *Inquisition*, vol. 2, pp. 19-22. The unpopularity of early inquisitors is discussed further in chapter four.
[17] Lambert, *The Cathars*, p. 127; Lea, *Inquisition*, vol. 2, pp 23-5.
[18] Lea, *Inquisition,* vol. 2, pp. 26-7.

inquests led by Cardinal-Legate Romano di San Angelo and Bishop Fulk of Toulouse. The legate and bishop were able to capture many heretics and their supporters due to the testimony provided by the converted heretic William Solier.[19] Secular support for inquisitors was fickle though, and in 1242 Dominican William Arnold and the Franciscan Stephen of Saint-Thibéry were killed at Avignonet by assassins connected to Raymond Péreille, lord of Montségur, one of the last Pyrenean Cathar bastions. As the mountain stronghold was technically in Peter Roger of Mirepoix's territory, it was his responsibility to wipe out the growing threat of heresy there. Hence, Peter subsequently ordered an attack on the Cathar stronghold. The open and extreme violence shown by heretical supporters against the Catholic Church would have almost certainly contributed to the papacy's desire to resume inquests across Languedoc.[20]

Feuchter suggests that this gap in inquisitorial activity between 1237 and 1241 demonstrates that the sentences handed out in 1241 were based upon the depositions Peter Sellan had recorded during his previous visit to Quercy in 1237.[21] The list of six hundred and forty-four sentences and accusations could potentially be a concise and abridged version of the original depositions.[22] The majority of depositions found in Doat 22-26 are longer and more detailed in comparison to those in Doat 21, which further suggests that Peter's register of sentences might not be the original records of the Quercy interrogations.[23] Feuchter argues that the pope's order to cease inquisition in 1237 stopped Peter from giving out the sentences relevant to his investigation in Quercy. For instance, at Moissac the bailiff publically

[19] Lea, *Inquisition*, vol. 1, p. 315; Pelhisson, pp. 54-5; Mansi, vol. 23, cols. 194-204. The episcopal councils of Narbonne in 1227, Toulouse in 1229 and Béziers in 1234 all demonstrate the Church's efforts to support and encourage episcopal inquisition, respectively, Mansi, vol. 23, cols. 19-26, 194-204, 269-77.
[20] Barber, *The Cathars*, pp. 154-5.
[21] Feuchter, 'Pierre Sellan', p. 52.
[22] Duvernoy, *L'Inquisition en Quercy*, p. 25.
[23] D21-6.

ordered the population to refuse to accept any penances because the inquest was over.[24] Feuchter also cites the example of Na Aurimunda from Moissac, whose sentence is not recorded. He suggests that this is because she was dead when Peter returned in 1241, so a penance was not required. Therefore, this abridged version of the original depositions could have been a handy reminder of Peter's previous discoveries.[25]

However, the link between Na Aurimunda of Moissac recorded in Peter Sellan's register and the Aurimunda who died in 1240 is only circumstantial. The death of a woman named Aurimunda in 1240 is mentioned in a number of depositions given at Castelsarrasin in 1244, and Na Aurimunda is known to have travelled to Castelsarrasin to listen to the Cathar Vigouroux de la Bacone.[26] Moreover, the name Aurimunda seems to be relatively uncommon and is only found in one other sentence in Peter's register.[27] Yet, this link is not enough evidence to confirm that all the summary depositions contained in Peter Sellan's register of penances were made in 1237. Moreover, the small quantity of detail that is contained within the depositions points towards a later interrogation. For example, even though Taylor observes that some of the depositions refer to childhood, there is no mention of Cathars in black robes.[28] If the depositions were made between 1236 and 1237 it is more likely that these childhood memories would refer to a period in which Cathars were more open about their faith, and such details would have surely been included by the inquisitors. Finally, it seems unlikely that he would have returned to Quercy in 1241 to simply impose predetermined penances. Arguably, Peter would have found it

[24] Feuchter, 'Pierre Sellan', p. 52.
[25] Feuchter, 'Pierre Sellan', p. 52.
[26] D22. ff. 14v, 15r, 17v, 19r-v, 28v, 45v.
[27] D21. f. 216r, Armande de Balens.
[28] Taylor, *Heresy, Crusade and Inquisition*, p. 29. Taylor supports the view that the depositions were recorded between 1241 and 1242.

necessary to determine what level of support had been offered to heretics during the time in which inquisition had been suspended in order to impose a suitable penance.

Inquisitors' weak positions would have also made it extremely difficult for Peter to enforce the penances he set. There is no direct evidence demonstrating the completion of penances for the majority of the penitents, and this begs the question of whether they ever set out on their pilgrimages. Significantly, Feuchter's analysis of the depositions specific to Montauban reveals that many of the deponents were still in Quercy in the years following the inquest there, and ten of the men sent to Constantinople are even recorded on a 1249 list of town council representatives. The families of these, who all supported heresy, are listed by Feuchter as: de Aussac, de Biole, Carbonnel, de Castillon, Davi, Engelbaudi, Foulcaut, de Gaulena, de la Garrigue, Géraud, L'hautier, de la Mothe, de la Pozaca, de Sapiac, and Touzet.[29] Moreover, Feuchter suggests that the trend of trying to encourage confessions extended to negotiating over subsequent penances. The majority of the deponents from Montauban were from the town's elite social strata and thus the completion of the time-consuming penances given to them by Peter Sellan would have resulted in a dramatic shift in power in the town and the standing of the families affected would have diminished.[30] Feuchter's research concerning Peter Sellan's investigation of Montauban is important because it highlights Peter's innovative approach and the manner in which he dealt with the problems faced by early inquisitors.[31] This thesis aims to build upon such a view with regard to the entirety of Peter Sellan's register.

Thus, it seems very plausible that the social elite of the town would have attempted to bargain with the inquisitors to have their penances softened or changed. Town

[29] Feuchter, 'Le pouvoir', p. 245.
[30] Feuchter, 'Le pouvoir', pp. 245-8.
[31] Feuchter, 'Pierre Sellan', p. 54.

charters state that, subsequent to the inquest in 1241, the local church underwent a renovation and extension under the town elders' supervision. In 1244 Arnold Folcaut, one of the penitents from 1241, is named as the primary contractor for the work.[32] Although this scenario is the only direct evidence for Montauban, Taylor argues that the penances imposed upon the lords of Gourdon were replaced by their pledge to build L'Abbaye Nouvelle, an act which ensured their support of and commitment to the Catholic Church. The noble families of the Bouriane, the Goudou, Peyrilles, and Goulême are present in the list of penitents. At Montcuq, the noble families Le Roque de Montcuq, Saint-Geniés, and Montaigut families were all interrogated too.[33] Taylor also suggests that this exchange of penances explains why a number of entries in Peter Sellan's register are missing penances,[34] further contesting the link between the deceased Aurimunda of Moissac and the Na Aurimunda found in the register.

Thus, it is possible that similar negotiations were held between the settlements' social elite and Peter Sellan. When the fragile and fluctuating position of papal inquests in Languedoc is considered in juxtaposition to Peter's interactions with Quercy's secular elite, his willingness to negotiate is more understandable. The Church benefitted more from the financial and material aid than the pilgrimages, which it did not have the secular support to enforce. As Feuchter points out, ultimately Peter's decision was apparently vindicated because inquisition never returned to Montauban. This absence of evidence suggests that heresy never again

[32] Feuchter, 'Le pouvoir', p. 250.
[33] Taylor, *Heresy, Crusade and Inquisition*, pp. 131-2, 135, 221.
[34] Taylor, *Heresy, Crusade and Inquisition*, p. 190.

rose to levels in the area which alarmed the Church.[35] The problematic nature of penances will be discussed further in chapter three.[36]

Similarly, political circumstances affected the manner in which Bernard of Caux and John of Saint-Peter conducted their inquest at Toulouse. Whereas previous inquisitors such as Peter Sellan and William Arnold had been itinerant in their persecution of heresy, everyone that Bernard and John interrogated was required to travel to Toulouse to give their confession.[37] Royal commissioners were also sent to investigate the assassination of William Arnold. Bernard and John often questioned deponents about their links to Montségur.[38] This is a strong indication of the inquisitors' fears, and the reality of their situation in Languedoc in the mid-1240s. Before the assassination at Avignonet, Bernard had conducted inquisition around Agen and Cahors, but at Toulouse in 1245, he and John would only receive small groups from different towns and villages in the Lauragais. These groups would often be led by a parish priest.[39] For deponents that were deemed to be at best forgetful, at worst defiant, a Dominican owned house near Saint-Sernin was used as a holding prison until they were summoned for further questioning. A particularly uncooperative deponent could also be sent to the Château Narbonnais to reconsider their position.[40] Moreover, the loss of the Languedocian Cathar hierarchy after the fall of Montségur put Cathars and their supporters in a very vulnerable position and resulted in an increase of support from the secular nobility for Bernard and John's inquest. It is possible that the financial benefit of persecuting heretics played a role

[35] Feuchter, 'Le pouvoir', p. 255.
[36] For a good summary of the debate between historians regarding the relationship between deponents and inquisitors see, Bruschi, *Wandering Heretics*, pp. 6-46 and Arnold, 'Inquisition, texts and discourse', pp. 63-80.
[37] Pegg, *Corruption of Angels*, p. 36.
[38] Taylor, *Heresy, Crusade and Inquisition*, p. 118.
[39] Barber, *The Cathars*, p. 155; Pegg, *Corruption of Angels*, p. 41; Wakefield, 'Heretics and inquisitors', p. 209.
[40] Pegg, *Corruption of Angels*, p.35; Wakefield, 'Friar Ferrier, Inquisition at Caunes', p. 232.

in this increased support as well. Mark Pegg suggests that the confiscated goods and property of convicted heretics went to the offenders' lords, who would then help to support the inquisitors fiscally.[41] Yet, this view is based on evidence for inquisitorial expenses between 1255 and 1256, during John of Saint-Peter and Renaud of Chatres's inquest at Toulouse.[42] Thus, whilst the relationship between inquisitors and the secular authorities clearly played an important role in the increasing success of Bernard and John, it is questionable whether it was motivated primarily by greed.

Not much is known of the origins of Bernard of Caux or John of Saint-Peter. Yves Dossat notes suggestions that Bernard was originally from Béziers, but the evidence to support this point is lacking. Instead he offers the possibility that Bernard was originally from the Agenais.[43] Because Bernard conducted inquisition in the Agenais in the early 1240s and founded a Dominican convent at Agen after he retired from inquisitorial duties in 1249, this suggestion seems quite likely.[44] He spent the rest of his years at Agen until his death in 1252. Even though Bernard retired, John continued as inquisitor at Toulouse until 1257. He acquired Renaud of Chartres as his assistant, and when John stepped down Bernard of Dax took over.[45] Bernard of Caux's career clearly affected later inquisitors because even in the fourteenth century Bernard Gui was very flattering towards Bernard's achievements. Raymond VII's decision to burn a number of relapsed heretics at Agen in 1249 also points towards Bernard's lasting impact, and his continued input when he moved to Agen after retiring as an inquisitor. The heretics had been discovered by Bernard himself in 1243, so his return to Agen in 1249 is not a coincidence.[46] Finally, Bernard's corpse

[41] Pegg, *Corruption of Angels*, pp. 31-3.
[42] Dossat, *Les Crises*, pp. 89-92; Given, *Inquisition*, p. 194.
[43] Y. Dossat, 'Une figure d'inquisiteur: Bernard of Caux', *Cahiers de Fanjeaux*, 6 (Toulouse, 1971), pp. 253-4.
[44] C. Taylor, *Heresy in Medieval France* (Woodbridge, 2005), pp. 247-8, 258-9.
[45] Pegg, *Corruption of Angels*, p. 37.
[46] Dossat, 'Bernard de Caux et l'Agenais', p. 78; Taylor, *Heresy in Medieval France*, p. 263.

continued to add to his legacy, and when his body was exhumed in 1281 it was said to have remained uncorrupted.[47] Bernard's reputation for sanctity, reinforced by reports of miracles performed by the former inquisitor in life and death eventually resulted in his canonisation, which was seen as a legitimisation of his deeds as an inquisitor.[48]

1.2 Quantitative Analysis

One of the early techniques that inquisitors employed was the use of formulaic questions which were intended to promote answers relevant to the inquisitors' areas of interest. Although the inquisitors' questions are normally not part of the written record, the repetitive nature of the information in the depositions can provide insights into potential questions and consequently what avenues of investigation the inquisitors believed would be most beneficial to the suppression of heretical activity.[49] A surface analysis of Peter Sellan's register appears to suggest a pattern in the way that the penances are listed for each penitent and the deposition given by Huguette appears to have acted as a template for subsequent entries. For her extensive involvement in heretical activity Huguette was ordered 'go to the pilgrimage sites of Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias, Saint-Martial of Limoges, Saint-Leonard of Noblat, Saint-Denis, Saint-Thomas of Canterbury, and wear crosses two palms long and two inches wide for one year on her front, and support a pauper for as long as she lives.'[50] This list of penances is one of the harshest sentences given to any deponent by Peter Sellan between 1241

[47] Caldwell Ames, *Righteous Persecution,* pp. 80-1.
[48] Caldwell Ames, *Righteous Persecution,* pp. 67, 75-6.
[49] Bruschi, 'Magna diligentia', pp. 86-8; Hamilton, *Medieval Inquisition*, p. 45; Sackville, *Heresy and Heretics*, p.123.
[50] 'Ibit ad Podium, ad Sactum Egidium, Sanctum Jacobum, et Sanctum Salvatorem de Asturia, et Sanctum Marcialem Lemovicensem, Sanctum Leonardum, Sanctum Dionisium, Sanctum Thomas Cartuariensem, et portabit crucem duorum palmorum in longum et duorum digitorum in latum per unum annum a parte ante, et tenebit unum pauperem quamdiu vixerit', D21. f. 185.v.

and 1242, and is significant because of the way it appears to be used as a point of reference by Peter and his notaries in the remainder of the depositions. The phrase 'same as Huguette' is used in the depositions twenty-seven times as a shorthand way of referencing the deponents' penances.[51] Occasionally, if Peter did not feel the deponent was deserving of a punishment as harsh as that of Huguette, the penance is listed as 'same as Huguette' but with the alteration 'same as Huguette except for the pauper.'[52]

This is an indicator, as will be suggested, that when it came to handing out penances Peter viewed justice in a proportional way and saw deponents in relation to each other. The fact that Huguette's deposition is the first one recorded in the entire register of penances potentially adds weight to this claim. Taylor, however, notes the danger of the circularity in this argument as it is possible that Huguette was not the first deponent interrogated but was simply put first when the original depositions were added to the list of penances.[53] It is important to remember that despite the inclusion of the penances in the register, in practice there would have been a gap in-between the confession and the act of sentencing. Indeed, perhaps it is coincidental that Huguette was the first entry in the register. The order in which the sentences are recorded throughout the document bares no pattern in relation to the severity of penances; the most lenient and the harshest sentences are mixed throughout. However, the inclusion of Huguette's son as the penultimate entry for Gourdon seems to indicate that the register is not ordered chronologically because it does not seem likely that the relative of such an implicated supporter of heresy would have avoided being questioned for so long.[54] As the act of sentencing was completed in

[51] 'Idem quod Huga', D21. ff. 186r, 189r, 190r-190v, 191v, 192r-192v, 193r, 194r-194v, 195r, 195v, 196v, 198v, 198v-198r, 200v-201r, 202r-202v, 202v, 204v.
[52] 'Idem quod Huga except paupere', D21. f. 186r.
[53] Taylor, *Heresy, Crusade and Inquisition*, pp. 130-1.
[54] Taylor, *Heresy, Crusade and Inquisition*, p. 130; D21. f. 213v.

public, it therefore seems likely that the order of sentences was deliberate. Starting with the most culpable deponent would have sent a strong message to the laity of Gourdon regarding what actions were considered outside of the boundaries of the Church's orthodoxy, and created a benchmark against which the other penitents could compare themselves.

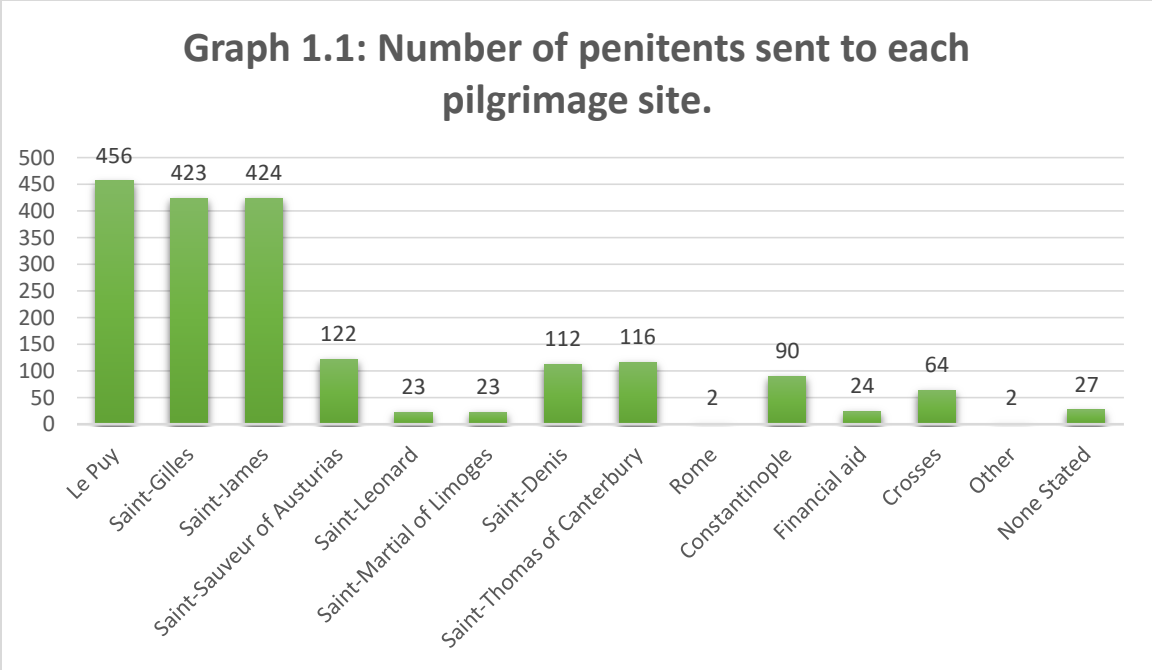
The phrase '*idem quod Huga*' only appears for depositions from Gourdon. Nonetheless, the most severe punishments imposed at Montcuq list the pilgrimages in the same order as given by Huguette's sentence, even though the phrase is not repeated. For example, Armande of Balencs was involved in heresy to a similar extent to Huguette and her penance was 'go to the pilgrimage sites of Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias, Saint-Denis, Saint-Thomas of Canterbury, and wear crosses for three years on his front.'[55] Moreover, the same can be seen in the very first deposition recorded for Montauban. Bernard Capel's punishment was 'he goes to the pilgrimage sites of Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias, and Saint-Thomas of Canterbury.'[56] In addition, it is significant to note that the measurements of the cross which penitents were required to wear is not repeated for settlements subsequent to Gourdon. Once again Huguette was used as a point of reference.[57]

[55] 'Ibit ad Podium, Sanctum Egidium, Sanctum Jacobum, Sanctum Salvatorem, Sanctum Dionisium, Sanctum Thomam, et portabit cruces per tres annos a parte ante', D21. f. 216r.
[56] 'Ibit ad Podium, Sanctum Egidium, Sanctum Jacobum, Sanctum Dionisium, Sanctum Salvatorem, et Sanctum Thomam' D21. ff. 229r-229v.
[57] For a discussion of crosses as penances see: Hamilton, *The Medieval Inquisition,* p. 52; *Lea*, *Inquisition*, vol. 2, p. 33.

1.2.1 Pilgrimage Destinations

The repetition of the order in which the pilgrimage destinations are recorded raises the question, why was this specific order chosen by the inquisitor and his notary? It is possible that the penances range from what was viewed as the easiest to the most difficult pilgrimage. A look at the punishments for the deponents with the least involvement with heresy reveals that they were most often sent to Le Puy, Saint-Gilles, or Saint-James, the first three pilgrimage sites on the list. For instance, Raymond Escudier was sent to these three pilgrimage sites simply for seeing Cathars and listening to them preaching twice: 'Raymond Escudier saw heretics twice and heard them preaching twice. Go to Le Puy, Saint-Gilles and Saint-James.'[58] Although the examples given are only a tiny fraction of the overall list of penances, a statistical analysis of the entire source reveals that the highest number of penitents were sent to Le Puy, Saint-Gilles and Saint-James, with seventy-one per cent, sixty-six per cent, and sixty-six per cent of penitents being sent to the sites respectively. The other pilgrimage sites each had between one and nineteen per cent, which is consistent with the percentage of people who were involved extensively in heretical activity and would have deserved a harsher penance.

[58] 'Raimudus Escuder vidit bis hereticos et audivit predicationem eorum bis. Ibit ad Podium, Sanctum Egidium et Sanctum Jacobum,' D21. f. 189v.



The pilgrimage sites themselves had specific relevance for heretical penitents due to their history. St. Martial, after which the pilgrimage site at Limoges is named, was said to have killed and then revived a number of pagan priests who he subsequently converted to Christianity. St. Denis, the namesake of the pilgrimage site at Paris was imprisoned and beheaded by pagans; and a condemned heretic, Amalric of Bene, was reconciled with Christianity and undertook a life of a monk there in 1210.[59] The monastery at Saint-Denis also enjoyed strong ties with the Capetian monarchy. The cult of St. Denis encouraged devotion to the French crown and promoted the monarchy's link with God to all of France.[60] Lastly, during a crusade to the Holy Land, Bohemond of Antioch prayed to St. Leonard to save him from some Muslims who were holding him prisoner. Bohemond was later released.[61]

[59] Roach, 'Penance', pp. 417-8.
[60] G. M. Spiegel, 'The Cult of Saint Denis and Capetian kingship', *Journal of Medieval History*, 1 (1975), pp. 43-69.
[61] Roach, 'Penance', pp. 417-18; Peters, 'Prison before the Prison', pp. 25-6.

There is no textual evidence concerning Peter's personal feelings towards any of the pilgrimage sites, but the motif of Catholicism triumphing over enemies of the faith which is linked to a number of the sites suggests it could have been more than a coincidence. Duvernoy suggests that both Saint-Martial at Limoges and Saint-Leonard were specific penances for Gourdon and Montauban because of the towns' proximity to the sites.[62] Although this could be a contributing factor to Peter's decision, all the settlements in Quercy recorded in the register were closer to Saint-Martial and Saint-Leonard than the other pilgrimage sites, not only Gourdon and Montauban. Yet, nobody from the other settlements was sent to Saint-Martial or Saint-Leonard as part of their penance. Therefore, on balance it is quite possible that not only was the act of travelling to these sites a form of punishment, the sites themselves provided a particularly edifying experience for penitents who had previously supported heresy.

If the distances to the pilgrimage sites are used to measure the severity of the punishment then Le Puy is confirmed as the most lenient penance because it is only approximately three hundred kilometres from Montauban, a substantial trip in itself. Another one of the most frequent pilgrimage sites, Saint-Gilles, is approximately three hundred and forty kilometres from Montauban. At approximately 1,000 kilometres from Montauban, Saint-James at Santiago, is relatively distant for the frequency it was used as a penance and the level of heretical activity often associated with such a punishment. Yet, Saint-Sauveur of Asturias, one of the pilgrimage sites added to the penances of those more involved in heretical activity is on the way to Saint-James at Santiago, and is almost always given as a penance in conjunction with the latter, as well as Le Puy and Saint-Gilles. Furthermore, the pilgrimage sites of Saint-Denis at Paris, Saint-Thomas at Canterbury, Rome and

[62] Duvernoy, *L'Inquisition en Quercy*, p. 22.

Constantinople are all relatively distant from Quercy and were reserved for some of the most involved deponents.

The pilgrimage sites of Saint-Martial and Saint-Leonard are an anomaly because they are both relatively close to Quercy and were normally added to the penances of those with strong links to heretical activity. As mentioned, they are exclusive to deponents from Gourdon and Montauban. These deponents were some of the most involved supporters of heresy compared to the majority of deponents from other towns, so the spiritual significance of Saint-Martial and Saint-Leonard made them a very appropriate addition to the penances of these deponents. Therefore, whilst there is no concrete link between the furthest pilgrimage sites and the level of heretical activity of the accused penitent, generally, the longest pilgrimages were given to the most deeply implicated. This gives further weight to the argument that Peter Sellan was intent on handing out proportional penances to those he found guilty. In addition, the majority of penitents were sent to multiple pilgrimage sites and the number of destinations included as part of a penance is generally proportionate to the aggregate distance of the total pilgrimage. However, as some of the destinations were simply on the way to the major pilgrimage sites of Saint-James at Santiago and Saint-Thomas at Canterbury, the same cannot be said for all pilgrimage sites, only the major ones in most cases.

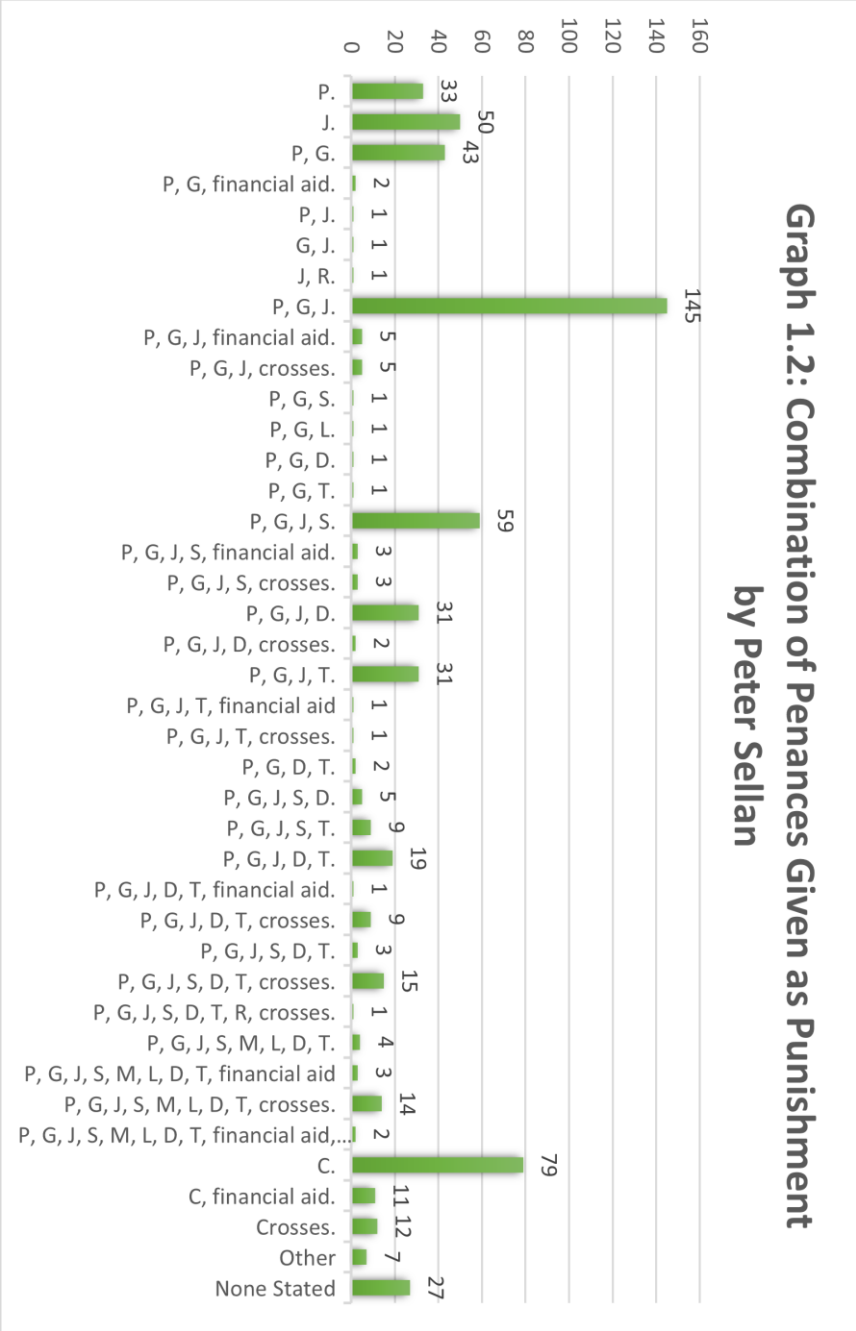
Cyrille Vogel lists the major pilgrimage sites for Western Europe in the thirteenth century as: Rome, Saint-James, Saint-Thomas at Canterbury, Cologne,[63] and Constantinople. Vogel also lists all the minor pilgrimage sites, and there are many which Peter did not use during sentencing: Notre Dame, Vauvert, Montpellier, Serignan, Montmajour, Tarascon, Saint-Maximin, Saint-Antoine of Vienne, Saint-Foi

[63] The absence of Cologne as a pilgrimage site for repentant heretics is discussed on p. 187.

of Conques, Saint-Paul of Narbonne, Saint-Vincent of Castres, Pontoise, Boulogne, Chartres, Saint-Seurin of Bordeaux, and Souillac.[64] Jonathan Sumption states that pilgrimages were one of the more lenient penances and that the inquisition considered pilgrimage sites outside of France to be of greater importance.[65] Yet, the difficulty of undertaking even the shortest pilgrimage should not be underestimated and Peter Sellan's use of pilgrimage as the key component of penances indicates that pilgrimage was not believed to be as lenient as Sumption suggests.

As demonstrated in Graph 1.2, below, the correlation of the data mirrors this statement. Those who were given the shortest pilgrimage to Le Puy, like Peter Rossel, had probably never actively supported a heretic as the deposition states only that he saw a heretic once.[66] The large number of different combinations of pilgrimage sites used by Peter Sellan as penances also helps to support the view that inquisitors did not misinterpret or distort deponents' answers due to preconceived perceptions regarding heresy. In response to historians who argue that inquisitors distorted deponents' testimony due to their pre-existing assumptions about heresy, Taylor questions why Peter Sellan's register contains so many varied descriptions of heretical belief when inquisitors had formulae that they could have simply used instead.[67]

[64] Vogel, 'Le pèlerinage penitentiel', pp. 135-6.
[65] Sumption, *Pilgrimage*, p. 104.
[66] D21. f. 244v.
[67] Taylor, 'Heresy in Quercy', pp. 243, 254.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

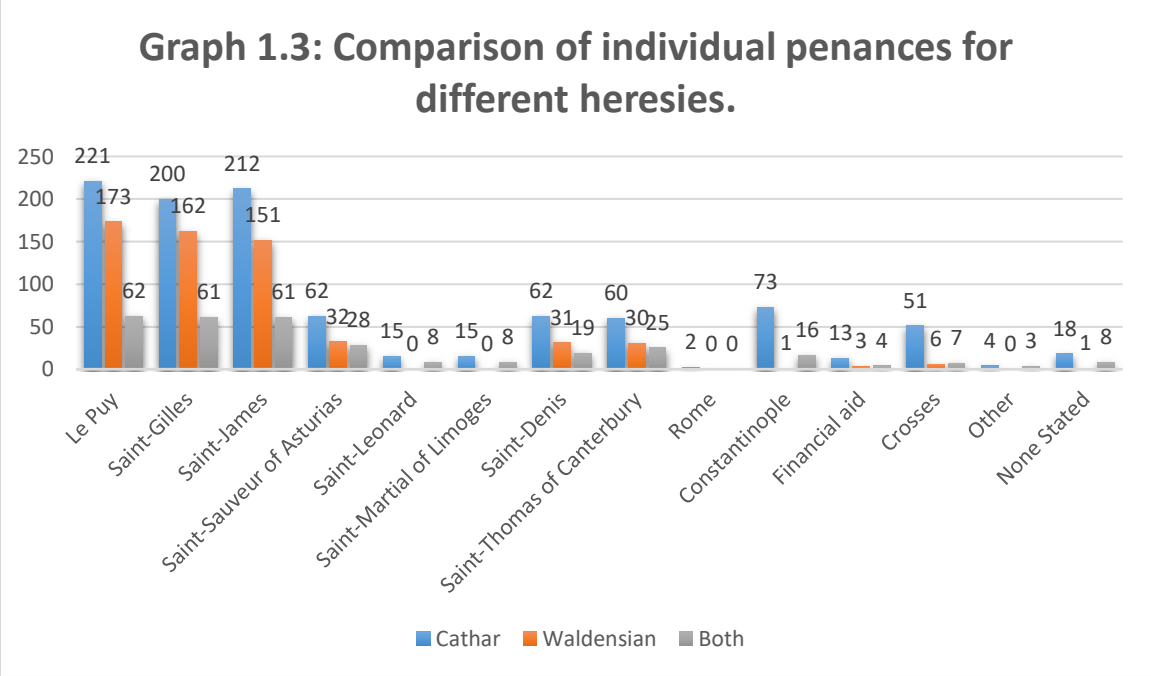
If Peter simply imposed his view of heresy on the depositions then surely the variety of pilgrimage sites combinations used as penances would be more uniform to reflect Peter's misguided categorization of heretical activity. Indeed, the huge variety of pilgrimage combinations, thirty-seven, suggests that Peter encountered a diverse range of belief and that subsequently he tried to impose penances proportionate to the extent of deponents' faults. Peter's understanding of Catharism and Waldensianism may not have been perfect, yet the penances he imposed suggest that Peter was aware of the ambiguity and complexity of religious belief.

1.2.2 Categorization of Culpability

Analysis of the penances handed out to the deponents who were involved with Catharism or Waldensianism is central to understanding Peter Sellan's rationale behind punishing heresy in Quercy. It is important to note that there is a third category of heretical supporters found in the register and depicted on the graph. When "both" is mentioned it refers to deponents who were involved with Cathars and Waldensians. The evidence of two distinct heresies in the depositions, and the grey area between them and the Catholic Church, reflects the fluid nature of religious belief in Quercy and the acceptance that these varied beliefs were able to coexist peacefully.[68] For instance, William Varrera was often unsure about whether Catharism or Catholicism was better, the deposition states 'he sometimes doubted about whether the Catholic faith or Catharism was best, but he said he never stopped believing in the Catholic faith'.[69] Feuchter and Taylor argue that there is a

[68] Taylor, 'Heresy in Quercy', p. 250.
[69] 'Aliquando dubitavit, ut dixit, de fide Romana et hereticorum qui istarum melior esset, tum dixit quod nunquam discredit fidem catholicam', D21. f. 221v.

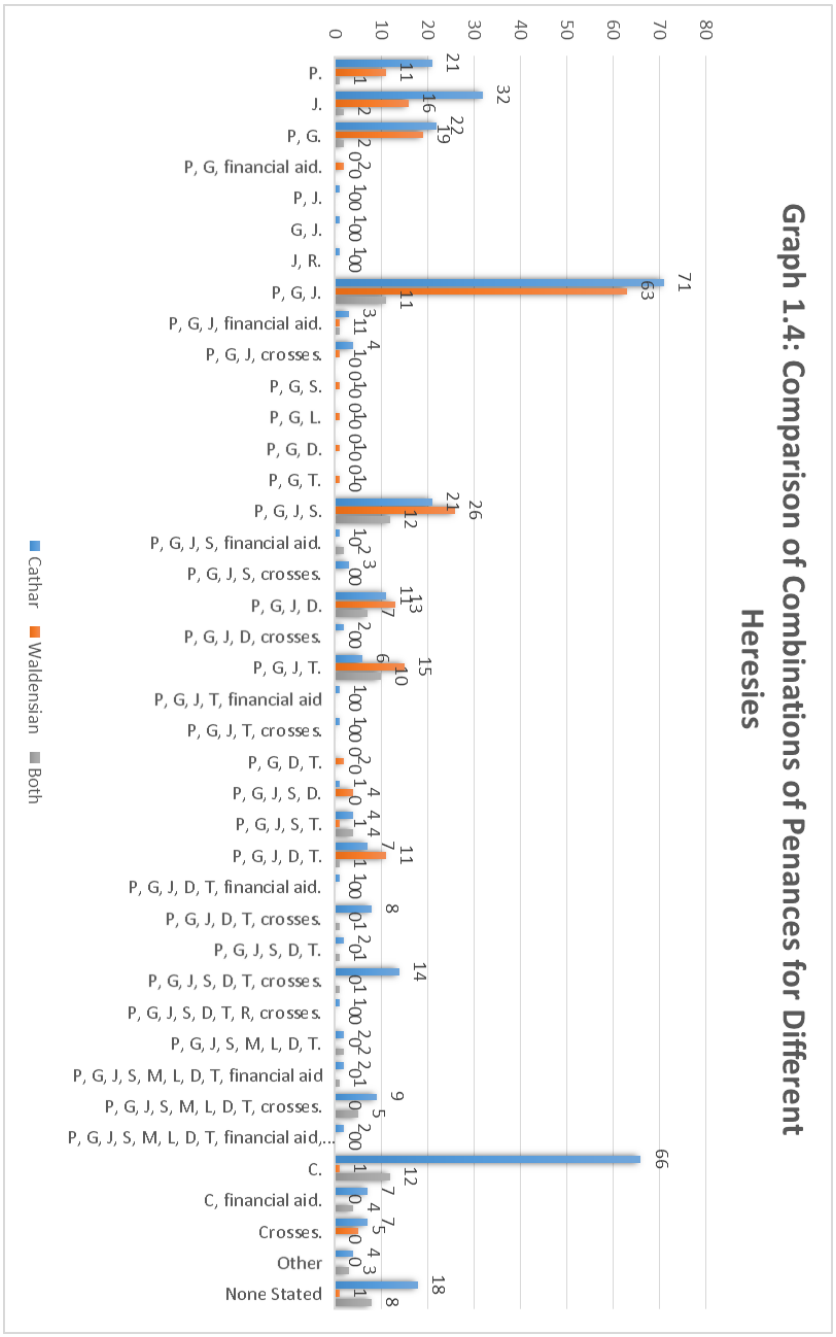
clear distinction in the depositions between Catharism and Waldensian, for example, the term *credentes* was seldom used to denote supporters of Waldensianism.[70]



As demonstrated by Graphs 1.2 and 1.3, this distinction can also be seen in a statistical analysis of the pilgrimage destinations to which supporters of Catharism and Waldensianism were sent. For example, the pilgrimages given to those with minimal involvement in heretical activity, Le Puy, Saint-Gilles, and Saint-James share a much higher percentage of the overall number of penances for Waldensianism than Catharism. For supporters of Waldensianism eighty-eight per cent, eighty-three per cent, and seventy-eight per cent of all penitents were sent to Le Puy, Saint-Gilles, and Saint-James respectively, which is significantly higher than the percentage of Cathar supporters who went on pilgrimage to the same sites: sixty-two per cent, fifty-six per cent, and fifty-nine per cent. The percentage of Waldensian supporters

[70] J. Feuchter, 'The *heretici* of Languedoc: local holy men and women or organized religious group? New Evidence from inquisitorial, notarial and historiographical sources', in ed. A. Sennis, *Cathars in Question* (York. 2016), pp. 118-25; Taylor, *Heresy, Crusade and Inquisition*, pp. 26-8.

who were sent to another pilgrimage site is only forty-eight per cent compared to the eighty-one per cent of Cathar supporters who had to travel to somewhere in addition to, or instead of, Le Puy, Saint-Gilles, and Saint-James. Consequently, the categorization of actions by Cathar supporters and Waldensian supporters meant different things to Peter Sellan, and from a legal viewpoint were treated differently.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

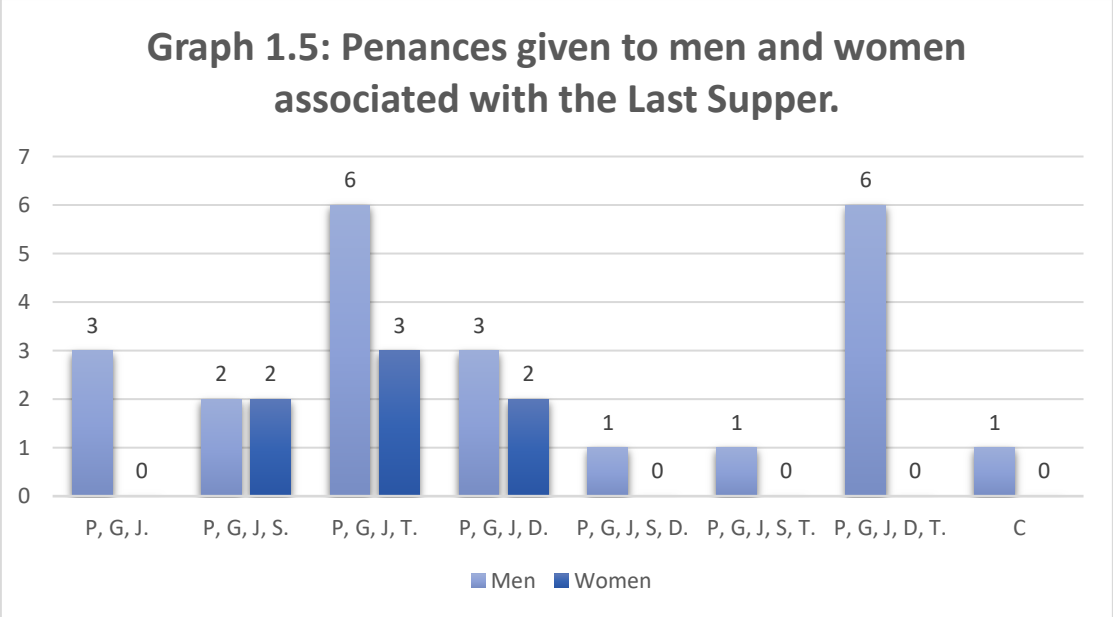
It is important to remember that the beliefs or actions that made one a supporter of Waldensianism, at least in the inquisitor's opinion, were viewed as less threatening to the Catholic faith and the Catholic Church's authority in comparison to Catharism. Gabriel Audisio notes that Waldensian preachers had previously been officially acknowledged as legitimate by the Catholic Church and the population of Languedoc would have likely felt that any persecution of Waldensians was unjust. Before 1229 the papacy had concentrated its energy into suppressing Catharism by means of the Albigensian Crusade, but after the Treaty of Paris the Church was able to deal with other borderline unorthodox groups more easily.[71] This goes some way to explaining why the Waldensians generally appear to have received penances which included trips to the more lenient pilgrimage sites.

Nonetheless, some Waldensians received some of the harshest penances given to anybody in Peter Sellan's register. In addition to being hosted and received by supporters throughout Quercy, Waldensians also had their own houses, and were clearly involved in the social networks of the area. The Waldensian Peter of Vals is named directly in a number of the register's depositions.[72] For example, for his extensive involvement with and support of Waldensians, Jean of Novarengues had to 'go to the pilgrimage sites of Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias, and Saint-Denis.'[73] Therefore, although less common, it was possible for Waldensian supporters to receive harsh penances. Consequently, the question of what made Peter Sellan feel that they had to be punished particularly harshly must be considered. Analysis of key words in the depositions demonstrates why certain

[71] Audisio, *Waldensian Dissent*, pp. 29-30; C. Taylor, 'The time when the Church did not pursue Waldensians' (Forthcoming), pp. 1-42.
[72] D21. ff. 232v-4v; P. Biller, 'Goodbye to Waldensianism?', *Past and Present,* 192 (2006), pp. 15-6.
[73] 'Ibit ad Podium, Sanctum Egidium, Sanctum Jacobum, Sanctum Salvatorem, Sanctum Dionisium', D21. ff. 273v-274r.

Waldensian supporters merited unusually severe penances, and the same is true for Cathar supporters.

Euan Cameron states that the Last Supper was a ritual unique to the Waldensians of Languedoc. It is stressed that the ritual was not an alternative to the Eucharist and is instead compared to the blessings made over bread or herbs that were common in Catholicism.[74] As the depositions are simply answers in response to Peter Sellan's questions, he must already have been aware of the Last Supper. Peter's choice to inquire about the ritual indicates he felt it was an indicator of support for Waldensianism, and thus a way of categorizing more culpable Waldensian supporters.[75]



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

In comparison to graph 1.4, the data undeniably demonstrates that deponents who mentioned that they had been present at a Last Supper received a harsher penance

[74] Cameron, *Waldenses*, p. 77; Taylor, *Heresy, Crusade and Inquisition*, pp. 11, 207.
[75] The Last Supper is referred to as 'cene' in the depositions.

than the average supporter of Waldensianism, who received a penance of pilgrimages to Le Puy, Saint-Gilles, and Saint-James. In constrast, the most lenient penance received by deponents who had attended a Last Supper was Le Puy, Saint-Gilles, and Saint-James, which was equal to, or harsher than, the penance imposed on sixty-three per cent of Waldensian supporters in total. Furthermore, this penance was only given to three out of the thirty penitents who mentioned the Last Supper. Everyone else was sent to either four or five different pilgrimage sites, a harsher penance than those received by the majority of Cathar supporters as shown in graph 1.4. The key difference between deponents who were only sent to Le Puy, Saint-Gilles, and Saint-James, and everyone else, appears to be the frequency of involvement with Waldensians. Peter of Rotival's deposition reveals 'he gave a Waldensian six pence and assisted at the Last Supper once, eating with him.'[76] Similarly, Gaucelinus Esquivo and William Matfred both only saw Waldensians once, with William also requesting medical help when he was ill.[77] In comparison, the deponents who received harsher penances were often involved with numerous Waldensians on multiple occasions. For instance, Arnold of Castillon, who saw and ate with Waldensians many times and even 'heard the preaching of Waldensians many times and assisted them with the Last Supper, and ate bread.'[78]

The most complex example is that of Raymond Gastaud, who was ordered to go to Constantinople for two years.[79] Although only one person solely associated with Waldensians was sent to Constantinople, there were also a number of deponents, branded as dealing with "both" heresies, that were given the same punishment. This

[76] 'P de Rotival dedit sex denarius cuidam Valdensi et interfuit cene Valdensium et comedit ut supra', D21. ff. 244r-v.
[77] D21. ff. 236v, 254r.
[78] 'Audivit pluries predicationem Valdensium, et interfuit cene Valdensium et comedit de pane', D21. ff. 253v-254r.
[79] D21. ff. 261v-262r.

penance is far harsher than any other received by deponents who mentioned the Last Supper, but the rest of Raymond's testimony demonstrates why Peter found Raymond to be more guilty: 'he (Raymond) saw heretics and heard them preaching. He saw heretics and heard them preaching and adored them saying 'bless'. He saw heretics and heard them preaching and adored them. He saw heretics. He saw heretics and greeted them.'[80] The numerous meetings with Cathars definitely resulted in Raymond receiving a harsher penance and this was heightened by his participation in the *melioramentum* ritual, as indicated by the mention of saying 'bless.'[81]

In sum, attending the Last Supper increased the severity of the penance received by Waldensian supporters because it categorized them as more involved supporters of Waldensianism. Although deponents may not have actually believed in Waldensian teachings, the act of participating in their rituals was proof enough for inquisitors like Peter. The correlation between increased association with Waldensians and a harsher penance is a simple link, but further demonstrates that Peter was invested in a proportional approach to sentencing, focused on actions. Yet, involvement with Cathars appears to have trumped this fault and demonstrates the need for an investigation into the penances of Cathar supporters who attended Cathar rituals.

There are three important Cathar rituals referred to by the depositions in Peter's register: the *melioramentum*, *consolamentum,* and *apparellamentum*. It is important to note that although these are not the words normally used in the depositions, the potential problems associated with using terms employed by historians have been

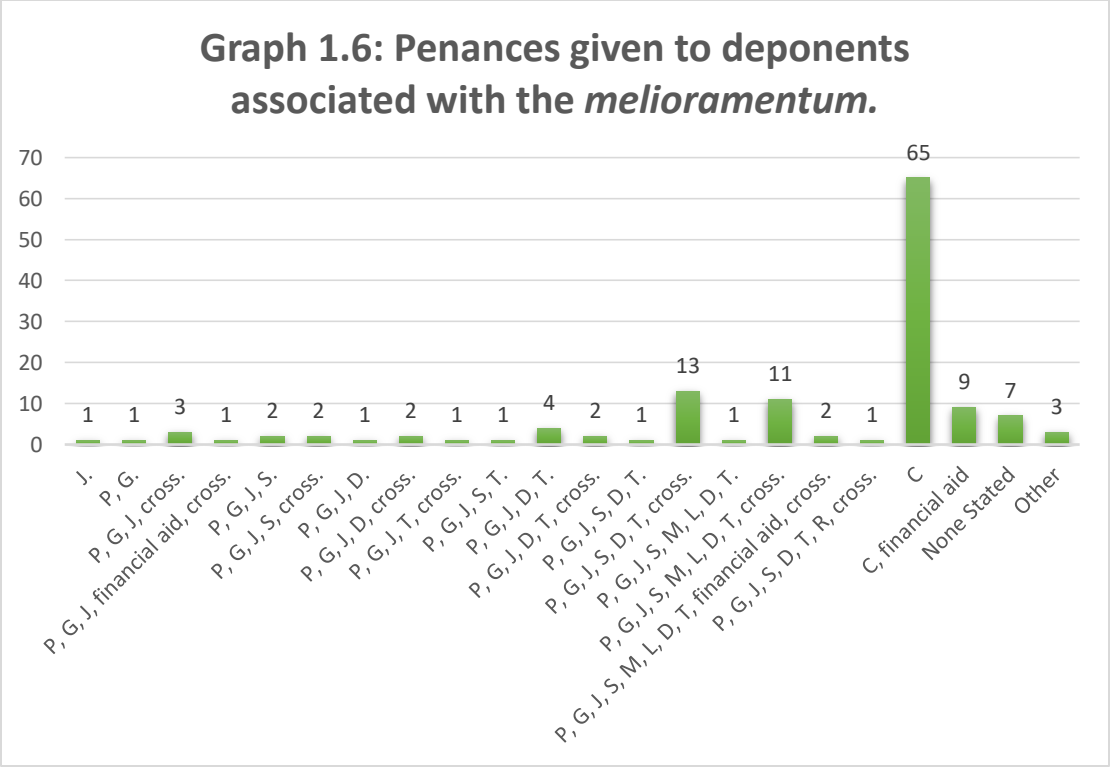
[80] 'Item vidit hereticos et audivit predicationem eorum. Item vidit hereticos et audivit predicationem eorum et adoravit eos dicenso, Benedicte. Item vidit hereticos et audivit predicationem eorum. Item vidit hereticos et audivit predicationem eorum et adoravit eos. Item vidit hereticos. Item vidit hereticos et salutavit eos', D21. ff. 261v-262r.

[81] 'Benedicte', D21. f. 262r. The *melioramentum,* the act of asking a heretic to pray to God on behalf of the believer will be covered next.

considered, and the use of such terminology is believed to be sound. This does not rule out the possibility that inquisitors such as Peter Sellan misunderstood the use of such a term, but when deponents stated that they believed salvation could be found through such people, it seems reasonable that Peter would have understood it to mean the *consolamentum*.

The supporters of Catharism were not able to pray directly to God because they were still under the influence of the Evil Creator. As a result they were forced to ask the heretics to pray for them in the *melioramentum* ritual. By genuflecting three times the believers begged the heretics, who then responded accordingly. This ritual depicted the believers' lack of purity in comparison to the heretics.[82] Mention of this ritual in depositions would have likely indicated to Peter Sellan that the deponent was involved with Catharism and was a genuine supporter. The ceremony is not always directly named in the depositions, but occasionally the mention of 'bless' indicates that the *melioramentum* is intended. In addition, Duvernoy states that inquisitors normally referred to the *melioramentum* as the adoration of heretics.[83] Graph 1.6, below, indicates that the majority of deponents who adored heretics were given a harsh sentence of five or more pilgrimages by Peter Sellan. The attendance at a *melioramentum* categorized a deponent as a more involved supporter of Catharism. Moreover, by comparing the penances imposed on deponents in graph 1.6, to Waldensians who had attended the Last Supper, graph 1.5, it is clear that the Cathar ritual was a more serious activity to be categorized by, because it generally resulted in a harsher penance.

[82] Duvernoy, *Le Catharisme I*, pp. 44, 203-10; Duvernoy, *L'Inquisition en Quercy*, p. 271; Lambert, *The Cathars,* pp. 141-2; Taylor, *Heresy, Crusade and Inquisition*, pp. 206-7.
[83] Duvernoy, *L'Inquisition en Quercy*, p. 271.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

Nonetheless, there are a few instances in which deponents received quite lenient penances for supporting Catharism, especially considering that they had admitted to participating in the *melioramentum*. The most lenient of these was simply to go on two minor pilgrimages to Le Puy and Saint-Gilles. This penance was imposed on Arnold Juliani who had 'seen heretics twice in a certain house, and when he saw them, he adored them.'[84] The limited level of contact with Cathars compared to deponents who admitted to more frequent association explains why Arnold received a lesser penance, even though he had adored heretics. Another lenient penance was given to Gerald of Lautard who had to go to Saint-James. He had admitted that 'he saw male and female heretics and adored them two or three times when he was

[84] 'Vidit hereticos bis in quadam domo et vidit quod quidam adoraverunt eos', D21. ff. 256r-v.

eight years old.'[85] In this case, Gerald's claim to have been only eight years old at the time of his contact with Cathars is the key factor which persuaded Peter Sellan to give Gerald a lesser penance. Young children did not have to confess to inquisitors, and so action taken during this time was not considered as serious as if committed by an adult. The *Ordo Processus* states that boys under the age of fourteen, and girls under twelve, did not have to give testimony.[86] Interestingly, Gerald's heretical activity is quite similar to that found in the deposition of Arnold Juliani, so one must question whether Peter Sellan considered pilgrimages to Le Puy and Saint-Gilles, two minor sites, and a pilgrimage to Saint-James, one major site, to be similar in severity.

The final penance which appears to be relatively lenient, compared to the sentences received by other deponents who mentioned the *melioramentum*, is the order to go to Le Puy, Saint-Gilles and Saint-James, and to wear crosses. Adémar de la Roque of Villeneuve claimed to have seen heretics only once, less than both Gerald of Lautard and Arnold Juliani, but he did admit that 'his mother had been consoled and that he had seen her after'.[87] Inquisitors were well aware that deponents could hold back information. It is very possible that Peter Sellan did not believe this was the full extent of Adémar's association with Cathars. In any case, Adémar only had to wear the cross for one year, which was the shortest duration a deponent could be ordered to wear one. The other deponent given the same penance was Na Bonne, wife of Raymond Huc. She also claimed limited association with Cathars, but did admit she saw the same heretics more than once.[88] The penance of Le Puy, Saint-Gilles and

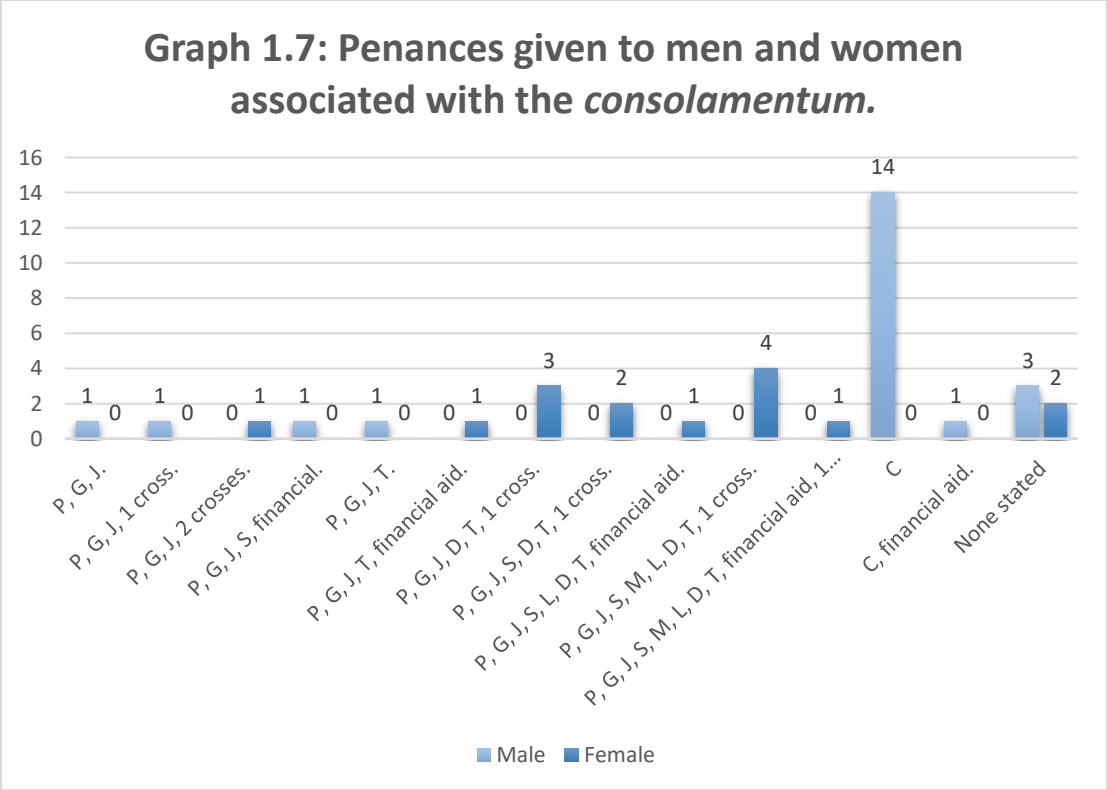
[85] 'Vidit hereticos et hereticas et adorvait eos bis vel ter cum esset octo annorum', D21. ff. 283v.
[86] Tardif, 'Documents', p. 671; an English translation can be found in, Wakefield, *Heresy, Crusade and Inquisition*, pp. 250-55.
[87] 'Mater sua fuit hereticate, quam vidit postea', D21. f. 205v.
[88] D21. ff. 300v-301r.

Saint-James, without the cross is the most common penance given by Peter to anybody, a total of one hundred and forty-six times.

Consequently, the extent to which Peter perceived crosses to be a severe punishment in comparison to pilgrimages must be investigated. The data for the *melioramentum* indicates that he generally believed that participating in this ritual deserved a harsher penance. The harshness of penances definitely increased with the level of association, which supports the view that Peter tried to impose proportional sentences. As crosses were generally imposed as part of the more serious punishments, it appears that Peter saw crosses as a serious penance, but a minority of more lenient penances also include the order to wear crosses. This idea will be investigated further in chapter three.

The second Cathar ritual which is referred to numerous times in the register is the *consolamentum.* This ritual was the ceremony that made someone a Cathar, whether to absolve them of their sins on their deathbed, or to begin the pure and ascetic lifestyle which attracted so many supporters in Languedoc.[89] Additionally, like the *melioramentum*, the *consolamentum* is not always referred to by name in the register. On occasion, depositions explicitly record people becoming a heretic, for example 'she was made a perfect heretic'.[90] In other instances, they state that people either attended or assisted in a 'heretication',[91] the term now usually referred

[89] E. Albe, *L'hérésie albigeoise et l'inquisition en Quercy* (Paris, 1910), p. 282; Duvernoy, *Le Catharisme I*, pp. 143-64; Duvernoy, *Cathares, Vaudois et Béguins,* p. 90; Duvernoy, *L'Inquisition en Quercy*, p. 271; Lambert, *The Cathars,* pp. 143-5; Taylor, *Heresy, Crusade and Inquisition*, pp. 8, 206-7.
[90] 'Fecit se hereticam perfecta', D21. f. 190r.
[91] 'Hereticationi', D21. f. 185v.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

to by historians as the *consolamentum*. The mention of the *consolamentum* in the depositions is far rarer than that of the *melioramentum*, which is not surprising because it was the most important Cathar ritual and not many people undertook it unless mortally ill. In general, all the penances received by deponents who referred to the *consolamentum* are relatively harsh compared to the rest of the register, and similarly to the *melioramentum*, was punished more severely than the penances relating to the Last Supper in graph 1.5. However, like the *melioramentum*, there are a few cases which do not seem to fit the pattern and must be investigated to determine why a lesser penance was given. The most lenient penance was given to Raymond David, who was ordered to go to Le Puy, Saint-Gilles, and Saint-James. Importantly, Raymond comes under the classification of "both"; he admitted to seeing Waldensians on a number of occasions, but also stated that he had seen the

consolamentum performed. Yet, it was the circumstance under which he saw the ritual that resulted in his relatively lenient penance. Raymond claimed that he 'saw a heretic being hereticated at Montauban through a hole.'[92] The manner in which Raymond saw the *consolamentum* was likely the detail which saved him from a worse fate. Raymond was not actually at the ceremony, nor did he take part in it. As he also admitted to association with Waldensians, so it is possible that he was simply curious to see a *consolamentum* performed. Therefore, Raymond's deposition supports the view that although two distinct heresies were practised in thirteenth-century Languedoc, the general population did not necessarily believe in one alone, and people often came into contact with the different belief systems as part of their daily lives. Consequently, Peter Sellan did not punish Raymond with the same severity as others who actively participated in a *consolamentum.*

Additionally, Adémar of la Roque of Villeneuve's deposition is again relevant. In this case, his lesser penance is easily explained by the fact that he only knew of a *consolamentum* being performed and was not actually present at the ceremony.[93] Lastly, the difference between the deponents who received four pilgrimages as their penance and those who received five or more, is the frequency of their involvement with Cathars. Bernard of la Bressol assisted with a *consolamentum* and was ordered to go on four pilgrimages and provide for a pauper for a year, but he only admitted that 'he saw heretics often, and heard them preaching many times.'[94] In comparison, as well as assisting at her husband's *consolamentum*, Huguette 'received heretics, heard them preaching many times, adored them many times, gave them her things, went many times to the houses they were at, and heard them preaching. She also

[92] 'Vidit quondam hereticari ab hereticis in Montealbano per quoddam foramen', D21. ff. 230r-v.
[93] D21. f. 205v.
[94] 'Dixit se vidisse hereticos pluries et audivit predicationem eorum multotiens', D21. f. 306r.

believed them to be good people.'[95] The difference in the level of their involvement with Catharism is quite clear and explains the difference between the penances received. These examples not only demonstrate Peter's effort to impose proportional punishment, but also his flexibility in dealing with unusual situations.

The third Cathar ritual which appears in the deposition is the *apparellamentum*. The *apparellamentum* was a ceremony performed on a monthly basis. Any faults committed by heretics would be publically confessed to either a Cathar deacon or sometimes a bishop, who would then absolve them.[96] The *apparellamentum* could also be performed at the end of a *consolamentum*. On both occasions the ceremony would serve to remind supporters of the holiness of the Cathars and by highlighting the strict rules they lived by, the supporters' veneration of them was strengthened.[97] Mentions of the *apparellamentum* in Peter Sellan's register are surprisingly rare in comparison to the other rituals, with only five depositions referring to it. Whilst this makes a graph rather unnecessary, some important observations can still be made.

Four of the five depositions which mention the *apparellamentum* were made by men, and each deponent was condemned to a stay of two to three years at Constantinople. Moreover, Amalvinus of Fenolor was ordered to support a priest for life, and William Ricart was ordered to support a pauper.[98] The sole female Cathar supporter who was present at an *apparellamentum* was Wilma of Lavina who received a penance of pilgrimages to Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias, Saint-Martial of Limoges, Saint-Leonard of Noblat, Saint-Denis,

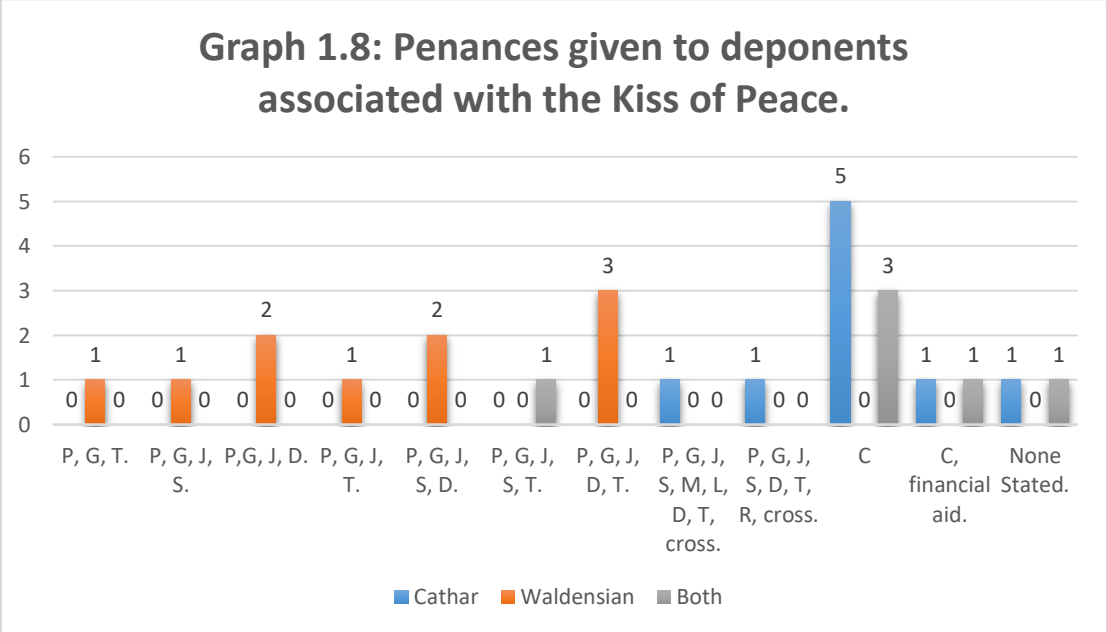
[95] 'Fuit receptatrix hereticorum, audivit multotiens predicationem eorum et multotiens adoravit eos et dedit eis de bonis suis et venit ad eos pluries ad hospitia in quibus errant, ubi audivit pluries predicationem eorum, et credebat tunc quod essent boni homines', D21. f. 185v.
[96] Duvernoy, *Le Catharisme I*, pp. 203-4; Duvernoy, *L'Inquisition en Quercy*, p. 271.
[97] Lambert, *The Cathars,* pp. 142-4, 150.
[98] D21. ff. 190v, 199r-v, 208v, 226v-227r.

and Saint-Thomas of Canterbury.[99] Hence, depositions which recorded the *apparellamentum* received two of the harshest penances imposed by Peter Sellan. Although these deponents admitted to many other acts of support for Catharism, the *apparellamentum* was clearly one of the contributing factors in Peter Sellan's sentencing because it denoted deeper involvement with heretics due to the importance of the ritual.

The last indicator of potential heretical belief found in Peter's register is the 'peace', or 'kiss of peace', received by many supporters of heresy. It has been suggested that the 'peace' could be part of the Cathar rituals already discussed, but it was also part of orthodox practice as well.[100] Moreover, an examination of the source reveals numerous examples of Waldensian supporters receiving a kiss from Waldensian preachers as well. The wording used for instances in which Cathars and Waldensians gave the kiss to a deponent is quite similar. For example, the Cathar supporter, Wilma of Sapiac's deposition states '*accepit multotiens pacem a mulieribus hereticis*.'[101] In comparison, the deposition of Waldensian supporter, Lady Fauressa of Jouvengues states '*recepit pacem a Valdensibus mulieribus*.'[102] In each case it is clear that the deponent is receiving the kiss from a Cathar and Waldensian respectively. This raises the question of whether the deponent truly meant the 'kiss of peace' in a religious manner, or was simply referring to a cultural practice. In any case, Peter Sellan and his notary clearly felt that it was a reference to heretical practice because the deposition highlights that the 'kiss of peace' was received from a heretic.

[99] D21. ff. 190r-v.
[100] Duvernoy, *Le Catharisme I*, p. 211. Taylor, *Heresy, Crusade and Inquisition*, p. 131.
[101] 'Often received the kiss of peace from women heretics', D21. ff. 240v-241r.
[102] 'Received the kiss of peace from Waldensians many times', D21. ff. 274r-v.

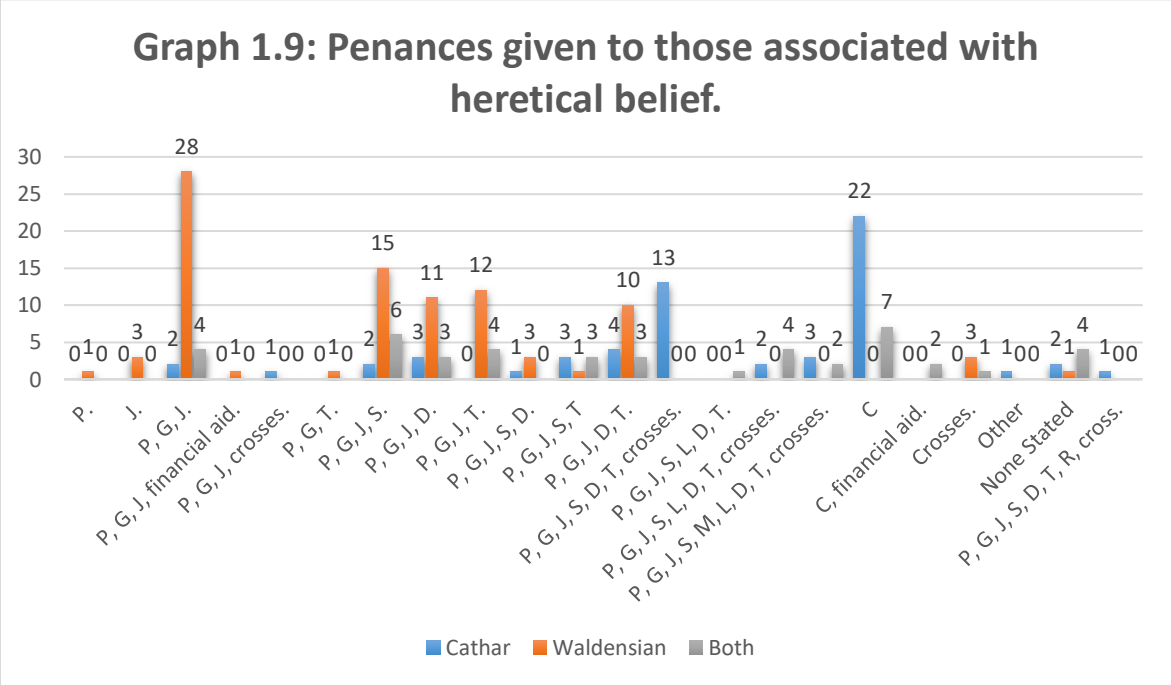
Graph 1.8, below, represents the penances given to deponents who admitted to receiving such a kiss. A similar number of supporters for both Catharism and Waldensianism received the peace, nine and ten respectively. As in this case the deposition explicitly states which type of heretic kissed each supporter, the supporters of "both" can be distinguished between, with five more Cathars kissing the deponents, and only one Waldensian. The punishments for the Waldensian supporters are more lenient than the penances imposed on Cathar supporters, which follows the general pattern observed when comparing Peter Sellan's treatment of Catharism and Waldensianism. Thus, Peter Sellan categorized the kiss of peace as received from Cathars and Waldensians differently, demonstrating that when it came to sentencing, from a legal viewpoint the two heresies were treated distinctly.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

Aside from being present at a Cathar or Waldensian ritual, there were a number of other ways that deponents could potentially incriminate themselves in Peter Sellan's eyes. Historians have often suggested that inquisitors lacked an interest in

investigating the nuances of deponents' beliefs,[103] and Peter's inquest generally holds true to this view. When belief is mentioned it is with regard to the deponent taking certain actions, such as wishing to receive the *consolamentum* as their last rite, but not the theology which underpinned such a desire. Peter's focus on participation in ritual, rather than deponents' understanding of the doctrine behind them, arguably reflects the inquisitor's goals, which were to discover cases of heresy and to return those implicated to the Catholic Church.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

Graph 1.9 depicts the penances given to deponents who admitted to beliefs about heretics or heresy. At first glance there is a symmetry to the graph, the Waldensian supporters generally received the more lenient penances and a small minority received more severe penances. In contrast, Cathar supporters mainly received the

[103] Arnold, 'The Cathar Middle Ages', p. 67.

harshest penances, with fifty-eight per cent of penances shared between two of the harshest penances imposed by Peter Sellan. Consquently, the post-interrogation procedure highlights the manner in which the differing categorization of actions in support of Cathar and Waldensian belief were interpreted by Peter Sellan when determining the appropriate sentences.

One of the beliefs most commonly referred to by the depositions is that the deponent believed the heretic or Waldensian to be a good person. Sometimes they would also add that they believed salvation could be found through Cathars, probably referring to the act of *consolamentum*. For example, Raymond Arpa's deposition states 'he believed that they were good people and that he could be saved by them.'[104] A correlation between statements such as Raymond's and the severity of corresponding penances is not so clear though. The belief that heretics were good people was held by deponents who received penances ranging from Le Puy, Saint-Gilles, and Saint-James to Constantinople for Cathar supporters, and from only Le Puy to Le Puy, Saint-Gilles, Saint-James, Saint-Denis and Canterbury for Waldensian supporters. For instance, Alice of Goulème only had to go to Le Puy after she admitted that she 'saw Peter of Vals, Waldensian, three times, and believed that he was a good man.'[105] Taylor has noted that there is no evidence to support the view that 'the good men' refers to a title or a specific group of people, suggesting that the term might have been introduced by clergymen at Lombers in 1165 and that further evidence of its use is not found until the middle of the thirteenth century.[106]

[104] 'Credebat quod essent boni homines et salvari per eos', D21. f. 186v.
[105] 'Vidit ter P. de Vals valdensem, et credebat quod bonus homo esset', D21. f. 211v.
[106] Taylor, 'Looking for the 'Good Men', pp. 242-56.

In addition, John of la Jonquière 'heard Waldensians preaching, believed them to be good people, and consulted the Waldensians about his illness'.[107] For these faults Jean was only sent to Saint-James, a major pilgrimage, but relatively lenient overall. In this case it is possible that Jean called the Waldensians good people because of the medical treatment he received from them. Hence, generally physical action and active support of heresy appears to have been most important to Peter Sellan when determining a deponent's penance. Peter Biller notes that after Peter's inquest at Quercy, inquisitors became less interested in the medical aid deponents received from Cathars and Waldensians and probably did not view the act as a sign of their guilt. It is significant that Peter Sellan did, because Biller states that Waldensian medical services and preaching activity were seen to be mutually exclusive due to the fact that Cathar supporters would sometimes choose Waldensian doctors, even when Cathar ones were available. Aside from Montauban, Gourdon and Montcuq, Biller suggests that the absence of Waldensian doctors in the other towns was due to the availability of conventional medical care. [108] Peter Sellan's mischaracterisation of support for Waldensianism demonstrates that inquisitors' understanding of heresy evolved during the thirteenth century and this issue will be explored further in chapter four.

However, there are some penances which do not follow this trend. William of Caveroque was a supporter of Waldensians but still received a tough penance and was ordered to go to Constantinople because 'he saw Waldensians many times and heard them preaching many times and believed that men should not kill or swear, he gave them his goods many times, and they came to his workshop many times, and

[107] 'Audivit semel sermons Valdensium, et tunc credebat quod essent boni homines. Et consuluit Valdensem de infirmitate sua', D21. ff. 279v-280r.
[108] P. Biller, '*Curate infirmos*: the medieval Waldensian practice of medicine', in *Studies in Church History*, 19 (Oxford, 1982), pp. 57-8; D21. f. 270v.

he believed them to be good men, and he disputed with a Brother Minor about the question of whether one should kill.'[109] The imposition of a pilgrimage to Constantinople for a Waldensian supporter is particularly significant because William was the only deponent accused of association with Waldensians to receive this punishment. All the other people sent to Constantinople were associated with Catharism. Thus, Peter Sellan must have felt William's association with Waldensians to have been extraordinarily involved. In particular, the mention of belief is particularly important to this deposition. Peter Biller notes that inquisitors were keen to distinguish between different levels of support for Waldensians and attitudes towards killing was one of the key issues pertaining to this.[110] Many other Waldensian supporters admitted to believing that Waldensians were good people and heard them preaching, but reference to actual Waldensian belief is much rarer. William's admission to arguing with a Franciscan over the issue of killing was probably the key factor in the severity of William's penance and there is no other reference in the register to similar behaviour.

In contrast, Raymond Pomels's deposition is not that dissimilar from the many other interrogations conducted by Peter Sellan. Raymond admitted that he 'accompanied heretics so often and saw heretics so often and adored them so often, and heard their preaching that he does not remember how many times. And he ate with heretics often, and gave the heretics beans, and often ate the bread blessed by the heretics, he believed that there was no salvation with men other than heretics, and

[109] 'Guillelmus de Cavaroca vidit multotiens Valdenses et audivit predicationem eorum multotiens et credidit quod homo non debebat iurare vel occidere, et dedit eis multotiens de bonis suis, et veniebant multotiens ad operatorium suum, et credebat quod essent boni homines, et disputavit cum Fratribus Minoribus utrum homo deberet occidere', D21. ff. 216v.
[110] P. Biller, 'Medieval Waldensian abhorrence of killing pre-c.1400', in *Studies in Church History*, 20 (Oxford, 1985), p. 88.

when he died he wanted to die in their hands.'[111] For this association Raymond received a unique penance, to stay outside of the dioceses of Cahors, Agen, Toulouse, Albi, Rodez, and Carcassonne.[112] Even though Duvernoy notes Raymond's frequent association with Cathars was very high, it is not the only deposition which states the regularity of contact was so high that the deponent could not remember an approximate number.[113] John of Novarengues' deposition also states he had heard preaching, albeit of Waldensians, so many times that he could not remember the total number, and he only received a penance of five pilgrimages.[114]

Furthermore, Raymond Pomels was not the only person to admit to such support. The concise nature of the register's format may hide details which could have incriminated Raymond in Peter's eyes. At the very least, the admission that Raymond wished to die in the hands of a heretic is rare in the register, and the imposition of exile could be an effort to remove Raymond from this possible scenario. The penance itself is still problematic though because exile does not necessarily ensure that Raymond did not continue to support heresy, only that he would not be able to in Quercy. Duvernoy makes an interesting observation that Peter Sellan must have believed the neighbouring dioceses of Périgueux and Auch would not have given Raymond a warm welcome.[115] The potential problems associated with exile and pilgrimage as penances will be examined in more detail in chapter three.

In addition to confessions of participation in heretical rituals and holding heretical beliefs, there are fourteen references to books in Peter Sellan's register. Marie-

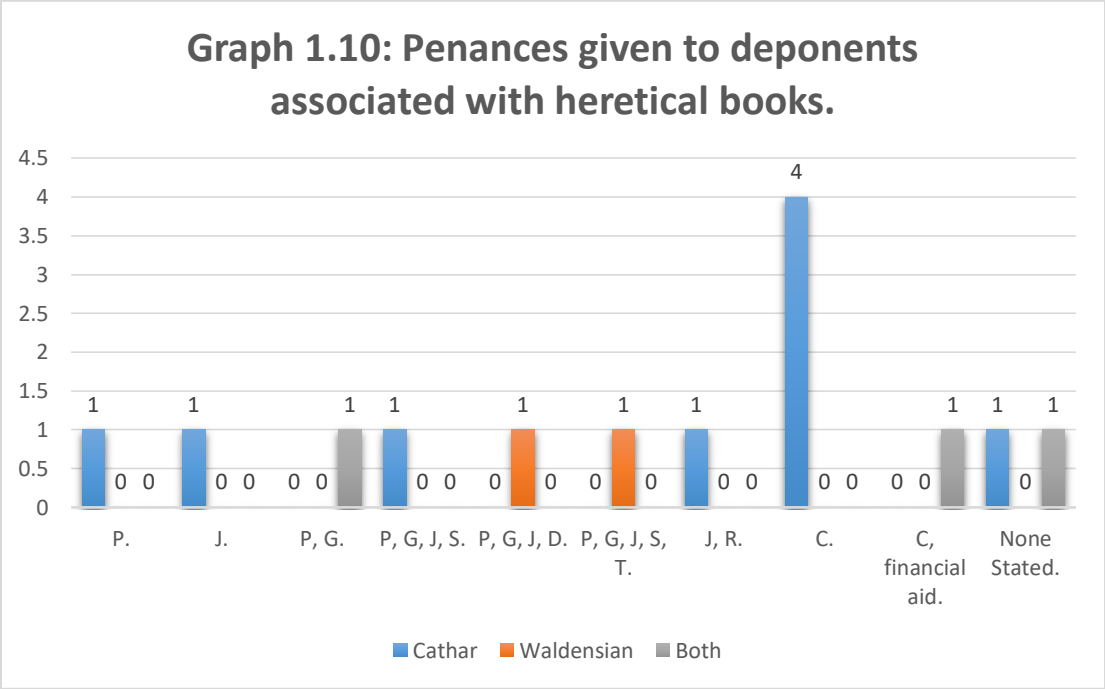
[111] 'Conduxit hereticos multotiens et totiens vidit hereticos et totiens adoravit et audivit predicationem eorum quod non recordatur, et comedit de pane benedicto ab hereticis, et credebat tunc quod aliis hominibus non esset salus nisi cum hereticis, et quandocumque moreretur vellet mori in manibus eorum', D21. f. 200r.
[112] D21. f. 200r.
[113] Duvernoy, *L'Inquisition en Quercy*, p. 23.
[114] D21. ff. 253v-254r.
[115] Duvernoy, *L'Inquisition en Quercy*, p. 23.

Humbert Vicaire has suggested that the interest in Cathar theology declined during the thirteenth century because of a lack of Catholic polemic literature from the same period.[116] Yet, numerous references to heretical books in inquisitorial records across the thirteenth century questions the extent of any decline.[117] The types of books referred to range from heretical scripture to the New Testament written in the vernacular. In particular, a heretical book referred to as the *Textus* was required to perform the *consolamentum*, and the book would often include a copy of the New Testament or one of its gospels.[118] The important role books played in Cathar rituals explains why inquisitors were so intent on enquiring about them during interrogations.[119]

The Bible was also very important to Waldensians, and their founder, Valdes, commissioned a copy of the Bible in the vernacular. By 1200 further translations were also made at Metz and Liège.[120] In addition, inquisitors became aware that Waldensian brothers often carried secret pocketbooks which were used for preaching. Inquisitors' focus on the size of heretical books is important because it demonstrates that books were frequently used in practice by both Cathars and Waldensians during their travels.[121] This goes some way to explaining why Waldensian supporters who mentioned books in their depositions received relatively

[116] M-H. Vicaire, 'Les Cathares Albigeois vus par les polémistes', *Cahiers de Fanjeaux*, 3 (1968), p. 119.
[117] P. Biller, 'The Cathars of Languedoc and written materials', in eds. P. Biller and A. Hudson, *Heresy and Literacy* (Cambridge, 1994), p. 70; for Cathar use of literature in Italy see, L. Paolini, 'Italian Catharism and written culture', in eds. P. Biller and A. Hudson, *Heresy and Literacy* (Cambridge, 1994), pp. 83-103.
[118] Biller, 'The Cathar of Languedoc', p. 74; Hamilton, 'Wisdom from the East', pp. 46-7. A manuscript found in Lyon, Bibliothèque Municipale, MS. P.A 36, f. 236r, is the only extant evidence that Cathars bound copies of their rituals into the New Testament.
[119] Biller, 'The Cathar of Languedoc', pp. 66-74.
[120] A. Patschovsky, 'The literacy of Waldensianism from Valdes to c. 1400', in eds. P. Biller and A. Hudson, *Heresy and Literacy* (Cambridge, 1994), pp. 113-4; L. E. Boyle, 'Innocent II and vernacular versions of scripture', *Studies in Church History, Subsidia*, 4 (1985), pp. 97-107.
[121] Biller, 'Medieval Waldensian abhorrence', p. 95; Biller, 'The Cathar of Languedoc', p. 73; A. Brenon, 'The Waldensian books', in eds. P. Biller and A. Hudson, *Heresy and Literacy* (Cambridge, 1994), pp. 146, 157.

harsh penances. Although the content of many books was not necessarily heretical, the use of scripture in the vernacular challenged the Church's authority and was therefore an indicator of dissent.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

The harshest penance given to a deponent associated with a book was imposed on the priest Arnold of la Roque. Arnold admitted in his deposition that 'he saw heretics in a vineyard and read their book, and ate pears with them.'[122] For his faults Arnold was suspended from his office and ordered to go to Saint-James and Rome. There is no doubt that this was intended by Peter Sellan to be a harsh punishment. Arnold's failure as a priest to uphold the authority of the Church must have influenced Peter's decision-making and demonstrates the strength of interest in Catharism in Languedoc and its appeal. In contrast, Raymond of Peyrilles knowingly read from a

[122] 'Venit ad hereticos ad quondam vineam et legit in libro hereticorum et comedit pira cum eis', D21. f. 310v.

heretical book but was only ordered to go to Le Puy.[123] The act of reading from a book and actually understanding the implications of doing so at the time is surely a sign of a strong supporter of Catharism, yet Raymond only had to complete the most minor of pilgrimages. The juxtaposition with Arnold of la Roque's penance further suggests that Arnold's abuse and betrayal of his position as a priest contributed to his harsher penance. On the other hand, this is the only association with Catharism admitted to by Raymond.

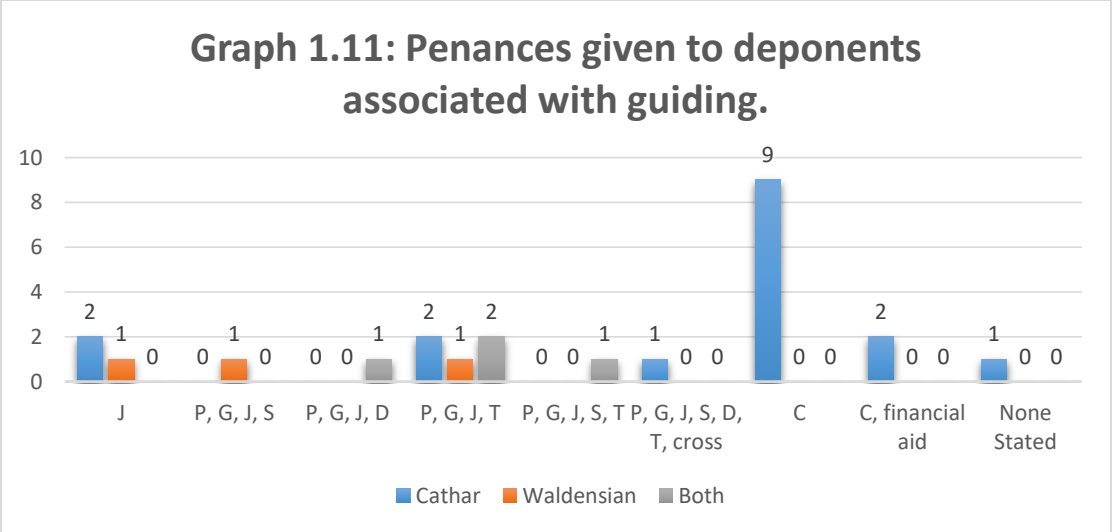
Additionally, Arnaude, wife of William Roux held a book for heretics for twenty days and only received a penance of Le Puy and Saint-Gilles. Once more this is the only association with Cathars to which she admitted, and the only other confession in the deposition is that she gave her things to a Waldensian and ate with one.[124] Guarding or holding books for heretics is the most common admission in depositions which mention books. Peter of Cassagnoles, Raymond Pellegri, and William of Varrera all admit to looking after a book for a heretic.[125] Raymond Guiraud also received a lenient penance of a single pilgrimage to Saint-James, but he only admitted to hearing someone read a heretical book, which the heretic then explained. Moreover, Raymond claimed to have only been a child at the time, another mitigating factor to his penance no doubt. Similarly, William of Barbe claimed he saw some heretics and 'there, somebody read Apocalypse.'[126] William received a penance of pilgrimages to Le Puy, Saint-Gilles, Saint-James, and Saint-Sauveur of Asturias. In this case William's involvement with the book was again very passive and other elements of his deposition are far more incriminating, such as his admission to participating in the *melioramentum* and escorting heretics near to the port at Arone.[127] Peter

[123] D21. f.210r.
[124] D21. f.196r.
[125] D21. ff. 202v-203r, 211v, 221r-v.
[126] 'Vidit ibi quemdam legentem Apocalipsim', D21. ff. 300r-v.
[127] D21. ff. 300r-v.

Stephani also only admitted to hearing a book being read, yet had to go to Constantinople. A comparison with Raymond Guiraud's deposition demonstrates that hearing a heretical book read was not the key factor behind Peter Sellan's punishment of Peter Stephani, who also admitted to frequent contact with Cathars and participation in rituals.[128] In sum, whilst the depositions do not seem to indicate that Peter Sellan was particularly concerned with heretical books, the register's infrequent reference to them is more likely because of the limited number of books in circulation during the early thirteenth century. As the majority of depositions which referred to a book also received a fairly harsh penance, it does suggest that people who were more heavily involved with heresy were more likely to have come into contact with a book, even if they could not read it.

Guiding heretics was a very important role in maintaining the heretical networks which sprang up in-between communities around Languedoc, and even Italy. For some people, like Peter Maurel, guiding was their profession, and their capture was considered a great success by inquisitors due to the potentially vast knowledge these deponents had of networks.[129]As such, mentions of leading or escorting heretics in the depositions became very important to inquisitors by the end of the thirteenth century and it is interesting to investigate what importance Peter Sellan gave to guiding in the 1240s. A number of deponents claim that they accompanied, *conduxit*, Cathars or Waldensians. Some depositions state they led them, *duxit*, and some depositions claim they escorted, *associavit*, the heretics.

[128] D21. ff. 297v-98r.
[129] D26. ff. 15r-v, 46r-v.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

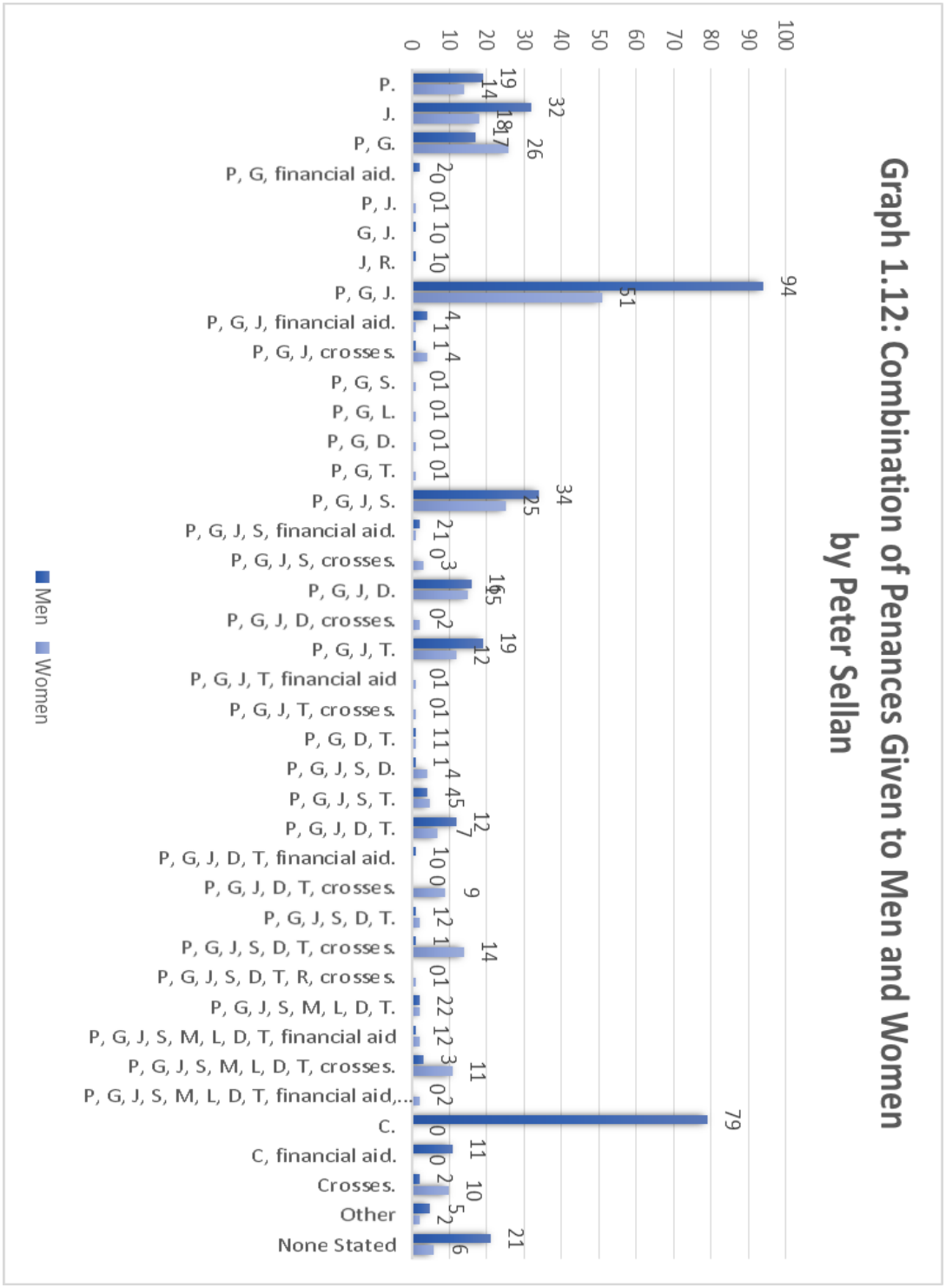
Out of the twenty-four instances in which a deponent led or accompanied a Cathar or Waldensian, only three received what could be considered a lenient penance in comparison to the register's average sentence. At least two minor and two major pilgrimages, or Constantinople, were imposed on the remainder of deponents who guided. Although the other admissions in their deposition clearly contributed to their penance, the fact nearly everyone who guided was punished quite severely suggests that Peter Sellan viewed guiding to be a serious offence. There are even circumstances which help explain the three penances of pilgrimage to Saint-James. Gaillard of En Arces escorted heretics to Na Armande, but he was only twelve years old.[130] Bernard Faure admitted to leading a sick person to a Waldensian, but he was also only young.[131] Lastly, William Aymeric 'carried ten shillings to a heretic on behalf of someone. He carried it to the water on a horse of the same heretic.'[132] William could not rely on the same excuse as Gaillard and Bernard, but according to the

[130] D21 f.222r.
[131] D21. f.252v.
[132] 'Portavit decem solidos cuidam heretic ex parte. Item duxit quondam roncinum cuiusdam heretici ad aquam', D21. f. 256r.

deposition it was the only contact he had with any heretics and this very limited association could have softened his penance. A pilgrimage to Saint-James was still a major pilgrimage and the trip to the north-western region of the Iberian Peninsula was not exactly short. If Peter Sellan had truly felt the three guides to be largely innocent he could have sent them to either Le Puy or Saint-Gilles instead. Therefore, deponents who guided were categorized as such, as demonstrated by the positive correlation between deponents who guided heretics and the harshness of their penance. The network linking heretics and their supporters was essential to their survival and the inquisition was aware of this and as a result wanted to target it.

1.2.3 A Comparison of Penance and Gender

It is also clear that Peter Sellan reserved different pilgrimage destinations for men and women. A statistical analysis reveals that for the most common pilgrimage destinations, Le Puy, Saint-Gilles, and Saint-James, the percentage of trips made to the sites out of the total number of penances for men were sixty-one per cent, fifty-six per cent, sixty per cent, and for women eighty-six per cent, eighty per cent, seventy-five per cent respectively. Furthermore, the percentage of men and women ordered to go to the other major sites for more severe penances, such as Saint-Sauveur of Asturias, Saint-Denis, and Saint-Thomas of Canterbury, were as follows: thirteen per cent, ten per cent, twelve per cent for men, and twenty-nine per cent, twenty-nine per cent, twenty-seven per cent for women.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

If combinations of pilgrimages are also considered, then again a greater percentage of women received a penance of four or more pilgrimages. However, on balance women did not receive harsher penances than men because the pilgrimage to Constantinople was only given to men, which skews the statistics for the other pilgrimage sites. Peter Sellan's reasoning behind the choice of Constantinople is now discussed below, as well as the imposition of crosses.

The strongest correlation portrayed by the quantitative analysis is that all penitents sent to Constantinople on pilgrimage were men. It is the only pilgrimage site to which Peter Sellan sent only one gender as a penance. A number of historians, such as Feuchter, Maier and Segl, have all commented that men were likely sent to Constantinople to provide military aid to the Latin Empire and to assist in its struggle against the Greeks and Bulgarians.[133] Peter Sellan does not directly state that the purpose of the pilgrimage to Constantinople was to give military assistance. However, the arguments proposed by historians who favour this stance focus on circumstantial evidence which strongly suggests they are correct. A synthesis of the threads of circumstantial evidence, along with an examination of the actual Latin used by Peter's notaries, can further prove that male penitents were sent to Constantinople to provide military aid to the Latin Empire.

Peter was not the first to impose military action as a penance. Segl notes that since the Council of Clermont in 1095 the Church had proposed that one could serve any penance by going on crusade instead. In the thirteenth century Gregory IX simply continued this stance and considered penances given to heretics to be included under this policy.[134] Maier concurs with this portrayal of papal policy and references

[133] Feuchter, 'Pierre Sellan', p. 53; Feuchter, 'Le pouvoir', pp. 239-40, 247; C. T. Maier, *Preaching the Crusades* (Cambridge, 1994), p. 69; P. Segl, 'Stabit Constantinopoli, Inquisition und päpstliche Orientpolitik unter Gregor IX' in *Deutsches Archiv für Erforschung des Mittelalters*, 32 (1976), pp. 209, 218.
[134] Segl, 'Stabit Constantinopoli', p. 217.

Raymond of Peñafort who was the prior of the Dominican convent at Barcelona during the years 1228-1229. During this time one of the main tasks given to him by the pope was the organization of James I of Aragon's crusade to Majorca. Raymond is also recorded to have been directed by the pope to compel Robert, the lord of Château Roussillon, to go on a crusade as a form of penance in 1237, after being found guilty of heresy.[135] Furthermore, friars were able to remove the interdict of excommunication for penitents who had committed either arson or been violent towards clerics by sending them on crusade.[136]

Not only did Gregory IX order penitents to be sent on crusades as a form of penance, he asked crusaders heading to the Levant to change their intended destination to Constantinople instead.[137] The situation in Constantinople during the thirteenth century is well documented. After the death of John of Brienne in 1237 the Latin Empire was in an extremely weak position due to Emperor Vatatzes of Nicaea's success against the westerners.[138] After the Latin crusaders successfully took over Constantinople in 1204 during the Fourth Crusade, they lacked the necessary manpower needed to defend the fledgling empire, and so in 1205 the first appeals for material aid were made to the West.[139] For instance, in 1235 Peter of Brittany was asked by Pope Gregory IX to redirect his crusading efforts from Syria to Constantinople.[140] During the final few years of the Latin Empire in the East the emperor, Baldwin II, is thought to have spent most of his time in Europe attempting to raise support for the defence of Constantinople. Ultimately his efforts were

[135] Maier, *Preaching the Crusades*, p. 33.
[136] Maier, *Preaching the Crusades*, p. 35.
[137] R. Spence, 'Gregory IX's attempted expeditions to the Latin Empire of Constantinople: the crusade for the union of the Latin and Greek churches', *Journal of Medieval History*, 5 (1979), pp. 163-74; *Les Registres de Grégoire IX, 1227-41,* ed. L. Auvray, 4 vols (Paris, 1890-1955), no. 4154, hereafter RG.
[138] Segl, 'Stabit Constantinopoli', p. 215.
[139] R. L. Wolff, 'The Latin Empire of Constantinople, 1204-1261', in ed. K. M. Setton, *A History of the Crusades*, Volume 2 (London, 1969) pp. 187-203.
[140] Wolff, 'The Latin Empire', p. 219.

completely in vain as the city was captured by the Greeks led by Michael VII Palaiologos in 1261.[141]

Most relevant to Peter Sellan was the papal order in 1239 for Dominicans to carry on preaching support for the crusading efforts in the East, specifically Constantinople. Segl argues that this was because the pope felt that holding Constantinople was more plausible than retaking Jerusalem in the Levant.[142] Previously in 1238 Gregory IX had told inquisitors to send penitents on a crusade to the Levant in place of imprisonment, so the change to Constantinople in 1239 reflects a shift in attitude. As a result, this order would likely have been at the front of Peter's mind when he returned to Quercy in 1241. This is depicted by the penances Peter imposed between 1241 and 1242.[143] Another factor which could have influenced Peter's decision to comply with the papacy's wishes was the unsuccessful Trencavel uprising of 1240. Raymond Trencavel had been in exile at Aragon since his family's ill fortunes during the Albigensian Crusade. The Trencavel lands were the focus of the crusade which resulted in the loss of much of their territory to Simon of Montfort and ultimately the French crown. In 1240 Raymond Trencavel attacked Louis IX's representatives in Languedoc in an attempt to regain his birth right, and a number of minor nobles from Carcasses and Minervois joined the uprising. Whilst Raymond enjoyed short-lived success, eventually the French crown regained control with an army led by constable John of Beaumont. Raymond Trencavel and his supporters had no choice but to surrender.[144] The Trencavels had been viewed as supporters of heresy since the Albigensian Crusade. Consequently, the uprising must have been alarming to the

[141] Maier, *Preaching the Crusades*, p. 41; Wolff, 'The Latin Empire', p. 226.
[142] Segl, 'Stabit Constantinopoli', pp. 218-19.
[143] Maier, *Preaching the Crusades*, p. 43.
[144] E. M. Hallam, *Capetian France, 987-1328* (London, 1980), p. 212; Lambert, *The Cathars*, p. 169; Pegg, *Most Holy War*, pp. 185-6.

papacy, and could have also contributed to the resumption of inquisition.[145] Although other penances which included travel to multiple pilgrimage sites would have taken considerable time, the penances to Constantinople were up to eight years long. As inquisitors' positions in Languedoc were not very secure during this period, the absence of possible rebels would have potentially made it slightly easier for inquisitors to conduct their inquests.[146]

Therefore, the circumstantial evidence regarding papal policy towards penances, crusades to Constantinople, and the military situation in the Latin Empire in the East, all confirm the view that penitent men sent to Constantinople were meant to provide military assistance. Moreover, the wording of the depositions supports this view. The first deponent in the register sent to Constantinople is told to 'stay in Constantinople for two years, and wear crosses with the dimensions of one palm on the shoulders, and take the trip on the first Sunday of Advent.'[147] Every other penance given to men sent to Constantinople was recorded by Peter Sellan's notary as 'stay in Constantinople for (three) years. About the cross, and the departure/route, as the others.'[148] Although the length of the stay at Constantinople varies between penances, the rest of the penance is written exactly the same for each deponent.

Moreover, Peter Sellan used crosses as part of a number of different penances. In all of these cases the penitent's cross was larger, and was supposed to be worn in a different position to crosses of penitents who were sent to Constantinople. For instance, if we return to Huguette, she was the first person in the register to be ordered to wear a cross, recorded as 'wear crosses two palms long and two inches

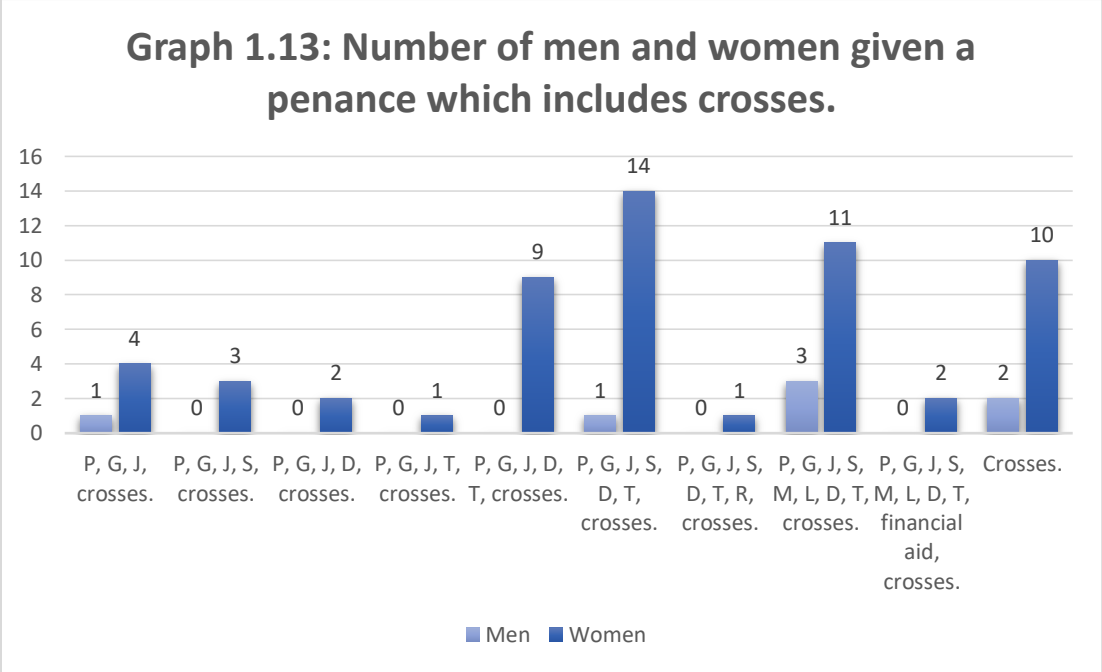
[145] Lea, *Inquisition*, vol. 2, p. 27.
[146] Segl, 'Stabit Constantinopoli', pp. 218-19.
[147] 'Stabit per duos annos in terra Constantinopolis, et portabit cruces ad mensuram palmi per humeros, et accipiet iter a prima dominica Adventus Domini usque ad annum', D21. ff. 186r-v.
[148] 'Stabit Constantinopoli per tres annos. De cruce et via sicut alii', D21. f. 208v.

wide for one year on her front.'[149] This became a stock phrase for everyone else who was made to wear a cross as part of their penance and they are either compared to Huguette or told to wear, '*portabit*', crosses for a period of time. Hence, the different crosses worn by penitents to Constanintople were intended to be distinguishable from other crosses and would have demonstrated that these penitents were part of a military expedition to Constantinople. Even though it was common for pilgrims to travel in groups, the depositions which mention Constantinople are the only examples in which Peter specifically tells the deponents to depart at the same time as the other penitents, and to travel the same route.

A look at the penances imposed at different towns within Peter's register also suggests he took counsel from the papacy on the matter of Constantinople. On 25 October 1241 Gregory IX died, and was succeeded by Celestine IV. As a result it is not surprising that by 1242 the papacy's priorities had shifted, and so did Celestine's desire to send penitents to Constantinople.[150] This is reflected in Peter's register by the lack of penitents sent to Constantinople after the shift in papal policy.[151] The majority of pilgrimages to Constantinople were imposed in 1241 at the towns of Montauban, Moissac, and Gourdon. Peter was at Montcuq and Sauveterre in early 1242, but only imposed the penance on eight and one deponents respectively. Thereafter, at the towns of Beaucaire, Montpezat, Almont, and Castelnau-Montratier, no penitents were sent to Constantinople. Hence, it seems very likely that at some point Peter received news of the pope's new order and took this into account when imposing penances.

[149] 'Portabit crucem duorum palmorum in longum et duorum digitorum in latum per unum annum a parte ante', Doat. 21. f. 185v.
[150] Taylor, *Heresy, Crusade and Inquisition*, p. 120.
[151] Duvernoy, *L'Inquisition en Quercy*, p. 117.

The imposition of crosses is the second type of penance which varies between genders and is undoubtedly linked to the pilgrimages to Constantinople. Deponents were given crosses to wear in two scenarios, as a penance in itself, and also in addition to various numbers and destinations of pilgrimages. In both cases women were ordered to wear crosses far more than men. Graph 1.13 depicts the overwhelming majority of crosses were given as penances to women in comparison to men, with fifty-seven to seven penances respectively.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

To an extent, this disparity can be explained by comparing penances of crosses to orders to go to Constantinople. The men sent to Constantinople also had to wear crosses on their shoulders, but it was a different type of cross compared to those worn by other penitents, who had to wear them on their front. Furthermore, the crosses worn to Constantinople were tied to the pilgrimage itself, whereas all other

orders to wear crosses referred to a distinct period of time and were not directly linked to the act of going on pilgrimage as in the case of Constantinople.

A significant proportion of the penances which include crosses also include four or more pilgrimages, including at least two major sites. For example, Helie was ordered to go to Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias, Saint-Martial of Limoges, Saint-Leonard of Noblat, Saint-Denis, Saint-Thomas of Canterbury and wear a cross for a year.[152] In comparison, Ricarde was ordered to go to the same pilgrimage sites but had to wear a cross for the rest of her life.[153] In addition, it appears that Peter used crosses as a way of distinguishing between different levels of heretical support. Bertrand of Saint-Geniès-Auriol received a penance of Le Puy, Saint-Gilles, Saint-James, Saint-Denis and Saint-Thomas for admitting 'he saw many heretics in many different place and he led them and he spoke with them.'[154]

In comparison, Alice was given the same pilgrimages but also had to wear crosses for a year for admitting 'she saw on different occasions about twenty heretics in the house of Wilma. She prepared their foods and served them. She also said that she had loved the Waldensians and heard their preaching, believed them to be good people and gave them her goods.'[155] Although this is just one example out of many similar comparisons, crosses were generally added to penances if the support of heresy was very strong. As the majority of deponents in such cases were women, the option of Constantinople was not considered because of its military intentions. Therefore, differences in the duration crosses had to be worn and the absence of crosses for some deponents with the same pilgrimage sites proves that crosses had a

[152] D21. f. 189r.
[153] D21. ff. 198r-v.
[154] 'Vidit multos hereticos in diversis locis et temporibus et duxit eos et locutus est cum eis', D21. f. 226v.
[155] 'Vidit diversis temporibus usque ad viginti hereticos in domo d'en Guillelmassa, et ipsa preparabat eis cibaria et ministrabat ei. Dixit etiam quod ipsa multum dilexit Valdenses et audivit predicationem eorum, et credebat quod essent boni homines, et dedit eis de bonis suis', D21. f. 224r.

different purpose compared to those worn to Constantinople. Indeed, crosses appear to have been used as a way of identifying the most serious offenders.

However, there are a number of male deponents who one would think, on the merit of their depositions, should have been sent to Constantinople with the rest of the men who were heavily involved with heresy in Quercy. It is important to note that these deponents were sentenced in 1241, before Peter stopped sending penitents to Constantinople, so there must be a different reason as to why they avoided the prospect of a trip to Constantinople. Pons of Arcambal was sent to seven pilgrimage sites and had to wear crosses for five years for his heavy involvement with heresy.[156] Taylor mentions that Pons was well connected and that his wife Helie was from a powerful family of Cahors.[157] As mentioned above, Helie was punished similarly to her husband, but only had to wear her cross for one year, not five.[158] Additionally, John Pech of Milhac found himself in a similar situation to Pons and again Taylor notes that the Milhac family was a branch of the powerful lords of Goulême.[159]

Considering Feuchter's view regarding the commutation of penances at Montauban and similarly Taylor's suggestion for the lords of Gourdon, it is likely that Peter was willing to be quite flexible when imposing penances on certain people from the area of Gourdon.[160] Moreover, Peter of Goulême of Milhac, Pons's relative, was told to go to Constantinople for his penance, which contests the view that the family held some sway with the inquisitor.[161] The more likely reason why neither Pons nor Jean were ordered to Constantinople was that they were in no condition to be of use on a military expedition. In any case it seems certain that Peter Sellan believed that

[156] D21. f. 202v.
[157] Taylor, *Heresy, Crusade and Inquisition*, p. 134.
[158] D21. f. 189r.
[159] Taylor, *Heresy, Crusade and Inquisition*, p. 133.
[160] Feuchter, 'Le pouvoir', pp. 245-50; Taylor, *Heresy, Crusade and Inquisition*, pp. 131-2, 135, 221.
[161] D21. f. 212r.

penances of multiple pilgrimages and crosses to be of a similar severity as the order to go to Constantinople. This highlights the importance and perceived impact of crosses as penances to Peter. This idea will be discussed in more detail in chapter three, which considers the social implications of penances.

1.2.4 Imprisonment

One type of penance which is not mentioned within Peter Sellan's register is imprisonment.[162] Although imprisonment became an important method of punishing and controlling heresy later in the thirteenth century, by 1241 it had not become common practice, especially not in Quercy.[163] For imprisonment to be effective the inquisitors required ample space to hold securely those who they deemed to be a threat. Inquisitors did not start to build their own prisons until the second half of the thirteenth century.[164] Moreover, it was not until the French monarchy acquired a stronger grip on Languedoc in the second half of the century that suitable secular prisons began to appear. In 1246 Louis IX built royal dungeons at Carcassonne and even provided for those who could not support themselves due to financial penalties.[165] Therefore, Peter Sellan would have had to rely on secular authorities to provide prisons in which to hold the guilty. Yet, as the social elite of Quercy were willing to work with Peter to set an example of Christian obedience, and ensure that the wider community followed suit, the need to threaten imprisonment was greatly diminished. The social implication of Peter's compromises regarding penances meant that he did not need to use imprisonment because the lords of Quercy had promised

[162] Albe, *L'hérésie albigeoise*, p. 289.
[163] Given, *Inquisition*, p.217; Hamilton, *The Medieval Inquisition,* pp. 52-4; Lea, *Inquisition*, vol. 2, pp. 43-6.
[164] Dunbabin, *Captivity and Imprisonment*, pp. 149, 155.
[165] Roach, 'Penance', p. 426.

to take a leading role in ensuring that Quercy's laity remained within the boundaries set for them by the Church.[166]

The importance of considering each inquest's different context is highlighted by comparing Peter's decision-making to that of William Arnold, who imposed imprisonment as a collective penance for a group at Toulouse on 19 February 1237.[167] The precedent had been set for Peter Sellan to follow, yet he decisively chose not to follow it. Roach suggests that the early inquisition dealt with heretics as they would a monastic penitent. He argues that they worked on the assumption that ultimately the heretic was bound by an obligation to Catholicism and inquisitors sought their restoration to the Church. [168] Thus, initially penitents were given the benefit of the doubt and the chance to reform by completing a penance, such as pilgrimage. Any shift to imprisonment later in the century could therefore be down to different inquisitors' personal approach and the different factors which affected each inquest differently.

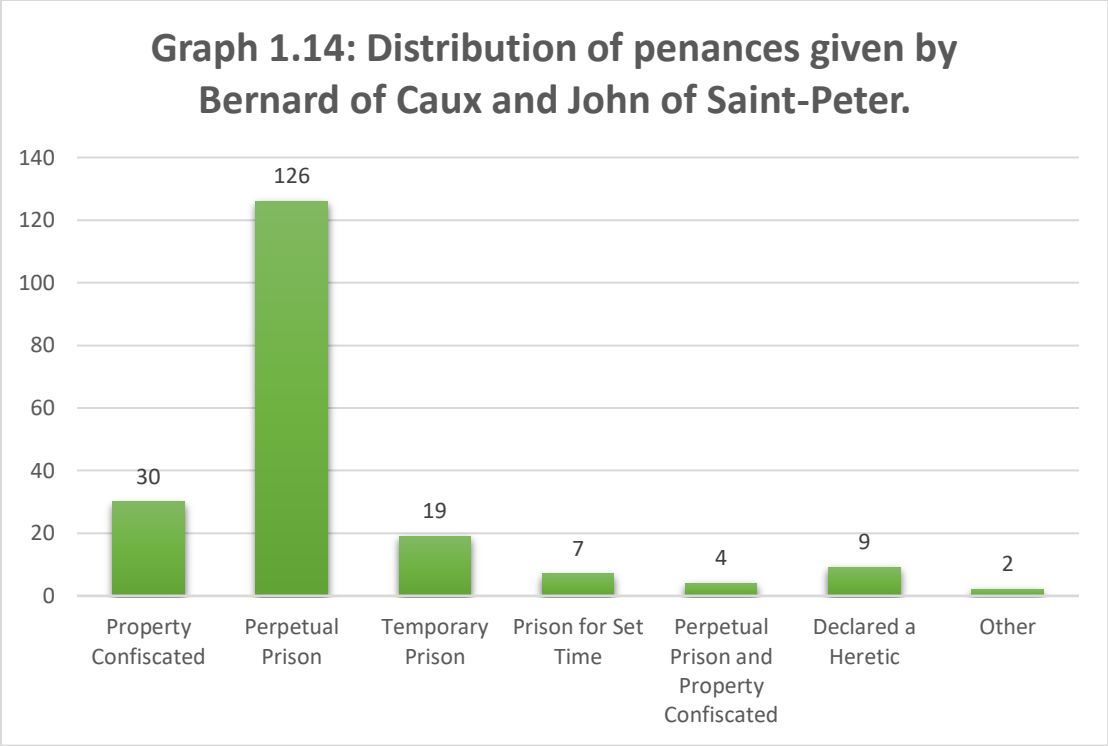
Indeed, Bernard of Caux and John of Saint-Peter used imprisonment extensively in their inquest at Toulouse and the second body of primary material which lends itself to a quantitative analysis are the depositions from their inquest at Toulouse. Although prisons would eventually be seen as a tool to keep the hopelessly unrepentant separated from the faithful orthodox, Bernard of Caux viewed them as a means to positively change and reform those who confessed to involvement in heresy.[169] The *Ordo Processus* provides evidence to support this view in its description of the penance of imprisonment. The manual states that penitents must

[166] Dunbabin, *Captivity and Imprisonment*, p. 155.
[167] D21. ff. 149r-53v.
[168] Roach, 'Penance', pp. 427-33.
[169] Caldwell Ames, *Righteous Persecution*, pp. 177-8.

be ordered to make the prison their 'salutary and permanent abode'.[170] In order to understand further the rationale behind Bernard of Caux's imposition of different penances, the distribution of penances found in MS. 9992 will be analysed. These results will then be compared to the accusations made in the associated confessions, to highlight any links between the two. Although Doat 22 does not contain a list of penances similar to MS. 9992, it does have a number of references to the way Bernard of Caux and John of Saint-Peter punished heresy, which will help supplement the analysis of MS. 9992. Lastly, mentions of penances in MS. 609, specifically crosses, will be considered.

To begin, it is important to restate that MS. 9992 is only a small percentage of the overall number of penances handed out by Brothers Bernard and John, but by taking this into account it is still possible to make some qualified conclusions about the way the two inquisitors went about punishing heresy. The penances recorded in MS. 9992 fall into two broad categories, imprisonment and confiscation of property, but there are variations in the details of the penances and a few specific anomalies which do not get repeated. The Graph 1.14, below, summarises the distribution of penances imposed.

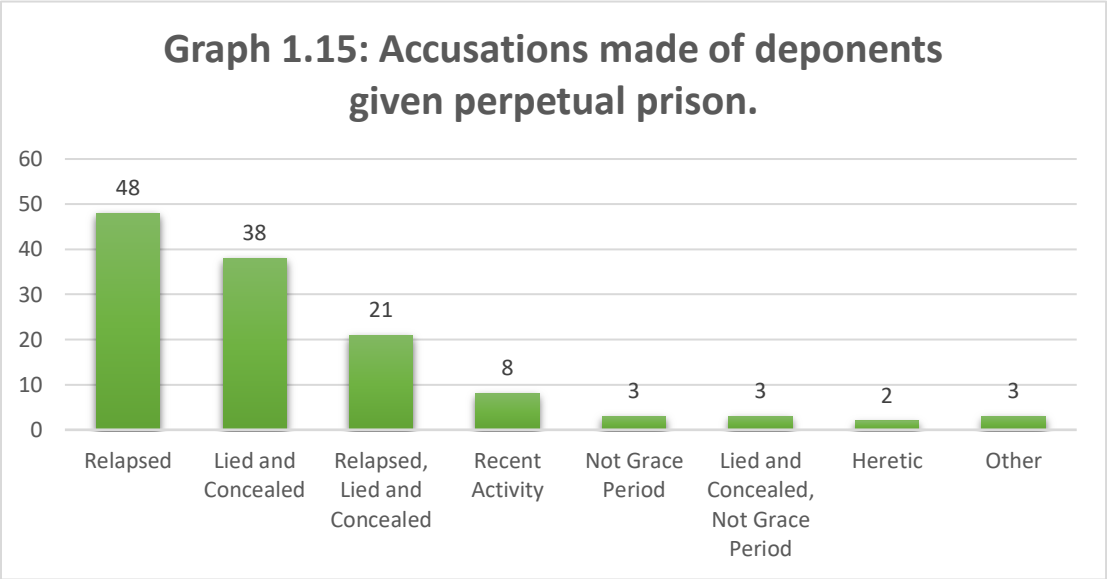
[170] 'Facturus ibidem salutarem et perpetuam mansionem', Tardif, 'Documents', p. 674.



The choice of perpetual imprisonment is clearly the most popular choice of punishment. At first glance the penance of indefinite imprisonment seems quite perplexing considering the inquisitors' pastoral duty. However, the majority of the deponents included in MS. 9992 were not giving their first confession to inquisitors. Included within many of the depositions are clues which help explain the rationale behind these penances. Two of the most important and obvious clues are the statements revealing the deponent had either been found to have lied and concealed information from the inquisitors, or had relapsed back to their heretical ways since a previous confession. For example, on 18 March 1246, Austorge, wife of Peter of Resengas, was sentenced to perpetual imprisonment because 'after abjuring heresy, she saw heretics, and adored them.'[171] Also, on 6 May 1246, Pons Bladeri was sentenced to perpetual imprisonment because 'he concealed the truth after taking an

[171] 'Austorge, uxoris quondam Petri de Resengas…post abjuratam heresim, hereticos vidisse et eos adorasse', Douais, *Documents*, p. 4.

oath, and relapsed into heresy after abjuring it.'[172] Graph 1.15, below, shows the various accusations made against the deponents awarded perpetual imprisonment.



As Graph 1.15 demonstrates, one hundred and five of the one hundred and twenty-six deponents either lied and concealed information from the inquisitors, or had relapsed since their previous confession. The graph reflects the inquisitors' view that deponents who were not truly repentant should be punished more severely. By cross-referencing MS. 609 with MS. 9992 it is possible to trace sixteen deponents from their original deposition to their sentence. For example, Raymond Sabatier confessed to Bernard and John on 25 November 1245 and we find him receiving his sentence on 6 May 1246.[173] Likewise, William of Saint-Nazare gave his deposition on 30 May 1245 and received his penance on 15 July 1246.[174] A final example is of Esclarmonde, wife of Pons Bret, who gave her confession on 1 July 1245, she then added to it two days later on 3 July 1245, and finally received her sentence on 13

[172] 'Poncii Bladerii…celasse veritatem contra proporium juramentum et relapsos esse in heresim abjuratam', Douais, *Documents*, p. 8.
[173] MS. 609, f. 179v-190r; Douais, *Documents*, p. 8.
[174] MS. 609, f. 32r-v; Douais, *Documents*, p. 35.

May 1246. This example is especially significant because it is explicitly recorded in MS. 609 that the inquisitors found out she was not telling them the full truth.[175] Bernard of Caux and John of Saint-Peter's stance on relapsed penitents is also found in the *Ordo Processus* which explicitly states 'And if no inquisition has been conducted in that place, to everyone from that place who has not been cited by name or who has not yet earned the indulgence, we will grant indulgence from imprisonment.'[176]

It is harder to find definitive evidence to explain why deponents who had been involved in heretical activity recently were given perpetual imprisonment, but the inquisitors may have felt that there was simply no excuse for involving oneself with heretics when it was common knowledge that it was unacceptable behaviour. Therefore, although Bernard and John seem to have a basic idea of what actions would result in particular punishments, they were willing to consider the individual circumstances of each deponent. This not only suggests a genuine desire to help people reform, but also the flexibility of the inquisitors, something that Christine Caldwell Ames suggests of inquisitors generally.[177] Evidence of Bernard and John's flexibility will be more thoroughly examined in chapter two. In addition, there are a number of penances which state a specific place of imprisonment, or specify a length of time for the imprisonment. As Graph 1.14 depicts, nineteen people were ordered to go to prison temporarily. The deposition states that this would be 'for as long as it takes the Church to assign them a penance for their crimes.'[178] Every single deponent given this punishment of temporary imprisonment was dealt with on the

[175] MS. 609, f. 62r; Douais, *Documents*, p. 12.
[176] 'Et si de loco qui nominatim citai vel aliter venia digni non essent, immunitatem carceris indulgemus', Tardif, *'*Documents*'*, p. 671.
[177] Caldwell Ames, *Righteous Persecution*, p. 178.
[178] 'Ipsos in carcere retrudi volumus et injungimus, quamdiu Ecclesie videbitur expedire, ad penitentiam pro dicto crimine peragendam*',* Douais, *Documents*, p. 6.

same day, 26 March 1246, and were given the same order by the inquisitors.[179] It is unknown what penance was later given to these deponents, but clearly the order given on the 26th was simply to hold them as they could not be trusted to return at a later date. The inquisitors' dilemma over how to keep track of deponents and ensure penances were complied with will be considered in more depth in chapters three and four.

Although Doat 22 does not contain a systematic list of punishments like MS. 9992, there are a couple of references to penances which help shed light on Bernard and John's strategies for punishing heresy across their careers. Almost all the deponents are recorded as having abjured heresy to Bernard and John, but only William Tondut was assigned a day to return. William gave his deposition on 26 January 1244, and was 'assigned as the date to return, the Saturday after Lent.'[180] Furthermore, only one deposition made during Bernard and John's inquest of Agen and Cahors refers to the penance which might have been imposed at a later date. William Faber of Pech-Hermer's deposition, made on 6 December 1243, stated that he 'swore to stick to the orders of the Church, and willingly receive the penalty of life imprisonment or exile, and to abjure all heresy.'[181] As this deposition was recorded only three years before Bernard and John's inquest at Toulouse, this example is relatively close to Peter Sellan's period of inquisition at Quercy and highlights the inquisitors' differing approaches to types of penance. However, Bernard's investigation of Agen and Cahors was on a much reduced scale compared to Peter's, so the imposition of imprisonment or exile on a small number of penitents would be far more appropriate. A similar case is found in MS. 609, when after giving a lengthy confession to Bernard

[179] Douais, *Documents*, pp. 5-6.
[180] 'Et est assignata dies sabbato post mediam quadragesimam', D22, f. 74r.
[181] 'Et iuravit super premissis stare mandatis Ecclesie et verbis inquisitoruma ad recipiendum penitentiam perpetui carceris vel exilii omni heresi abiurata', D22, f. 9r.

and John on 26 February 1246, Peter Barot agreed to 'bound himself by oath, to receive his penance of either perpetual imprisonment, or exile, or any other penance the inquisitors would impose.'[182]

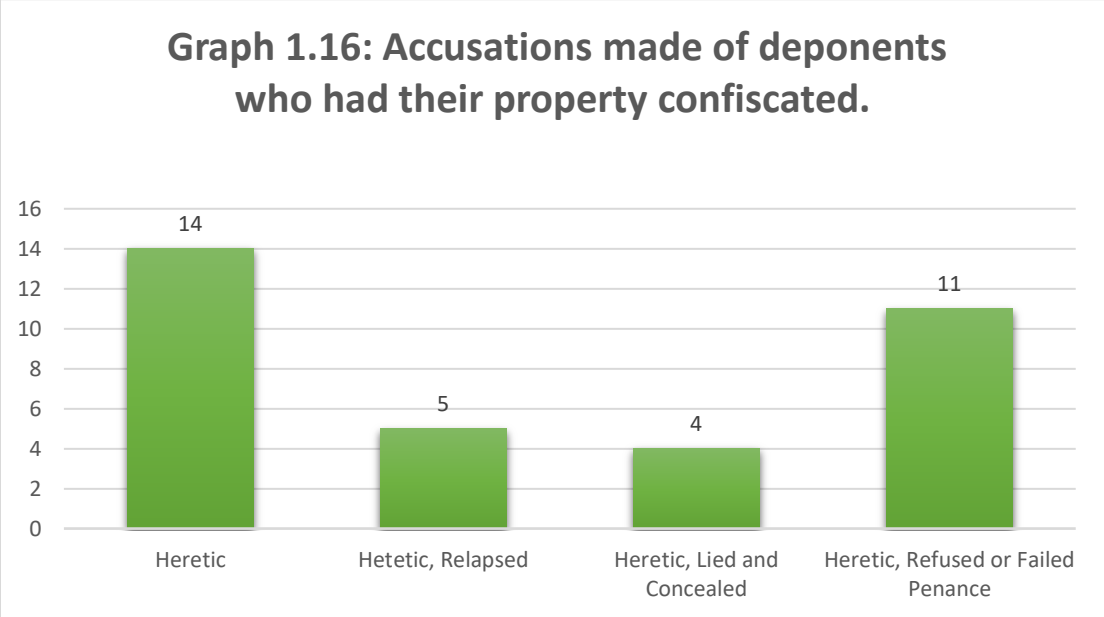
As highlighted by Taylor, the deponents found in Doat 22 were all from the same socio-political network and thus it is not surprising to find that they discussed their depositions amongst themselves.[183] William Feraut's deposition on 25 January 1244 states that he heard Peter of Quinssac say that 'he would willingly bear any penance that the inquisitors chose to inflict on William Faber, whether an overseas trip or any other.'[184] It appears then, that the two inquisitors clearly were using imprisonment as a penance before their intense period of inquisition at Saint-Sernin between 1245 and 1246, but the mentions of exile and trips overseas hint at the possibility of using pilgrimage as a penance as well. It is important to remember that the purpose of the two registers are completely different, as almost all of the condemnations in MS. 9992 were of people accused of relapsing or lying to the inquisitors.

Many of the deponents in MS. 609 were not guilty of such things, and it is likely that they, and some deponents from Doat 22, were given other penances like pilgrimage or wearing crosses instead. This view is supported by Dossat's analysis of MS. 609, which suggests that twenty-three additional deponents were imprisoned and another one hundred and eighty-four deponents ordered to wear crosses.[185] Dossat also suggests that by 1257 a further: two hundred and thirty-nine penances of imprisonment, twenty-one death sentences, and three hundred and six cases of confiscation of property were imposed. However, he does note that it is not possible

[182] 'Et obligavit se et sua iuramento ad recipiendam penitentiam perpetui carceris vel exilii vel aliam quam inquisitore duxertent sibi iniungendam', MS. 609, f. 210v.
[183] Taylor, *Heresy, Crusade, and Inquisition*, p. 141.
[184] 'Item dixit quod audivit a P. de Quinssag quod libenter portaret omnem penitentiam iniungendam Willelmo Fabri de Podio Hermer sive de eundo de ultramare vel de aliis', D22, ff. 26r-27r.
[185] Dossat, *Les Crises*, pp. 250-9.

to determine which inquisitor was responsible for the sentences. Nonetheless, Dossat suggests that Renaud of Chartres and John of Saint-Peter conducted a substantial inquest between 1255 and 1257, which was comparable to the inquest led by Bernard of Caux in the 1240s.[186]

The final penance imposed by Bernard of Caux and John of Saint-Peter in MS. 9992 was the confiscation of property. The Graph 1.16, below, shows the accusations made of deponents who had their goods and land taken away by their lords.



All the deponents who had their property confiscated were deemed to be heretics; however, there are differences in the way that they were categorized. Furthermore, it was not unheard of for heretics to be executed by burning, especially if they refused to repent. Although the depositions do not state it explicitly, it is probable that the deponents who had their property confiscated were also destined for the stake. For instance, Peter of Roaix and Pons of Gamevilla were condemned as

[186] Dossat, *Les Crises*, pp. 265-7.

heretics and had their goods confiscated because they 'were not willing to accept the judgement of the Church and accept a penance for their heretical crimes.'[187]

Célestin Douais noted that the Roaix of Toulouse were a family known to be great supporters of Catharism, and Peter's obstinacy indicates the possibility that he was executed.[188] Similarly, Bernard Bret of Pomareda was declared a heretic because 'when previously summoned to receive his penance he did not show up…he is condemned a heretic by the persistence of his absence.'[189] Hence, although the people condemned as heretics by Bernard and John may not have been actual heretics in the literal sense, the inquisitors viewed their unwillingness to return to orthodoxy as a sign they could not be saved. There are also nine deponents who were declared heretics by the inquisitors, but there is no other mention of further punishment. Once more, the *Ordo Processus* provides contemporary evidence that only the truly stubborn or the dead were condemned as heretics: 'if you refuse to carry out our command…relinquishing you as a heretic to the secular arm from then on.'[190]

Bernard of Caux and John of Saint-Peter tried to impose penances in order to help guilty deponents return to the Church, and prevent those who had already relapsed, from commiting further sins in the future. The categorization of a deponent as being relapsed meant that they had to be treated differently during the post-interrogation procedure, and the inquisitors' insecurity in light of the assassinations at Avignonet must have influenced Bernard and John's decision that imprisonment was the best

[187] 'Petrus de Roaxio et Poncius de Gamevila…non velint ad arbitrium Ecclesie penitentiam facere pro crimine memorato', Douais, *Documents*, p. 2.
[188] Douais, *Documents*, p. 2.
[189] 'Peremptorie citatus ad recipiendam penitentiam non comparuit coram nobis…ipsum per contumaciam absentem hereticum condempnamus', Douais, *Documents*, p. 83.
[190] 'Sane si hoc mandatum nostrum implore nolueris…et te justissime partier ex tunc seculari judicio, velut hereticum relinquentes', Tardif, 'Documents', pp. 674-5.

option for proven supporters of heresy. The only other option available to the inquisitors was to condemn someone a heretic, confiscate their property and most probably hand them over to the secular authorities to be burned. However, this was an admission that the inquisitors had failed to save the deponent, so in light of their pastoral duty, it was an action rarely taken by the inquisitors.

1.3 Conclusion

A quantitative analysis of Peter Sellan's and Bernard of Caux and John of Saint-Peter's sentencing has shown that the inquisitors were interested in employing proportional justice. The manner and technique in which both inquests proceeded to apply this approach differs, but both inquisitors categorization of deponents' actions was reflected in their application of the post-interrogation procedure. An examination of the rationale behind the use of different types of penance has highlighted that they were intended to provide edifying and constructive experiences for the penitents. Peter's primary choice of penance was pilgrimage, and he used a wide range of pilgrimage sites to make up the various sentences given to deponents. The combination of different pilgrimages, a grand total of thirty-six variations, suggests that he carefully considered what level of severity was appropriate for each deponent's penance. It is clear that Peter knew about Catharism's and Waldensianism's various rituals, and the differentiated categorization of deponents involved with the two heresies is reflected in the constrasting severity of penances imposed on Cathar and Waldensian heretics and supporters.

External factors, such as the papacy's order to stop sending penitents to Constantinople, did affect Peter's decision-making, but his own personal stamp of authority is still present in the register. Peter built on his previous experiences with William Arnold and continued to employ the period of grace to great success. He also

discontinued the exhumation of deceased heretics which previously had made inquisitors so unpopular. Significantly, Peter did not condemn anyone to imprisonment or the stake. As imprisonment was used by inquisitors both before and after Peter, it seems likely that Peter made a deliberate choice to not use it as a penance, a pragmatic decision with regard to the circumstances specific to his inquest.

The evidence for Bernard of Caux and John of Saint-Peter suggests that all the deponents who were punished with imprisonment, confiscation of property, or even death, were on their second chance. They had confessed to inquisitors previously and had abjured heresy, so their relapse into heretical belief and sin was treated more seriously. Only those who were truly stubborn were abandoned and released to the secular arm. Although Peter Sellan did not deal with similar people in such a manner, Bernard and John encountered far more relapsed penitents than Peter due to the later date of their inquest. Moreover, the events preceding Bernard and John's inquest probably affected their attitude. The assassination of William Arnold and the Franciscan Stephen of Saint-Thibéry at Avignonet had prompted Bernard and John's inquest at Toulouse in the first place, and the hostility faced by the inquisitors must have affected Bernard and John. Their choice to end the itinerant approach of previous inquisitors is evidence of this, but like Peter Sellan, this decision emphasises the pragmatisim which influenced early inquisitorial procedure.

A number of inquisitorial registers were lost with the death of William and Stephen and this resulted in Bernard and John's efforts to discover the truth behind deponents' previous confessions. This will be examined in more detail in chapter three. There are examples in Doat 22, MS. 609, and the *Ordo Processus* which suggest Bernard and John employed other penances, such as wearing crosses and pilgrimage. Consequently, it seems reasonable to suggest they may have treated

first time deponents in a similar manner to Peter Sellan, but there is an insufficient quantity of such evidence to prove this categorically. Nevertheless, all three inquisitors went to great lengths to be proportionate in their punishment of heresy, even if the deponents did not view their penances in the same way. There are many instances in which the inquisitors took circumstantial evidence into account and these cases will be analysed next in chapter two.

2. Chapter Two, Inquisitorial Flexibility

The proportionate approach to sentencing found in Peter Sellan's and Bernard of Caux's registers helps explain the inquisitors' use of categorization to inform judicial procedure. Nonetheless, the quantitative analysis presented in chapter one has highlighted a number of anomalous penances, seemingly in conflict with the inquisitors' usual decision-making. Inquisitors did not indiscriminately impose penances, thus it is important to explore the anomalies to understand why they differ. This chapter will consider the extent to which deponents' circumstances were acknowledged by inquisitors, and consequently if this affected their corresponding penance. Three of the most active thirteenth-century inquests will be examined in turn; Peter Sellan's, Bernard of Caux and John of Saint-Peter's, and Brother Ferrer's. This chapter considers the anomalies presented by the quantitative analysis discussed in chapter one, hence the methodology now focuses on a qualitative approach. Such analysis examines specific aspects of the post-interrogation process in order to explore the inquisitors' flexible and pragmatic attitudes to sentencing.

Although the lack of extant sentences issued by Ferrer limits the opportunity for a quantitative analysis of his inquest, the few instances in which sentences are recorded still provide evidence of his attitude towards punishing heresy. The fragmentary evidence of Ferrer's sentencing which is recorded in a number of inquisitorial registers and manuals will be examined to shed light on his application of post-interrogation procedure. Ferrer's often notorious reputation will be evaluated with regard to evidence of his sentencing. Next, inquisitorial decision-making will be compared to the instruction provided by the Church concerning inquisitorial authority and the imposition of penances. Ecclesiastical councils and papal bulls will be analysed to determine how flexible canon law permitted inquisitors to be, and to what extent inquisitors made their own decisions.

2.1 Peter Sellan

2.1.1 Punishing Heretics

The majority of penances imposed by Peter Sellan consisted of combinations of pilgrimages. Even the most committed supporters of heresy were commanded only to travel to holy sites around Christendom to atone for their sins. In particular, there is one group of deponents who one would expect to have received the harshest of punishments, the heretics themselves. In total there are seven cases within Peter's register contained in Doat 21. During his inquest of Almont, Peter encountered a women named Huguette, whom the deposition states admitted that 'she saw heretics, heard their preaching, and adored them many times, and she was a perfect heretic.'[1] As a result Peter Sellan sentenced Huguette to go to Le Puy, Saint-Gilles, Saint-James, Saint-Denis and Canterbury, as well as to wear a cross on her front for the rest of her life.[2]

It has already been established that Peter Sellan deemed crosses to be a significant penance, often imposing them to increase the overall severity of a sentence. The social implications of wearing a cross for the remainder of one's life should not be underestimated. The deposition gives no indication of how long Huguette had been a heretic. Nevertheless, as argued in chapter one, penitents' sentences correlate with the amount and length of their heretical activity. In comparison to Huguette, another former heretic, Bernadette of Rou, had to complete the same pilgrimages but only had to wear a cross for five years after admitting that she had been a heretic for seven years.[3] Hence, it seems probable that Huguette had been a heretic for over seven years. Furthermore, whilst the admission is the only detail recorded in

[1] 'Huga vidit hereticos et audivit predicationem eorum et adoravit eos multotiens et fuit heretica perfecta', D21. f. 309r.
[2] D21. f. 309r.
[3] D21. f. 309v.

Bernadette's deposition, the condensed nature of this register raises the possibility that Bernadette was asked follow-up questions by Peter Sellan which were not copied into this version of the register. Former heretics such as William Solier and Raymond Gros had proved to be invaluable to other inquisitors, so it seems unlikely that Peter would not have chosen to inquire further regarding the network of supporters and heretics that Bernadette must surely have been a part.

Additionally, Geraldine of Rieu was ordered to 'resume wearing two crosses and she will go to Le Puy, Saint-Gilles, and Saint-James.'[4] Geraldine had left her husband to become a heretic but had only stayed with heretics for half a year.[5] Once more the deposition gives no indication as to when Geraldine became a heretic, but her relatively lenient penance compared to other heretics sentenced by Peter Sellan suggests that Geraldine had not been a heretic for long, or had not been as heavily involved with the Cathar heresy before, during, or after her time as a heretic. Significantly the deposition states that Geraldine was to *resume* wearing crosses, indicating that she had previously received a penance from another inquisitor or bishop. Since Peter Sellan was aware that Geraldine was not only a former heretic, but also a relapsed deponent, Peter's decision to not impose a more severe penance strongly demonstrates the extent of his leniency. Like the other two depositions, little to no additional detail is included in the register. One should not assume this means Peter Sellan did not inquire further into the women's activities. One did not simply become a heretic by accident, it was a serious commitment that fundamentally changed the way people lived their lives. Therefore, whilst becoming a heretic was clearly a sign of support for Catharism, the range of crimes committed

[4] 'Ista resumet duas cruces et ibit ad Podium, Sanctum Egidium et Sanctum Jacobum', D21. f. 190r.
[5] D21. f. 190r.

by these women was relatively limited in comparison to the deponents who received more severe penances.

Furthermore, Ramona of Mazerac, the prioress of the Augustinian house at Lativia, modern La Lécune, also admitted to having been a heretic for up to five years.[6] In contrast to the other deponents who confessed to having been a heretic, Ramona was ordered to join a new monastery: 'she leaves this place and enters a stricter monastery.'[7] Claire Taylor notes that Ramona's deposition demonstrates that she held Docetist beliefs because she questioned the Blessed Virgin's experience of childbirth and whether Jesus had suckled from her. Taylor also stresses the significance of Ramona actively asking the inquisitors these questions herself.[8] Surely Ramona's explicit confession to holding heretical beliefs must have concerned Peter Sellan and been a clear indicator of guilt. The deposition makes no mention of which monastery Ramona was to join, but she had held a position of authority at Lativia, and it seems unlikely she would have continued in such a role at her new house. Instead, Peter probably intended the new monastery to prevent Ramona's relapse into heresy, and to remove her from the network of Cathar supporters with whom she had associated with at Lativia.[9]

Conversely, two deponents whom the deposition states were heretics do not have a corresponding penance recorded in the register. Ramona, wife of Bernard of Quercy's deposition claims that although she was consoled, she was not aware of it at the time, and only found out when bystanders told her afterwards.[10] Jean Duvernoy believes that Ramona could not have been unwittingly consoled because the

[6] D21. f. 307r.
[7] 'Recedat de loco et intret artius monasterium', D21. f. 307r.
[8] Taylor, *Heresy, Crusade and Inquisition*, pp. 137-8; D21. f. 307r.
[9] See discussion of other deponents Ramona was in contact with in Taylor, *Heresy, Crusade and Inquisition*, pp. 139-40.
[10] D21. f. 295v.

consolamentum required the participant to be willing.[11] It would be naïve for either the inquisitor or historian to assume that Ramona was either confused or misled by the heretics. The deponents' agency in the process of inquisition has been noted by a number of historians, such as John Arnold and Caterina Bruschi, who argue that they engaged in a cat and mouse like contest. During the course of interrogations deponents sometimes attempted to answer ambiguously, avoided offering the full truth, and even blatantly lied.[12] Thus, it seems most likely that Ramona was consoled, but during her interrogation she tried to twist the truth in an attempt to lessen her guilt in Peter Sellan's eyes by suggesting she played a passive role in the recounted events. Although this does not explicitly explain the deposition's lack of corresponding penance, the uncertainty about the truth of Ramona's testimony would have likely prompted Peter to seek clarification and additional evidence to either support or disprove Ramona's claim. It is possible that, like the lords of Gourdon and the consuls of Montauban, the status of Ramona's family or her husband, Bernard of Quercy, allowed Ramona to escape her original penance in favour of building or repairing a church near Moissac.

Peter's desire to determine the truth is demonstrated in the deposition of the heretic Petronel of Peter Estève. Petronel's deposition states that she admitted to becoming a heretic when she was twelve years old. However, the deposition recounts that Petronel claimed to have already been reconciled by Bishop Fulk of Toulouse.[13] The deposition concludes with '*requiratur*',[14] stating that the contents of the testimony must be verified. This would have been done by cross-referencing the confession

[11] Duvernoy, *L'Inquisition en Quercy*, p. 299.
[12] J. Arnold, 'A man takes an ox by the horn and a peasant by the tongue: literacy, orality and inquisition in Medieval Languedoc', in ed. S. R. Jones, ed., *Learning and Literacy in Medieval England and Abroad* (Turnhout, 2003), pp. 34-5, 46; Bruschi, *Wandering Heretics*, pp. 156-8, 187-8.
[13] D21. f. 244v.
[14] 'Will keep asking after', D21. f. 244v.

with other depositions from Peter Sellan's inquest and registers from previous inquests. Albeit with a focus on the later stages of the thirteenth century, James Given has argued that the process of inquisition created a system which was hard to escape after being identified. The creation of registers which recorded the outcomes of inquests allowed inquisitors to verify deponents' confessions more easily.[15] John Arnold notes that Geoffrey of Ablis used such a technique to arrest the entire population of Montaillou in 1308.[16]

Furthermore, inquisition undertaken by Bernard of Caux in the diocese of Toulouse throughout the 1240s demonstrates that a similar approach was employed by Peter Sellan's colleagues. Bernard was initially named the inquisitor for Toulouse after the assassination of William Arnold and Stephen of Saint-Thibéry in 1242, in which their registers were lost. Thus, Bernard's focus on establishing social networks and connections demonstrates the importance placed on such information by inquisitors and the role it played in verifying confessions.[17] In light of this evidence, Petronel's deposition provides evidence supporting two points: firstly, that Peter Sellan did not take deponents' testimony at face value; and secondly, that deponents were not sentenced until the validity of their deposition had been determined to Peter's satisfaction. The penances received by the other heretics suggest that Peter was flexible during sentencing, and that he was willing to take into account mitigating circumstances, but these exceptional claims had to be proven to the inquisitor.

Other depositions given by supporters of heresy also include claims of prior reconciliation and absolution. Wilma of Sapiac is the last deponent who claimed to have once been a heretic. According to the deposition, Wilma was only a young girl

[15] Given, *Inquisition*, p. 90.
[16] Arnold, *Inquisition and Power*, p. 83.
[17] Arnold, *Inquisition and Power*, pp. 84-5; Taylor, *Heresy, Crusade and Inquisition*, pp. 118, 141.

when she was made a heretic for two years or more. In addition to this admission, Wilma's deposition states she admitted to confessing previously to the bishop of Cahors and that she had been reconciled by him.[18] Jean Duvernoy suggests this previous confession was made around 1210.[19] However, Wilma also confessed to relapsing and subsequently supporting Cathars. As a result Peter Sellan sentenced Wilma to go to Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias, Saint-Denis, Saint-Thomas of Canterbury, and finally Rome, as well as to wear crosses for seven years.[20] Like a number of the other heretics, Wilma's deposition mentions her young age at the time of her *consolamentum*, but this does not seem to have mitigated her penance in any way. In comparison to the penances of the other heretics Wilma is sentenced harshly by Peter Sellan, even though Huguette and Bernadette of Rou also seem to have been active heretics at the time of their interrogation. Hence, aside from Wilma's extensive support of heresy, the admission that that she had relapsed back into heresy seems to be the key factor influencing Peter's decision regarding her penance. The deposition also records that Wilma saw the heretic, Guiraud Abit, whom Duvernoy believes was Cathar bishop of the Carcassès in 1226.[21]

2.1.2 Punishing Supporters

Peter Sellan's register includes examples of relapsed supporters too. Petrona of Prestes claimed that she 'had been absolved by the archdeacon on the order of the bishop.'[22] Nevertheless, Peter still imposed a severe penance on Petrona of pilgrimages to Le Puy, Saint-Gilles, Saint-James, Saint-Denis, and Saint-Thomas of

[18] D21. ff. 240v-1r.
[19] Duvernoy, *L'Inquisition en Quercy*, p. 145.
[20] D21. ff. 240v-1r.
[21] D21. f. 240v, Duvernoy, *L'Inquisition en Quercy*, p. 145.
[22] 'Absoluta fuit ab archidiacono de mandato episcopi', D21. ff. 310v-11v.

Canterbury.[23] Taylor proposes that Peter's decision to punish Petrona suggests the possibility that evidence was available to refute her claim of absolution.[24] A comparison with Ramona's deposition, discussed above, corroborates this possibility. The register explicitly states when further investigation is required into the truth of a deponent's confession, like the heretic Petronel,[25] so arguably the same would have been done for Petrona if necessary. Furthermore, Petrona only confessed to association with, and support of, Waldensians. The quantitative analysis contained in chapter one has proved that, on the whole, supporters of Waldensianism received relatively less severe punishments than supporters of Catharism. Petrona's deposition does not recount extraordinary involvement with Waldensians which in other cases resulted in particularly harsh penances. Instead, Petrona's attempt to deceive Peter Sellan is the significant factor in the resulting penance. This supports Arnold's and Given's views regarding the importance of written records to inquisitors.[26]

Similarly, John Fournier-Faure 'said that he received a penance from Brother William of la Cordelle.'[27] As with Petrona of Prestes, John only confessed to contact with Waldensians. The two depositions are quite similar, but the contracted nature of the register's entries makes it difficult to state categorically whether Peter Sellan considered John or Petrona to be complicit in further Waldensian activity. For his penance, John was told to travel to Le Puy, Saint-Gilles, Saint-James and Saint-Thomas of Canterbury, again reflecting the similarity between the two depositions.[28] Duvernoy suggests that Brother William of la Cordelle was of the Friars Minor, and

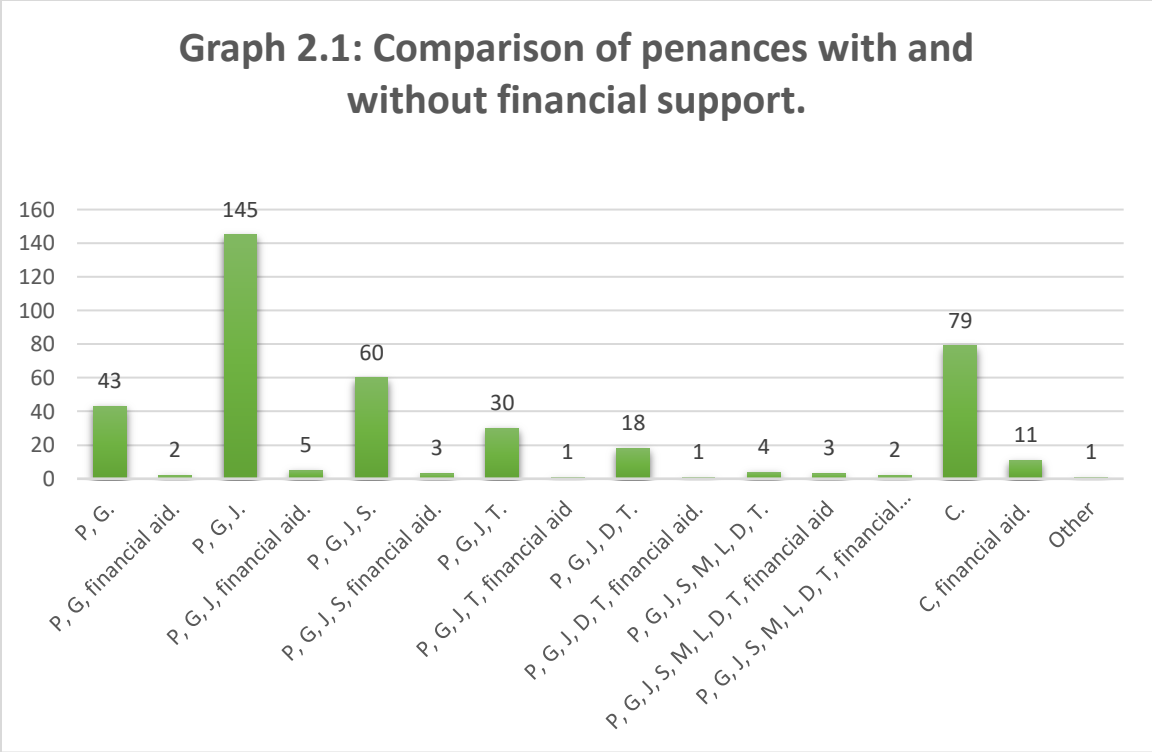
[23] D21. f. 311r.
[24] Taylor, *Heresy, Crusade and Inquisition*, p. 183.
[25] D21. f. 244v**.**
[26] Arnold, *Inquisition and Power*, pp. 83-5; Given, *Inquisition*, p. 90.
[27] 'Dixit quod pro his recepit penitentiam a Fratre Guillelmo de la Cordela', D21. f. 234r.
[28] D21. f. 234r.

notes that neither William Pelhisson nor Bernard Gui make reference to him, indicating they were unaware of the Franciscan.[29] Unfortunately, it is impossible to be certain whether Peter Sellan knew of William of la Cordelle, but the similarity with Petrona of Prestes' deposition indicates that Peter did not believe John's claim of a previous penance. We have already seen that Bernard of Caux and John of Saint-Peter punished deponents who lied more severely, and Petrona's and John's depositions provide evidence to suggest that Peter Sellan acted similarly. Thus, even the early inquisitors, like Peter, were committed to using inquisitorial resources to confirm the accuracy of deponents' confessions. Subsequently, in light of any circumstantial evidence, Peter was flexible during sentencing. This desire to verify the authenticity of depositions will be considered further in chapter three.

2.1.3 Financial Penances

The second type of sentence which demonstrates flexibility in Peter Sellan's punishment is the imposition of financial obligations as penances. Peter ordered a total of twenty-nine deponents to support either a pauper or priest for varying periods, ranging from a year to the rest of their life. Duvernoy suggests that this support would have been provided by giving the parish church the corresponding monies or goods needed to sustain the said pauper or priest.[30] Graph 2.1, below, depicts the imposition of financial aid across the majority of penances with differing severity.

[29] Duvernoy, *L'Inquisition en Quercy*, p. 133.
[30] Duvernoy, *L'Inquisition en Quercy*, p. 24.



P: Le Puy, G: Saint-Gilles, J: Saint-James, S: Saint-Sauveur, M: Saint-Martial, L: Saint-Leonard, D: Saint-Denis, T: Saint-Thomas, C: Constantinople, R: Rome.

This spread indicates the possibility of a deeper purpose behind the use of financial aid as a penance rather than a simple increase in severity. Greater understanding behind this type of penance may be reached by analysing individual circumstances of those who were ordered to provide financial aid as part of their penance. Unlike some penances, there is no link between the date of the depositions and the penance of financial aid. Penances including financial aid are found dispersed throughout the sentences given at Gourdon, in 1241, and Montcuq, Montpezat, and Castelnau-Montratier in 1242. Instead, there are two potential factors which merit investigation, the deponent's economic status, and specific details contained within their testimony.

During the course of Peter Sellan's inquest he obtained confessions from all levels of society, including Quercy's nobility. Apart from recording deponents' names, the

majority of depositions lack details relating to their social status. However, deponents' names often reveal information regarding their residency and if they were a member of the nobility. Subsequently, Taylor has been able to explore the structure of Quercy's families and social networks, to demonstrate the level of support shown for Catharism and Waldensianism during the thirteenth century.[31] A number of deponents ordered to provide financial aid were from Quercy's noble families. For example, Ramona, wife of William of Goulême, was instructed to 'go to Le Puy, Saint-Gilles, Saint-James, and she will support a pauper for a year.'[32] Although Ramona was a Goulême family member, who were lords of Milhac and Concorès, Taylor questions whether they were in possession of their castle and lands due to the fact William's brother had been exiled.[33] At the inquest of Montcuq, Raymond of Montaigu was also told to support a pauper for the rest of his life as well as travel to Constantinople for a year.[34] Hence, whilst a number of nobles had to give financial aid as part of their penance, the majority of such deponents were from lower strata of society, and many nobles who strongly supported heresy received other penances.

For instance, the Pellegri family's depositions demonstrate why social status could not have been the defining reason behind impositions of financial aid. Although the Pellegri family did not have a long history of wealth and status, during the thirteenth century they began to experience an upturn in fortunes and continued to enjoy increasing success well into the fourteenth century.[35] William Pellegri from Gourdon admitted to extensive involvement with Cathars and was ordered to go to Constantinople for three years in addition to supporting a priest for the rest of his

[31] Taylor, *Heresy, Crusade and Inquisition*, pp. 122-82.
[32] 'Ibit ad Podium, Sanctum Egidium, et Sanctum Jacobum, et tenebit pauperem per annun', D21. f. 206v.
[33] Taylor, *Heresy, Crusade and Inquisition*, p. 132.
[34] D21. ff. 216r-v, Taylor, *Heresy, Crusade and Inquisition*, p. 135.
[35] Duvernoy, *L'Inquisition en Quercy*, p. 76; Taylor, *Heresy, Crusade and Inquisition*, p. 154.

life.[36] Two other Pellegris recorded by the register, Peter and Walter, do not have corresponding penances included as part of their depositions, despite their heavy involvement with Catharism.[37] The final Pellegri, Raymond, was ordered to go to Constantinople like William, but only for two years and he did not have to support a priest.[38] Notably, all these Pellegri family members were heavily involved supporting Cathars, but did not receive the same penance. Therefore, in these examples the deponent's social status does not seem to be the defining reason as to why an obligation of financial aid might be attached to a penance. An analysis of the depositions highlights details which may provide an explanation. William's deposition recounts that he 'ate with heretics and accepted the kiss of peace, and they were in his house for part of the night, and he heard their preaching many times and in many houses, and gave them his things, even two of his shirts, and adored them many times.'[39] In contrast, Raymond's deposition states he 'saw heretics often and in many places, and received gloves from them, and adored them many times, and held a heretical book which he read to whomever wanted.'[40]

Both William and Raymond admit to typical acts of heretical support, including participation in Cathar rituals. The key difference between the two depositions is William's decision to provide material aid to the Cathars in the form of clothing. From Peter Sellan's perspective, if a deponent was able to afford to support heretics financially then they should have no trouble providing basic needs for a pauper or priest. The imposition of financial aid as a penance provides an ironic symmetry

[36] D21. ff. 186v-87r.
[37] D21. ff. 187r, 197v.
[38] D21. ff. 211v.
[39] 'Comedit cum hereticis et accepit de panis benedicto et de pace, et fuerunt per patem noctis in domo sua, et audivit predicationem eorum pluries et in multis domibus, et dedit eis de bonis suis et etiam dup tunicula, et pluries adoravit eos', D21. ff. 186v-87r.
[40] 'Vidit hereticos sepe et in multis locis, et recepit ab eis cirothecas, et adoravait eos pluries et tenuit librum hereticorum ubi legebat quicumque volebat', D21. f. 211v.

which cannot have been lost on Peter. It has already been suggested that a number of the pilgrimage sites chosen by Peter were selected for their religious significance against heresy, such as Saint-Leonard. St. Leonard was given credit for the eventual release of Bohemond of Antioch, who had prayed to the Saint after being captured by Muslims.[41] Thus, it is very plausible that Peter believed financial aid to be a fitting punishment for those who supported heretics with their goods or money. Taylor describes the concept employed by Peter as 'the deserving poor.'[42] Andrew Roach's study of the role Cathars played within Languedoc's economy adds further weight to the argument for a specific motivation for imposing financial aid as a penance. Roach demonstrates the importance of financial support for heretics and suggests that holding the supporter's respect was vital to receiving bequests.[43] Therefore, the admission by deponents to the provision of material aid to heretics confirmed the magnitude of their support of heresy to Peter Sellan, and resulted in a speficifc categorization and specific penance. To determine to what extent Peter stuck to the concept of 'the deserving poor', the full scope of different penances which include financial aid must be examined.

By far the most common way in which deponents provided charity to Cathars and Waldensians was the donation of their goods. Na Aymare of Montlauzun gave Waldensians wine, firewood, and flour. Her punishment was to go to Le Puy, Saint-Gilles, Saint-James, and Saint-Sauveur of Asturias and to support a pauper for a year.[44] It appears that Peter Sellan's logic applied to Waldensian supporters as well as Cathar supporters. Many depositions do not always include specific details of the charity given to heretics, and simply state their goods. For instance, Peter of La

[41] Roach, 'Penance', pp. 417-18; Peters, 'Prison before the Prison', pp. 25-6.
[42] Taylor, *Heresy, Crusade and Inquisition*, p. 172.
[43] A. Roach, 'The Cathar economy', *Reading Medieval Studies* 12 (1986), pp. 53-63; A. Roach, *The Devil's World, Heresy and Society 1100*-1300 (Oxon, 2005), pp. 114-20.
[44] D21. f. 222v.

Coste 'saw heretics many times and heard them preaching many times and ate with them and gave them his goods.'[45] Peter's penance was one of the harshest, including eight pilgrimages and the obligation to support a pauper for a year.[46] Equally, providing services for heretics could also result in a penance of financial aid. Stephen of La Combe was probably a cobbler and his deposition states that he admitted to repairing the shoes of some Waldensians. Although he also admitted to hosting three heretics in his house and eating with them, he apparently was not aware that they were Cathars nor could he remember what they ate.[47] It is possible that this support, unwitting or not, contributed to Peter Sellan's decision to impose financial aid as part of Stephen's penance. Stephen was ordered to support a pauper for a year. Yet, many other depositions include references to the hosting of heretics and do not have the same penance.

Additionally, depositions which record the gifting of money to heretics could result in the imposition of the obligation to support a pauper. For example, Adémar Raymond held a sum of money intended for heretics and used it to sustain two heretics for three years. Adémar was ordered to go to Le Puy, Saint-Gilles, Saint-James, Saint-Denis and Saint-Thomas of Canterbury, as well as to support a pauper for the rest of his life.[48] Likewise, Raymond Moulinier's deposition recounts that he returned one hundred shillings to his brother En Roques, but he believed that the money was then given to heretics. As well as going on three pilgrimages, Raymond was told to support a pauper for two years. Although Raymond did not give heretics any money directly, he was still involved in providing charity to heretics, and the sum of money was quite substantial. Raymond's deposition demonstrates that Peter Sellan's

[45] 'Vidit hereticos pluries et audivit predicationem eorum pluries et comedit eis et dedit eis de bonis suis', D21. f. 196v.
[46] D21. f. 196v.
[47] D21. f. 203r.
[48] D21. f. 311r.

definition of what constituted as giving material or financial aid was not rigid and he clearly took circumstantial details into account when deliberating over sentencing.

The most lenient penance to which financial aid was added is Peter of La Chapelle's, who was ordered to go to 'Le Puy, Saint-Gilles, and support a pauper for one year.'[49] Peter's involvement with heresy was extremely limited. He admitted to once consulting the Waldensian Peter of Vals about his wife's illness, who he paid twenty pence for his services and apparently only saw him twice.[50] Bernard of Oulmes also saw Waldensians because of his illness and heard their preaching. Bernard's penance included both pilgrimages to Le Puy and Saint-Gilles, and to support a pauper for a year.[51] Bernard's deposition does not record any payment made to the Waldensian healers, but that does not mean that one was never made, and there is no other plausible explanation for Peter Sellan's decision to impose financial obligations on Bernard.

Similarly, William of Lamothe was ordered to support a pauper for the rest of his life as well as pilgrimages to Le Puy, Saint-Gilles, Saint-James, and Saint-Sauveur of Asturias. William claimed he had seen heretics many times and in many places, and that a heretic had cared for him when he was ill. Once more there is no mention of a payment in the deposition but one was likely, and Peter Sellan must have believed the same. Moreover, William of Favars received one of the most severe penances, a pilgrimage to Constantinople, as well as the obligation to support a pauper for a year. Once more the deposition includes an admission to receiving medical assistance from a Waldensian and no mention of payment.[52] All three depositions resulted in three difference penances, yet all the deponents had to support a pauper.

[49] 'Podium, Sanctum Egidium et pauperem unum per annum', D21. f. 204r.
[50] D21. f. 204r.
[51] D21. f. 205r.
[52] D21. ff. 201v-2r.

This correlation, corroborated by the evidence from Peter of La Chapelle's deposition, strongly suggests that Peter Sellan believed that medical aid provided by Cathars and Waldensians alike was paid for, and so considered akin to material or financial support.

Consequently, an analysis of the sentences including financial aid supports the view that it was not the deponents' social status which influenced Peter Sellan's decision, but instead categorization of their support as financial or material. Nonetheless, the limited nature of the register raises two questions. Why were some financial obligations longer than others, and why did some penitents have to support paupers, and others support priests? Peter Sellan ordered deponents to provide financial support for three different periods of time: one year, two years, or for the rest of their lives. Peter consistently tried to sentence proportionally during his inquest, and the deponents who had the longest financial obligations were the ones most strongly involved with heretical activity. Thus, the use of different legnths of financial obligations supports the view that more frequent association with, or support for, heretics resulted in a more severe penance.

Furthermore, out of the twenty-nine sentences which order financial aid, only three cite a priest as the recipient of the support. The three deponents who received these penances were William Pellegri, Bertrand of Lascroa, and Amalvi of Fénelon, and they all had to sustain the support for the rest of their lives.[53] William Pellegri's social standing has been discussed above, and Bertrand of Lascroa was part of En Roques' social circle, a group of prominent Gourdon townsfolk.[54] Unfortunately, there is no reference to Amalvi of Fénelon's circumstances, which makes it harder to offer a

[53] D21. ff. 186v-7r, 188r, 199r-v.
[54] Duvernoy, *L'Inquisition en Quercy*, p. 76; Taylor, *Heresy, Crusade and Inquisition*, pp. 133, 154, 157-8, 173.

reliable conclusion. Nonetheless, it appears that the more influential deponents were asked to support a priest to publically depict their obedience to the Church. This stance echoes Taylor's suggestion that the obligation to support a priest reflects the lords of Gourdon's pious intentions in their patronage of a new abbey.[55] Throughout Peter's inquest of Quercy, many other deponents admitted to providing heretics some kind of material or financial support, yet the register does not mention a financial penance. As the quantitative analysis of the register strongly suggests that Peter was proportionate in his sentencing, it seems very likely that Peter only imposed financial obligations on those who could afford it, illustrating his pragmatism.

2.1.4 Anomalous Pilgrimage Destinations

Whilst Peter Sellan largely stuck to the same pilgrimage sites as destinations for penances: Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias, Saint-Denis, Saint-Thomas of Canterbury, and Constantinople, there are a few other destinations which were imposed infrequently. The importance of the two pilgrimage sites where only deponents from Gourdon were sent, Saint-Martial of Limoges and Saint-Leonard of Noblat, has already been discussed in chapter one, but Peter's decision to use Rocamadour and Rome as pilgrimage destinations is more puzzling.[56]

A pilgrimage to Rocamadour was imposed upon only two deponents during the whole inquest. At Montcuq, both Arnold Bertrand and Cahorsin Rigaud were ordered to go to Saint-James and also Rocamadour without delay. Arnaud was simply accused of seeing Cathars and Waldensians in En Wilma's house, and Cahorsin's deposition states that he only saw a debate between Cathars and Waldensians.[57] The abbey at

[55] Taylor, *Heresy, Crusade and Inquisition*, p. 223.
[56] See pp. 66-7 for discussion of Saint-Martial and Saint-Leonard.
[57] D21. ff. 225r-v.

Rocamadour had been part of Quercy's religious landscape since its foundation by Bishop Dieudonné of Cahors in 1030. By the twelfth century Rocamadour played an important role in the monastic life of Quercy, even becoming a residence of the bishops of Cahors. Rocamadour's function as a pilgrimage site can be seen as early as the twelfth century, as demonstrated by Henry II of England's own pilgrimage there in 1170.[58] The significance of Rocamadour is further highlighted by the choice to name the 1230s peace league after the village. The Confederation of Rocamadour, which formed during the 1230s, was created with the goal of opposing unlawful violence and heresy, and it defined which powerful families of Quercy were loyal to the Catholic Church. The families recorded by the Rocamadour charter all came from Cahors, Figeac, and Gourdon.[59]

The limited evidence provided by the depositions offers no explanation as to why two seemingly innocuous deponents were given such unique penances. Duvernoy notes that anomalous sentences in the register suggests that Peter Sellan either changed his attitude towards sentencing, or that they were the result of another inquisitor's influence. Moreover, Duvernoy argues that the two sentences are references to a previous penance which could have potentially featured in another register now lost to time.[60] It seems unlikely that the inclusion of Rocamadour signals a change of attitude by Peter, because the inquest at Montcuq was followed by Sauveterre, Beaucaire, Montpezat, Almont, and Castelnau-Montratier. The order to go on pilgrimage to Rocamadour was not repeated, thus the decision to include Rocamadour as part of penances was not a change to Peter's long-term strategy. Whilst it is possible that other inquisitors or external circumstances influenced Peter, it still seems unlikely that the influence would only stretch to two out of the eighty-

[58] Taylor, *Heresy, Crusade and Inquisition*, pp. 48-50, 78.
[59] Léglu, Rist, and Taylor, *The Cathars*, p. 136; Taylor, *Heresy, Crusade and Inquisition*, pp. 103-4, 210-2.
[60] Duvernoy, *L'Inquisition en Quercy*, pp. 113, 117.

four sentences at Montcuq. On the other hand, it is plausible that Rocamadour is a reference to an uncompleted prior penance of the deponents. Peter Sellan's knowledge of previous inquests and deponents' circumstances has already been highlighted, and these depositions support this view further.

Rocamadour was only sixty kilometres north of Cahors, much closer than its distance to any of the towns investigated by Peter Sellan. The bishops of Cahors were clearly involved in the punishment of heresy as evidenced by Wilma of Sapiac's admission to confessing previously to the bishop of Cahors.[61] It is important to remember that although Arnold Bertrand and Cahorsin Rigaud were sentenced by Peter Sellan at Montcuq, the town is only thirty kilometres south-west of Cahors, increasing the chance that they had previously encountered the bishop of Cahors. Indeed, Wilma of Sapiac was sentenced at Montauban, an even longer distance from Cahors, yet she had still confessed to the bishop of Cahors beforehand. Lucy Sackville notes that prior to the start of papal inquests, bishops had become accustomed to imposing penances and that they even had influence beyond their diocese. Episcopal inquests continued in parallel to Dominican inquests, and Sackville suggests that bishops would have provided an advisory role to inquisitors.[62] Hence, it is likely that the pilgrimage to Rocamadour was imposed by the bishop of Cahors.

In the case of Rome, only two deponents received this pilgrimage from Peter Sellan. Wilma of Sapiac's past as a heretic and relapsed supporter have already been examined, and her unique position in the register helps offer a reason why Peter sent her to Rome.[63] The second of these deponents was priest, Arnold of La Roque. Arnold's deposition states that 'he saw heretics in a vineyard and read their book,

[61] D21. ff. 240v-1r.
[62] L. Sackville, 'Inquisition and the episcopate', *The Origins of Inquisition Conference Doat Conference 2016* (York, forthcoming).
[63] D21. ff. 240v-1r.

and ate pears with them.'[64] Consequently, Peter Sellan suspended Arnold from his office and ordered him to go to Saint-James and Rome. It has already been suggested that Arnold's position as a priest potentially resulted in a particularly harsh penance despite his relatively limited involvement with heretics. Indeed, the order to travel to Rome may have been directly linked to his suspension from the priesthood. It is possible that the reason Arnold was sent to Rome was to seek absolution from the pope in order to be reinstated as a priest. Consequently, Arnold would have had to petition the Papal Penitentiary, the highest office in the Western Church with the authority to forgive sins.[65]

Detailed records of the Papal Penitentiary only survive for the fifteenth century onwards, yet the papal office emerged during the thirteenth century in response to the growing importance placed upon absolution.[66] Arnold's deposition states that he was to carry a letter to Rome.[67] Although it was common practice for penitents to carry letters of testimony to prove they had completed their penances, this detail is not normally included in Peter's register. Hence, it seems possible that the letter's purpose was to act as a letter of supplication,[68] to be given to the office of the penitentiary upon Arnold's arrival in Rome. In addition, Arnold's abuse of his position as a priest is further compounded by the actions of his family, of whom he must

[64] 'Venit ad hereticos ad quondam vineam et legit in libro hereticorum et comedit pira cum eis', D21. f. 310v.
[65] P. D. Clarke, 'The Records of the Papal Penitentiary as a source for the Ecclesiastical Interdict', in ed. A. Meyer, Päpste, Pilger, Pönitentiarie: Festschrift für Ludwig Schmugge zum 65 Geburstag (Tübingen, 2004), p. 411, Clarke discussed a number of examples from the fifteenth century in which priests used the penitentiary as a court of appeal, pp. 432-3; D. Clarke, 'Between Avignon and Rome: minor penitentiaries at the papal curia in the thirteenth and fourteenth centuries', *Rivista di storia della Chiesa in Italia*, 63 (2009), pp. 455-510.
[66] C. H. Haskins, 'The sources for the history of the papal penitentiary', *The American Journal of Theology*, 9 (1905), pp. 421-4; J. Neralić*, 'Central Europe and the Late Medieval Papal Chancery', in ed.* G. J. Taritz, *Long Arm of Papal Authority in Late Medieval Christian Peripheries and their communication with the Holy See*, 2nd edn. (New York, 2005), pp. 73-4*;* T. Jorgensen, 'The reality of life and the order of canon law', in ed. A. Firey, *A New History of Penance* (Leiden, 2008), pp. 325-8.
[67] D21. f. 310v.
[68] Jorgensen, 'The reality of life', p. 327.

have been aware. At least five other members of the La Roque family from both Montcuq and Montauban were interrogated by Peter Sellan, all admitting to varying levels of involvement with Cathars and Waldensians.[69] Peter would have almost certainly asked Arnold questions about the involvement of friends and family, as is evidenced by the rest of the register. Unless the answers were simply not included in the summaries recorded in the register, Arnold chose to hold back information. Although, Arnold's deposition might suggest he had limited involvement with heresy, the choice to omit information about his family's involvement would have made him even guiltier in Peter's eyes. Once more, Peter's decision to consider deponents' circumstances when determining appropriate penances portrays a nuanced attitude towards sentencing.

Nevertheless, Peter Sellan did not impose the same penance on all the clergymen he interrogated. The register records depositions given by three other priests; Bernard of Balat, Durant Troulhier, and Francis.[70] Bernard of Balat's deposition is one of the register's shortest, and simply states that he 'saw heretics many times in Mazerac, who spoke to him.'[71] For his penance Bernard was ordered to go to Le Puy, Saint-Gilles and Saint-James. The deposition depicts Bernard's interaction with the heretics as passive, and does not include any detail of the conversation. Yet, Peter Sellan imposed a harsher penance than those who confessed to greater involvement with heresy. Durant Troulhier also received the relatively harsh penance of Le Puy, Saint-Gilles, and Saint-James for his association with Waldensians. Although he did admit to hearing them preaching, his only other contact was due to medical assistance received by Durant's sick brother at the hands of two Waldensians.[72] These examples

[69] Taylor, *Heresy, Crusade and Inquisition*, p. 158; D21. ff. 22v, 219r-v, 226v, 231v-2r, 273r, 310r.
[70] D21. ff. 219v-20r, 244r-v, 308v.
[71] 'Vidit hereticos pluries in Mazeraco, qui locunti sunt ei', D21. f. 308v.
[72] D21. ff. 244r-v.

raise the possibility that Bernard and Durant were punished more severely because they were priests, and like Arnold of La Roque, held to a higher standard by the inquisitor.

On the other hand, the priest of Montcuq, Francis, received no penance despite admitting to extensive support of Cathars and Waldensians. The deposition states that Francis admitted to: assisting a debate between Cathars and Waldensians; escorting prominent heretics such as Vigouroux of la Baconne; bringing food to them; eating with them; transporting a book and money; seeing Waldensians preaching publically at Montcuq; and believing that the Cathars were good people. Moreover, the declaration that the confession was given outside of the grace period should have resulted in a more severe penance.[73] This dilemma raised by the lack of Francis' penance has been considered by Taylor whose analysis explains the absence of penances for a number of other deponents too. In total, Taylor highlights ten deponents who seemingly escaped punishment: Peter and Walter Pellegri of Gourdon; Na Aurimonde of Saint-Paul of Moissac; Bertrand and Fortanier of Gourdon; four members of the Foucaults from Montauban; and Francis of Montcuq. Francis of Montcuq's social status is unknown but the one factor that links the other nine deponents is their elite status: Na Aurimonde's family was the most powerful at Moissac; the Pellegri were increasingly on the rise at Gourdon; the lords of Gourdon were the most significant lords in all of Quercy; and the Foucaults were members of Montauban's elite.[74]

However, Taylor argues that their escape from sentencing cannot have been due to their social status because many other prominent Quercy nobles did receive penances. Instead, William of Gourdon of Salviac's gift of land and corresponding

[73] D21. ff. 219v-20r.
[74] Taylor, *Heresy, Crusade and Inquisition*, pp. 190, 220; D21. ff. 186r-v, 199v, 219v-20r, 290r-v.

rights near Léobard and Salviac to the abbey of Obazine allowed the lords of Gourdon to rescue their reputation. William's intention was to establish and support a new abbey there, and construction of Our Lady of Gourdon, or more commonly 'L'Abbaye Nouvelle', was finally completed around 1280. William made this offer on 7 March 1242, so the absence of a penance in the register must indicate that this intervention occurred in-between the trial and the register's creation. Taylor suggests that it is very possible that the other deponents who avoided penances could have cut similar deals with Peter Sellan.[75] Indeed, Jörg Feuchter has shown that the elite families from Montauban were able to commute their sentences in return for renovating and expanding the local church; Arnold Folcaut is listed as the primary contractor for the work.[76]

The deals made with inquisitors were not bribes though, the sentences were rescinded with the intention that the guilty parties return to orthodoxy, and the abbey served as a guarantor of their future behaviour. It is true penances were intended to illicit change in those who were sentenced to them, but ensuring continued adherence to orthodoxy was clearly a concern of inquisitors. Having families tied to good Catholic practice, such as William of Gourdon, meant continued support for the Catholic Church from the top levels of society. The backing of the secular elite would help control the rest of the town, and Peter Sellan's pragmatism would have prompted him to secure the support of the elite families from all the towns he investigated during the course of the inquest.[77] The Church and papacy's stance on the kind of flexibility shown by Peter Sellan towards sentencing will be considered later in the chapter.

[75] Taylor, *Heresy, Crusade and Inquisition*, pp. 220-1.
[76] Feuchter, 'Le pouvoir', pp. 245-50.
[77] Taylor, *Heresy, Crusade and Inquisition*, pp. 222-3.

2.2 Bernard of Caux and John of Saint-Peter

Bernard of Caux and John of Saint-Peter's flexible attitude towards sentencing has already been noted in chapter one, but the inquisitors applied this rationale to a far greater range of circumstances than relapsed supporters. Firstly, the inquisitors' approach to the period of grace will be examined to determine if this was a consideration when deciding a deponent's penance. Secondly, the manner in which Bernard and John punished actual heretics will be analysed. Next, the reasons why some of the deponents were sentenced to specific lengths of time instead of perpetual imprisonment will be investigated. Finally, the anomalous depositions which highlight the inquisitors' flexibility to its fullest will be considered, and the reasoning behind the corresponding penances scrutinized.

2.2.1 Periods of Grace

Bernard of Caux and John of Saint-Peter's use of the period of grace is echoed by the guidance offered in the *Ordo Processus*: 'if, within the time which has been assigned, they came of their own accord, as penitents to tell the pure and full truth about themselves and all others. This is called the period of grace or indulgences'.[78] In the list of sentences contained within MS. 9992, a partial record of Bernard and John's sentences from 1246 to 1248, there are seven instances in which depositions mention that the deponent did not come forward during the prescribed grace period. For example, Lombarda of Cossas's deposition states that she 'saw and adored heretics, was present at the heretication of a person, and did not come before other inquisitors during the grace period.'[79] Due to Lombarda's failure to respond to a

[78] 'Si, infra tempus assignatum, sponte venientes et penitents tam de se quam de aliis puram et plenam dixerint veritatem. Quod et tempus gratie sive indulgentie appellamus', Tardif, *'*Documents'*,* p. 671.
[79] 'Vidit et adoravit hereticos, hereticationi cujusdam persone interfuit, et non venit tempore gratie coram aliis inquisitoribus', Douais, *Documents*, XVIII, p. 45.

previous inquest's call for confessions, Bernard and Peter sentenced her to perpetual imprisonment. Lombarda may have told the truth to Bernard and John during her confession on 18 August 1247, but her reluctance to come forward before must have made the inquisitors suspicious. Similarly, on the same day, Maria was sentenced to perpetual imprisonment due to confessing that she 'saw and adored multiple heretics, heard their preaching many times, received them, ate with them, gave them her things, accepted the kiss of peace from them, believed them to be good people, was present at an *apparellamentum* and heretication…and did not come before other inquisitors during the grace period.'[80] Like Lombarda, Maria's deposition is quite typical of confessions in MS. 9992. Therefore, the rationale behind imposing the penance of perpetual imprisonment must be Maria's decision to ignore inquisitors previously. The five other depositions which state that the deponent had previously avoided confessing during the grace period all record the same punishment of perpetual imprisonment.[81]

2.2.2 Penances Imposed upon Heretics

Secondly, although chapter one considered the treatment of the deponents who were declared heretics due to their unrelenting stubbornness or absence from court, Bernard and John also imposed penances on deponents who were accused of being a heretic during their lifetime. Interestingly, Sackville notes that although the cardinal legate, Peter Collemieu, ordered that inquests should focus on capturing heretics, no tangible action was taken.[82] Wilma of Vivarier was one of the two deponents who had been a heretic and she received perpetual imprisonment as her penance. The reason

[80] 'Vidit et adoravit multociens hereticos, predicationem eorum audivit multociens, receptavit eos, comedit cum eis, dedit eis de suo, accepit pacem ab eis, credidit eos esse bonos homines, aparellamentis hereticorum interfuit... et non venit tempore gratie coram aliis inquisitoribus', Douais, *Documents*, XVIII, p. 45.
[81] Douais, *Documents*, XVIII, XX, XXVII, pp. 45, 51-2, 60-1.
[82] Sackville, *Heresy and Heretics*, pp. 116, 121; Dossat, *Les Crises*, pp. 348-9.

for this seems to be the fact that 'she had only been a heretic for three years, but after reconciliation she saw heretics and adored them many times in her home.'[83] Previously, Wilma had managed to avoid being burnt as a heretic, almost certainly by renouncing heresy and converting to Catholicism. Although the deposition does not specify which inquest or inquisitors Wilma had previously encountered, this is evidence that even heretics were given a chance to repent and return to orthodoxy. Wilma's punishment was the same as the penances imposed by Bernard and John upon relapsed supporters. The inquisitors' approach to punishing relapsed heretics who were repentant is in line with the nineteenth canon of the Provincial Council of Béziers, 1246, which states that the papacy commanded such penitents to be perpetually imprisoned.[84] Wilma's penance demonstrates the Church's reluctance to relinquish anybody to the secular arm unless absolutely necessary.

Similarly, the testimony given by Algaé, wife of Francis of Lobenx, states that 'she had been clothed as a heretic for many years, and supported the heretical sect until she was captured'.[85] As in the case of Wilma, Bernard and John also only imposed perpetual imprisonment on Algaé even though the deposition indicates that she had been fairly obstinate in her behaviour. Only Algaé's abjuration prevented her from receiving a worse punishment. It is impossible to determine whether she was sincere in her reconciliation, unlike so many other supporters found in the register, but Algaé must have been aware that Bernard and John were willing to give people a second chance.[86] In their treatment of heretics, active or relapsed, Bernard and John chose to act relatively leniently when deciding on a suitable penance. In this way the two

[83] 'Willelma de Vivariis fuit heretica Induta per tres annos et, post reconciliationem suam, vidit hereticos et adoravit eos pluries in domo sua', Douais, *Documents*, p. 19.
[84] Mansi, vol. 23, c. 20, col. 719.
[85]'Fuit heretica induta per plures annos et tenuit sectam hereticorum quousque fuit capta', Douais, *Documents*, VIII, p. 28.
[86] Douais, *Documents*, VIII, p. 29.

inquisitors acted similarly to Peter Sellan, the only difference being that Peter believed pilgrimage was a more suitable penance, whilst Bernard and John were influenced by the papacy's instruction at a later date.

2.2.3 Socio-Political Circumstances

For seven deponents guilty of supporting heresy, instead of receiving a penance of perpetual imprisonment, the inquisitors ordered them to remain in prison for a specific length of time. Vitalis of Salas; Fabrisse wife, of Peter Marchesi of Toulouse; William Arcmand of Toulouse; Raymond of Puy; Bernard Durand; and Bernard of Ecclesia of Hodarcio were all sentenced to ten years in prison.[87] The sentences state that they must 'enter into the prison house, and stay there for ten years, to complete the penance for the crime of heresy.'[88] Importantly, the depositions for these six deponents seem to indicate that this was the first time any of them had confessed to a bishop or inquisitor. It is possible that Bernard of Caux and John of Saint-Peter were simply unaware of any previous confessions, but the inquisitors could only make their decisions based on the information they possessed.

In comparison to Peter Sellan's punishment of similar examples, ten years in prison is arguably much harsher. Nonetheless, the socio-political circumstances surrounding Bernard and John's inquest at Toulouse were different compared to Peter's at Quercy. Bad sentiment against inquisitors had reached a climax in 1242 when Dominican William Arnold and Franciscan Stephen of Saint-Thibéry were killed at Avignonet.[89] Undoubtedly, the murders influenced Bernard and John's decision-making as demonstrated by the change from itinerate inquisition to stationary

[87] Douais, *Documents*, II, pp. 6-7.
[88] 'Quod intrent domum carceris, ibidem per X annos moraturi, ad penitentiam pro crimine heresis peragendam', Douais, *Documents*, II, p. 7.
[89] Barber, *The Cathars*, pp. 154-5.

inquests. Arguably this anxiety extended to their attitude towards punishing heresy. The register contains many examples of deponents who had relapsed after being given a second chance. By sentencing first time offenders to imprisonment the inquisitors may have believed there was a greater chance the reconciliation would be upheld, and certainly any future hostility would be diminished.

On the other hand, the seventh deponent with a temporary prison sentence, Titborxs, wife of Pons of Gamevilla, was sentenced for the longest specified period; fifteen years. Interestingly, unlike the other six deponents, Titborxs had relapsed since abjuring heresy previously, admitting that 'after making a confession of heresy, and abjuring heresy before the inquisitors, she knowingly saw heretics in her house a few years before'.[90] To an extent this explains why she received an additional five years in comparison to the others, but in juxtaposition to the one hundred and thirty people condemned by Bernard of Caux and John of Saint-Peter to perpetual imprisonment for a similar offence, Titborxs appears to be extremely fortunate. The most obvious explanation for this unique example is the status of the family into which Titborxs was married, the Gamevillas. John Hine Mundy's detailed research into the families of Toulouse reveals that the Gamevillas were part of the upper strata of society at Toulouse and that some of the family members had even been supporters.[91] There are a number of precedents of powerful families making deals with inquisitors to reduce or remove penances, as discussed above regarding Peter Sellan's inquest at Quercy.[92] Therefore, the relatively powerful position of the Gamevillas in Toulouse resulted in Titborxs receiving preferential treatment.

[90] 'Post confessionem de heresy factam et heresim abjuratam coram inquisitoribus, ipsam hereticos in domo sua a paucis annis citra scienter vidisse', Douais, *Documents*, p. 6.
[91] J. H. Mundy, *The Repression of Catharism at Toulouse* (Toronto, 1985), pp. 221-5.
[92] Feuchter, 'Le pouvoir', p. 253; Taylor, *Heresy, Crusade and Inquisition*, p. 234.

Finally, the register contains a number of anomalous examples which help shed light on Bernard of Caux and John of Saint-Peter's decision-making. Raymond Sabatier was a relapsed supporter and was found to have lied and concealed information from Bernard of Caux and John of Saint-Peter. However, he was not sentenced to perpetual imprisonment like most other people accused of similar crimes. Instead the deposition states 'we grant licence to Raymond Sabatier that he may stay with his Catholic father because he is poor and sick.'[93] This reprieve came at the cost of two stipulations though, the inquisitors ordered Raymond to wear crosses on his clothes and look after his father.[94] Clearly, Bernard and John were willing to acknowledge and ultimately accept Raymond's specific circumstances. By doing so the inquisitors showed a degree of sympathy and leniency towards Raymond, and more likely his father. The imposition of crosses would have still ensured that Raymond and his community did not easily forget his transgressions, the social implications of which will be explored further in chapter three.

Likewise, Joanna, widow of Bernard of Latour, and nun of Lespinasse, was accused of not telling the inquisitors the full and honest truth. In Joanna's case, instead of being condemned to perpetual imprisonment she was ordered to remain in isolation at the Convent of Lespinasse.[95] Bernard and John's choice of penance is reminiscent of the kind of penance given to sinful monks, and Joanna's position as a nun was the reason why the inquisitors decided upon a unique penance in this instance.[96] Additionally, Malcom Barber believes that Bernard of Latour had probably been a

[93] 'Damus tamen licenciam Raimundo Sabbaterii quod maneat cum patre suo, qui valitudinarius est et catholicus et pauper, ut dicitur, quamdiu vixerit pater suus…provideat sicut poterit patri suo', Douais, *Documents*, p. 10.
[94] Douais, *Documents*, p. 10.
[95] Douais, *Documents*, p. 31.
[96] Mansfield, *The Humiliation of Sinners,* p. 66; Caldwell Ames, *Righteous Persecution*, p. 175.

consul of Toulouse.[97] So although her husband was deceased at the time of her deposition, Joanna was still a member of a fairly powerful family, and this socio-political influence could have been another factor which the inquisitors considered. The prioress' duty to provide for Joanna in her isolation reflects the inquisitors' belief that it was partially the prioress' fault for letting one of her nuns stray from orthodoxy in the first place.

However, the potential for a deponent's socio-political status to affect their sentence is most clearly demonstrated by the life of Alan of Roaix. The Roaix family had been a notable and powerful family of Toulouse since its early history.[98] The importance of Alan's family is portrayed by the witnesses who attended his confession, including the bishop of Toulouse and the count of Toulouse.[99] Significantly, many members of the family were also key figures in Toulouse's heretical community, and three other family members are represented in MS. 9992; Peter, Stephen, and Joanna, Alan's wife.[100] Bernard of Caux and John of Saint-Peter were well aware of Alan's extensive support of Catharism and knew that he had previously confessed to William Arnold and Stephen of Saint-Thibéry. The details contained within Alan's deposition suggest that he was one of the most deeply implicated deponents interrogated by the inquisitors.[101] Nonetheless, Bernard and John still chose to limit Alan's sentence to perpetual imprisonment. Interestingly, unlike many of the other penances of imprisonment in MS. 9992, the deposition names the location of the prison in which Alan was to be held, the prison at Saint-Stephen, and adds that 'he will stay at the

[97] Barber, *The Cathars*, p. 170; J. Mundy, *Liberty and political power in Toulouse 1050-1230* (New York, 1954), p. 10.
[98] Mundy, *Liberty and political power*, pp. 10, 62.
[99] Douais, *Documents*. p. 72.
[100] Douais, *Documents*. pp. 2, 16, 26, 69-72. Douais, *Documents*, p. 69.
[101] Douais, *Documents*, p. 71.

same place without interruption to complete the aforesaid penance.'[102] In addition to this, the inquisitors ordered Alan to pay fifty *solidi* to Pons, the companion of Raymond Scriptor, who had been killed at Avignonet in 1242. Alan was also meant to reimburse the Knights Hospitallers for a robbery and damages he had committed against them.[103] Whilst it is true that Bernard of Caux and John of Saint-Peter also imposed perpetual imprisonment on all the other relapsed supporters, Alan of Roaix was a particularly important deponent who had clearly committed offences outside the realm of heresy. It seems likely that it was Alan's socio-political position within the community at Toulouse that prevented the penance from being harsher. The inquisitors' order to provide financial aid to Pons can be compared to Peter Sellan's imposition of financial obligations on William Pellegri of Gourdon.

The last example of inquisitorial flexibility in MS. 9992 is found in Peter Esquivat's deposition. However, in this instance the inquisitors in question are not Bernard and John, but William Arnold and Stephen of Saint-Thibéry. The deposition states that Peter Esquivat admitted to confessing previously to William and Stephen and since that confession Peter had continued to support Catharism and was involved with heretics. Significantly this deposition is unique to the register in that it mentions the penance imposed on Peter by William and Stephen, it states that 'he was to receive the penance of perpetual imprisonment or exile.'[104] The deposition does not include which option was finally settled upon, although the fact Peter was still in Toulouse in the 1240s suggests it was not exile. Therefore, William Arnold and Stephen of Saint-Thibéry were not as lenient as Bernard of Caux and John of Saint-Peter. The former were willing to impose perpetual imprisonment on guilty deponents for their first

[102] 'Ibidem perpetuo moraturus ad peragendam penitentiam pro predicits', Douais, *Documents*, XXXIV, p. 72.
[103] Douais, *Documents*, XXXIV, p. 72.
[104] 'Ad recipiendam penitentiam perpetui carceris vel exilii', Douais, *Documents*, V, p. 17.

offences, whilst the later only sentenced remorseful deponents to a specified length of time in prison and saved perpetual imprisonment for those who had relapsed. Moreover, this supports the view that deponents were able to negotiate the form of their penance. We have already seen that Peter Sellan was willing to broker a deal with penitents in Quercy, so it is possible other inquisitors were as well. This is not to say that deponents were given a direct choice by inquisitors, but that their circumstances were taken into account. Indeed, the various examples above support the view that Bernard and John actively considered any circumstantial factors relating to each deponent before deciding on a suitable penance.

2.3 Brother Ferrer

Even though evidence of sentencing by Brother Ferrer is sparse in comparison to other early papal inquisitors, Ferrer was actually the first Dominican to assume inquisitorial duties in Languedoc. His career was launched as early as 1229 when the archbishop of Narbonne asked Ferrer to commence inquisition in his diocese. Ferrer's role as inquisitor would later be affirmed by the pope's authority. Eventually tensions in Narbonne reached breaking point and civic unrest in 1235 forced Ferrer to leave the town and travel to Elne.[105] This hostility has led Charles Delpoux to suggest that Ferrer's zealous attitude as an inquisitor was the reason why Narbonne's population rose up against him.[106] However, Richard Emery argues that these tensions were not directly related to heresy. The bourg of Narbonne was constantly at odds with the authority of the archbishop and this contributed to the unpopularity of Ferrer's work. Emery links the absence of hostility after 1245 with the resumption of good relations between the archbishop and bourg. Peaceful association between the two parties was possible due to a decline in the archbishop's secular power, meaning he no longer

[105] Wakefield, 'Friar Ferrier, inquisitor', p. 35.
[106] Delpoux, 'L'Inquisition à Narbonne', p. 29.

posed a threat to the authority of the bourg. Although Emery concedes that support of heresy may have been a motivating factor for some of the protesters in 1235, he argues that without the bourg's political concerns serious opposition to Ferrer would have been impossible.[107] Due to the long and varied nature of Ferrer's career an examination of his extant sentences provides a unique insight into the development of the post-interrogation and judicial procedures during the 1230s and 1240s.

In 1237 Ferrer returned to Languedoc and settled upon Caunes as his new base of operations from which he continued to root out heresy until the murder of William Arnold and Stephen of Saint-Thibéry in May 1242. Like Bernard of Caux and John of Saint-Peter, the assassinations resulted in Ferrer assuming new and far greater responsibilities. Whilst Bernard and John were only responsible for the diocese of Toulouse, Ferrer and his colleague William Raymond were tasked with the dioceses of Narbonne, Béziers, Carcassonne, Albi, and Elne. In 1244 Ferrer finally retired from his position of inquisitor and became the prior of the Dominican convents at Carcassonne and Béziers. The former inquisitor died at Perpignan, but the date of his death is unknown.[108] Walter Wakefield has surveyed Ferrer's career, but the inquisitor's decision-making regarding sentencing has not been fully explored.[109] Consequently, it is important to analyse Ferrer's punishment of heresy across his career with respect to the changing socio-political circumstances he faced, and in comparison to the careers of his colleagues.

[107] R. W. Emery, Heresy and Inquisition at Narbonne (New York, 1941), pp. 101-2.
[108] Wakefield, 'Friar Ferrier, inquisitor', pp. 35-6.
[109] Wakefield, 'Friar Ferrier, inquisitor', pp. 33-41.

2.3.1 Protests against Sentences

The debate regarding Ferrer's personal contribution to the unrest at Narbonne raises the question: what kind of inquisitor was Ferrer? Was Ferrer an unforgiving inquisitor, who sentenced deponents against due process, or did he in fact attempt to be pragmatic and flexible when imposing penances? Although evidence of Ferrer sentencing deponents is fragmentary, the instances in which recorded sentences still survive provide indications of his attitude towards punishing heresy. None of Ferrer's potential sentences made at Narbonne in the 1230s are extant, but the catalyst for an uprising in 1234 was Ferrer's arrest of an alleged Cathar in the bourg and attempt to confiscate the suspect's property.[110] The consuls of the bourg of Narbonne accused Ferrer of not following correct procedure, seizing property illegally, and imprisoning people without sentencing them.[111] Hence, no later than 1234 Ferrer confiscated the property of people he believed to be heretics. Confessions made to Bernard of Caux between 1245 and 1246 also state that a number of heretics were burned by Ferrer during 1243.[112]

There is also circumstantial evidence in depositions made in 1253 of deponents who Ferrer released to the secular arm at Albi between 1230 and 1245, after confiscating their property.[113] Significantly, Ferrer also had a very poor relationship with Count Raymond of Toulouse whom he excommunicated in 1242 for preventing the sentencing of a number of his knights.[114] Subsequently, Raymond accused Ferrer of abusing his power in excommunicating him and Raymond attempted to persuade

[110] Emery, Heresy and Inquisition, pp. 73-93; Wakefield, 'Friar Ferrier, inquisitor', p. 35.
[111] Vidal, *Un inquisiteur jug*é, p. 14; Wakefield, 'Friar Ferrier, inquisitor', p. 38.
[112] MS. 609. ff. 47r, 73r, 117r, 121v.
[113] Wakefield, 'Friar Ferrier, inquisitor', p. 36; J. L. Biget, 'L'extinction du Catharisme urbain: les points chauds de la repression', *Cahiers de Fanjeux*, 20 (Toulouse, 1985) p. 311.
[114] HGL, vol. 8, cols. 1143-4.

Innocent IV to suspend inquisition once more.[115] Whilst the pope denied Raymond's request to halt inquisition in Languedoc he did lift Raymond's excommunication, but instructed his legates to assist inquisitors in their work more thoroughly.[116]

Furthermore, Ferrer continued a similar trend during his inquest at Elne, imprisoning Raymond of Mailloles and his wife, as well as confiscating their property. This penance is not recorded in a register similar to Peter Sellan's or Bernard of Caux's, but in an appeal to Pope Gregory IX against Ferrer's sentence. Raymond argued that Ferrer had only condemned them due to false testimony given by other witnesses. Consequently, they were temporarily released from prison in 1241 and given back their property. Interestingly, after receiving fresh evidence from the archbishop of Elne in 1244, the pope ordered the couple to be condemned once more.[117] It is impossible to determine in hindsight whether Raymond and his wife were truly guilty in the first instance. Nonetheless, the appeal highlights the way in which deponents could attempt to resist inquisitors' efforts and their success portrays the limited power of early inquests. Ferrer's earlier activity in Narbonne clearly resulted in the formation of an infamous reputation, deservedly or not, and some deponents used this knowledge to their advantage.

Records of Ferrer's time spent investigating at Caunes are also very limited, with no extant inquisitorial documents. Yet, evidence of Ferrer imposing imprisonment and confiscation of property on a number of deponents between 1237 and 1240 can be found in petitions to the French king from 1258 to 1260. In particular, Ferrer sentenced twenty men to imprisonment at the royal prison at Carcassonne, who escaped in 1240 sometime before Raymond of Trencavel's failed attack on the city.

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[115] M. Roquebert, *Les Cathares, De la chute de Montségur aux derniers bûchers 1244-1329* (Toulouse, 1998), pp. 80-3.
[116] HGL, vol. 8, cols. 1142-4, 1145-6; Roquebert, *De la chute*, pp. 82-4.
[117] Wakefield, 'Friar Ferrier, inquisitor', pp. 35, 40.

Wakefield suggests the inquisitorial documents recording the original trial were likely burned when a number of registers were stolen at the same time that a number of inquisitor agents were assassinated in 1247.[118] Moreover, there are records of another thirty-nine cases in which people made complaints to royal officials, five of which resulted in Ferrer's original decision being changed.[119] The large number of deponents who contested Ferrer's judgement casts doubt over Ferrer's use of his inquisitorial powers, and emphasizes his unpopularity with the communities of Languedoc. Yet, one must not forget that only five of these examples actually resulted in Ferrer's decision being reversed. Although Ferrer seems to have made mistakes in his application of inquisitorial powers, the extent of any abuse seems to have been exaggerated by contemporaries. In addition, at the start of Ferrer's career the inquisitorial judicial and legal frameworks were inadequate, leaving inquisitors like Ferrer to adapt as the procedure was developed alongside, and in response to, their experiences.

2.3.2 Extent of Inquisitorial Activity

The Doat Collection holds eighty-five depositions from Ferrer's time as inquisitor of Narbonne, Béziers, Carcassonne, Albi, and Elne between 1242 and 1244, two of which are actually from 1237 and 1238.[120] In addition, a damaged fragment of a register records at least fourteen requests for reconciliation made to Ferrer and Peter Durand at Limoux between July and August 1243.[121] Furthermore, at Castres on 16 August 1243, Ferrer and Pons Gary imposed penances of perpetual imprisonment on fourteen people, and on 30 August the inquisitors ordered the bones of a declared

[118] Wakefield, 'Friar Ferrier, inquisition at Caunes', p. 221; Wakefield, 'Friar Ferrier, inquisitor', p. 36.
[119] Wakefield, 'Friar Ferrier, inquisitor', p. 36; Wakefield, 'Friar Ferrier, inquisition at Caunes', p. 233
[120] D22. f. 108, D23, D24. ff. 1-237.
[121] J. Duvernoy, 'Confirmation d'aveux devant les inquisiteurs Ferrier et Pons Gary', *Heresis,* 1 (1983), pp. 9-23. This article contains a transcription of the fragment.

heretic to be exhumed.[122] However, Wakefield notes that the extant registers are incomplete, and that the total number of people deposed was certainly far higher, probably around seven hundred. Importantly, Wakefield cites references to Ferrer from subsequent inquests. Between 1245 and 1246, at least three hundred and fifty people confessed to Bernard of Caux and John of Saint-Peter that they had previously been interrogated by Ferrer.[123] Célestin Douais has tabulated a further two hundred and thirty-nine confessions made to Ferrer at Conques, Limoux and Saissac.[124] Between 1250 and 1253, another twenty people admitted to the bishop of Carcassonne that they had previously confessed to Ferrer, and a further three admissions were made between 1273 and 1274.[125]

Finally, historians have debated the extent of Ferrer's involvement in the events following the siege of Montségur in 1244. As part of their terms of surrender the besieged residents of the mountain stronghold were given the opportunity to repent and convert to Catholicism. Nonetheless, around two hundred and fifteen people refused to recant their heresy and were burned.[126] Zoe Oldenbourg has suggested that Ferrer and Durand attended the truce following the siege of Montségur and played a role in the execution of the unrepentant heretics and their supporters.[127] On the other hand, Michel Roquebert notes that whilst one might think it appropriate for inquisitors to have been present at Montségur, there were no interrogations, trials or judgements prior to the executions. As a result Roquebert suggests that the events at Montségur were comparable to the actions of the Albigensian Crusade and that

[122] D21. ff. 313-23.
[123] Wakefield, 'Friar Ferrier, inquisitor', p. 36.
[124] Dossat, *Les Crises*, p. 224.
[125] Wakefield, 'Friar Ferrier, inquisitor', p. 36; Douais, *Documents*, pp. 245-99; D24. ff. 246-8, D25. ff. 35-6, 193-5.
[126] Y. Dossat, 'Le bûcher de Montségur et les bûchers de l'inquistion', *Cahiers de Fanjeaux*, 6 (Toulouse, 1971), p. 368; Wakefield, 'Friar Ferrier, inquisitor', p. 36.
[127] Z. Oldenbourg, *Massacre at Montségur,* trans. P. Green (London, 1961), pp. 361-2.

inquisitors would not have been at the siege itself.[128] Although Oldenbourg believed that the absence of standard inquisitorial procedure was due to the inquisitors' belief that the besieged defenders did not merit interrogation, this view is greatly undermined by her perception of the inquisition as a corrupt instrument of terrorization.[129]

Nonetheless, whilst Ferrer may not have been at Montségur, he did interrogate eighteen of its survivors during his inquests at Limoux, Saissac and Conques. Yet, Ferrer and Durand's movements in the months prior to and after the siege suggest that a formal court was not set up at Montségur.[130] In addition, Roquebert notes it is possible that Ferrer was involved in the trial and execution of Alice Raseire, a heretic from Montségur who had survived the siege, but was taken to her former home of Bram to face her punishment.[131] Thus, the evidence suggests that Ferrer was a strict inquisitor, in that he imposed some of the most severe penances possible on many of the deponents who confessed to him. The inquisitor's zeal clearly contributed to the bad reputation Ferrer garnered and many complaints were made against him.

On the other hand, there are many examples which provide evidence to support the opinion that despite contemporary hostility towards Ferrer, the inquisitor tried to ensure that people were treated appropriately, in line with the canons of the Church and the orders of the pope. For instance, in 1245 during Bernard of Caux and John of Saint-Peter's inquest at Toulouse, two sisters, Ramona and Florence, were deposed and revealed that they had confessed to Ferrer sixteen years earlier during his inquest at Narbonne. Ramona's deposition states 'then Brother Ferrer who was then

[128] Roquebert, *De la chute*, pp. 90-1.
[129] Oldenbourg, *Massacre at Montségur*, pp. 297-9, 362.
[130] Roquebert, *De la chute*, p. 90.
[131] Roquebert, *De la chute*, p. 90.

inquisitor by authority of the archbishop reconciled her.'[132] Significantly, the document also reports that Ferrer 'delivered her to her husband at the manse (of Saintes-Puelles), and that she had letters of the said reconciliation from the said Brother Ferrer.'[133] Florence's deposition corroborates the confession made by her sister.[134] In this case, Ferrer's actions portray a lenient side to the inquisitor's sentencing. The inquisitor clearly believed the two sisters were guilty of some form of heretical support, otherwise they would not have needed to be reconciled, yet Ferrer seemingly imposed no penances on either Ramona or Florence.

Indeed, Wakefield suggests it is quite likely that Ferrer, alongside his colleague Pons Gary, imposed lenient or no penances on the people he interrogated at Limoux in 1243. After confessing to Ferrer and Pons, Ségure, wife of William Vital of Le Mas-Saintes-Puelles, and Pons Latour of Laurac were reconciled and promised to accept whatever penance the inquisitors subsequently imposed on them.[135] Ségure's penance cannot have been too severe because she was still in Languedoc in 1245, when she was interrogated by Bernard of Caux and John of Saint-Peter. Ségure admitted to confessing to other inquisitors and the deposition states she was reconciled. The deposition also states that 'the bishop of Toulouse gave her two crosses, and on many days she did not wear the crosses, and carried them more often covered than uncovered.'[136] The deposition does not state whether Ségure had confessed to the bishop of Toulouse on a separate occasion to her confession to the other inquisitors. If wearing crosses was the penance imposed due to Ségure's

[132] 'Tunc Frater Ferrarius qui tunc erat inquisitor auctoritate domini archiepsscopi reconciliavit ipsam', MS. 609, f. 5r.
[133] 'Tradidit eam viro suo apud Mansum, et habuit litteras dicte reconciliationis a dicto Fratre Ferrario', MS. 609, f. 5r.
[134] MS. 609, f. 5v.
[135] Duvernoy, 'Confirmation d'aveux devant les inquisiteurs', pp. 18-9; Wakefield, 'Friar Ferrier, inquisitor', p. 38.
[136] 'Dominus episcopus tholosanus dedit duas cruces, et multis diebus non portavit cruces et pluribus vicibus portavit eas coopertas quam discoopertas', MS. 609, f. 20v.

confession to the other inquisitors, it seems as if the bishop played a role in the sentencing, and could very well have influenced the inquisitors. Moreover, as the crosses were imposed by the bishop of Toulouse, most likely Fulk, it raises the possibility that William Arnold and Stephen of Saint-Thibéry were the other inquisitors referred to by Ségure, who had been responsible for the diocese of Toulouse. If indeed Ségure had confessed to William and Stephen before confessing to Ferrer, then Ferrer's decision to impose a lenient penance on Ségure is even more significant. Similarly, Pons Latour was also interrogated by Bernard of Caux and John of Saint-Peter in 1245. Although Pons's deposition does not make reference to any penance imposed by Ferrer, Pons's presence at Toulouse only two years later rules out perpetual imprisonment.[137]

2.3.3 Extant Sentences

Examples of Ferrer sentencing penitents to go on pilgrimage are extremely rare because so many of Ferrer's registers are missing or destroyed, but the absence of evidence does not necessarily prove that Ferrer was not an advocate of this type of penance. Indeed, on 15 May 1244, Ferrer and his colleague Peter Durand reconciled a converted Waldensian at Narbonne. As a penance the inquisitors imposed pilgrimages to Le Puy, Saint-Gilles, Montpellier, and Sérignan.[138] Although the original register in which this sentence would have been recorded is not extant, the letter of reconciliation survived because it was copied into a manual for Italian inquisitors.[139] The second instance in which Ferrer is seen to have imposed pilgrimages is found in MS. 609. When confessing to Bernard of Caux and John of Saint-Peter in 1245, Pons Johannes admitted that 'he had confessed to Brother

[137] MS. 609, f. 71v.
[138] Bibliothèque Vaticane, MS. Lat. 3978, ff. 33v-34r, the transcription used is from Dondaine, 'Le Manuel', p. 145.
[139] Dondaine, 'Le Manuel', p. 91; Wakefield, 'Friar Ferrier, inquisitor', p. 39.

Ferrer at Saissac and he went to Saint-James for his penance.'[140] Significantly, Wakefield notes that the only act which Pons confessed to was the refusal to provide medical assistance to a captured female heretic who had a broken arm.[141] At first glance this penance seems quite severe, but Peter Sellan also punished healers who were associated with heresy relatively harshly, and it is possible that Pons's confession to Bernard and John was far from complete. Hence, Ferrer clearly did impose pilgrimages as penances, though it is impossible to demonstrate conclusively if this was a common occurrence.

Furthermore, Bernard of Caux and John of Saint-Peter sentenced Austorge, wife of Peter of Resengas, to perpetual imprisonment in 1245. However, Austorge had only just confessed to Ferrer one year earlier in 1244. Chapter one has demonstrated that Bernard and Peter generally condemned relapsed supporters to perpetual imprisonment, so the inquisitors must have believed that Austorge had already been given a chance previously. The short time in-between Austorge's confessions to Ferrer and Bernard indicates that Ferrer most probably gave Austorge the most minor of penances, or even none at all.[142] In addition, there were many other interrogations during Bernard of Caux and John of Saint-Peter's inquest at Toulouse in which deponents claimed Ferrer had never imposed penances on them. Wakefield has identified such depositions in MS. 609 which were given by deponents from the towns and villages of Le-Mas-Saintes-Puelles, Saint-Martin of Lalande, Auriac, and Odars.[143] The deposition which records Arnold Garneri of Le Mas Saintes-Puelles's

[140] 'Fuit confessus Fratre Ferrario apud Sayssacum et ivit apud Sanctum Jacobum pro penitentia', MS. 609, f. 35r.
[141] Wakefield, 'Friar Ferrier, inquisitor', p. 38.
[142] D24. ff. 1r-7v; Douais, *Documents*, pp. 3-8.
[143] MS. 609, ff. 1r-22v, 31r, 32r, 91v, 204r; Wakefield, 'Friar Ferrier, inquisitor', p. 38.

confession is very typical of deponents who claimed Ferrer had never given them a penance: 'he had no penance from Brother Ferrer.'[144]

Lastly, not only did Ferrer treat many deponents leniently, he made efforts to right the wrongs of other inquests. In 1258, the royal agents assigned to Languedoc were told by a man that he had been wrongfully imprisoned by the royal *bailli* of Cesseron on charges of heresy, and was being held at Béziers. When Ferrer heard of the man's situation he investigated the accusations and determined that the man was indeed innocent. Subsequently the man was released. A second man also testified that he had been wrongfully imprisoned at Béziers for a year until Ferrer commanded his release. Moreover, after another complaint, Ferrer ordered that the falsely condemned prisoners have their property restored by the royal officials.[145] The officials denied Ferrer's request, however, which highlights the inquisitor's relative dependence on secular authorities. It is important to note that just because depositions record claims that Ferrer did not impose penances, the confessions were not necessarily truthful. Resistance against inquisitors in the form of concealing the truth was common, and the same is true for the deponents who told Bernard of Caux and John of Saint-Peter that they had never had a penance from Ferrer. Bernard and John only sentenced relapsed or lying deponents to perpetual imprisonment, so such claims would have been calculated risks in the hopes of avoiding that fate.

Nonetheless, the large number of deponents who made the same claim and the small time frames in-between confessions suggests on the balance of evidence that Ferrer did not impose penances on these people. Furthermore, if Ferrer reconciled and pardoned a significant number of deponents, why did he attain such infamy? Arguably the answer lies in the socio-political milieu of thirteenth-century Languedoc.

[144] 'Non habuit penitentiam a Fratre Ferrario', MS. 609, f. 1r.
[145] Wakefield, 'Friar Ferrier, inquisitor', p. 38.

We have already seen how the political rivalry between the bourg and the archbishop of Narbonne strongly contributed to Ferrer's poor reception there. Additionally, Wakefield notes that Ferrer was the only inquisitor to still be active at the end of the 1230s, a period when other inquisitors, such as Peter Sellan, had been ordered to cease all inquisition.[146] Pope Gregory's order was largely due to pressure from Languedocian nobles, including Count Raymond of Toulouse. The involvement of the count of Toulouse was particularly crucial because the papacy wished to secure Raymond's support against Emperor Fredrick II.[147] Ferrer's continuing investigations at this time marked him out in the eyes of Languedoc's communities as a particularly zealous inquisitor.

Indeed, the politically weak position of the early inquests could have also encouraged the large volume of appeals against sentences, in the hope of gaining a more favourable outcome. Ferrer's zealous start to his inquisitorial career almost certainly compounded the issue, and he clearly did make errors, intentional or not, because at least five of his sentences were changed permanently. In chapter one it was argued that Peter Sellan and Bernard of Caux were constantly learning during their inquisitorial careers, and Ferrer did too. Hence, the apparent lack of penances, or very lenient penances Ferrer seems to have imposed after moving on from Narbonne is due to a change in attitude and the development of the post-interrogation and judicial procedure.

Furthermore, Peter Biller has called into question the assumption that Ferrer was a man of high learning and theological prowess. Instead Biller suggests that Ferrer had never been trained by master theologians at the universities in Paris, unlike his

[146] Wakefield, 'Friar Ferrier, inquisition at Caunes', pp. 221-2.
[147] Lambert, *The Cathars*, p. 127; Lea, *Inquisition*, vol. 2, pp 23-5.

colleague Peter Sellan.[148] It is possible in light of this re-evaluation of Ferrer's training to suggest that misconduct could have been the product of his incompetence, rather than malicious intent. Indeed, the pope clearly felt that inquisitors required help in order to make the correct decisions when imposing penances and ordered his legates to provide assistance. One of the goals of the ecclesiastical councils held during the 1240s was to determine how flexible inquisitors could be when punishing heresy. However, the councils' impact on Ferrer should not be overstated because he retired in 1244. By this point only one council had been held at Narbonne, in 1243, so Ferrer's shift in attitude towards sentencing likely came from his own experiences and his colleagues' influence. Hence, Ferrer's zealatory has been exaggerated by contemporary critics and modern historians. The importance of ecclesiastical councils will be explored next and further in chapter four. It will be important to consider how closely Ferrer followed the advice given by the councils in comparison to his colleagues.

2.4 Ecclesiastical Councils

When deliberating over the imposition of penances, inquisitors did not act in isolation. Throughout the thirteenth century a number of ecclesiastical councils were held in France and Aragon. Although heresy was not always the ecclesiastical councils' primary purpose, the regional councils resulted in the formulation of a number of policies which aimed to provide a legal framework in support of the inquisitors' inquests.[149] The majority of these councils were held during the 1230s and 1240s, and Yves Dossat argues that the absence of councils after 1255 was largely due to Pope Alexander IV's non-interventionist approach to the inquisitorial

[148] P. Biller, 'Questions about early inquisition procedures in Languedoc', *The Origins of Inquisition: Doat Project Conference 2016* (York, Forthcoming).
[149] Sackville, *Heresy and Heretics*, p. 93.

process, allowing inquisitors full control over their own inquests.[150] Nonetheless, it is important to examine to what extent the councils allowed inquisitors to take matters into their own hands. Analysis of the councils' canons demonstrates the difference between the flexibility endorsed by the councils and instances in which inquisitors took the initiative. Firstly, the manner in which ecclesiastical councils permitted merciful or lenient sentencing will be examined. Secondly, the extent to which the councils gave inquisitors the power to negotiate with deponents will be analysed. Pope Innocent IV's correspondence regarding the commutation of sentences will also be analysed to determine the pope's attitude towards leniency.

One of the most successful strategies employed by inquisitors throughout the thirteenth century was the period of grace. After announcing periods of grace, Peter Sellan, Bernard of Caux, John of Saint-Peter, and Brother Ferrer all found Languedoc's communities to be more willing to provide confessions. The inquisitors' receptiveness to changes in procedure illustrates their flexibility, especially at a time in which the judicial procedure was constantly being refined. The first recorded example of the period of grace in use is found in Pons Grimoard's confession to Bernard and John at Toulouse on 22 January 1244. Included with the deposition is a copy of a letter of penance and absolution which states that Pons had previously confessed to William Arnold and Stephen of Saint-Thibéry at Castelsarrasin on 29 March 1236.[151] The letter states that Pons's first confession at Castelsarrasin had been during a time of grace and describes exactly what this entailed: 'under the condition that whoever came to the inquisitors in the period prescribed to tell about themselves and others, would be excused of death, immuration and any kind of

[150] Dossat, *Les Crises*, p. 195.
[151] For analysis of Pons's background, social network and involvement with heresy in Quercy see, Taylor, *Heresy, Crusade and Inquisition*, pp. 24-6, 145-52.

imprisonment, and the confiscation of their property.'[152] The inquisitors must have believed Pons because he was subsequently ordered to 'sustain a pauper for the rest of his life, giving him this nourishment at his home or elsewhere, must give for the love of God ten pounds Morlaas, that on our command he has already fully paid, we have also instructed him to visit within the next two years starting from next Easter the pilgrimage sites, Saint-James, Notre-Dame, Rocamadour, Saint-Gilles and Le Puy.'[153] Pons's penance clearly illustrates that inquisitorial promises regarding the period of grace were kept. This strategy was quickly adopted by other inquisitors in their own inquests, highlighting the relationship between different inquests and the development of inquisitorial procedure more generally.

The first ecclesiastical council to deal with the period of grace was the Council of Narbonne in 1243. The first canon refers to the use of the period of grace by a number of early inquisitors, stating that they had 'promised immunity from prison to heretics and their believers, receivers, defenders, and supporters who came of their own accord, before the set day, repentant, to tell the whole truth about themselves and others.'[154] The canon suggests instead of imprisonment these penitents should be ordered to wear crosses and to strip themselves of clothing every Sunday to be disciplined by their priest. In addition, on the first Sunday of every month they were to strip themselves of clothing and visit all the houses in which they saw heretics. However, for towns that were under interdict or already excommunicated, the canon

[152] 'Ita videlicet quod quicumque infra diem assignatam ad inquisitiores accederet dicturus de se et aliis plenariam veritatem esset inmunis a morte et immuratione et omni detentionenet non et omnium rerum suarum confiscatione', D22. f. 39r.

[153] 'Quandiu viveret uni pauperi in victualibus subueniret eidem in domo sua vel alibi in dictis victualibus providendo, et quod daret amore Dei decem libras morlanenses quas iuxta mandatum nostrum plenarie iam per soluit in iunximus eidem etiam est ac hoc promixo pascha venienti infra duos annos beati Jacobi et beatae maria de Rupeamatoris , et sancti Egidii et beate mariae de podio', D22. ff. 39v-40r.

[154] 'Quatenus haereticis, et eorum credentibus, receptatoribus, defensoribus, et fautoribus immunitatem carceris assequutis, quam ex vobis aliqui eis infra certam diem sponte venientibus, poenitenibus, et tam de se quam de aliis plenam dicentibus veritatem', Mansi, vol. 23, col. 356, c. 1. The English translation is quoted from '36. Council of Narbonne, 1243/4', HIF, p. 236.

states that as well as visiting the houses in which they saw heretics, 'they must fast, they must visit saints' shrines, instead of going overseas <on pilgrimage to the Holy Land>, which used to be imposed on such people. They are required to defend the faith and the Church against Saracens, or heretics, or their supporters, or people who are otherwise rebels.'[155] The canon strongly reflects the reality of Peter Sellan's inquest of Quercy, in which nobody was sentenced to death, imprisoned or had their property confiscated.

The Church evidently recognized the success of the grace period, because the ecclesiastical councils continued to refine the correct procedure for the use of the grace period. Another effort to standardize the grace period for inquisitorial inquests was made during the Provincial Council in 1246 which was led by the archbishop of Narbonne at Béziers. The second canon of the council states that inquisitors were to 'assign a suitable period of time, which you customarily call a 'time of grace', wherein grace of this kind has not been made: penitents coming within that time, and saying the full truth about themselves and others, are to have immunity to death, imprisonment, exile, and confiscation of goods.'[156] The 1246 Council of Béziers further clarified the correct way to deal with first time deponents. The canons state that all heretics and their supporters must be excommunicated and that 'if within forty days they refuse to repent, and persist in their defence, or impede the inquisition, shall be punished as a heretic, with perseverance and defence of man's

[155] 'Jejunent: limina Sanctorum visitent: loco transitus transmarine, qui talibus consuevit injungi. Fidem et ecclesiam per certos annos, seu menses, seu dies, cum armis et expensis propriis per se vel per alios magis idoneos, contra Sarracenos, vel haereticos, vel eorum fautores, vel aliter rebelles', Mansi, vol. 23, col. 356, c. 1. The English translation is quoted from HIF, p.237.

[156] 'Assignato eis termino competenti, quod tempus gratiae vocare soletis, quibus tamen alias huiusmodi gratia non est facta: infra quem terminum venientes poenitentes, et dicentes plenam de se et de alias veritatem, habeant impunitatem mortis, immurationis exilii, et confiscationis bonorum', Mansi, vol. 23, col. 716, c. 2.

errors, in such cases charge them as a heretic.'[157] The majority of penances imposed by Bernard of Caux and John of Saint-Peter between 1246 and 1248 match the guidance given by the councils, and the *Ordo Processus* demonstrates the contemporary regard for the period of grace. The one exception is the imposition of prison for a set period of time for first time deponents.

In addition, the Council of Narbonne in 1243 suggested that inquisitors should have the option to be merciful when sentencing deponents if they believed it was appropriate. The fifth canon states 'you are not to impose all the above penances everywhere, or all of them on everyone. But according to the discretion handed down to you by the Lord and considering the quality of guilt, person, place, and times, and other circumstances, so with caution provide dispensations that by either punishing or indulging the lives of guilty people are corrected.'[158] In this instance the council clearly believed that inquisitors should have the flexibility to consider deponents' circumstances when sentencing them. The canon portrays the level of pragmatism and flexility which was built into the post-interrogation procedure right from the start of papal inquisition. The seventh canon builds upon this concept by stating that penances could be modified to be more lenient or severe: 'you and they are at whatever time allowed by your or their judgement and inclination, by reasonable cause, to add or to detract from the penances that have been imposed.'[159] On the matter of flexibility Christine Caldwell Ames has noted that the desire to impose an appropriate penance depicts the inquisitor in a similar way to

[157] 'Infra quadraginta dies resipiscere noluerint, sed in eorum defensione perstiterit, vel inquisitionem impediverit eorumdem: tanquam haereticus puniatur, cum perseverantia et defensio erroris hominem in talibus faciat haereticum judicari', Mansi, vol. 23, cols. 693-4, c. 8.
[158] 'Non ut vos poenitentias praetaxatas omnes ubique, vel omnes omnibus imponatis: sed ut eas secundum discretionem vobis traditam a Domino, pro culparum et personarum, locorum, et temporum, et aliarum circumstantiarum qualitate, ita caute ac provide dispensetis, ut sive plectendo, sive ignoscendo, vitam culpabilium corrigatur', Mansi, vol. 23, col. 357, c. 5.
[159] 'Pro vestro, et illorum arbitrio ac voluntate, injunctis poenitentiis addere vel detrahere ex causa rationabili quandocumque', Mansi, vol. 23, col. 358, c. 7.

confessor as discussed in the Introduction.[160] Caldwell Ames highlights that the inquisitors' authority to impose penances was arbitrary, so ultimately they were able to make executive decisions regarding sentencing.[161] Similarly, Riccardo Parmeggiani notes that the legal consultations created throughout the thirteenth century firmly established the inquisitors' arbitrary authority to impose penances.[162]

Nevertheless, the council did not approve of inquisitors holding the power of unlimited clemency, and restricted the extent to which inquisitors could show mercy by declaring that deponents sentenced to imprisonment were to complete their penance no matter what. The nineteenth canon states 'for imprisonment, not a husband because of his wife, even if young, nor wife because of her husband, neither anyone for their children or their parents, or anyone else closely linked to them, or for physical weakness, old age, or similar causes, is excused, except for special indulgences from the apostolic see.'[163] Hence, it was possible to be exempt from a sentence of imprisonment but the pope's permission was required. The role of the pope is significant because it reflects the Church's wider efforts to define the Church's universal community, and to ensure the laity's obedience to the community's rules.[164] Indeed, Pope Innocent IV published a bull on 20 January 1245 indicating his attitude towards the punishment of heresy. *Ut commissum* was copied into the Doat Collection and provides evidence of Innocent's support of inquisitorial authority. The bull states that inquisitors had Innocent's permission to modify

[160] Caldwell Ames, *Righteous Persecution*, p. 170.
[161] Caldwell Ames, *Righteous Persecution*, pp. 170-1.
[162] Parmeggiani, *I Consilia*, pp. 232, 261.
[163] 'Ut a carcere nec vir propter uxorem, licet juvenem, nec uxor propter virum, nec quisquam propter liberos seu parentes, seu aliter necessaries, aut propter debilitatem, vel senium, vel aliam simile causam, excusetur, absque indulgentia sedis apostolicae speciali', Mansi, vol. 23, col. 361, c. 19.
[164] Caldwell Ames, *Righteous Persecution*, pp. 177-9.

penitents' penances as long as they consulted the appropriate bishop for their consent and advice on the matter.[165]

At the Provincial Council of Béziers in 1246, heresy and inquisition were again key themes of the canons, and inquisitorial flexibility was addressed once more. One of the most important declarations regarding leniency is found in canon twenty-four which deals with reasons why sentences of perpetual imprisonment might be commuted. The canon states 'further, at the beginning no-one of the aforesaid guilty people should have this penance or penalty of perpetual prison remitted or commuted into another, unless he gives away heretics, or imminent danger of death threatens his children or his parents because of his absence, or for some other cause which seems very just and reasonable.'[166] The canon demonstrates a nuanced shift in attitude towards commuting sentences of perpetual imprisonment in comparison to the Council of Narbonne in 1243.

Whereas the council of 1243 stated no leniency should be shown to imprisoned penitents unless the pope issued a special pardon, the council of 1246 suggests that inquisitors should now make such decisions themselves. The alteration to inquisitors' powers of flexibility can be explained by the quantity of inquisition undertaken between 1244 and 1245. The surviving registers for Bernard of Caux and John of Saint-Peter's inquest at Toulouse record 5,471 depositions, with the possibility of many more in the eight missing registers.[167] Bernard and John faced a mammoth task in sentencing such a large number of deponents, and having greater autonomy

[165] D31. ff. 68r-v.
[166] 'Haec autem perpetui carceris poena seu poenitentia nulli ab initio de praefais culpabilibus remittitur, aut in aliam commutetur: nisi vel haereticos redderet, vel propter eius absentiam evidens mortis periculum eius liberis vel parentibus immineret: vel propter aliam causam, quae multum justa et rationabilis videretur', Mansi, vol. 23, col. 720, c. 24. The English translation is quoted from '37. Consultation of Béziers', HIF, p. 256.
[167] Pegg, *Corruption of Angels,* p. 3.

would have assisted the process considerably. As demonstrated previously, the two inquisitors employed this flexibility to great effect between 1246 and 1248, showing leniency to a number of penitents who would have otherwise been condemned to imprisonment.

Furthermore, canon twenty addressed the commutation of imprisonment for obstinate heretics. The canon applied to all sorts of persistent offenders including: relapsed heretics, rebels, fugitives, prisoners, those who confessed outside the grace period, those who did not come forward voluntarily, and those who suppressed the truth.[168] The canon declares that papal indulgences can commute or mitigate penances of temporary or perpetual imprisonment for those who 'after they have been detained in prison for some time, if they humbly submit to your commands, signs of repentance appear in them, which move you towards mercy, and if at the same time you come to know this to be expedient.'[169] In this case the clemency shown by inquisitors was not without a price. Not only did the prisoners have to demonstrate that they were truly repentant, something they had already proved resistant to, they had to prove useful to inquisitors. The reference to expediency depicts the fashion in which inquisitors could negotiate with deponents to further their cause. Those who had persistently offended were more likely to have been heavily involved with heresy and potentially had extensive connections with Languedoc's heretical networks. The flexibility employed by Peter Sellan in the early 1240s had been written into canon law, illustrating the working relationship between active inquests and the development of judicial procedure and Church law.

[168] Mansi, vol. 23, col. 719. c. 20.
[169] 'Postquam fuerint in carcere aliquamdiu detenti vestris humiliter parendo mandatis, et signa poenitentiae apparuerint in eisdem, quae vos ad misericordiam moveant, simulque noveritis expedire', Mansi, vol. 23, col. 917, c. 20.

Indeed, the impact of such confessions was demonstrated as early as 1229 at the Council of Toulouse by the converted heretic, William Solier. As a result of papal legate Romanus's investigations, William was declared a heretic. Fortunately for the legate, William recanted his heresy and assisted the inquest by providing detailed knowledge about heretics and supporters he had previously associated with.[170] Additionally, in 1236 the prominent heretic Raymond Gros made a detailed confession which resulted in many convictions from within the heretical community. William Pelhisson indicates that the inquest was entirely directed by Raymond and that he continued to play an active role in the organization and running of the inquisition at Toulouse after his conversion.[171] Furthermore, the fear and disunity caused by these conversions would have played a significant role in the policy of social isolation employed by inquisitors, as argued by James Given and Walter Wakefield.[172] The importance of confessions from prominent heretics was clearly acknowledged by the Church and is portrayed by canon twenty from the Provincial Council in 1246.

Additionally, negotiation featured prominently during Peter Sellan's inquest of Quercy, and a number of elite deponents were able to change their sentences, as demonstrated by Feuchter and Taylor.[173] Inquisitorial authority was explored in the Council of Narbonne in 1243, and then again in more detail during the Provincial Council in 1246. By the mid-1240s a number of inquests had been completed and these councils reflect a desire to regulate and standardize issues over which the earlier periods of inquisition had struggled. The final canon of the Council of Narbonne in 1243 depicts the extent to which inquisitors were able to make their

[170] Pelhisson, pp. 52-5; Dossat, 'Le repression', p. 17; Wakefield, *Heresy,* p. 134.
[171] Pelhisson, pp. 92-7.
[172] Given, *Inquisition*, pp. 198, 217; Wakefield, *Heresy,* pp. 148-9.
[173] Feuchter, 'Le pouvoir', pp. 245-50; Taylor, *Heresy, Crusade and Inquisition*, pp. 222-3.

own decisions regardless of the advice provided by the councils. Canon twenty-nine states 'indeed, beloved sons of Christ, since the Lord Pope, as well as the Lord Legate, has seen to commit this business of inquisition to your discretion, in many of the provinces. We write these things to you, not to restrict you or to bind you to our advice, since it would not be right that the discretionary power granted to you for making decisions should be limited by the counsels, forms, or regulations, of any other persons than the apostolic see.'[174] Therefore, whilst ecclesiastical councils provided advice to inquisitors and aimed to support them in their investigations, inquisitors were able to take the initiative as long as they did not oppose the papacy's will. Notably, the Council was held at the pope's request, so arguably the pope believed that inquisitors would heed the guidance offered to them. Sackville has noted that the council acknowledged that sentencing deponents was complex and that the canons could not provide explicit answers for every scenario or question. Hence, inquisitors were permitted to employ a degree of flexibility in order to ensure penances were imposed most effectively.[175]

Whilst the Council of Narbonne in 1243 focused on the inquisitors' overall authority, the Provincial Council in 1246 expanded on the issue, detailing situations in which inquisitors could negotiate with penitents. For example, canon sixteen states that inquisitors should interrogate heretics secretly in order to try to convert them. With regards to sentencing such deponents the canon suggests that inquisitors 'award their penance for the quality of their conversion, and soften it on merit, or as you see

[174] 'Equidem cum discretion vestrae, dilecti filii in Christo, negotium istud, tam dominus papa, quam dominus legatus, in plerisque provinciis providerint committendum. Haec vobis scribimus, non ut ves velimus nostris obligare consiliis, vel arctare, cum non deceat concessam vobis discretam arbitrii libertatem, aliorum consiliis, formis, seu reguiis, quam sedis apostolicae, in ipsius negotii praejudicium coarctari', Mansi, vol. 23, col. 366, c. 29.
[175] Mansi, vol. 23, col. 361, c. 16; Sackville, *Heresy and Heretics*, p. 100.

fit.'[176] The extent to which the inquisitors should negotiate with penitents is discussed by the twenty-second canon, which tackles the correct way to deal with the most obstinate of heretics. The canon reads 'you will always retain the power, that if you see it to be expedient for the business of the faith, even without a new motive, you are able to put the aforementioned people back into prison. In adjudging the fugitives, relapsed, and obstinate, the caveat about oaths and sureties mentioned above should also apply before their imprisonment.'[177] Significantly, the council urged inquisitors to be sceptical of remorseful penitents and that any leniency shown to penitents could be reserved. As the analysis of Bernard of Caux and John of Saint-Peter's inquests has shown, many deponents actively lied and concealed the truth from inquisitors. The clergy present at the council in 1246 were likely to be aware of the issue and the canon is an attempt to address the problem whilst retaining the ability to gain valuable information about heretical networks.

Moreover, canon twenty-six provides further clarification as to how inquisitors should punish penitents in various situations. The canon declares that 'you are to impose these types of penances upon those who because of the promise of grace, or because of the nature of the offence, or for any other reasonable cause, are not imprisoned: they are to defend the faith and the Church that they have clearly offended for a period assigned by you.'[178] Significantly, the canon is deliberately vague in listing in what circumstances the advice could potentially be applied, and

[176] 'Ac ipsorum poenitentias pro qualitate conversionis et meriti mitigetis, vel quantum vobis visum fuerit, deferatis', Mansi, vol. 23, col. 719, c. 16.
[177] 'Hac semper vobis potestate retenta, ut sivideritis negoti fidei expedire, sin nova etiam causa, possitis ad carcerem reducere supradictos. In damnatis etiam fugitivis, relapsis et contumacibus adhibeatur ante immurationem ipsorum de juramentis et satisfactionibus cautela superius memorata', Mansi, vol. 23, col. 720, c. 22.
[178] 'Ceteris qui propter vel promissam gratiam, vel propter qualitatem delicti, vel propter aliam rationabilem causam, immurandi non fuerint, huiusmodi poenitentias injungatis: videlicet ut fidem, et ecclesiam, quam taliter offenderunt, defendant ad tempus, pro vestro arbitrio designatum', Mansi, vol. 23, col. 720, c. 26.

leaves the inquisitor to decide the appropriate severity of penance. The rest of the canon lists the various penances which could be imposed instead of imprisonment, including pilgrimages and crosses.

Although the council was held four years after Peter Sellan concluded his inquest of Quercy, it is striking how closely the canons resemble the manner in which Peter chose to impose penances. The absence of heresy in Quercy following Peter's inquest vindicated the choices he made, and provided an example for future ecclesiastical councils and other inquisitors to copy. The similarities between Peter's post-interogation procedure and the judicial framework created by the subsequent councils demonstrates the reciprocal relationship between inquests and the development of canon law. It is not possible to conclude soundly the extent to which Bernard of Caux and John of Saint-Peter were influenced by these canons because the vast majority of their extant sentences were for relapsed heretics and their supporters. Yet, extant evidence of their sentencing matches the canon law established by the councils, as well as the guidance later offered by the *Ordo Processsus*. The shared attitudes and procedure across the three types of evidence again suggests that the inquisitors' experiences directly influenced the development of canon law. The contributions made by ecclesiastical councils to the development of the post-interrogation and judicial procedures will be discussed further in chapters three and four.

2.5 Canon Law in Action

Although the ecclesiastical councils did not continue to focus on the punishment of heresy after the Council of Albi in 1254, the canon law they implemented continued to influence inquisitorial decision-making regarding punishing heresy for the rest of the thirteenth and fourteenth centuries. Examples of leniency in thirteenth-century

inquests conducted by inquisitors other than those studied earlier in this chapter will be examined to demonstrate that flexibility was an attribute held to varying extents by most inquisitors. Firstly, the popularity of commuting penances to pilgrimages to the Holy Land or financial obligations in support of crusading efforts will be considered. Secondly, leniency shown to penitents who made donations to the church will be examined. Finally, the involvement of bishops and secular authorities in the commutation of sentences will be evaluated in order to determine whether they took a similar approach to inquisitors in prescribing clemency to penitents.

Although Peter Sellan imposed pilgrimages to Constantinople on a number of penitents at Quercy, during the thirteenth century it was more common for the Holy Land to be the overseas destination of choice. Indeed, the number of penitents ordered to go to the Holy Land became so large that the papacy ordered the practice to be stopped because of concerns that a concentration of dissidents in the East could lead to the spread of heretical beliefs beyond Languedoc.[179] This unease is reflected in the second canon of the Council of Narbonne in 1243 which declares that pilgrimages imposed before the papacy's prohibition should still be completed.[180] Nonetheless, in 1247 Pope Innocent IV issued a bull giving the Archbishop of Auch and the Bishop of Agen the power to commute penances of imprisonment and crosses into an overseas pilgrimage.[181] As is true for many of the papacy's decisions regarding inquisition in Languedoc, political considerations caused Innocent IV to change his mind regarding overseas pilgrimages. Count Raymond had been

[179] Roach, 'Penance', p. 419.
[180] Mansi, vol. 23, cols. 356-7, c. 2.
[181] E. Berger (ed.), *Les registres d'Innocent IV publiés ou analysés d'après les manuscrits originaux du Vatican et de la Bibliothèque nationale*, vol. 1 (Paris, 1920), no. 3508, 3677, 3866.

preparing finally to undertake his long-postponed crusade to the Holy Land, and it was by Raymond's request that the pope issued new orders.[182]

Moreover, pilgrimages overseas were sometimes replaced with financial contributions to crusading efforts. The pope gave Algisius the power to commute heretics' penances without prior consultation of the inquisitors. As a result, Algisius travelled to Languedoc in 1249 as a papal penitentiary with the authority to commute penances into financial exactions to be used in support of the Church and the Holy Land.[183] For example, in 1249 under the pope's orders, Algisius ordered seven prisoners convicted of heresy released due to their support of the Holy Land. The papal bull lists the penitents as: Peter of Saint-Michael, Michaela his wife, Bernard Hugo, Vesiada his wife, Gaubert of Puylaurens, Pons Barrau, and Arnold of Miglos, all of whom had already been in prison for between one to four years.[184]

Although Algisius was not an inquisitor, Languedocian inquisitors clearly took notice of his activity, and in 1255 the Toulousian inquisitors permitted twelve prominent citizens of Lavaur to commute their penances into financial obligations to support the construction of what became the Cathedral of Lavaur. A similar provision was also made for penitents at Najac in 1258.[185] The leniency shown by inquisitors during the 1250s demonstrates that the support of the Holy Land was by no means the only purpose of commutations. In 1258 Raymond Maria was sentenced by the inquisition at Carcassonne for his support of heresy over the preceding thirty years or so. The inquisitors' deputies, Bernard of Montearenо and Bernard of Rocozello, imposed a lengthy list of penances on Raymond including: the order to fast and abstain from meat; say the Paternoster and Ave Maria seven times a day; and go on pilgrimage to

[182] Maier, *Preaching the Crusades*, pp. 144-6.
[183] Given, *Inquisition*, p. 209.
[184] D31. ff. 152v-3v.
[185] Lea, *Inquisition*, vol. 1, pp. 473-4.

Saint-Mary of Rocamadour, Saint-Rufus of Aliscamp, Saint-Gilles, Saint-William of the Desert, and Saint-James. Raymond was allowed to break his fast and abstinence by giving one denier in charity to anyone in need.[186] Importantly, the sentences adds that 'in compensation of other corporal penances he must give six Tournois pounds for the construction of a chapel at Albi to the Bishop of Albi, he must hear mass every Sunday and feast day.'[187] As the commuted penances are described as being corporal, it is probable that Raymond Maria was not physically well enough to complete the original penance, and this example demonstrates that inquisitorial flexibility and pragmatisim was not limited to inquests in the 1240s.

Furthermore, the commutation of penances in exchange for fiscal penalties continued into the 1260s. In 1264, Pons Poieto, the inquisitor for Narbonne and Arles, absolved William of Puy, a knight from Albi, of all his and his father's crimes of heresy, which were extensive and included participation in many Cathar rituals, such as the *consolamentum*.[188] William's father had previously been interrogated and absolved by Brother Ferrer, who did not assign a penance to him. Consequently, Pons Poieto stated that William was 'obliged to give the inquisition for the matter, one hundred and fifty pounds Tournois, and for construction of the church of Saint-Cecile at Albi twenty-five pounds Tournois, church of Saint-Julian five pounds Tournois, the church of Albi ten pounds, the church of the Brothers Minor in the city another ten pounds of the aforementioned money.'[189] Yet, despite these examples, as the thirteenth

[186] D31. f. 256v.
[187] 'In recompensatione alterius poenitentiae corporalis det sex libras Turonenses ad construenda capellam apud Albiam domino Albien Episcopo, missam audiat saltem diebus dominicis et festiuis', D31. ff. 256v-7r.
[188] D31. ff. 292r-4r.
[189] 'Facere tenebatur daret inquisitionis negotio cetnu quinquaginta libras turonenses, et fabricate ecclesiae sanctae Ceciliae Albiensis viginti quinque libras turonenses, et ecclesiae sancti Juliani quinque libras, et ecclesiae sancti Saluii Albiae decem libras, et ecclesiae fratrum minorum Civitatis eiusdem alias decem libras praefatae monetae', D31. f. 294v.

century continued, financial penances severely declined in popularity due to the potential for inquisitors to be accused of corruption.[190]

Indeed, in the late 1240s, the bishop of Albi began to offer commutations to condemned and repentant heretics in exchange for money. For instance, in 1248 William of Foissense paid forty Cahors pounds in exchange for reconciliation.[191] In the same year William Roquier had his penance commuted in exchange for five hundred Melgorien shillings.[192] Unlike the other examples of commutation examined so far, the money received by the bishops of Albi does not appear to have contributed towards the foundation or upkeep of the penitents' local churches, nor was the money used to aid crusading efforts in the Holy Land. In comparison to the inquisitors' flexible use of lenient treatment, the commutation of penances by the bishops of Albi was the abuse of their authority because any penitent could be absolved for the right price. The bishops of Albi's corruption eventually resulted in protests against them the 1280s.[193] Furthermore, Alphonse of Poitier's attempts to resolve confiscations in the same way during 1253 resulted in his condemnation by the Archbishop of Narbonne and the Bishop of Toulouse.[194] The reaction to Alphonse highlights the negative attitude towards selling commutations, which was made worse when there was no edifying aspect to the financial transaction.

2.6 Conclusion

Exploring the anomalous examples highlighted by the quantitative analysis presented in chapter one has shown that although inquisitors sentenced penitents

[190] Parmeggiani, *I Consilia*, p. 233; Roach, 'Penance', p. 422.
[191] D31. ff. 143r-5r.
[192] D31. ff. 146r-8r.
[193] Caldwell Ames, *Righteous Persuection*, pp. 48-9.
[194] Douais, Documents, vol. 1, pp. ccxiii-ccxix; C. Delpoux, *Les Comtes de Toulouse et le catharisme* (Narbonne, 1980), pp. 115-6.

proportionately, inquisitors considered the circumstances of each penitent before imposing a penance. In comparison to deponents who had never previously confessed, Peter Sellan punished relapsed heretics and supporters more harshly. Moreover, obtaining the confession of heretics was an unusual incident in itself. For most of the heretics recorded in Peter's register, their penance was not significantly harsher than that of heavily implicated supporters. Nonetheless, they were all ordered to wear crosses as part of their penance. Whilst Peter was willing to accept their abjuration, the crosses' constant reminder of penitents' sins indicates that he was cautious of their sincerity. Hence, Peter's use of crosses illustrates the contribution made by papal inquests to the Church's wider efforts to promote the boundaries of Christian orthodoxy. The social aspect of wearing crosses was a vivid reminder of what was acceptable, and what was not.

Peter's rationale behind the imposition of financial aid also highlights the way in which a deponent's circumstances could affect the penance they received. The deponents who received financial obligations as part of their penance all had provided some sort of material aid to heretics. Peter's interpretation of what constituted material aid varied widely, from giving heretics food, to fixing a Waldensian's shoe, to carrying and holding money intended for heretics. Peter was not only flexible in what he deemed constituted material aid, but also regarding which deponents who provided it were given financial obligations as a penance. The significant number of deponents who supported heretics with material aid but did not receive financial obligations as part of their penance, suggests that Peter only imposed the penance on those who could afford it. Furthermore, two of the most infuential deponents were told to support a priest instead of a pauper, demonstrating Peter Sellan's desire to tie Quercy's elite to orthodoxy. This view is also supported by

pledges to build abbeys which replaced the penances for some of the most prominent deponents.

The evidence for Bernard of Caux and John of Saint-Peter also points towards the inquisitors' flexible nature. Like Peter Sellan, Bernard and John were also lenient towards heretics, sentencing Wilma of Vivarier and Algaé, wife of Francis of Lobenx, to perpetual imprisonment. This of course was a harsher sentence than given by Peter Sellan, but as discussed in chapter one, the political circumstances surrounding each inquest contributed to the inquisitors' different approaches to sentencing. Moreover, unlike Peter, Bernard and John imposed some of their sentences after the Councils of Narbonne in 1243 and Béziers in 1246, and the Provincial Council also in 1246. These councils provided instruction aimed to help inquisitors, and discussed the authority and powers bestowed upon inquisitors by the pope. In particular, the councils regulated the correct way in which inquisitors should: employ the period of grace; show leniency towards penitents; and negotiate with people, before and after, the imposition of their penance. The councils reveal that the Church believed inquisitors ought to be flexible in their punishment of heresy, exploiting opportunities which benefited their inquests and the Church's position. Therefore, the flexibility and leniency shown by Bernard of Caux and John of Saint-Peter was in accordance with the canon law set down by the ecclesiastical canons of the 1240s. Throughout the rest of the thirteenth century inquisitors continued to take heed of ecclesiastical councils, and both pilgrimages to the Holy Land and financial contributions to edifying causes became popular ways to commute penitents' sentences.

Finally, among the inquisitors focused on in this chapter, Brother Ferrer had the most varied inquisitorial career, working for both the ecclesiastical and papal inquests. Although Ferrer became somewhat notorious, albeit not to the same extent as Conrad of Marburg or Robert le Bougre, his reputation was arguably exaggerated by

the political climate of Narbonne during his inquest of the town. Although he was accused of not following inquisitorial procedure properly on a number of occasions, examples of wrongdoing can be compared with instances of leniency towards penitents. The inconsistency of his sentencing is confusing, but Ferrer began his inquisitorial career with no theological education. Ferrer's attitude towards punishing heresy shifted from zealous during his early inquest of Narbonne, to relatively lenient by the 1240s. This change was largely due to learning from experience and the guidance offered by ecclesiastical councils, which sought to address many of the problems which Ferrer faced.

3. Chapter Three, Problems with Penances

Thirteenth-century inquisitors were not blind to problems inherent in the various forms of penance imposed on condemned heretics and their supporters. Nor did they believe that the singular purpose of penance was to punish those deemed to be guilty. Chapters one and two have demonstrated that although diverse in their application, the three types of penance primarily imposed by inquisitors were pilgrimage, imprisonment, and the wearing of crosses. Each type of penance faced different problems, and attempts by inquisitors, ecclesiastical councils, and the papacy to tackle the issues varied in strength and effectiveness. This chapter aims to highlight these problems and to determine how the post-interrogation procedure developed to tackle them. Consequently, chapter three builds on the analysis conducted in chapters one and two by qualitatively examining the canon law created by ecclesiastical councils. Thus, this chapter highlights the symbiotic relationship between canon law and inquisitors' experiences, of which the latter was the focus of preceeding chapters.

First, the apparent conflict between contemporary concerns about the spread of heretical belief and the fact that penitents were instructed to make long pilgrimages will be addressed by examining the significance of different pilgrimage destinations. Secondly, the physical limitations of thirteenth-century prisons will be highlighted, including: the lack of space in which prisoners could be housed; the struggle to meet adequately prisoners' basic needs; and the abuse of authority by prison officials, which threatened to undermine the credibility of inquests. Third, the efforts of inquisitors and historians to determine whether penitents completed their penances will be examined. Further documentation of penitents' attitude towards their penances can be found in the depositions themselves, and ecclesiastical councils demonstrate the Church's attempts to respond to them. Levels of disobedience

varied widely, ranging from partially completed penances, to penitents who refused from the outset to accept inquisitors' judgements. It is also important to analyse the attitudes of the communities of Languedoc towards those undertaking penances for heretical activity. Attempts made by ecclesiastical councils to tackle hostility towards penitents suggests that it was a real problem, and the role communities' attitudes played in inquisitorial decision-making must be considered. Finally, the relationship between the punishment of heresy and social control will be considered in order to explore the inquisitors' impact on the communities they investigated.

3.1 Problems with Pilgrimage: Destinations

One issue which has not received the level of historical attention merited is what happened to the thousands of penitents who were ordered by inquisitors to complete pilgrimages. A number of historians such as Jörg Feuchter have noted that the primary means of monitoring the completion of penances was testimonial letters, but unfortunately the volume of extant evidence is very limited. Nonetheless, Feuchter cites two examples recorded by the Bishop of Cahors's charters which detail the testimonial letters given to penitents in Quercy in 1242 and 1255, and the completion of their penances.[1]

Overall, the lack of evidence to determine the completion rate of penances raises the possibility that many penances were never completed. Therefore, one must question how much interest inquisitors took in the events after the fact of sentencing. This chapter will determine to what extent inquisitors held an out of sight, out of mind attitude towards penitential pilgrims. A superficial analysis of the pilgrimage sites which inquisitors imposed as penances provides an unclear picture of inquisitorial

[1] Feuchter, 'Pouvoir', p. 246; see also: Kelly, 'Inquisition and the prosecution' , p. 449; Sumption, *Pilgrimage*, p. 112; Taylor, *Inquisition, Crusade and Heresy*, pp. 123-4; the charters are cited in Albe, *L'héresie albigeoise*, pp. 461-3, and are held in the Archive Municipale de Cahors, chartes 26, 30, 52.

rationale behind pilgrimage. Most of the major pilgrimage sites were used by inquisitors like Peter Sellan, but curiously Cologne in Germany was not. Chapters one and two have argued that Peter made deliberate decisions when imposing penances, so it seems highly likely that there was a reason why Peter chose to ignore Cologne as a potential destination. In order to understand Peter's rationale it will be important to consider the socio-political and religious contexts of each major pilgrimage site. Most significantly, among all the pilgrimage destinations used by inquisitors during the thirteenth century, Constantinople stands out as the clearest indicator that the danger of pilgrimage was not always the leading factor when making decisions regarding penances.

3.1.1 Constantinople

Chapter one has already shown that a pilgrimage to Constantinople was a unique penance due to the military purpose of the journey, but this factor does not explain sufficiently Peter Sellan's decisions. Christoph Maier raises two important questions: was it a good idea to send penitents to the ailing Latin Empire; and how suitable would they have been as soldiers? Maier concludes that it was most likely that the penitents sent to Constantinople would only have been used to man garrisons in small groups.[2] Nonetheless, if Hamilton et al. are correct about the transmission of Bogomil belief from East to West, Peter Sellan's choice of Constantinople still appears ill-considered due to the potential for penitents to encounter heretics and unorthodox beliefs in the Latin Empire.[3]

Bogomilism had been present in the Byzantine Empire since the early eleventh century. Evidence of Bogomilism can be found in Anna Comnena's *Alexiad*, 1148, and

[2] Maier, *Preaching the Crusades*, p. 70.
[3] See 'Introduction' for an overview of the historiographical debate regarding the Bogomil influence on Catharism.

Euthymios Zygabenos's Dogmatic Panoply, 1118.[4] The most famous example of Bogomilism in twelfth-century Constantinople is probably Alexios's dealings with Basil the Bogomil around 1110. Alexios believed that it was his duty as emperor to protect the empire from heresy and he unsuccessfully tried to persuade Basil to abjure his heretical beliefs.[5] After the death of Basil, support for Bogomilism appears to have diminished greatly in Constantinople and the dualist heresy was not even officially condemned by the Church until 1143. Nonetheless, the record of a trial held in the church of Saint-Alexius in Constantinople also provides evidence that Bogomil beliefs were still circulating in the city around the same time as Nicetas's trip to the West. In May 1140 a synod held by Patriarch Leo II Stypes proclaimed that the writings of the recently deceased Constantine Chrysomallus, whose work had been shared amongst monks and influential laymen, were influenced by Bogomilism and ordered the work to be destroyed.[6]

In hindsight, the decision to send religious dissenters to a place from which their ideas originated contradicts Peter Sellan's commitment to his Dominican pastoral duty and principles. Whilst this may simply highlight the papacy's desperation to provide military aid for the Latin Empire, it may also point towards the fact that during the early 1240s inquisitors did not fully understand the origins of the religious dissent which they were attempting to suppress. Yet, although the earliest deponents' memories from the 1230s did not stretch back to before the 1190s, twenty years after the Council of Saint-Félix, complete ignorance on the inquisitors' part is hard to believe. William of Puylaurens's chronicle records a papal inquest at

[4] Sanidopoulos, *The Rise of Bogomilism*, p. 53; Anna Comnena, *Alexiad*, 15.8-10; Euthymios Zygabenos, 'Dogmatic Panoply', ed. Migne, *Patrologia Graeca*, vol. 130, c. 22-52.
[5] Sanidopoulos, *The Rise of Bogomilism*, pp. iii-xi, 55-7, 65; R. Browns, 'Enlightenment and Repression in Byzantium in the eleventh and twelfth centuries', *Past and Present*, 69 (1975), pp. 1-23.
[6] CDH, pp. 212-4; J. Gouillard, 'Quatre procèes de mystiques á Byzance, vers 960-1143, inspiration et autorité', *Revue des études byzantines*, 36 (1978), pp. 5-81.

Toulouse in 1178 in response to Raymond V's complaints over the spread of heresy in his territory.[7] Significantly, evidence was given to the commissioners by Bernard Raymond, whom the Saint-Félix document records having been ordained as the Cathar Bishop of Toulouse by Nicetas. Furthermore, in 1181 the same Bernard Raymond was captured after the siege of Lavaur. As a result Bernard converted to Catholicism and was later given the position of canon at Toulouse. Bernard's conversion is significant because it seems probable that he would have provided the Church with important information about the Eastern origins of Catharism.[8]

Furthermore, during Germanus II's reign as Patriarch of Constantinople, 1222-1240, he wrote sermons and letters against Bogomilism and condemned its supporters. Although this is not explicit evidence of definitive Bogomil activity, Germanus was clearly worried about the possibility of dissident belief in Constantinople and the Latin Empire more widely.[9] Indeed, the popes Honorius III and Gregory IX were concerned by the continuing threat of Bogomilism in the East due to the support the heresy still received in the Balkans; especially Bosnia, Bulgaria and Hungary. In 1221 Pope Honorius III told his legate in Hungary to order King Andrew II to take action against the heretics there. Hamilton notes that King Andrew failed to take any action, and that two years later Cardinal Conrad of Porto, the pope's legate in southern France uncovered evidence that Bosnian heretics had been in contact with the Cathars in Languedoc.[10] Moreover, in 1234 Gregory IX announced a crusade against Bosnia to tackle heresy there, and in 1238 the pope also ordered King Bela IV of Hungary to

[7] William of Puylaurens, *Chronique (Chronica magistri Guillelmi de Podio Laurentii),* ed. J. Duvernoy (Paris, 1976), p. 121.
[8] Hamilton, 'The Cathar Council', pp. 34-5; although the authenticity of the Saint-Félix charter has been questioned, it has been confirmed genuine by: Dalarun et al, 'La Charte de Niquinta', pp. 135-201.
[9] CDH, pp. 267-74; Hamilton lists the editions of Germanus' writings as: *Patrologia Graeca,* vol. 140, pp. 621-44, 659-76; Ficker, *Die Phundagiagiten*, pp. 115-25.
[10] CDH, pp. 263-4; Hamilton notes that there are two extant versions of Cardinal Conrad's letter, one made by the Archbishop of Rouen, and another by Gervase, the Abbot of Prémontré, editions can be found in Mansi*,* vol. 22, col. 1203-4.

crusade against heresy in Bulgaria. Ultimately, no crusading effort was made in Bulgaria due to the Mongol invasion of Hungary in 1241-2, but it is still clear that the papacy was very concerned by Bogomilism in the East well into the thirteenth century.[11]

Thus, the inquisitors in Languedoc were informed about the problems still facing the Church in the East by the papacy and its legates. Inquisitors were well aware of the potential issues with sending penitents on pilgrimage to Constantinople. At the very least, any worries that Peter Sellan may have had about the suitability of Constantinople as a pilgrimage destination were surpassed by the Latin Empire's extreme desperation. The penitents' trip to Constantinople was meant to be a military venture, unlike the other penitential pilgrimages Peter handed out. The papacy's influence over the choice to send penitents to Constantinople also depicts the way wider Church goals influenced inquisitorial procedure, and Peter Sellan's pragmatism in the face of papal restrictions.[12] Nonetheless, the pragmatic attitude displayed by Peter in this case ran directly against his Dominican pastoral principles. This is evidence that although Peter Sellan was concerned with fulfilling his pastoral duties, the wider ambitions of the Church sometimes superseded inquisitors' individual approaches. In this sense Peter's deference to the pope's wishes points towards a centralizing force which exterted influence on the development of the post-interrogation inquisitorial procedure.

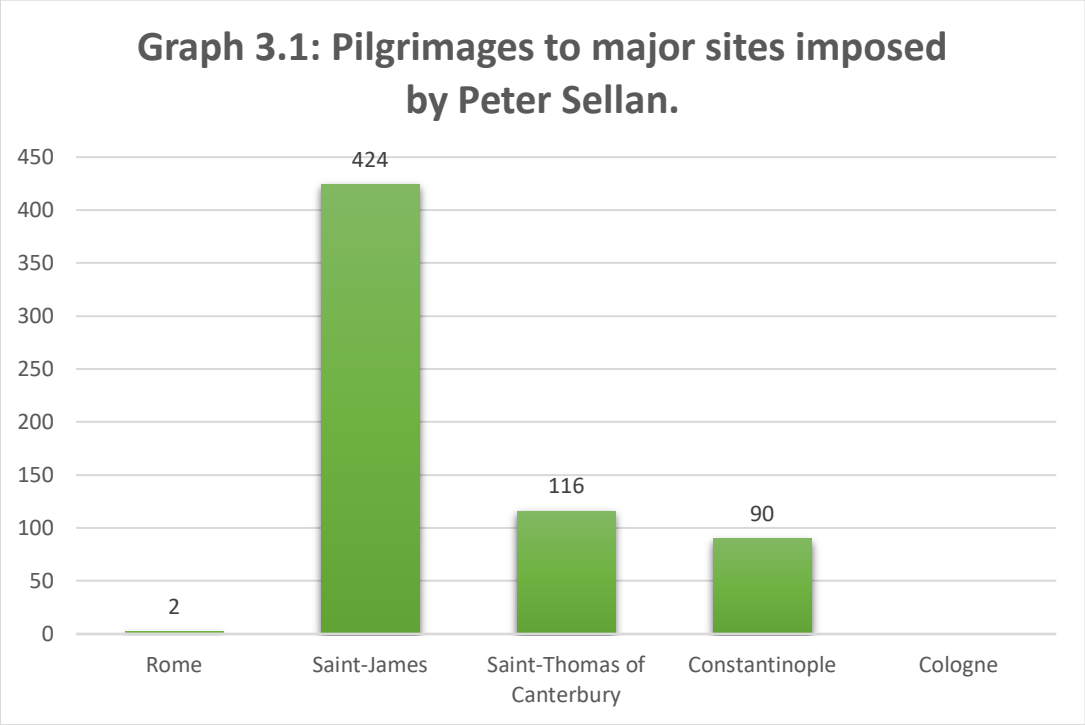
In addition, a juxtaposition of an absence of pilgrimages to Cologne with those to the other major pilgrimage sites, aside from Rome, further highlights the elements of opportunism and pragmatism in inquisitorial decision-making. Cyrille Vogel lists the

[11] CDH, pp. 265-6; Registers of Gregory IX, ed. A. L. Tautu, *Pontificia commission ad redigendum codicem iuris canonici orientalis* (Vatican City, 1950), vol. 3, pp. 233-4, 308-10 (nos. 177, 229).
[12] See p. 99 for discussion of the Latin Empire.

five major pilgrimage destinations as Rome, Saint-James, Saint-Thomas at Canterbury, Cologne, and Constantinople.[13] For pilgrims travelling to Rome the most important cults were of the apostles St. Peter and St. Paul. Pilgrims would flock to the Vatican Hill and the saints' respective basilicas on the Ostian way in order to venerate them.[14] For the pilgrims ordered to undertake the way of Saint-James, the ultimate destination was Santiago de Compostella in north-west Spain, but they also visited many smaller shrines en route. Once at Santiago de Compostella the pilgrims would have had access to ten churches, the most important being the cathedral dedicated to St. James himself, another of Jesus' apostles.[15] Pilgrims travelling to Canterbury would have primarily been drawn to the cult of St. Thomas Beckett, whose bones were kept in a crypt under the city's cathedral. St. Thomas had been the Archbishop of Canterbury from 1162 until 1170 when he was murdered by followers of King Henry II due to an ongoing conflict between the archbishop and king. Thomas was quickly canonised by Pope Alexander III in 1173, and Canterbury's reputation as a pilgrimage site grew rapidly throughout the period.[16] Lastly, Cologne's rise as a pilgrimage site was largely due to the supposed discovery of the Three Kings' relics at Milan in 1158 and the subsequent translation of the relics to Cologne Cathedral in 1164.[17]

[13] Vogel, 'Le pèlerinage penitentiel', pp. 135-6.
[14] D. J. Birch, *Pilgrimage to Rome in the Middle Ages* (Woodbridge, 1998), pp. 23-37.
[15] *The Pilgrims' Guide to Compostella*, ed. and trans. W. Melczer (New York, 1993), p. 119; Melczer states the Guide is from Book Five of the Codex Calixtinus and is found in the archival library of the Cathedral of Santiago de Compostela; T. A. Layton, *The Way of Saint-James* (London, 1976), pp. 143-4.
[16] G. Oppitz-Trotman, 'Penance, mercy and saintly authority in the miracles of St Thomas Becket', in eds. P. Clarke and T. Claydon, *Saints and Sanctity* (2011), pp. 136-47; E. Wells, 'Making sense of the pilgrimage experience of the medieval church', *Peregrinations*, 3 (2011), pp. 122-46.
[17] B. Hamilton, *Religion in the Medieval West* (London, 1986), p. 106; D. Webb, *Medieval European Pilgrimage c.700-1500* (Basingstoke, 2002), p. 24.

Graph 3.1, below, clearly illustrates the disparity in choice of pilgrimage site by Peter Sellan. The possible reasons for this difference must be explored. Why did Peter Sellan actively reject Cologne, and to a lesser extent Rome, as possible destinations for penitents? A consideration of the socio-political and religious context of pilgrimage sites and their localities sheds some light on inquisitors' attitudes towards punishing heresy.



3.1.2 Cologne

Indeed, some of the earliest references to the emergence of dualist beliefs in the West are from Germany. In 1143 Eberwin, the Premonstratensian Prior of Steinfled near Cologne wrote a letter to Bernard of Clairvaux. The letter tells of groups of heretics discovered in the region, whose beliefs Eberwin compared to Bogomilism.[18]

[18] Barber, *The Cathars*, p. 23; 'An Appeal from Eberwin of Steinfield against heretics at Cologne', HHMA, pp. 127-32, the edition used is found in 'Everwini Steinfeldensis praepositi ad S. Bernardum', in Migne, *Patrologia Latina*, vol. 182, pp. 676-80. Moore, *War on Heresy*, although Moore questions whether this is evidence of Catharism, the extant evidence clearly demonstrates that the Church saw a connection. Uwe

In the same year Eberwin was present at the trial of two leaders of the heretics, presided over by the archbishop of Cologne. Ultimately though, the crowd seized the accused and burned them. The Annals of Braunweiler also record a trial held by the archbishop of Cologne in 1143 in which some heretics were pardoned after completing the ordeal, and some others fled. Three heretics proved to be obstinate and were burned by the authority of Count Otto of Rheineck.[19] Malcom Lambert also argues that in the 1140s there were two distinct groups of heretics, and only one of them was influenced by Bogomilism, with the other focused on rigorous moral values. However, Lambert states that by 1163 the two strands of religious dissent had merged together.[20]

Religious dissent continued to be an issue for the Church in the Rhineland, and in 1163 Abbot Eckbert of Schönau responded to the perceived threat by writing the polemical work *Sermones Contra Catharos* at the request of the Archbishop of Cologne, Reynold of Dassel. Moreover, in 1163 a group of heretics was discovered at Mainz. Fortunately the group's leader was converted to Catholicism and the remaining supporters were removed from the city. Eckbert was certainly aware of the events in the 1140s and referred to past executions of Cathars at Cologne, as well as claiming to have personally met Cathars in his role as a canon at Bonn during the 1150s.[21] Thus, aside from these sporadic outbreaks, Catharism was never able to attain a foothold in Germany in the way the heresy found support in Languedoc. Conversely, Kieckhefer argues that Waldensianism found much support in the region and by the end of the twelfth century was well established in southern and eastern

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Brunn also disputes the existence of heresy in Germany: U. Brunn, Des Contestataires aux "cathares" Discours de Réforme et Propagande Antihérétique dans les Pays du Rhin et de la Meuse Avant l'Inquisition (Paris, 2006), but his view is not widely accepted.

[19] Lambert, *The Cathars,* p. 20.

[20] Lambert, *Medieval Heresy*, pp. 64-5.

[21] Barber, *The Cathars*, p. 25; Lambert, *The Cathars,* pp. 19-20. Kieckhefer, *Repression of Heresy*, pp.12-3; 'An incident at Cologne in 1163', HHMA, pp. 243-4.

Germany, from Pomerania to Austria. Kieckhefer adds that during the thirteenth century Waldensians found some success in the north of the country too.[22] Gabriel Audisio concurs and states that the first Waldensian testimonies date from between 1231 and 1233 due to the persecution they faced in the Rhineland and in Trier.[23] It is important to note that Peter Sellan encountered an unusually large number of people who had associated with Waldensians during his inquest of Quercy between 1241-2, so the Waldensian presence in Germany may have held an additional importance to Peter compared to other Languedocian inquisitors.[24]

Additionally, even if in reality Catharism was not much of a threat in Germany, the Church still believed it to be so, demonstrated in particular by Conrad of Marburg's mandate to investigate heresy in 1227, and the start of papal inquisition in Germany by Dominicans in 1231.[25] Kieckhefer also notes the importance of episcopal courts in Germany, suggesting that bishops' familiarity with their whole dioceses enabled them to spot groups that inquisitors would otherwise likely miss.[26] Therefore, whilst there is no explicit evidence explaining Peter Sellan's decision to discount Cologne as a viable pilgrimage site, the presence of inquisitors in Germany during the early thirteenth century suggests that the Church would have viewed Cologne as a wholly unsuitable place to send penitents found guilty of heretical support or sympathies. This assessment supports the view that, when pragmatic, Peter Sellan took every effort to ensure the pastoral wellbeing of the penitents he sentenced. Lastly, from a political perspective, the papacy's poor relationship with Fredrick II, emperor of the

[22] Kieckhefer, *Repression of Heresy*, p. 13.
[23] Audisio, *The Waldensian Dissent*, pp. 34-5.
[24] See pp. 70-2 for analysis of types of heresy Peter Sellan encountered at Quercy.
[25] Barber, *The Cathars*, p. 147; Kieckhefer, *Repression of Heresy*, p. 14; Lambert, *The Cathars,* pp. 117-9.
[26] Kieckhefer, *Repression of Heresy*, p. 7.

Holy Roman Empire,[27] may have made Cologne an undesirable choice for a potential pilgrimage destination in the early 1240s.

3.1.3 Rome

Similarly, in order to travel to Rome on pilgrimage, penitents would have been required to pass through Lombardy. Lombardy had been a centre of support for Catharism since the arrival of missionaries from northern France in the 1160s, and the intervention of Nicetas in the 1170s also strengthened ties to the East. Due to political factionalism in Italy, Catharism was largely unchecked, and the heresy flourished throughout the thirteenth century.[28] Carol Lansing's study of the city of Orvieto has demonstrated that Catharism found strong support there and many cities like it, such as Florence and Bologna, due to a climate of religious scepticism regarding belief in general.[29] Lansing also argues that the Church was well aware of the problem due to visits made by Pope Innocent, such as in 1216, in an attempt to impose his authority upon the headstrong Italian cities.[30] Furthermore, Caterina Bruschi's work on the movement of heretics establishes that by the end of the thirteenth century the majority of heretics had fled Languedoc, to the relative safety of Lombardy. Bruschi highlights the strong link between the two regions of which inquisitors were intensely aware.[31] Furthermore, Cathars were identified at Rome in February 1231, with obstinate heretics burned, and sentences of imprisonment imposed on the repentant.[32]

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[27] Lea, Inquisition, vol. 2, pp 23-5.
[28] Barber, *The Cathars*, pp. 21-2; Lambert, *The Cathars,* pp. 37-8.
[29] C. Lansing, *Power and Purity: Cathar Heresy in Medieval Italy* (Oxford, 1998), pp. 83, 158.
[30] Lansing, *Power and Purity*, p. 41, citing: M. Maccarone, 'La notizia della vistia di Innocenzo III ad Orvieto nel cod. M465 della Morgan Library di New York', in *Studi sul Innocenzo III*, 17 (Padua, 1972), pp. 3-9.
[31] Bruschi, *Wandering Heretics*, pp. 59, 63-8.
[32] Lambert, *The Cathars,* p. 116.

Therefore, pilgrims travelling to Rome in the thirteenth century would have had to travel through large regions of Italy which were known to be sympathetic towards Catharism. Although it was possible to travel from Languedoc to Rome via the sea, extant sources regarding pilgrimage to Rome focus on land routes, because the cost of travelling by ship would have been prohibitive for many penitents. In the few examples of people using sea travel to get to Rome, only part of the journey was taken by boat. For example, in 1160, the Rabbi Benjamin of Tudela set out for Rome and took passage on a ship from Marseilles to Genoa, which meant that he still had to travel half the length of Italy to Rome by foot.[33] For those who had to undertake the entire journey by foot the challenge of crossing the Alps awaited them. Pilgrims starting from Languedoc would have used the road of Saint-Gilles to travel to Mont Cenis, and then on to Piacenza.[34] Matthew Paris's map of the pilgrimage route to Rome suggests that once over the Alps the general path taken would have passed through towns and cities such as Parma, Bologna, and Orvieto.[35] Hence, the support for Catharism found in the Italian regions along the pilgrimage route, and the Church's knowledge of the problem, offers a possible reason why Peter Sellan avoided imposing pilgrimages to Rome. Lastly, Hamilton notes that visiting Rome was often part of a larger pilgrimage to Jerusalem.[36] Thus, Peter's focus on Constantinople in favour of the Holy Land may offer another reason why Rome is largely absent in the register as a pilgrimage destination.

[33] Birch, *Pilgrimage to Rome*, p. 48.
[34] Webb, *Medieval European*, p. 132; M. Barber, 'Moving Cathars: The Italian Connection in the thirteenth century', *Journal of Mediterranean Studies*, 10 (2000), p. 7.
[35] Birch, *Pilgrimage to Rome*, p. 47.
[36] B. Hamilton, 'The way to Rome and Jerusalem, pilgrim routes from France and Germany at the time of the crusades', in P. von Saucken (ed.), *Santiago, Roma, Jerusalén Actas del III Congresso Internacional de Estudios Jacobeos* (Galicia, 1999), pp. 135-7.

3.1.4 Saint-Thomas of Canterbury

On the other hand, a consideration of religious dissent in England and Iberia during the twelfth and thirteenth centuries demonstrates their relative suitability as pilgrimage destinations for penances. In England outbreaks of heresy were extremely rare during the period and were dealt with ruthlessly. For example, William of Newburgh recounts that in 1166 thirty German speaking people entered England intending to spread their dissident beliefs. At first authorities were unsure as how to deal with the missionaries, but the king called a council at Oxford, during which the heretics were interrogated. The Council determined that the appropriate punishment was to scourge, brand and expel the accused from the city, who died from exposure as a result soon after.[37] In addition, at the end of the twelfth century Peter of Blois urged the archbishop of York to oppose cases of heresy, and there are two instances, in 1210 and 1211, in which heretics accused of Catharism were burned.[38] The only other times in which heresy was reported in England during the thirteenth century were in 1236 and 1244, at York and Salisbury respectively. However, Lambert describes these cases as 'scares' and in comparison to Germany, Languedoc, and Lombardy, heretical activity in England was not substantial or widespread.[39] As a result, Peter Sellan would have had little to no concern about the suitability of Canterbury as a pilgrimage site for repentant heretics and their supporters.

[37] Barber, *The Cathars*, p. 25; 'The fate of Heretics in England: 40', HHMA, pp. 245-7. The edition used is: *Willelmi Parvi, canonici de Novoburgo, historia rerum anglicarum I.xiii*, ed. R. Howlett, *Chronicles of the Reigns of Stephen, Henry II, and Richard I* (Rolls Series LXXXII), 4 vols. (London, 1884-1889), vol. 1, pp. 131-4.

[38] Taylor, *Heresy in Medieval France*, p. 155; *De antiquis legibus liber…cronica maiorum et vicecomitum Londoniarum, 1188-1274*, ed. T. Stapleton (London, 1846), p. 3; Ralph of Coggeshall, *Chronicon anglicanum*, MGHS, vol. 27 (1885), p. 357.

[39] Lambert, *Medieval Heresy*, pp. 68-9.

3.1.5 Saint-James at Santiago de Compostella

The circumstances in late twelfth- and thirteenth-century Iberia are more complex in comparison to England, despite Saint-James being Peter Sellan's major pilgrimage site of choice. Throughout the period in Iberia both Waldensianism and Catharism gained some support, but unlike France, the kings of Aragon were always quick to take action against perceived threats. At Lleida in 1194 Alfonso II declared Waldensians to be enemies of the crown, and referred to all other groups of heretics as well.[40] This commitment was strengthened in 1198 by Peter II at Girona who also condemned Waldensians and other heretics. Hence, Damian Smith argues that by the end of the twelfth century the rulers of Aragon understood the variety in heretical belief in Aragon, and demonstrated a clear desire to remove these heretics from their lands.[41]

Yet, despite the monarchy's opposition, heresy persisted into the thirteenth century, and in 1232 Pope Gregory IX ordered Archbishop Aspàreg to begin investigating reports of heresy in the province of Tarragona, with the aid of the Dominicans.[42] The inquisition in Tarragona enjoyed the support of James I who implemented a number of statutes in 1234, enforcing many of the rules included in the 1229 Council of Toulouse.[43] Moreover, in 1238 Gregory IX extended inquisitorial efforts into Aragon and Navarre.[44] Therefore, although the Church clearly perceived heresy to be a considerable problem in the kindgom of Aragon, it received earlier and far stronger

[40] D. Smith, *Crusade, Heresy and Inquisition in the Lands of the Crown of Aragon c.1167-1276* (Leiden, 2010), p. 90; *Colección diplomática de la cathedral de Huesca,* ed. A. Durán Gudiol, 2 vols. (Zaragoza, 1965), vol. 1, pp. 350-2, no. 354.
[41] Lea, *Inquisition,* vol. 2, p. 162; Smith, *Crusade, Heresy and Inquisition* p. 91; Petrus de Marca, *Marca Hispanica sive Limes Hispanicus* 1384-5 (Paris, 1688), no. 487; C. Baraut, 'Els inicis de la Inquisició a Catalunya i les seves actuacions al bisbat d'Urgell, segles XII-XIII', *Urgellia*, 13 (1996-7), pp. 420-2, no. 2.
[42] Smith, *Crusade, Heresy and Inquisition*, p. 185; *Documentos de Gregorio IX (1227-1241) referentes a España* ed. S. Domíguez Sánchez (Leon, 2004), pp. 213-4, no. 212.
[43] Smith, *Crusade, Heresy and Inquisition*, p. 185; Baraut, 'Els inicis de la Inquisició', pp. 423, no. 4.
[44] Smith, *Crusade, Heresy and Inquisition*, pp. 195-6; *RG*, vol. 1, no. 4071.

cooperation from Aragon's rulers compared to the support offered by French secular authorities.

However, the pilgrimage site of Saint-James was in the north-west of Iberia, around 1,100 kilometres from the kingdom of Aragon. A lot has been written regarding the different routes possible from Languedoc to Santiago de Compostella and it remains a popular pilgrimage for modern pilgrims. In France there were four main starting points at which penitents would gather before embarking: Paris, Vézelay, Le Puy, and Arles. Those travelling from Le Puy would pass through Toulouse and this is where penitents from Quercy would have met them, unless a pilgrimage to Le Puy was also part of their overall penance.[45] William Melczer notes that during the eleventh century 'the road' to Compostella was simply a metaphor representing a complex network of roads from Languedoc to north-west Spain, but as the pilgrimage site increased in popularity during the twelfth century a number of specifically Jacobean roads emerged, detailed in works like the The Pilgrim's Guide to Santiago de Compostella.[46]

Saint-James at Santiago de Compostella was in the kingdom of Galicia, which found itself under the rule of the kingdoms of León and Castile between the eleventh and thirteenth centuries. Lea states that religious dissent was not a notable issue for the two kingdoms in comparison to the rest of Europe, and there was certainly no legal framework or organization to suppress systematically any religious dissent.[47] Even so, Lea notes a number of instances in which people were accused of subscribing to Cathar beliefs. In 1232 at Leon, Bishop Rodrigo expelled a group from the city, claiming that they were Cathars. Religious dissent would continue to be an issue until

[45] M. Dunn, and L. Davidson, *The Pilgrimage to Compostella in the Middle Ages* (New York, 2000), p. xxv.
[46] W. Melczer, *The Pilgrim's Guide to Santiago de Compostella* (New York, 1993), p. 25.
[47] Lea, *Inquisition*, vol. 2, p. 180.

the appointment of Lucas as the bishop of Tui in 1239.[48] After this date there is no extant evidence of heretics or related persecutions. Lea argues that this period of intermittent religious dissent was likely the result of Languedocian fugitives who failed to establish a following. Although Alonso I and II of Castile fully supported the punishment of heresy, and were ruthless in their suppression of religious dissent, they did not use papal legislation. Instead they chose to issue their own codes: El Fuero Real and Las Siete Partidas, in 1255 and 1265 respectively.[49] As a result, Galicia was reasonably free of heresy in comparison to Languedoc and Lombardy, and any religious dissent that occurred was suppressed with similar strength to cases in England. Although penitents would have had to travel through Aragon on their way to Saint-James, potential exposure to unorthodox views over the majority of the journey would likely have been limited. Therefore, it seems reasonable that Peter Sellan would have considered Saint-James a suitable pilgrimage site, and the participation of the Languedocian nobility in the reconquest of Spain from the Moors during the tenth and eleventh centuries may have meant that the pilgrimage site resonated more powerfully with the penitents sent there by Peter Sellan.[50]

The above examination of the political and religious circumstances relating to the five major thirteenth-century Christian pilgrimage sites has demonstrated that Peter Sellan made a conscious choice when selecting which pilgrimage sites he would impose on penitent deponents during the 1240s. The two pilgrimage sites with little or no history of heresy, and certainly no contemporary issues, were heavily favoured

[48] Lea, *Inquisition*, vol. 2, pp. 181-3; E. Florenz, 'De la iglesia de Tuy desde su origen hasta el siglo decimo sexto', *España Sagrada*, 22 (Madrid, 1767), pp. 120-2, 126-30.
[49] Lea, *Inquisition*, vol. 2, pp. 183-4; Lucae Tudens, *De altera vita*, ed. E. Falque Rey (Turnhout, 2009), Lib. 3, c. 7, 9, 12; *El Fuero Real de España*, ed. A. Diaz (Salamanca, 1569), Lib. 4, Tit. i. 2. 1-2; S. P. Scott, I. Robert, and S. Burns, (eds. and trans.), *Las Siete Partidas,* 5 vols. (Philadelphia, 2001), vol. 1, Tit. 6, pp. 82-111, vol. 5, Tit. 15, pp. 1438-42.
[50] H. Davies, and M. Davies, *Holy Days and Holidays* (London, 1982), pp. 56-7; Layton, *The Way of Saint-James*, p. 29.

by Peter. The inverse relationship between presence of heresy and selection of pilgrimage sites helps to explain the rationale behind the use of the final and most paradoxical major pilgrimage site, Constantinople. Peter Sellan's attitude towards the other four major pilgrimage sites strongly suggests that the inquisitor's justification for sending penitents to Constantinople was the papacy's desire to support the Latin Empire, which at the time was in desperate need of additional manpower, as discussed in chapter two. The reconciliation of the best choice for the penitent with the Church's political ambition demonstrates Peter Sellan's ability to be pragmatic, whilst attempting to fulfill his pastoral duties.

3.2 Pilgrimage as a Disguise

Secondly, if inquisitors were aware of the implications of sending penitents into areas of heretical activity, to what extent were they mindful of the potential for the transmission of unorthodox belief from Languedoc to other areas of Europe by penitential pilgrims? Social networks played an important role in the success of Cathar heretics and they often relied on the support given to them by followers to sustain themselves as they travelled around Languedoc and Lombardy. Historians may debate the extent to which members of these social networks actually believed in dualist Cathar beliefs, but for contemporary inquisitors it was clear that social interaction was key to the spread of heresy.[51] This attitude is demonstrated by the manner in which inquisitors conducted interrogations, asking deponents questions revolving around who, what, where, when, but not why. Inquisitors were not ignorant to the way dissident beliefs had spread from the East and across Europe. Indeed, Mary Mansfield notes that even at end of the thirteenth century some

[51] Historians such as Bruschi argue that there were strong links between the communities and an organized Cathar Church, Bruschi, *Wandering Heretics*, p. 65. Other historians are more sceptical of the extent that the communities who interacted with heretics actually believed in Cathar theology, Arnold, *Inquisition and Power*, p. 118.

theologians criticized penitential pilgrimages for their potential to cause religious dissent, and that Bishop Oliver Sutton of Lincoln never imposed pilgrimages other than crusades. Yet, French bishops clearly favoured this type of punishment. Mansfield concedes that even if pilgrims sometimes misbehaved, they did not do so in the region which had contributed to their misbehaviour in the first place.[52] Nevertheless, the Church was concerned with suppressing heresy across all of Europe, so why were inquisitors willing to send large numbers of penitents on pilgrimages across the continent and beyond?

One of the most problematic abuses of pilgrimage was the cover it could provide for those attempting to maintain a low profile. Caterina Bruschi's research regarding heretical networks has demonstrated that communities in Languedoc were very mobile during the thirteenth century, and that short and long journeys were an accepted part of everyday life.[53] Not only could criminals avoid detection and capture under the disguise of a travelling pilgrim, but heretics could attempt to conceal themselves among those who had already been punished for showing support for heresy. Yves Dossat has raised this issue and argues that heresy was spread along pilgrimage routes. Dossat suggests that this transmission may have occurred via the hospitality pilgrims received during their travel.[54] For example, in around 1233, Gerard Gaillard admitted during a deposition given to Bernard of Caux and John of Saint-Peter that he had unknowingly hosted four heretics who were travelling disguised as pilgrims. The heretics were later exposed and were burned to death at Toulouse, at which point Gerard learned of their deceit.[55] Likewise, in 1234 Peter of Cames claimed to have been deceived by heretics after he was told by an inhabitant

[52] Mansfield, *Humiliation of Sinners*, p. 125.
[53] Bruschi, *Wandering Heretics*, pp. 51-3.
[54] Dossat, 'Types exceptionnels de pèlerins', pp. 207-9.
[55] D22. ff. 20r-v.

of Laurac that the pilgrims he had previously hosted were in fact heretics.[56] Dossat also highlights cases of pilgrims meeting false pilgrims on pilgrimage itself. For instance, at Saint-Martin-Lalande a number of *pefecti* disguised as pilgrims reassured others that they were honest because they were travelling to Saint-James.[57]

It is important to note that these examples predate most papal inquests, including Peter Sellan's inquest of Quercy between 1241 and 1242. Nonetheless, the issue of false pilgrims also arose in Peter's own inquest. At Castelnau-Montratier, Bigordana admitted to hosting two men who claimed to be pilgrims. Bigordana's deposition states that 'in the morning before they left they said they were heretics'.[58] Yet, she also admitted to hearing them preach on other occasions, and the deposition concludes by stating that she loved heretics. One might think that Bigordana would not be punished harshly for unwittingly hosting heretics in her home. However, Peter Sellan imposed a list of five pilgrimages on her, to go to Le Puy, Saint-Gilles, Saint-James, Saint-Sauveur of Asturias and Saint-Thomas of Canterbury.[59] In this instance it appears that Peter punished Bigordana more severely due to her hosting the heretics, suspecting that she was bending the truth to portray herself in a more favourable light. Therefore, despite inquisitors like Peter being aware of the issue, they still imposed pilgrimages as penances. Peter's decision to sentence the overwhelming majority of deponents to go on pilgrimage may have been strongly influenced by the lack of prison space available in Quercy during the 1240s, but this judgement still had to be made with the possible problems of pilgrimage in mind. Peter's decision demonstrates his belief that pilgrimage provided a spiritually edifying experience.

[56] Dossat, 'Types exceptionnels de pèlerins, p. 208.
[57] Dossat, 'Types exceptionnels de pèlerins, p. 208.
[58] 'In mane in recessu dixerunt se esse hereticos', trans. D21. f. 311v.
[59] D21. f. 311v.

Nevertheless, the problem did not disappear during the thirteenth century. As the inquisitors' knowledge of the networks of support for Catharism increased, the motivation for heretics to hide as pilgrims was amplified. On 25 June 1273 Petrona, the wife of William of Castanet of Verfeil, gave testimony to Randolph, inquisitor for Toulouse. Petrona returned on 1 July 1273 to add to her statement which included an admission that 'her same godmother said to her that if she could get the money she would pretend to go on pilgrimage, and in this way she would flee to the good men, that is, to the heretics; to Lombardy, so she believes.'[60] Importantly, Petrona did not mention her grandmother in her original statement. Hence, this deliberate omission of evidence both demonstrates an understanding that posing as a pilgrim could provide safety when travelling, and also that inquisitors were suspicious of such ruses. Randolph's decision to investigate the matter further in a second interrogation confirms that he was acutely aware of the problem.

Furthermore, the inquisitors at Toulouse encountered a number of situations in which they had to determine whether deponents were telling the truth about pilgrims they may have met. For example, on 7 February 1273 Fabrissa, the wife of Peter Vital, confessed to having met three pilgrims from Lombardy. Fabrissa's deposition states that the pilgrims were given lodging for one night on their way to Santiago, and were offered hospitality for their return journey as well.[61] Two of the Lombard pilgrims took up Fabrissa's offer of hospitality and visited her at Tounis soon after. Significantly, inquisitor Randolph asked Fabrissa to make a judgement about the pilgrims and the deposition states 'asked, did she believe that the said Lombard pilgrims were heretics or the messengers of heretics, she said no, since she saw

[60] 'Commater sua dixit sibi quod si posset habere denarius quod fingeret se ire causa peregrinationis, et ita affugeret ad bonos homines, scilicet haereticos; ad Lombardiam, ut ipsa credit', D25. f. 8r.
[61] D25. f. 44v.

them eating meat.'[62] However, Randolph does not seem to have been convinced by this answer, supported partly by Fabrissa's admission that the Lombards knew many Toulousian supporters of heresy who had fled to Lombardy, and also by evidence from other depositions. Fabrissa also stated that the Lombard pilgrims wanted to buy pins, which is important because earlier contact with heretics in 1246 also involved the trading of pins.[63] Although this could have simply been a coincidence, the similarities between the two examples would have been more acceptable to inquisitors as evidence of wrongdoing. Indeed, the tone of the deposition points towards Randolph's scepticism regarding the legitimacy of the pilgrims. Fabrissa's daughter, Philippa, was also questioned by Randolph concerning the Lombard pilgrims, and her deposition contains similar details including the mention of pin trading.[64] Regardless of the pilgrims' true identity, this example highlights inquisitorial concern regarding the abuse of pilgrimage. Dossat has suggested that inquisitors perceived those travelling from Lombardy to Galicia to be the most suspicious and worthy of investigation.[65] This heightened suspicion may have been because of the relative safety enjoyed by Cathars in Lombardy in comparison to Languedoc and the network between Cathars in both regions. Inquisitors knew that many heretics had fled to Lombardy during the second half of the thirteenth century, and that a number also travelled back to Languedoc, like William Raffard who returned in 1272.[66]

The final example of suspicious pilgrims investigated by the inquest at Toulouse between 1273 and 1282 is found in Peter Eugrin of Le Puydaniel's deposition, who

[62] Interrogata, credebat dictos Lombardos peregrinos fore hareticos vel muncios haereticorum, dixit quod non, cum videret ipsos comedentes carnes', D25. f. 44v.
[63] Biller, Bruschi and Sneddon (eds.), *Inquisitors and Heretics*, p. 277; Toulouse, MS. 609, f. 190v.
[64] D25. ff. 52v-3r.
[65] Dossat, 'Types exceptionnels de pèlerins, p. 213.
[66] D26. f. 16v.

was detained in prison over the course a week and interrogated on a number of occasions. Peter Biller notes that the deposition does not include all the questions that were asked, or their corresponding answers, and suggests that this could be because: the answers might have been discovered to be lies so were not worth recording; copies may have been kept in an original register; or that the inquisitors were only interested in Peter regarding one key point.[67] The key detail was Peter Eugrin's confession that his wife, Sicarda, claimed to have had visions in which 'a certain man who frequently appeared to her in the guise of a pilgrim and said that he was the Blessed James, said that the souls of the dead do not enter paradise until the day of Judgment, but go to rest, except for small children and the saints.'[68] The inquisitors' decision to record this particular detail is likely because Pons and Randolph were sceptical of Peter's claim that his wife had seen St. James disguised as a pilgrim in a vision.

Inquisitors were extremely concerned with the guise of pilgrimage being adopted to escape detection by inquests, thus it is possible that Pons and Randolph thought this reference to a vision, or maybe a real meeting with a disguised pilgrim, might prove to be useful in future investigations. Although Galicia did not have many cases of heresy in the thirteenth century, as shown earlier in this chapter, inquisitors were still concerned about the pilgrimage route between Lombardy and Compostella. As shown by Bruschi, inquisitors were well aware of the network of heretical safe houses between Lombardy and Languedoc, and they used this information to track heretics and their supporters.[69] As this network shared a similar route to that of pilgrims travelling from Lombardy to Saint-James at Compostella, it became an ideal disguise

[67] Biller, Bruschi and Sneddon (eds.), *Inquisitors and Heretics*, p. 101.
[68] 'Quod homo quidam qui frequenter apparebat ei in specie peregrini et dicebat se esse Beatum Iacobum, dicebat quod animae defunctorum non intrant paradisum donec in diem Iudicii, sed in requiem, parvulis exceptis et sanctis', D25. f. 218r.
[69] Bruschi, *Wandering Heretics*, p. 59.

for heretics who sought to travel freely between Languedoc and Lombardy. Thus, inquisitors were not concerned that heretics were travelling to or from the Iberian Peninsula, but instead were aware of the route shared by both pilgrims and heretics.

3.3 Attitudes towards Penitential Pilgrims

Nevertheless, the extent to which the abuse of pilgrimage by heretics was widespread should not be overstated. The abuse required two consenting parties. A heretic required a sympathetic host to provide hospitality, even if the disguise of a pilgrim was convincing. The most important factor in this dynamic was the general attitude towards pilgrims, and the treatment they faced from communities around Europe. Deponents' testimonies do provide evidence of pilgrims being offered hospitality, but like Petrona and Fabrissa, each deponent was also guilty of supporting heresy in other instances, and the possibility that they attempted to protect the identity of the false pilgrims must be kept in mind.

Moreover, the depositions do not provide evidence for the treatment of pilgrims by the people they encountered beyond Languedoc and Lombardy, areas which this chapter has argued were not as strongly affected by the growth of Catharism. Indeed, there are indications that reactions towards penitential pilgrims associated with heresy were sometimes hostile. The key indicator of this is the Church's proactive attempts to ensure penitents' safety. Attempts to protect penitential pilgrims are found as early as 1234, when Pope Gregory IX wrote to Robert le Bougre, inquisitor for northern France, regarding a penitent named Accuri, stating 'through these Apostolic writings we order your discretion on such occasions to not allow them (Accuri) to be molested by anyone on account of this matter.'[70] Accuri

[70] 'Discretioni vestre per apostolica scripta mandamus quarenus ipsum occasione hujusmodi non permittatis ab aliquibus molestari; si qua alia contra eum poteritis invenire, nobis fideliter rescripturi', *RG*, vol. 1, cols. 1194-5, the English translation quoted is from '22B: To the prior and Brother Robert of the

had gone to the Holy See to request forgiveness after inadvertently speaking to some heretics, giving them ten shillings, and bowing his head in respect to them.[71] The letter depicts Accuri as the ideal penitent, so the possibility of facing hostility during his pilgrimage demonstrates the negative view of penitential pilgrims which must have been held by a significant number of people.

The mistreatment of pilgrims persisted throughout the late 1230s and early 1240s to the extent that inquisitors William Arnold and Stephen of Saint-Thibéry issued penitents with letters of safe passage. Doat 21 contains seven examples of William and Stephen including clauses of protection as part of the sentence imposed on the deponents. These sentences are part of a wider set which will be discussed in more depth in chapter four, and it is quite possible that the other sentences would have included the order of safe passage as part of the original copy, and the testimonial letter which the deponent carried whilst completing their pilgrimage.[72] Two of the depositions were made in April 1238, during the sentencing of Raymond of Montesquieu and Arnold Cuc.[73] The other five depositions were made between June and August of 1241, during the sentencing of William Pictavin, Raymond Capel, Raymond Arnold of Villeneuve, Arnold Raymond of Boumont, and Lady Mantalina, wife of Raymond Capite.[74] In 1238, William Arnold and Stephen of Saint-Thibéry imposed pilgrimages to Rocamadour, Le Puy, and Saint-Gilles. For the duration of these pilgrimages the inquisitors stated that Raymond Montesquieu should be protected: 'we have entreated that the aforesaid and his goods are faithfully

Order of Preachers, of Paris', in eds. and trans. J. H. Arnold and P. Biller, *Heresy and Inquisition in France 1200-1300* (Manchester, 2016), p. 162, hereafter HIF.

[71] *RG*, vol. 1, cols. 1194-5

[72] D21. ff. 169r-75v.

[73] D21. ff. 169r-v, 171r-2r.

[74] D21. ff. 167v-8v, 170r-1r, 172r-3v, 173v-4v, 175r-6r.

protected when going, standing, and returning, and that others to do likewise.'[75] All six of the other sentences follow exactly the same structure, with the exception of William Pictavin's deposition which includes extra detail regarding the correct way to complete his penance of pilgrimages to Saint-Thomas of Canterbury, Saint-Mary of Solaco, Rocamadour, Le Puy, and Saint-Gilles.[76] The sentence adds 'so that his pilgrimages may be fully certified, when he arrives present himself as soon as he can with the letter so it may be looked upon with compassion, he will depart with his letters.'[77]

Although William's sentence was not first chronologically, it is listed first in Doat 21, and this is possibly because of the complete nature of the deposition which serves as a template for all the subsequent sentences imposed by William Arnold and Stephen of Saint Thibéry. Hence, arguably, the provision of letters of safe passage was normal procedure for inquisitors during this period, but the limited quantity of extant sentences makes this difficult to prove conclusively. Indeed, there are other clues in depositions which suggest that inquisitors were concerned with the safety of penitential pilgrims. Peter Sellan seems to have been mindful of his penitents' wellbeing. Whilst the depositions contained within Peter Sellan's register do not include explicit reference to safe conduct, every sentence of a pilgrimage to Constantinople states 'the departure/route as the others.'[78] This reference to a coordinated departure suggests that Peter believed safety could be found in numbers.

[75] 'Duximus deprecandam quatinua dictus et eius bona eundo stando et redeundo fideliter custodiatis et ab aliis similiter faciatis', D21. f. 169v.
[76] D21. ff. 168r-v.
[77] 'De suis peregrinationibus de posfimus plenius certificam quando ad vos peruenerit cum proesentibus litteris quam citius poteritis intuitu pietatis sibi litteras concedatis', D21. f. 168v.
[78] 'Via sicut alii', D21. f. 186v.

It would be unfair to suggest that inquisitors were indifferent to the fundamental problems with imposing pilgrimages as penances and their supporters. Analysis of the major pilgrimage destinations: Rome, Saint-James, Saint-Thomas of Canterbury, Cologne, and Constantinople, has shown that there is a positive correlation between the number of penitents sent to a pilgrimage site and the absence of religious dissent at the destination. Constantinople is the only pilgrimage destination which does not fit this pattern, but the political importance of the Latin Empire, and the papacy's vested interest in supporting it presents an alternative explanation for Peter Sellan's decision-making.

Early inquisitors quickly discovered that political considerations often took precedence over the success of their inquests. Inquisitors had to make decisions within this context, and this resulted in a pragmatic approach to inquisition generally. Moreover, whilst pilgrimage could provide a disguise for heretics, wider attitudes towards penitents suggests that inquisitors were not concerned with the possibility that pilgrims would spread religious dissent. Indeed, the level of hostility shown towards pilgrims was high enough that some measures were taken by the Church to afford some protection to pilgrims. It is true that the guise of a pilgrim provided some safety, but the extant examples of such instances involve deponents who were already sympathetic towards Catharism, or who already participated in heretical activity. The hostility shown towards penitents will be discussed further in this chapter as part of an analysis of wearing crosses.

3.4 Problems with Imprisonment

3.4.1 Providing for Prisoners

The purpose of imprisonment as a penance was nuanced in the thirteenth century. The inquisitors' duty was to save the souls of Languedoc by returning them to the

orthodoxy of the Church.[79] When considering the problems with using imprisonment as a penance, it is important to remember that although keeping penitents away from the rest of society had its benefits, the act of penance was intended to have a positive effect on the penitent. One of the primary problems faced by inquisitors in their attempt to suppress heresy was the lack of prison space to house penitent prisoners. This issue, and the ways in which inquisitors and the Church sought to address it, will be addressed first. Closely linked to this matter was the provision of material sustenance for prisoners, which also proved to be problematic at times. Secondly, the potential for prisons and prisoners to be abused by those entrusted to secure the prisons will be considered. Finally, although imprisoning many penitent heretics and their supporters separated them from wider society, concentrating so many people who had previously held unorthodox views could be considered a recipe for disaster. Inquisitorial concern regarding this potential problem will be examined and any action taken to prevent it from becoming a reality will be evaluated.

3.4.2 Prison Space

The canons of the ecclesiastical councils held during the first half of the thirteenth century portray an obvious concern over lack of prison space. The Council of Narbonne in 1243/4 offered advice regarding the best way to tackle prison shortfalls. Canon nine outlines the problem, stating 'we understand that you have found such a great multitude of these people that not only the money but also the stones and cement could scarcely suffice for the construction of prisons.'[80] The canon adds that the best response would be to 'defer their imprisonment, where this seems fit, until fuller consultation of the lord pope about their great numbers. However, if there are

[79] Caldwell Ames, 'Dominican Inquisitors', pp. 34-6; Roach, 'Penance', p. 111.
[80] 'Tamen intelleximus vos de his tantam in pluribus partibus multitudinem invenisse, ut nedum expensae, sed vix etiam lapides aut caementa sufficere possint ad carceres construendos', Mansi, vol. 23, col. 358, c. 9. The English translation is quoted from HIF, p. 240.

good grounds for anxiety about their impenitence or flight or relapsing, or corrupting or confusing others, you should assign these without any delay to a strong and suitable prison.'[81] The council's attitude not only reflects the inquisitors' pragmatism towards imprisonment, but also the flexibility argued for in chapter two. In addition, the same council called for specific measures to be put in place to provide for the poorer strata of penitents. Canon four orders that 'prisons should be constructed to contain poor people who have been converted from heresy. And they should properly provide for them their needs, so that prelates are not burdened excessively by such people or become unable to provide for them, perhaps because of their numbers.'[82] Signficantly, Caldwell Ames notes that despite the widespread use of imprisonment as a penance, Dominican chapters were slow to build their own despite orders to do so in 1238, 1240, 1274, and 1296.[83]

3.4.3 Meeting Prisoners' Needs

The realization that prisoners required support was not new in 1243 though. As early as the Council of Toulouse in 1229, canon law was put forward to ensure that penitential prisoners were cared for during their incarceration. Canon eleven proposed that 'their material needs shall be provided for by those who have taken hold of their goods, as regulated by the prelate. However, if they do not have goods then the bishop should provide for them.'[84] The council states that bishops should

[81] 'Eorum immurationis, ubi expedire videbitur, disseratis, donec ipse dominus papa de illorum multitudine plenius sit consultus: nisi forte aliqui essent tam facionorosi, ut de ipsorum impoenitentia, vel fuga, vel relapse, vel corruption, seu turbatione aliorum, merito timeretur: tales enim sine ulla prorsus dilation firmo ut opportune carceri deputetis', Mansi, vol. 23, col. 358, c. 9. The English translation is quoted from HIF, p .240.

[82] 'Conversis ab haeresi Pauperibus includendis carceres construantur. Et in necessariis provideant competenter, ne per tales nimium graventur praelati, vel eorum multitudini fortasse nequeant providere', Mansi, vol. 23, col. 357, c. 4. The English translation is quoted from HIF, p. 238.

[83] Caldwell Ames, *Righteous Persuection*, pp. 156-7.

[84] 'Quibus ab illis qui bona eorum tenuerint, provideatur in necessariis secundum dispositionem praelati: si vero bona non habuerint, eis provideatur per praelatum', Mansi, vol. 23, col. 196, c. 11. The English translation is quoted from HIF, p. 193.

provide support for the poor, because until the 1230s and the start of papal inquisition, bishops were tasked with suppressing heresy. Although secular prelates were meant to be responsible for providing for penitents who had their property confiscated, this support did not always materialize, and disputes over who was responsible for prisoners' needs continued throughout the thirteenth century. Lea notes that the statutes of Count Raymond in 1233 offered no means to facilitate the support of inquisition despite discussing the issue of confiscation in detail.[85]

Indeed, at the Provincial Council at Béziers in 1246 the problem was readdressed: canon twenty-three states 'the great rigour of prison is not to extinguish them, because you are to have them supported by those who hold their goods, and have their necessities provided, in accord with the statutes of the Council of Toulouse.'[86] Moreover, canon twenty-seven of the same council adds that inquisitors should impose 'pecuniary penalties and penances on behalf of the constructing of prisons and the provision of necessary expenses for poor people who are to be imprisoned.'[87] This attitude towards supporting penitential prisoners was reiterated for a third time at the Council of Albi in 1254.[88] Significantly, between 1229 and 1254 the councils' responses to the provision of prisoners were almost identical. The perceived failure to meet prisoners' needs throughout the period is demonstrated by the councils' continued guidance on this matter.

Additionally, interventions by religious and secular authorities suggest that support was not provided through the correct channels. For instance, on 16 March 1237,

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[85] Lea, *Inquisition*, vol. 1, p. 526; Mansi, vol. 23, cols. 261-8.
[86] 'Eos enormis rigor carceris non extinguat, quod ab illis, qui bona illorum tenuerint, fieri, ut in necessariis provideri faciatis eisdem, secundum statute concili Tolosani', Mansi, vol. 23, col. 720, c. 23. The English translation is quoted from HIF, p. 256.
[87] 'Ac poenas seu poenitentias pecuniarias pro carceribus construendis, ut ministrandis necessariis expensis, immurandis pauperibus', Mansi, vol. 23, col. 721, c. 27. The English translation is quoted from HIF, p. 257.
[88] Mansi, vol. 23, col. 839, c. 24.

Pope Gregory IX issued a bull rebuking royal officials who had failed to provide for the penitential prisoners whose property they had confiscated. The bull states that many magnates did not 'accordingly regard the statutes established at the Council of Toulouse, to provide what is necessary.'[89] Ultimately, it was action taken by the kings of France which resolved this recurring problem. In 1246, Louis IX commanded the seneschal of Carcassonne to use the property confiscated to pay inquisitors' expenses. Furthermore, in 1248, Louis financed the expenses of all inquisitors in the crown's territory and took responsibility for funding prisons, and the needs of the prisoners.[90] A letter from Louis to the seneschal of France dated 14 October 1258 demonstrates Louis's long-term commitment to supporting inquisitors' needs and it ordered the seneschal to ensure that the prisons were constructed without any further delay.[91] Notably, although progress was made, change was not rapid and ten years had passed since Louis originally declared he would fund inquisitorial prisons.

Similarly, the successor to Count Raymond VII of Toulouse, Alphonse of Poitiers, King Louis's brother, continued to fund the inquisitors' work, but he was very conscious of the cost of doing so. A letter from Alphonse to his clerk James Dubois on 13 January 1268 hints at reducing inquisitorial costs by moving inquisitors to Lavaur, whilst continuing to support the inquest. On the matter of providing prison space the letter reads 'we shall provide appropriately - from the castle of Lavaur or another suitable castle - for the persons who happen to be arrested and have to be imprisoned, if the castle at Toulouse does not suffice - whether these persons will be poor or wealthy we do not know, but time will tell.'[92] Arguably, it was the increase in

[89] 'Curatis prout statutum in Tholosanso concilio extitit in necessariis providere', D31. f. 36r.
[90] Dunbabin, *Captivity and Imprisonment*, p. 149; Wakefield, *Heresy, Crusade and Inquisition*, p. 182.
[91] HGL, vol. 8, pp. 1435-6, for an English translation see 'Louis IX, '25A: Royal Letters Concerning Inquisition, Louis IX, 14 October 1258', HIF, p. 170.
[92] 'De castro autem de Vauro seu de alio competenti pro incarcerandis personis, quas capi contigerit, si castrum Tholose non suffecerit, providebimus competenter, que quidem persone an sint paupers vel locupletes ignoramus, set suo tempore veritas apparebit', A. Molinier, ed. *Correspondance administrative*

secular support for inquisitorial prisons that prompted more penances of imprisonment. It cannot be a coincidence that the ecclesiastical councils of the mid to late 1240s focused so strongly on the use of prisons as a means of penance at a time in which it was becoming increasingly easier to confine and support penitents.

3.4.4 Regulating Prisons

Finally, whilst the physical limitations of imprisonment were eventually eased as a result of increasingly cooperative secular authorities, spearheaded by Louis IX, the problem of confining large numbers of penitent heretics and their supporters remained throughout the period. A matter which is not unique to inquisitorial prisons is the potential for the people responsible for regulating and policing the prison to abuse their position of power and influence. This was a real issue for thirteenth-century inquisitorial prisons, and in 1282 John Galand, the inquisitor for Carcassonne, rebuked his jailer Ralph for misconduct. The reprimand, which was copied into Doat 32, accuses Ralph and his wife Bernadette of being lax in their guardianship of the prison.

Under threat of dismissal, John forbade them from 'keeping at any time clerks or horses in the Wall, nor borrow any money or receive any gift from anyone among the prisoners, likewise, they are not to keep the money or anything else of anyone who dies in the Wall.'[93] Ralph was also ordered to: stop gambling in the prison; restrict prisoners' movement properly; and to limit the prison staff's interaction with them.[94] The criticism levelled at Ralph and Bernadette reveals a prison rife with corruption in

d'Alfonse de Poitiers, 2 vols. (Paris, 1894-1900), vol. I, pp. 610-1, no. 948, The English translation is quoted from 'Alphonse of Poitiers, '26A: Letters of Alphonse of Poitiers', HIF, pp. 172-3.

[93] 'Quod do cætero non teneat scriptorem aliquem in muro nec equos, nec ab aliquo immuratorum mutuum recipiant nee donum aliquod. Item nee pecuniam illorum qui in muro decedunt, retineant, nec aliquid aliud', D32. f. 125v.

[94] D32. f. 125v.

which the prisoners were not only taken advantage of, but also given a relatively high level of freedom. Such a situation was problematic for inquisitors because they were often subject to criticism regarding avarice and misappropriation of funds, which damaged relations with the wider population of Languedoc.[95] The intention for a penance of imprisonment to be a pious and salutary experience would have been undermined by such corruption. Secondly, allowing prisoners relative liberty increased the chance for them to relapse into heresy, as freedoms facilitated contact with heretical networks outside the prison.

It is important to note that John Galand received substantial criticism himself, and the consuls of Carcassonne made an official complaint against him in 1285 on behalf of the city. The consuls protested that 'we regard ourselves as being oppressed, because going against the former usual and accustomed practice of your predecessors in the inquisition, you have made a new prison. It is called the 'Wall' but could more rightly be called 'Hell''.[96] Within the 'Wall' John Galand was accused of allowing squalid living conditions to persist, especially in cases of solitary confinement, and advocating the use of severe torture.[97] In light of John's attitude towards inquisition it is not surprising that the jailer Ralph had been able to abuse his position so extensively. Opposition against John Galand continued for over forty years, until a papal commission was ordered to inquire into complaints against the inquisitor in 1330.[98] In John's case his attitude towards inquisition clearly affected his attitudes towards sentencing penitents, with a clear focus on punishment instead of a pastoral or salutary purpose. A comparison with earlier inquisitors like Peter Sellan

[95] Lea, *Inquisition*, vol. 2, p. 59; Davis, *Inquisition at Albi*, pp. 60-1, 67-8.
[96] 'Reputamus nos gravatos quod contra usitatum et consuetum modum ab olim a predecessoribus vestris in Inquisitione novum fecistis carcerem, qui murus appellatur et verius posset infernus merito nuncupari', Vidal, *Un inquisiteur jugé*, p. 40, the English translation quoted is from '27B: The Complaints of Carcassonne against John Galand 1285', HIF, p. 176.
[97] Vidal, *Un inquisiteur jugé*, pp. 39-43.
[98] HIF, p. 174.

and Bernard of Caux highlights the significance of their flexibility and pragmatism when imposing penances, and demonstrates the role that inquisitors' personal decision-making played in the punishment of heresy in the thirteenth century.

Additionally, ecclesiastical canons from the period provide an insight into the concerns of the Church at the time. The potential for prisons to foster religious dissent and facilitate the spread of heresy was understood by the Church from the early thirteenth century. The Council of Toulouse in 1229 tackled the issue of heretics who might have been insincere in their conversion to Catholicism. The eleventh canon states that 'heretics who have returned to Catholic unity through fear of death, or some other cause, are to be confined to prison by the bishop of this place to do penance, with this caution, that they should not have the opportunity to corrupt others.'[99] The issue remained an important topic for discussion and at the Provincial Council at Beziers in 1246 specific measures were detailed regarding the best way to prevent the spread of heresy in prison. Canon twenty-three of the council suggests that penitents who were previously heretics should be kept in 'separate and hidden rooms, to prevent mutual perversion or the perversion of others.'[100]

Nevertheless, these canons only focused on how to deal with heretics. Although penitential prisoners were meant to subsist on bread and water, the Church allowed a surprisingly large number of liberties despite the penal context. The friends and family of prisoners were able to provide them with food, wine and money, and Lea

[99] 'Haeretici autem qui timore mortis, vel alia quacumque causa, dummodo non sponte, redierint ad catholicam unitatem: ad agendam poenitentiam per episcopum loci in muro cum tali includantur cautela, quod facultatem non habeant alios corrumpendi', Mansi, vol. 23, col. 196, c. 11. The English translation is quoted from '29. Council of Toulouse, 1229', HIF, p. 193.

[100] 'Separatae ut occultae camerulae, sicut fieri poterit in singulis civitatibus dioecesum corruptarum, ut alterutrum vel se vel alios pervertere nequeant', Mansi, vol. 23, col. 720, c. 23. The English translation is quoted from HIF, p. 256.

notes that the inquisition even considered such action to be an established custom as was the case for most of pre-modern Europe.[101] The communication between prisoners and the outside world presented another problem in itself, as those sympathetic towards heresy were able to influence the process of inquisition by conspiring, or even threatening, prisoners to conceal information from inquisitors. For example, in 1278, William Raffard of Roquefort told inquisitors that he knew of heretics who spoke with imprisoned penitents about concealing sensitive information about the heretical community.[102] Therefore, even though inquisitors were aware of the potential for prisons to enable the spread of and support for heresy, they only took meaningful steps to prevent this from happening in the most serious of cases, and made sure unnecessary liberties were suppressed, like Ralph the jailer's misconduct. As discussed, providing prisoners adequate sustenance was often a challenge, so allowing friends and family to deliver additional provisions was likely viewed as a necessary evil.

A lack of prison space was a problem for much of the thirteenth century. Action taken by the French monarchy helped to tackle the issue, but it was a slow process that was often hamstrung by uncooperative local authorities. The provision for prisoners' needs was another problem which was never quite fully resolved. Again, the king eventually took a leading role in the process, and the increasing use of imprisonment by inquisitors for penances suggests that the measures taken were somewhat effective. Although some progress was made in tackling the physical limitations of imprisonment, the more abstract issue of abuse both of, and by, prisoners was much harder to solve. The attitudes of individual inquisitors arguably made an important difference in this regard, and the example of John Galand and his

[101] Lea, *Inquisition*, vol. 1, p. 491.
[102] D26. ff. 38r-40r.

jailer Ralph highlights the impact that different approaches to inquisition had on the punishment of heresy. Lastly, evidence from ecclesiastical councils shows that the Church was not ignorant of the ways prison could be abused by obstinate supporters of heresy. Yet, the limitations of imprisonment had to be reconciled with this problem, and the decision to take only pre-emptive action against the most suspicious of penitents depicts the pragmatic approach that inquisitors often had to take due to the difficult circumstances they operated within.

3.5 Resistance to Penances

Inquisitors' work with a particular deponent did not stop at the point of sentencing. Ensuring that deponents completed their penances was a difficult task with which inquisitors and the wider Church attempted to grapple throughout the thirteenth century. Firstly, evidence of this problem will be analysed to explore the inquisitors' problems. Examples of penitents removing their crosses, escaping from prison, failing to complete pilgrimages, and completely refusing to accept penances will all be considered. The techniques and tactics which inquisitors employed will be evaluated to determine the inquisitors' success at enforcing their sentences. Secondly, ecclesiastical councils' reactions to the problem of obstinate penitents will be addressed in order to explore the wider response to incomplete penances. Finally, the treatment of penitents who were ordered to wear crosses will be examined to determine what impact public perception may have had on the desire to remove crosses.

The refusal to complete one's penance was also a problem encountered by episcopal inquests early on in the thirteenth century. For example, in 1202/3 Pope Innocent III wrote a letter to Archbishop William of Bourges, Bishop Walter of Nevers, and Abbot

Hugh of Cluny.[103] The letter concerned Walter's inquest at La Charité-sur-Loire, and an ongoing dispute with the town's burgesses. The burgesses had been uncooperative during the entire process, and they refused to perform their penance after being sentenced. Innocent ordered that unless the penitents confessed publically to their errors and provided a sufficient caution, then they should be 'shunned by all people as heathen and publicans. You should assiduously advise and strongly encourage the secular prince to do what pertains to his office when we have done what pertains to ours.'[104] The pope's attitude towards punishing heresy is quite clear. The failure to complete one's penance demonstrated that the penitent was not sincere in their abjuration of heresy, and thus guilty of a worse sin than their original transgression. Although Innocent permitted forgiveness of those who were willing to grasp a second chance at repentance, those who continued to be obstinate were to be turned over to the secular authorities, and would likely have had their property confiscated and might have even been executed.

In the 1230s, resistance against the inquisition was officially encouraged by Count Raymond VII of Toulouse who ordered Pons Grimoard, his seneschal for Quercy, to disrupt the efforts of inquisitors.[105] As a result Othon of Bèretges, the bailli of Moissac, ordered the townsfolk to refuse penances imposed by inquisitors.[106] In addition, during the 1240s the inquisitors Bernard of Caux and John of Saint-Peter encountered many deponents who refused to accept the penances imposed on them, and many who did not attend the date set for their sentencing. For instance, on 27

[103] *Die Register Innocenz III,* ed. O. Hageneder et al. (Rome and Vienna, 1964-), vol. 5, pp. 61-4, for an English translation see '20A: Letter 35/6 from Innocent's fifth pontifical year 1202/3', HIF, pp. 151-4.
[104] 'Et tamquam ethnicos et publicanos mandetis ab omnibus evitari, commonentes attentius et efficaciter inducentes principem secularem, ut ex quo nos, quod ad officium nostrum pertinet, fuerimus executi, ipse quod ad eum pertinet exequatur', *Die Register Innocenz III*, p. 64, the English translation quoted is from HIF, p. 154.
[105] Taylor, *Heresy, Crusade and Inquisition*, p. 219
[106] Taylor, *Heresy, Crusade and Inquisition*, pp. 152-3; D22. ff.44v-6r.

July 1246, Bernard of Roqueville refused to do the penance given to him by Bernard and John. The deposition states that 'he will not do the aforesaid penance assigned to him from us.'[107] As a result, Bernard was condemned as a heretic and the inquisitors ordered the confiscation of his property, a fate which may have also resulted in Bernard's death. The same sentence was given to William of Saint-Nazareth and Raymond Saumater of Laurac on 8 September 1247 whose deposition states that 'they did not want to do the penance given to them.'[108] William and Raymond did not inform the inquisitors of this in person though, the deposition adds that 'they were legitimately cited, but are obstinately absent.'[109] Therefore, a deponent's absence at court indicated that they refused to complete the penance imposed.

The same decision was made on 20 October 1247 regarding the deponents, Arnold Horre of Alto Pullo and Peter Barot of Saint-Anthony, who also failed to attend their sentencing.[110] Additionally, Raymond of Syolh and Arnold Guerrer were treated by the inquisitors in the same way for refusing to complete their assigned penance.[111] All the deponents were accused of refusing to undertake perpetual imprisonment, and Célestin Douais notes that Arnold Guerrer's previous sentence is even found in the same manuscript.[112] Furthermore, some deponents such as Durand Daury simply did not attend their sentencing. Nonetheless, Durand was treated very similarly to the other impenitent deponents and on 15 March 1248 he was condemned as a heretic and his property was confiscated 'on the premise that he was legitimately summoned to receive his penance, he did not appear before us on the day assigned

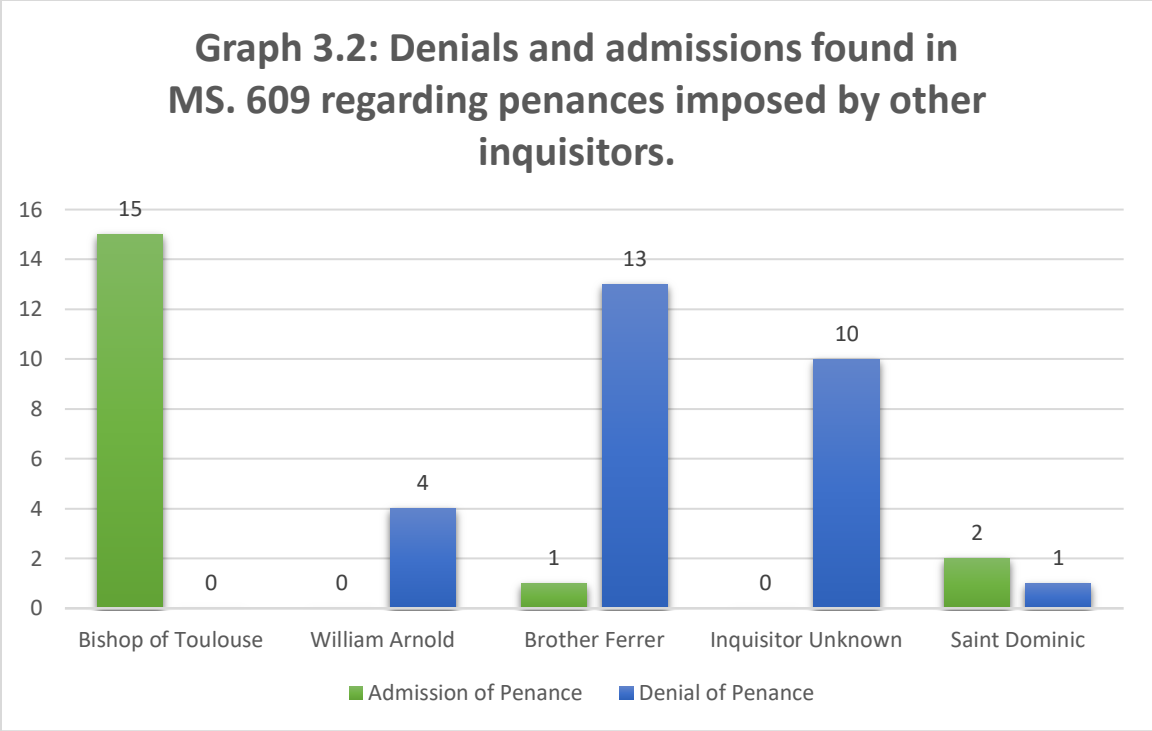
[107] 'Nolureit facere injunctam sibi a nobis penitentiam pro predictis', Douais, *Documents*, XIV, p. 37.
[108] 'Non velint penitentiam facere sibi datam', Douais, *Documents*, XXIII, p. 55.
[109] 'Ipsos legitime citatos, set per contumaciam absentes', Douais, *Documents*, XXIII, p. 55.
[110] Douais, *Documents*, XXX, pp. 64-5.
[111] Douais, *Documents*, XXXVIII, p. 76.
[112] Douais, *Documents*, I, p. 4, II, p. 76.

to him.'[113] Bernard Bret of Pomaroda, Raymond Leuder, and Arnold Leuder all received the same fate on 24 May 1248 for the same reason.[114] Hence, Bernard of Caux and John of Saint-Peter treated those who would not complete their penance as harshly as judicial procedure permitted, and those who did not attend their sentencing hearings were assumed to have refused their penance by proxy.

3.5.1 Previous Penances

Moreover, evidence of the harsh treatment given to those who failed to finish penances can be gleaned from the depositions contained in Bibliothèque Municipale of Toulouse, MS. Lat. 609, which contains many of the depositions recorded during Bernard of Caux and John of Saint-Peter's inquest at Toulouse between 1245 and 1246. Walter Wakefield has argued that establishing whether deponents had previously made a confession was an important issue for Bernard and John. This is evident in the three hundred and thirty-five deponents who admitted to confessing to Brother Ferrer previously.[115] A similar number also told the inquisitors that they had confessed to William Arnold, and a handful of deponents admitted to confessing to Bishop Fulk of Toulouse and Bishop Raymond of Toulouse. However, most significant is the answer to the follow-on question, regarding whether the deponent had been given a penance during a previous inquest.

[113] 'Ipsi legitime citati ad recipiendam penitentiam super premissis, in assignata sibi non comparuerint coram nobis', Douais, *Documents*, XXXVIII, p. 76.
[114] Douais, *Documents*, XLIV, p. 83.
[115] Wakefield, 'Friar Ferrier, inquisitor', p. 36; Yves Dossat, has also completed work tabulating previous confessions made, and the location of such confessions, Dossat, *Les Crises*, p. 224.



Graph 3.2, above, depicts an interesting juxtaposition between episcopal and papal inquisition. Out of the forty-six references to previous penances, only thirty-nine per cent of deponents admitted to receiving a penance previously. Of the eighteen prior penances, only one was imposed by papal inquisitors, whereas fifteen were imposed by the episcopal inquisition at Toulouse, and two by Dominic Guzman. Despite the variable leniency shown by Brother Ferrer, as argued in chapter two, the relatively tiny number of previous penances in comparison to the overall number of previous confessions seems incorrect. Arguably it was in the deponents' best interests to state that they had never received a penance before, truthfully or otherwise, for two reasons. If they were telling the truth then they were more likely to get a lenient penance because it would be their first punishment. On the other hand, as analysis of MS. 9992 has already shown, if they had previously received a penance and had not completed it, then Bernard of Caux and John of Saint-Peter would likely punish them very harshly. Therefore, even if a deponent had completed any penances

assigned to them, there was still a vested interest in hiding the truth. William of Rezengue is a prime example, stating on the 27 May 1245 that 'he had previously confessed to William Arnold and Brother Ferrer, inquisitors, but did not have to do penance.'[116] Other deponents were even vaguer in the detail of their confession. Na Aurimunda, wife of Bernard lord of del Mas, only admitted on 19 May 1245 that 'she confessed to other inquisitors…and did not have a penance.'[117] Moreover, Peter Amiel's deposition is even less specific, simply stating 'but he has not had a penance.'[118]

In addition, the interrogations in which deponents did admit to previous penances also provide insights into attitudes of both penitents and inquisitors. On 7 June 1245 Pons John admitted that he had already been given a penance by Brother Ferrer at Saissac and said 'he confessed to Brother Ferrer at Saissac and went to Saint-James for his penance.'[119] Pons's interaction with heretics and heresy was no greater than the majority of other deponents who confessed to Bernard and John. This example provides further weight to the view that it is unrealistic to believe so few people were given penances by William Arnold. Clearly, deciding if deponents were being truthful was a serious issue for the inquisitors. One way that the inquisitors could tell if a deponent was being truthful was to ask them to provide evidence of it. Pons Grimoard's deposition found in Doat 22 provides one of the earliest examples of this process. Recorded on 25 January 1244, the deposition states 'he was assigned the day of Sunday in Lent to appear before us at Cahors, and to add to his confession if he wants, and to bring letters from the bishop of Toulouse, and Brother William

[116] 'Fuit confessus Fratri Willelmo Arnaldi et Fratri Ferrari Inquisitori, sed non habuit penitentiam', MS. 609, f. 1r.
[117] 'Fuit confessa aliis inquisitoribus…et non habuit penitentiam', MS. 609, f. 21v.
[118] 'Sed non habuit penitentiam', MS. 609, f. 13v.
[119] 'Fuit confessus F. Ferrario apud Sayssacum et ivit apud Sanctum Iacobum pro penitentia', in MS. 609, f. 35a.

Arnold and his fellow inquisitor, and of the completion of the pilgrimage to Saint-James.'[120] The letters referred to by the deposition were testimonial letters, and they provided evidence of the completion of penances by penitents. In Pons Grimoard's case physical proof of his actions was particularly important for Bernard of Caux and John of Saint-Peter because the inquisitors had discovered that Pons had lied to them and that he had relapsed into heretical ways, as discussed in chapter two.

Similarly, MS. 609 contains further evidence of Bernard and John's search for proof of whether deponents had completed former penances or not. On 3 July 1246, Dulcia, wife of Peter Faber, stated that 'she was given a penance by the Bishop of Toulouse and has a letter of testimony.'[121] It was also included that 'one of the conditions imposed was to wear crosses.'[122] Likewise, Audiardis Ebrarda was able to give the inquisitors a testimonial letter from the bishop of Toulouse which confirmed her penance of crosses.[123] The testimonial letters were clearly seen as an important part of the early inquisitorial process because they are referred to in the *Ordo Processus*.[124] It states that 'of the penances which we have given to those who are not imprisoned, we give them a letter using this form'.[125] The manual goes on to describe all the various penances that such a letter might be used to testify, but importantly it also mentions that if anyone sees the penitent acting in an un-Catholic manner then they should report them, and that the penitent should then be held in excommunication and receive no further mercy from the Church.[126] This sentiment

[120] 'Et est ei assignata dies quod infra instantem dominicam in quadragesima apud Caturcum compareat coram Nobis et addat confessioni sue si voluereit addere et reportet litteras domini Episcopi Tholosani et Fratris W. Arnaldi et socii eius inquisitorum, et de executione peregrinationis Sancti Jacobi', D22. f. 42r.
[121] 'Et de hiis omnibus habuit penitentiam a domino R. Episcopo Tholosano et habuit ab ipso litteras testimoniales', in MS. 609, f. 184v.
[122] 'Item dixit quod cruces sibi impositas', MS. 609, f. 184r-v.
[123] MS. 609, f. 184r.
[124] Sumption, *Pilgrimage*, p. 104.
[125] 'De penitentiis vero, quas non immurandis injungimus, damus litteras sub hac forma', Tardif, 'Documents', p. 675.
[126] Tardif, 'Documents', pp. 675-6.

can go some way to providing an explanation of why many deponents were unwilling to admit to Bernard and John that they had been given a penance previously.

In comparison to papal inquisitors, the penances imposed by the bishops of Toulouse were relatively uniform, which perhaps points towards the undeveloped judicial procedure prior to the start of papal inquisition. Ten of the deponents admitted that they had previously been ordered to wear crosses by either Fulk or Raymond. However, many of the same deponents confessed that they had failed to complete their penance properly. For example, Ramona, wife of William Germa's deposition states that 'she was reconciled by the Lord Bishop of Toulouse ten years ago, and the lord bishop gave her two crosses, and after a year she removed the crosses without the permission of the Church.'[127]

Similarly, Segura, wife of William Vitalis, confessed that 'Lord Bishop of Toulouse gave her two crosses, and on many days she did not carry the crosses and several times she carried them covered rather than uncovered.'[128] The deponents: Guauzia, wife of Gualhardi; Ramona, wife of William Gasc; Ermengarde Aycharda; and even Dulcia, wife of Peter Faber, all admitted to covering up or removing their crosses for periods of time during their penances.[129] Whilst Audiardis Ebrarda provided Bernard and John with testimonial letters as discussed above, her deposition still concedes that 'she appeared before Brother John, inquisitor, and recognized that she often removed the crosses which had been imposed upon her by the said Bishop of Toulouse.'[130] In addition, Bernadette Vesiana also confessed to Brother John and her

[127] 'Et fuit reconciliata per dominum episcopum Tholosanum X anni sunt, et dedit ei dominus episcopus duas cruces, et ipsa post annum dimisit cruces sine licencia Ecclesie', MS. 609, f. 20r.
[128] 'Dominus episcopus tholosanus dedit i.t. duas cruces, et multis diebus non portavit cruces et pluribus vicibus portavit eas coopertas quam discoopertas', MS. 609, ff. 20r-v.
[129] MS. 609, ff. 21r, 22v, 184r-v.
[130] 'Comparuit coram Fratre Iohanne inquisitori et recognovit quod multociens dimisit cruces quas sibi imposuit dictus Episcopus Tholosanus', MS. 609, f. 184r.

deposition states that 'she acknowledged that she had been a heretic for a year, and had removed the crosses imposed upon her by the Lord Raymond Bishop of Toulouse.'[131]

Yet, it was also possible for penitents to attain a respite from such penances, and Na Comdors, wife of Stephen Herma, admitted to covering her crosses on occasion but added that 'when she returned to Brother Ferrer he dismissed her crosses for three months, and in the winter she wore crosses under her coat and at other times wore those crosses.'[132] Indeed, one deponent claimed that they had been completely released from their penance of crosses. Rixendis, wife of Andrew, claimed that even though she had once been a heretic for an entire year that she had previously told Brother John that 'crosses had been imposed upon her by Lord Fulk, which were later dismissed.'[133] The depositions of the final five deponents who admitted to receiving a penance from the bishops of Toulouse do not include any detail concerning what the penance may have been, or if the deponents completed their penances fully.[134]

Additionally, two of the deponents who admitted to having received crosses from Dominic also claimed that they had successfully completed their penance. On 12 March 1246, Wilma Martina, wife of William Lombard, told Bernard of Caux and John of Saint-Peter that 'she confessed to Brother Dominic of the Order of Preachers, and she had a penance from him that she should wear two crosses on her front for two years, and that in these two years she should not eat meat except for on Christmas, Easter and Pentecost, and also that she finished the aforesaid penance, and she has

[131] 'Accedit apud Tholosam coram Fratre Iohanne inquisitori et recognovit quod fuit heretica induta per annum et cruces sibi impositas per dominum R. Episcopum Tholosanum dimisit', MS. 609, f. 184v.
[132] 'Quando rediit de Fratre Ferrario dimisit cruces per tres menses, et portavit in hyeme cruces sub pellicio et alias portavit illas cruces', MS. 609, f. 20v.
[133] 'Fuerunt sibi imposite cruces per dominum Fulconem quas postea dimisit', MS. 609, f. 168v.
[134] MS. 609. ff. 70r, 173r, 208r-v, 229v, 243r.

the letter of the said penance from Brother Dominic.'[135] Likewise, Arnette of Fremiac's deposition states that she claimed that 'she confessed to Brother Dominic, and she was reconciled by him, and she had a penance to wear two crosses on her front until the time that she became married.'[136] In contrast, Ermengarde, wife of Peter Boer, admitted during interrogation that she had interacted with and supported heretics since being formerly reconciled by Dominic. Ermengarde denied having ever received a penance though because 'she fled when heretics were captured in her house.'[137] Hence, the focus on past penances demonstrates that Bernard of Caux and John of Saint-Peter were interested in determining if there were valid reasons for deponents failing to complete their penances. Furthermore, if a deponent claimed to have completed their penance, then the inquisitors required written proof that they were telling the truth.

Unfortunately, the incomplete nature of the extant registers of Bernard of Caux and John of Saint-Peter's inquest means it is only possible to know what measures were taken against those who refused to complete the penances set by Bernard and John themselves. Nevertheless, evidence of impenitent deponents is also found within Doat 25 and 26, which record the inquest carried out by inquisitors Ralph Plassac, Pons Parnac, and Hugh Amiel between 1274 and 1282 at Toulouse. On 25 September 1274, Amblard Vassal of La Roque d'Arifat, who is described by the deposition as a fugitive for heresy, was interrogated. The deposition states that Amblard admitted to confessing previously to inquisitors William Bernard at Castres and later to Stephen of the Gâtine, but instead of receiving a penance he was

[135] 'Fuit confessus Fratri Dominico de ordine Predicatorum et habuit penitentiam ab ipso quod portaret duas cruces a parte ante per duos annos et quod in illis duobus annis non comederet carnes nisi in die Natalis Domini, Pasche et Pentecostes, et item complevit predictam penitentiam et habuit litteras de predicta penitentia ab ipso Fratre Dominico', MS. 609, ff. 160r-v.
[136] 'Fuit confessa Fratri Dominico et reconciliavit ipsam et habuit penitentiam quod portaret duas cruces a parte ante quousque duceret maritum', MS. 609, f. 160v.
[137] 'Quia fugit quando heretice fuerunt capte in domo sua', MS. 609, f. 20v.

released on bail with forty pounds surety. Stephen made this decision because he wanted Amblard to assist in the capture of a number of heretics.[138] In comparison to the 1240s, by the 1270s, any remaining heretics in Languedoc had gone into hiding, or had fled to Lombardy. Hence, inquisitors became increasingly reliant on former heretics and supporters to uncover and locate the remaining heretics. However, Amblard claimed that he was unable to gain the trust of the heretics again and as a result 'he dare not return to the inquisitor, but fled.'[139] Subsequently, Stephen declared Amblard to be a fugitive and demanded that Amblard's surety be paid as a penalty by his guarantors.[140] It would be futile to guess how Stephen would have treated Amblard if he had returned unsuccessful, but it is clear that Amblard believed that he would be treated harshly.

Deponents' fear of failing in their penance is portrayed most clearly by the deposition of Arnold Cimordan of Gascony. Arnold's deposition states that Bernard of Caux had imposed a penance of crosses and pilgrimages upon him.[141] Moreover, Arnold was later imprisoned, which may have been because he did not tell Bernard of Caux that he had accompanied a heretic during his first deposition. Yet, Arnold did not complete his sentence of imprisonment and complained that the reason he fled from prison was due to a dearth of material support from the bishop who had been given Arnold's confiscated goods. Arnold also lacked a messenger to bring him food from the bishop's hall.[142] As a result, the inquisitors ordered Arnold to accept whatever penance they decided upon, and made him pledge a surety of fifty pounds, which he covered with all his property. In return Arnold's excommunication was lifted. Clearly, the inquisitors were not confident that Arnold would return to hear his sentencing,

[138] D25. ff. 184r-5v.
[139] 'Non fuit ausus redire ad inquisitorem, sed fugiit', D25. f. 186r.
[140] D25. f. 186r.
[141] D25. f. 220v.
[142] D25. ff. 221r-v.

and despite Arnold's surety, he was kept in prison. The use of surety is important though because it tied the guarantors to Arnold's activity and the social importance of this strategy will be discussed in detail at the end of this chapter.

A final detail of merit gleaned from Arnold's deposition is his action following escape from prison. Although Arnold appears to be relatively impenitent throughout his depositions, the claim that he attempted to attain reconciliation is notable. As a fugitive Arnold fled to Gascony and lived with Peter Binhac, the prior of Benitum. The deposition states that despite paying the prior ten shillings to reconcile Arnold with the bishop and inquisitor, no action was taken as far as he was aware.[143] If Arnold is to be believed, he was genuinely sincere in his desire for reconciliation with the Church, and he blamed his unfortunate circumstances for the position in which he found himself. Indeed, it is hard not to feel at least a mote of sympathy for Arnold as his deposition strongly demonstrates the problems regarding imprisonment as a penance, as discussed earlier in this chapter. The deposition's date of 1276 underlines the Church's and inquisitors' failure to tackle the issue completely. In Arnold's case there appear to be very real reasons for his failure to complete his penances. The inquisitors' decision to absolve him from the excommunication he had incurred is an indicator that they may have been sympathetic to his claims, yet evidence of Arnold's final sentence is sadly not extant.

Like Bernard of Caux in the 1240s, the inquisitors at Toulouse during the 1270s also encountered a number of deponents who claimed they had not been previously punished as a result of prior confessions. Peter of Beauville was interrogated on many occasions during 1277 and 1278 and his depositions state that after he had formerly confessed to William Arnold 'the same witness then swore to obey the

[143] D25. ff. 222v-3r.

commands of the Church, and was reconciled by the said brothers, and abjured heresy; but he did not receive a penance.'[144] The reason for this might have been the subsequent murder of William Arnold and Stephen of Saint-Thibéry at Avignonet soon after, but the decision by Pons Parnac and Hugh Amiel to follow such a line of inquiry highlights their priorities and interests.[145] The death of the two inquisitors did not absolve Peter of any penance that may have been imposed upon him though. Following the murders at Avignonet, Peter went into hiding and eventually fled to Lombardy, remaining a fugitive until his capture many years later back at Avignonet.[146] In contrast to Peter of Beauville, deponents like Amblard Vassal of La Roque d'Arifat and Arnold Cimordan of Gascogne were influenced by fear and their personal circumstances which affected their ability to complete their penances. Peter's depositions reveal extensive and deep involvement in heretical networks across Languedoc and Lombardy, and his failure to accept the Church's judgement is clearly due to his continued and unrepentant support of Catharism.

3.5.2 Canon Law

Secondly, inquisitors were assisted in their battle against defiant penitents by the canon law created at the ecclesiastical councils held throughout the thirteenth century. As discussed above, inquisitors had used testimonial letters since the start of the papal inquisition. Nonetheless, at the Provincial Council at Béziers in 1246, the correct use of testimonial letters was enshrined into canon law. Canon twenty-nine states 'those upon whom pilgrimages were imposed: they are bound to show the said testimonial letters on every pilgrimage to the person in charge of the church they are visiting, and to bring back to you his letters about the carrying out of that

[144] 'Ipse testis tunc iuravit mandatis Ecclesiae, et fuit reconciliatus a dictis fratribus, et abiuravit haeresim; sed non habuit poenitentiam', D25. f. 298v.
[145] Biller, Bruschi and Sneddon (eds.), *Inquisitors and Heretics*, p. 777.
[146] D25. ff. 297r- D26. f. 2v.

pilgrimage.'[147] The canon adds that for those travelling overseas the fathers or patriarchs of Jerusalem or Acre should perform the same duties.[148] As inquisitors had been issuing penitents with testimonial letters since William Arnold in the 1230s, this canon demonstrates the way in which inquisitorial practices fed into the creation of canon law during ecclesiastical councils.

In addition, the councils created a judicial framework, providing legal guidance regarding the correct way to deal with penitents' failure to complete their penances, and a whole range of circumstances were dealt with. The Council of Narbonne in 1243/4 suggested that penitents who refused to complete prison sentences should be declared rebels. Canon ten of the council suggests this would happen if 'either not entering prison, or leaving after entry, or refusing to observe or carry out whatever other penance, or obstinately absenting themselves from receiving it - and thus they openly demonstrate their lack of repentance and the falseness of their conversion.'[149] The canon clearly reflects Bernard of Caux and John of Saint-Peter's attitudes towards dealing with stubborn penitents, and also presents the consequences of not completing all types of penances as being equally serious. Canon thirteen of the same council adds that receivers, defenders, or supporters of heretics who wish to return to the Church should provide a surety to ensure their compliance, and then carry testimonial letters to the pope in order to receive absolution and a penance.[150] Therefore, whilst forgiveness was still available for those who were truly willing to

[147] 'Quibus autem fuerint peregrinations injunctae, teneantur dictas testimonials litteras ostendere in singulis peregrinationibus, ei qui praefuerit ecclesiae quam visitaverint: ut eiusdem litteras de peregrinatione illa peracta, vobis reportare', Mansi, vol. 23, col. 722, c. 29. The English translation is quoted from HIF, p. 258.
[148] Mansi, vol. 23, col. 722, c. 29.
[149] 'Injunctam sibi poenitentiam carceris vel non intrando, vel post ingressum exeundo, seu quamcumque aliam servare, seu perficere renuentes, vel se ab ea recipienda contumaciter absentantes, rebelles existent, ut sic suam impoenitentiam, sictamque conversionem aperte ostendunt', Mansi, vol. 23, col. 359, c. 10. The English translation is quoted from HIF, p. 240.
[150] Mansi, vol. 23. col. 360, c. 13.

repent and accept a further penance, the consequences of failing to do so were severe. The social implications of sureties will be analysed later. Moreover, the definition of obstinate penitents was reiterated at the Provincial Council of Béziers in 1246; canon thirty-three states 'those who lapse after this sort of abjuration and those who do not observe and carry out the penances imposed upon them are to be punished with the due penalty of the relapsed.'[151] The explicit comparison made in the canon demonstrates that the link between attitudes towards and definitions of relapsed heretics and obstinate penitents were clear to inquisitors.

One type of penance that the ecclesiastical councils dealt with in specific detail was the removal of crosses. Analysis of MS. 609 has shown that one of the most commonly imposed penances by bishops during episcopal inquisition was the order to wear crosses. Thus, it is not surprising that canon four from the Council of Béziers in 1232 dealt with this specific issue, stating that penitents who did not wear their crosses were heretics and should have their goods confiscated.[152] The edict of Count Raymond in 1233 repeated the sentiment and showed particular concern for former heretics not performing their penances adequately. The tenth canon declares 'if they have not adopted the crosses they have been asked to wear for their reconciliation by their bishop, or if they have adopted them and then on their own authority taken them off, or they have been found to be concealing them within their clothes…they

[151] 'Post huisusmodi autem abjurationem, quicumcumque lapsi fuerint, ut qui non servaverint, a vel fecerint injunctas sibi poenitentias, poena relapsis debita puniantur', Mansi, vol. 23, cols. 722-3, c. 33. The English translation is quoted from HIF, p. 259.
[152] Mansi, vol. 23, col. 271, c. 4.

are to be punished with a similar penalty.'[153] The punishment which the canon refers to is the confiscation of the penitent's property and the destruction of their house.[154]

The later councils do not differentiate between different types of penances, and arguably this reflects the more varied use of penances by papal inquisitors in comparison to bishops. Indeed, the Council of Valence in 1248 highlights the perception of parity between types of penances in particular. Canon thirteen states 'excommunication for deponents who scorn crosses and imprisonment imposed upon themselves for heresy.'[155] Likewise, the various ecclesiastical councils demonstrate that the severity with which obstinate penitents were treated remained relatively constant throughout the thirteenth century. The constant repetition of the same issues suggest that it remained a problem for much of the period. In light of the measures proposed by the councils, it is easier to understand why deponents were so eager to deny having ever received a penance previously.

It is also important to consider the social implications of wearing crosses and to determine whether the treatment of penitents wearing crosses by the general populace affected the decision to remove them. James Given's research into Bernard Gui's inquest in the early fourteenth century has suggested that the punishment of heresy operated as a means of social control for inquisitors. Given argues that as a result of their penances, penitents fell into a distinct social group, and that wearing crosses was the most obvious marker of this separation from the rest of society.[156]

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[153] 'Et etiamsi de reconciliation constiterit, nisi cruces super hoc a suo episcopo admoniti ad portandum assumpserint, aut assumptas authoritate sua propria depsuerint, aut cum exterius super vestes, extraque partem pectoris anterius prominentes portare debeant, eas celare intra vestes deprehensi fuerint, poena simili puniantur', Mansi, vol. 23, col. 266. The English translation is quoted from '30. Edict of Count Raymond', HIF, pp. 200-1.

[154] Mansi, vol. 23, col. 266.

[155] 'De deponentibus crucem sibi impositam propter haresim: de ausugientibus ut carcere: de contemptoribus excommunicationum', Mansi, vol. 23, col. 774, c. 13.

[156] Given, *Inquisition*, p. 84.

In addition, Given suggests that by the start of the fourteenth century a penance of wearing crosses was the most humiliating penance possible. It marginalized penitents to the greatest extent due to the levels of public shame which became associated with the punishment, which never disminished, even after their penances finished. Given provides examples taken from Bernard Gui's *Liber Sententiarum* to highlight the extent to which the stigma of crosses affected one's ability to access work and the level of harassment which one might have to endure.[157]

The impact of wearing crosses should not be overstated though, and experiences did vary. Carol Lansing highlights examples from Orvieto in Italy in which penitents simply disposed of their crosses and continued to live their lives as normal.[158] On this issue the thirteenth-century ecclesiastical councils are quieter, but the Council of Béziers in 1246 did order that penitents should not be ridiculed for wearing crosses. The sixth canon states 'wherefore, in order to avoid the conversion of sinners being delayed and public discredit making converts reject their penance and relapse, we ordain and by virtue of the Holy Spirit we forbid the mockery being made of penitents upon whom crosses are imposed for the crime of heresy. Nor are they to be excluded from their own places or normal dealings.'[159] The canon finishes by warning that those who continued to harass penitents after being cautioned not to, would be forced to stop by ecclesiastical censure.[160] Bernard of Caux and John of Saint-Peter's inquest during the 1240s resulted in many deponents confessing that they had removed their crosses, thus this canon was a reaction to a perceived

[157] Given, *Inquisition*, p. 85.
[158] Lansing, *Power and Purity*, p. 147.
[159] 'Quocirca statuimus, ut in virtute sancti Spiritus inhibemus, ne poenitentibus, quibus cruces pro crimine haresis imponuntur, irrisio ulla fiat, nec a locis propriis seu communibus commerciis excludantur, ne tradetur conversion peccatorum, ut ne conversi propter scandalum abjecta poenitentia relabantur', Mansi, vol. 23, col. 693, c. 6. The English translation is quoted from '31. Council of Béziers, 1246', HIF, p. 204.
[160] Mansi, vol. 23, col. 693, c. 6.

problem highlighted by the inquest at Toulouse, a further example of inquisitorial experiences influencing the development of canon law and the post-interrogation procedure.

Obstinate penitents were a significant problem for inquisitors during the thirteenth century, as highlighted by the concern shown towards them by ecclesiastical councils, even during episcopal inquisition. Inquisitors' attitudes towards such penitents, matched by the advice offered by councils, were largely unforgiving. Penitents were given a final chance to accept a further penance, but if they refused this offer then they were regarded as if they were stubborn relapsed heretics, and were punished accordingly. As chapter two has argued, this meant at least perpetual imprisonment, and at worst confiscation of their property and possibly death. The public attitude towards penitents wearing crosses was often negative and matched the hostility sometimes shown towards pilgrims. Subsequently, it is not surprising that so many deponents sought to hide their penitential past, and often claimed to complete the penances imposed upon them. Ironically their attempts to avoid the suffering of punishment often led to a worse situation if inquisitors discovered their deceit.

3.6 Social Implications of Penance

Thus far, this chapter has noted the intertwining relationship between the problems with penances, the difficulties in enforcing sentences, and the effect that social pressures had on both. Firstly, it is important to consider in more depth the ways in which inquisitors viewed the punishment of heresy as an opportunity for social control, the sentencing of penitents was an entirely public affair. Analysis of ecclesiastical councils will help to highlight the strategies proposed for separating heretics and their supporters from society, and how societal pressures could help

ensure penances were completed. Secondly, the manner in which these techniques were employed in practice will be evaluated by examining the inquest at Carcassonne between 1250 and 1258, as recorded in the register of Greffier the notary.[161] In particular the use of surety by inquisitors will be examined, and the diverse range of situations it was applied to will be analysed.

Ensuring that heretics who returned to Catholicism did not relapse into heretical ways was a priority for the Church early on in the thirteenth century. The canons of the Council of Toulouse in 1229 suggested that efforts should be made to remove repentant heretics from areas known to be sympathetic to heresy. The tenth canon states 'they should not stay in the town in which they had lived earlier, if that town is held to be suspect of heresy. Rather they should be placed in a Catholic town not noted for any suspicion of heresy. Henceforth and as a mark of detestation of their former error, they shall wear high up two prominent crosses.'[162] As previously argued, attitudes towards those completing penances set by inquisitors were generally negative. Hence, separating former heretics from their support base, and marking them with crosses would have helped to ensure that circumstances did not arise which could have potentially led to the penitent relapsing.

Although the Council of Toulouse in 1229 would have had episcopal inquests in mind, the same sentiment was reiterated at the Provincial Council at Béziers in 1246. The twenty-eighth canon suggests that 'where this seems expedient, they are to be thrown out of the town in which they had been living, to stay for a while in a certain

[161] Bibliothèque de Clermont-Ferrand, MS. Lat. 160. The edition used in this work can be found in Douais, *Documents*, pp. 115-301. The manuscript is currently held by the Bibliothèque du Patrimoine.
[162] 'Non remaneant in villa in qua fuerant antea conversati, su villa suspecta de haresi habeatur: sed collocentur in villa catholica, quae nulla sit haresis suspicione notate. In detestation quoque veteris erroris duas cruces portent de cetero altius praeminentes', Mansi, vol. 23, col. 196, c. 10. The English translation is quoted from HIF, p. 193.

other town or province.'[163] The agency of the inquisitor is important in this canon, as discussed in chapter two, but the advice remained much the same as seventeen years earlier. Examples in extant sources of inquisitors invoking this power are rare in comparison to other penances, and common sense suggests that it would be used relatively sparingly due to the social upheaval that would result from large numbers of people moving, and the logistical difficulty of finding enough suitable places for each penitent to live.

On the other hand, public sentencing was commonly practised throughout the thirteenth century and acted as a means of social control in itself. The Council of Narbonne in 1243/4 states that 'after summoning clergy and people, you should make all who have been converted confess their guilty acts and abjure and swear in public…except where the slightness of guilt or the enormity of scandal suggest drawing back from full rigour in doing this.'[164] Although confessing and abjuring were not directly part of the penance proper, they still contributed to the overall punishment as they brought the penitent's sins to the attention of their community in a very public way. Notably, the flexibility of inquisitors is once again made explicit by the canon. The primary purpose of this public act was not to shame people, but to draw a community's attention to what was unacceptable behavior, and what was considered within the Church's universal boundaries. Hence, it was not necessary to cause undue hardship for those who had barely sinned, and because communities still had to function after the inquests concluded, it would have been counterproductive to fracture social bonds too deeply. The sixth canon also adds 'and

[163] 'Ut ubi expediens visum fuerant, eiiciantur de villa in qua conversati fuerant, in alia certa villa seu provincial moraturi ad tempus', Mansi, vol. 23, col. 721, c. 23. The English translation is quoted from HIF, p. 258.
[164] 'Omnes vero faciatis culpas suas, clero ut populo convocatis, publice confiteri, ut abjurae…nisi ubi culpa levitas, et scandali enormitas, rigori etiam huic quicquam ostenderent detrahendum', Mansi, vol. 23, col. 357, c. 6. The English translation is quoted from HIF, pp. 238-9.

let public instruments be drawn up containing the guilty acts, abjurations, promises and penances of each individual, so that the truth - so long hidden but now both miraculously and mercifully revealed by God - can no longer perish or hide.'[165] A physical record of the penances imposed meant penitents could not escape their sentences, and such records could assist potential future inquisitors who may have had cause to reinvestigate them.

3.6.1 Sureties

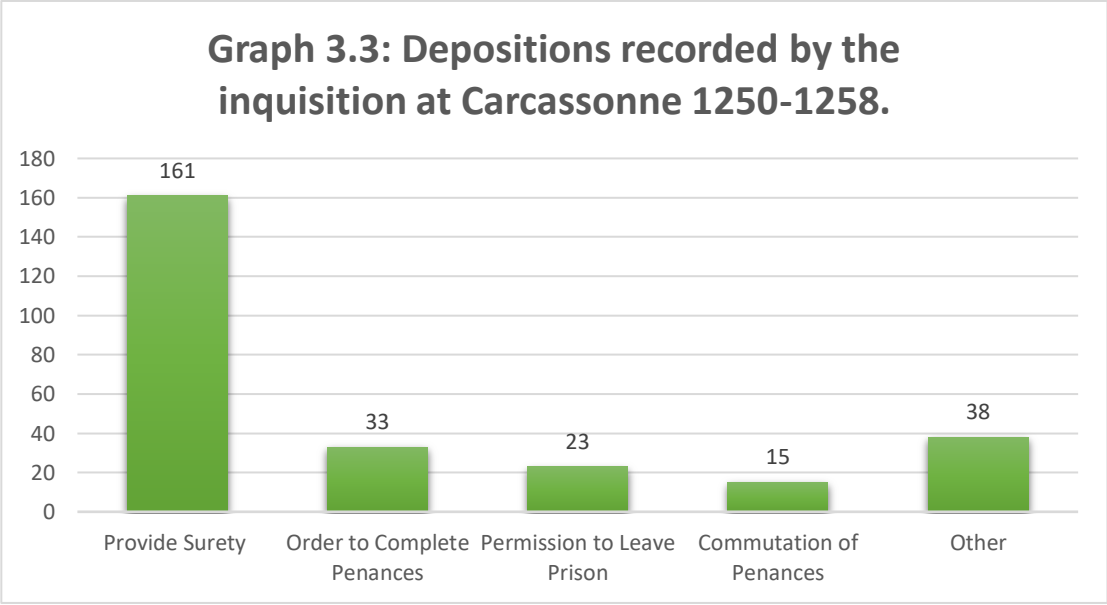
Arguably, the most effective method of social control available to inquisitors was to demand that penitents provide a surety to act as collateral against their future actions. This guarantee became even more valuable as commutation of penances became more frequent, and as well as cases in which inquisitors were suspicious or distrustful of penitents. For example, the Provincial Council at Béziers in 1246 ordered that penitents should only have their sentence of perpetual imprisonment commuted once the inquisitor 'received from them good sureties that they will carry out the penances imposed upon them to the best of their abilities.'[166]

The use of sureties was not limited to the commutation of penances though, and analysis of sentences given at Carcassonne between 1250 and 1258 highlights the flexibility with which sureties were employed by inquisitors. Regarding the inquest during this period, Jacques Paul has demonstrated the importance of sureties to the inquisitorial procedure at Carcassonne in ensuring that deponents' commitments were kept. Paul suggests that the use of sureties can be broken down into three categories: to ensure that deponents returned to the inquisitors for further

[165] 'Et de singulis fiant publica instrumenta continentia culpas, abjurationes, promissiones, et poenitentias eorumdem: ne ulterius perire possit vel latere veritas diu caelata, nunc autem a Dominam miraculo quam misericorditer revelata', Mansi, vol. 23, cols. 357-8, c. 6. The English translation is quoted from HIF, p. 239.
[166] 'Receptis prius ab illis bonis satisdantionibus quod injunctas sibi pro posse faciant poenitentias', Mansi, vol. 23, col. 719, c. 21. The English translation is quoted from HIF, p. 255.

questioning or sentencing; to guarantee that prisoners returned to complete their penance if granted a period of leave; and to provide assurance that penitents whose sentences were commuted did not relapse.[167] At the start of the period the bishop of Carcassonne, William Arnold, was heavily involved in the running of the inquest, but his successor, William Randolph, allowed the inquisitors to get on with their work.[168]

Graph 3.3, below, depicts the results of a quantitative analysis of the register allowing the two hundred and seventy depositions to be split into five categories. Although most of the depositions in the register include a surety, none of the depositions classed as 'other' include one.



Of the remaining depositions the vast majority, sixty-nine per cent, are orders for the deponents to return at a later date to receive their penances. Sicard of Cavanac's deposition on 17 March 1250 is typical for such a use of surety. Peter of Caucers, Vital of Cavanac, William Aigabeu of Malviès, and Raymond Tocaire of Cavanac all

[167] J. Paul, 'La procédure inquisitoriale à Carcassonne au milieu du XIIIe siècle', *Cahiers de Fanjeaux*, 29 (Toulouse, 1994), pp. 370-6.
[168] Paul, 'La procédure inquisitoriale à Carcassonne, p. 364.

stood as guarantors and 'pledged surety to the lord bishop of Carcassonne for Sicard, under the penalty of thirty Melgueil pounds, that he will come on the day and days specified by his, the bishop's, mandate, and will do the penance he decides to impose on him.'[169] Similarly, on 24 March 1250, Peter Pagès, Raymond Pagès, Bernard Pagès, William Sicard, Raymond of Cuxac-Cabardès, and Raymond Pagès junior of Cornèze, all gave a guarantee that 'they swore to obey the commands of the lord bishop of Carcassonne, and will fulfil all penances imposed upon them, and are bound jointly for one hundred Toulousian pounds, one is bound for all the aforesaid others to deliver them.'[170] In this case the deponents were responsible for each other, and had to make sure that all of them returned to receive a penance to avoid forfeiting their surety. A final example of this type of surety is Peter of Tard junior's deposition from 7 June 1250. The deposition states that Pons Margat, Peter Roger of Rupe, and Bernard of Tard, all from Coffolento stood as guarantors and 'pledged surety to the lord bishop of Carcassonne for Peter of Tard, junior, under penalty of twenty-five Melgueil pounds, and will do the penance that is imposed upon him.'[171] Aside from the similar reason for pledging surety, there is one important parallel shared by each of the examples. The majority of the guarantors in each case were linked to the deponent by kinship or social ties.

Although friends and family may have been the only ones willing to offer surety for someone accused of supporting heresy, by doing so they became responsible for the accused. The use of friends, family, and the local community as guarantors provided

[169] 'Fidejusserunt domino episcopo Carcassonensi pro Sicredo de Cavanaco sub pena XXX librarum Malgorensium, ut veniat ad diem et ad dies secundum mandatum ipsius, et penitentiam faciat quam ei duxerit injungendam', Douais, *Documents*, III, p. 117.
[170] 'Juraverunt stare mandatis domini episcopi Carcassonensis, et adimplere omnem penitentiam quam eis injunget; et obligaverunt se in solidum in C liberis Thol; et unus tenetur pro alio quod predicta servabunt', Douais, *Documents*, VI, pp. 118-9.
[171] 'Fidejusserunt domino episcopo Carcassonensi pro Petro Tardi, juvene, sub pena XXV librarum Malgorensium, ut implead penitentiam, quam ei est injungendam', Douais, *Documents*, XV, pp. 122-3.

an additional significance to the deponent's promise to comply with the inquisitors' orders. The societal pressure felt by a deponent to ensure that they returned to receive a penance would surely have been greater as a result of the relationship with their guarantors. Regarding the issue of sin and confession more widely, Mary Mansfield has shown that during the thirteenth century the Church believed the heads of households were responsible for ensuring the good behaviour of their families and servants.[172] Arguably, the bishops and inquisitors of Carcassonne similarly thought that penitents' social networks could be harnessed to help enforce the inquisitors' wills.

Furthermore, this view is strengthened by evidence provided in the depositions detailing sureties given for prisoners who were given permission to leave prison for a set period of time. For instance, on 9 August 1250, Bernard Mourgue of Villarzel-du Razès was allowed to leave prison. The deposition states that William Radulf of Villarzel-du Razès and William of Rentières senior, of the bourg of Carcassonne 'pledged surety, under oath, to the lord Bishop of Carcassonne, under penalty of fifty Melgueil pounds, and they made themselves and their property liable…for Bernard Mourgue of Villarzel, who is ill in prison; to whom the aforesaid lord bishop gave permission to leave until he is free of the same illness. And within eight days after his recovery he is to return to his original status.'[173] Once again the penitent appears to be from the same community as his guarantors. Moreover, permission for Bernard to leave prison reflects an acknowledgement by the bishop of the poor conditions within the prison and demonstrates that imprisonment was more than simply

[172] Mansfield, *Humiliation of Sinners*, pp. 70-2.

[173] 'Fidejusserunt, prestito juramento, et obligaverunt se et sua in solidum…domino episcopo Carcasone sub pena L librarum Malgorensium, pro Bernardo Morgue de Vilarzello, qui est infirmus in carcere, cui prefatus dominus episcopus dedit licenciam exeundi donec ab ipsa infirmitate esset liberates, et post convalescenciam infra VIII dies in statu pristine sine nostra licena revertatur', Douais, *Documents*, XXII, pp. 126-7.

punitive, or else Bernard could have been left to suffer in prison. Similarly, on 18 November 1254, William Megier, Peter Yalguier, and Peter Pastor pledged a surety of fifty pounds so that Rixenda, wife of William Hualguier, could leave prison for a month to give birth to her child, after which she was to return.[174]

Indeed, the majority of depositions recording the surety given for released prisoners are due to illness or health issues. However, there are some cases which demonstrate the inquisitors' flexible attitude towards the issue. For example, on 9 November 1252 Arnold of Narbonne was allowed to leave prison and a surety of twenty pounds was pledged by Raymond Autier and Raymond Amiel of Villemoustaussou. The deposition states that the reason for Arnold's release was 'that the same Arnold will serve the nuns of Rieunette in their works well and faithfully for years, in his office or trade, namely as a mason, unless he has legitimate impediment, otherwise they should replace him with someone who knows how and can complete this time for him.'[175] The inquisitors' order that any replacement for Arnold must be someone he knows, corroborates the importance of social bonds and sureties for inquisitors. Furthermore, the inquisitors' flexible attitude towards penance demonstrated by this deposition supports the arguments made in chapter two.

Additionally, the second largest category for using sureties was to ensure that penitents completed their penance after successfully returning to hear their sentence. On 17 June 1252, William of Tours, Raymond his son, and Bernard Aosten of Pennautier, pledged a surety of one hundred pounds that William Roger of Villegly

[174] Douais, *Documents*, CCXI, p. 218.
[175] 'Quod idem Arnaldus serviet monialibus Rivi Nitidi bene et fideliter per duos annos in operibus earum de officio seu ministerio suo, scilicet massionatus, nisi haberet legitimum impedimentum; alioquin ponerent aliquem loco ipsuis, qui sciret et posset complere pro ipso tempus illud', Douais, *Documents*, CLX, p. 197.

would complete a two year pilgrimage to the Holy Land.[176] Likewise, John Vital had been ordered to complete a five year pilgrimage to the Holy Land, but he had died before undertaking it. As a result, on 18 August 1252, his heir, Pons Vital of Conques 'was ordered to make satisfaction on the following Saturday on his behalf, as recompense for the same passage, with twenty Tournois pounds.'[177] As well as penances of pilgrimage, sureties were also given to guarantee that deponents wore their crosses properly. Penitents such as Wilma Bérenger of Arzens required a penalty of fifty pounds to be guaranteed by her son, William Bérenger, and Aribert of Arzens in case she failed to wear the crosses imposed upon her. Once again, the social bond between the penitent and guarantor is clear, in this case the deposition explicitly states it to be familial.[178]

On the other hand, some examples in the register suggest that the commutation of penances was motivated by greed. For example, 'Bernard of Saissac, witness, said that the lord bishop granted him grace from his crosses one Palm Sunday, at the request of the lord abbot of Montolieu, Raymond of Alzan asked for twenty shillings for his testimony, which the said witness gave him immediately.'[179] In Bernard's case his deposition relates to a previous sentence, and it appears as though he had to essentially pay or bribe the abbot to speak favourably of him to the bishop. The effective purchase of commutations is a trend for depositions in the register which refer to the removal of crosses. Arnold Cat is further evidence of this, and he admitted to paying William Arnold Bornhi twenty shillings for intervening on his

[176] Douais, *Documents*, CXLVII, p. 188.
[177] 'Mandatum fuit ei quod in sequenti die sabbati satisfaciat pro ipso pro recompensatione eiusdem passagii in XX libris turonensium', Douais, *Documents*, CXLVIII, p. 188.
[178] MS 160. CCVI, pp. 215-6.
[179] 'Beranrd Saxiaci juratus dixit quod, cum dominus episcopus fecisset sibi gratiam de crucibus in quadam dominica Ramispalmarum, ad instanciam domini abbatis Montis Olivi, Raymond de Alzano monachus petiit ab ipso teste propter hoc XX solidos, quos ei tradidit continuo idem testis', Douais, *Documents*, CCXLII, pp. 234-5.

behalf with the inquisitors.[180] Yet, this process did not always go to plan and the money given to influential people was sometimes spent in vain. When Bernard of Latour, knight, was questioned by inquisitors on 10 April 1256, he admitted that Raymond Sabatier had asked him to petition the bishop to release Raymond of his crosses. Raymond had asked Bernard because he knew that Bernard was a relation of the bishop. In return, Raymond promised Bernard one hundred shillings and an annual pension of six pence. However, Bernard was ultimately unsuccessful and agreed to repay Raymond twenty of the thirty-three shillings that he had already been paid. The inquisitors at Carcassonne in 1256 must have viewed Bernard's actions poorly, because he was made to agree to accept any penance imposed upon himself, despite this admission being the sum of his deposition.[181]

On the other hand, if penitents offered money towards pious causes then inquisitors appear to have approved of the commutation of penances.[182] For example, on 9 July 1256 Arnold of Solerio of Gorneto was given grace and pardoned for the pilgrimage which he was supposed to have undertaken. The deposition states that the reason for the commutation was 'that he gave six Melgueil pounds for his affection of the reliquary of Saint-Antonin at Pamiers.'[183] As such, the use of sureties by the bishops and inquisitors at Carcassonne helped to ensure that deponents received and completed their penances. As this chapter has argued, the failure to complete penances was a real concern for inquisitors, and the use of social ties to reinforce sureties helped to ensure their success. In addition, the range of ways in which

[180] Douais, *Documents*, CCXLIII, p.235.
[181] Douais, *Documents*, CCXXXVI, pp. 231-2.
[182] Such a view has been put forward by Taylor, *Heresy, Crusade and Inquisition*, p. 223 and Feuchter, 'Le pouvoir', pp. 245-50.
[183] 'Quia dedit Vi libras melgorensium amore Dei operi capse beati martiris Antonini Appamiensis', Douais, *Documents*, CCXLVI, p. 236.

sureties were used further highlights the inquisitorial characteristics of flexibility and pragmatism.

3.7 Conclusion

Thirteenth-century inquisitors certainly cannot be accused of being naïve about the problems associated with the three main types of penance: pilgrimage, imprisonment, and wearing crosses. Peter Sellan's decision to send very few penitents on pilgrimage to areas which were known to have fostered heresy, like Cologne and Rome, demonstrates the pragmatic approach that many inquisitors took despite their pastoral principles and duty. It is true that despite Constantinople's connection to Bogomilism, and the transmission of dualist belief from East to West in the previous century, Peter still sent a significant number of men to Constantinople. Nevertheless, in this case Peter's hand was largely forced by the wishes of the papacy to fulfil political ambitions, and the dire situation the Latin Empire found itself in against the military aggression of Nicaea.[184] The military emphasis of pilgrimages to Constantinople meant that any misgivings about the destination were set aside, further illustrating the pragmatism shown by Peter Sellan.

Moreover, this attitude extended to the problem of pilgrimage being used as a disguise for heretics and their supporters. Whilst depositions clearly show that it was a serious enough issue for inquisitors to question deponents about disguised heretics, the wider perception of penitential pilgrims outside of communities sympathetic towards heresy was largely negative, and pilgrims were often treated with hostility. Arguably, inquisitors were less worried about pilgrims spreading religious dissent outside of Languedoc and more concerned with tracking the heretics who travelled between Lombardy and Languedoc under the guise of pilgrimage.

[184] The Latin Empire would eventually fall on 25 July 1261 to the Nicaeans led by Michael VIII Palaiologos.

Secondly, although the problem of finding enough adequate prison space to accommodate penitential prisoners was never completely solved for much of the period, the impetus and commitment offered by Louis IX did much to improve the conditions within prisons and facilitated the building of new ones. Nonetheless, despite the king's best efforts, prisoners' needs were often neglected. This was largely due to conflict between secular and religious authorities who did not want to assume the responsibility given to them by the ecclesiastical councils, which consistently attempted to tackle the issue throughout the thirteenth century. Furthermore, a pragmatic approach had to be taken regarding the problem of keeping concentrated numbers of heretics and their supporters together in close proximity. Both inquisitors and ecclesiastical councils were well aware of the potential problem of fostering new religious dissent, but the limitations of prisons in the period meant that pre-emptive action could only be taken against the most suspicious of penitents.

Finally, ecclesiastical councils showed great concern for obstinate penitents and prescribed harsh treatment for those who truly would not complete their penances. Indeed, councils categorized such penitents in the same way that they depicted stubbornly relapsed heretics, and suggested that they should be treated in a similar manner: perpetual imprisonment, confiscation of property, and possibly even death. However, inquisitorial attitudes towards failed penitents posed a conundrum. Penitents who had failed to complete previous penances attempted to hide them from inquisitors through fear of the potential consequences. Yet, if inquisitors discovered deponents' deceit, they were likely to find themselves in a worse position than they would have been otherwise. In particular, many penitents who were ordered to wear crosses seem to have removed them on occasion during their penance. This problem was compounded by the social pressures felt by penitents,

especially when wearing crosses. To an extent, the social control and isolation of penitents was a successful strategy used by inquisitors to weaken support for heresy, and during the second half of the thirteenth century, some inquests began to insist on sureties to promote the completion of penances. The use of guarantors with social ties to penitents strengthened this tactic, and sureties were used in a variety of circumstances, thus demonstrating the ability for inquisitors to be pragmatic. Nonetheless, inquisitors were cautious not to appear motivated by greed and they had to reconcile this problem with the need to ensure penitents followed the inquests' commands. In trying to deal with the problems entailed by the nature of different penances, inquisitors often had to prioritise pragmatic and flexible decisions over their pastoral principles and duty. Ultimately, this contributed to the Catholic Church's success in suppressing Catharism and redefining the boundaries of orthodoxy and the universal community of the Church.

4. Chapter Four, Lessons to be Learned

Analysis of inquisitors' manuals, legal consultations, and ecclesiastical councils in chapter four builds upon the quantitative and qualitative analysis undertaken in the preceding chapters. Qualitative analysis of legal sources will demonstrate that the development of the post-interrogation process strongly influenced the creation of canon law and the categorization of heretics and their supporters, both of which contributed to shared practice across inquests. There were many inquests against heresy in Languedoc during the thirteenth century, yet extant sources suggest that the majority of inquisitorial careers were relatively short, often only spanning one or two inquests. Nevertheless, after the efforts of Bernard Gui and Jacques Fournier, support for Catharism was stifled in the early fourteenth century.

The disparate nature of inquisition in Languedoc during this period has left many historians unsure whether to view the separate inquests as part of an institution. Historians, like Andrew Roach, who state that the building of prisons and the use of crosses evolved inquisitors' duties into an institution, and that their role became similar to that of a permanent police force.[1] Others, like Riccardo Parmeggiani, suggest that the standardization and regulation of inquisitorial procedure via the work of legal consultations resulted in the inquisition reaching a legal maturity which remsembled an institution.[2]

However, many historians have questioned this view, arguing that the lack of a centralized body prevents inquisitors responsible for *inquisitio hereticae pravitatis* from being viewed as an institution.[3] Indeed, chapter two has shown that inquisitors were often given high levels of autonomy regarding the manner in which they

[1] Roach, 'Penance', p. 409.
[2] Parmeggiani, *I Consilia*, pp. 259-61.
[3] Kelly, 'Inquisition and the prosecution', pp. 439-51; Kieckhefer, 'The office of inquisition', pp. 36-61.

imposed penances, and were able to be pragmatic and flexible if expedient to their inquest's success. Nevertheless, the absence of an organizing body does not mean that knowledge was not exchanged, or that inquisitors worked in complete isolation from each other. As noted in the Introduction, Bird has explored the influence of Paris masters and their collaboration with bishops and early inquisitors during the 1230s.[4] Therefore, it is important to consider the ways that the exchange of knowledge influenced inquisitors' approaches to punishing heresy and the development of the judicial and post-interrogation procedures.

First, the development of the Order of Preachers will be considered to shed further light on early inquisitorial attitudes towards penance. Next, the actions of the earliest inquisitors like Robert le Bougre and William Arnold will be analysed and compared to the quantitative analysis of sentences offered in chapter one. Finally, the various forms of formal guidance offered to inquisitors throughout the thirteenth century will be evaluated. The impact of both ecclesiastical councils and inquisitor manuals throughout the period will be addressed as part of this investigation. Whilst the focus of this thesis has been the thirteenth century, Bernard Gui's *Practica inquisitionis heretice pravitas* will be touched upon in juxtaposition to the guidance offered in the previous century.

4.1 St. Dominic's Influence

It is important to consider the extent of St. Dominic's influence on early inquisitors through his own attitudes towards confession and penance, and the role he played in the foundation of the Order of Preachers. As a canon and then priest of the cathedral chapter of Osma, Dominic worked under Diego of Azebes, the prior and later bishop

[4] Bird, 'The Wheat and the tares', pp. 763-856.

of Osma.[5] Diego influenced Dominic greatly, who accompanied the bishop on an important diplomatic mission to Rome representing Alfonso VIII of Castile between 1203 and 1206. Diego and Dominic's route took them through Languedoc and they stopped at Toulouse along the way. During their stay at Toulouse they encountered Catharism for the first time, and on their return journey they also met Cistercian legates at Montpellier, who had been tasked with the job of stopping heresy in the region.[6] Diego and Dominic decided to remain in Languedoc to help the Cistercians tackle heresy, but after two years Diego was forced to return to his diocese, leaving Dominic to carry on with their work alongside Bishop Fulk of Toulouse.[7]

Throughout their time in Languedoc together, Diego and Dominic tried to encourage the Cistercians to use examples of poverty to combat heresy and advocated policies of preaching, teaching, and pastoral care.[8] In 1215 Dominic travelled with Bishop Fulk of Toulouse to the Fourth Lateran Council in order to request Pope Innocent III's approval for his work and to confirm his new order. The initial support given to Dominic by Innocent III was echoed, albeit more cautiously, by his successor, Honorius III, who ruled in 1217 that Dominic's new order should be called the Order of Preachers. In the subsequent year the pope ordered papal prelates to work together with the Order of Preachers, to use them when combating heresy.[9] Although Dominic moved to Bologna in 1217, a network of Dominican friars quickly grew across much of Europe, including particularly strong presences at Toulouse,

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[5] R. Smith, 'St Dominic: Spanish Monk and religious leader', ed. S. Wolbrink, *Great Lives from History: the Middle Ages, 477-1453* (Pasadena, 2005), p. 316; S. Tugwell, 'St Dominic and the intellectual side of Dominican life', ed. J. Kloczowski, *Dominikanie w srodkowej Europie w XIII-XV wieku* (Poznan, 2002), p. 111.

[6] Brooke, *Coming of the Friars*, p. 83; C. H. Lawrence, *The Friars* (London, 1994), p. 67.

[7] M. Robson, 'A ministry of preachers and confessors: the pastoral impact of the friars', in ed. G. Evans, *A History of Pastoral Care* (London, 2000), p. 4.

[8] Brooke, *Coming of the Friars*, p. 83; Robson, 'A ministry of preachers', p. 24.

[9] Robson, 'A ministry of preachers', pp. 127-8; Tugwell, 'St Dominic and the intellectual', pp. 112-3; M-H. Vicaire, *St Dominic, His Life and Times* (London, 1964), pp. 191-202.

Paris, Madrid, Rome and Bologna, and the first general chapter was established on 17 May 1220.[10] Indeed, the success and popularity of the Order was proven again on 18 January 1221 when Honorius III once more commended the Dominicans to Languedocian bishops in the letter *Quoniam abundavit iniquitas*. Ultimately, in 1231, Pope Gregory IX tasked Dominican friars with leading papal inquests in Languedoc.[11]

Whilst Dominic undoubtedly founded the Order of Preachers, historians are not in agreement on the extent to which he influenced the Order's development and early inquisition. Christine Thouzellier has suggested that Dominic was like an early inquisitor, but this view has faced stiff opposition from others, like Marie-Humbert Vicaire, who argues Dominic was not involved in any legal aspects of inquisitorial procedure.[12] Similarly, John Van Engen has noted that the Order of the Preachers was not referred to as the Dominican Order until the fifteenth century, and suggests this is evidence that the Order was not shaped by a unique rule or vita.[13] However, Anne Holloway and Anna Welch disagree with Van Engen, arguing that despite the limited autobiographical textual and visual evidence of Dominic's influence on the Order, Dominic's approach to preaching fundamentally affected the attitudes of fellow members of the Order.[14] Even Vicaire, who does not believe Dominic qualified as an early inquisitor, has argued that Dominic was at the heart of the community and used his experience to counsel others.[15]

[10] Smith, 'St Dominic: Spanish Monk', p. 318.
[11] Robson, 'A ministry of preachers', p. 137.
[12] C. Thouzellier, *Catharisme et Valdéisme en Languedoc à la fin du XIIe et au début du XIIIe siècle* (Paris, 1966); C. Thouzellier, 'L'inquisitio et Saint Dominique', *Annales du Midi*, 80 (1968), pp. 121-30; Vicaire, 'Saint Dominque', pp. 173-94.
[13] J. Van Engen, 'Dominic and the brothers: vitae as life-forming exempla in the Order of Preachers', in ed. J. Van Engen, *Religion in the History of the Medieval West* (Aldershot, 2004), pp. 7-8, 12-3.
[14] A. Holloway, 'The founder as alter Christus: communal identities among the order of Friars Minor and the order of Preachers in the thirteenth and fourteenth centuries', in eds. C. Mews and C. Renkin, *Interpreting Francis and Clare of Assisi: From the Middle Ages to the Present* (Broughton, 2010), pp. 82-4.
[15] Vicaire, *St Dominic*, p. 211.

Moreover, Caldwell Ames suggests that although Dominic was not an inquisitor, the rising importance of the Order's inquisitorial duties resulted in their history being revised. By incorporating their founder into the history of Dominican inquests, the Order received a morale boost.[16] As Luigi Canetti notes, Dominic's exemplary life of piety and pastoral preaching provided a model by which all Dominicans, including inquisitors, could conduct themselves.[17] This encouragement was very welcome to inquisitors as it helped to offset the political turmoil which challenged their inquests across Languedoc.[18] Anne Reltgen-Tallon has studied the changing depiction of Dominic throughout Dominican hagiography and suggests writers like Jordan of Saxony, Peter Ferrand, and Gerard of Frachet were all important to the development of Dominic's image.[19] Yet, Reltgen-Tallon stresses that Constantine d'Orvieto was the first writer to suggest that Dominic wore the habit of an inquisitor, and conducted himself in a manner similar to contemporary inquisitorial colleagues.[20]

Rosalind Brooke best sums up Dominic's relationship with the Order, suggesting that whilst Francis's followers were his disciples, Dominic's were his colleagues.[21] Indeed, Dominic's greatest influence on the Order of Preachers, and one which surely had an impact on early inquisitors, was ensuring that his colleagues were properly educated to ensure effective preaching. Dominic viewed the study of theology at universities as key to this goal even though many monasteries were opposed to the influence of universities on preaching.[22] Julia Barrow notes that the Order required initiates to be

[16] Caldwell Ames, *Righteous Persecution*, pp. 94-6.
[17] L. Canetti, *L'Invenzione della memoria. Il culto e l'immagine di Domenico nella storia dei primi frati Predicatori* (Spoleto, 1996), pp. 90-108.
[18] Caldwell Ames, *Righteous Persecution*, pp. 103-34.
[19] A. Reltgen-Tallon, *La mémoire d'un ordre: les "hommes illustres" dans la tradition dominicaine* (*XIIIe-XVe siècles*) (Paris, 1999); A. Reltgen-Tallon, 'Faut-il avoir pitié des hérétiques?', in ed. C. Vincent, *Justice et Miséricorde : Discours et pratiques dans l'Occident médiéval* (Limoges, 2015), pp. 221-8.
[20] Reltgen-Tallon, 'Faut-il avoir pitié', pp. 229-33.
[21] Brooke, *Coming of the Friars*, p. 104.
[22] Tugwell, 'St Dominic and the intellectual', p. 114.

highly educated, which largely restricted entry to only the clergy.[23] Yet, some of Dominic's earliest followers, like Peter Sellan, were exceptions and had to learn from the example set by Dominic.[24] Dominic was keen to address this issue and Tugwell argues that this is why he showed such an interest in maintaining a strong Dominican presence at the universities in Paris and other centres of learning across Europe.[25] For example, when Dominic asked Peter Sellan to become the prior of Limoges in 1218 Peter protested against the idea due to his own inexperience and lack of books. It was this event that most likely resulted in Peter being sent to Paris to receive theological training.[26] However, it is important to remember that even if Dominican friars were in theory reasonably well prepared to conduct papal inquests, this does not necessarily mean that individual inquisitors were well suited to the role's pastoral demands. As the previous chapters have shown, some inquisitors, like Peter Sellan, were particularly good at dealing with difficult situations, and successfully followed pragmatic options, resulting in a flexible approach to sentencing.

Additionally, the Order's involvement in universities across Europe allowed it to recruit new members more easily. For example, in 1219 Roland of Cremona, a master of the medical faculty at Bologna, joined the Order of Preachers. Roland would go on to become the first Dominican master of theology at Paris.[27] Michèle Mulchahey suggests that becoming an inquisitor required no special training because the Dominican education system, by focusing on the arts of debating and of memory,

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[23] J. Barrow, *The Clergy in the Medieval World* (Cambridge, 2015), p. 217.
[24] Vicaire, *St Dominic*, p. 235.
[25] Tugwell, 'St Dominic and the intellectual', pp. 115-6; M. Mulchahey, 'The Dominicans' studium at Bologna and its relationship with the university in the thirteenth century', *Memoire domenicane*, 39, (2009), pp. 18-9, 22.
[26] Biller, 'Questions about early inquisition'; Tugwell, 'St Dominic and the intellectual', p. 118; Vicaire, *St Dominic*, p. 250.
[27] Mulchahey, 'The Dominicans' studium', p. 21; Tugwell, 'St Dominic and the intellectual', p. 124; *The Historia Occidentalis of Jacques de Vitry, A Critical Edition*, ed. J. F. Hinnebusch (Fribourg, 1972), pp.142-4.

already taught the brethren the skills needed for such a role.[28] Indeed, early action taken by Roland against heresy demonstrates that the Order's focus on education influenced early inquests. In 1231 Roland was sent to Toulouse in order to help teach theology to the fledgling university there, and became involved in the Church's efforts to combat heresy. For instance, when John Peter Donat, a recently deceased canon of the Church of Saint-Sernin, was discovered to have received the *consolamentum* on his deathbed, Roland exhumed the canon's body and publically burned the corpse. Roland also took similar action against a Waldensian named Galvan, ordering his house to be burned down posthumously.[29] Yet, Bishop Raymond of Toulouse did not undertake any form of systematic or organized episcopal inquisition at the time, so Roland's actions were only isolated spurts of fervour against heresy. Nonetheless, early inquisitors like William Arnold and Peter Sellan were members of the Order during this time and were certainly influenced by Roland's actions and his teaching at the university at Toulouse. William Arnold's use of exhumation in the early stages of papal inquisition at Toulouse is evidence of this, as discussed in chapter one.[30]

However, such tactics made the early inquisitors unpopular and contributed to their expulsion from Toulouse and the pope's command to cease all inquests in Languedoc. The Parisian masters of theology had not always shared the same views regarding penances, and whilst Roland of Cremona supported the burning of heretics, at the end of the twelfth century Peter the Chanter had been a proponent of imprisonment.[31] Peter believed that priests should account for penitents'

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[28] M. Mulchahey, '*Summae inquisitorum* and the Art of Disputation: how the early Dominican Order trained its inquisitors', in ed. W. Hoyer, *Praedicatores Inquisitores, vol.1: The Dominicans and the Medieval Inquisition* (Rome, 2004), pp. 145-56.
[29] Biller, 'Questions about early inquisition'; Lea, *Inquisition*, vol. 2, pp. 6-7; Pelhisson, pp. 7-11.
[30] See chapter one, 'Proportional Punishment'.
[31] Biller, 'Questions about early inquisition'; J. Baldwin, *Masters, Princes and Merchants*, *the social views of Peter the Chanter and his circle*, vol. 1 (Princeton, 1970), p. 321.

circumstances before imposing suitable penances, but by the thirteenth century many masters of theology at Paris supported the execution of heretics, even Peter's pupil, Robert of Courson.[32]

Nonetheless, Robert only agreed with such an action on the third occasion a penitent had to be corrected, and this sentiment was also shared by the prominent Paris master James of Vitry.[33] In the subsequent inquests of the late 1230s and 1240s, led by William Arnold, Peter Sellan, Bernard of Caux, and Brother Ferrer, a conscious decision was made to move away from the tactics used by Roland of Cremona. Quantitative analysis of such sentencing has been undertaken in chapter one, demonstrating the focus on penances of pilgrimage, imprisonment, the wearing of crosses, and confiscations. Further analysis of William Arnold's inquests in the late 1230s will be offered to provide an insight into the sharing of experience between inquisitors. Moreover, in a comparative study of the Dominican and Franciscan orders, Hugh Lawrence has suggested that the relative popularity of the friars as preachers was somewhat due to the thorough training they received as part of their role as preachers.[34] Although this popularity did not extend to the Dominican inquisitors, some were more accepted than others. The extent to which differences in their approaches to sentencing heretical penitents affected the communities' response to individual inquests will be discussed at the end of this chapter.

Additionally, as well as assuming the responsibility for early papal inquests, the fledgling Order of Preachers supported the Church's pastoral mission to remove vice from society by facilitating moral reform. The career of Stephen of Bourbon is a prime example of the Order's role in working towards this mandate. Stephen took his

[32] Baldwin, 'From the ordeal to confession', p. 202; Baldwin, *Masters, Princes and Merchants*, pp. 322-3.
[33] Bird, 'The Wheat and the tares', p. 844.
[34] Lawrence, *The Friars*, p. 125.

Dominican vows in 1233, working first as a preacher before becoming a confessor and eventually an inquisitor.[35] Stephen retired in 1250 and began to write a treatise discussing sin and moral reform. Spencer Young suggests that Stephen believed that fear of punishment was a useful tool in this endeavour, but notes the nuanced manner in which the Dominican employed the concept of *timor* in his *Tractatus de diversis materiis predicabilibus*.[36] Roland of Cremona's early actions against heresy in Languedoc suggest that he may have shared a similar attitude towards sin and fear, but Sackville notes that Stephen only discussed how to identify heresy, not the means of suppressing it.[37] However, Roland's punishment of heresy did not harness the potential of fear in the way Stephen described for sin more generally. The community's reaction to Roland demonstrated that the use of fear was liable to backfire if the inquisitors' actions were deemed to be too extreme, thus highlighting the importance of following accepted practices and due procedure, and the underdeveloped state of procedure specifically tailored for papal inquisition against heresy.

Finally, in light of Dominic's close relationship with some of the early inquisitors, particularly Peter Sellan, it is important to examine the limited evidence of Dominic's imposition of penances in practice. For example, in 1208 Dominic wrote a letter regarding the conversion of the heretic Pons Roger of Treville.[38] Dominic states that he imposed an oath on Pons:

> We have commanded him that on three Sundays or feast days he shall be led by a priest, clad only in breeches, from the entry to the village to the church,

[35] Sackville, *Heresy and Heretics*, pp. 60-1; Young, 'The subsidiary sins', p. 182.
[36] Young, 'The subsidiary sins', pp. 198-200.
[37] Sackville, *Heresy and Heretics*, pp. 66-8.
[38] A copy of the letter can be found in the Doat Collection, vol. 31, ff. 1r-4r; ed. and trans. in '20. Letters of St Dominic', in trans. Brooke, *The Coming of the Friars*', p. 185.

> while the priest flogs him. He must also abstain from meat, eggs, and cheese, or anything in the nature of flesh at all times, save on Easter day, Whit Sunday and Christmas Day…thus fasting unless bodily sickness or summer toil makes dispensation necessary. He shall wear the clothes of a religious shape and colour, with small crosses sown on the line of each breast. He shall hear Mass daily, if he has the opportunity, and on feast days he shall go to church for vespers.[39]

In addition, the depositions which record Bernard of Caux's inquest at Toulouse between 1244 and 1245 provide further examples of Dominic ordering penitents to wear crosses. As mentioned in chapter three, Wilma Martina, wife of William Lombard, and Arnalda of Fremiac, wife of Arnold of Fremiac, were both sentenced to wearing crosses. Wilma was also ordered to abstain from particular foods except on feast days.[40] Hugh Lawrence has described this approach as a gentler system which focused on the penitent's circumstances and intentions.[41] Indeed, Dominic only sentenced Wilma Martina to wear crosses until she was married, presumably with the intention that her husband would be able to ensure that she did not stray into heretical ways again.[42] Rosalind Brooke notes that Dominic was working under the terms set by the Cistercian legates, indicating that he was not innovative in his imposition of penances.[43] Although Dominic may have lacked innovation imposing

[39] 'Mandantes ei in virtue proestiti sacramenti ut tribus dominicis aut fistis diebus ducatur a Sacerdote nudus iri femoralibus ab ingress villae usque ad Ecclesiam verberando; iniunseimus etiam illi ut a carnibus, ovius et caseo seu omnibus qui Sementinam trahunt carnis origine abstineat omni tempore, except die Paschae, die Pentechostes et die natalis domini in quibus ad abnegationem erroris Pristini proecipimus ut eis vestatur, nisi corporalis infirmitas vel labores abstatis exegerit dispensation. Religiosis vestibus induatur cum informatum etiam in colore, quibus indirecto utriusque Papillae Singulae cruces pariculae sint assutae Cotidie si oportunum fuerit missam audiat, et diebus festis ad vesperas in Ecclesia', D31. f. 2r-v. For the English translation quoted see Brooke, *The Coming of the Friars*', p. 185.
[40] MS. 609, ff.160r-v.
[41] Lawrence, *The Friars*, p. 126.
[42] MS. 609, ff.160r-v
[43] Brooke, *Coming of the Friars*, p. 94.

penances, Yves Dossat argues that he influenced Bishop Fulk of Toulouse, who also ordered a number of penitents to wear crosses.[44]

Hence, after the early inquisitors' approach, influenced by Roland of Cremona, proved to be a failure, it seems as though inquisitors like Peter Sellan resorted to alternative options which were rooted in contemporary attitudes towards penance. As discussed in chapter one, during the inquest of Quercy, Peter Sellan ordered sixty-four deponents to wear crosses, ten per cent of the total. Nonetheless, it is important to note that the inquisitors' alteration of their strategy was not necessarily due to a progressive change in opinion regarding the punishment of heresy. The inquisitors' primary goal was to suppress heresy and return those who had strayed to the Catholic Church. Thus, in light of the resistance they faced in opposition to their early efforts, the change in strategy was likely due to pragmatism. Hence, even if early inquisitors did not support Dominic's approach to punishing heresy in principle, the value that the Order of Preachers placed on education meant that the brothers were surely aware of contemporary attitudes towards penance and the pastoral role of confessors. As a result, when inquisitors' initial attempts at suppressing heresy proved to be unsuccessful, they were well equipped to seek alternative solutions.

4.2 Early Inquisitors

The second potential influence to be examined is that of the papal inquisitors who conducted inquests in Languedoc prior to Peter Sellan. Historians such as Henri Maisonneuve and Yves Dossat have argued that inquisitorial legislation and the practice of inquisition were both ambiguous and uncoordinated during the 1230s,

[44] Dossat, *Les Crises*, pp. 111-2.

and influenced by an attitude of vengeance in light of the Albigensian Crusade.[45] However, by considering the early inquisitors' extant sentences and allowing for the socio-political contexts within which they worked, it is possible to suggest that inquisitors were forced to adapt and that by the mid-1230s the punishment of heresy was not that dissimilar to the way in which Peter Sellan and Bernard of Caux would sentence penitents in the 1240s.

One of the first papal inquests was conducted by Dominican Robert le Bougre. The Cistercian monk, Alberic of Trois-Fontaines states in his chronicle that in 1234 'a certain Master Robert, of the Order of Preachers, who previously was a heretic but has now returned to the Catholic faith, investigates heretics through northern France, and by authority of the pope he dragged them either to conversion, to be absolved, or to judgement, to be burnt.'[46] The timing of Robert's inquest is significant as it matches the early inquisitorial efforts in Languedoc during the first half of the 1230s, in which exhumations and burnings were widely employed by inquisitors as punishments for heresy. The Benedictine monk Matthew Paris corroborates Alberic's report on Robert le Bougre's approach to inquisition, stating that during 1236, within a period of two or three months, Robert had burned around fifty people in northern France and Flanders.[47]

However, unlike the Languedocian inquisitors, the papacy's order to cease inquisition either did not apply to Robert, or he chose to ignore it, and Alberic records that in

[45] H. Maisonneuve, *Études sur les origins de l'Inquisition* (Paris, 1960), pp. 243-86, Dossat, *Les Crises*, pp. 105-52, Dossat suggests that William Arnold's inquest did influence Bernard of Caux, p. 217; Arnold, *Inquisition and Power*, p. 33.
[46] 'Quidam magister Robertus de ordine Predicatorum, qui antea fuerat hereticus, nunc ad fidem catholicam reversus, hereticos per Franciam investigat et auctoritate pape vel ad reversionem absolvendos vel ad iudicium comburendos attrahebat', Aubri, *Chronica Albrichi*, vol. 23, p. 936. The English translation quoted is from '6. Aubri of Trois-Fontaines on the inquisitor Robert Lepetit', HIF, p. 53.
[47] M. Paris, *Chronica Majora*, 7 vols. (London, 1876-83), vol. 3, p. 361. For an English translation see: '8. Matthew Paris', HIF, pp. 59-60.

1237 Robert burned yet more heretics in Gaul.[48] The final mention of Robert in Alberic's chronicle pinpoints the inquisitor at Mont-Aimé hill in 1239, near to Châlons-sur-Marne, where one hundred and eighty-three Bulgars were burned before the King of Navarre, the barons of Champagne, and many bishops.[49] Nevertheless, it is important to note that Michael Lower has questioned Robert's leading and solitary role in the executions at Mont-Aimé. Lower suggests that the impetus for the mass burnings came from Thibaut IV of Champagne due to the material and devotional stresses that the count faced at the time, because he decided to go on crusade to the Holy Land instead of the papacy's preferred destination, Constantinople. Burning the heretics not only allowed Thibaut to confiscate their property, providing the count with much needed monetary support for his crusade, but also satisfied the penitential aspect of crusading.[50] Moreover, Lucy Sackville notes that Stephen of Bourbon was involved in the investigation at Mont-Aimé,[51] further demonstrating that Robert was not alone in his attitude towards punishing heretics.

Furthermore, papal correspondence both with French bishops and Robert himself indicates growing disquiet with Robert. On 23 August 1235 Gregory IX sent a letter to Robert, referring to complaints made against the inquisitor in 1233 which had prompted Gregory to order 'that you should desist from the business that you had begun, to avoid somewhere that had not previously had the reputation of heresy now acquiring this slur.'[52] Yet, the letter states that Gregory believed that heresy had become so threatening that Robert should investigate areas which had previously

[48] Aubri, *Chronica Albrichi*, vol. 23, p. 940; HIF, p. 54.
[49] Aubri, *Chronica Albrichi*, vol. 23, pp. 944-5; HIF, pp. 54-6.
[50] Lower, 'The burning at Mont-Aimé', pp. 97-8, 105-7.
[51] Sackville, *Heresy and Heretics*, p. 63.
[52] 'Ut supersederetis a cepto negotio, ne, ubi non precesserat infamia heresis, nota perquireretur erroris,' *RG*, vol. 2, col. 145. The English translation quoted is from '22c. To Brother Robert, of the Order of Preachers', HIF, pp. 162-3.

been outside of his authority.[53] Notably, the letter concludes with Gregory's request that Robert act 'with care to avoid innocence perishing and wickedness going unpunished.'[54] Therefore, whilst Gregory continued to support Robert because of the perceived threat of heresy, he was still concerned by reports which accused the inquisitor of misconduct and unfairness.[55] Robert clearly took advantage of the authority granted to him because in 1236 Gregory wrote to a number of French bishops after being petitioned by the cleric of La Charité, Évrard, on the behalf of his mother, Petrona. Gregory ordered them to investigate the legitimacy of Robert's sentences because Petrona had previously been found not guilty by prior episcopal inquisition, and to apply leniency if the petition proved to be of merit.[56] Such claims of misconduct were extensive and petitions continued for around thirty years after Robert began inquisition in northern France.[57]

Robert's abuse of his inquisitorial powers and the indiscriminate and severe manner in which he imposed penances and punishment were the key reasons behind his unpopularity with both local communities and the papacy, thus supporting Dossat's view of Robert.[58] Yet, compared to Languedocian inquisitors, Robert enjoyed strong support from the secular lords of northern France, including the king of France, which must have made it easier for the inquisitor to enforce his severe punishments.[59] A more recent investigation of Robert's career by Georges Despy has

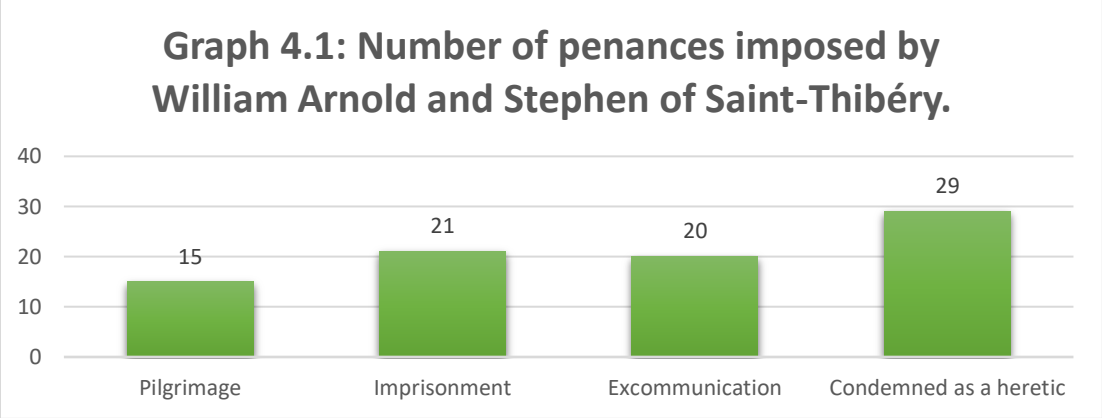
[53] *RG*, vol. 2, col. 145.
[54] 'Et cautela procedas, ut innocentia non pereat et iniquitas non remaneat impunita', *RG*, vol. 2, col. 145. The English translation quoted is from HIF, pp. 162-3.
[55] Haskins, 'Robert le Bougre', p. 456.
[56] *RG*, vol. 2, cols. 361-2. For an English translation see: '20d. To the Bishop of Orléans, the Archbishop-elect of Burges, and the Prior of the Order of Brothers in France, and the Archdeacon of Châteauroux in the diocese of Bougres', HIF, pp. 163-4.
[57] *Les registres d'Urbain IV (1261-1264),* ed. J Guiraud et al. 4 vols. (Paris, 1892-1958), vol. 3, pp. 137-8. For an English translation see '23. Urban IV, Regarding Robert Lepetit and La Charité in 1234/5 (Bull of 25 October 1263)', HIF, pp. 165-7.
[58] Dossat, *Les Crises*, p. 119.
[59] Lower, 'The burning at Mont-Aimé', p. 102.

suggested that the inquisitor was simply working within the jurisdiction given to him and that the impetus against heresy shown by the papacy and King Louis IX of France allowed the implications of these rules to be enforced to their full horrific potential.[60] However, Robert was inflexible and his failure to adapt to the communities' reaction to his sentencing resulted in his extremely negative reputation. Lower has also noted that Robert's disregard for the outcomes of previous periods of episcopal inquisition most likely resulted in his unpopularity with the ecclesiastical hierarchy because it illustrated his contempt for their authority.[61] Robert le Bougre serves as an excellent example of the delicate relationship between inquisitorial strategy and communities' tolerance of such approaches.

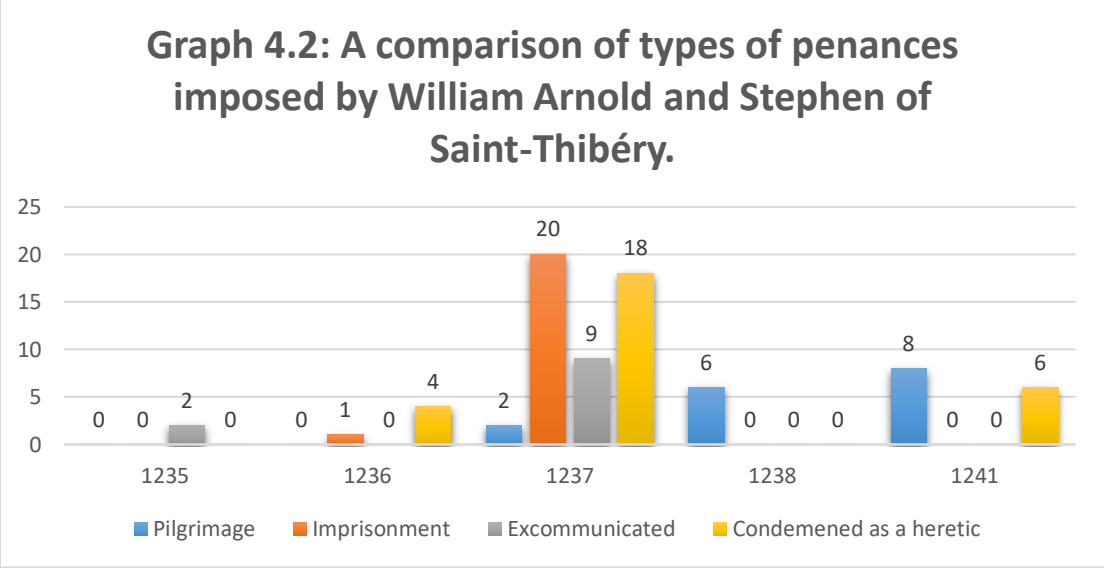
Whereas Robert le Bougre's approach to punishing heresy did not change during the 1230s, the opposition to exhumations and burnings in Languedoc resulted in inquisitors, such as William Arnold, quickly adopting a new strategy for the imposition of penances. Although evidence of William Arnold and Stephen of Saint-Thibéry's inquisition is sparse in comparison to Peter Sellan's and Bernard of Caux's registers, some depositions are extant within Doat 21. The sentences are not ordered chronologically, ranging from 10 November 1235 to 24 November 1241, and do not correspond to one specific inquest. As discussed in previous chapters, the assassination of William and Stephen cut short their inquest, so the extant sources provide evidence spanning the majority of their inquisitorial careers. A number of the inquisitors' registers were destroyed during their assassination, which is a significant reason why such little evidence remains of their inquests.[62] In sum, eighty-five penances are recorded in Doat 21. Graph 4.1, below, depicts the different types of penances imposed by William Arnold and Stephen of Saint-Thibéry between 1235

[60] Despy, 'Les debuts de l'Inquisition', pp. 71–104; Biller, and Bruschi, 'Introduction', pp. 9-12.
[61] Lower, 'The burning at Mont-Aimé', p. 101.
[62] Barber, *The Cathars*, pp. 154-5.

and 1241. In sentences in which the accused was condemned as a heretic it is implied that they would have been released to the secular arm for execution.



The relatively low number of penances makes it problematic to discover trends or patterns in comparison to the quantitative analysis presented in chapter one. Nonetheless, some tentative suggestions can still be made and the true value of the data is demonstrated firstly by comparing the types of penances used across the seven years of inquisition, and secondly by comparing William's sentences to Peter Sellan's and Bernard of Caux's. Graph 4.2, below, depicts William and Stephen's annual use of penances during their careers as inquisitors.



Although the extant sentences are far from complete, the concentration of sentences in 1237 is explained by the periodic suspensions of inquisition at Toulouse by the papacy from 1235 to 1236 and 1238 to 1241. Nevertheless, by focusing on the data for 1237 one can still offer an insight into the inquisitors' attitude towards sentencing deponents. During 1237 William and Stephen sentenced twenty deponents to perpetual imprisonment and a further eighteen deponents were condemned as heretics. For all twenty penitents the deposition states that on 19 February 1237 'for salutary penance all the above-mentioned men and women for their definitive sentence are condemned to be expelled to perpetual imprisonment.'[63] The deposition continues to threaten that if the penitents do not immediately begin their penance then they will be anathematized and excommunicated.[64]

Moreover, the depositions include information regarding the deponents' involvement with heresy. Significantly, all of the deponents named in the document are accused of relapsing into heresy. Many of the deponents were also guilty of removing crosses from previous penances. For example, the deposition states that 'Jordan of Villeneuve after being imposed with the adoption of crosses removed them again relapsing into heresy.'[65] Jordan's earlier penance was most probably imposed by St. Dominic or one of his Cistercian colleagues, or possibly a bishop of Toulouse, either Fulk or Raymond. Regardless of who imposed the previous penance, the appearance of Bishop Raymond at the sentencing in 1237 presents the possibility that William Arnold and Stephen of Saint-Thibéry were aware of Jordan's crosses due to the bishop's prior knowledge.[66] Despite the lack of a sufficient number of examples to

[63] 'Omnes supradictos tam viros quam mulieres nomine salutaris poenitentiae per sententiam diffinitivam detrudenos perpetuo carceri condemnamus', D21. f. 152r.
[64] D21. ff. 152r-v.
[65] 'Jordanus de Villanova post poenitentiam pro assumpta cruce quam dimisit sibi injunctam iterum ex haerisim ut relapsas', D21. f. 150v.
[66] D21. ff. 149r-50r.

demonstrate undeniably that William and Stephen chose to impose only perpetual imprisonment on relapsed penitents, chapter two has shown that ten years later, between 1246 and 1248, Bernard of Caux and John of Saint-Peter took this stance on sentencing penitents. Nevertheless, Dossat notes that in 1233 Gregory IX ordered that perpetual imprisonment should be imposed on those who only returned to the Church due to fear of death, or on those who had relapsed into heresy.[67] Thus, William and Stephen adopted this approach first and Bernard and John, their successors, continued in the same vein.

The second type of sentence most commonly imposed by William and Stephen in 1237 was to condemn the deponent as a heretic. The depositions record one sentence on 26 May and four occasions (5, 10, 11, and 19 September), at which deponents were condemned as heretics by the inquisitors.[68] The majority of the deponents, twelve, were found to be guilty of relapsing into heresy and the sentence on 5 September states that 'which is why after assisting us with careful counsel and treatment…all the deceased men and women are condemned by a definitve sentence as heretics.'[69] Indeed, the sentence on 10 September also states 'the aforesaid Adémar of Turre and Pons Imberti, deceased, by a definitive sentence are condemned heretics.'[70] Moreover, Ricam and Raymond Unaudi were both deceased when William Arnold and Stephen of Saint-Thibéry condemned them as heretics on 11 and 19 September respectively.

The final example from 1237 is Alan of Roaix's sentence, a deponent whose involvement with heresy and inquisitors can be traced across a number of registers.

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[67] Dossat, *Les Crises*, p. 129; *HGL*, vol. 8, pp. 969-70
[68] D21. ff. 143r-v, ff. 179-81r, 181r-2r, 182v-3v, 183v-4v.
[69] 'Unde nos habito diligenti consilio et tractatu assidentibus nobis…omnes tam viros quam mulieres deffunctas per diffinitivam sententiam pronuntiando esse haereticos condemnamus', D21. ff. 180r-v.
[70] 'Praedictos Ademarium de Turre et Poncium Ymberti mortuos per diffinitivam sententiam tanquam haereticos condemnamus', D21. f. 182r.

Alan's sentence in 1237 was not his first contact with inquisitors as the deposition records that he had not completed a previous penance of overseas pilgrimage and had not been wearing the crosses which had been imposed by the bishop of Porto and the papal legate.[71] Not only was Alan impenitent, but he did not attend his sentencing and thus the deposition states that due to his absence he was condemned as a heretic and anyone who attempted to help or assist him would be prosecuted.[72] It is significant that almost all of the deponents who were condemned as heretics were either deceased or fugitives because the punishment for being declared a heretic was release to the secular authorities.[73] Jean Duvernoy and Jörg Feuchter have both suggested that William and Stephen's focus on sentencing the dead so harshly was due to the weak position of the early inquests. Sentences demonstrating that living penitents were punished with imprisonment certainly adds weight to this view.[74] Yet, it is important to note that some heretics were burned in Languedoc during the 1230s. Dossat points out that at Albi, Arnold Catalan condemned Peter of Pechperdut and Peter Bonmacip as heretics and the two men were subsequently burned.[75] The mother-in-law of Pictavin Borsier was also burned at Toulouse in 1234 after admitting to a bishop that she had already been consoled by a bishop of the heretics because she was extremely ill.[76]

Furthermore, Alan of Roaix was not the only deponent to become a repeat offender in the 1230s. A set of three sentences from 1236 records William Arnold's investigation of a family who became increasingly implicated. On 13 February Bernard Otho was condemned as a heretic due to receiving and defending heretics.

[71] D21. f. 144r.
[72] D21. f. 145r.
[73] With the implication that they would be executed.
[74] Duvernoy, *L'Inquisition en Quercy*, p. 19; Feuchter, 'Inquisition de Toulouse', p. 49.
[75] Dossat, *Les Crises*, p. 124; Pelhission, *Chronique*, pp. 46-7, 58-9.
[76] Dossat, *Les Crises*, p. 127; Pelhission, *Chronique*, pp. 62-5.

Although his brothers William, William Bernard, and Gerald, and his mother, Esclarmonde, were also interrogated at the same time, only Bernard was punished.[77] However, one month later on 2 March 1236, William was condemned to perpetual imprisonment and the rest of the family were condemned as heretics.[78] The reason that everyone but William was condemned as a heretic was simply due to their absence at the hearing. The deposition states 'William Bernard and Gerald of Aniorto brothers, and Esclarmonde their mother, who are absent and have refused to attend the definitive sentence are judged to be heretics.'[79] This sentence is very similar to sentences from Bernard of Caux's inquest at Toulouse, and provides evidence to support the view that William Arnold and Stephen of Saint-Thibéry's attitude towards sentencing helped inform decisions made later in the century, and contributed to the development of judicial procedure in Church law.

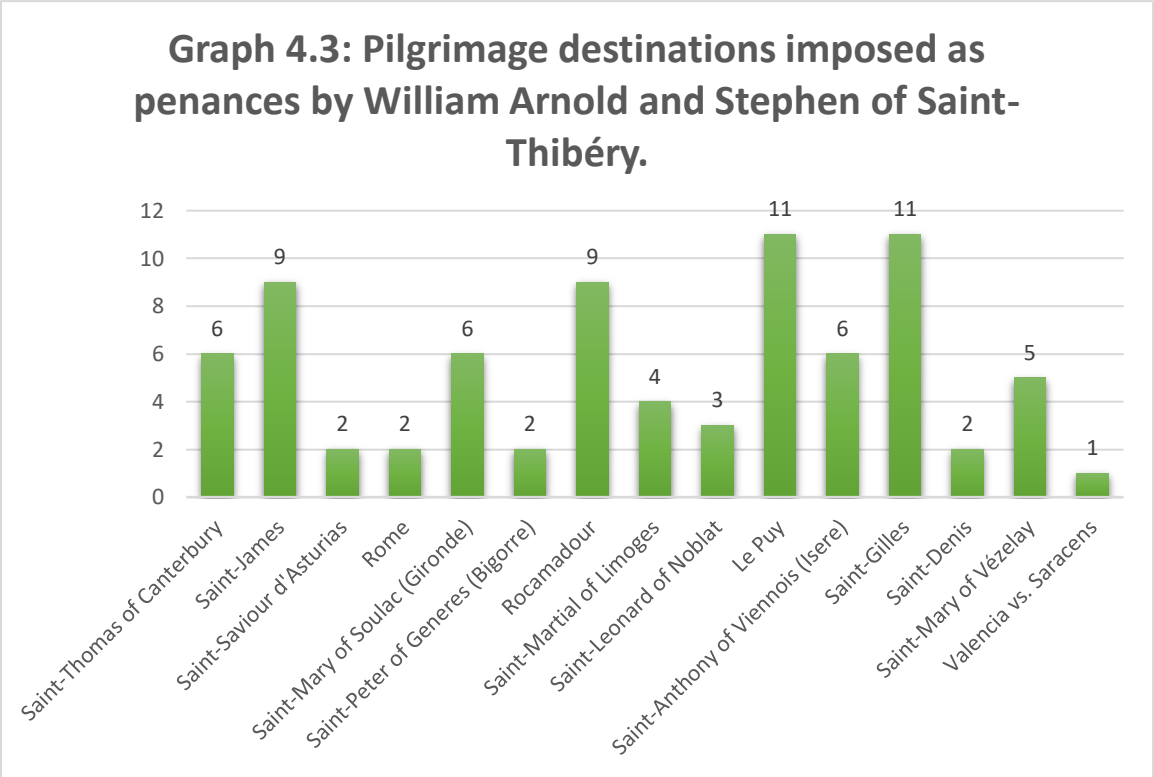
The most obstinate deponents were condemned as heretics, but the many deponents who cooperated with inquisitors and accepted their judgement were treated more leniently. Even relapsed penitents received penances of perpetual imprisonment. However, William and Stephen's leniency must not be overstated. The early inquisitors were still extremely unpopular in comparison to other thirteenth-century inquisitors and all the Dominicans were expelled from Toulouse in 1235 due to the inquisitors' actions.[80] The manner in which inquisitors imposed penances was a key factor in determining how they were viewed by the investigated communities. It is likely that William and Stephen were never able to recover from their early mistakes, and that their reputation followed them until their murder in 1242.

[77] D21. ff. 163r-4v.
[78] D21. ff. 164v-7v.
[79] 'Guillelmum Bernardi et Geraldi de Aniorto fratres et Esclarmonda Matrem ipsorum absentes et nolentes interesse per diffinitivam sententiam hoereticos esse judicamus', D21. f. 167r.
[80] Pelhisson, pp. 84-91; Dossat, *Les Crises*, pp. 131-5; Wakefield, *Heresy and Inquisition*, pp. 146-8.

Whilst the majority of deponents who were condemned as heretics in 1241 were also absent for their sentencing, the same is not true for Peter Durand. On 17 October 1241 Peter Durand was condemned as a heretic by William and Stephen after they consulted a number of ecclesiastics.[81] Peter was heavily implicated in the support of heretical activity and the deposition states that 'after assuming crosses from the then papal legate for deeds of heretical depravity he is now relapsed.'[82] The decision to condemn Peter as a heretic demonstrates that the inquisitors actively made decisions regarding penances based on the specific circumstances of the deponents' situation. As discussed above, many relapsed penitents who failed to wear their crosses in 1237 were only sentenced to perpetual imprisonment, yet for a similar fault Peter was declared to be a heretic. Nevertheless, Peter's deposition demonstrates his heavy and continued support for heresy and defence of heretics. Indeed, the sentence explicitly indicates that the penance was not predetermined, stating that 'after careful deliberation and handling, attended by the venerable father Bishop Raymond of Toulouse, Abbot of Saint Paul, and Archdeacon Raymond of Villalonga, having taken prior counsel from the venerable father Archbishop Peter of Narbonne, all of the things pertaining to the said inquiry have been carefully examined and wisely understood.'[83] Hence, whilst the initial overzealous exhumation of deceased heretics and lack of support from secular authorities may have contributed to the early inquisitors' unpopularity, their attitude towards imprisonment and release to the secular arm clearly shares some striking similarities with their successors' approaches.

[81] D21. f. 156v.
[82] 'Postquam crucem assumpsit per dominum Romanum tunc apostolicae sedis legatum pro facto haereticae pravitatis in haeresim est relapsus', D21. f. 156r.
[83] 'Habito diligenti consilio et tractatu, assidentibus nobis Venerabilibus patribus Raimundo Dei gratia Episcopo Tholosano, et Soricinii et Sancti Pauli Abbatibus, et Raimundo Archidiacono Villaelongae requisite et habito prius consilio Venerabilis Patris Petri Dei gratia Narbonensi Archiepiscopi, omnibus quae ad dictam inquisitionem pertinent diligenter examinatis et prudenter intellectis', D21. f. 156v.

In addition, William Arnold and Stephen of Saint-Thibéry imposed pilgrimages upon a number of penitents between 1237 and 1241. Graph 4.3, below, shows the number of penitents sent to various pilgrimage destinations.



In total, the sentences show that William and Stephen used fifteen different destinations in various combinations for fifteen extant penances. Seven of the penances are recorded in letters of safe conduct as discussed in chapter three, but the other eight entries are records of the sentence and include the penitents' faults. Despite the limited quantity of records, some tentative observations can be made in light of the quantitative analysis presented in chapter one. Even in the small sample size of sentences contained in Doat 21, the number of different pilgrimage destinations used by William and Stephen is still five more than the eleven different sites mentioned in Peter Sellan's register from between 1241 and 1242. Although other destinations may have been used in lost sentences, the destinations that are

confirmed in the extant sources are: Saint-Mary of Soulac, Saint-Peter of Generes, Saint-Anthony of Viennois, Saint-Mary of Vézelay, and the Holy Land. Saint-Peter of Generes is the closest destination to Toulouse, approximately sixty kilometres south of Toulouse. Saint-Anthony of Viennois is about five hundred kilometres northeast of Toulouse. The longest additional pilgrimage imposed by William and Stephen within France was to Saint-Mary of Vézelay, six hundred kilometres north of Toulouse.[84] Finally, the only additional pilgrimage outside of France was the order to go and fight Saracens at Valencia. Therefore, in sum William and Stephen imposed pilgrimages to four extra minor pilgrimage sites and one extra major pilgrimage destination compared to Peter Sellan.

Although Peter Sellan did not send penitents to Valencia, he did send them to Constantinople due to the political factors which affected his inquest during the early 1240s. Similarly, the date William Arnold gave a sentence to crusade in Iberia coincides with contemporary events which help to explain the reasoning behind the inquisitor's decision. The only penitent to be sent crusading was Arnold of Lugan on 28 May 1238 and the sentence states 'namely that he will go to Valencia to faithfully fight against the Saracens and to remain in the land for seven years to help the faithful against the Saracens.'[85] Significantly, a period of Christian expansion in Iberia began in the second half of 1238, led by James I of Aragon. On 9 October 1238 Valencia was captured from the Moors, and is often thought of as the beginning of the kingdom of Valencia. It is highly likely that William Arnold was aware of the military efforts in Iberia and imposed Arnold of Lugan's penance in light of this

[84] The geographical locations of the pilgrimage sites are suggested by Duvernoy, *L'Inquisition en Quercy*, p. 22: Saint-Mary of Soulac refers to the Canton of Saint-Vivien in the département, Nouvelle-Aquitaine; Saint-Peter of Generes refers to Saint-Peter of Bigorre in the département, Hautes-Pyrénées; Saint-Anthony of Viennois refers to the Canton of Saint-Marcellin, in the département, Isère; and Saint-Mary of Vézelay is at Vézelay in the département, Bourgogne-Franche-Comté.

[85] 'Videlicet quod iret apud Valentiam contra Sarracenos fideliter pugnaturus atque in terra illa per sept anniu in auxilio fidei contra dictos Saracenos continue moraturus', D21. f. 176v.

knowledge. Dossat notes that at Albi, Arnold Catalan ordered twelve penitents to complete a pilgrimage across the sea, probably the Holy Land, so William Arnold's decision to select Valencia is even more significant.[86]

In addition, a comparison of the earliest pilgrimage sentences between 1237 and 1238, and the pilgrimages imposed in 1241, suggests that William Arnold and Stephen of Saint-Thibéry became more nuanced in their use of pilgrimages. The seven penances of pilgrimage imposed in the 1230s focused on only six destinations in total, Valencia as mentioned above, Rocamadour, Le Puy, Saint-Gilles, Saint-James, and Rome.[87] In contrast, the penances from 1241 added a further nine destinations to those used earlier in the century.[88] For example, in 1238 Tinada 'committed to visit the lights of the blessed Mary at Rocamadour and Le Puy and Saint-Gilles.'[89] The inquisitors' use of a wider range of penances would have allowed them to differentiate between penitents more effectively. Over time, the development of the post-interrogation resulted in a more proportionate approach to sentencing, based on the increasingly refined categorization of culpability.

Although the sentences contained within Doat 21 are far from complete, the introduction of a wider range of pilgrimage destinations mirrors the timing of Peter Sellan's inquest in Quercy. Like the sentences in Peter Sellan's register, the order in which the sentences are listed in the sentences given by William Arnold and Stephen of Saint-Thibéry provides a hint regarding the way in which inquisitors viewed the relative importance of different pilgrimage destinations, and their approach to imposing penances which were proportionate to the penitent's faults. Although no

[86] Dossat, *Les Crises*, p. 124; Pelhission, *Chronique*, pp. 58-9.
[87] D21. ff. 169r-v, 171r-2r, 176r, 176v-7r, 177r-v, 117v, 177v-8r.
[88] D21. ff. 168r-v, 170r-1r, 172r-3v, 173v-4v, 175r-6r, 176r-v, 178r-v, 178v-9r.
[89] 'Commiserat ut visitaret lumina beatae Marariae Rupis amatoris et Podii atque sancti Egidii', D21. f. 176r.

single sentence in Doat 21 includes all of the different pilgrimage sites, almost all of the sentences list the penances in the same way. Notably, whilst the inquisitors may have viewed some destinations to be comparable in terms of severity or significance, the decision to not impose a penance including all the pilgrimages suggests that there was no formula to represent the most extreme of possibilities. By comparing all penances it is possible to suggest a formula for listing the pilgrimage sites, and Graph 4.3 lists the destinations in such a way. The sentences and depositions do not include enough detail to discern the exact reasons why Peter Sellan did not use all of the same pilgrimage destinations as William Arnold. Nonetheless, as chapter two has demonstrated, inquisitors had the authority to make their own decisions. As William's former colleague, Peter would have been aware of the effectiveness of William's sentencing, so the divergence in choice of pilgrimage destinations was simply due to personal preference in light of this knowledge.

Moreover, the sentence of Stephanie, wife of Arnold of Lugan, provides a further insight into the extent that William Arnold understood and employed the concept of proportionality. For her involvement in heretical depravity Stephanie was 'enjoined to say that she will go to Saint-James.'[90] In addition to a pilgrimage, Stephanie was also ordered to maintain a fast of bread and water on feast days and Easter, as well as providing food for fifty paupers at the festival.[91] The severity of Stephanie's penance reflects the level of her involvement in heresy and is comparable to her husband's penance to crusade in Iberia. Yet Stephanie was not required to complete the pilgrimage due to her physical condition. The sentence states 'for the aforesaid pilgrimage, given the weakness of her body she would not be able to keep or

[90] 'Iniunctum est videlicet quod iret apud sanctum Jacobum', D21. f. 177r.
[91] D21. f. 177r.

complete it, she will give one hundred pounds Turonenses for an act of piety.'[92] Hence, Arnold of Lugan's and his wife Stephanie's sentences suggest that the inquisitors' attitudes towards imposing penances encompassed elements of proportionality and flexibility as discussed in chapters one and two, which were shared by Peter Sellan and Bernard of Caux in the 1240s.

The consideration of penitents' circumstances seems to have been more than a one-off position taken by William Arnold and Stephen of Saint-Thibéry, because there are other sentences in Doat 21 which demonstrate the inquisitors' flexibility and disposition to be lenient. On 25 April 1238 Raymond Maurand was ordered to go to Rome for forty days, to travel to Le Puy and Saint-Gilles, and visit parish churches.[93] However, the sentence also notes that 'as it is true that with the weakness of his body he will not be able to make a pilgrimage to Rome suitably, in recompense he should go to Saint-James and Rocamadour, he has also given ten Morlaan shillings to give satisfaction of all mentioned accordingly as shown by this inquisitorial testimonial letter.'[94]

The change from an extended stay in Rome to pilgrimages to Saint-James and Rocamadour does not seem like much of a reprieve to modern sensibilities as Santiago de Compostella is only two hundred and fifty kilometres closer to Toulouse than Rome's 1,250 kilometres. Yet, this sentence demonstrates the way in which the inquisitors perceived the relative importance of the pilgrimage destinations and the value of the pilgrimage's length. In this case, the length of the journey does not

[92] 'Quia praedictam peregrinationem pro sui magna corporis infirmitate facere non potuit vel complere dedit centum solidos Turonenses intuit pietatis iniunetu etiam fuit', D21. ff. 177r-v.
[93] D21. ff. 177v-8r.
[94] 'Ut supra verum cum pro magna sui corporis infirmitate Romae peregrinationem non posset facere competenter in recompensatione Romae itineriis debuit ire ad sanctum Jacobum et Rupem amatoris dedit etiam decim solidos Morlanos de quibus omnibus prout ostendit per inquisitors testimonials litteras satisfecit', D21. f. 178r.

seem to be the key factor which determined the inquisitors' decision. Instead, the length of Raymond's proposed stay at Rome appears to be the aspect of the original penance which was seen by the inquisitors to be indicative of its severity. Similarly, this attitude towards penances can be seen in the way that Peter Sellan sentenced many of the most implicated male deponents, ordering the majority to remain at Constantinople for a number of years, some for over a decade.

Whilst William Arnold and Stephen of Saint-Thibéry's unpopularity and reputation for being overzealous might have followed them throughout their careers until their assassination, analysis of their extant sentences provides a more nuanced perspective. William and Stephen undeniably condemned a significant number of people as heretics, commonly accepted to mean execution by the secular authorities, but the number of people who were actually killed must have been far lower. The majority of deponents who were sentenced in this way were either absent or deceased. In the case of absence, the deponent's stubbornness indicates they were not actually remorseful and so the condemnation was not a penance but a punishment, because one had to accept the Church's authority before receiving a penance.

Indeed, the imposition of perpetual imprisonment on the relapsed deponents who did attend their sentencing proves that William and Stephen reserved release to the secular arm for the most obstinate deponents. Thus, William and Stephen's decision-making reflects the stance subsequently taken by Bernard of Caux and John of Saint Peter more closely than previously thought. Moreover, their use of pilgrimage demonstrates that the inquisitors were not only flexible in the way they imposed penances, but hints at an attitude of proportionality which Peter Sellan clearly employed in his own inquest. The extent to which the shift in strategy was due to a change in the inquisitors' personal perceptions of penance should not be overstated

though. Dossat is correct to state that the inquest of Toulouse during the 1230s was extremely fragmented, and the inquisitors likely had no choice but to adapt in light of opposition from Raymond IV and the secular authorities.[95] Thus, although the punishment of heresy came to reflect contemporary attitudes towards confession and penance, inquisitors' pragmatism often decided the direction of the post-interrogation procedure's development.

4.3 Guidance for Inquisitors

Throughout the thirteenth century, inquisitors' authority to make decisions regarding the imposition of penances was repeatedly confirmed by ecclesiastical councils, legal consultations, and inquisitors' manuals.[96] Nevertheless, the same documents also provided inquisitors with papal-approved guidance concerning the judicial and the post-interrogation procedure. At the start of papal inquisition in 1233, the earliest inquisitors had access to a very limited range of legal documents specifically written with the task of sentencing heretics and punishing the support of heresy on such a wide scale. John Arnold has suggested that the absence of such guidance was due to the Church's preoccupation with getting secular authorities and the general laity to take action against heretics. The period of classification and categorization of heretics and their followers did not truly begin until around 1238.[97] To understand the way that the punishment of heresy developed throughout the period it is important to analyse these sources in order to appreciate the documents' impact on inquests at varying stages throughout the century. Firstly, the official guidance available to William Arnold and Peter Sellan will be considered to determine the

[95] Dossat, *Les Crises*, p. 143.
[96] See chapter two, 'Inquisitorial Flexibility'.
[97] Arnold, *Inquisition and Power*, p. 38; E. Peter, 'Review: "Quaniam abundavit iniquitas": Dominicans as Inquisitors, Inquisitors as Dominicans: Praedicatores, Inquistores, vol.1, The Dominicans and the Medieval Inquisition', *The Catholic Historical Review*, 91 (2005), p. 111; also see: Dossat, *Les Crises*, pp. 199-200, for an account of the development of the categorization and codification of anti-heretical procedure.

extent to which early inquisitors relied on their own experience and that of their colleagues. In particular, the importance of Guy Foulques's *Consilium* will be analysed. Secondly, the flurry of ecclesiastical councils which occurred in the 1240s will be examined, and their impact on the development of inquisitorial sentencing evaluated. Finally, the inquisitor manuals and handbooks from the later stages of the thirteenth century will be considered. Such discussion will take inspiration from Lucy Sackville's observation that changes in the manuals' content or form arose from their relationship with inquisitorial practices, instead of developing in isolation as part of an independent genre of texts.[98]

4.3.1 Consultations and Councils

In 1229, an ecclesiastical council was held at Toulouse, but in light of the issues faced by the Albigensian Crusade, the council focused on dealing with heretics and the secular authorities who had been sheltering them. At this point in the thirteenth century, supporters of heresy were largely ignored and no thought was given to how such people might be assessed and categorized for the purpose of imposing penances. For example, many of the canons in 1229 targeted lords who allowed heretics to stay on their land. Canon four states 'we also ordain, further, that in future anyone who knowingly permits a heretic to stay on his land, whether because of money or some other reason, and has confessed to this or been convicted of it: he shall lose his land forever, and his body shall be in his lord's hands, to do with it what he ought.'[99] Similarly, some consideration was given to the best way of dealing with heretics who returned to the church, both voluntarily and reluctantly. The tenth

[98] Sackville, 'The inquisitors' manual', p. 215.

[99] 'Statuimus etiam, ut quicumque in terra sua de cetero permittet scienter morari haereticum, sive propter pecuniam, sive propter aliam quamcumque causam, et fuerit inde confessus aut convictus: amittat in perpetuum terram suam, et corpus suum sit in manu domini ad faciendum inde quod debebit', Mansi, vol. 23, cols. 195, c. 4. The English translation is quoted from HIF, pp. 191-2.

canon suggests that those who returned to the faith voluntarily should be relocated to a town which was not suspected of heresy and that the penitent should wear two crosses.[100] On the other hand, the eleventh canon adds that 'heretics who have returned to Catholic unity through fear of death or some other cause are to be confined to prison by the bishop of the place to do penance.'[101] It is important to remember that in 1229 papal inquisition had not yet begun, so the Council of Toulouse was aimed at assisting bishops. However, episcopal inquisition did not achieve the scope or thoroughness of later papal inquests, so the council did not foresee many of the issues that the inquisitors eventually had to contend with.

At the start of papal inquisition the Dominican inquisitors found themselves lacking the necessary legal framework by which they could punish different categories of heretical adherents. The ecclesiastical councils of Béziers in 1232, Tarragona in 1233, and Arles in 1234 all treated heretics, believers, supporters and receivers in completely the same way, with no effort to differentiate between them.[102] As a result, in 1235 four jurists from Avignon were consulted on such matters. Brother William of Valence questioned the jurist Brother John, prior of the Brothers Preacher in Avignon, and his colleagues about the correct way to differentiate between Waldensians and their followers. Brother John determined that anyone who confessed to believing that Waldensians were good or holy men, or in Waldensian errors, were believers. Brother John also highlighted the Waldensian ritual, the Last Supper, stating that participation in the ritual was an indication of belief. Lastly, he added that learning about the epistles or gospels from Waldensians was also a sign

[100] Mansi, vol. 23, cols. 196, c. 10.
[101] 'Haeretici autem qui timore mortis, vel alia quacumque causa, dummodo non sponte, redierint ad catholicam unitatem: ad agendam poenitentiam per episcopum loci in muro cum tali includantur cautela', Mansi, vol. 23, cols. 196, c. 11. The English translation is quoted from HIF, p. 193.
[102] Arnold, *Inquisition and Power*, p. 39; Sackville, *Heresy and Heretics*, pp. 117-8.

of belief, confirmed by the use of texts and scriptures.[103] In conclusion, Brother John advised that 'when anyone has been shown by their confession or other lawful proofs to be guilty in the aforesaid ways, even though the grace of absolution from excommunication may be granted to him, he must first be condemned with a definitive sentence and then punished and it must be pronounced that he was a believer, or guilty in some other way, according to the degree of his crime.'[104]

Although Brother John did not offer any suggestions for appropriate penances, the key point of the consultation is that it established the importance of differentiating between heretics and their adherents. This attitude is crucial in the context of Peter Sellan's proportionate approach to imposing penances, and the indicators of belief mentioned in the consultation clearly influenced Peter during his inquest.[105] Yet, John Arnold has rightfully questioned the ambiguity present in Brother John's guidance, arguing that the jurists undermined their categorization by suggesting everyone found to be guilty should be condemned by a definitive sentence and punished.

Arnold notes that the consultation connected belief with one's actions, but that detail on how this should be evaluated is lacking in the text.[106] Nonetheless, Arnold acknowledges that the lack of concern shown in Languedocian legal texts on this matter was likely because of their focus on removing heresy, and also because of an ideological perception of the laity as *illiterate* and *idiotate* who could not, and would not, be concerned with the substance behind the superficial appeal of charismatic

[103] 'Quellen zur Geschichte der Waldenser', pp. 50-4, for an English translation see: '33. A legal consultation, 1235', HIF, pp. 213-7.
[104] 'Dixerunt etiam, quemlibet predictorum culpabilium secundum confessionem suam vel alias probationes legitimas, licet iam eidem absolutionis ab excommunication beneficium sit impensum, esse primitus per diffinitivam sententiam condempnandum ac deinde puniendum pronunciandumque ipsum fuisse credentem vel alias culpabilem, secundum sui criminis qualitatem', 'Quellen zur Geschichte der Waldenser', p.53. The English translation is quoted from HIF, pp. 216-7.
[105] For a discussion of the Last Supper and Waldensian texts, see pp. 74-6.
[106] Arnold, *Inquisition and Power*, p. 41.

heretics.[107] The consultation's lack of nuance is also highlighted by Sackville who notes that the text does not distinguish between people who believe in heretics, believe in their errors, or believe in good men.[108] Arnold and Sackville are correct to note the consultation's failures, but the document still represents the start of a discourse which would go on to categorize in increasing detail the identifiers of belief and differentiate between types of heretical association.

Furthermore, the desire to differentiate between deponents during early papal inquests is demonstrated by Guy Foulques's *Consilium*. Until recently the *Consilium* was believed to have been written during the 1250s, but the document has now been convincingly redated by Vasil Bivolarov to between September 1238 and August 1243.[109] Importantly, the *Consilium's* revised dating has opened up new possibilities for understanding early papal inquests in Languedoc, particularly Peter Sellan's inquest of Quercy. As previously discussed, Languedocian inquisitors were ordered by the pope to cease all inquisition in the region on 13 May 1238 until their authority was reinstated in August 1241.[110] In the period between the start of papal inquisition in 1233 and its temporary suspension in 1238, inquisitors such as William Arnold imposed many penances, only a few of which are recorded.

Even though the full record of these sentences has not survived, the reaction to the early inquisitors is well documented. In general the early inquisitors were very unpopular, a key factor contributing to the eventual suspension of their office. Within the context of the political maelstrom which surrounded the early inquests, it is not surprising that additional legal assistance was requested in order to help the

[107] Arnold, *Inquisition and Power*, p. 42.
[108] Sackville, *Heresy and Heretics*, p. 120.
[109] V. Bivolarov, *Inquisitoren-Handbucher, Papsturkunden und juristische Gutachten aus den 13. Jahrhundert* (Wiesbaden, 2014), pp. 214-7.
[110] Lea, *Inquisition*, vol. 2, pp. 23-5, Dossat, *Les Crises*, pp. 140-4.

fledgling inquisition. This view supports Parmeggiani's work which demonstrates that inquisitors' legal authority was gradually established by the creation of such consultations.[111] Thus it seems most probable that Guy composed his consultation before Peter Sellan's inquest of Quercy began in 1241 and that the legal advice was offered to every inquisitor working in Languedoc upon the resumption of papal inquests.[112] Guy's career as a lawyer prior to entering the Church and becoming Bishop of Le Puy and Archbishop of Narbonne meant he was well suited to offering guidance on the punishment of heresy. Arnold and Biller note that Guy's *Consilium* was the most widely copied inquisitors' handbook due to its nuanced perspective on the issue of punishment, and Guy's ascension as Pope Clement IV in 1265 must have surely ensured that his stance gained further respect.[113]

The 'question-and-answer' style structure of the consultation firmly suggests that the purpose of this document was to answer the questions raised by early inquisitors as a result of their experience conducting inquisition in Languedoc during the 1230s. In particular, a number of the questions focus on how to categorize deponent's faults, and provide suggestions as to the appropriate way of imposing penances.[114] For example, the second question in the consultation deals with voluntary confession and the period of grace. As discussed in chapter two, the period of grace was in use by inquisitors by at least 29 March 1236, thus the consultation's discussion of the period aimed to standardize the implementation of the procedure and its implication for

[111] Parmeggiani, *I Consilia*, pp. 253-61.
[112] Jörg Feuchter holds a similar view despite arguing that the register of sentences comprises of depositions from Peter Sellan's original inquest in Quercy in 1238, J. Feuchter, 'What happened in the Thirties? Revisiting the chronology of the early inquisitions in Languedoc (1229-1241)', *The Origins of Inquisition, Doat Project Conference* (York, Forthcoming).
[113] HIF, p. 230; Biller, 'Deep is the heart', pp. 267-80; Y. Dossat, 'Gui Foucois, enquêteur-réformateur, archevêque et pape (Clément IV)', *Cahiers de Fanjeaux*, 7 (1972), pp. 23-57.
[114] Parmeggiani, *I Consilia*, pp. 253-61.

sentencing post-interrogation.[115] The answer states 'for those, who willingly return within the time of grace, promise and observe freedom from punishment, namely death, imprisonment, and confiscation, that I believe is possible according to the command of the pope and the Council of Toulouse…Therefore it is, in my judgement, those who voluntarily return, who arrived during the period of grace, who in general seem to not have been warned or compelled.'[116] Whilst the answer did not tell inquisitors anything that had not already been expressed in the Council of Toulouse, 1229, Guy drew upon the tenth and eleventh canons in light of the way inquisitors had since implemented the period of grace.

Additionally, Guy clarified the way in which inquisitors should sentence those who were absent for their hearing. The answer for the fourth question states 'for it is evident from their treachery and that they are against the solemn edicts proposed, although the civil law in criminal cases does not pronounce definitively against absences at the imposition of penances except for exile, the penalties of being absent, I believe, could be announced definitively on the charge of deception and stubbornness.'[117] During the thirteenth century the punishment for being absent for one's sentencing was to be condemned as a heretic, with the intent of being released to the secular arm. As discussed above, there were numerous occasions during the 1230s at which penitents were condemned as heretics in their absence. To an extent, the unpopularity of early inquisitors was partly fuelled by such sentences, so

[115] Pons Grimoard's first penance was known to Bernard of Caux and John of Saint-Peter in 1244, D22. f.39r.

[116] 'Quoniam illis, qui sponte redeunt infra tempus gratie, promittitur et observantur impunitas, mortis videlicet, carceris et confiscationis, quod fieri posse credo iuxta mandatum pape et conclilum Tholosanum, Sponte igitur iudicio meo redeunt, qui infra tempus gratie veniunt, licet in generali sint moniti nc enim coacti videntur', G. Foulques, *Consilium*, ed. Bivolarov, *Inquisitoren-Handbucher*, pp. 231-45.

[117] 'Nam si constat de ipsorum perfidia et sint contra eos sollempnia edicta proposita, quamvis de iure civili in crminalibus non pronuntietur diffinitive contra absentem ad impositionem pene nisi usque ad relegationem, ut De penis Absentem, cred de iure canonico posse pronuntiari diffinitive super ipso crimine, ut Extra De dolo et contumacia', Foulques, *Consilium*, p. 236.

a legal clarification regarding their legitimacy would have provided inquisitors much needed support when inquisition resumed in 1241. Indeed, five of William Arnold's sentences from 1241 support this view as he condemned Herronetus of Montmaur, Raymond of Narbonne, Bernard of Saint-Martin, William of the Isle, and Balaguier of Laurac as heretics in their absence.[118] Official legal guidance on this matter would also have added weight to Bernard of Caux and John of Saint Peter's sentences in absence during the 1240s.[119]

Moreover, Guy's *Consilium* built upon the ideology presented in the 1235 consultation, which categorized believers as well as supporters, receivers, and defenders.[120] Guy's advice on these matters was a notable step forward from previous consultations and canon law, because he noted that each deponent should be judged within the context of their own specific circumstances. For instance, on the matter of who should be regarded as supporters, Guy states 'in this matter my judgement is that, some people are private persons, whereas others hold office with public power, there is not one condition for everyone.'[121] Guy also includes a list of actions which implicate someone as a supporter of heresy, including: escorting heretics, arranging support for them, sending them alms, setting them free, and anything similar.[122]

Significantly, the terms Guy used to categorize supporters can be found in Peter Sellan's register and are used to depict the deponents' faults. Similarities between Guy's consultation and the depositions in Peter's register can also be seen in the way

[118] D21. ff. 153r-5r, 157v-9v.
[119] See pp. 100-9 for discussion of such sentences.
[120] Sackville, *Heresy and Heretics*, pp. 118-20.
[121] 'Qua in re notandum arbitror, quod alique sunt persone private, alie vero publica potestate funguntur, est non est omnium una condition', Foulques, *Consilium*, p. 242. The English translation is quoted from '35. The Consilium of Guy Foulques', HIF, p. 233.
[122] Foulques, *Consilium*, p. 234.

belief is considered. In answer to the ninth question, Guy states 'those who have adored, shown reverence according to their custom, or received confession or communion from them according to their rite, or did similar things which pertain to their rite, undoubtedly are convicted of having been their believers.'[123] As discussed in chapter one, the depositions in Peter Sellan's register frequently include answers to questions about the three Cathar rituals: the *melioramentum*, *consolamentum,* and *apparellamentum*.[124] Arguably, as a result of Guy's consultation, Peter made sure to ask deponents about their encounters with, and participation in, Cathar rituals in order to help determine whether they were believers or not. Nevertheless, the extent to which this approach truly dealt with belief should not be overstated. Sackville points out that Guy's focus remained on participation in rituals, not the doctrine behind them.[125]

Guy was very keen to stress that if 'nothing pertaining to their rite is explicitly manifested, although others have written the opposite, I do not believe such a person can be judged a believer.'[126] Here Guy referred to the 1235 consultation in which a wide array of actions were declared to be acceptable indicators of belief. Instead, Guy argued that all sorts of circumstances could potentially result in people interacting with heretics, including physical affection, on behalf of other friends or because of financial ties.[127] Clearly the earlier consultation had become relatively influential as Guy adds 'since the pope says that not simply believers but believers in their errors are to be condemned as heretics...do not be quick - I beg you - to punish

[123] 'Qui vero adoraverunt, reverentiam suo more exhibuerunt, confessionem vel communionem ab eis iuxta ritum eorum acceperunt vel similia perpetrarunt, que ad ritum eorum pertinent, credentes utique fuisse convincuntur', Foulques, *Consilium*, p. 239. The English translation is quoted from HIF, p. 250.
[124] See pp. 77-86 for further discussion of the rituals.
[125] Sackville, *Heresy and Heretics*, pp. 120-1.
[126] 'In quibus nichil de ritu ipsorum expressum ostenditur, quamvis aliqui contrarium scripserint non credo, quod possit credens iudicari', Foulques, *Consilium*, p. 239. The English translation is quoted from HIF, p. 231.
[127] Foulques, *Consilium*, p. 239; HIF, p. 231.

someone as a believer, and consequently as a heretic.'[128] This distinction between a true believer and someone who had potentially come into contact with Catharism goes some way to explaining why nobody was condemned as a heretic in Peter Sellan's register. Guy Foulques explicitly urged inquisitors to show leniency in this particular matter, and the extra pilgrimages added to deponents who had been involved with Cathar rituals are proof that Peter Sellan was influenced by Guy's guidance. The quantitative analysis in chapter one also demonstrated that Peter Sellan was concerned with discovering whether deponents had ever carried or looked after books for heretics. It seems likely that Peter followed such lines of query because Guy suggested in his consultation that 'those who retain heretics' books: I say there are similarly suspect, and should be purged.' However, if they have burned the books they are immune.'[129]

Thus, Guy Foulques built upon existing legal perspectives regarding the punishment of heresy and those involved with it. Guy's consultation added further distinctions between different types of involvement, and provided a more nuanced explanation of what constituted belief. Throughout the *Consilium* Guy suggested that inquisitors' approaches to sentencing should be both flexible and lenient where appropriate. In light of this, it seems reasonable to propose that a more subtle definition of deponents' faults required a system of penances which acknowledged the increase in categorization, and subsequently imposed varying penances with this attitude in mind. Indeed, Peter Sellan's use of a variety of pilgrimages, crosses and financial penalties for imposing penances proportionately in response to different categories of

[128] 'Et cum dicat papa, non simpliciter credentes, sed credentes eorum erroribus velut hereticos condempnandos…non sitis, queso, faciles ad pronuntiandum credentem et sic per consequnes hereticum', Foulques, *Consilium*, p. 240. The English translation is quoted from HIF, p. 231.
[129] 'Illos, qui libros hereticorum supprimunt, similiter dico suspectos et purgandos. Si tamen eos combusserunt, immunes sunt', Foulques, *Consilium*, p. 241. The English translation is quoted from HIF, p.233. On heretical books see: Biller, 'The Cathar of Languedoc', pp. 61-82; Patschovsky, 'The literacy of Waldensianism', pp. 112-36.

culpability mirrors Guy's exact approach to punishing heresy. In combination with the revised dating of Guy Foulques's *Consilium*, it seems that the inquisitors working at the start of the 1240s were heavily influenced by Guy's guidance. The consultation was likely commissioned in order to add a legal confidence to inquisitors' sentences which had been disputed and resisted prior to the suspension of Languedocian inquests in 1238.

The need to differentiate between deponents more effectively continued to be recognized and promoted by the ecclesiastical councils of the 1240s. Maisonneuve has argued that the legislation created in the 1240s and 1250s was relatively coherent and complete in comparison to the 1230s.[130] Arnold concurs, adding that the period also marked the start of a 'universalising discourse around heresy'.[131] Moreover, Dossat suggests that the 1230s and 1240s were decades of instability and that the 1250s marked the beginning of a new period in which inquisitors' power was consolidated.[132] Yet, in light of the revised dating of Guy Foulques's *Consilium* the two periods should not be viewed as so distinct and instead should be seen as a period of transition. Like Guy Foulques, the Council of Tarragona in 1242, led by Raymond of Peñafort, aimed to explain the distinction between those 'who should be called heretics, who are suspects, who are believers, who are supporters, who are receivers, who are defenders, who are relapsed, for these categories are spelled out within the canon.'[133] Sackville notes that Tarragona was the only council which described the different categories in legal terms, albeit with a focus on actions. Thus, when belief is referred to it is in reference to heretics, and not of the heresy itself.[134]

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[130] Maisonneuve, *Études sur les origins*, pp. 287-93.
[131] Arnold, *Inquisition and Power*, p. 42.
[132] Dossat, *Les Crises*, pp. 195-204, 324.
[133] 'Qui dicantur haeretici, qui suspecti, qui credentes, qui fautores, qui receptorares, qui defendsores, et qui relapse: cum ista genera hominum in canone explicentur', Mansi, vol. 23, col. 553.
[134] Sackville, *Heresy and Heretics* pp. 95-8.

Raymond was tasked by the papacy to help resolve a number of issues surrounding the process of inquisition, and held the title of papal penitentiary. In this difficult task Douais argued that Raymond would have undoubtedly been assisted by many renowned jurists and legal minds.[135] Although the council's original register has unfortunately been lost, the inquisition at Carcassonne held a copy and the document became part of the Doat Collection in the seventeenth century.[136] The key difference between Guy and Raymond is that the latter made suggestions about what penances might be imposed by inquisitors in different situations, whereas the former only indicated that such a distinction was necessary. The Council of Tarragona elaborated in great detail on different types of penances and their varying severity, and provided sample penances for believers, relapsed supporters, most vehemently suspected supporters, suspected supporters, and supporters.[137]

Aside from obstinate heretics, who were to be released to the secular arm, the council stated that believers ought to have the most severe penance, suggesting that they should be present at processions at the episcopal seat on a number of saints' days 'and they are to be in front of the church, barefoot, clad in breeches and shirt and after being disciplined publically they are to be reconciled to the Church.'[138] As well as being excluded from their local church during Lent, the penitents were also meant to wear two crosses.[139] The examples continue throughout the document, and as the penances become slightly less severe the penitents' associated fault diminishes. For instance, the most vehemently suspected supporters were to have a similar penance to believers but instead of ten years it should have only been

[135] C. Douais, 'Saint Raymond de Peñafort et les heretiques', *Le Moyen Age*, 12 (1899), p. 305.
[136] Douais, 'Saint Raymond de Peñafort', p. 314.
[137] Mansi, vol. 23, cols. 556-8.
[138] 'Sint discalciati in braccis et camisia ante fores ecclesiae, et tunc secundum instituta publice reconcilientur ecclesiae', Mansi, vol. 23, col. 556.
[139] Mansi, vol. 23, col. 556.

followed for seven, and they were not required to wear a cross.[140] In comparison, the least guilty penitent, the supporter, was only required to attend processions on three occasions: All Saints, Feast of Saint Mary in February and Palm Sunday, as well as being excluded from church during Lent for only three years.[141] Lastly, the proportional nature of the penances was also shown by the order for all penitents to travel to the episcopal seat of Barcelona on the fourth day of Lent and on Holy Thursday every year for between three and ten years, depending on the degree of guilt.[142]

It is important to remember that Raymond of Peñafort originally established this guidance for inquests in the kingdom of Aragon, which is why the council proceedings refer to Barcelona. Nonetheless, it is widely accepted that the council was known to inquisitors in Languedoc, who would have heeded its canons.[143] Hugh Lawrence has also noted that at every Dominican priory a lector used Raymond of Peñafort's manual to offer instruction in theology and the imposition of penance.[144] Furthermore, even though the council suggested that penitents should be disciplined at processions, this penance is rarely found in the extant sentences from the 1230s and 1240s. Henry Charles Lea has argued that flagellation during processions was not included in written sentences because it was taken for granted,[145] but it is important to determine to what extent inquisitorial documents support this view. The mendicant orders had used flogging as a penance for their own brethren since the twelfth century. Katherine Smith has demonstrated that monastic communities believed that inflicting pain could be an act of compassion which worked in

[140] Mansi, vol. 23, cols. 556-7.
[141] Mansi, vol. 23, col. 557.
[142] Mansi, vol. 23, col. 557.
[143] Arnold, *Inquisition and Power*, pp. 42-4.
[144] Lawrence, *The Friars*, p. 125.
[145] Lea, *Inquisition*, vol. 1, pp. 463-4.

combination with other types of penance to provide isolated sinners an opportunity to reflect on their own behaviour before being allowed to return to their community.[146] Subsequently, during the thirteenth century public flogging was adopted by ecclesiastical courts to punish sins such as blasphemy, heresy and dissent against Church authority.[147] Talal Asad also suggests that the primary purpose of penance during this period was to facilitate self-correction. Asad questions the extent to which this social control was intended to be consciously manipulative, instead suggesting that it was a result of the Church's and monastic orders' aims to enforce obedience to Church law. However, this was much harder for the Church to achieve in comparison to monastic communities due to the Church's lack of control over many socio-political elements of secular society.[148]

Hence, as discipline was commonly used by monastic and ecclesiastical courts prior to papal inquisition in the thirteenth century it is not surprising that St. Dominic's only extant sentence includes an order to be disciplined by a priest at church. The Council of Narbonne in 1243 also advised inquisitors that penitents 'must appear every Sunday stripped of some of their clothing, as fits the conditions of the season, and carrying rods in their hands. And they must present themselves to the priest of their parish who is saying Mass, between the Epistle and the Gospel they are to receive discipline.'[149] Moreover, the council's advice was clearly acted upon, as demonstrated in 1244 by one of Ferrer's extant sentences which explicitly ordered

[146] K. Smith, 'Discipline, compassion and monastic ideals of community c.905-1250', *Journal of Medieval History*, 35 (2009), pp. 327-30, 337-8. For further discussion of flogging see: C. Vincent, 'Discipline du corps et l'espirit chez les flagellants au moyen age', *Revue Historique*, 302 (2000), pp. 593-614; for discussion of medieval attitudes towards pain see: E. Cohen, 'Towards a history of European physical sensibility: pain in the later middle ages', *Science in Context*, 8 (1995), pp. 47-94, esp. 62-3.
[147] Smith, 'Discipline, compassion', p. 330.
[148] Asad, 'On ritual and discipline', pp. 159-60, 186-93.
[149] 'Quam Dominica die inter epistolam et evangelium vestibus aliquibus denudanti, prout visum fuerit pro qualitate temporis faciendum, sacerdoti parochiae suae Missam celebranti cum virgis in manu publice se praesentent, ibique recipient disciplinam', Mansi, vol. 23, col. 356, c. 1. The English translation is quoted from HIF, p. 237.

the penance of discipline.[150] The same sentiment was repeated in 1246 at the Provincial Consultation at Béziers, where it is added that 'at the last station they are to present themselves to the person in charge of the procession, for him to explain to the people that they are doing this sort of penance because of the things that they committed in the crime of heretical wickedness.'[151] The goal of the procession was clearly to display the penitents very publically as a warning to the community against associating themselves with heretics.

The discussion of flagellation in ecclesiastical councils throughout the 1240s demonstrates that the Church believed that it was the correct way to punish heresy, even if past inquisitors had not imposed it as part of their sentences. Although limited, the examples of sentences which explicitly mentioned discipline as part of penances suggest that Lea was incorrect to assume every penitent would have been disciplined as part of their penance. Nonetheless, the majority of inquisitorial sentences are not extant, and due to the popularity of the penance amongst the brethren of mendicant orders, including the Dominicans, it seems likely that many penitents were actually disciplined as part of their punishment. Indeed, Ferrer made this sentence after both the councils of Tarragona in 1242 and Narbonne in 1243, raising the possibility that the penance became more widely used as a result of the councils' influence and the development of the post-interogation judicial procedure. Inquisitors' use of discipline as a penance also supports Caldwell Ames's view that

[150] 'Quellen zur Geschichte der Waldenser', p. 63; '38. Formulae from a later inquisitor's handbook', pp. 266-7. The inquisitors' manual copied Ferrer's sentence as an example and the importance of this is discussed further on pp. 151.

[151] 'Et in statione ultima, praesentent se illi, qui processioni praesuerit, ut exponat populo, quod talem poenitentiam faciunt propter illa quae in crimine commiserunt haereticae pravitatis', Mansi, vol. 23, col. 721. The English translation is quoted from HIF, p. 257.

monastic traditions underpinned inquisitors' sincere desire to save the souls of the people that they investigated.[152]

During the 1240s, Occitan ecclesiastical councils continued to determine what penances were appropriate under different circumstances for different types of penitents. In regard to supporters, the canons of the Council of Narbonne in 1243 stressed the importance of considering the individual merits of each confession, stating 'through careful consideration of the circumstances it is possible to find the greater or lesser degree of guilt in such people.'[153] Furthermore, canon twenty-nine attempted to establish the correct criteria for establishing that a deponent was a believer. The canon suggests that this was still a considerable problem for inquisitors as it states 'in order to remove any further doubt about which guilty matters are those on the basis of which people can be judged to be believers, we are giving our firm judgement that they are these.'[154] What follows is a list of all the actions which the council believed were indicators of belief, including: showing reverence; the *consolamentum*; and the Waldensian Last Supper, most of which are also found in Guy Foulques's *Consilium*.

Yet, some of the nuance of Guy's guidance is lost as the canon also states that deponents were believers 'if they received them willingly and often, heard them, visited them, gave or sent them food or other things.'[155] These were the types of actions which Guy warned could be misinterpreted as belief even though the evidence could only conclusively prove that support had been shown. Maisonneuve

[152] Caldwell Ames, *Righteous Persecution*, pp. 155-73.
[153] 'Ex diligenti tamen circumstantiarum consideration, plus minusve contingit culpae in talibus reperire', Mansi, vol. 23, col. 360, c. 14.
[154] 'Sane inter culpas ex quibus credentes possunt judicari, ne ulterius dubitetis, has esse firmiter arbitramur', Mansi, vol. 23, col. 364, c. 29. The English translation is quoted from HIF, p. 247.
[155] 'Si eos libenter et pluries receperunt, audierunt, visitaverunt; victualia seu alia dederunt, seu miserunt eisdem', Mansi, vol. 23, col. 364, c. 29. The English translation is quoted from HIF, p. 248.

has also made the same comparison between the Council of Tarragona in 1242 and the Council of Narbonne in 1243.[156] Moreover, Arnold suggests that the description of categories became intertwined with inquisitorial procedure, but he also acknowledges that the burden to make decisions correctly was placed upon the inquisitor to ensure that they assessed each situation properly.[157] Although the renewed focus on action was a step back regarding the quality of investigation, the events preceding the council help to explain why the Council of Narbonne displayed a more literal attitude towards identifying supporters in 1243. The assassination of William Arnold and Stephen of Saint-Thibéry in 1241 had a drastic impact on inquisitors' attitudes towards inquisition, and must have also affected the council's decisions. Inquisitors clearly felt threatened by the murders and a significant number of registers were also lost. In reaction to this the council suggested that inquisitors should be more proactive in communicating between themselves in order to strengthen their position in Languedoc.[158] Furthermore, the eleventh canon provides evidence of the council's hardened approach to relapsed heretics and their supporters, stating 'without any hearing, you are to relinquish them to secular judgement for punishment by the due penalty. For it is enough for such people to have deceived the Church once, especially where their numbers have grown so great.'[159]

Additionally, the impact of the pressures on inquests at the start of the 1240s is also demonstrated by a change in attitude by the Provincial Consultation at Béziers in 1246. Instead of releasing relapsed heretics to the secular arm the twentieth canon states 'by apostolic mandate, you are to place perpetually in prison heretics

[156] Maisonneuve, *Études sur les origins*, p. 294.
[157] Arnold, *Inquisition and Power*, pp. 44-5.
[158] Mansi, vol. 23, col. 362, c. 21
[159] 'Saeculari judico sine ulla penitus audientia relinquatis, animadversione debita puniendos: cum sufficiat tales per falsam conversionem semel ecclesiam decepisse, praesertim ubi tanta eorum invaluit multitude', Mansi, vol. 23, col. 359, c. 11. The English translation is quoted from HIF, p. 240.

condemned as relapsed, obstinate heretics, and fugitive heretics, who want to return.'[160] Indeed, this imprisonment was never intended to actually be perpetual, as the same canon adds that if after a period of time the penitent is obedient and shows remorse then their penance can be commuted.[161] This change in strategy was also promoted by the desire to benefit from repentant heretics' knowledge of heretical networks, as discussed in chapter two.[162]

The extant sources are not sufficient to inform us whether inquisitors had followed the guidance issued by the Council of Narbonne in 1243, but between 1246 and 1248 Bernard of Caux and Peter of Saint-John's sentencing certainly followed the advice given by the Provincial Consultation at Béziers in 1246. Nevertheless, in other areas the Provincial Consultation showed a similar attitude, like the use of penances to differentiate between categories of culpability. For instance, on the use of crosses, the twenty-sixth canon states 'and if they were vested or condemned heretics, they should wear a third cross of the appropriate size and the same colour on their hat or veil. And if by chance they had perjured or encouraged others to perjure, they should have a second horizontal arm…on the upper part of the two crosses that they have to wear.'[163] The visual aspect of the penance was again stressed by the council, suggesting that inquisitors were not only supposed to impose penances proportionately, but that the communities which had to carry out their sentences were, to a lesser extent, meant to be able to understand this process. Hence, the

[160] 'Damntos haereticos relapsos, contumaces, et fugitivos redire volentes…ex apostolico mandato in perpetuo carcere detrudatis', Mansi, vol. 23, col. 719, c. 20. The English translation is quoted from HIF, p. 255.
[161] Mansi, vol. 23, col. 719 c. 20.
[162] For discussion of flexibility in order to expedite inquisition see chapter two, 'Inquisitorial Flexibility'.
[163] 'Et si fuerint vestiti haeretici, vel damnati, protent crucem teritam competentis quantitatis, seu coloris eiusdem in caputio vel in velo. Et si forte dejeraverint, aut induxerint alios ad dejerandum, portent in superiori parte duarum crucum…brachium transversal palmi unius vel circa', Mansi, vol. 23, col. 720, c. 26. The English translation is quoted from HIF, p. 257.

categorization of culpability continued to have meaning long after the sentencing procedure was complete.

4.3.2 Handbooks and Manuals

Additionally, a number of inquisitorial handbooks began to circulate during the 1260s and 1270s.[164] It is important to remember that the majority of these handbooks were intended to be used actively during actual inquests, indeed Given and Sackville have compared inquisitorial handbooks to confessors' manuals.[165] The inquisitors' handbooks and manuals which began to appear more frequently at the end of the century were not intended to provide new thought on the pressing issues concerning contemporary inquisitors, but to compile previous guidance from increasingly diverse sources in one place in order to make the legislation more accessible for inquisitors.[166] Such texts would include different formulae for the imposition of various types of penances and examples of actual sentences from past inquests. Significantly, Arnold and Biller have noted that although Waldensians were increasingly rare in comparison to Cathars, the handbooks portray a preference for using the formulae concerning them, a trend first seen in the Consultation of 1235 and the Council of Tarragona in 1242.[167]

One such handbook was compiled in 1265 by an anonymous author, and contains a letter sent to the Bishop of Nîmes from the Dominicans William of Valence and Pons Garin, inquisitors for the diocese of Narbonne in 1237.[168] The letter refers to one of the bishop's parishioners, Bernard Saissac, who had been a Waldensian believer for

[164] For an overview see: Dondaine, 'Le manuel', pp. 85-194 and Sackville, *Heresy and Heretics*, pp. 135-53.
[165] Given, *Inquisition*, pp. 44-51; Sackville, 'The inquisitors' manual', pp. 205-6.
[166] Sackville, 'The inquisitors' manual', p. 212.
[167] HIF, p. 262.
[168] HIF, p. 262; Douais, *Documents*, pp. 138-43; Dondaine also describes the contents of the handbook in Dondaine, 'Le manuel', pp. 140-54.

around forty years, supporting them with financial aid. As Bernard had never been implicated in heresy previously and had offered a voluntary confession the inquisitors decided that 'he should visit the Church of Saint-Mary at Le Puy, and that in consultation with you he should expend as much for the benefit of good poor men as he believes, according to his conscience, that he handed over to the Waldensian heretics.'[169] Bernard's penance was relatively lenient as his fault was also minor, but the handbook also provides the sentence of John of Burgundy, a Waldensian heretic, who voluntarily returned to the Catholic Church: 'the aforesaid inquisitors, supported by the authority of the high pontiff, enjoin on you the salutary penance of perpetual prison.'[170] The sentence also warned that John would be released to the secular arm for execution if in the future he relapsed or failed to complete his penance.[171]

Moreover, the handbook also includes the sentence of a relapsed believer and supporter of Waldensianism who was given a sentence of perpetual imprisonment.[172] Therefore, even as early as 1237 there is evidence that a diverse range of penances was in use, and the author of the handbook clearly believed that despite all the legal and theological guidance offered since 1237, William and Pons Garin's approach to imposing penances was exemplary. Such an attitude appears to question the view that inquisitorial practices and procedures were refined in the second half of the thirteenth century.[173] Moreover, the handbook contains a sentence from Brother Ferrer and Peter Durand's inquest in 1244 which has already been discussed in

[169] 'Visitet ecclesiam sancta Marie de Podio et quod de consilio vestro tantum expendat in usus bonorum, quantum secundum suam conscientiam credit Valdensibus hereticis tribuisse', 'Quellen zur Geschichte der Waldenser', p. 56. The English translation is quoted from '38. Formulae from a later inquisitor's handbook', HIF, p. 263. The extant manuscript is held by the Bibiloteca Apostolica Vaticana, MS. Vat. Lat. 3978.

[170] 'Predicti inquisitors, auctoritate suffulti summi pontifices, tibi penitentiam perpetui carceris iniungimus salutarem', 'Quellen zur Geschichte der Waldenser', p. 57. The English translation is quoted from HIF, p. 263.

[171] 'Quellen zur Geschichte der Waldenser', p. 57; HIF, p. 263.

[172] 'Quellen zur Geschichte der Waldenser', pp. 59-65; HIF, pp. 264-5.

[173] Dossat, *Les Crises*, pp. 323-4.

chapter two. [174] The unnamed woman was accused of supporting and believing in Waldensians, but as it was her first penance, and because she confessed voluntarily, the inquisitors only sentenced her to: wear crosses; attend Mass; be disciplined during processions; and to go on pilgrimage to Le Puy, Saint-Gilles, Montpellier and Sérignan.[175] Whilst Le Puy and Saint-Gilles are both destinations which commonly appear in the sentences of William Arnold and Peter Sellan, Montpellier and Sérignan are unique to Brother Ferrer. Hence, Ferrer's choice of pilgrimages further demonstrates that inquisitors chose pilgrimage destinations at their own discretion, in light of their individual opinions.

Furthermore, in 1271 the manual *Doctrina de modo procedendi contra hereticos* was drafted, and then revised in 1273 with extra documentation from northern France.[176] In comparison to the 1265 handbook, the *Doctrina de modo* builds on other inquisitor handbooks, like *Ordo Processus Narbonnensis*, and ecclesiastical councils, such as the entire text of the Council of Tarragona of 1242. The manual finishes with a list of inquisitorial formulae which are categorized by origin and date. *Formulae* one to twelve relate to Languedocian inquests, and *formulae* thirteen to eighteen refer to inquests from northern France.[177] The timing of the manual is particularly important because, as Peter Biller has argued, it seems likely that it was intended to support Pons of Parnac and Ralph of Plassac when the inquest was relaunched at Toulouse in 1273. Thus, the manual was intended to function similarly to the way that Guy Foulques's *Consilium* provided clarification to matters of judicial procedure for early inquisitors when inquests were re-established across Languedoc in 1241.[178]

[174] See p. 158.
[175] 'Quellen zur Geschichte der Waldenser', p. 63; HIF, pp. 266-7.
[176] Dondaine describes the contents of the manual, Dondaine, 'Le manuel', pp. 108-11.
[177] HIF, p. 270; for discussion of the Ordo Processus Narbonnensis see pp. 49, 107-14.
[178] Biller, Bruschi and Sneddon, *Inquisitors and Heretics*, pp. 41-8, 49, 60-2.

In light of the knowledge that much of the handbook was simply copied from other sources, one of the most significant sections of the manual is the guidance concerning the preparation and performance of a general sermon. Firstly, the handbook states that once a sufficient number of people have made a confession that the inquisitors should summon lawyers, other brethren of the Order of Preachers, and bishops, so that they can form a council to help the inquisitor decide appropriate penances for all the deponents. Next, all the deponents were to be summoned to the inquisitors' presence in order to acknowledge their guilt, and on the following Sunday they would receive their penance. Notably, the penitents were expected to return to the inquisitors at a later date to demonstrate that they were carrying out their penances and to publically admit their guilt once more.[179] The way in which this was supposed to be conducted is recorded in detail:

> The records of their guilty acts are recited to them, firstly of those who ought to have discretionary penances. And crosses are to be given to them, and major or minor pilgrimages, as their guilty acts require. And double crosses are to be given to perjurers, simple crosses to others. Afterwards when those with crosses depart, the records of the guilty acts of those who are to be imprisoned are recited. One person gets up after another, and stands until his confession has been read out and recited…Afterwards the records of the guilty acts of the relapsed are recited, and after a sentence has been given the person is relinquished in a similar way.[180]

[179] 'Doctrina de Modo', vol. 5, cols. 1795-1814. For an English translation see: '39. An inquisitorial manual', HIF, pp. 271-2.

[180] 'Primo illorum qui debent habere poenitentias arbitraries, et denture eis cruces, et peregrinations majors vel minors, secundum exigentiam culparm, et perjuris denture cruces duplices, aliis simplices. Postmodum istis cum crucibus exeuntibus recitentur culpae immurandorum, ita quod unus surgit post alium, et stat donec lecta sit et recitata ejus confessio. Quibus recitatis, sedet Inquisitor, et sedendo dat sententiam, primo in latino, postea recitatur statim in gallico. Postmodum recitentur culpae relapsorum,

The order of the different penances was intended to be very deliberate and a conscious act by the inquisitor. By starting the proceedings with the most lenient penances and working through to the most severe, the inquisitor was able to highlight their leniency, yet still ensure that penitents and observers were unequivocally cautioned against supporting heresy in the future. At the same time the penitents' corresponding guilty acts were to be recited which provided a justification for their penance, and a further warning to others against falling into the categories of culpability.

Finally, the fourteenth-century inquisitor, Bernard Gui also discussed the general sermon in his inquistors' manual, *Practica inquisitionis heretice pravitas*.[181] James Given argues that Bernard recorded the general sermon with great precision because he believed that it enabled the inquisitor to deliver the Church's official stance on the correct spiritual order. Although Bernard drew on early depictions of general sermons, such as the *Doctrina de modo*, he included more detail which enforced the hierarchy of guilt and associated punishment. The penitents and the bystanders would have almost certainly left the general sermon with no doubts as to what was acceptable, and what was not.[182] Karen Sullivan has concurred with Given that the performance of imposing penances was far more important to Bernard than the penances themselves. Sullivan discusses Bernard's use of the general sermon as a tool by which to convince his audience, both penitents and bystanders, that they should remain loyal to the Catholic Church and that Bernard's imposition of penances was justified.[183]

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et data sentential, praedicto modo relinquitur', 'Doctrina de Modo', vol. 5. cols. 1795-1814. The English translation is quoted from HIF, p. 272.

[181] Dondaine, 'Le manuel', pp. 115-6. For an overview of historiographical views of Bernard Gui see: pp. 36-7.

[182] Given, 'The inquisitors of Languedoc', pp. 35-6; Gui, *Practica*, ff. 44r-7v, pp. 83-6.

[183] Sullivan, *Inner Lives*, pp. 126-7, 136-7, 145.

Historians are largely in agreement that Bernard was not an innovator: his manual is a collection of many other texts from the thirteenth and fourteenth centuries.[184] In this way Bernard Gui was no different from the other inquisitors and ecclesiastics who created consultations and handbooks throughout the period. He intended to provide guidance for his colleagues, contemporary and future. Furthermore, the political disturbances which Bernard's inquest followed may have influenced his view of the importance of the general sermon. In the late thirteenth and early fourteenth centuries there was periodic unrest at Albi, Carcassonne, and Limoux due to accusations of misconduct made against the inquisitors Jean Galand and Jean Vigoureux. The struggle began in the 1280s and 1290s but came to a climax at the start of the fourteenth century, led by Bernard Délicieux.[185] The unrest prompted Pope Clement V to order an investigation in 1306 and subsequently inquisitors' powers were limited until 1308.

Bernard Gui was well informed of all of this, and was unhappy with the restriction of inquisitorial authority.[186] Arguably, the unrest at Carcassonne and Albi helped Bernard understand that it was vital to have the cooperation of the communities that he investigated. Bernard understood that this was not likely without demonstrating transparency for the decisions he made regarding sentencing. It seems possible that this influenced Bernard's use of the general sermon, and the huge number of formulae and texts contained within the *Practica*. As evidenced by inquisitorial consultations and manuals from throughout the thirteenth century, the ability to

[184] Dane, 'Inquisitorial hermeneutics', pp. 61-2; Pales-Gobilliard, 'Bernard Gui', p. 263; Sackville, 'The inquisitors' manual', p. 211.
[185] Biget, 'Un Procès d'Inquisition à Albi', pp. 279-341; Davis, *Inquisition at Albi*, pp. 49-69; Théry-Astruc, 'The Heretical Dissidence', pp. 79-111; Vidal, *Un inquisiteur jugé*, pp. 39-43.
[186] For discussion of Bernard Gui's career as a historian see: A. Lamarrigue, 'Bernard Gui, Historien du Midi', *Heresis*, 38 (2003), pp. 51-69.

demonstrate legal and theological support for inquests was key in ensuring their stability.[187]

Throughout the thirteenth century efforts were made by the papacy, ecclesiastical councils and inquisitors to create resources which would assist their colleagues with subsequent inquests. One of the most important issues was the categorization of different types of fault, especially that of a believer. A number of consultations and councils attempted to define what constituted belief, and arguably Guy Foulques provided one of the most nuanced answers. Despite the Church's struggle with the issue, the fact that the problem was acknowledged offers evidence that the Church wished to differentiate between deponents, and so sentencing had to take this into account. Thus, from a very early stage papal inquisitors attempted to impose penances proportionately in attempt to demonstrate a level of transparency.

In general, the consultations, handbooks, and council proceedings built upon each other, absorbing predecessors' knowledge, despite not always agreeing on every detail. The advice provided by such documents was meant to develop the post-interrogation procedure, giving tangible support to inquisitors in their endeavours. Political factors often provided impetus to new waves of resources in response to the need to bolster inquisitors' confidence, as well as their legal and theological authority. The periods in which inquisitors were ordered to cease activity were often triggered by pressure from secular authorities, so inquisitors would have been painfully aware that communities had to have a certain level of acceptance for their inquests and sentences. The requirement of working with penitents to ensure the success of inquests was particularly important because it suggests that changes made by inquisitors and ecclesiastical councils were strongly influenced by a

[187] Parmeggiani, 'Un secolo di manualistica', p. 258; Sackville, 'The inquisitors' manual', p. 213.

pragmatic evaluation of what was needed for inquisitorial penances to be effective. Thus, any changes made to the way in which heresy was punished should not be viewed as purely intellectual adaptations.

4.4 Conclusion

When analysing inquisitorial sentences it is paramount to remember that ultimately inquisitors believed it was their job to return those who had strayed back to the Church. The general development of confession and penances throughout the twelfth and thirteenth centuries supports this view and provides an insight into the rationale employed by papal inquisitors. Many of the themes discussed throughout this thesis find their roots in confessional discourse, such as proportionality and flexibility. These ideas heavily influenced the values of the Order of Preachers after its foundation by St. Dominic, and he played an important role in this development. Early inquisitors, such as Peter Sellan, were aware of contemporary views regarding confession and penance because Dominic championed learning within the Order, establishing a presence at centres of learning, particularly Paris and Bologna. Nonetheless, there was not always a consensus regarding the correct way to punish heresy, and this was reflected in the actions of the earliest inquisitors. The initial influence of Roland of Cremona led to an overly zealous approach which favoured release to the secular arm, and the exhumation and burning of deceased heretics.

However, Roland's stance was poorly received by the communities in Languedoc, and inquisitors were forced, out of necessity, to adapt their approach. Therefore, inquisitors turned to more moderate Paris masters who represented a more moderate approach to confession and penance, and had brought their influence to Languedoc via the Albigensian Crusade.[188] The results of the inquisitors' pragmatism

[188] Bird, 'The Wheat and the tares', pp. 783, 835.

and willingness to change are reflected in the extant sentences which record the inquests held during the 1230s and early 1240s. Indeed, William Arnold and Stephen of Saint-Thibéry attempted to be proportionate and flexible, imposing a variety of different penances including pilgrimage, wearing crosses, imprisonment, and release to the secular arm. Moreover, in the cases when inquisitors did resort to condemning a penitent as a heretic, the reason was almost always because the penitent did not attend their sentence hearing, demonstrating complete obstinacy. A comparison of William Arnold's and Peter Sellan's sentences has also highlighted the cooperation which must have taken place between different inquests, but also that an inquisitor's personal attitude and opinion played a role in the post-interrogation procedure.

Finally, by examining thirteenth-century ecclesiastical councils and inquisitors' manuals it has been possible to explore the links between these texts and the realities faced by contemporary inquisitors. The primary purpose of such documents was to assist inquisitors in the daily running of their inquests, and as a result the timing of councils, consultations and manuals reflected the circumstances surrounding inquests at various times during the thirteenth century. In particular, it seems that guidance was most commonly sought following the periods in which inquests faced their greatest opposition from secular authorities and pressure from the papacy, such as from 1238 to 1241. The guidance offered not only helped to clarify inquisitors' pressing issues and questions, but the legal and theological nature of the advice helped to strengthen their authority. This was important because not only did inquisitors have to understand the rationale behind the different penances, but so did the communities they investigated. This is best portrayed by the relationship between the proportionality of sentences and the varying reputations of the inquisitors who imposed them. Inquisitors such as Robert le Bougre and William Arnold were unable to escape their reputations, even though they later made efforts

to moderate their approach. On the other hand, inquisitors who understood the necessity of negotiating with the communities under investigation, such as Peter Sellan, achieved relative success.

5. Conclusions

Papal inquests were far from uniform across the various inquests held during the thirteenth and early fourteenth centuries, much like the inquisitors themselves. The inquisitors' presence in Languedocian towns and *castra* often fluctuated as a result of political concessions made by the papacy. Moreover, the inquisitors' geographical reach varied throughout the period, with bursts of intense inquisition at certain locations juxtaposed with lulls at others. The extant inquisitorial documents which record the testimonies given to inquisitors and, more rarely, the corresponding sentences which detail the penances imposed, both point towards the intermittent suppression of heresy during the thirteenth century. Yet, it must be noted that a number of registers are known to have been lost. Nevertheless, the records for the inquests of William Arnold and Stephen of Saint-Thibéry, Peter Sellan, Brother Ferrer, Bernard of Caux and John of Saint-Peter, and Pons Parnac and Ranulph of Plassac are sufficiently detailed to investigate the imposition of penances. The initial quantitative analysis of sentences provided a framework for more detailed qualitative analysis, which focused on specific aspects of the post-interrogation procedure and the development of canon law.

5.1 Learning on the Job

Inquisitorial penances were not simply by-products of inquests, the act of sentencing penitents contributed to the development of the judicial process and canon law, which then informed future inquisitors. Analysis of sentences has offered important insights into the development of inquests and inquisitors' decision-making. When inquisitors imposed penances they were influenced by two key factors; their training as Dominican friars, and the experience that they had acquired during their inquests. No official training was provided to aid the earliest inquisitors. Nonetheless, the

influence of Paris masters and life in the Dominican Order had exposed prospective inquisitors to some of the skills required for the role. Inquisitors were well versed in the arts of debating and memory due to their training as Dominican monks.[1] As a result, inquisitors often viewed the punishment of heretics in a similar way to the punishment of disobedient monastics.[2]

Such a background was largely thanks to the importance placed on education by St. Dominic. The Dominican Order valued education highly and was influenced by confessional discourse and contemporary views regarding pastoral care of penitents.[3] Yet, it is important to note that the quality of training varied between inquisitors. Whilst Peter Sellan was sent by St. Dominic to learn from the masters of theology at Paris, others like Brother Ferrer were not. Moreover, some inquisitors brought additional skills to the job, such as William Arnold, who had trained as a jurist.[4] The inquisitor's job was to root out and suppress heresy, and do to this most effectively the inquisitor had to save those who strayed from the Church by returning them to the faithful. The relative success of individual inquisitors was heavily affected by their background and experience. Arguably, the early mistakes made by Brother Ferrer were due to his rudimentary theological training in comparison to William Arnold and Peter Sellan.

The second factor which affected inquisitors was their experience of inquisition. This experience manifested itself in two ways: the first-hand understanding gained from actively undertaking interrogations and imposing sentences; and the support provided by ecclesiastical councils and consultations. Inquisitors' pragmatic ability to adapt their strategies is best illustrated by William Arnold. After a rocky start to the

[1] Mulchahey, '*Summae inquisitorum* and the Art of Disputation, pp. 145-56.
[2] Caldwell-Ames, 'Does Inquisition belong', p. 21; Roach, 'Penance', pp. 427-33.
[3] Tugwell, 'St Dominic and the intellectual', pp. 115-6.
[4] Vicaire, *St Dominic*, p. 235; Biller, 'Questions about early inquisition'.

inquest at Toulouse in 1233, and his expulsion from the town in 1235, he decided to employ a period of grace and limit the use of exhumations and executions.[5] As demonstrated by a quantitative analysis of William's extant sentences, between 1235 and 1241, he imposed a wide array of different penances including: pilgrimages, imprisonment, excommunications, and release to the secular arm.[6] Furthermore, when Peter Sellan began his own inquest at Quercy in 1236, he clearly made use of the experience he gained whilst assisting William at Toulouse. Peter made the decision to use primarily the penances of pilgrimage and cross wearing, as well as a more limited use of financial obligations.[7]

Significantly, the imposition of imprisonment is absent from Peter's register of sentences. Although prison space was particularly lacking in Quercy, the situation was not much better in Toulouse during the 1230s, yet William Arnold had made use of the punishment.[8] Arguably, Peter decided to forgo such a punishment in favour of others which he felt would potentially be more effective within the context of his own inquest. Indeed, Peter's choice of pilgrimage sites offers further evidence of the inquisitor's pastoral duty and convictions. The choice of sites which championed Catholicism's triumph over heresy such as Saint-Denis, Saint-Leonard and Saint-Martial,[9] all suggest an extra level of decision-making. In addition, the absence of Cologne from the register, a major pilgrimage destination, was arguably due to the potential threat of heresy in the region. However, despite the link between dualist belief and Bogomilism in the East, Peter still ordered a significant number of penitents to go to Constantinople. In this case, the decision was taken out of Peter's hands, as the papacy ordered support to be provided to the Latin Empire in the hope

[5] Puylaurens, c. 41, p. 93.
[6] D21. ff. 143r-84v.
[7] D21. ff. 185r-312v.
[8] Lea, *Inquisition*, vol. 2, pp. 43-6; Dunbabin, *Captivity and Imprisonment*, pp. 149-55.
[9] Roach, 'Penance', pp. 417-8.

of defending it against encroaching Bulgarian and Greek forces.[10] Therefore, although inquisitors clearly used their own experience to inform their decision-making, they were also influenced by other sources of guidance and instruction, with pragmatism taking precedence over principles and ideals.

One of the key ways in which inquisitors were supported were the numerous clarifications made regarding the correct way to identify and categorize different heresies, and the types and strength of support shown towards them. Such knowledge was vital when imposing penances and the ecclesiastical councils held during the 1230s at Béziers, Tarragona and Arles were all lacking in this regard. An effort was made in 1235 to remedy the situation when jurists from Avignon were consulted on the matter of differentiating between Waldensians and their followers. It is true, as Arnold notes, that the consultation failed to deal properly with the issue of belief, simply linking it with actions,[11] but for contemporary inquisitors the jurists offered vital legal support to their inquests. Additionally, further guidance was offered by Guy Foulques at some point between 1238 and 1243.[12] The timing of Guy's consultation is particularly important to Peter's inquest at Quercy, because the guidance corresponds to the period in which the papacy ordered the cessation of all inquests in Languedoc, May 1238 to August 1241. The similarities between the legal clarity offered by Guy and Peter's decisions regarding penances are striking. In particular, the abundance of references to Cathar rituals found in Peter's register are arguably the result of Guy's insistence that belief had to be proven carefully before any condemnation could be made. In this way Guy improved upon the Avignon consultation by stating that interaction with heretics did not necessarily mean that

[10] Feuchter, 'Le pouvoir', pp. 239-40, 247; Maier, *Preaching the Crusades*, p. 69; Segl, 'Stabit Constantinopoli', pp. 209, 218.
[11] Arnold, *Inquisition and Power*, pp. 39-42.
[12] Bivolarov, *Inquisitoren-Handbucher*, pp. 214-7.

deponents were believers. This approach clearly influenced Peter's imposition of penances because the inquisitor did not condemn a single deponent as a heretic, even those who had admitted to being heretics in the past. Instead, Peter's proportional approach to imposing penances reflects the careful manner by which Guy categorized heretics, their believers, and their supporters.

Although the flurry of ecclesiastical councils held between 1242 and 1246 came too late to have influenced Peter Sellan, they definitely affected Bernard of Caux and John of Saint-Peter. The extant sentences of Bernard and John are far from complete, but those available suggest that the Provincial Consultation at Béziers in 1246 significantly affected the inquisitors' sentencing of heretics, even relapsed ones, who wished to return to the Catholic Church.[13] For example, the penances contained in MS. 9992 show that Bernard and John only released the most obstinate heretics, who refused to attend their sentencing, to the secular arm.[14] This reluctance to give up on deponents is important because it reflects the papacy's wider efforts to define, create, and maintain a universal community of the Church.

Nevertheless, the guidance offered by ecclesiastical councils was not always so instructive and often worked in tandem with inquisitors' experience. The councils' focus on inquisitorial flexibility and expedient decision-making highlights the individual role the inquisitor played in the success of their inquest. Notably, councils did not introduce the idea of flexibility. Peter Sellan's register clearly portrays the inquisitor's use of discretion, but the canons did clarify the manner in which leniency could be shown during the post-interrogation judicial procedure. Ultimately, the guidance offered to inquisitors was only advisory and experience would often inform their decision-making in light of the tough circumstances that they faced. Inquisitors'

[13] Mansi, vol. 23, col. 719, c. 20.
[14] Douais, *Documents*, pp. 2-89.

desire to ensure the best outcome for their inquest often led to pragmatic decisions being made were were sometimes at odds with the Dominicans' pastoral duty of care and principles.

5.2 Community Relations

In studying the imposition of penances it has been important to remember that sentencing was a two-way relationship, one which, like the creation of depositions, favoured the authoritative position of the inquisitor. Even so, the array of penances which penitents ultimately had to carry out was the inquisitors' final and lasting impact on the communities they investigated. Therefore, when deciding on appropriate sentences, inquisitors had to factor in the penances' potential effect, and arguably inquisitors' sentences played the most important role in the way that they were perceived and the manner in which their reputations developed. In the end, inquisitors aimed to return people to the Catholic Church, and abjuring heresy and completing one's penance were key aspects of this process.

Yet, ensuring that penitents successfully completed their penances had been a concern of ecclesiastics prior to the start of papal inquisition. For example, confessors such as Robert of Flamborough and Robert Grosseteste debated the optimal way of matching penitents' sins with appropriately severe penances, whilst ensuring that the penitent would be willing to complete it.[15] Even the most lenient penances had huge impacts on penitents' lives though, such as the socio-economic and political strains that pilgrimage or wearing crosses could introduce. Although compromises were made over penitents' punishments, there are still many examples of uncompleted penances, which inquisitors dealt with severely. Completing a

[15] Tentler, Sin and confession, p. 17; Robert of Flamborough, *Liber poenitentialis,* V, xii-xvi, pp. 273-7; Murray in 'Counselling in Medieval Confession', p. 76, cites R., Grosseteste, *De modo,* p. 96.

penance was proof that one was sincere in one's abjuration of heresy, so failure to complete a penance resulted in the penitent being condemned as if they were an obstinate heretic, and thus permenantly excluded from the Church's universal community.

The importance relationships with communities was overlooked by the earliest inquisitors to begin with, resulting in resistance from secular authorities and hostility from the communities under investigation. For example, William Arnold's expulsion from Toulouse in 1235 was due to the resentment which had grown against him, coming to a climax when a number of the town's consuls refused to attend interrogations.[16] Similarly, Brother Ferrer was forced to leave Narbonne in 1235 due to hostility against him, the result of accusations of misconduct in sentencing and not following due process.[17] At the end of the thirteenth century, inquisitors Jean Galand, Jean Vigoureux and Bishop Bernard of Castanent were also accused of corruption and misconduct, especially with regard to their improper use of imprisonment and sureties.[18]

The reputations both William Arnold and Brother Ferrer gained as a result of these early missteps followed them for the remainder of their inquisitorial careers.[19] Nevertheless, when the extant sentences from the period following their misconduct are examined, the evidence depicts decision-making very similar to that of inquisitors such as Peter Sellan and Bernard of Caux who, although they faced resistance, did not become similarly infamous. Indeed, arguably William Arnold and Stephen of Saint-Thibéry's reputations played an important role in their

[16] Lea, *Inquisition*, vol. 2, pp. 19-22.
[17] Wakefield, 'Friar Ferrier, inquisitor', p. 35.
[18] Lea, *Inquisition*, vol. 2, pp. 58-73, 78-87; Molinier, *L'Inquisition*, pp. 79-105; Vidal, *Un inquisiteur jugé*; Biget, 'Un Procès d'Inquisition à Albi, pp. 273-341.
[19] Maisonneuve, *Études sur les origins*, pp. 243-86, Dossat, *Les Crises*, pp. 105-52; Arnold, *Inquisition and Power*, p. 33.

assassination at Avignonet in 1242.[20] In contrast, Peter Sellan faced far less opposition when he returned to Quercy in 1241. The fact that almost no trace of heresy can be found in the region following his inquest goes some way to suggesting that Peter's approach to punishing heresy was successful.[21]

However, it is important to note that Feuchter and Taylor have suggested that some of the deponents recorded in Peter's register never actually received a penance. Instead, they suggest that Quercy's nobility were able to negotiate with Peter, who argued to exchange their sentences for a promise to construct and renovate local churches and abbeys.[22] This view is not only supported by evidence suggesting that penitents were still present in Quercy when they should have been completing various pilgrimages,[23] but also reinforces the observation that inquisitors pragmatically tried to impose penances which would be completed. Although inquests had been allowed to resume in 1241, the inquisitors were still in a relatively weak position. It had been the complaints of secular authorities to the count of Toulouse which had persuaded the papacy to suspend investigations in the first place. Ultimately, this strategy proved to be very successful as the nobility, now in support of the Church, created a situation in which Catharism and Waldensianism could find little traction.[24] Analysis of the imposition of financial obligations as penances demonstrates that Peter Sellan aimed to bind Quercy's nobility to the Catholic Church.

Another important aspect affecting communities' responses to inquisitorial sentencing was the level of transparency and accountability offered by inquisitors.

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[20] Lea, *Inquisition*, vol. 2, pp. 35-7; Dossat, 'Le massacre d'Avignonet', pp. 343-59; Puylaurens, c. 43, p. 103.
[21] Feuchter, 'Le pouvoir', p. 255.
[22] Feuchter, 'Le pouvoir', p. 250; Taylor, *Heresy, Crusade and Inquisition*, pp. 131-2, 135.
[23] Feuchter, 'Le pouvoir', p. 245.
[24] Feuchter, 'Pierre Sellan', p. 52.

The majority of complaints levelled against inquisitors were related to misuse of their powers and due process, or at least perceived abuse of such authority. The canons created by the ecclesiastical councils of the 1240s attempted to regulate and standardize the process of inquisition and the imposition of penances. Although they influenced inquisitors, they did little to provide tangible support for inquisitors' authority. In contrast, inquisitor manuals fulfilled a different purpose. By interpreting the consultations' legal advice, they were able to offer inquisitors tangible legitimization during the daily activity of their inquests, and the importance of such documents is highlighted by the growth of the genre throughout the thirteenth century.[25]

Furthermore, the creation of new manuals and the appearance of ecclesiastical councils often corresponded to periods in which inquisitorial authority was called into question by political opposition. For instance, Guy Foulques's consultation was created in the period between 1238 and 1241 in which inquisitors were sorely in need of legal backing to support the penances they intended to impose after the eventual resumption of their inquests. Likewise, a number of councils were held following the assassination of William Arnold and Stephen of Saint-Thibéry. Additionally, prior to the relaunch of inquisition at Toulouse in 1273, a number of important manuals were created, one in 1265 by an anonymous author, and more importantly the *Doctrina de Modo Procedendi contra Hereticos* in 1271.[26]

Thus, inquisitors were able to use such texts to offer evidence in support of their methods and authority. Yet, whilst an inquisitor could brandish a manual in support of his decisions, ultimately the sentences themselves had to be acceptable to the

[25] Given, *Inquisition*, pp. 44-51; Parmeggiani, 'Un secolo di manualistica', pp. 229-36; Sackville, 'The inquisitors' manual at work', pp. 205-6.
[26] 'Quellen zur Geschichte der Waldenser', pp. 55-69; Doctrina de Modo Procedendi contra Hereticos, V, cols. 1795-1814.

communities affected. One post-interrogation strategy which was refined throughout the thirteenth century was the use of general sermons. The first inquisitor manual, *Ordo Processus Narbonnensis*,[27] offered a brief explanation of the way in which tribunals should be run post-interrogation. Moreover, in 1271 the *Doctrina de Modo Procedendi contra Hereticos* built upon Bernard's work by describing in detail the optimal way of addressing a community when carrying out sentencing and imposing penances. The general sermon allowed inquisitors to publically demonstrate exactly how involvement with heresy translated into a categorization of culpability and a corresponding penance, highlighting the proportional approach many inquisitors aimed to emulate, as well as the Church's official stance on the correct spiritual order.[28]

The importance of the general sermon is best illustrated by Bernard Gui's use of the technique in his own inquest and his inclusion of it in his own manual, *Practica inquisitionis heretice pravitas*.[29] Hence, the timing of ecclesiastical councils and inquisitor manuals reflects contemporary inquisitors' needs in light of the particular socio-political pressures they faced. Many inquisitors often prioritized pragmatisim because they understood that they had to reach compromises with the communities they sentenced, and sentencing was a public affair. Being able to demonstrate that there was an element of fairness and trasparency, or at least proportionality, in their application of the judicial forum aided this endeavour. The inquisitors who failed to achieve a sufficient level of accountability for their sentencing found themselves facing hostility and opposition to their inquests, especially in areas in which support from secular authorities was weak.

[27] Tardif, 'Documents', pp. 670-8.
[28] Sullivan, *Inner Lives*, pp. 126-7, 136-7, 145.
[29] Given, 'The inquisitors of Languedoc', pp. 35-6; Gui, *Practica*, ff. 44r-7v, pp. 83-6.

5.3 Progress in Punishment?

Finally, it is important to consider whether the punishment of heresy changed over the course of the thirteenth century. Determining whether any progress was made by inquisitors is one of the most difficult conclusions to make. One must be careful not to judge their actions anachronistically, and by doing so attribute meaning to the punishment of heresy which was never intended by inquisitors. Historians have often commented that inquisitors focused on deponents' actions over their beliefs, with the implication that this undermines any potential success that the papal inquisitors may have had. The tendency to do so may have been influenced by an undercurrent of scepticism in more recent historiography regarding inquisitors' sincerity for their pastoral duties. Nevertheless, it is true that the extent to which inquisitors were able to identify actual heretics and their supporters must surely have been inhibited by their questioning. Research into thirteenth-century inquisitor guides, consultations and ecclesiastical councils has highlighted that there was little concerted effort to advance the quality of questioning regarding belief. The extant sentences support the view that actions continued to be the cornerstone of investigations even into the fourteenth century, James Fournier aside.[30]

Indeed, the most nuanced work on the relationship between actions, beliefs and punishment was written by Guy Foulques.[31] Until recently, the incorrect 1250s dating of the consultation gave the impression that some kind of progress had been made in this regard, but Vasil Bivolarov's view that the consultation was made between 1238 and 1243[32] dramatically alters the way historians must look at the development of the post-interrogation and judicial procedures during the thirteenth century. If

[30] Arnold, 'The Cathar Middle Ages', pp. 67-8; Bueno, *Defining heresy*, pp. 82-6, 90.
[31] HIF, p. 230; Biller, 'Deep is the heart of man', pp. 267-80; Dossat, 'Gui Foucois, enquêteur-réformateur', pp. 23-57.
[32] Bivolarov, *Inquisitoren-Handbucher*, pp. 214-7.

there was no significant change in the Church's attitude towards categorization of culpability after Guy Foulques's contribution, then one must question what kind of progress was made, if any? For example, the 1243 Council of Narbonne established criteria to determine if a deponent was a believer or not, but all of them are actions related to rituals.[33] Significantly, the canon states that it was issued in response to questions raised on the matter, thus inquisitors must have been concerned with identifying belief correctly, but the guidance offered to them by the Church focused on actions.

Historians are in agreement that during the thirteenth century the categorization of deponents became increasingly regulated and clarified.[34] The creation of many inquisitor manuals and their practical use during inquests demonstrates the importance that inquisitors attributed to this categorization.[35] Yet, it was up to the individual inquisitor to determine how, or if, the evidence obtained during interrogations related to this framework. Understanding how inquisitors' applied this categorization within the judicial framework of the post-interrogation procedure is important to the study of inquisitorial penances because it highlights how the experiences of actual inquests contributed to the development of canon law, and the impact this had on future inquisitors. Furthermore, the use of very early depositions as examples in late thirteenth-century inquisitor manuals suggests that the Church was not particularly interested in innovating. Instead, the focus was on refining existing practice and clarifying views relating to the post-interrogation procedure. Arguably, Bernard Gui's decision to incorporate many existing inquisitorial

[33] Mansi, vol. 23, col. 364, c. 29.
[34] Maisonneuve, *Études sur les origins*, pp. 287-93; Arnold, *Inquisition and Power*, pp. 44-5.
[35] Sackville, *Heresy and Heretics*, pp. 190-1; Sackville, 'The inquisitors' manual', pp. 201-16.

documents into his *Practica* during the early fourteenth century[36] is evidence of the lack of progress across the previous century.

Thus, it seems as though the approaches of early inquisitors such as Peter Sellan and Bernard of Caux were seen to be successful by the Church. The key difference between the imposition of penances by the early and later inquisitors was that the Church's official guidance was still under construction. Hence, the experiences of early papal inquisitors undoubtedly contributed to the formation of a more regulated and categorized approach to imposing penances. This thesis has argued that many of the problems faced by inquisitors when sentencing penitents were dealt with directly at the ecclesiastical councils of the 1240s. However, it is not possible to state conclusively which party played the leading role in formulating a clear policy for punishing heresy. Although both inquisitorial experience and ecclesiastical councils worked in tandem to solve the problems associated with imposing penances, the flexibility highlighted in the penances examined in this thesis strongly suggests that ultimately inquisitors had to make decisions for themselves. Often socio-political factors forced inquisitors' hands, nonetheless, a combination of proportional and flexible approaches resulted in pragmatic decision-making which always aimed to further the success of the inquisitors' work and the Church's wider ambitions.

[36] Dane, 'Inquisitorial hermeneutics', pp. 61-2; Pales-Gobilliard, 'Bernard Gui', p. 263; Sackville, 'The inquisitors' manual', p. 211.

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