



YUGOSLAV SOCIETY FOR THE SCIENTIFIC STUDY OF RELIGION
FACULTY OF MECHANICAL ENGINEERING AT THE UNIVERSITY OF NIŠ
INSTITUTE OF SOCIAL SCIENCES
YSSSR Annual – Year XXVI

**CONTEMPORARY RELIGIOUS CHANGES:
FROM DESECULARIZATION
TO POSTSECULARIZATION**



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CONTEMPORARY RELIGIOUS CHANGES: FROM DESECULARIZATION TO POSTSECULARIZATION

edited by
DRAGAN TODORVIĆ
MIRKO BLAGOJEVIĆ
DRAGOLJUB B. ĐORĐEVIĆ

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**Contemporary Religious Changes:
From Desecularization to Postsecularization**

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Editors

Yugoslav Society for the Scientific Study of Religion, Niš, Serbia
Faculty of Mechanical Engineering at the University of Niš, Serbia
Institute of Social Sciences, Belgrade, Serbia

For the Editors

Dragan Todorović
Nenad T. Pavlović
Goran Bašić

Edited by

Dragan Todorović
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Dragoljub B. Đorđević

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Ivana Arsić
Neven Cvetićanin
Institute of Social Sciences
Belgrade, Serbia

THE SPANISH CATHOLIC CHURCH AND THE SECULAR INSTITUTIONS

Summary

The inquisitorial institution of the Iberian Peninsula (XV-XIX) was the instrument of the society's religious control in the hands of the absolute monarchy, while its mixed nature was recognized in its dual character based on the status of an ecclesiastical court concerning to the origin of its legitimacy and functions. At the same time was presenting a royal court due to the administrative framework. This article will analyze the relationship between the Spanish Catholic Church of the Iberian Peninsula, mainly referring to the regions of today's Spain, towards the secular institutions of the society with an emphasis on the processes conducted by the Tribunal of the Holy Office of the Inquisition that was authorized by the Pope's in suppressing heresy. In the narrower plan, the elements of the procession of the auto da fé will be analyzed where its dual origin, intertwined with liturgical and profane elements will become more prominent in the typology of sanctions and penalties that transcend the legal frameworks of the canon law and transposed under the jurisdiction of the secular authorities. This study will try to present an analysis of these dual courts, whose systems of operation lead to the confrontation of different strategies, but also to their cooperation.

Key words: Roman Catholic Church, secular institution, ecclesiastical institution, inquisition.

INTRODUCTION

The inquisitorial themes occupied a plethora of works, for some included popular histories, novels and essays with frequent tendencies to sensationalism, and stress on cruel death punishments, torture techniques and pedagogy of fear allowing that the stories around its ferocity being equally mythological as historical. Dutch and English Protestants of the sixteenth century attacked their Spanish enemies by judging its symbols and evidences of inquisitorial fanaticism and brutality, while in today's political discourse it is often tended to invoke the Spanish Inquisition as a stigma for zealous persecution and religious intolerance. In the end, methods of its procedures were evident: it blended religious and secular authorities in diminishing to those who were considered as 'cultural others', torture and secrecy were proven methods in winning of the sentences, and exemplary character of its procedures was created in order to warn its observers of the consequences of a similar heretical and blasphemous behaviour.

From the mid-1970s in Spain within the area of inquisitorial studies has started the new historiographical process called the historical revision of the Inquisition. It was influenced mostly by the death of Spanish dictator Francisco Franco in 1975, when the repressive regime finally ended, allowing the Spanish archives to be reopened and its sources to be re-examined. Affected additionally by the developments in other fields of social sciences especially within social and cultural history, the revisionists challenged established historical theories and presented new proofs gained from once sealed inquisitorial documents that undermined the current grounded

historical explanation of the inquisitorial phenomenon. From that time until mid-1990 a team of exquisite historians advanced the inquisitorial scholarship impressively by focusing on its legal, political, religious, and social mechanisms.¹ With an aim to re-write the inquisitorial history and uncover its infamous historical stains, it was discovered medieval and early modern roots among a plethora of contemporary issues, like societal persecution of religious minorities, as well as the role of secular and ecclesiastic authorities within this process. Since cultural diversity and religious pluralism are phenomena rooted in the history of European soil and its democratic managing has become a priority in recent years, it should be acknowledged that the experiences of Hispanic religious homogenization and the process of forced acculturation led by severe inquisitorial persecution of religious minorities should be seen as a cautionary warning of the consequences of failure. Therefore, this article will analyse firstly, the relationship between the Roman Catholic Church of Spain and the secular institutions, with an emphasis on the processes conducted by the Tribunal of the Holy Office of the Inquisition that was authorized by the Pope's in suppressing heresy; and secondly, will be explored the ritual of the auto da fè whose dual origins intertwined between liturgical and profane elements, visible especially in the typology of penalties and execution of judgments went beyond the legal framework of canon law, and consequently fall under the jurisdiction of the secular judiciary.

HISTORICAL BACKGROUND

For those who are not medievalists or specialized in the early modern period of Iberian Peninsula, a short introduction in the background of this historical phenomenon known as the Tribunal of the Holy Office of the Inquisition will be made. To start with, the term *inquisition* (*The Oxford Dictionary of the Christian Church*, 2005: 836-837) derives from Latin noun with a meaning of *a searching or inquiring into, an examination* (C. du Cange, 1883-1887: col. 373a) describing a legal strategy used in ecclesiastical procedures and developed in the twelfth century. It originated in ancient Rome in which a supervisory authority examined and accused a suspected defendant whose own bad reputation, i.e. *mala fama*, served as a heretical charge. As one of the responses to heretical movements developed during the late Middle Ages, the Latin Christian Church combated heresy by appointing bishops and other papally appointed clergy to visit their diocese at least twice a year in order to seek and prosecute heretics and other spiritual outcasts (Peters, 1989: 1-4).

The episcopal Inquisition, which was also active in France, Germany and Italy, was only implemented in the mediaeval Aragon, and not in Castile, where Christianity was still unaffected by formal heresy during this period. However, when Isabella I of Castile and Ferdinand II of Aragon acceded to the throne, they built an alliance with the idea of religious homogenization to stabilize their power. Contrary to the medieval tribunal controlled by the Pope, the Catholic monarchs established the Inquisition under their authority which was at the time affected by internal conflicts. Consequently, the modern Inquisition was created in Castile, after which it spread to Aragon and replaced the prior practice (Kamen, 1997: 6-7).

¹ For Anglophone scholarship of the inquisitorial studies, see Hossai, 2007. For the archival situation of inquisitorial scholarship in Spain, see Henningsen, 1986.

Ferdinand ruled his kingdom autonomously and showed remarkable interest in interfering in Castilian politics, presenting himself as one of the closest descendants of the house of Trastámara and calling on a legal right of 'jure uxoris'. He was determined to establish an institution that would be entirely controlled by royal authorities, as was the case in Castile at the time (Samardžić, 2005). On November 1st, 1478, Pope Sixtus IV issued a bull, *Exigit sinceræ devotionis affectus*. The bull bestowed exclusive authority to Catholic monarchs over confiscation in their kingdoms and the right to appoint for every town or diocese in the both Crowns three inquisitors, who were to be prelates, religious order members or secular priests, over forty years of age and masters or bachelors in theology or licentiates or doctors in canon law. The bull additionally gave permission to both Ferdinand and Isabella to dismiss and substitute them (Llorca, 1949). Differently from medieval tradition, this shift of power was rather new, hence inquisitors were politically subject to the crowns, even though the Pope still formally provided their authority and jurisdiction. This practice was qualified in 1484 when, despite initial papal opposition, Tomás de Torquemada was appointed as the Inquisitor General for the Crown of Aragon, in addition to Castile. It was the first time that was created a formal bond between ecclesiastical and civil jurisdiction, since the involvement of the crowns in the appointment of the inquisitorial agents switched inquisitors' loyalty (Betankur, 2009: 35). This act marked the transition from medieval to the new inquisition when bigger interferences of civil and secular authorities begun within once solely Church's procedures. The attitude of the Catholic monarchs stems from their policy of centralization, characteristic for the monarchs of modern history. The inquisitorial institution implanted in Castile and revived in Aragon under new terms of ostensible power-sharing served as an instrument in achieving absolute monarchy that unfrequently acted against the criteria of the Holy See.

VICTIMS

From the long existence of the Inquisition, different types of targets predominated in different periods. In the first years after inquisitorial establishment, religious and secular courts focused on the persecution of religious minorities, such as converts of Jewish origin charged for practising judaizing activities clandestinely. During the first decades of the sixteenth century the Tribunal persecuted Christian mystical form known as *alumbrados*, Lutheranism, Erasmianism and another religious group, known as *moriscos*. From the end of the sixteenth until the early seventeenth century with the mass Portuguese immigration in the territories of Crown of Castile and Crown of Aragon, *conversos* of Jewish descents were again persecuted. At the same time, inquisitorial courts fought against heretical claims, blasphemy, and new spiritual and philosophical sensibilities, such as Molinism and Freemasonry.²

The persecution was selective, and the Inquisition imposed the harsher punishments to *conversos* and *moriscos*. The sentence for heretical crimes from a broad range of minor and harsher penalties often included the confiscation of property. This type of penalty left almost impecunious heirs and families of the convicted. Therefore, these actions were imposed with a high financial interest, especially when considering the wealth that the defendants possessed. The vague definition of the

² For inquisitorial targets, see: Homza, 2006: xxviii-xxxvii.

heretical crimes minimalized the possibility for defendant's defence, while additionally unofficial action of inquisitorial personnel was restrained from the strict rules (Lea, 2010). At the core of the legal inquisitorial system, two main aspects prevailed: the secrecy of its procedures and the testimonies made in favour of only one party. From the depositions were erased the names of the prosecution witnesses, and the defendants could not know the names of those who reported them or the circumstances of their criminal offence (Betankur, 2009: 505-515).

In this article, we will focus on the persecution and prosecution of religious minorities known as *conversos*. In 1492, after the fall of Nasrid Kingdom of Granada of the both Christian Crowns finally ended the period of Catholic Reconquista. Consequently, a belated obsession with suppressing religions that once coexisted in the Iberian Peninsula emerged and the idea of religious homogenization was created. The earlier period, known as 'convivencia' finally ended.³ In the end of 14th century, after convivencia, began periods of violence, persecution, forced conversion, campaigns of the limpieza de sangre, establishment of the Inquisition, and finally the expulsion from Castile and Aragón in 1492 of the Jews who refused to convert, thus suggest that the experiences of Hispanic cultural homogenization should rather be seen as a cautionary warning of the consequences of failure. The religious obsession of the dominant Christian caste in diminishing alterity resulted in the creation of socio-religious groups known as *conversos*, referring to the descendants of Jews converted to Christianity who culturally did not effectively assimilate within Christian society and whose religious beliefs and spiritual practices grew increasingly suspect in the eyes of the Church. They were suspected of secret adherence to the religion of their ancestors. Since such acts were considered heretical in the eyes of the Catholic Church, the converts of Judaic origin were persecuted for their religious beliefs since the accused were baptized Catholics and not Jews. Hence, besides the financial interest of the inquisitorial courts the most notable in the confiscation of defendant's property, discrimination was additionally one more aspect of the Church's prejudiced treatment of the conversos.⁴

Since the dawn of dispersion, Jews of Iberian Peninsula cherished love for lands we today call Spain, embracing its language, tradition and culture. However, after the Edict of Faith was issued, they had been given a period of four months to leave their homes. The biggest Judaic diaspora at the time calculating roughly around 300.000 souls left Spain never to return (see "Introduction" in: Gerber, 1992). The one who

³ The Coexistence (*la convivencia*) is the term coined by Spanish historian Américo Castro in 1948 as part of a controversial thesis about historical identity of Spaniards. It refers to „the peaceful life, i.e. 'coexistence' of Christian, Muslim, and Jewish communities in medieval Spain and by extension their cultural interaction.³ The interpretations of historians differ considerably for the concept of *convivencia*. For instance, some suggest that the Jews, Muslim and Christians lived in a remarkable harmony, pointing out the exemplary reign of Alfonso the Wise, who called himself „king of three religion “. However, it is undoubtedly an idealized representation of the idea. While it cannot be neglected that there was considerable interaction among Christians, Jews and Muslims on all levels of society, such as intellectual, cultural, matrimonial and mercantile, the nature of this relation unfrequently was additionally marked by suppression and violence and between these communities remained a culture of hostility (Castro, 1948; Baxter Wolf, 2009).

⁴ "The Jews and the Converso Problem" in Yitzhak Baer, *A History of the Jews in Christian Spain*, vol. 2 The Jewish publication society of America, 2001: 244-300.

stayed faced the conversion as the ultimate solution of not leaving their soil. This socio-religious group, split between the willingness to safeguard their former religion and cultural heritage secretly and the necessity to interact on all social levels with their gentile neighbours, embraced a variety of strategies in preserving their collective identity. However, it was not foreign to Jews to adapt to this specific lifestyle since, from the dispersion they had built their identity on a particular cultural behaviour exhibited from living in the diaspora. Their ability to adapt to imposed surroundings and circumstances emerged from the idea of chosenness (Gürkan, 2008) that is at the core of Judaism. In order to preserve their cultural identity and at the same time interact with other nations their culture had become distinctly multi-coloured. This dualistic lifestyle that the “New-Christians” embraced, especially after the pogrom, did not remain passive to outside influences and finally caused a creation of the number of cultural and especially religious typologies (Azrija, 2009). The mass conversion of Sephardi Jews to Christianity provoke the formulation of the new social, political, and religious category. It was not a category based on their origin; however, it was a formulation made by the Catholic Church to distinct baptized people of Judaic descents. The precedential phenomenon for differentiating a social class of baptized individuals to highlight their allegedly cultural distinction is unique in the history of medieval and early modern Iberian Peninsula (Graizbord, 2013).

The interpretations of historians vary in the aspect of conversos’ religious integration. For instance, Netanyahu’s central revisionist idea that later adopted Roth was that the conversos of Spain were not at all clandestine Jews. The foundation of Netanyahu’s monumental historical piece “The Origins of the Inquisition in Fifteenth-Century Spain” is that conversos of Spain were considered not as anusim (forced converts) but as apostates, i.e. genuine Christians, for which they were unjustly persecuted. Roth also in “Conversos, Inquisition and the Expulsion of the Jews from Spain” concluded that the crypto-Judaism in Spain is a myth created by academics who are not experts in the medieval history of Iberian Peninsula. However, neither one of these scholars acknowledges the importance of the term *converso* and its semantic change which additionally affirm their central hypothesis (Edwards, 1997). Therefore, we cannot agree with such a view, especially when considering the amount of work concentrated on the Iberian peninsula and outside it both Netanyahu and Roth had neglected, and that conclude, contrary to both scholars, the existence of religious typology known as conversos.

BETWEEN ECCLESIASTICAL AND SECULAR

Differently from the Medieval, the Modern Inquisition was defined as an institution with central administration and absolute jurisdiction, established with the permission of the Holy See, which allowed it to lead trials against the suspects. The Grand Inquisitor was authorized to lead a proceeding against any baptized individual. In the Western Christian world, he had the most significant authority after the Pope. Therefore, the Holy Office had almost the most extensive ecclesiastic jurisdiction in Castilian and Aragonese history. On the contrary, the Tribunal was economically and administratively dependent on the Crown (Arsic, 2016; Komelja, 2003).

The inquisitors could not act without the royal support in ordering the judiciary to enforce the decisions of the Holy Office, especially in acts such as arrests and executions. The medieval Inquisition thus derived its legitimacy from the

powers vested in the Pope. Still, its actual operation depended on the recognition of jurisdiction by the political authority which provided the means of labour. In Castile as well as in Aragon the inquisitorial power had ambiguous mixed entity: The Holy Office was an ecclesiastical tribunal, because any authority and jurisdiction exercised by the inquisitors came from Rome, but it was also a secular tribunal, using power delegated from the Crown. Consequently, it was allowed a lot of room for political manoeuvring (Betankur, 2009: 434-457).

The auto da fé, literally translated as the act of faith, was a public performance enacted during the medieval Inquisition (and later developed in the territory of the Iberian Peninsula), at which those who had been convicted by the Inquisition had their sentences pronounced. It was a public spectacle established to demonstrate the victory of the Catholic faith over heresy as well as to impress and frighten the population with the horror of the same. It thereby served as a public warning by promulgating the dire consequences of heresy. As such, it became a symbol of the Inquisition and an achievement of the inquisitors to stage a colossal representation of the Judgment day. Paradoxically, the success and cruelty of the spectacle also converted it into the ant image of the Christian church, in which the sufferers of the Inquisition became its genuine victors (Bethencourt, 1992; Flynn, 1991).

During the medieval Inquisition, autos da fé were modest and confined to practical work, only to the execution of punishment. Four types of autos were practiced: firstly, there was the “auto general de fe” (a solemnity with many accused); secondly, “auto particular de fe” (with several accused without the solemnity of an “auto general” due to the absence of inquisitorial authorities); thirdly, “auto singular de fe” (held with one accused either in the church or in the street); and finally, “autillo” (issued privately in the audience room of the Tribunal to individuals for minor offences) (Llorente, 1981). The place of the solemnity was mainly outdoors at the principal square of a city and infrequently in churches or consecrated buildings, so that as many people as possible could attend. These plazas were usually surrounded by royal residences or town halls; hence, in a manner of symbolically demonstrating the Tribunal’s dependency of the crown (Betankur, 2009: 346; Arsić, 2018).

The most noticeable example of intertwining among secular and ecclesiastical was presented in the execution of the harsh punishments, such as death penalties. The Inquisition did not possess coercive powers, however it relied on the cooperation of the secular authorities to enforce their decisions. This type of sentences had been carried out by representatives of the secular authorities by which the relaxation to the secular arm explicitly meant the death by burning. Although in ecclesiastical law the intervention of secular arm has generally been unsought, in late medieval and early modern period its assistance was requested, especially in heretical trials when Church officials could not administer the proper sentence.⁵ Therefore, the inquisitors could not pronounce a death sentence, since clerics by canon and ecclesiastical law did not have the authority to carry on the capital punishment and to shed human blood. Therefore, they designed the mechanism which operated since the thirteenth century by which the inquisitors formally pronounced the sentence for heretical crimes and turn the accused over to secular authorities. They consequently executed the sentence by burning in person or in statues if the defendant escaped before the trial (Peters, 1989).

⁵ See: ‘Secular arm’ in: *The Oxford Dictionary of the Christian Church*, 1477-1478.

By contrast, the significant difference between secular and inquisitorial tribunals was that the ecclesiastical authorities gave great importance to the repentance of the defendant. For instance, if the convict repented before the 'relaxation' he or she could be 'mercifully' strangled before the pile was set on fire. An unrepentant heretic condemned to the stake in the eyes of the Church is seen as the loss of one Christian soul and the devil's triumph. For that reason, the priests tried so hard to force the convict to repent before the execution (Betankur, 2009: 380-388).

CONCLUSION

The Holy Office had dual nature functioning between ecclesiastical and secular. The authority belonged to the Church, but although the Pope passed it on to Catholic monarchs and their heirs, the Tribunal was not an entirely secular institution in the service of the Crown. While the medieval was exclusively an ecclesiastical institution without any royal interference, the modern inquisition contained elements of the ecclesiastical and the secular. Since the end of the 15th century, the monarchy has acquired and gained the right to appoint the grand inquisitors and to administer its finances from the Pope. Hence, it can be concluded that the inquisitions of Spanish kingdoms had a mixed status and were considered as royal courts.

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