

ROBERT LE BOUGRE AND THE BEGINNINGS OF THE INQUISITION IN NORTHERN FRANCE

II.

With the exception of an episcopal admonition which has been preserved from the diocese of Thérrouanne,¹ existing records do not permit us to say whether the withdrawal of the Dominicans served as a stimulus to the episcopal inquisition. Certainly whatever local efforts may have been made were insufficient to satisfy Gregory IX., and on August 21, 1235, he re-established the Dominican inquisition throughout France. With scarcely suppressed indignation at those who in certain provinces, where they alleged there were no heretics, had murmured against the conduct of the inquisitors, he declared that in every part of the kingdom the poisonous reptiles of heresy swarmed in such numbers that they could no longer be endured or concealed. Against their deceits he commands Robert, like a veteran soldier of the cross, prepared to meet even death in this great cause, to loose the reins of the inquisition "throughout the provinces of Sens, Rheims, and the other provinces of the kingdom of France generally," proceeding with the advice of the bishops, his fellow Dominicans, and other experts (*sapientes*) so that the innocent should not perish or the guilty remain unpunished. The provincial prior was directed to appoint other friars to assist him, and the Archbishop of Sens—and doubtless those of the other provinces—was ordered to co-operate actively with them and such others as might be selected for the purpose.² Thus the papal inquisition was re-established in northern France. Robert was made general inquisitor, he was particularly commended by the Pope, and the bishops were forced to act as his assistants.

¹ Letter of June 7, 1235 to the provost of St. Martin's at Ypres, with *vidimus* of the Archbishop of Rheims, Fredericq, *Corpus*, I. No. 99. Perhaps the proceedings of the bishop of Noyon against Michel de Cerizy (see bull of December 5, 1235, in Auvray, 2854) belong to this period.

² Bull *Dudum ad aliquorum murmur*, to the provincial prior of the Friars Preachers in France, August 21, 1235 (Auvray, 2736; Potthast, 9993, Fredericq, *Corpus*, I. No. 100). Bull *Dudum*, to Friar Robert, August 23 (Auvray 2735; Potthast 9995; Fredericq, I. No. 101; also in abbreviated form, without date, copied from a MS. in the Ottoboni library at Rome, in the Bibliothèque Nationale, Collection Moreau, 1193, f. 229). Bull *Quo inter ceteras* to the Archbishop of Sens, August 22 (Auvray 2737; Potthast, 9994; Fredericq, II. No. 28).

Under the new commission there were no limitations of place; it covered the whole of France and clothed the inquisitor with full power to proceed under the decrees of the Lateran council and the statutes of 1231.

Armed with his new authority, Friar Robert began a vigorous campaign against heresy among high and low. According to one chronicle his efforts extended over "various cities and towns of France, Flanders, Champagne, Burgundy and the other provinces."¹ Our more specific information relates to Châlons-sur-Marne, where a number of heretics were burnt, notably a certain barber Arnolinus, "entirely devoted to the devil and offensive beyond measure,"² and to the region of the north, where the persecution seems to have raged most violently.³ Apparently Robert began his work in this region by establishing his headquarters at Cambrai, which was not in France at all, but in the territory of the empire.⁴ We are told that he had with him an armed band from the King and that the bishop of Cambrai, Godefroi, who accompanied him also had an armed escort. Their progress through this region began at Péronne, where Pieron Malkasin and Matthieu de Lauvin, their wives, and Robert de Lauvin were burnt. Matthieu's pregnant daughter was also taken, but by the intercession of the French Queen her life was spared on profession of orthodoxy.⁵ Pierre's son fled to Valenciennes but was caught and taken on to Cambrai. On the way

¹ *Annales Sancti Medardi Suessionensis*, M. G. H. SS. XXVI. 522; Fredericq, *Corpus*, II. No. 26. Delisle (*Histoire Littéraire de la France*, XXXII. 235 ff.) has shown that these annals are the work of Gobert de Coinci, from 1233 to 1254 prior of Vic-sur-Aisne. Their account of Robert's persecutions, though brief, is sober and accurate.

² Albericus, in M. G. H. SS. XXIII. 937; Fredericq, *Corpus*, II. No. 24.

³ The fullest account of events in the north is contained in the chronicle of Mousket, who was a resident of Tournai, and unless otherwise indicated the narrative in the text is based upon his statements. Vv. 28887 ff. Albericus (l. c.), and Matthew Paris (*Chronica Majora*, III. 361; M. G. H. SS. XXVIII. 133) dismiss the subject very briefly, as do the continuators of Andre de Marchiennes (M. G. H. SS. XXVI. 215; H. F., XVIII. 559; Fredericq, *Corpus*, II. No. 25) and Sigebert de Gembloux (M. G. H. SS. VI. 440), who give the same account, derived perhaps from a common source (cf. Waitz, in M. G. H. SS. XXVI. 204). The chronicle of Hainaut attributed to Baudoin d' Avesnes (H. F., XXI. 166; M. G. H. SS. XXV. 455) has also a brief mention.

Two writers of the fourteenth century, Gilles de Muisit (De Smedt, *Corpus Chronicorum Flandriae*, II. 150) and Jean d' Outremeuse (ed. Borgnet, V. 231) record the persecution of heretics in this period, but their statements have no particular value, as may be seen from the way in which Jean confuses Friar Robert with the more famous Dominican, Albertus Magnus. The extract from Dynter's *Chronica* given by Fredericq (*Corpus*, I. No. 104; Dynter, ed. DeRam, I. 564, 625) is merely a reproduction of the passage in the continuations of André and Sigebert. Frederichs' treatment of the northern episode is particularly good.

⁴ Cf. Baudoin d' Avesnes, H. F. XXI. 166.

⁵ Later in the reign of St. Louis it was the law that a pregnant woman condemned to death should not be executed before the birth of the child. *Livre de Justice et Plet*, 55.

back to Cambrai four seigneurs were burnt at Heudicourt.¹ At Cambrai Robert had with him the Archbishop of Rheims and the bishops of Arras, Cambrai, Tournai, and Noyon, and on the first Sunday in Lent² a famous sorceress named Alice and some twenty others were burnt—"men of good cheer and in all manner courteous," says Mousket, "except for the fact that they did not believe in God."³ Among the notable victims were three who had been chosen *ichevins* of the city. Eighteen others were left there in prison, three who recanted were condemned to wear the sign of the cross, and still others were taken on to Douai, where a number of heretics had been collected to await the inquisitors' arrival. The proceedings at Douai were not unduly prolonged, for on the second of March, the second Sunday after the executions at Cambrai, ten heretics, old men and women, were led "out of the gate of Olivet, on the Road of the Lepers, which leads to Lambres" and there burnt in the presence of the Countess of Flanders, the Archbishop of Rheims, and the bishops of Arras, Cambrai, and Tournai.⁴ Some, who professed themselves converted, had their heads shaved and were condemned to wear the cross, others were imprisoned "to repent and to stay."⁵ At Lille and in the neighboring villages of Ascq, Lers, and Toufflers,⁶ a number of heretics, amounting per-

¹ "Heldincourt." There are various places in the vicinity of Cambrai with which this may be identified (cf. H. F. XXII. 55). Holder-Egger, Frederichs, and Tanon incline to Élincourt (Nord, arrondissement Cambrai). I prefer Heudicourt (Somme, arrondissement Péronne, canton Roisel) which is directly between Péronne and Cambrai, and was anciently known as Heldincourt (cf. Cagny, *Histoire de l'Arrondissement de Péronne*, II. 723).

² February 17, 1236. As Frederichs has pointed out, both Waitz and Holder-Egger have confused the chronology of these events by forgetting that in this region the year began at Easter.

³ Vv. 28944 ff. On the number compare Albericus, M. G. II. SS. XXIII. 937. The story of a heretic of Cambrai, recounted by Thomas of Cantimpré, *Bonum Unive'sale de Apibus*, II. 57, No. 68 (ed. Douai, 1627, p. 592; cf. Fredericq, *Corpus*, I. Nos. 106, 107) may relate to this persecution.

⁴ This specific account is given by a contemporary chronicle of the town, the *Notae Sancti Amati Duacenses* (M. G. II. SS. XXIV. 30; Fredericq, *Corpus*, I. Nos. 98, 106). Cf. Buzelinus, *Gallo-Flandria* (Douai, 1625), I. 256, 279. Mousket is more general, vv. 28980-28987, but likewise gives the number as ten. The persecution at Douai and Cambrai is also mentioned in the annals of Lobbes (Martène and Durand, *Thesaurus*, III. 1427; M. G. II. SS. IV. 26; Fredericq, *Corpus*, I. No. 94).

Professor Fredericq has had the kindness to send me, in advance of its publication in the third volume of his *Corpus*, the following notice of early persecutions at Douai contained in a MS. of the fifteenth century in the municipal archives of that town (Reg. A. A. 85, f. 17v):

Et y en a plusieurs ars pardevant, tant au quemin des Bougres comme vers le Braielle, comme il est escript ou livre couvert d'argent, qui est en l'église Saint Amet de Douay, comme l'escrivant a trouve en certaines mémoires qu' il a veues.

⁵ Mousket, v. 28987.

⁶ Nord, arr. Lille. Cf. Frederichs, 19.

haps to a score,¹ were burnt and others imprisoned. The persecution at Lille seems to have been particularly aimed at merchants and also at a certain Robert de la Galie, against whom Friar Robert was said to have a grudge because of a woman of Milan.² In all, during a period of two or three months, about fifty had been burnt or buried alive.³

For the persecutions of the two following years our evidence is very scanty. In the fall of 1237 the Pope declared that heretics were rising more boldly against the vineyard of the Lord,⁴ but no record of a condemnation appears in this year except at Blois, where "there was a burning of the Bugri of the town."⁵ The royal accounts of this year, were they in existence, might tell us more. In 1238 these useful sources show us, in the roll for the Ascension term, that heretics had been convicted at Miraumont, near Péronne, and their goods to the value of eighty *livres* confiscated to the royal treasury.⁶ Matthew Paris mentions under this year a general persecution by Robert, but this may very well be a confusion with the similar entry of two years before.⁷ Toward the close of the summer we find Robert at Paris, examining a witness in the case of the prior of Mazille, in the Nivernais, who was under charge of fautorship of heretics.⁸ A writer of the seventeenth century asserts that the inquisition was established at Arras in this year, in the Dominican convent.⁹ Certain it is that at some time before 1244 Robert exercised his inquisitorial functions at Arras against Henri Hukedieu, a well-to-do wool merchant of the city.¹⁰

¹ If we accept the statement of Albericus that a good thirty were burnt at Douai and thereabouts, and deduct the ten executed at Douai. Mousket, with whom Albericus agrees in the case of Cambrai, gives no figures for Lille.

² Mousket, vv. 28988-29005. Part of the passage, especially line 29000, is obscure and has perplexed all the editors. I cannot pretend to have any new light upon it.

³ Matthew Paris, l. c. This total agrees very well with the more detailed statements of Mousket and Albericus.

⁴ Bull of October 6 to the archbishops and bishops of France (Potthast, 10460). The allusion is to the "little foxes that spoil the vines" (Canticles, ii. 15) which in the Middle Ages, even by the Waldenses themselves, was interpreted to mean the heretics. Cf. Lea, I. 78, note.

⁵ "Annals of La Trinité de Vendôme" in the *English Historical Review*, XIII. 698.

⁶ H. F. XXI. 252 D.

⁷ *Chronica Majora*, III. 520 (M. G. H. SS., XXVIII. 146).

⁸ Per idem tempus erat in Francia inquisitor hereticorum frater Robertus de ordine Predicatorum, qui fratrem Iodoinum priorem de Masillis prosequabatur asserens eum esse fautorem hereticorum, ob quam causam dictus abbas [Regnaudus accessit Parisius, ubi dictus frater Robertus morabatur, inde vero rediens apud Villam Novam Givardi obiit anno Domini MCCXXXVIII. nonis Septembris. *Gesta Abbatum Autissiodorensium*, in Labbe, *Nova Bibliotheca Manuscriptorum*, I. 581. Cf. *Gallia Christiana*, XII. 387.

⁹ Fredericq, *Corpus*, II. No 29. See also Provville, *Histoire du couvent des Dominicains d' Arras* (Bibliothèque Nationale, MS. fr. 11620), 387, 683, citing a modern MS. of the convent.

¹⁰ Letter patent of Asson, bishop of Arras, April, 1244 (or possibly 1245, since Easter

The climax of Friar Robert's career as an inquisitor was reached in May, 1239, at Mont-Aimé,¹ an ancient seat of heresy in Champagne where a crowd of suspected Manicheans, some of them possibly merchants from the great May fair at Provins,² had been collected from all parts of the country. Their examination lasted the better part of a week, being attended by the Archbishop of Rheims and ten of his suffragans, as well as by the bishops of Orleans, Troyes, Meaux, Verdun, and Langres, and "many abbots, priors and deans,"³ and ended on Friday, May 13, in a "holocaust, very great and pleasing to God," in which more than a hundred and eighty Cathari were burnt, after receiving the sacrament of the *consolamentum* from their "archbishop."⁴ "And so," concludes Al-

in 1245 (ell on April 16), recognizing that Hukedieu had been excommunicated by Robert. Original, with traces of seal, in the Archives du Pas-de-Calais, A. 10⁵. Published by Fredericq, *Corpus*, I. No. 121, from a cartulary at Lille.

On Henri Hukedieu see Jeanroy et Guy, *Chansons et Dits Artesiens du XIII^e Siècle* (Bordeaux, 1898), 80, 121, 132; and Guesnon in the *Bulletin Historique et Philologique* for 1898, 192, and in the *Moyen Age*, new series, IV, 31.

¹ Maine, arrondissement of Châlons, commune of Bergeres-les-Vertus. Cf. Longnon, *Dictionnaire Topographique de la Marne*, 171, where the numerous variants of the name are given. The different medieval forms of this name have caused some confusion, and have even given one writer a lame excuse for doubting the fact of the great burning (*Histoire Littéraire*, XVIII, 249). On the early history of heresy at Mont-Aimé see Schmidt, *Histoire des Cathares*, I, 33, 41.

For the great *auto da fe* of 1239 we have the brief report of an eye-witness, the Dominican Étienne de Bourbon, in his *Anecdotes Historiques*, ed. Lecoy de la Marche, 150, 415 ("Cui sentencie ego interfui"). The fullest account is given by Albericus (M. G. II. SS. XXIII. 944-945; H. F. XXI. 623), who lived in the same diocese. Mousket mentions the affair (vv. 30525 ff., omitted in the extracts in the M. G. II.), as do also the Dominican annals of Erfurt (*Monumenta Erphurtensis*, ed. Holder-Egger, 96, 235; Bolmer, *Foetes Rerum Germanicarum*, II. 400; M. G. II. SS. XVI. 33). It is also noted by two writers of a somewhat later date: Jean de S. Victor, in his *Memoriale Historiarum* (Bibliothèque Nationale, MS. Lat. 14626, f. 339 v.; Quéfif and Echard, *Scriptores Ordinis Praedicatorum*, I. 190); and Geoffroy de Courlon, *Chronique de l'Abbaye de S. Pierre-le-Vif de Sens*, ed. Julliot (Sens, 1876), 518 (H. F., XXII. 3; omitted in the extracts printed in the M. G. II.). Through the kindness of my colleague, Dr. Grant Showerman, I have seen collations of the two MSS. of Geoffroy in the Vatican (Reg. Christ. 455 and 480) which have not been used by the editors. The MS. of Sens on which the published text is based places the execution of heretics "apud Moimerillonem," which the editors of the H. F. identified with Montmorillon in the department of the Vienne. The Vatican MS. Reg. Chr. 480, f. 117, has "Moimer," a common form of the name of Mont-Aimé.

² We know at least that Robert on one occasion summoned a merchant of Arras to appear before him "in quibusdam nundinis de Campania" (Archives du Pas-de-Calais, A. 10⁵; Fredericq, *Corpus*, I. No. 121), and the Erfurt annals mention expressly the nearness of Mont-Aimé to Provins. The May fair regularly began the Tuesday before Ascension (Bourquelot, *Les Foires de Champagne*, I. 81), which in 1239 would bring it on May 3, just before the trial of the heretics began.

³ Albericus, who mentions the bishops by name.

⁴ On the *consolamentum* see Lea, I. 95, with the additional note in the French translation. The different accounts are in strikingly close agreement as to the number. Alberic has 183, Mousket 187, the Annals of Erfurt 18; Étienne de Bourbon in one

bericus, "as the story runs that dogs once came from all directions and tore themselves to pieces in a battle at this same place, as a sort of prophecy of what was to be, so these Bougri, worse than dogs, were there exterminated in one day to the triumph of holy church." Not all of the ecclesiastical dignitaries remained for the end, but the Count of Champagne and King of Navarre, Thibaut IV., was there with his barons, and the crowd present, of both sexes and all ages and classes, was estimated by Albericus, with characteristically medieval looseness in dealing with large numbers, at seven hundred thousand.¹

After the great *auto da fe* of 1239 comparatively little is known of Friar Robert's acts as an inquisitor. Like his contemporary pioneer of the papal inquisition in Germany, Conrad of Marburg, Robert seems to have pursued his victims with a fury which bordered upon mania,² and it is not strange that a reaction occurred against the friar and his methods. It does not appear that this arose from any feeling of pity for the terrible end of those who persisted in their heretical beliefs; worse than dogs, their destruction was pleasing to God, declared the monk of Trois-Fontaines, and he had the thirteenth century with him.³ If the persecutions had been confined to those who were clearly guilty, it is not likely that serious protests would have been made. According to Matthew Paris, however, Robert passed the bounds of moderation and justice, and in the pride of his power and of the terror that he inspired punished the simple and innocent along with the wicked. "Great numbers of innocent people were infatuated by him and then handed over to their death,"⁴ until at length he was peremptorily removed from office. The passage gives "about 180," in the other "more than 80"—the latter with an evident omission of the hundred. Jean de S. Victor has 180; Geoffrey de Courton gives no number.

¹ Bourquelot in his *Histoire de Provins* (I. 183) says that the local antiquary Grillon speaks of similar executions at Troyes and Provins, but I have found no contemporary evidence.

² "Un homicide maniaque," he is called by Langlois, in the *Histoire de France* of L. Auvette, III. 2, 73.

³ Albericus in M. G. II. SS. XXIII. 944. Still there are some who pitied the fate of heretics, as we learn from a general of the Dominicans, Humbert de Romans, in a work written for the instruction of preachers: In condemnatione hereticorum quando sententia fertur contra eos, solent publice homines convocari, et quia sunt multi qui quadam falsa pietate moventur circa eos et iudicant ecclesiam de nimia crudelitate circa illos, expedit in sermone publice ostendere quare ecclesia de hereticis plusquam de aliis peccatoribus diligentius inquirat, et quare gravius istos punit, et quare eos difficilius ad penitentiam recipit. *Maxima Bibliotheca Patrum*, XXV. 555.

⁴ Tandem abutens potestate sibi concessa, et fines modestiae transgrediens et justitiae, elatus, potens, et formidabilis, bonos cum malis confundens involvit, et insontes et simplices punivit. Auctoritate igitur papali jussus est praecise ne amplius in illo officio fulminando desaeuret. Qui postea, manifestius clarescentibus culpis suis, quas melius aestimo reticere quam explicare, adjudicatus est perpetuo carceri mancipari. *Chronica*

by the Pope, and "when his crimes—which it were better not to mention—became known, he was condemned to perpetual imprisonment." What the dark deeds were which the monk of St. Alban's prefers to pass over in silence, our other sources do not enable us to say with much definiteness. The rare appeals from Robert's sentences relate only to the earlier stages of the inquisitorial procedure; they show his persistence in the pursuit of those upon whom suspicion of heresy had once rested, his arbitrariness and impatience of interference, but they tell us no more than this. One story, however, has come down to us unnoticed in the pages of a gossiping chronicler of the time, and the new light that it may serve to throw on the friar's methods justifies its quotation at some length.¹ In substance it runs as follows:

Robert had by magic art made a bit of writing (*cartula*) which when placed on any one's head compelled him to say whatever the friar desired. One day while preaching he was smitten with the beauty of a woman in the crowd, and when she refused to yield to him he threatened to have her burnt as a heretic. So approaching her in public he seized her and said, "Are you not a heretic?" She answered, "I am indeed." "Will you return to the Catholic faith?" "No." "Would you rather be burnt than recant?" "Yes." Whereupon he said, "You have all heard how this woman has confessed her baseness." The bystanders were surprised and said they had never heard such a thing of her, and she was put in prison. The woman had a son, a well-disposed youth and a clerk, who was much disturbed over his mother's dangerous position and went about among his neighbors and relatives seeking advice as to how he might get her free. A certain man who knew the friar well was moved by sympathy for the young man and said to him: "Go tomorrow to the public meeting where your mother will have her second examination. Stand near her, and when Master Robert places his hand on her and begins to question her on her belief, seize his hand, for you are stronger, and take away the writing which you will find in it. Keep it yourself, and ask him in a loud voice to examine your mother again." This was done, and when the clerk had taken the writing out of the friar's hand and his mother was questioned as before, she swore that she had never been examined by Master Robert concerning her faith and had never given him any answers at all, nor had she even heard what heresy was. Then the young man showed the writing to all and explained how by means of it Robert deceived whom he would and delivered them to death. When the people heard this, they tried to kill the friar, but he was carried off by the clergy and put in a stone prison perpetually closed. And because, in order to conceal his own iniquity, he had by such devices caused his father and mother and many other innocent people to be

Majora, ed. Luard, III. 520; M. G. II. SS. XXVIII. 147. Dicebatur . . . infinitos infatuasse et infatuatos innocuos incendio tradidisse. *Ib.*, V. 247; XXVIII. 326. Cf. the *Historia Anglorum*, ed. Madden, II. 415; M. G. II. SS. XXVIII. 411.

¹ Richer de Senones, *Chronicon* in M. G. II. SS. XXV. 307-308 (omitted in the edition of D'Achery): De magistro Roberto Parisiensi ordinis Predicatorum et fallacis eius . . . On Richer as an historian see Wattenbach, *Deutsche Geschichtsquellen*, II. 399.

burnt, God imposed such a penalty on him in this life, if perchance he should turn from his evil ways while yet alive

Whether Richer has here given us the real occasion of Friar Robert's downfall it is impossible to say, but if we substitute hypnotic suggestion for the *cartula*, there is nothing impossible in the story, and it agrees in a general way with the statement of Matthew Paris respecting the "infatuation" of the innocent. With regard to the friar's imprisonment and subsequent fate two other accounts have been preserved, and while they form no part of the history of the inquisition, their neglect by later writers¹ warrants their insertion here. In a chronicle attributed to Matthew Paris we read that Robert, after procuring the burning of many thousands in Flanders, was "at length, by the judgment of the members of his order—who condemn no one to death—put in prison to do perpetual penance for his horrible crimes; but ultimately, by means of a large sum of money he succeeded in securing a papal dispensation which, to prevent further scandal, permitted him to be received as a canon of St. Victor."² This is confirmed and supplemented by a collection of biographies of Dominicans compiled toward 1260 for circulation among members of the order, where Robert figures as a terrible example of the "evil end of apostates":

There was a certain other man in France who had the office of inquisitor and was in such renown that almost the whole of France trembled before him and even the great held him in the highest reverence. Relying on his popularity, he became insolent and unwilling to govern himself by the advice of his elders, so that the friars at Paris kept him for a long time in bonds until his friends finally succeeded in inducing the Pope to have him released and received into another order. He joined first the brothers of the Trinity and then those of St. Victor, but having been expelled from each of these orders because of his evil deeds, he at last entered Clairvaux. Here he began with great honor, but when his wickedness—which God did not allow to remain hidden long—was discovered, he was reduced to a vile position in that monastery. And so, having been confounded before many, he died not long afterward in great shame and sorrow.³

¹The passage attributed to Matthew Paris does not seem to have been used. That from Gérard de Frachet was printed in an out of the way part of the *Scriptores Ordinis Praedicatorum* of Quétif and Echard (II. 543), where it was noticed by Proville, *Histoire du Couvent des Dominicains d'Arras* (Bibliothèque Nationale. MS. Fr. 11620, pp. 420 ff.) and by Chapotin, *Histoire des Dominicains de la Province de France*, 224.

²*Abbreuiatio Chronicorum Angliae*, in Madden's edition of the *Historia Anglorum*, III. 278; M. G. II. SS. XXVIII. 448. On the authority of the Dominicans to imprison erring brothers see the *acta* of the general chapters of 1238 and 1240, *Acta Capitularum Generalium Ordinis Praedicatorum*, ed. Reichert, I. 10, 16; and Potthast, 11089.

³Gérardus de Fracheto, *Vitae Fratrum Ordinis Praedicatorum*, ed. Reichert (Rome and Stuttgart, 1897), 292. The author entered the order in 1225 and lived mostly at Limoges; the work was composed between 1256 and 1260, but touched up afterward. Cf. the introduction, xvi., and pp. 4 and 5 of the text. Although the passage plainly refers to Robert, his name does not appear in the MSS. given by Reichert; but Echard

In the present state of our information it is not possible to determine accurately the date at which Robert le Bougre ceased to exercise his functions as inquisitor. If his commission was revoked by the Pope, the bull is not recorded in the papal registers, and if he was removed from office by a legate or by the general of the Dominican order,¹ the chances for the preservation of a documentary record are still less. As there is no notice of any condemnations made by Robert after the great burning of 1239, Lea² and Tanon³ assume that he fell from power in that year, while Frederichs⁴ places the date "about 1241." On the whole I am inclined to believe that he remained in office at least as late as 1244 or 1245. A careful contemporary chronicle states that the persecutions of heretics went on until 1241 and later.⁵ In the summer of 1242 a preaching friar Robert, of Saint-Jacques, appears as one of the ex- (II. 543) states that the name appears in his own contemporary MS. One of the MSS. collated by Reichert adds that Robert began to sow discord at Clairvaux.

In view of this passage it is curious to see the efforts of certain modern Dominicans to clear Friar Robert's memory. Bremond, in his notes to Ripoll (*Bullarium Fratrum Praedicatorum*, I. 81) scolds Spondanus for accepting the statements of so untrustworthy a writer as Matthew Paris, whose works were interpolated by an heretical hand. Instead of being imprisoned later, Robert died at Saint-Jacques in 1235—"ut liquet ex prisca monumentis ejusdem conventus"! Choquet claims for him the glorious crown of martyrdom as the friar Robert who was killed at Avignonnet in 1242 (Fredericq, *Corpus*, I. p. 111). Proville (l. c.) thinks it unlikely that such a man as Robert could become suddenly perverted, believes him too old to have gone through so many religious orders, and finally takes refuge behind the absence of his name from the MSS. of Gérard. Danzas (*Études sur les Temps Primitifs de l'Ordre de S. Dominique*, IV. 470 ff.) gives extracts from the very chapter of Gérard, but does not mention Robert. Chapotin (l. c. 224) concludes that if Robert passed the bounds of justice and humanity, the Pope and the Dominican order did not fail to punish him. Echart alone, best scholar of them all, faces the facts squarely, declaring Robert "hominem ab ordine extorrem, nec iam ex ordine memorandum" (*Scriptores Ordinis Praedicatorum*, II. 543).

¹The general of the Dominicans was authorized by a bull of July 7, 1246, to remove inquisitors, even when they had been appointed by the Pope, and appoint others in their stead. Douais, *Documents pour servir à l'Histoire de l'Inquisition en Languedoc*, xiv. A similar bull for the Franciscans had been issued in January of the same year (Pothast, 11993).

²*History of the Inquisition*, II. 116; *Formulary of the Papal Penitentiary*, 53, note.

³*Tribunaux de l'Inquisition*, 116.

⁴*Robert le Bougre*, 27, 32.

⁵Non solum istud factum est in isto anno [1236] sed ante per tres continuos annos et post per quinque continuos annos et plus. *Annals of St. Mélarid of Soissons*, M. G. II. SS. XXVI. 522.

In Lea's *Formulary of the Papal Penitentiary*, 52, there is a letter addressed to "the archbishop of Sens and Friar R." concerning the penance of a follower of Simon de Montfort, who was to accompany Simon on his crusade. If we were to follow Bemont (*Simon de Montfort*, 12) in the statement that Simon took the cross after hearing of the defeat at Gaza, which occurred November 13, 1239, the document would belong to the year 1240, before the month of June, when Simon set forth for the East (Rohricht, *Geschichte des Königreichs Jerusalem*, 850). However, a bull of February 25, 1238 (Bliss, *Calendar of Papal Letters*, I. 167) shows that the crusade had been vowed as early as 1238.

ecutors of a will in Flanders,¹ and the following January we find mention, in a Paris document, of a "clerk of Friar Robert of the order of the Preachers."² Robert's fall is not referred to by Mousket, who died in 1244 or 1245,³ and indeed in April of one of these years the bishop of Arras gives notice of Robert's excommunication of Hukedieu.⁴ On the other hand it is known that the friar died before 1263,⁵ and from the account given of the various other orders through which he passed, it is plain that he must have left the Dominicans several years before.

In tracing the career of Friar Robert as an inquisitor we have had little occasion to speak of those engaged with him in the task of hunting out and punishing heresy. By the Pope's commission he had been directed to proceed, "with the advice of prelates, other Dominicans and experts,"⁶ and as a matter of fact he does not often appear as acting alone. There is, it is true, but scant mention of other Dominican inquisitors, acting either individually or as his associates,⁷ and the only instance of the employment of an "expert" is the presence at Châlons of the chancellor of the University of Paris, Philippe de Grève, an eminent theologian and a staunch upholder of orthodoxy;⁸ but there is abundant evidence that the bishops of northern France were actively associated in the work of the inquisition. At Cambrai, besides the bishop of the diocese, he had with him the Archbishop of Rheims and the bishops of Arras,

¹ Testament of Arnoul d'Audenarde, June and August, 1242, in *Inventaire . . . des Archives de la Chambre des Comptes de Lille* (Lille, 1865), I. 307, Nos. 740, 741.

² Brièle et Coeyecque, *Les Archives de l'Hotel-Dieu de Paris*, 225, No. 466

³ Pirenne, in the *Biographie Nationale de Belgique*, XV. 329.

⁴ The date is April, 1244, but as Easter fell on April 3 in 1244, and on April 16 in 1245, the document may belong to either of these years. Archives du Pas-de-Calais. A. 10⁵; Fredericq, *Corpus*, I. No. 121.

⁵ Quondam frater Robertus dictus Lepetit, tunc ordinis fratrum Predicatorum, in illis partibus inquisitor pravitatis hujusmodi. Bull *Constitutus* of Urban IV., October 29, 1263, in Chapotin, 224.

⁶ Cum prelatorum et fratrum tuorum religiosorum sapientumque consilio. Bull *Dudum*, in Fredericq, *Corpus*, I. No. 101; Potthast, 9995; Auvray, 2735. On the advisers of inquisitors in general see Henner, *Beiträge zur Organisation und Competenz der päpstlichen Ketzergerichte*, 138 ff.

⁷ A Dominican friar Jacques was with Robert in Champagne early in 1234 (see the documents printed above, p. 454), and a Franciscan acted with him in one instance at La Charité (Auvray, 2825; Potthast, 10044). Robert and the Paris prior also receive a joint commission of inquiry in one case (Auvray, 2221; Potthast, 9772). The only examples of independent action I have found are at Troyes, where the Dominican prior and a Franciscan of the same city appear as assigning penance (bull of March 11, 1236, Auvray, 3006; Potthast, 10114), and at Arras, where a modern history of the Dominican convent mentions Pierre Danvin, or Darwin, as inquisitor in 1238 (Proville, *Histoire du couvent des Dominicains d'Arras*, Bibliothèque Nationale MS. Fr. 11620, pp. 387, 683). The case at Troyes must have been subsequent to 1232, when the Dominicans were established there (Chapotin, *Histoire des Dominicains de la Province de France*, 179).

⁸ Albericus in M. G. II. SS. XXIII. 937.

Tournai, and Noyon,¹ and all of these, except the last-named, were likewise present at Douai.² At Mont-Aimé the number of prelates was so great that Albericus enumerates sixteen and an eye-witness speaks of the presence of "almost all of the bishops of France."³ Furthermore, it is plain from the words of the chroniclers that the presence of the bishops was not merely formal, but that they conducted the examination of the accused. We have specific statements to this effect relative to the persecutions at Cambrai and Mont-Aimé,⁴ and the annals of St. Médard sum up the whole matter accurately when they say that "by the instrumentality of a certain preaching friar Robert, a great multitude of heretics was taken, examined, and convicted by archbishops, bishops, and prelates of the other ecclesiastical degrees."⁵ Whatever may have been the practice in less celebrated cases, it is clear that the responsibility for the great burning of heretics in the north and in Champagne rests with the leaders of the French clergy quite as much as with the terrible friar.

Of the independent action of the bishops in the pursuit of heresy, the episcopal inquisition proper, we hear very little in northern France, either in the time of Friar Robert or later.⁶ The absence of records is probably due in the first instance to the lack of any noteworthy proceedings to record, at least at a time when the papal inquisitor was taking the initiative so vigorously and the bishops were so busily occupied in considering the cases which he brought before them, and yet if the sources permitted a study of the relations of the papal inquisition to the local ecclesiastical authorities, we should probably hear more of the local jealousies of Dominican interference whose faint echoes reach us in the papal documents of the period.⁷ The duties of the bishops in the suppression of heresy

¹ Mousket, vv. 28915, 28958-28961.

² M. G. H. SS., XXIV., 30.

³ *Fere omnes episcopi Francie.* Étienne de Bourbon, *Anecdotes Historiques*, 150, and cf. 415. See further Albericus in M. G. H. SS. XXIII., 944, and Mousket, vv. 30535, 30536. Other examples of bishops associated with Robert are those of Clermont (Auvray 2825; Potthast 10044), Cahors (probably; Lea, *Formulary of the Papal Penitentiary*, XXXV., 1), and Arras (Fredericq, *Corpus* I., 121, and note), the Archbishop of Sens (Lea, XXXV., 2), and the Archbishop of Sens and the bishop of Troyes (Potthast, 10114; Auvray, 3006).

⁴ Mousket, v. 28885; Étienne de Bourbon, 415. Cf. Albericus in M. G. H. SS. XXIII., 945.

⁵ M. G. H. SS., XXVI. 522.

⁶ The material for the episcopal inquisition in the Netherlands in this period has been collected by Fredericq, *Geschiedenis*, I. Ch. 6.

⁷ Bulls *Dudum ad aliquorum murmur* and *Quo inter ceteras* of 1235. Auvray 2735-2737; Potthast, 9993-9995; Fredericq, *Corpus*, I. 100, 101, II. 28. For the late thirteenth century see Fredericq, *Geschiedenis*, I. 68-71.

There were also differences among the secular clergy, so that in a controversy with

did not cease with the establishment of the Dominican inquisition, and some effort was certainly made to put new energy into the episcopal machinery for the detection and punishment of unbelief. In 1239 the provincial council of Tours sought to revive the old institution of the synodal witnesses by prescribing the appointment in each parish of three persons sworn to reveal all offenses concerning the faith.¹ Somewhat later, councils of the province of Sens decided to coerce obstinate excommunicates by bringing them before the council as heretics.² From the diocese of Tournai there has been preserved a proclamation against heresy, written in the Romance tongue, which was to be read in the parish churches every other Sunday,³ and in the adjoining diocese of Théroutanne we find the bishop instructing the parish priests to see that the people do not fall under suspicion of heresy by remaining away from church.⁴ Some actual cases of the pursuit of heretics by the bishop are also found, in the diocese of Troyes,⁵ and in the diocese of Noyon, where in 1235 a priest was kept in close confinement in spite of his vigorous assertions of orthodoxy and proffers of proof,⁶ while a few years later, the bishops of Cambrai, just over the northern frontier, showed their zeal for the suppression of heresy and social discontent at Antwerp.⁷ At Paris, too, the bishops and the masters of theology kept a careful watch against theological error,⁸ and the bishop's prison awaited those who persisted in upholding forbidden doctrines,⁹ while the time was coming when the University of Paris would virtually supplant the inquisition as an agency for the maintenance of orthodoxy in France.¹⁰ Still, when all known instances of such sporadic

his suffragans the Archbishop of Rheims even went so far as to assert that some of them were tainted with heresy (Varin, *Archives Administratives de Reims*, I. 675; Potthast, 12062), but there is no evidence that the charge was substantiated.

¹ Mansi, XXIII 497; Hefele-Knöpfel, V. 1083. Cf. also the council of Trier in 1238, in Fredericq, *Corpus*, I. No. 115, and for the south the councils cited in Hinschius, *Kirchenrecht*, V. 449, note 4.

² Concilium Parisiense, 1248, c. 20; Concilium Pruviniense, 1251. Mansi, XXIII. 768, 793; Hefele-Knöpfel, V. 1151, VI. 45.

³ Fredericq, *Corpus*, I. No. 158 (undated, but evidently of the thirteenth century).

⁴ Fredericq, *Corpus*, I. No. 99 (1235).

⁵ Lea, *Formulary of the Papal Penitentiary*, XXXVII. 2.

⁶ The case of Michel de Cerizy, Auvray, 2854.

⁷ Fredericq, *Corpus*, I. Nos. 125, 126, 133; *Geschiedenis*, I. 84.

⁸ See the notices of errors condemned in 1241, *Chartularium Universitatis Parisensis*, I. No. 128; in 1247, *ibid.* No. 176; in 1270, *ibid.* No. 432; and in 1277, *ibid.* No. 473. Cf. also No. 522 and the documents relating to the condemnation of the Talmud, especially No. 178. On the condemnations of 1270 and 1277 see Mandonnet, *Siger de Brabant*.

⁹ *Chartularium* I., No. 176. It is worth noting that the papal legate who acted when Master Raymond was condemned the second time uses the phrase "de bonorum consilio," so common in the inquisitorial documents of the south.

¹⁰ Lea, II. 135 ff.

local activity are enumerated, they make a small showing in comparison with the persistent labors of the papal inquisitors.

When we turn from the external history of the persecutions of heretics by Friar Robert and his associates to an examination of their procedure and the penalties which they inflicted, we are embarrassed by the scarcity of evidence and its one-sided character. An occasional summons, a few appeals from sentences in which appellants state their version of the case to the Pope, some forms of the papal penitentiary, and the incidental statements of the chroniclers, constitute our only sources.¹ This material is too fragmentary to serve as the basis of a special study of the methods of the inquisition, yet it is valuable as far as it goes and has been little used by the general writers on the subject;² and for the sake of comparison with the course of the papal inquisition elsewhere and with the earlier practice in northern France, it may be worth while to bring together what may be learned of the procedure of the inquisition in the north in the time of Gregory IX.

On his first visit to La Charité Friar Robert began with the usual preliminary sermon³ exhorting heretics to return to the faith, with the result, so he tells us, that not only those who were specially summoned, but many who did not wait for his summons and some who were not even suspected, came forward to confess their error and undergo penance. Information was freely offered against

¹The only cases in which we have any extended account of Robert's method of procedure are: At La Charité, the appeals of Pierre Vogrin (Sbaralea, *Bullarium Franciscanum*, I. 177; Auvray, 2825; Pothast, 10044) and Petronilla (Auvray, 3106) and the petition of Jean Chevalier (Chapotin, *Histoire des Dominicains de la Province de France*, 224), all of them statements by the accused (Cf. also the appeal of a certain M. of the diocese of Cahors in Lea, *Formulary of the Papal Penitentiary*, XXXVIII. 2). At Arras the excommunication of Hukedieu (Archives du Pas de Calais, A. 105; Fredericq, *Corpus*, I. No. 121), where Robert's proceedings are described by the excommunicating bishop. At Paris (?) Richer's story of the woman who was compelled by magic to make a false confession (M. G. H. SS. XXV. 307). For the procedure of the episcopal inquisition in the same period we have only the case of the bishop of Noyon and Michel de Cerizy (Auvray, 2854); the earlier cases at La Charité should of course be compared.

²On the procedure of the inquisition in general see Lea, I. 399 ff.; Tanon, 326 ff.; Hinschius, V. 481 ff. Important information on the early procedure of the papal inquisition is afforded by certain consultations of the papal penitentiary, Raymond de Penafort, relative to the treatment of heretics in the province of Tarragona. See the *Moyen Age*, second series, III. 305-325; and *Raymundiana* (*Monumenta Ordinis Praedicatorum*, VI.), II. 41, 73. For Languedoc, in the years 1250-1267, see the elaborate study of the workings of the inquisition at Carcassonne in Molinier, *L'Inquisition dans le Midi de la France*, 273-451; the register of the *greffier*, upon which Molinier's account is based, and the important *Sentences* of Bernard de Caux and Jean de S. Pierre (1244-1248) have recently been published by Douais in his *Documents pour servir à l'histoire de l'Inquisition dans le Languedoc*.

³On which see Tanon, 329; Hinschius, 458, note 3, 481; Forms of citation to such a sermon may be seen in Martene and Durand, *Thesaurus*, V. 1810; and in the *Nouvelles Revue Historique de Droit*, for 1883, 671.

others, parents even "denouncing their children and children their parents, husbands their wives and wives their husbands." Robert had as yet no special authority in France, but in the commission which he soon received from the Pope indulgence was promised to all who attended his preaching and assisted him in his work.¹ Prompt confession, where no accusation had been made, relieved the heretic from further pursuit, only a moderate penance being exacted;² and information against others was so much desired that even after sentence of death had been pronounced, a reprieve might be granted on promise of producing other victims.³ From all accounts, Robert lent a ready ear to all accusations, and when his suspicions had once fastened on any one, it was difficult to secure release. At La Charité we have already seen his relentless pursuit of Pierre Vogrin, who had been twice acquitted by the episcopal inquisition,⁴ and the same unwillingness to accept the findings of his predecessors was shown in the case of a certain Petronilla of the same town who also offered canonical purgation without success.⁵ Particularly in the case of merchants, whose wandering life and close relations with Italy and southern France made them natural objects of suspicion, did the papal inquisition exercise unusual watchfulness. Thus a Florentine merchant who had talked with certain heretics whom he supposed to be orthodox and given their servants ten sous, first confessed to a Dominican and a Franciscan at Troyes, who assigned him penance; he then consulted the Pope, who after referring the matter to the bishop of Florence and receiving his report, approved by a cardinal, respecting the merchant's unblemished reputation in Italy for purity of faith, still found it necessary, after imposing penance, to have his orthodoxy further investigated in France by Friar Robert, the Archbishop of Sens, and the bishop of Troyes.⁶ A man from the diocese of Cahors who had once consorted with heretics and listened to their preaching confessed his error to the local authorities and was admitted to

¹ Bull *Gaudemus*, Fredericq, *Corpus*, I. No. 90.

² Si predictus G. non accusatus nec convictus sed sponte confessus est et suum confitetur errorem et ea que exiguntur in talibus, abiurata prorsus heretica pravitare, de absolutionis beneficio iuxta formam ecclesie provideatis eidem, iniungentes ei penitentiam salutarem et alia prout in similibus censure debite modus et ordo deprecant. Lea, *Formulary*, XXXV. 1; MS. Tours 594, f. 29 v., No. 141.

³ Albericus in M. G. H. SS. XXIII. 945.

⁴ Potthast, 10044; Auvray, 2825.

⁵ Auvray, 3106.

⁶ Bull *Ildebrandiscus* of March 11, 1236, printed in Sbaralea, *Bullarium Franciscanum*, I. 188; *Raymundiana*, II. 49; Potthast, 10114; Auvray, 3006. Similar bull of November 23, 1234 ("Accurri" . . .) in *Raymundiana*, II. 27; Auvray, 2221; Potthast, 9772. These are a number of papal bulls of this period for the protection of Italian merchants in northern France, e. g., Auvray, 2842, 2843, 2857, 2764.

penance, but on coming north he was accused of heresy by his enemies and put in prison by Robert in spite of the letter of security which he carried.¹ Another case is that of Jean Chevalier, of La Charité, who had consorted with a woman suspected of heresy; though he established his own soundness in the faith upon examination, he was nevertheless condemned to an elaborate public penance, with the further threat that if he ever took usury or visited Lombardy he would be considered as a heretic and treated accordingly.²

The manner of citation before the inquisitors is illustrated most fully in a case from the later years of Friar Robert's activity, the facts being related by the bishop of Arras on the testimony of parish priests of his diocese, who constituted the usual intermediary between the inquisitor and the suspected party.³ Robert proclaimed several times that the accused, a wool merchant named Henri Hukedieu, should appear before him at a place which he was ready to designate and should there answer the questions which the friar desired to propound; then in a public sermon a certain fair in Champagne was set as the time for the merchant to appear and establish his innocence, and after the time had elapsed without his coming, Robert excommunicated him as a heretic in a public sermon at Arras.⁴

That a formal examination preceded conviction is often stated by the chroniclers,⁵ who sometimes describe the beliefs to which the heretics confessed,⁶ but we are left very much in the dark as regards the nature of the proceedings. Usually, as we have seen, bishops were present and took an active part in the examination, but in two cases, of which we know, Robert appears to have conducted the trial alone. The woman of La Charité, Petronilla, was required to prove her assertion of innocence by the oath of three compurgators, but when she appeared for this purpose the friar declared that she had failed and put her in prison, along with her son-in-law, whose purgation had formerly been accepted.⁷ In Richer's story of the proceedings in the case of the woman under the influence of the *cartula* we have a case of enforced confession. Robert approaches her suddenly in public with the questions: "Are you not a heretic?"

¹ Lea, *Formulary*, XXXVIII, 2; MS. Tours 594, f. 30 v., No. 148.

² Bull *Constitutus*, in Chapotin, 224.

³ Cf. Tanon, 340; Henner, *Ketzengerichte*, 292. An order from the bishop of Auxerre to a priest of La Charité to summon a suspected person (1233) is cited in I.e-beuf, *Mémoires concernant l' Histoire . . . d' Auxerre* (ed. Challe et Quantin), I. 411.

⁴ Fredericq, *Corpus*, I. No. 121.

⁵ See the passages cited above, apropos of the participation of the bishops.

⁶ Étienne de Bourbon, *Anecdotes Historiques*, 149; Albericus, in M. G. H. SS. XXIII. 945.

⁷ Auvray, 3106.

"Will you return to the Catholic faith?" "Would you rather be burnt than recant?" She admits the charges whereupon he calls the bystanders to witness her statements and puts her in prison. The same questions are repeated at a second examination, which is likewise public.¹ With the exception of these instances and the general statement of Matthew Paris that Robert punished the innocent as well as the guilty,² we know nothing of the rigor of the examination or the frequency of acquittal. It is at this stage in the proceedings, between accusation and conviction, that such appeals as have come down to us were lodged with the Pope. From an inquisitorial condemnation for heresy no such appeal was possible,³ but in three of the cases we have been considering an appeal to the Pope was taken before sentence was pronounced, and in all three the Pope orders further investigation. In each instance, in addition to the innocence of the accused, some irregularity in the proceedings was alleged—either imprisonment in spite of a letter of protection,⁴ or refusal to accept compurgation, followed by arbitrary imprisonment,⁵ or in one case the violation of an agreement which had been made to guarantee a fair hearing, and excommunication after appeal had been taken.⁶

Repentent heretics, after they had been condemned by the church, were regularly handed over to the secular power to suffer their "due punishment" of death by burning. Whatever the origin of capital punishment for heresy in the Middle Ages, whether it was inherited from the legislation of the Roman emperors or was introduced from the popular practice of the Germanic nations,⁷ by the middle of the thirteenth century the stake had become the regular penalty in northern Europe, a penalty which prefigured, it was declared, the unquenchable fire of the world to come.⁸

¹ M. G. H. SS., XXV. 307.

² *Ibid.*, XXVIII. 147, 326.

³ Tanon, 435; Hinschius, V. 467.

⁴ Lea, *Formulary*, XXXVIII. 2.

⁵ Auvray, 3106.

⁶ Pierre Vogrin; Potthast, 10044.

⁷ The theory of the Germanic origin of the laws for the execution of heretics is worked out in the classical monographs of Ficker, *Die gesetzliche Einführung der Todesstrafe für Ketzerie*, in the *Mittheilungen des Instituts für Oesterreichische Geschichtsforschung*, I. 177-226, 430, and Havet, *L'Hérésie et le Bras Séculier au Moyen-Âge*, in the *Bibliothèque de l'École des Chartes*, XLI. 488-517, 570-607 (and in his *Œuvres*, II. 117-180). Their results have been accepted by Lea (I. 222), Fredericq (*Geschiedenis*, I. chs. 7-9), Hinschius (*Kirchenrecht*, V. 379), and Hansen (*Zauberwahn, Inquisition und Hexenprozess*, 220 ff.). The Roman origin of the penalty is upheld by Tanon, 441 ff. (Cf. also Viollet, *Établissements de S. Louis*, I. 253; and Guilhaumier in the *Bibliothèque de l'École des Chartes*, LV. 383.)

⁸ Philippe de Grève, chancellor of the University of Paris, says of the baker of Rheims burnt in 1230: *Translatu est ad furnum temporalis poenae et deinde ad furnum gebennae*

Those who repented of their heresy were admitted by the church to undergo penance.¹ The most severe form, reserved for those who repented from fear of death, consisted of perpetual imprisonment, either in the milder form of detention within the prison walls (*murus largus*) or in the harsh solitary confinement of a narrow cell (*murus strictus*), where in many cases the prisoner was also chained to the wall.² A less severe but exceedingly humiliating form of punishment, often substituted for imprisonment, was the *poena confusibilis* of wearing some conspicuous sign of infamy, such as a yellow cross on the breast and back. For lesser degrees of guilt the ordinary penances of pilgrimages and pious observances could be prescribed in the discretion of the judge. In the case of priests the more serious punishments for heresy must be preceded by degradation from orders, but so great was the difficulty of getting together the number of bishops canonically required to perform this act that it was early found necessary to simplify and expedite the procedure so that the diocesan might act alone with the advice of such as he might summon from his diocese.³

These general principles of inquisitorial practice Friar Robert seems to have observed. "Many he consumed with avenging flames, many he handed over to perpetual prison," says one chronicler.⁴ Another states the distinction more exactly: "Some were

(Haureau, *Notices et Extraits de quelques Manuscrits*, VI. 241). Caesar of Heisterbach (ed. Strange, I. 298) and Guillaume le Breton (*Philippide*, I. 418 ff.) use similar phrases. So also Jean de Garlande, *De Triumphis Ecclesiae*, ed. Wright, 79:

De morte hereticorum mala.
Excrecit fatua ficus, ficulnea mundi
Quam parís, hanc urit flamma, gehenna cremat.
Latrantes et aves direpta cadavera rostris
Asportant, animas nigra caterva legit.

¹ On the penances of the inquisition see Lea, I., ch. 12; Tanon, 479 ff. Besides the texts there cited see Lea, *Formulary of the Papal Penitentiary*, 50-60; and the manual of procedure prepared by the Archbishop of Tarragona in consultation with the papal penitentiary, Raymond de Penafort published by Douais in the *Moyen Age*, second series, III. 305-325.

² For an early instance of close confinement see the bull of Gregory IX. to the Abbot of La Cava, March 4, 1231, Auvray, 562.

³ The undated bull of Gregory IX. to this effect which was inserted in the canon law (c. I. in Sexto, V. 2) was probably called forth by some case in northern France in this period, since it is addressed to the Archbishop of Rheims and his suffragans and since its omission from the Decretals indicates that it was issued after their publication in September, 1234. There are earlier bulls to the same effect addressed to the bishop of Strassburg, October 19, 1232 (Auvray, 933; Rodenberg, *Epistolae*, I. No. 485), to the Archbishop of Bremen, November 12, 1232 (Potthast, 9042), to the Archbishop of Salzburg, November 22, 1232 (Winkelman, *Acta Imperii Inedita*, I. 504; Potthast, 9046), and to the prelates of southern France, April 19, 1233 (MS. Doat XXXI. 19; Potthast. 9356). Cf. also Hinschius, *Kirchenrecht*, V. 61, note 1.

⁴ M. G. H. SS. VI. 440; XXVI. 215.

shut up in prison to do penance, others who refused to renounce their heresies were consumed by fire."¹ Burial alive is mentioned by one chronicler,² but in the account of the persecutions in the north, where fifty met their death, at Châlons, and at Mont-Aimé, it is expressly stated that the heretics were burnt. We have specific mention of the use of imprisonment as a penalty at Douai, in the region of Lille,³ and at Cambrai, where the number left in prison, variously stated at eighteen and twenty-one, was almost exactly equal to the number burnt.⁴ The *poena confusibilis* also appears at Cambrai, where three women were "marked," and at Douai, where the penitents were shaved and sentenced to wear crosses.⁵ At La Charité one of the first results of Robert's preaching was the great number of people who appeared voluntarily before him for penance, having already placed wooden collars about their necks.⁶ Of the less rigorous forms of penance few examples have been preserved. There is an instance of exile to Constantinople,⁷ and one man who had made voluntary confession was ordered to take the cross and accompany Simon de Montfort to the east, as well as to attend divine service whenever opportunity offered and to lay aside linen and fast every Friday for the rest of his life.⁸ At La Charité Robert, besides prescribing religious observances of this character, publicly forbade penitents to carry arms or take usury or go into Lombardy, under pain of being condemned as heretics.⁹

The practice of the inquisition in northern France also illustrates certain of the secondary consequences of conviction for heresy—civil and ecclesiastical disabilities, destruction of houses, and confiscation of property. The papal statutes of 1231 excluded the sons and grandsons of heretics from holding ecclesiastical offices or benefices,¹⁰ but in a case from the diocese of Tournai it was held

¹ *Ib.*, XXVI. 522.

² *Ib.*, XXVIII. 133. Frederichs seeks to interpret the words "vivos sepeliri" as merely a slightly exaggerated way of describing the close imprisonment of heretics, but Tanon has shown that burying alive was not an unknown form of punishment in the thirteenth century. *Tribunaux de l'Inquisition*, 117; *Histoire des Justices des Anciennes Eglises . . . de Paris*, 29-33, (for an instance of its employment to punish unnatural vice see Lea, *Formulary*, XVI.). It should be observed that the totals would be far too small if the imprisoned were reckoned in.

³ Mousket, vv. 28986, 29006.

⁴ *Ib.*, 28966. Albericus, in M. G. II. SS. XXIII. 937.

⁵ Mousket, 28964, 28984, 28985.

⁶ Fredericq, *Corpus*, I. No. 90.

⁷ Mousket, vv. 29002, 29003.

⁸ Lea, *Formulary*, XXXV. 2; MS. Tours 594, f. 29 v, No. 142. For a similar penance imposed by the bishop of Troyes, see Lea, XXXVII. 2 (where the rubric should read "crimine" instead of "elemosine"): MS. Tours 594, f. 30, No. 146.

⁹ Bull *Constitutus*, in Chapotin, 224.

¹⁰ Fredericq, *Corpus*, I. No. 79. The statutes mention other disabilities as well.

that this provision was not retroactive,¹ and dispensations from the disability might be granted.² It was a further principle of the legislation against heresy that the houses of heretics should be destroyed and their sites remain deserted, but as this seriously diminished the profits arising from the confiscation of heretics' property, it was not rigidly enforced.³ The forfeiture of the property of heretics, inherited from the Roman law of lese-majesty, had been accepted as a principle by the church as early as the time of Innocent III. Conviction of heresy regularly carried with it confiscation, the property becoming at once subject to seizure by the secular power.⁴ The various applications of this principle, which presented a constant temptation to the cupidity of princes and was ultimately made to furnish the means for the support of the inquisition itself, it is not necessary to follow out here. In France confiscation is decreed against the heretics of the south by the legislation of Louis VIII. and Louis IX.,⁵ and while no similar ordinance has been preserved for the northern portion of the kingdom, the customary law of this region explicitly states that the property of the condemned heretic goes to his lord.⁶ The heirs of the heretic lost all share in his estate, but both king and pope sought to protect the dower rights of orthodox wives,⁷ and there exists, from Friar Robert's time, a decision of the king's court regulating the respective rights of wife and lord.⁸ That the king derived pecuniary

¹ Lea, *Formulary*, XII; MS. Tours 594, f. 31, No. 151. On the date cf. Fredericq, *Corpus*, II. No. 21.

² Case of a monk of La Charité in Lea, *Formula* y, XI., where the address should begin, "De Caritate priori"; MS. Tours 594, f. 31, No. 150.

³ See in general Lea, I. 481-483; Tanon, 519-523. Fouais, in the *Revue des Questions Historiques* for October, 1881, p. 411, cites an order of 1329 for the destruction of houses at Carcassonne (*Cabinet Historique*, XI. 163) as "the first, and perhaps the only, sentence of the sort"; but as early as 1255 Alexander IV. had permitted the prior and convent of La Charité, as temporal lords of the town, to rebuild houses which had been destroyed by order of papal inquisitors. Bourel de la Roncière, *Régestes d'Alexandre IV*, No. 817.

⁴ On confiscation see Lea, I. ch. xiii.; Tanon, 523 ff.; and the references in Henner, *Ketzgergerichte*, 232.

⁵ *Ordonnances des Rois*, XII. 319; I. 50.

⁶ *Livre de Justice et Plet*, 12; *Établissements de Saint-Louis* (ed. Viollet, II. 147, III. 50; Beaumanoir, ed. Salmon, § 833.

⁷ Ordinance of 1259 in the new *Histoire de Langueo*, VIII. 1441, and *Ordonnances des Rois* I. 63. Bull. of Gregory IX. of 1238 cited in Tanon, 532; Innocent IV. in c. 14 in Sexto, V. 2. In 1269 the dower of the widow of a certain "Henricus Bougrius" was charged against the royal treasury (roll of the *builliaze* of Amiens, *Bibliothèque de l'École des Chartes*, XXVIII. 621). For definition of the conditions under which the wife might claim, see *Livre de Justice et Plet*, 13, and cf. Beugnot, *Olim*, I. 579.

⁸ Li jugement des Bougres qui furent ars au tans frere Robert. Si fu teus fais en le cort le Roy Loeys de France que tout li Arctage ki viennent naissant de par le Bougre qui est jugé a ardoir vif doivent demourer quitement au Seigneur dont il muet, sauf cou que li feme de ce Bougre si a sen douaire tant quele vit, et après se mort revient au

profit from the property of heretics in northern France is shown by entries in the royal accounts of the period,¹ but the sums there collected were paltry enough in comparison with the proceeds of confiscation in Languedoc.²

Any consideration of the relation of the secular power to the inquisition in northern France must necessarily be brief because of the scarcity of information. Louis IX., as would be expected in the case of a sovereign of such piety and zeal for the Christian faith, was a declared enemy of heretics, considering it a king's duty to expel them from his kingdom,³ and even declaring that a knight ought to kill with his own sword any one whom he knew to be an unbeliever.⁴ He was moreover a staunch friend of the Mendicant Orders, by whom he had been educated,⁵ and not only showed special favor to the inquisitors who came to him on the business of their office,⁶ but gave to the inquisition the firm support of the royal administration. If we may judge from the ordinances issued for the southern portions of his kingdom, the king's officials were ordered to give active assistance by hunting out heretics and bringing them before the proper ecclesiastical authorities, and by executing promptly the sentences pronounced against them, while a reward was promised to any who assisted in the capture of heretics and those who attempted to shield or harbor them were threatened with confiscation

Seigneur dont il muet [sauf cou que li feme de ce bougre si a sen douaire tant quele vit, et apres se mort revient au Seigneur] perpetuellement; et en tous les aquests kil ont acquis ensantle li feme et si oirs en ont la moitie, et li sires lautre moitie, et en cele moitie doit li feme avoir sen Douaire tant quele vit. et apres sen decès doit venir au Seigneur dont li victages [arctages?] muet. *Livre Rouge de Saint-Vaast*, f. 157 of the modern copy in the Archives du Pas-de-Calais at Arras (II. 2).

¹ H. F. XXI. f. 237, 252. Cf. the *Annals of S. Medard*, M. G. II. SS. XXVI. 522.

Among the others who benefited by confiscations in the north we find the Count of Champagne (see the documents on Gile printed on p. 455, where the count's right is disputed by the collegiate church of St. Quiriace at Provins), and the prior of La Charité as temporal lord of the town (Bourel de la Roncière, *Regestes d'Alexandre II*, 871). On the practice in the case of condemned ecclesiastics there is little evidence in the early period; the only case I have found in the north is in the diocese of Noyon, where the bishop took the horse and perhaps other personal effects of the accused (Auvray, 2854).

² See Douais, *Documents*, ccxv, ccxxvii. An example of the sums which confiscation might yield is afforded by the inventory of the property of certain heretics of the south in 1261, which gave a net return of 1413 livres 9 s. 10 d. to the treasury. "Bona Petri Bermundi" Archives Nationales, J. 306,85, to be published in part in the fourth volume of the *Layettes du Trésor des Chartes*.

³ Instructions to his son, edited by de Wailly in the *Bibliothèque de l'École des Chartes*, XXXIII. 440, c. 32; Joinville, ed. de Wailly (1868), 265; Guillaume de S. Pathus (ed. Delaborde), 26.

⁴ Joinville, 19; Guillaume de S. Pathus, 25.

⁵ See the biographies of St. Louis and the royal accounts, *passim*, and cf. Danzas, *Études sur les Temps Primitifs de l'Ordre de S. Dominique*, III. 408 ff.; and Chapotin, *Dominicains de la Province de France*, 494 ff.

⁶ Guillaume de Chartres, in H. F. XX. 33.

of goods and civil disabilities.¹ In 1233 the cause of the inquisition at La Charité was especially commended to the favor of St. Louis by the Pope,² and the labors of Friar Robert there and elsewhere were performed with the King's aid and under his authority.³ The King's officers carry out the friar's sentences, the King's soldiers accompany him as a guard,⁴ the King and Queen themselves take a personal, and it must be said a merciful, interest in his proceedings and the fate of his victims.⁵ There is no record that the sovereign attended in person any of the executions for heresy, but there is mention of the presence of certain of the great feudatories, Countess Jeanne of Flanders at Douai, and Thibaut IV. of Champagne at Mont-Aimé.⁶ After Friar Robert's fall the same policy seems to have continued. In the accounts of the year 1248 the expenses of friars inquisitors are charged against the royal treasury at several places in the north,⁷ and at various times we find the cost of the imprisonment and execution of heretics defrayed by the King's agents⁸; while it was at the King's special request that Alexander IV. gave more effective organization to the French inquisition in 1255.⁹

It is not the purpose of this article to follow the vicissitudes of the inquisition under the successors of Gregory IX. The legislation of

¹ Ordinance for the south, beginning "Cupientes in primis aetatis," *Ordonnances des Rois*, I. 50. A lost ordinance of St. Louis, "Cupientes in favorem," which probably related to the north, is cited by Philip VI. *Ordonnances des Rois* II. 41; cf. Fredericq, *Corpus*, II. Nos. 20, 55; *Geschiedenis*, I. 112. Ordinances of St. Louis concerning heresy and a letter patent directing the "dukes, counts, etc., to aid the inquisitors of heretical pravity," are mentioned in the contents of a lost formulary of the royal chancery. Langlois, *Formulaires de Lettres*, VI. 3, 14, Nos. 1, 318.

² Auvray, 1145.

³ Mousket, vv. 28881, 28882:

Et par la volente dou roi
De France, ki len fist oïroi.

Matthew Paris (*Chronica Majora*, III. 520; M. G. II. SS. XXVIII. 146): Ad iugum brachio saeculari, et domino rege Francorum impendente subsidium.

⁴ Mousket, vv. 28912-28914:

Cil Robiers, o lui siergans vint;
Quar li rois le faisoit conduire,
Pour cou con ne li vosist nuire.

Matthew Paris, *Historia Anglorum*, II. 388: Qui eidem Roberto auxilium praestitit militare. Sbaralea, *Bullarium Franciscanum*, I. 178: Ad locum ipsum manu veniebat armata.

⁵ Mousket, vv. 28899 ff. Cf. Berger, *Blanche de C. stille*, 295.

⁶ M. G. II. SS. XXIV. 30; XXIII. 944

⁷ H. F. XXI. 262, 264, 268, 269, 273, 274, 276, 280, 281. Cf. also the account of Paris for the Ascension term, 1255, *Bibliothèque de l'École des Chartes*, XXVIII. 618.

⁸ H. F. XXI. 262, 274, XXII. 570, 745; *Bibliothèque de l'École des Chartes*, XXVIII. 621. Cf. H. F. XXI. 227, 237; Tillemont, *Histoire de S. Louis*, II. 292.

⁹ Bull. *Præ cunctis mentis* of December 13, 1255, Potthast, 16132; Fredericq, *Corpus*, I. No. 132.

Innocent IV. was of great importance in the firm establishment of the inquisition and the development of its procedure, but it is directed primarily against the heretics of Languedoc and Italy, and touches only in the most general way upon conditions in northern France.¹ Alexander IV. devoted more attention to affairs in the north, and to his pontificate belongs the definite organization of the French inquisition under the direction of the Dominican prior provincial at Paris, who finally came to exercise control over the south as well.² "Little remains to us of the organization thus perfected over the wide territory stretching from the Bay of Biscay to the Rhine."³ In 1248 the almost universal silence of the contemporary records is broken by the royal accounts, which reveal heretics in prison at Paris, Sens, and Corbeil, and inquisitors supported by the King in a dozen different districts of northern France.⁴ Three inquisitors are mentioned by name at Paris in 1255⁵; in 1277 and 1278 Simon du Val, "inquisitor in the kingdom of France," was at work at Orleans, at St. Quentin and in Normandy;⁶ and in 1285 Friar Guillaume d'Auxerre appears as inquisitor in Champagne and Brie.⁷ The record of their condemnations has disappeared even more completely than the names of the inquisitors. A woman burnt at Pontoise in 1261, presumably for heresy,⁸ a payment of dower to a heretic's widow in 1269,⁹ a conflict of jurisdiction in 1272 between the bishop of Auxerre and the prior of La Charite¹⁰—such are the scattered notices of the victims of the French inquisition in the later thirteenth century. "The laborers were vigorous, and labored according to the light which was in them," concludes Mr. Lea, "but the men and their acts are buried beneath the dust of the forgotten past. That they did their duty is visible in the fact that heresy makes so little figure in France, and that the slow but remorseless extermination of Catharism in Languedoc was not accompanied by its perpetuation in the north."¹¹

CHARLES H. HASKINS.

¹ See for Languedoc, Douais, *Documents*, xiii-xxii; for Italy, the bulls of 1254 in Berger, *Regestes d'Innocent II*, 7790-7802, 8310-8313.

² Fredericq, *Corpus*, I. Nos. 130 ff.; Douais, *Documents*, xxii-xxv; Lea, II. 119; and particularly the excellent account in Fredericq, *Geschiedenis*, I. ch. 5, where the papal legislation affecting the inquisition in the north is followed through to the time of Boniface VIII.

³ Lea, II. 120.

⁴ H. F. XXI. 262, 264, 268, 269, 273, 274, 276, 280, 281.

⁵ Royal account, in *Bibliothèque de l'École des Chartes*, XXVIII. 618.

⁶ Martène and Durand *Thesaurus*, V. 1810-1813; Lea, II. 120; Fredericq, *Geschiedenis*, I. 60-63; Mandonnet, *Siger de Brabant*, CCLXIII.

⁷ Lea, II. 121, citing MS. Doat, XXXII. 127.

⁸ H. F. XXII. 745 A.

⁹ *Bibliothèque de l'École des Chartes*, XXVIII. 621.

¹⁰ *Gallia Christiana*, XII. Instr., 173.

¹¹ Lea, II. 120.