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7. Rolando of Cremona and the earliest inquisition depositions of Languedoc*

Peter Biller

In this chapter we speculate about the possible contribution of a scholastic theologian, Rolando of Cremona, to a procedure and a document which came to be at the heart of inquisition into heresy: an interrogation recorded in a deposition. The inclusion of inquisition in a collection of essays discussing scholastic institutions might raise some eyebrows, for its 'institutional' character was one of the targets in the late twentieth-century dismantling of the medieval version of 'The Inquisition'. We begin, then, with brief comment on this question. The 'scholastic' implications will emerge in due course.

An institution?

Because most of it was so obvious, the demolition job was easy. All that was needed was a crowbar. First, there was a new historiographical classic in Edward Peters's general history of inquisition. Its later chapters were on early modern inquisition and the modern black legend of inquisition – riffed on in Monty Python's sketch 'Nobody expects the Spanish Inquisition!'¹ These were salutary reminders of the humble and decentralized character of the medieval precedent. Second, a historian of medieval law, Henry Kelly, provided another salutary reminder that inquisition was just one example among various inquisitions, enquiries into various things, conducted by variously denominated *enquêteurs* and inquisitors. Inquisition and inquisitors needed to be brought down to size and set among the others.²

* My largest debt is to Lucy Sackville, for sharing ideas and materials about two Dominicans of Cremona, Rolando and Moneta and for comment on this chapter. Editorial suggestions for improvement have been of unusual care, penetration and helpfulness.

¹ E. Peters, *Inquisition* (Berkeley, Calif., 1988). The Python sketch can be found at <https://www.youtube.com/watch?v=HqF_nPbX_Ow>.

² H. A. Kelly, 'Inquisition and the prosecution of heresy: misconceptions and abuses', *Studies in Church History*, lviii (1989), 439–51.

P. Biller, 'Rolando of Cremona and the earliest inquisition depositions of Languedoc', in *Individuals and Institutions in Medieval Scholasticism*, ed. A. Fitzpatrick and J. Sabapathy (London, 2020), pp. 177–95. License: CC-BY-NC-ND 4.0.

Finally, Richard Kieckhefer produced a comprehensive criticism of the assumption, present in most work on medieval inquisition, that it and its officials constituted an ‘institution’. Rather, we needed to set these aside and think instead of a task, job or office carried out by an individual equipped with one-off authorization. Medieval inquisition did not tick the boxes of a list of institutional attributes derived from Max Weber.³

This ‘institutional turn’ made the older, insouciant language intellectually incorrect. There were semantic and typographical consequences. Medieval historians of ‘The Inquisition’ and the ‘Office of the Inquisition’ lowered the initial capital letters of the key nouns and dropped the definite article. There came to be preference among some scholars for the word ‘inquest’ and the plural ‘inquisitions’ over plain ‘inquisition’. The multiplicity of types of inquisition gave the historian a duty to remind the reader of specificity, inquisition ‘into heresy’.

This was not a total victory. Even Kieckhefer did not claim it. He conceded that inquisition must have become an institution by the later middle ages, for how, otherwise, could we have arrived at the early modern upper-case Inquisition? Some of the troops were disgruntled and murmured, especially those belonging to two special units. One of these units comprises the scholars who burrow patiently in the archives in their reconstruction of local inquisitions in the middle ages. Their documents show them a local inquisition equipped with a special building (‘house of inquisition’), financial organization, a household of servants and officials, local continuity and symbolic representation in a seal. This is how things appear in a new general study of inquisition in Italy, which argues that it was clearly an ‘institution’ by around 1250.⁴ Another unit comprises those who study the manuscripts of inquisitors’ how-to-do-it manuals, compendia of law relating to inquisition and procedural formulae: Vasil Bivolarov, Riccardo Parmeggiani and Lucy J. Sackville.⁵ In his 327-page study with editions

³ R. Kieckhefer, ‘The office of inquisition and medieval heresy: the transition from personal to institutional jurisdiction’, *Jour. Eccles. Hist.*, xlv (1995), 36–61. For more recent discussions of inquisitions, see *L'enquête au moyen âge*, ed. C. Gauvard (Rome, 2008); and J. Sabapathy, ‘Some difficulties in forming persecuting societies before Lateran IV Canon 8: Robert of Courson thinks about communities and inquisitions’, in *The Fourth Lateran Council: Institutional Reform and Spiritual Renewal*, ed. G. Melville and J. Helmrath (Aalfalterbach, 2017), pp. 175–200.

⁴ J. Moore, *Inquisition and its Organisation in Italy, 1260–1350* (Heresy and Inquisition in the Middle Ages, viii, Woodbridge, 2019).

⁵ V. Bivolarov, *Inquisitoren-Handbücher. Papsturkunden und juristische Gutachten aus dem 13. Jahrhundert mit Edition des Concilium von Guido Fulcodii* (MGH, Studien und Texte, lvi, Wiesbaden, 2014); R. Parmeggiani, ‘Introduzione’, in R. Parmeggiani, *I consilia procedurali per l'inquisizione medievale (1235–1330)* (Bologna, 2011), pp. ix–xxxv; and *Explicatio super*

Bivolarov consigned the topic of ‘institution?’ to a footnote startling in its brevity and disdain. Its thirty words provide: an approving quotation from a great historian of an older generation, Yves Dossat, on the foundation of ‘The Inquisition’ as immediately ‘a special permanent tribunal’; the citation of Kelly’s and Kieckhefer’s articles; and their condemnation as ‘utter rubbish’ (*völlig irrig*).⁶ Weber is not mentioned.

We can imagine that this verdict arises from Bivolarov’s prolonged exposure to several things: first, the interchanges and conversations between the inquisitors and inquisition of France and Italy; second, the extraordinary growth in the thirteenth century of specialized law and procedures for inquisition into heresy; and, especially, third, the new genre of inquisitors’ professional literature. In this context it would be useful to hear a systematic exposition of the case *contra* demolition.

The emergence of the inquisition deposition

There is one document which was at the centre of inquisition into heresy. Though it was preceded and succeeded in the process by various forms – summonses; lists of set questions; abjurations; and executive summaries of items of guilt called *culpae* and sentences – the deposition was *the* key document in the proceedings. Its form was new. Very quickly in the 1240s we find specification of many of its elements in the legislation of Church councils and the procedural formulae of inquisitors’ manuals, themselves shared between different regions – a story of dissemination which continues throughout the middle ages. There were shifts in emphasis and varying degrees of elaboration and ponderousness. However, its fundamental form is still recognizable centuries later, for example, in inquisitions in Szczecin between 1392 and 1394 or Piedmont in the 1480s, by which date no one doubts ‘The Inquisition’.⁷ The character and history of this unique artefact of the inquisition might well play a role in the discussion of inquisition as institution; here our concern is with its genesis.

Let us go back in time and look at one deposition which originated in Languedoc late in 1237.⁸ The text is in Latin. After specifying the date, 5

officio inquisitionis. Origini e sviluppi della manualistica inquisitoriale tra due e trecento, ed. R. Parmeggiani (Rome, 2012), pp. vii–lxvi; L. J. Sackville, ‘The inquisitor’s manual at work’, *Viator*, xlv (2013), 201–16; and ‘The earliest inquisitor’s manual: the *Ordo processus Narbonensis*’ (forthcoming).

⁶ Bivolarov, *Inquisitoren-Handbücher*, p. 259, n. 17.

⁷ P. Biller, ‘Inquisitors’ interrogations of Waldensians’, in *A Companion to the Medieval Waldenses*, ed. M. Benedetti and E. Cameron (Brill Companions to the Christian Tradition, Leiden, forthcoming), provides a general survey for one sect from the early 13th century to 1500.

⁸ Paris, BNF, MS. Collection Doat 24, fos. 108v–116v.

October 1237, it names a deponent, Bartac, alias William Matfred, knight of Puylaurens, and records his taking the oath to tell the truth. Replies to questions follow. The first is his initial sighting of a heretic: who the heretic was; where he saw him; who else was there; and how many years ago this was. All Bartac's later responses also have these follow-up questions: who, where, who else and when. A neat pattern is discernible. The follow-up questions to the first heretic to be seen, Bernard Engelbert, are related to the first time (six years before), then the second time (five years before), the third time (three years before) and the fourth time (two years and a bit). The pattern is repeated with the second heretic to be seen, Raymond of Carlipa, with his sightings in chronological order, each with follow-up questions. At the end the text of the deposition states that Bartac appeared in front of the friars Ferrier and Peter of Alès; these inquisitors had been deputed to work in the dioceses of Carcassonne, Narbonne and Albi.⁹ The five men who witnessed the proceedings are then listed and then the scribe: 'And Bertrandus de Farico who wrote this (*Et Bertrandus de Farico, qui hæc scripsit*)'.¹⁰ Bartac appeared again two days later. He added (*addidit*) to his previous confession. There is again, within the framework of the document, the same pattern of sightings and dealings with heretics. The deposition again concludes with the statement of Bartac's appearance before the two friars, the listing of witnesses (now seven of them) and the same scribe's declaration that he had written these things.

The only questions Bartac was asked – insofar as his answers imply them – concerned actions. These were things such as seeing heretics; speaking with them; escorting them; adoring them; and seeing them administer their ritual *consolamentum*; and in what contexts: where; who else was there; who else did the same things; and when? Questions included listening to what heretics said, but not its substance, nor what Bartac believed. In later and virtually identikit depositions (1245–6) there are a few modifications to this. One was a concluding question about belief in the heretics or their errors, or whether they were good men. Another was a super-rapid, summary question on a quintet of errors: God not making visible things; the host

⁹ Y. Dossat, *Les crises de l'inquisition toulousaine au xiii^e siècle (1233–1273)* (Bordeaux, 1959), p. 140, n. 241.

¹⁰ It has not proved possible to identify Bertrand's place of origin. He witnessed three depositions for the Carcassonne inquisition in 1250 (*Documents pour servir à l'histoire de l'inquisition dans le Languedoc*, ed. C. Douais (Paris, 1900), pp. 254, 270, 275). When witnessing a charter for the abbey of La Grasse in 1268, he was given as 'Bertrandi de Faricon. monachi Caunensis', that is, monk of the Benedictine abbey of Caunes in the Minervois (*Recueil des chartes de l'abbaye de La Grasse*, ed. E. Magnou-Nortier, A.-M. Magnou and C. Pailhès (2 vols, Paris, 1996–2000), ii. 372). Here and elsewhere the English translations are the author's.

not being the body of Christ; baptism and marriage not helping salvation; there being no resurrection of the flesh.¹¹ One minor formal change was the switch from third to first person in the scribe's or notary's conclusion, which became 'and I Bertrandus who wrote this' (*et Bertrandus qui hæc scripsi*).

Bartac's deposition already has the fingerprints of the full models prescribed in the legislation and inquisitors' manuals of the 1240s (e.g., the *formula interrogatorii*), but it comes from the previous decade. What can we see bearing upon its emergence? The reconstructions of the 1230s in general histories of inquisition and the evidence of the bulls with which Gregory IX mandated early Dominican inquisitors in Languedoc make the decade seem very familiar to us – we know it rather well, we think.¹² However, they are a smoke-screen, for there is not much with which to work. We need a quick reminder of the little we do have, beginning with its chronological boundaries. At one end there is evidence relating to 1229–30, when the provisions of a provincial Church council and description in a chronicle provide a view of procedure and the records these years may have produced in Toulouse. The papal legate Romano, Cardinal of Sant' Angelo, held a council in Toulouse in November 1229.¹³ In the existing system for the repression of heresy, a bishop visited a parish and took sworn evidence from a few trustworthy laymen. The council's first provision tweaked this, stipulating the addition of a priest to the oath-taking laymen in each parish and turning them from passive-reactive into active: they were to hunt out heretics and report them to ecclesiastical or secular authorities. In a chronicle written forty-five years later we have a description of what the papal legate then did, in the wake of the 1229 council. He ran an *inquisitio*, which William of Puylaurens (born c.1200) described. William was a man of senior administrative experience and a sometime inquisition witness and temporary inquisitor. Although in his seventies when writing, he still

¹¹ P. Biller, 'Cathars and the material world', in *God's Bounty? The Churches and the Natural World*, ed. P. Clarke and T. Claydon, *Studies in Church History*, xlvii (2010), 89–110, at pp. 98–106.

¹² Dossat, *Crises*, pp. 108–45; H. Maisonneuve, *Études sur les origines de l'inquisition* (2nd edn, L'Église et l'État au Moyen Âge, vii, Paris, 1960 [1942]), pp. 237–42, 270–5; W. L. Wakefield, *Heresy, Crusade and Inquisition in Southern France, 1100–1250* (London, 1974), ch. 8; L. Kolmer, *Ad capienda vulpes. Die Ketzerbekämpfung in Südfrankreich in der ersten Hälfte des 13. Jahrhunderts und die Ausbildung des Inquisitionsverfahrens* (Bonn, 1982).

¹³ On Romano, see W. Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216. Die Kardinäle unter Coelestin III. und Innocenz III* (Vienna, 1984), pp. 189–95. The council's canons were printed in G. D. Mansi, *Sacrorum conciliorum nova et amplissima collectio* (54 vols in 59, Graz, 1960–1; repr. of edition published in 1902–27), xxiii. 191–204. They are translated in *Heresy and Inquisition in France, 1200–1300*, ed. and trans. J. H. Arnold and P. Biller (Manchester Medieval Sources, Manchester, 2016), pp. 190–7.

displayed a very crisp, clear mind.¹⁴ ‘It was organized like this’ (*Fuit sic ordinata*), wrote William.¹⁵ The bishop of Toulouse, Fulk, produced the witnesses. To expedite matters the jobs were shared. Each bishop examined some of the witnesses and each bishop returned the statements recording in writing (*dicta in scriptis redacta*) to Bishop Fulk. Summoned first were those people who were regarded as faithful and Catholic; and they were presumably questioned about the *fama* (public reputation) of suspects. Summoned second were the suspects. The suspects who did appear carefully avoided saying anything against each other. If only we could see the records of the *dicta in scriptis redacta* of this second category, the suspects! Unfortunately, when the papal legate returned to Rome he took the whole lot away with him: *secum totam inquisitionem exportavit*. However much we can appreciate the wit and hint of the bureaucrat’s regret in these words, the main thing is that we are up against a brick wall. William is all we have.

At the other end we have Bartac’s deposition. It is the earliest to survive. The space between 1229/30 and October 1237 is almost entirely devoid of texts directly emanating from the examination of heretics. Almost: apart from two texts, which are not straightforwardly helpful. One of these is a set of earlier written testimonies about heresy from, almost certainly, early 1234. They are legally and procedurally traditional: sworn testimonies, made by reputable ecclesiastics and laymen, about the *fama* of involvement in heresy of members of a powerful aristocratic family, the Niorts.¹⁶ The other is nearer our concerns. Bartac’s deposition has a twin, which is the only other extant deposition from hearings before the inquisitors Ferrier and Peter of Alès when acting together. It is from a few months later, dated 18 February 1238, and appears to be a, possibly compressed, 1238 copy of a confession made to William Arnold (discussed below) in 1235. There is nothing else. If

¹⁴ The best modern discussion of William is in M. Meschini, ‘Il “negotium pacis et fidei” in Linguadoca tra XII e XIII secolo secondo Guglielmo di Puylaurens’, in *Mediterraneo medievale. Cristiani, musulmani ed eretici tra Europa e Oltremare (secoli IX–XIII)*, ed. M. Meschini (Milan, 2001), pp. 131–68. Additional evidence is noted in *Inquisitors and Heretics in Thirteenth Century Languedoc: Edition and Translation of Toulouse Inquisition Depositions, 1273–1282*, ed. P. Biller, C. Bruschi and S. Sneddon (Studies in the History of Christian Traditions, cxlvii, Leiden, 2011), pp. 56, 108–9, 510–13.

¹⁵ The current paragraph summarizes William’s account: Guillaume de Puylaurens, *Chronique*, ed. J. Duvernoy (Paris, 1976), pp. 138–41 (§ xxxviii, parallel Latin and modern French translation); *The Chronicle of William of Puylaurens: the Albigensian Crusade and Its Aftermath*, ed. and trans. W. A. Sibly and M. D. Sibly (Woodbridge, 2003), pp. 83–5.

¹⁶ BNF, MS. Collection Doat 21, fos. 34–50v. On this, see W. L. Wakefield, ‘The Family of Niort in the Albigensian crusade and before the inquisition. Part 1’, *Names*, xviii (1970), 97–117, at pp. 111–13; Y. Dossat, ‘La repression de l’hérésie par les évêques’, in *Le credo, la morale et l’inquisition* (Cahiers de Fanjeaux, vi, Toulouse, 1971), pp. 217–51, at pp. 241–7; Kolmer, *Ad capienda Vulpes*, pp. 82–107.

we cannot trace the evolution of the deposition as a practical tool through a neat chronological set of textual examples, what is left for us to do?

A cluster of people

One of the most distinctive voices in modern writing about the Church in the decades around 1200 is that of the American scholar Jessalynn Bird. In a way that is reminiscent of John Baldwin, she uses everything, from theological and legal commentaries to *exempla*, sermons and chronicles. She interweaves many themes, new religious orders, reform, preaching, crusade and dealing with heresy. The canvas she paints is that of the *pointilliste* period in French impressionism. There are many coloured dots: writers, legates, reformers, bishops, cardinals and preachers. She includes as many of them as she can in her picture; and shows them working, preaching, travelling, meeting and exchanging knowledge and ideas.¹⁷ Bird's remarkable success in grasping and presenting a substantial fraction of how that world actually worked is a very useful reminder. We may not have a parchment trail, but we do have a picture crowded with the people who were around in Toulouse during the years in question. It was painted by the Dominican William Pelhisson in his chronicle of the Toulouse convent.¹⁸

Pelhisson came from a (probably) middling Toulouse family and entered the order (probably) by 1230. He acted both as inquisitor and as a witness to hearings, was for some years master of works (*operarius*) of the Toulouse convent and died in 1268.¹⁹ A later Dominican historian, Bernard Gui,

¹⁷ A representative as well as very important work is J. Bird, 'The wheat and the tares: Peter the Chanter and the *fama*-based inquest against heresy and criminal sins, c.1198–c.1235', *Proceedings of the Twelfth International Congress of Medieval Canon Law*, ed. U.-R. Blumenthal, K. Pennington and A. A. Larson (Monumenta iuris canonici, series C, Subsidia, xiii, Vatican City, 2008), pp. 763–856.

¹⁸ *Guillaume Pelhisson, Chronique (1229–1244)*, ed. J. Duvernoy (Paris, 1994); particularly useful is the annotation to the English translation in Wakefield, *Heresy*, pp. 207–36. Bernard Gui copied Pelhisson's treatise on Toulouse convent properties into his *De fundatione et prioribus conventuum provinciarum Tolosanae et Provinciae Ordinis Praedicatorum*, ed. P. A. Amargier (Rome, 1961), pp. 32–42.

¹⁹ *Scriptores Ordinis Praedicatorum*, ed. T. Kaeppli and E. Panella (4 vols, Rome, 1970–93), ii. 132–3, iv. 105; Dossat, *Crises*, pp. 123–4, 128, 130–2, 134–5, 138, 221, 241; Y. Dossat, 'Patriotisme méridionale du clergé au xxx^e siècle', in *Les évêques, les clercs et le roi (1250–1300)* (Cahiers de Fanjeaux, vii, Toulouse, 1972), pp. 419–52, at pp. 428–30; J. Feuchter, *Ketzer, Konsuln und Büßer. Die städtischen Eliten von Montauban vor dem Inquisitor Petrus Cellani (1236/1241)* (Spätmittelalter, Humanismus, Reformation, xl, Tübingen, 2007), pp. 278–80; C. C. Ames, *Righteous Persecution: Inquisition, Dominicans and Christianity in the Middle Ages* (Philadelphia, Pa., 2009), pp. 114–18. A master Arnold Pelhisson was canon and precentor of St Stephen's in Toulouse (from 1236), witnessed interrogations and sentences (1237, 1245–7) and at some stage received heresy confessions (Pelhisson, *Chronique*, pp. 8–9).

confined his comments to Pelhisson's role as *operarius*. Gui's careful words about his conscientiousness, hard work and more than medium usefulness carry a hint of faintness of praise: 'diligent, hard-working and not moderately productive' (*sollicitus, laboriosus et non mediocriter fructuosus*).²⁰ Pelhisson had an eye for mundane things. Notable in his treatise on the Toulouse convent's acquisition of properties is its detailing of the locations and entrances of the lavatories.

Though Pelhisson does have a stab at spelling out the purpose of preserving history and providing the theme of the early friars' great deeds and travails, most of the time what his chronicle provides are the streets and buildings of the city, crowds and people talking and doing things. The stories about dealing with heretics convey both drama and a jumbled, improvised and 'let's all muck in' impression of these years. While historians of inquisition despair as they try to extract a precise chronology from Pelhisson, here we are trying to see the procedural disorder, experiment and creativity of this period through the frosted glass of Pelhisson's mind. However, Pelhisson does paint people – and many of them. At one point he says there were about forty friars in the convent and he proceeds to name many of them: Dominic of Baretge; John of St Michel; Geoffrey, an Englishman and great cleric – and so on.²¹ Many more strut across his pages, including others from England and Italy.

Pelhisson was a Douanier Rousseau, a Sunday painter, not a sophisticated *pointilliste*. Nevertheless, let us try to use him in an exercise inspired by Bird. From Pelhisson's Toulouse gallery we shall pick out four: Peter Seila; William Arnold; Rolando of Cremona; and Peter of Alès. We shall set them and their training and outlook alongside the inquisition deposition which was emerging in these same years and its characteristics. Salient in particular are the following: the form of a legally authenticated document; the near total confinement of topics in the *formula interrogatorii* to actions rather than beliefs; the compression of the latter to a 'yes' or 'no' question about belief in the heretics or their errors; and the modification of this by the intrusion – sometimes – of a quintet of beliefs. If we take these four characteristics and Pelhisson's four persons we shall, with patience, be able to suggest something about the institutional nature of inquisition during this period and some intellectual and scholastic trends within it. The reader should be warned that scholastic theology only enters with the third figure, Rolando of Cremona.

A Durand Pelisson was one of 1028 Toulouse men taking an oath in 1243 to maintain the Peace of Meaux-Paris (J. H. Mundy, *Society and Government at Toulouse in the Age of the Cathars* (Toronto, 1997), pp. 371, § 14). See p. 155 on these not including the poor.

²⁰ Gui, *De fundatione et prioribus*, p. 42.

²¹ Pelhisson, *Chronique*, p. 48; Wakefield, *Heresy*, p. 211.

A gallery: Peter Seila, William Arnold, Rolando of Cremona and Peter of Alès

Peter Seila

Our figures begin with Peter Seila, the first man to join Dominic and at that point already an old man.²² Belonging to what Feuchter calls the ‘capitalist elite’ of Toulouse, he had come from a family which combined wealth with a tradition of high administrative service. The earliest extant act witnessed by one of the family was written and authenticated in the house of William Seila in 1168.²³ Peter himself had served in the courts of three successive counts of Toulouse, Raymonds V–VII. He had survived tough treatment by Richard the Lionheart after his capture.²⁴ Peter gave the friars their first building in Toulouse, which came to function as the house of inquisition (*domus inquisitionis*). Alongside William Arnold and Pons of Saint-Gilles he was one of the three earliest inquisitors in the Toulouse region; and as a very old man he was still one of the most vigorous of all inquisitors and clearly a towering figure. Bernard Gui may have been reserved in his words about Pelhisson, but he let rip with Peter: he ‘grew old upon the earth, like one of the prophets of old’.²⁵

The texts surviving from Seila’s inquisitions are not his depositions but his *culpae*, meaning extracts of the bad things, confessed in depositions, which would be useful for the inquisitor’s calculation of an appropriate penance. Given the commonplace that inquisitors’ interrogations were shaped by both formulaic questions and an individual inquisitor’s outlook, it is worth looking at what can be inferred about Seila from these *culpae*. On the one hand, there is much in them which reflected what was becoming standard in these years. Old he may have been and educated long before ‘Dominican scholasticism’, but the bright and very experienced Seila will have learnt quickly. However, there is one thing in his *culpae* which is very striking: they are densely packed with references to writing – from written prayers and vernacular gospels to the drawing up of wills. Among inquisitorial minds, Seila’s was the one most alert to texts, their drawing up, possession and use.²⁶ There is nothing quite like it elsewhere, in the approximately 1.8

²² The fundamental account of Peter is Feuchter, *Ketzer, Konsuln und Büsser*, ch. 5; and of the Seila family Mundy, *Society and Government at Toulouse*, pp. 341–5. On their comital service see also L. Macé, *Les comtes de Toulouse et leur entourage. Rivalités, alliances et jeux de pouvoir, x^e–xiii^e siècles* (Toulouse, 2000), pp. 131, 338, 391, n. 75.

²³ L. Macé, *Catalogue raimondins. Actes des comtes de Toulouse, ducs de Narbonne et marquis de Provence (1112–1229)* (Toulouse, 2008), pp. 129–30, #117; see also pp. 170–1, #186.

²⁴ *Chronica Magistri Rogeri de Houedene*, ed. W. Stubbs (4 vols, London, 1868–71), ii. 339.

²⁵ Gui, *De fundatione et prioribus*, p. 59.

²⁶ *L’inquisition en Quercy. Le registre des pénitences de Pierre Cellan 1241–1242*, ed. J.

million words of the extant inquisition records of Languedoc between the 1230s and 1320s.²⁷

Though the point is obvious and could be urged using other figures, it still needs stating. The convent was situated in a city noted for the precocious development of the notarial profession from around 1100 and for its massive production of authenticated acts.²⁸ In the early 1230s the friars embraced, on the one hand, the humble Pelhisson ferreting around in the convent's charters and authenticated documents, 'in charters and instruments' (*in cartis et instrumentis*) when writing his history of convent properties; and, on the other hand, one of the most distinguished bureaucrats of the previous fifty years. As the classic inquisition deposition was emerging, it was bound to acquire the formal clothing of the authenticated instruments of this time and place. It would be surprising if Seila's immense authority and administrative experience did not affect it: even if in no longer precisely discernible ways.

William Arnold

The second figure is the inquisitor William Arnold, famous for his murder at Avignonet along with all the members of his household in 1242.²⁹ Why might he figure in our gallery? There has already been mention of one of the main characteristics of the deposition: that questions concentrated on actions rather than beliefs. This had a legal and a theological facet; and it is

Duvernoy (Castelnaud La Chapelle, 2001), pp. 34 (gospel in Occitan; letters; legacy), 40 (heretics' book in peace ritual), 56 (carrying heretics' book), 60 (legacies), 66 (keeping heretics' book), 72 (writing a will for heretics), 80 (reading in heretics' book), 82 (heretic reading), 84 (keeping heretics' book, read by anyone who wanted to read it), 94 (heretics' letters), 102 (receiving book from a heretic), and *passim*.

²⁷ This figure is based on counting a few sample pages and leaves of the principal sets of printed and manuscript records and multiplying by the page or leaf numbers. While digitization will ultimately correct this elementary calculation, it does provide an order of magnitude.

²⁸ J. H. Mundy, *Liberty and Political Power in Toulouse, 1100–1250* (New York, 1954), pp. 35–7, 115–21; and J. H. Mundy, *Men and Women at Toulouse in the Age of the Cathars* (Toronto, 1990), pp. 10–12.

²⁹ William Arnold's name is on many inquisition documents and therefore appears on many pages of histories of early inquisition; and there are several eye-witness accounts of his murder. Hardly anything else is known. According to Pelhisson he was from Montpellier and a legal expert. The earliest known date of his authorization as inquisitor seems to be January or February 1234 (Dossat, *Crises*, p. 122). Although in his list of Toulouse priors Bernard Gui put William Arnold between Peter Seila (1235–7) and Colombe of Provence (from 1242), he was also clear that little was known. He was 'prior for some time, but I have not found in what year or for how long' (Gui, *De fundatione et prioribus*, p. 50). He was murdered during the night of 28 May 1242.

the legal story which is our concern in this section. Its recapitulation is most usefully done in reverse chronological order. In the early to mid 1240s the texts of a wide range of southern French and Spanish Church councils are awash with definitions of various categories of supporters of heretics, chief among them that of the *credentes*, the believers. They were mainly defined by actions; and behind that lay a decade or more of experience, thought, and debate. The substantial contribution of lawyers is very clear in two texts. One is a *consilium* from the lawyer and former royal official Guy Foulques (later Pope Clement IV, 1265–8). The consultation's date of composition has recently been revised: it may come from as early as 1238.³⁰ There is first a brief statement of the tautology, that admitting to believing in what heretics say amounts to believing in the errors of heretics. There then follows a long, brilliant discussion of the inaccessibility of the secrets of the human heart and consideration of proof of someone's inner disposition in Roman law.³¹ This meant actions. Earlier, in 1235, Dominicans had asked a group of legal experts in Avignon to consider and define what constituted a 'believer' in Waldensian heretics. Following the tautology is the core of the formal, detailed answer they received, which was, of course, a list of actions.³²

As we ponder what precedes this, we have in our mind three solid things about 1235. What constituted a believer was a live issue at that date. Dominican inquisitors were obtaining formal legal advice on it. The law schools at this time were to the east, in the cities of Provence, especially Avignon and Montpellier. A lawyer's view of a 'believer' may have come earlier than this, from the other 'first' inquisitor, William Arnold. Legal reflection clarified inquisitorial categories, for when William Arnold is first depicted in his chronicle, Pelhisson tells us only two things about him: that he was learned in law, a jurist (*iurisperitus*); and that he came from Montpellier.³³

³⁰ Bivolarov, *Inquisitoren-Handbücher*, pp. 239–41; date: pp. 215–17.

³¹ P. Biller, "Deep is the heart of man, and inscrutable": signs of heresy in medieval Languedoc', in *Text and Controversy: Essays in Honour of Anne Hudson*, ed. H. Barr and A. M. Hutchison (Turnhout, 2005), pp. 267–80.

³² *Quellen zur Geschichte der Waldenser*, ed. A. Patschovsky and K.-V. Selge (Texte zur Kirchen- und Theologiegeschichte, xviii, Gütersloh, 1973), pp. 50–4; Parmeggiani, *I consilia procedurali*, pp. 10–13, with further bibliography at p. 11; translated in Arnold and Biller, *Heresy and Inquisition*, pp. 215–17.

³³ Pelhisson, *Chronique*, p. 44. Since William Arnold was a common name, there is no surprise in finding another William Arnold who was a jurist, still active 10 years after the inquisitor William Arnold's death (Y. Dossat, 'L'université de Toulouse, Raymond VII, les capitouls et le roi', in *Les universités du Languedoc au XIII^e siècle* (Cahiers de Fanjeaux, v, Toulouse, 1970), pp. 58–91, at pp. 77–8.

Rolando of Cremona

Pelhisson's gallery contains only a few learned men who could be candidates for inclusion in a discussion of scholasticism. Near the beginning of his chronicle he states many Paris masters and scholars had been sent to Toulouse so that there might be a mendicant university (*studium generale*) and the faith might be taught there, as also the liberal arts (*scientia liberales*).³⁴ He does not date this and names no names, confining himself to a scathing comment on their ineffectiveness. They did not manage to uproot heresy. Rather, when hearing 'unfamiliar things' (*insolita*) from them, heretical sympathizers mocked them. These 'unfamiliar things' were presumably the technical vocabulary as well as the topics of the Paris schools, not adapted to a Toulouse audience.

Shortly after this Pelhisson moves nearer to his own times. He begins to include dates, though in an insouciant manner relying heavily on 'in those days' (*in illis diebus*) and 'at that time' (*tunc temporis*). He interweaves into the story a chronological sequence of three masters who came from Paris to lecture on theology: Rolando of Cremona, John of St Giles and Lawrence, the arrival of the latter dated 5 or 6 November 1235. While John and Lawrence have small spaces in Pelhisson and no words or actions are attributed to them, Rolando, as we shall see, cuts a large figure.

He was born around 1178. By the second decade of the thirteenth century Rolando had become a famous figure at Bologna, where he taught medicine and philosophy. His writings indicate a mind well-stocked and familiar with Greco-Latin and Arabo-Latin translations of a remarkable range of philosophical and medical writings, with a penchant for moving fast into medical and bodily vocabulary and analogies. He was one of the early coups in recruitment for the high university by the young Dominican order, entering it perhaps in July 1218. He was sent to Paris in 1219 to teach the friars at Saint Jacques, did this briefly and then probably returned to Lombardy. He was in Paris again in the late 1220s and was awarded the chair in theology in 1229: the first Dominican in this new position. He held this for perhaps a year and then went to Toulouse.³⁵

His main writings are a *Summa* of theology in four books and a *Postilla in Job*, whose references to the *Summa* (but not vice versa) indicate that

³⁴ Pelhisson, *Chronique*, p. 38.

³⁵ R. Parmeggiani, 'Rolando da Cremona († 1259) e gli eretici. Il ruolo dei frati predicatori tra scatologismo e profezia', *Archivum Fratrum Praedicatorum*, lxxix (2009), 23–84, at pp. 24–5. Still fundamental is E. Filthaut, *Roland von Cremona O.P. und die Anfänge der Scholastik im Predigerorden. Ein Beitrag zur Geistesgeschichte der älteren Dominikaner* (Vechta-im-Oldenburg, 1936).

they were produced in that order.³⁶ The most frequent evocations of the contemporary world in the *Summa* suggest that the geographical poles of Rolando's mind were northern France (*Francia*) and Lombardy. (Wine is more expensive in northern France than in Lombardy, Rolando observed.³⁷) Paris moulded the two texts in important ways. First, one Paris master often named in the *Summa* was William of Auxerre.³⁸ Rolando's own *Summa* acquired its shape and core through its copying and incorporation of the questions of William's *Summa aurea*. Second, Rolando's commentary on Job was produced in compliance with the duty of the regent master in theology in Paris: to lecture and comment on a particular book of the Bible.

Rolando turned this duty into the opportunity to write in his *Postilla* a virulent attack on heresy, in particular the Cathars (*Cathari*, his usage) and another group of heretics who were in his eyes less dangerous, the Lyonists (*Leoniste* – meaning Waldensians). While his *Summa* naturally does not have this narrowness of focus, since it is a general theological treatise, a comparison between Rolando's *Summa* and William's *Summa* always shows a contrast, one which betrays Rolando's preoccupation. Where William does deal with heresy or heretics, Rolando picks up the ball and runs with it. What is a short passage in William on heretics' willingness and ability to endure the pain of being burnt to death is tripled in length in Rolando and dealt with from several more angles; and Rolando keeps returning to the topic.³⁹ In various questions which the authors share, Rolando inserts heresy and repression where William is silent.

The knowledge, memories and rumours likely to be found in both of Rolando's milieux – Bologna and Paris – are suggested in passing allusions, which also help to locate Rolando chronologically. In his *Verbum abbreviatum* (1191–2) Peter the Chanter had advocated imprisonment rather than execution

³⁶ The most accessible work is *Summae Magistri Rolandi Cremonensis O.P. Liber Tercius*, ed. L. Cortesi (Bergamo, 1962), a transcription with hardly any apparatus of a work about 550,000 words long; Luigi Cortesi's first name was rendered as Aloysius in Latin, hence the A. Cortesi of some catalogues. There are references in the 3rd book to the 1st and 2nd books, but not to the 4th (*Summa*, pp. 266, 294, 548, 994). Around 1960 Cortesi made incomplete transcriptions of books 1, 3 and 4 of the *Summa* and the *Postilla in Job*; these have now been published by U. Midali (Bergamo, 2015–17). In this chapter we rely on the 3rd book of the *Summa* in Cortesi's edition and on the *Postilla* through the extensive quotation of it in A. Dondaine, 'Un commentaire scripturaire de Roland de Crémone: "Le livre de Job"', *Archivum Fratrum Praedicatorum*, xi (1941), 109–37; and in Parmeggiani, 'Rolando da Cremona'. We follow Parmeggiani's approach to the works' dates and their Paris context.

³⁷ Rolando, *Summa*, p. 1068.

³⁸ Rolando, *Summa*, pp. 672, 734, 995, 1105, 1107, 1108, 1133, 1224, 1340; Filthaut, *Roland von Cremona*, p. 83.

³⁹ William of Auxerre, *Summa aurea*, ed. J. Ribailleur (Spicilegium Bonaventurianum, xvi–xx, 5 vols in 7, 1980–7), iii, pt. 2. 825 (bk. iii, § 43.2); Rolando, *Summa*, pp. 1132–3.

for Cathars who confessed and were convicted of heresy.⁴⁰ The airing of these ideas in Paris and among the Chanter's followers may be the background to Rolando's restatement and rejection of the proposition put forward by some: that heretics should not be killed.⁴¹ Elsewhere Rolando asks who was responsible for a heretic's death: the capturer who handed the heretic on; or the secular authority which ordered the execution? Discussion of the responsibility of secular authorities led on to the topic of authorities which killed heretics regardless of the latter's willingness to return to the faith. Perhaps there was a 'Blackadder' element in Rolando's humour, for he illustrates this with a rumour about a well-known uncontrollably bad man: 'King John, who had heretics in prison, is said to have acted like this. He said to them, "Whether you want to return or not, I'm going to kill you!"'.⁴² This probably goes back to 1206 and John's successful siege of Montauban, followed by the capture of many of its inhabitants.⁴³ The likelihood of these containing adherents of heretics is very high, for in the 1230s Peter Seila interrogated and sentenced 256 of them.⁴⁴

Peter the Chanter's argument and (probably) King John's capture of Montauban put forward the dates 1191–2 and 1206; and other dates – some only probable, some surer – begin to supply the outlines of a chronology. Rolando's discussions of summary executions of heretics by secular authorities could be put alongside various examples from the Albigensian crusade, for example, the execution of 140 heretics after the capture of Minerve in 1210. The last session of the Fourth Lateran Council in November 1215 was evoked in a reference to the count of Toulouse losing his lands through support for heresy.⁴⁵ The allusions to those with the role of *podestà* acting against heretics may refer to events in Lombard cities between 1228 and 1229.⁴⁶ Finally, there is the most significant chronological point in Rolando's discussions of heresy. He assumes it is bishops who proceed against heretics.⁴⁷ At the same time there

⁴⁰ J. W. Baldwin, *Masters, Princes and Merchants: the Social Views of Peter the Chanter and His Circle* (2 vols, Princeton, N.J., 1970), i. 322; Peter the Chanter, *Verbum abbreviatum. Textus conflatus*, ed. M. Boutry (CCCM, cxvii, Turnhout, 2004), p. 508 (§ i.76).

⁴¹ Rolando, *Summa*, p. 1365; Parmeggiani discusses later debate on the topic ('Rolando da Cremona', pp. 75–6).

⁴² Rolando, *Summa*, p. 1364: 'Sic enim dicitur fecisse rex Iohannes qui habebat hereticos in carcere. Dixit enim eis, "Sive velitis, sive non, ego interficiam vos"'.⁴³

⁴³ Roger of Wendover, *Flores Historiarum*, ed. H. G. Hewlett (3 vols, London, 1886–9), ii. 13–14.

⁴⁴ Feuchter, *Ketzer, Konsuln und Büßer*, p. 244. One of them had sold wine to King John in 1205 (Feuchter, *Ketzer, Konsuln und Büßer*, pp. 153–4).

⁴⁵ Dondaine, 'Un commentaire scripturaire', p. 117.

⁴⁶ Parmeggiani, 'Rolando da Cremona', p. 65.

⁴⁷ Rolando, *Summa*, pp. 1362, 1366.

is a total absence of any reference to mendicant friars possessing authorization and exclusive competence in this area.⁴⁸ Leaving aside occasional references to early Church heresies, we see a precise chronology in Rolando's mind: from the 1190s to around 1230, in other words, shortly before the institution of mendicant inquisition.

Rolando himself had already been at work directly with heretics. In one reminiscence he talks about questioning heretics and overpowering them in argument; and in another he claims to have captured eighteen in a day.⁴⁹ Nothing helps us to contextualize these anecdotes. However, they do not argue for a later date, for there is nothing surprising in Dominicans helping in repression in the years before the formal institution of mendicant inquisition. The Dominican Ferrier was already active against heretics in 1229, authorized by the archbishop of Narbonne.

These then are the outlines of the life and writings of Rolando, before his move from Paris to Toulouse and into a leading role in Pelhisson's chronicle. 'Master Rolando lectured in theology' in Toulouse, Pelhisson tells us, and then he recounts three stories. In the first, the people of Toulouse reacted strongly against a Dominican sermon stating that there were heretics in the city, holding assemblies there and spreading heresies. 'Very agitated and worked up', they summoned the prior of the Dominicans to the house of the commune and ordered him to tell the friars to stop preaching such stuff. They uttered threats. When master Rolando heard this from the prior he declared, 'Certainly now what we should do is press on even more and more with preaching against the heretics and their believers'. Rolando did this manfully and powerfully; and the others did likewise. Pelhisson goes on to the second story. A *donat* (lay brother)⁵⁰ of St Sernin had become a canon on his deathbed and was buried in the cloister wearing the surplice. The canons had not known that he had also been hereticated (that is, received the *consolamentum*). When Master Rolando came to hear this, he went off with friars and some clergy and they dug up the body, dragged it to a fire and burnt it. The third story is about a great leader of Waldensians called Galvan, who had died. This did not escape Master Rolando's notice and he stated it publicly in a sermon. Friars, clergy and people went off to Galvan's house, destroying it and converting it into a sewer. They dug up Galvan's body from the cemetery in the new town, processed through the town with it and burnt it on common ground outside the town.⁵¹

⁴⁸ Parmeggiani, 'Rolando da Cremona', p. 69.

⁴⁹ Rolando, *Summa*, pp. 1364, 1376.

⁵⁰ On *donats*, see C. de Miramon, *Les donnés au moyen âge: une forme de vie religieuse laïque (vers 1100–vers 1500)* (Paris, 1999).

⁵¹ Pelhisson, *Chronique*, pp. 40–5.

In each story Rolando heard something and this led to action. This pattern acquires more force through repetition. Pelhisson's text constructs the polar opposite of the ineffective Paris masters and scholars who had come earlier to Toulouse: Rolando was a figure of dynamism and energy. However, he is a figure in three strip cartoons, for Pelhisson did not have the outlook or range to assess and depict Rolando's presence in any other way.

Let us recapitulate. Rolando came from Paris to Toulouse around 1230 and left Toulouse for Lombardy three years later in 1233. Roland will narrowly have missed the clear-up work undertaken in the aftermath of the Council of Toulouse by southern bishops. In November 1229 they had been at work examining successively Catholic witnesses and heresy suspects and delivering written records of these proceedings to Fulk, the bishop of Toulouse. At the other end of Rolando's years in Toulouse there is the earliest date we know Rolando was back in Italy, October 1233. He may still have been in Toulouse in April, when the letters started arriving from Gregory IX which mandated southern French Dominicans to carry out inquisitions. During this period one of the cleverest, most learned men in Latin Christendom, and one who was almost obsessed with the fight against heresy, was lending his support to the prior and friars of the Dominican convent and lecturing in theology. Rolando's northern French, German (probably) and Lombard knowledge and experience of proceedings against heretics will have contributed much *savoir-faire*. Further ransacking of his writings would add to our view of what Rolando brought to the table. However, here we shall concentrate on the significance of Rolando's importation into Toulouse of a commonplace of Parisian theology about simple believers.

In Rolando's *Postilla in Job* heresiarchs and their believers form part of the devil's body; prelates and Catholic believers the body of Christ or the Church.⁵² The heresiarchs and prelates in the Church, for example, are the bones. Rolando concentrates mostly on heretics (that is, the leaders), particularly their believers. 'In these believers lies the strength of heretics', wrote Rolando. 'They join themselves to the heretics', he continued, 'by defending them and lodging them' (*in quibus credentibus hereticorum fortitudo est. Illi enim hereticos defendunt, et hospitando sibi conjungunt*). He deliberately uses the words denoting categories of support for heresy which had been deployed in Church legislation since the decretal *Ad abolendam* in 1184. The intimacy and strength of the link are strengthened by Rolando

⁵² The following is based on Parmeggiani, "Rolando" da Cremona, pp. 45–9. At the time of writing, *Expositio libri beati Job Magistri Rolandi Cremonensis*, ed. L. Cortesi and U. Midali (Bergamo, 2017), was not available to me.

the medic, relishing the opportunity to deploy the corporeal language of Job XL: 12. If the heresiarchs are hardened fistulae or bones, their believers are the surrounding cartilage. If the heresiarchs are testicles, their believers are nerves within these testicles. In the consumption of error, heresiarchs provide the molar teeth which grind the doctrine, while believers' anterior teeth continue the job.

Let us keep in mind the startling physicality of this, the focus on believers and the formal parallels between the parallel pairing of heresiarchs-prelates and believers-simple faithful in the bodies of both heretical sect and Church, as we turn to Rolando's discussion of faith in book 3 of the *Summa*. At one point he investigates a theme which had been given important earlier formulations by Hugh of St Victor, Peter Lombard and William of Auxerre: the faith of the simple faithful (*fideles simplices*).⁵³ The question was this: what degree of precise comprehension and ability to articulate and distinguish between specific articles of faith was required of a simple believer? This believer was specified by some commentators as stupid or uneducated and also came eventually to be represented by the stock figure of a *vetula*, a little old woman. William of Auxerre had introduced or secured the currency of the phases and notions of 'implicit' and 'explicit faith'.⁵⁴ 'Implicit faith' meant a 'simple believer' believing what the clergy set above them believed. Discussions had also introduced the idea of a handful of doctrines, just four or five, which were the irreducible minimum of explicit belief. Rolando of Cremona uses the same heading, 'On implicit and explicit faith'; he repeats the language and all the points; and the main difference is that he triples the length of William's discussion. Novelty in Rolando's usage of these distinctions and contrasts is not the issue: their inclusion in his luggage when he arrived in Toulouse is.⁵⁵

A recapitulation and a conjunction: Peter of Alès

Let us recapitulate the suggestion that two areas of higher learning, Roman law and scholastic theology, shaped inquisitors' questions. Consulted on who should be adjudged a *credens*, Avignonesse lawyers provided – alongside the simple fact of saying that one believed in the heretics or their faith – a list of actions. Foulques's later consultation spelled out the reasoning: Roman law on the problem of proof of inner disposition. Hence we see

⁵³ There is a short general account by P. Biller, 'Intellectuals and the masses: oxen and she-asses in the medieval Church', in *The Oxford Handbook of Medieval Christianity*, ed. J. H. Arnold (Oxford, 2014), pp. 323–42, at pp. 324, 328–9.

⁵⁴ William of Auxerre, *Summa aurea*, iii, pt 1, pp. 212–13 (bk. iii, § 12.5).

⁵⁵ Rolando, *Summa*, pp. 312–16; Rolando's minimum was God's creation of visible and invisible things, the trinity, passion and resurrection (p. 316).

the typical early deposition, in which a *credens* is asked numerous questions about seeing heretics, lodging them, giving them things and so on; and finally one brief ‘yes’ or ‘no’ question on belief in heretics. Converging with Roman law was scholastic theology. Against the background of the parallel taxonomies of Church and sect – clergy and lay people in one, heretics and *credentes* in the other – there was a powerful line of thought about the ‘explicit’ faith required of the clergy and the ‘implicit’ faith required of the simple lay person. The minimum – a lay person believing what his parish priest believed – was the equivalent of a *credens* believing what his heretic believed. The scholastic theological concept of the implicit faith of the simple faithful drove in the same direction as Roman law: reduction in what one expected of *subditi*, those subordinate either to clergy or to heretics. There was a small modification for both groups. Scholastic discussions of explicit faith produced four or five doctrines in which the simple faithful had to have explicit faith. By the mid 1240s some inquisitors were concluding their action-questions put to *credentes* with a follow-up on four or five heretical doctrines.⁵⁶

While these consultations demonstrate the influence of law, the case for the input of scholastic theology is conjectural: it rests upon modern scholarship putting together what Rolando wrote, the way a local historian saw him and chronology. After teaching in Paris, Rolando lived in Toulouse for these three years, lecturing in theology and visibly leading the fight against heresy. While Pelhisson was contemptuous of the ‘remote and ineffectual’ earlier immigrant dons, Rolando was his powerful hero. There is one eerie coincidence: the earliest deposition, that of Bartac in 1237, records an interrogation by two inquisitors, one of them the former prior of Toulouse, Peter of Alès.⁵⁷ Pelhisson records one conversation between Rolando and a friar in the Toulouse convent. It is Peter of Alès. Peter asks Rolando what to do. Rolando tells him what to do.

⁵⁶ If this was through the influence of discussions of implicit faith, we would investigate the later development of theological learning in Toulouse after Rolando’s departure from the city.

⁵⁷ Pelhisson, *Chronique*, pp. 40–5. Gui found documents naming him as the prior of Prouille in 1226, 1227 and 1231 (Gui, *De fundatione et prioribus*, pp. 14, 24). Pelhisson’s treatise on Toulouse properties refers to him as prior of Toulouse in 1232; and Gui says he was prior from this year; he lists the next one as prior from the year 1233 (Gui, *De fundatione et prioribus*, pp. 33 and 49). Though sometimes referred to as ‘of Alais’ or ‘of Alet’, Peter’s place of origin (Alestum) is Alès, a diocese in the Gard *département* (*Pouillés des provinces d’Auch, de Narbonne et de Toulouse*, ed. M. François, C.-E. Perrin and J. de Font-Réaulx (2 vols, Paris, 1972), ii. 859).

Institution

Let us return to the institutional question through Bernard Gui's treatise on inquisition (1319–23). Gui referred to it in its prologue as a *Tractatus de practica inquisitionis*: a discursive treatise about the practice of inquisition rather than a 'how-to-do-it' pocket book.⁵⁸ Gui was a man of few words but he made this text as long as he could. In the wake of the Council of Vienne (1311–12) Gui was protesting against its attempt to reform inquisition, providing in the *Tractatus* a general apologia for inquisition, its power and the necessity of its unfettered operation.⁵⁹ He did this in part by a demonstration of the procedural orderliness of the customary working of inquisition in the Toulousain. This is the theme of the treatise's first three parts. One hundred and thirty-one forms for 131 distinct inquisition actions provide its massive demonstration. On one of these forms, which is for appointing a new prison guard, the inquisitor refers to both himself and his successors; another form warns against anyone other than the seneschal staying in the house of inquisition (*domus inquisitionis*) while the inquisitor is away and dwells on its importance for the safe-keeping of inquisition records.⁶⁰ The permanence and complexity of this organization are palpable.

If this is an institution, can we say when it became one? Should we look at the earliest years? There is architectural continuity in Toulouse, where Peter Seila had given the Dominicans the building used for inquisition, it seems, from 1233;⁶¹ and the inquisition's key-document, the deposition, had emerged by 1237. While these beginnings make us pause, the instantaneous materialization of an 'institution' in the early 1230s is an unrealistic idea. This author is reluctant to pick a point between the 1230s and Bernard Gui, preferring just to fall back on the words of Topsy in *Uncle Tom's Cabin*: inquisition just 'grewed'.

⁵⁸ Bernard Gui, *Practica inquisitionis heretice pravitatis*, ed. C. Douais (Paris, 1885), p. 1.

⁵⁹ Together with the inquisitor of Carcassonne, he also wrote a letter of complaint to John XXII; its wording suggests Gui was the principal author (BNF, MS. Collection Doat 30, fos. 90–132v).

⁶⁰ Gui, *Practica*, pp. 61–2, 66–7.

⁶¹ Feuchter, *Ketzer, Konsuln und Büßer*, p. 56.

