

“Law, Inquisitorial Culture, and the Jews in Venice”

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Report on Research in Progress -- please do not cite without the author's permission

Monty Python has blessed – so to speak – anyone in my field of research with an enduring refrain: “no one expects the Spanish Inquisition.” As someone whose work is rooted in analyzing the careers and writings of Spanish inquisitors of the sixteenth and seventeenth centuries, I will confess that the Pythons have granted me some much needed moments of levity. I will also begin with the confession that I am not precisely sure how to construe a working research paper. As a result, I could hardly do otherwise than begin with Monty Python, and their image of the Spanish Inquisition. Their sketch, of course, features an interlude with a trio of inquisitors, a hapless old lady enjoined to confess, and a so-called “comfy chair”: a torture sequence rendered absurd.¹ One of the things on which the Pythons played so beautifully, to my mind, in the tradition of deft and biting satire, was the inquisitorial concern with procedure, the persisting concern with legal form.

One problem which particularly attracted me to this NEH Institute in Venice, then, was the question of how much interplay between early modern Spanish and Italian inquisitions to expect. A range of scholars has argued that Spanish inquisitors influenced Italian inquisitorial law.² In Venice, I wanted to investigate more fully the evidence for this process: what range of Spanish jurists did Venetian authorities cite? Did the Spanish Inquisition and the Holy Office in Venice grapple with similar ranges of procedural and jurisdictional problems? What role might we expect the papacy to play in the exchange of information and procedural structures between discrete inquisitorial courts? How aware of – and interested in – one another’s judicial practice and procedural guidelines were the Venetian and Spanish Inquisitions, institutions juridically related if jurisdictionally separate? In short, to what extent can we expect a shared legal culture, a shared inquisitorial culture between early modern Spain and Italy?

I arrived at these questions, initially, as I searched in Venice for a comparative framework for my research on Spanish inquisitors and the legal commentaries they composed.³ In the following presentation, Gretchen Starr-Lebeau considers – in my understanding – some approaches to analyzing how defendants and witnesses before Inquisition tribunals participated in the process of creating and re-creating those legal institutions over time. The focus of my work, conversely, is the other side of that courtroom dynamic: the judicial authorities who presided over those tribunals and who both operated within and often sought to expand a particular model of arbitral justice. Spanish inquisitors were not only judges whose careers operated at a nexus of legal theorizing and judicial practice, but were also the chief administrators of legal tribunals.

¹ “Episode 15. The Spanish Inquisition” in *Monty Python’s Flying Circus*, ed. Ian MacNaughton (1970; New York: A & E Home Video, 1999).

² On the influence of Spanish jurists on Italian inquisitions, see, inter alia, Giovanni Romeo, *Inquisitori, esorcisti e streghe nell’Italia della Controriforma*, (Florence: Sansoni, 1990); John Tedeschi, *The Prosecution of Heresy: Collected Studies on the Inquisition in Early Modern Italy*, (Binghamton, New York: Medieval and Renaissance Texts and Studies, 1991).

³ For comparative approaches to the study of inquisitions – medieval and early modern – see, inter alia, Francisco Bethencourt, *L’Inquisition à l’époque moderne: Espagne, Portugal, Italie XVe-XIXe siècle* (Paris: Fayard, 1995); Edward Peters, *Inquisition* (Berkeley & Los Angeles: University of California Press, 1989).

My research has considered the individual careers of Spanish inquisitors, and stems from a doctoral dissertation which charted the theoretical writings and judicial activities of several such judges. I took as a starting point that in the vast body of revisionist scholarship on the Spanish Inquisition, historians have painstakingly, and admirably, excavated the identities of many of the Inquisition's victims. My focus on inquisitors flips the lens to study more thoroughly some of history's most famous "offenders." A thorough analysis, I have contended, of the legal, religious, and political stakes of inquisitorial trials requires attention to the actors on both sides of the inquisitorial process. Thus, I have sought to find a space in which to reconsider the meanings and powers of the Spanish Inquisition, in light of the individual priorities and writings of inquisitors, as crown servants and prominent members of a lettered, legal class, and as judges with mobile careers who moved both in learned, Latinate spheres and in areas which might be framed as peripheral.

Like the Spanish Inquisition, that in Venice was both predicated on papal authority and closely tied to Venetian political culture and civil authorities. The Venetian Inquisition engaged in the 1540s in an initial development of its practices, jurisdiction, and authority – as an arm of the Roman Inquisition but also with significant accountability to the Doge and the governing bodies of the Venetian Republic. Similar to other inquisitorial tribunals, this meant that the defining of the role of the Inquisition in Venice was part of a complex and fraught puzzle of conflicts and negotiations between the Serenissima and the papacy, between inquisitors and bishops, and between Venice and other Italian polities. The Spanish Inquisition had been founded as a discrete legal institution in 1478, with the mandate to uncover heretics and investigate their transgressions. Early modern inquisitions drew upon Roman legal procedures, their medieval revivals, and the practices of medieval inquisitions (that is, trials of faith which adopted the particular legal procedure of *inquisitio*). Yet, inquisitions also changed their practices, areas of focus, and patterns and intensity of activity over time. If the Spanish Inquisition initially framed *conversos* accused of judaizing as a principal heretical threat, Venice attended particularly to the danger of Protestant heretics in the mid sixteenth century. Each institution also elaborated, revised, and debated its procedures over time. If the first Venetian inquisitors were Franciscan friars, they soon shifted to judges drawn from the Dominican order. The selection of Spanish inquisitors also changed over time and differed from those preferred in Venice: by the mid-sixteenth century, they were principally jurists by formation and not members of the regular clergy.

There was a close relationship between theory and practice in the making of inquisitorial careers. The elaboration of legal theory in manuals of inquisitorial law was, in part, an attempt to shape the practice of inquisition tribunals. When individual judges or tribunals formulated their decisions – and even more when they sent their decisions to higher authorities for review – they often framed them through an assembly of precedents and authoritative commentators. Manuals for inquisitorial procedure became, themselves, a part of that practice, as sources of authoritative opinion. Sixteenth-century inquisitorial manuals were part of a larger Latinate, Catholic genre of legal and political commentary; through such manuals, jurists, in essence, argued theoretical cases before one another. They cited one another extensively. When inquisitors deployed their arguments about debated points of procedure, then, they implied their membership in a lettered community of legal commentators. Even as the interlocutors in this debate often used the same authorities to argue their points, century after century, commentator after commentator, their subtle alterations in argument were significant. They drew the boundaries of their orthodox community of letters in the thinkers they included and praised – or excluded or critiqued – in their manuals. They suggested particular ideological stances in similar fashion.

In seeking a comparative approach to Venetian and Spanish inquisitorial cultures, an examination of this culture of legal argumentation, expressed both in print and in judicial records, seemed to me a fruitful place to begin. I sought to examine, in particular, jurisdictional contests, as places in which authorities were particularly apt to invoke a constellation of legal sources and commentators, and to gloss more fully the presumed powers and procedures of inquisitorial courts. Over these weeks of research and study in Venice, then, I began to focus on arguments about the assertion of inquisitorial jurisdiction over professing Jews. This particular set of jurisdictional arguments might be an especially illuminating place to observe the extent of difference between inquisitorial regimes.⁴

A return to a familiar source prompted my thoughts to turn in this direction. In the Biblioteca Marciana, I pulled a copy of a distilled handbook for inquisitorial law which a well-known Spanish bishop, inquisitor and commentator redacted from his larger compendium. The inquisitor in question, Diego de Simancas – long a focus of my research – was deputized by King Philip II to follow one of the most famous inquisitorial trials of the sixteenth century, the charges of Protestant-leaning heresies brought against the archbishop of Toledo, Bartolomé Carranza. This extraordinary trial lasted from 1559 until 1576. Simancas was sent to Rome with Carranza when the case was revoked there in 1567, and remained there for nearly a decade, until the trial's conclusion. Simancas used his continuing publication of inquisitorial law in those years as an attempt to advance his own career, to reflect his experience of the Carranza trial, and to seek to reform the style of Italian inquisitions.⁵ Through the strategic publication of his writings and through his judicial activities in Rome, he sought quite self-consciously to construct himself as a reformer. He made this reforming impulse clear in his dedication of the handbook to Pope Pius V, in his correspondence, and in his autobiography. The abridged *Enchiridion* – handbook – of inquisitorial law, which he compiled while in Rome, was printed in several editions in Venice and in Antwerp between 1568 and 1573. An exemplar in the Marciana, published in 1573 by the Venetian printer Giordano Ziletti, has enough annotation and underlining to suggest at least one reasonably engaged reader.

In perusing this copy of Simancas' handbook, I revisited the chapter "Concerning Jews" (*De Iudaeis*). It occurred to me, suddenly, that it seemed to illuminate a controversy around the extension of inquisitorial jurisdiction over professing Jews. As in so many other places, Simancas listed citations of earlier authorities. Here, for instance, he invoked the fourteenth-century canon lawyer Oldradus da Ponte. However, in this chapter Simancas differed from Oldradus, and his framing of the issues suggested that he was not merely listing precedents but addressing a contemporary debate

⁴ For assessments of the jurisdictional landscape of Venice – and particularly in cases involving Jews and New Christians – see Benjamin Ravid, "The Venetian Government and the Jews," in *The Jews of Early Modern Venice*, ed. Robert C. Davis and Benjamin Ravid, 3-30 (Baltimore & London: The Johns Hopkins University Press, 2001); Pier Cesare Ioly Zorattini, "Jews, Crypto-Jews, and the Inquisition," in *ibid.*, 97-116; *idem*, ed., *Processi del S. Uffizio di Venezia contro ebrei e giudaizzanti*, 12 vols. (Florence: Olschki, 1980-1999); Brian Pullan, *The Jews of Europe and the Inquisition of Venice, 1550-1670* (Oxford: Basil Blackwell, 1983).

⁵ For a point of departure on the Carranza case, see José Ignacio Tellechea Idígoras, *El Arzobispo Carranza, "Tiempo Recios"*, 3 vols. (Salamanca: Publicaciones Universidad Pontificia, Fundación Universitaria Española, 2003-2005). Tellechea Idígoras suggested that Simancas revised his formulations of inquisitorial law based upon his experience of Carranza's case. For some observations on that front, see also Stefania Pastore, *Il vangelo e la spada: l'inquisizione di Castiglia e i suoi critici (1460-1598)* (Rome: Edizioni di storia e letteratura, 2003). For my earlier thoughts on Simancas, see Kimberly Lynn Hossain, "Arbiters of Faith, Agents of Empire: Spanish Inquisitors and their Careers, 1550-1650" (PhD diss., The Johns Hopkins University, 2006), Chapter 2; *idem*, "Was Adam the First Heretic? Diego de Simancas, Luis de Páramo, and the Origins of Inquisitorial Practice" *Archiv für Reformationsgeschichte/Archive for Reformation History* 97 (Oct. 2006): 184-210.

about varieties of legal jurisdiction over Jews in Christian polities.⁶ Such debates might be seen as central to the process of drawing – and disputing – the boundaries of inquisitorial procedures and practices.

On another front, I began to wade through inquisitorial documents in Venice's Archivio di Stato. I searched, in particular, for references to legal authorities in the correspondence and judicial documents of Venice's Holy Office, seeking to determine how much commentators of Spanish origin – like Simancas – appeared in them. There, I encountered such mentions in later (seventeenth- and eighteenth-century) compilations of legal authorities. Various attempts by Pius V to reform inquisitorial practice also surfaced repeatedly. In sixteenth-century documentation, I began to see juridical disputes of a parallel kind to those that I encountered in Spanish records. There were jurisdictional conflicts not only relating to professing Jews and *conversos*, but also to clashes between bishops and inquisitors, and to disputes over confiscated goods. These materials in the Archivio di Stato and the Biblioteca Marciana, then, have suggested to me several strands of research I plan to pursue further, as part of a larger endeavor of researching the connections between Spanish and Italian inquisitorial courts, approached through the prism of individuals who wrote with both venues in mind and moved between the two peninsulas over their careers.

As a result of the research begun during the NEH Institute, I plan to further examine the appearance of arguments about jurisdiction over Jews in Latin legal treatises printed in sixteenth-century Venice. Venetian printers (like the Ziletti) published new manuals, reprinted Spanish theorists (like Simancas), and reissued medieval commentaries which considered inquisitorial jurisdiction over Jews. My aim now is to locate these debates, first, in their Venetian contexts, charting their connection to the agendas of publishing houses and how they were intertwined with the shaping of the Venetian Inquisition's practices. Any such analysis will draw on the work of numerous scholars who have demonstrated the range of jurisdictional claims made over Jewish, Christian, and New Christian individuals and communities in early modern Venice, and the wide array of factors which influenced the advancing of such claims. The period from the 1540s to the 1580s saw disputes about the status of Jewish and *converso* inhabitants of Venice, as well as the elaboration of the procedural apparatus of the Venetian Inquisition. Second, I hope to theorize about the function of such arguments in the compiling and reception of early modern inquisitorial law. Their valences might be particularly revealing in assessing Spanish inquisitors, in whose principal judicial context the operating legal fiction asserted that there were no Jews. I hope to consider whether arguments about jurisdiction over Jews were tailored for specifically Italian contexts, whether they were retroactive justifications for the expulsion of Spain's Jewish population, or whether they were proxies for commenting on a range of other issues. In sum, I hope to use future research to probe the balance of collaboration and conflict between Spanish and Italian courts and the possible effects of a culture of legal theorizing on the judicial practices directed towards Jewish communities in early modern Italy.

⁶ Iacobus Simancas, *Theorice et Praxis Haereseos, Sive Enchiridion Iudicum Violatae Religionis. Cui nunc primum accesserunt opuscula duo eiusdem argumenti, Scilicet Annotationum in Zanchinum, cum animadversionibus, in Campegius, liber singularis. De patre haeretico, liber singularis. Eodem auctore.* (Venice: Ex Officina Iordani Ziletti, 1573), fol. 16v-17r. Other scholarly work which has attended with particular care to questions of inquisitorial jurisdiction over professing Jews include Kenneth Stow, *Catholic Thought and Papal Jewry Policy, 1555-1593* (New York: Jewish Theological Seminary of America, 1977); Katherine Aron Beller, "Jews Before the Modenese Inquisition, 1601-1622" (Ph.D. diss., University of Haifa, 2002).