CHAPTER FIVE

INQUISITIONS IN THE CROWN OF ARAGON

The Origins of Inquisition

The institution which would, very much later, come to be mythologized as ‘the Inquisition’ was first established in the Iberian Peninsula as a response to the heretics and the Waldensians who had first appeared in the lands of the crown of Aragon in the later twelfth century.1 Already by then, of course, *inquisitiones* were not uncommon and the desire of rulers and judges, secular and ecclesiastical, to enquire into rights and wrongs was already an increasingly notable feature of government.2 But heresy posed its own special problems and since there had been, in living memory, little by way of manifest heresy, equally there were few guidelines concerning how heretics were to be investigated or what should be their punishment when they had been found culpable. The *Usatges de Barcelona*, which were themselves of little practical use before the 1190s, with their peculiar mix of the requirements of princely power interwoven with the antiquated customs which would give that power legitimacy, concerning heretics only declared that they could in fact confide in the sincerity of the prince.3 That was decidedly out of tune with how heretics were being

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3 *Usatges de Barcelona: El Codi a mitjan segle XII*, ed. J. Bastardas (Barcelona, 1984), 96, no. 60; *The Usatges of Barcelona: the fundamental law-code of Catalonia*, ed.
viewed and of no guidance in how to deal with them. The legislation of many ecclesiastical councils was equally of little help. In the councils of Lleida both in 1155 and 1174, Cardinal Hyacinth Bobone had condemned heretics, but he had neither indicated how the heretics should be defined nor what should be done with them.\(^4\) Sometimes, even towards the end of the twelfth century, there was a vagueness concerning the problem in the minds of some churchmen. In 1191, when Hyacinth, as Celestine III, appointed Berenguer, as archbishop of Narbonne, he did so sure that the half-brother of Alfonso II of Aragon would be the man to uproot heresy from that troubled region.\(^5\) But he gave little indication as to what exactly he thought Berenguer was supposed to do in practical terms and there is no indication that as abbot of Montearagón or as bishop of Lleida, Berenguer had ever combated heresy at all or, indeed, had the opportunity to do so.

Yet concerning how heresy was to be treated, not everything needed to be quite as nebulous as it might have first appeared, since legislation developing outside the crown lands was increasingly tackling the problem. At the council of Tours in 1163, which had been well-attended by the prelates of the province of Tarragona, Alexander III had legislated for the confiscation of the goods of the heretics.\(^6\) If they paid close attention to its constitutions, and particularly to Canon 27, those prelates who attended the Third Lateran Council in 1179 (and that was most of the Tarragonan province) would certainly have been given some idea concerning the nature of the problem and how the church was supposed to treat it. Canon 27 specified the heretics with which it was concerned.\(^7\) They were of Gascony and the regions of Albi and Toulouse, and were called Cathars, as well as Patarenes or Publicans,