In 1598, the year that Duke Cesare d’Este (1562–1628) lost Ferrara to Papal forces and moved the capital of his duchy to Modena, the Papal Inquisition in Modena was elevated from vicariate to full Inquisitorial status. Despite initial clashes with the Duke, the Inquisition began to prosecute not only heretics and blasphemers, but also professing Jews. Such a policy towards infidels by an organization appointed to enquire into heresy (inquisitio haereticae pravitatis) was unusual. In order to understand this process this chapter studies the political situation in Modena, the socio-religious predicament of Modenese Jews, how the Roman Inquisition in Modena was established despite ducal restrictions and finally the steps taken by the Holy Office to gain jurisdiction over professing Jews. It argues that in Modena, at the beginning of the seventeenth century, the Holy Office, directly empowered by popes to try Jews who violated canons, was taking unprecedented judicial actions against them.

Modena, a small city on the south side of the Po Valley, seventy miles west of Ferrara in the Emilia-Romagna region of Italy, originated as the Roman town of Mutina, but after centuries of destruction and renewal it evolved as a market town and as a busy commercial centre of a fertile countryside. It was built around a Romanesque cathedral and the Ghirlandina tower, intersected by canals and cut through by the Via Aemilia, the ancient Roman highway from Piacenza to Rimini. It was part of the duchy ruled by the Este family, who originated in Este, to the south of the Euganean hills, and the territories it ruled at their greatest extent stretched from the Adriatic coast across the Po Valley and up into the Apennines beyond Modena and Reggio, as well as north of the Po into the Polesine region. Most of this territory, the alluvial plain of the Po river, was very flat and extremely fertile. The Este was the only Italian ruling family to have continuous sovereignty over at least part of their territories from the mid-thirteenth until the nineteenth century.

In 1597, when the Este dynasty failed in the legitimate male line, Pope Clement VIII (1592–1605), acting as a temporal sovereign and feudal overlord
claiming his rights and thereby promoting the papacy’s direct rule over another important part of the Papal States, invaded the Este capital in Ferrara. Backed by a powerful army, he used spiritual weapons of excommunication against Duke Cesare d’Este (1562–1628), the illegitimate son of Alfonso d’Este, for the expansion of the Papal State. According to the chronicler Muratori, on 30 December 1597 the Pope sent two ecclesiastics disguised as laymen, to bring a copy of the excommunication edict to Cardinal Pietro Aldobrandini, the commander of the Papal forces, who the following day affixed the bull to the door of the cathedral, thereby excommunicating the new ruler. After a hastily concluded treaty of Faenza on 7 January 1598 whereby Duke Cesare conceded Ferrara to the Pope in return for the censure being lifted, Cesare, no longer a direct vassal of the Pope, quickly relocated his ducal capital to Modena, half the size of Ferrara, which had been the Estense capital for more than three centuries, and much less attractive, in a now diminished Este duchy (consisting of Modena, Reggio and many smaller communities including Carpi, Guastalla, Novellara, Sassuolo, Correggio, Mirandola, Spilamberto and Vignola). Although the hope of recapturing Ferrara never left the Este family, they sought to establish themselves in Modena through the introduction of a number of urban projects meant to recall their earlier glory. The Duke succeeded in gaining visible control of the city by building a large palace and fortress. Although the fortified walls were surveyed in 1598 with the intention of enlarging the city, the existing enclosure was maintained, and the construction of the pentagonal fortress began, simultaneously with the ducal palace, in the early 1630s, located to the right of San Domenico, where the Holy Office was situated. Streets were paved, churches built, and public hygiene regulated through ducal edicts.

The first years of Cesare’s rule were troublesome. Disillusioned by Papal censure, located in an inadequate residence, the Duke faced several problems: quarrels between the Modenese and Ferrarese nobles who had chosen to relocate with him, ruthless defiance of the law by feudal vassals in the countryside surrounding Modena, a continuing quarrel with Lucca over the possession of Garfagnana, and the economic impoverishment caused by the loss of the duchy’s prosperous woollen and silk industries. Deeply religious, and surrounded by the continuing attempts at moral and religious reform promulgated by the post-Tridentine church – with the politically acute jurist Giovan Battista Laderchi, known as Imola, at his side – Cesare proclaimed a series of edicts to control social and religious behaviour in the duchy, including blasphemy, gambling and lustful behaviour. He was also plagued by his own inability to regain Papal favour and according to some chronicles went to Rimini on 7 May 1598, to render homage to Pope Clement VIII. Welcoming the Duke’s advances, in March 1599 the Pope raised Cesare’s half-brother, Alessandro d’Este (1568–1624), to the position of cardinal, a politically important move on the side of the papacy and for the
Este family too, who would hope for Papal support on future familial issues. Alessandro was eventually elected bishop of Reggio Emilia on 13 October 1621.

Alessandro was active until his death, in establishing new religious institutions in the Modenese capital. In February 1607 he laid the first stone of the church of San Bartolomeo that was to house the Jesuits from 1614, paid for by the Sanguinetti family. The Confraternity of the Stigmata, which housed pilgrims, was established in 1606, the Church of St Vincenzo was built in 1609, and in 1611 the monastery of Santa Orsola was opened. In 1612 the Congregation of Secular Priests was transferred to the Beata Vergine and San Carlo Church. These moves to organize more central places of worship for the faithful in Modena showed Alessandro’s concern as well as the support of his brother for post-Tridentine reform and revival.

When Cesare died in 1628, local chronicles recorded the grief of the inhabitants in the city, who eulogized Cesare as a duke who had secured and built up the new capital during an era of relative peace. Cesare was replaced by his eldest son, Alfonso III d’Este (1591–1644), who showed himself a determined and warlike ruler, but only for an extremely short period, since in July 1629 he took orders to become a Capuchin monk, taking the name Giovanni Battista da Modena but continuing to mediate in political matters whenever he could, often receiving ambassadors and diplomats in his monastic cell. He abdicated his position to his nineteen-year-old son Francesco, who become Francesco I d’Este (1610–58) and within a year was facing a plague that annihilated half of the duchy’s population. He chose to abandon the capital, taking refuge with his immediate family and nobles in his villa in Rivalta, 5 kilometres from Reggio, an action that local chroniclers viewed with disillusion and despair. City officials fought on alone against the plague, dealing with insufficient space in cemeteries for the dead, robbers who plundered empty houses, and insufficient food for survivors. He returned to Modena later in the year and by the end of his reign had restored the city to its pre-plague predominance, with its flurry of markets, religious festivals, processions in the piazze, its comings and goings of nobility, foreigners and traders who by this time had adapted well to Modena’s change from a provincial city to the residence of a princely court.

Jews in the Duchy of Modena

By the sixteenth century, Jews had been expelled from nearly every state in Western Europe except northern Italy; and even there expulsions occurred, like those of the Duchy of Milan and Naples as well as individual cities like Bologna, Brescia and Udine. Jewish life continued principally in Venice, Ferrara, Mantua, Modena and Tuscany, although the greatest concentration of Jews was in the
Papal State, and the largest Jewish community was that of Rome.

The presence of Jews in the duchy of Modena can be traced back to 1025. The presence of Jews in the duchy of Modena can be traced back to 1025. Three centuries later, in 1336, when the city came under the rule of the Estense dukes based in Ferrara, Duke Borso I d’Este (1450–71) granted the Modenese Jews privileges which entitled them to maintain religious institutions and to lend money at moderate interest. The Modenese Jewish community increased and prospered, and began to be called the Università Israelitica or Nazione Ebraica, indicating a certain independent religious and administrative autonomy, possessing, almost like an early modern Christian confraternity or guild, its own prayer congregations, scuole and welfare institutions.

During the fifteenth and sixteenth centuries, Modena proved to be a safe haven for Jewish difference. The Jews were not part of the community of citizens, with its palpable embodiment of cultural principles, beliefs and rituals, but were mostly free from religious and socio-political persecution and indeed able to address the Duke directly when they bargained with him regarding their condotte, or sent him individual requests for tax exemptions from the decime imposed on an annual basis or requests for protection from specific court proceedings. The Duke never responded directly to the Jews, but relied on local officials who formed part of the ducal bureaucracy to furnish the Jews’ needs.

Towards the end of the fifteenth and during the sixteenth century, a flow of immigrants arrived in the Estense duchy, German Jews from the north, Italian Jews from the south, and Spanish and Portuguese Jews from the west who came in two main waves of immigrations. The first wave was a result of the Spanish expulsion of Jews in 1492 and lasted until 1505, and the second followed the establishment of the Portuguese Inquisition in 1536, which caused many conversos to leave. In accordance with the privilege granted them by Duke Ercole II d’Este in 1538, renewed and refined in 1555, the Portuguese had to declare on their arrival in the duchy whether they were Jewish or Christian, and were subsequently obliged to maintain their chosen religious status. If they declared themselves to be Jews, they were guaranteed the right to live according to the laws of Judaism, and any legal action against them for apostasy was forbidden, even if they had previously lived as Christians. In reality, these Sefardim did not constitute a community or even a real presence in Modena, equal to that of Ferrara or Venice. It was the prominent Ashkenazi banking families, as the work of Federica Francesconi has demonstrated, who came to dominate the political, social and cultural life of the Jewish community.

In 1598, Jews who had previously lived in Ferrara followed Duke Cesare d’Este, attracted to Modena because they preferred the relative tolerance of the Estense family to the harsh and often unpredictable policies of the papacy. The Jewish population in the city increased, reaching 750 in December 1638 on the eve of the creation of the ghetto, almost the same number (700) as had entered
the Venetian ghetto in 1516. At the beginning of the seventeenth century, there were in all five synagogues (premises which served equally as houses of prayer, places of study and community centres) in the city, two public ones — one near the Servi run by the Sanguinetti family, and the other the Usiglio synagogue housed in the Palazzo Levi, a synagogue of the poor (la sinagoga de’ Poveri) in Via Trivellati — and two private oratories in the San Giorgio district, one belonging to the de Modena family and the other to the Sanguinetti. Most Jews resided in the San Bartolomeo area of Modena, in the Cervetta quarter which from 1622 was nicknamed the Contrada Sanguinetti: the Via del Sole, Via dei Coltellini and Rua del Muro. Some resided until 1616 in the Contrada de Servi, but had to surrender their homes and shops, as a result of the Jesuits establishing their church and college there. Jewish shops were situated under the porches of the Via Maestra (now Via Emilia) even though at times this disturbed their Christian neighbours. Important Jewish scholars who resided in Modena included Isaaco Alatrini, Aaron Berechiah de Modena, Moisè Brunetta, Joseph Jedidiah Carmi, Leone Poggetti, David della Rocca and Natanael Trabotti.

Jews in Modena were not excluded from normal occupations or commercial activities. Since their arrival in 1492, the Spanish Jews had been allowed to practise all sorts of arts and trades including medicine as did the Ashkenazi Jews. However, the Spanish Jews and then the Portuguese were absolutely forbidden to act as pawnbrokers, and to trade in second-hand goods, these occupations, as elsewhere in Italy, being reserved for Italian and German Jews. The functioning of the Jews’ banks was regulated by the particular rules or statutes of the Duke, which were often revised. In 1494 a Monte di Pietà (a charitable credit institution that issued loans against pledges under either municipal or ecclesiastical supervision) was established in the city and reinstated in 1555, but despite its presence Jews were still able to provide cash loans and often more adequate capital, usually on reasonable terms, that is until their ghettoization.

The Jews’ connections with a wide range of occupations, varying from wealthy bankers and influential merchants to petty retailers and distillers of acquavite (brandy), diamonds, glass, silk and silver perpetuated a specific sense of place, rhythm and participation in the daily life of the community. Some Jews were affluent and large operators of these materials, but most of the merchants in Modena were shopkeepers, even pedlars who sold the necessities of daily life in their stores, with time and opportunity to fraternize with Christians in this business environment. There was a network of relationships between Jews and Christians, based on curiosity and comradeship as well as mockery and imitation. As the processi reveal, not only did Jews and Christians dine together and attend each other’s parties, but sexual relations did occur, especially between Jews and Christian prostitutes. Jews would meet Christians in shops, markets and piazze, where their business contacts ranged from business agreements to
individual contracts with Christian shopkeepers, pedlars, servants, laundresses and wetnurses. Some Jews even secretly offered occult services to Christians including palm reading, alchemy, spells and the acquisition of magnets, which when baptized by priests were considered useful instruments for love magic.33

Because the Duke allowed the Jews to participate in a variety of different professions, there was a steady growth in activity and relative prosperity. Jews secured a permanent position in the commercial economy, which at this time lacked a solid entrepreneurial middle class. At the same time, Jews were expected to enter the artisan guilds and commercial corporations of the city, although this was no more than titular membership, since they were not expected to take an active role in the running of Christian guilds.34 The Jews’ versatility is particularly shown by the Formiggini family, who established extensive commercial links in Modena by not only participating in trading and banking, but also acting as silversmiths and court jewellers to the Este dukes.35 Other influential Modenese Jewish families included the Sanguinetti, Modena and Norsa – all three involved in banking activities before the creation of the Modenese ghetto in 1638 – as well as the Levi, Rovigo, Usiglio and Fano.

Behind this façade of acceptance, relative prosperity and cooperation loomed the continual threat of exceptional and isolated cases of anti-Judaism and Counter-Reformation moves by the Catholic Church to further its own control and monitoring of Jewish communities. These policies were sometimes put into practice, and at other times ignored by Estense Dukes, keen to maintain a certain level of autonomy from Papal demands. Ferrara had been the home of the notary and ducal book-keeper Fino Fini, who before his death in 1519 had written In Judaeos flagellum ex sacris scripturis excerptum, a 1,200–page treatise which condemned the wickedness of the Talmud, and encouraged his readers to see Jews as heretics deviating from the truth of their scriptures.36 This contributed substantially to the anti-Judaic polemic of the period, as did other secular Italian literature of the late sixteenth century, which showed increasing mockery and aggression toward the Jewish inhabitants of Italian cities.37 Although the Dukes had kept Observant Franciscan preaching at bay since it gave rise to periodic social disorder, the Papal burning of the Talmud in 1553 was immediately adopted by Duke Ercole II, who ordered all copies of the prohibited book to be burnt.38 In 1570 Duke Alfonso II published a grida (proclamation) that in particular demanded that Jews wear a distinguishing sign upon their clothing – as had Pope Paul IV, fifteen years earlier in his bull Cum nimis absurdum, which reintroduced this medieval ruling – as a means of visual discrimination.39 The grida also stated that besides Jewish men wearing a special hat, and women a badge on their clothing, Jews were not allowed to let Christian servants stay in their homes. There is little indication that these rulings were enforced, and the same edict was renewed in 1602 and again in 1620.40 On 31 January 1598, a few
months before the Estense duchy moved its capital to Modena, during Carnival on the festival of Saint Gemignano, Giovan Battista Spaccini, the Modenese chronicler, reports how the crowds rowdily demanded the expulsion of local Jews.41 Although a petition for their expulsion from the city was handed on 3 February to Duke Cesare by the custodians of the city and representatives of the guilds, he ignored the matter.42 The chronicler Spaccini also describes in detail a visit of the popular Franciscan preacher Brother Bartolomeo Campi da Saluzzo, who came to Modena on 24 July 1602.43 During this time he took the opportunity to denounce, among other excesses, the privileges given to the Jews of the duchy.44 There was, however, no violent reaction by the people against the Jews as there was in Mantua.45

The first three decades of the seventeenth century, after the influx of Jews and other inhabitants of Ferrara to the city of Modena, were a transitional stage, in which the interaction between Jews and Christians suggests a balance between tolerance and exclusion, protection and suspicion. Historians can still sense the double nature of the Jews’ position as both insiders and outsiders, participating in commercial activities and interactions with Christians, while at the same time facing occasional outbursts of hostility from both secular and religious leaders as well as the people. Nor was there daunting pressure from a local Opera Pia dei Catecumeni in Modena at this time, since the house was established by the Inquisition only in 1700.46

The decision to build a ghetto was made in 1618 by Duke Cesare d’Este partly out of religious piety, partly in response to pressure from the local guilds and Capuchin preachers (in particular Bartolomeo Campi da Saluzzo, who returned to preach in 1618), and partly out of obligation to the Papacy, whose own policy of ghettoization had been initiated in Rome in 1555.47 Cum nimis absurdum (1555) had demanded that Jews be separated from Christians and compelled to live in an enclosed quarter, enforcing restraint on Jewish freedom to associate with Christians. Nonetheless, the creation of the enclosure was delayed for another twenty years due to disagreements between appointed delegates as to the exact location and size of the ghetto as well as who should finance the project.48 With the accession of Francesco I in 1630, the project was bolstered by a Duke particularly keen on monitoring local Jews more stringently and imposing further restrictions. However, the arrival of the plague in 1630 deferred the project for a few more years, but still brought an intensification of secular and ecclesiastical disapproval of local Jews. Jewish bankers in particular were blamed for keeping large quantities of gold and silver received in pawn from many people who had died in the plague.49 Duke Francesco I ordered all the homes of Jews to be checked, an inventory made of all their movable and immovable assets as a result of the plague, and the confiscation of the personal properties of those Jews who had perished in the epidemic.50
THE INQUISITION AND DISCIPLINING JEWS

From 1631, the position of Modenese bankers as the most influential Jews came to an end, the banks were sold and communal authority was passed over to the massari (lay leaders) and the Università itself. In 1635 the Jews were ordered by Francesco to attend weekly conversionary sermons, a policy which acknowledged Pope Gregory XIII’s 1584 bull Sancta mater ecclesia, which introduced this ruling. The Jewish community wrote a letter of complaint to the Duke, saying they were unwilling to obey this command and asking permission instead to attend only once a month with not all members of the family, but just one representative from each. This request was granted.

Archival sources do not suggest that the presence of the Holy Office in Modena affected or influenced the establishment of the ghetto in 1638, although it had remained a buffer between Jews and Christians in the city. Instead, the bishop’s court orchestrated the move on behalf of the Papacy, promoting the project and offering full assistance to the Duke. Certainly, once the physical walls were built around the area where most of the Jews had lived previously, they became more estranged from their surrounding society. Jews were assigned homes according to the size of families, work areas according to their profession, and spaces for synagogues according to detailed arrangements with ducal officials. All five synagogues were relocated inside the ghetto area and were not visible from the outside walls. However, the Podestà Andrea Codebò allowed the Jews to retain certain shops outside the enclosure, because they could not be accommodated inside the assigned area of the ghetto, and in 1643 the Jews were allowed to construct additional places of worship within the ghetto.

The enclosed space was enlarged in 1702 and then again in 1783, incorporating facing houses on the Via Torre and Via Squallore. Interestingly enough, no effort was made to incorporate those Jews who lived elsewhere in the duchy in either their own or the main ghetto of the city.

As Robert Bonfil has demonstrated, it was this period of ghettoization which brought a certain degree of impoverishment, but also enabled the Jews to create a far more dynamic and gratifying Jewish existence, hidden within the walls of their own sacred space in what Anna Foa has described as a ‘confinement where a community’s reaction to external pressure naturally tends to reinforce rather than fragment cohesiveness’. The Jewish community became stronger and more self-sufficient, widened its intellectual activity, and furthered its cultural development as well as improving its own welfare organizations.

The creation of the Inquisition in Modena

Before the fifteenth century it is impossible to speak of a medieval Inquisition as a universal church institution. Instead, individual or groups of Inquisitors,
usually mendicant friars with some training in canon law, were sent by popes to deal with outbreaks of heresy when they surfaced in Sicily, Southern Italy, Armenia, Morocco and Norway. In Italy in the 1230s temporary Inquisitorial courts were set up to deal with deviant communities of monks and nuns, and to attack Cathar heretics who had gathered in south-western France. Inquisitors had the authority to proceed against suspected heretics ex officio (by virtue of their office) and to investigate and prosecute heresy by themselves. Borrowing legal practices from Roman law, they did not rely on formal delation or accusation, nor were suspects offered legal counsel. Inquisitors did not particularly inspire confidence or popularity and on occasion they were assassinated. By the beginning of the fourteenth century, a change in standard Inquisitorial procedure demanded that before the tribunal could move from a preliminary inquiry to a full trial the suspect had to be formally accused. This certainly helped their professional reputation.

Whereas these medieval Inquisitions were essentially ecclesiastical institutions, the Spanish Inquisition, authorized by a Papal bull in 1478, was controlled by the Spanish Crown. Dominican friars acted as the first Inquisitors General in Spain but were soon replaced by trained canon lawyers, men who had often been bishops or archbishops, and who possessed more serious academic and professional qualifications. The Inquisition was set up to attack the politico-religious problem of conversos, and by 1493 autonomous courts were functioning in twenty-three different cities, reduced to eighteen more centralized institutions (twelve in Castile and six in Aragon) in 1505 to lower costs. From the mid-1530s the institution turned to lesser offences in Spain, such as blasphemous speech, abuse of the sacraments and superstitious rituals, keen to instruct Spaniards on matters of morality and faith in accordance with the recommendations of the Council of Trent (1545–63). Another Inquisition in Portugal, established in 1536, was never free of the converso problem, dealing consistently with offences related to judaizing throughout its history. Two more tribunals – in Sardinia (1492) and Sicily (1487) – could be found in those islands off southern Italy then under Spanish rule, and these tribunals were controlled by the Spanish Inquisition dealing primarily with judaizing and then lesser offences. The first Inquisition in Spain’s American colonies was set up in Lima in 1570, and was soon followed by tribunals in Mexico City and Cartagena. At first the Inquisition in the New World concentrated on heresy and began rooting out unbelief and superstition among the Indians, but the Inquisitors quickly realized that the inability of American Indians to absorb European religious concepts called for intensive missionary work rather than prosecution.

On 21 July 1542, Paul III (1534–49), inspired by Cardinal Carafa, who had been impressed by the efficiency of the Spanish Inquisition when he had served as Papal nuncio in Spain, and concerned about the state of non-conformity...
particularly in Modena, Lucca and Naples, issued the bull *Licet ab initio* re-establishing the Sacred Congregation of the Holy Office in Italy. This time the Inquisition was to be an inter-state institution with a mission to bring about religious unification and deal with Christian heretics who tended to Protestantism throughout the Italian peninsula, and not Judaizers – at least in the beginning. In this respect it was fundamentally different from the Spanish and Portuguese tribunals. Six cardinals who in 1542 formed the Sacred Congregation of the Holy Office were empowered to proceed against heretics and given the right to nominate delegates. Appointments of Inquisitors as well as overall supervision of procedures were the responsibility of the Congregation, and their tribunals were empowered by the Papacy to proceed independently of existing clerical and lay authorities against anyone, regardless of rank. The central figure of the Congregation was the cardinal secretary, who had the responsibility for keeping in efficient and constant communication with the Inquisitors serving in the peninsula. By the late 1580s, the Sacred Congregation of the Holy Office had authority over forty-two Inquisitorial tribunals and these tribunals had to send regular updates and copies of proceedings to Rome, and to await in return verdicts or orders as to how to proceed. Through such industrious contact, the Congregation hoped to bring about a uniform Inquisitorial process throughout the peninsula.

Roman Inquisitorial tribunals spread throughout Northern Italy, becoming important arbiters of religious conformity, dealing initially with Lutherans and Anabaptists, but by the 1580s they had begun to prosecute lesser offences such as magic and sorcery (often misleadingly termed witchcraft, a term which ought to be reserved for satanic practices). It was a way for the papacy to ensure tighter religious control of neighbouring Catholic states. However, what the local tribunals were able to achieve depended on the co-operation of secular rulers and the ecclesiastical organs already in existence in a given state. Several of the Italian states, such as the republics of Venice, Genoa and Lucca, established their own courts dedicated to eradicating heresy and insisted that the Inquisition not interfere. In duchies such as Mantua and Modena, Inquisitors had to accept that ruling dukes tolerated the heretical tendencies of some of the leading members of their courts, sometimes to the point of shielding them from prosecution. It is therefore inappropriate to speak of a single Papal institution or a uniform organizational structure.

In Modena, the Inquisitorial vicariate established in August 1542, subject to the jurisdiction of the Inquisition of Ferrara, was determined, since Modena in the 1540s was considered a terrible hotbed of Lutheranism in Italy, to rid the Catholic population of numerous Protestant and Calvinist tendencies. Despite Giovanni Romano’s argument that creation of the Papal Inquisition in 1542 did not particularly increase the productivity of Inquisitors, by 1568 the Modenese...
Inquisitorial vicariate had managed to eradicate successfully not only Protestantism but also witchcraft from the valley of Panaro, the area near Castelnuovo, the territories of Campogalliano-Lesignano and S. Felice, Finale Emilia, and S. Biagio in Padule.75

The elevation of the Modenese Inquisitorial tribunal from vicariate to full Inquisitorial status, by Pope Clement VIII on 8 April 1598, brought little reaction or comment in the new Estense capital. Three Inquisitorial tribunals now existed in their own right – in Ferrara, Reggio and Modena, strategically placed in these areas of intellectual activity to obstruct Protestant infiltration.76 In reality, the new Modenese Inquisition had on the one hand no political or civil influence in the city, and on the other no secular official sitting on its tribunal. Yet it became one of the most active Inquisitions in Italy.77

That the Papacy was keen to establish an Inquisitorial tribunal in Modena at this potentially explosive time, with the Duke recently excommunicated and still mortified over the loss of Ferrara, reveals the Papal intention to meticulously monitor the new Estense capital.78 The nine Inquisitors General who served as heads of the Modenese tribunals between 1598 and 1638 were all professionally trained canon lawyers, who were often involved in local religious politics, hampered by local ecclesiastical controversies and arguments that threatened their ability to operate efficiently. Yet they were equally determined to eradicate heresy, dealing with a variety of different offences during their terms of office. The range of offences they prosecuted included heretical blasphemy, superstition, magical offences involving sorcery, maleficio, witchcraft, divination, sacrilege and astrology, the possession of prohibited books, abuse of the sacraments, participation in Jewish and Muslim rites, breaches of ecclesiastical regulations, and impeding or opposing the work of the Holy Office. From approximately 1622, the offence of eating meat, eggs and milk products on forbidden days was also prosecuted, as well as priests or secular clergy living with women in concubinage.79

Having received his investiture from the Sacred Congregation of the Holy Office in March 1598, the first Inquisitor General, Father Giovanni da Montefalcone, served in Modena from December 1598 until his death in October 1599.80 Biondi describes his first encounter with Duke Cesare and Bishop Gaspare Silingardi (1593–1607), both of whom offered their services to the Inquisition.81 Montefalcone, in his short term of office, managed approximately eighteen investigations (none of them against Jews), for blasphemy and witchcraft, although he carried out far fewer proceedings than his successors, since he was impeded by the technical problems of a new tribunal.82 He also tried to gain jurisdiction over surrounding territories, in particular the towns of Carpi, Nonantola and Brescello.81 He was followed by Brother Angelo Brissio, who held office from November 1599 until May 1600, conducting approximately thirty-
four investigations (only one against a Jew for holding prohibited books), facing at the same time much criticism and aggression from the secular power to the extent that the local chronicler Spaccini believed that he was relieved of his generalship because of this. He continued his predecessor's prosecution of heretical blasphemy as well as witchcraft and magical offences, and made the Inquisition much more visible in the city state as it prosecuted prominent noblemen for heretical tendencies.

Father Archangelo Calbetti de Recanati – whose term lasted significantly longer than his predecessors', from November 1600 to April 1607 – conducted 341 investigations (32 of Jews), approximately forty-nine a year; he too concentrated on the offences of heretical blasphemy and superstition. He also concerned himself with the Inquisition's public image, determined to improve the tribunal's relationship with the Duke, as well as with other religious orders. He maintained a far closer contact with other northern Italian tribunals such as those in Bologna, Ferrara, Parma, Mantua and Milan. When he moved to Piacenza, in 1607, to take over the generalship from Eliseo Masini of the Inquisition there, he was replaced by Serafino Borra, who conducted approximately fifty-nine trial investigations (four of Jews) before passing the generalship to Michelangelo Lerri in 1608. Lerri again concentrated on processi for heretical blasphemy and superstition, and he was famous for writing a comprehensive Inquisitorial manual intended to assist Inquisitors to conduct trial proceedings more accurately, which was distributed among other tribunals in the peninsula. He carried out 219 trial investigations (seventeen of Jews), approximately twenty-seven a year. His successor, Massimo Guazzoni (1616–18), concentrated on trials of Christians who failed in their religious observances, and held forty-eight trials (six of Jews), twenty-four a year.

Tommaso Novato, who replaced him for two years (1618–20), returned again to issues of blasphemy and superstition, conducting approximately seventy investigations (seven of Jews), thirty-five a year. Giovanni Vincenzo Reghezza became Inquisitor General in 1620 and held the office for six years, during which he conducted 487 investigations (thirty-four of Jews) approximately eighty-one a year, many for holding prohibited books. The final Inquisitor General in our period was Giacomo Tinti di Lodi, who held the position from 1626 to 1647. During the first twelve years of his term in office he conducted 402 trials (eighty-five against Jews), approximately thirty-four a year with a larger proportion of trials against practising Jews, between 1630 and 1640, for possessing prohibited books. The amount of energy invested by these Inquisitors General in the prosecution of Jews therefore varied.

Although there is documentary evidence of a domus Inquisitionis existing in Modena since 1299 in the garden of San Domenico, a physical space where trials were held and prisoners incarcerated and tortured, the Inquisitorial
vicar, Antonio da Brescia, had a new building constructed in 1517 to replace the ramshackle tower. Even so, Giovanni da Montefalcone, the first Inquisitor-General in 1598, commented on the austerity of his accommodation upon arrival:

As to the property of our office, there is nothing except one cell, in a dormitory with the other monks, with a bedstead, a bed and a mattress, without sheets or covers and stripped of all religious furniture.

During the first five years of the Inquisition’s existence, interrogations of male suspects were carried out in a side room in the San Domenico church, women were interrogated in the chapel of Santa Caterina di Siena, and prisoners in general were taken to the bishop’s palace to be tortured. There was only one prison cell that the Holy Office could use in the monastery. Sufficient money was raised by the Inquisition through fines imposed on offenders, particularly Jews, to erect a new building by 1604. On his retirement in 1607, Calbetti described in detail, and with pride, the new building:

the building of the new Inquisition is a building with a large staircase with two flights of 27 terracotta stairs which lead to a room for the notary and one for the caretaker, and to a council chamber, behind the fireplace of which is a torture room, with two doors that open into the chamber and two windows which look out over the tiles. In the torture room are the fornimenti [namely the instruments of torture]. Adjacent to the torture room there are three rooms, where the Inquisitor usually lives. On this floor there are four new prisons which have been added to the two old prisons already built in times past by the Confraternity of the Cross, which are situated on the ground floor, near the cellar.

Besides the Inquisitor General and his vicar, twelve consultori (four theologians, four canonists and four jurisconsults), eight ministri and twelve famigliari made up the workforce of the Inquisition. The famigliari were not employees, but amateur officers who had a general duty to personally protect the Inquisitor and assist the Holy Office by spying on local inhabitants and looking out for heretical, superstitious or blasphemous behaviour, in return for privileges in the court, fiscal exemptions and the right to carry prohibited weapons. They played a role in the Papal Inquisitions not only in Modena, but also in Milan, Como, Cremona, Pavia, Rimini, Faenza, Imola and Florence, and occasionally brought about the conviction of Jews. In 1622 the number of people employed increased to at least 154, and their names and positions were registered in a ‘catalogue’ in the Inquisitorial vicariates in the Estense region. This catalogue subdivided into 40 congregations the territories of Modena, Carpi, Nonantola, Frignano and Garfagnana, with each congregation manned by at least three people: a vicar of the Holy Office (who was usually a Dominican friar and an influential parish priest) often put in charge of ‘Inquisitorial subdistricts’, a notary, and an
agent or nuncio of the Inquisitor. As Andrea del Col shows, the reinforcement of such vicariates as decentralized structures, which were dispersed through the rural territories of the dioceses utilizing the already existing structure of the episcopal courts, ensured that the jurisdiction of the Holy Office reached all areas of the duchy. Although the vicars had limited autonomy to carry out actual proceedings, their duty was to transfer the reports of initial investigations and delations to the central office in Modena. The number of employees of the Inquisition multiplied in the eighteenth century when positions such as fiscal procurators, registrars, trustees, surgeons, barbers, pharmacists, printers, domestic servants, a controller of the port and an inspector of the ghettos were added to the list of Inquisitorial officers.

That the Inquisition had power over the bishop and other ecclesiastical dignitaries in matters of heresy caused initial problems in 1598, as it did elsewhere, and as Christopher Black has shown that such interaction could turn violent. The association of bishops with proceedings of the Holy Office already had a Machiavellian history in Modena at that time. Not only had the city of Modena been immersed in a state of nonconformity between 1520 and 1550, the sixteenth century had seen the traumatic proceedings against the beloved bishop of the city Giovanni Gerolamo Morone (1529–50 and 1564–71), an influential member of the Council of Trent, who had been prosecuted by the Holy Office in Rome, originally for temporizing Protestant reformers in Modena, particularly in his contact with members of the well-known Accademia of the city, but then eventually charged for Lutheran heresy. Although he was prosecuted in 1557, the Cardinals of the Congregation could not find grounds for any of the charges against him, but he stubbornly refused to leave prison unless Pope Paul IV, a former Inquisitor, and one who believed in the infallibility of the tribunal, would admit his error. Pope Paul IV refused, leaving the bishop to languish in prison until the Pope’s death on 18 August 1559.

Relations between Inquisitors and bishops began on shaky ground, and Bishop Gasparo Silingardi (1593–1607) in particular resented the Inquisition’s intrusion on his jurisdiction, which reduced his income. The Tridentine bishops had their own reformist agenda, which they were keen to enforce with little interference: in particular, policies to restructure religious faith and practice. Bishops in the latter half of the sixteenth centuries busied themselves with the foundation of the first episcopal seminaries and annual pastoral visits to congregations in the many dioceses of the duchy to maintain the morality of the clergy, instill orthodox doctrine, eliminate all traces of heresy, and spread new important liturgical books. In 1598, Silingardi in frustration refused to subsidize the local tribunal, which was forced to apply to the Bolognese Inquisition, and from time to time to the Congregation of the Holy Office in Rome, for subsidy. As a result of this lack of support, Montefalcone decided to circumvent Silin-
gardi, refusing to inform him of Inquisitorial proceedings. The Congregation in Rome, displeased by the lack of cooperation between the two, interceded and ordered the Inquisition to collaborate with the bishop on all matters. But the bishops themselves still refused to concede. When Giovanni Battista Galizia was released from the prison of the bishop’s court in 1600 after charges of heresy had been dropped, Silingardi failed to give notice to the Inquisition.

By the 1620s, Bishop Pellegrino Bertacchi (1610–27), who was keen to endorse better relations, showed himself more ready to support the Inquisition, and on occasions helped the tribunal by mediating between it and the Duke. By this time, too, bishops were more willing to take a back seat in the pursuit of heresy and concentrate purely on ecclesiastical discipline and popular devotion, ridding the church of internal tensions and moving towards a healthier and stronger post-Tridentine church. Although Inquisitors became the predominant judicial figure in the church hierarchy in the peninsula, this did not stop bishops from wanting to maintain some role in Inquisitorial proceedings. In 1635, Pope Urban VIII (1623–44) ordered Inquisitors to transfer to the palace of the bishop any interrogations in which the bishop wanted to be involved in personally.

The Inquisition aimed to obtain a level of cooperation and aid from the surrounding Christian community. As a result of Tridentine reforms, put into practice particularly by local bishops in Modena, the parish church emerged in the beginning of the seventeenth century as the central place of worship. Every Sunday, at mass, parish priests would preach against heresy in sermons, and twice a year, on the first Sunday of Advent and then Lent, Inquisitorial edicts listing all possible forms of error in detail and requesting the congregation to denounce all suspects were read aloud. All Christians had a moral and religious responsibility for their own conduct and for that of their family and neighbours.

Because congregations were expected to participate fully, failure to comply or attend confession was easily discovered and had to be reported at first to a confessor and then to the Inquisition. In 1559 Pope Paul IV had ordered that, during confession, confessors were to ask penitents if they themselves or anyone they knew read prohibited books, engaged in sorcery or magic, or propagated unorthodox ideas. Refusal of sacramental absolution became standard for those who revealed heretical behaviour of themselves or others unless the confessant appeared before the Inquisitor. As Adriano Prosperi has shown, transgressions were thereby turned into matters of conscience.

If the penitent admitted to any of these offences, he or she was told that the only way to obtain absolution was by reporting the offence ‘voluntarily’ to the Holy Office. This system enabled offenders to demonstrate their penitence, and denounce their accomplices. Confessors clearly ceded powers to the Holy Office when matters of heresy or other major ecclesiastical or moral offences were involved. At the same time, the Inquisition was in fact assuming functions which,
Conflict with the ducal house

The efficiency of the Holy Office in Italy was often impaired by the tribunals’ unstable relations with local secular authorities. Initial uncertainties, conflicts with secular rulers and other prosecuting bodies, necessary strategies of adjustment, and judicial allocations affected the rise of the Inquisition in many cities. There were also cases in the latter half of the sixteenth century, like those of the republics of Lucca and Siena, where the governments refused to accept Inquisitorial tribunals, and its secular courts continued to prosecute offences of heresy, magic and witchcraft without Papal interference.117 In Modena, the timing of the arrival of an Inquisitor General in 1598 to head the new branch of the Inquisition was potentially difficult. Duke Cesare d’Este, spurred by resentment towards the Roman Curia, and especially towards Pope Clement VIII for reclaiming Ferrara and imposing an interdict, was hardly ready to accept a Papal Inquisition with open arms.118 A deeper anti-Papal attitude also existed in Modena, since fifty years earlier the Duke had resented Papal intrusion in bringing to trial seventy of the dissident Modenese citizens of the Accademia, in what was considered an affair of state.119 With the Pope revealing himself as a temporal aggressor in 1598, it was also hard for the Duke to accept the Pope’s new tribunal, which demanded increasing jurisdiction over religious discipline including blasphemy and heresy, previously reserved for local secular courts which in Modena consisted of the Tribunale Camerale and the Giudici del Maleficio.

The pressure on the Inquisition to show immediate results and therefore justify its existence was real. Although Inquisitor-Generals were appointed directly by the Pope, with approval of the Duke of Modena, the first Inquisitor General worked quietly behind the scenes to become established. The second, Angelo Brissio of Cesena, who remained in Modena for less than a year, was unpopular for his rigidity and had many personal clashes with the ducal house, in particular regarding the expurgation and removal of prohibited books in the possession of Jews, which the secular courts refused to allow the Inquisition to execute effectively.120 Eventually he was removed from office, and Spaccini believes that the Duke was wholly responsible for this. The local chronicler was pleased to see him removed, emphasizing at the same time his bitterness towards the Inquisition and his own suspicion that Brissio would try to take away goods that belonged to the church:

The prince has taken much trouble to have the Dominican inquisitor removed from his post, fearing that if he carried out his duties with his customary strictness something might arise which they [the Inquisitors] claimed as their own,
because they think of nothing but creating opportunities to appropriate goods for the Church.\textsuperscript{121}

The next Inquisitor-General, Archangelo Calbetti de Recanati, who succeeded Brissio in 1600, was determined to improve relations with the Duke. Calbetti asked the Inquisitors General in Parma and Mantua to advise him how to proceed. He was urged to approach the Duke personally, to confirm that the tribunal intended to aid the state and was most interested in collaboration with the secular courts in dealing with wrongdoers whom the Duke also condemned in his edicts.\textsuperscript{122} The Holy Office worked cautiously, trying not to anger the Duke’s court and accepting that a third of the confiscated goods of condemned heretics would go to the ducal treasury, while the Inquisition itself would receive no subsidy from the duchy.\textsuperscript{123}

Cesare d’Este was not in a strong enough position to assert further demands upon the Inquisition.\textsuperscript{124} He tried in vain to argue, under the influence of his minister Giovan Battista Laderchi (known as Imola), that representatives of the secular power should sit on the Inquisitorial tribunal, as they did in Venice where three secular officials, or Tre Savii sopra Eresia as they were known, existed to make the Inquisition more effective by adding the state’s power to that of the Church.\textsuperscript{125}

The civil magistrates in Modena had had their own methods of dealing with offences such as heresy, considered within the jurisdiction of secular courts, since such offences disturbed the political as well as the religious body of the state. Regarding blasphemy and witchcraft proceedings, the ducal court in Modena continually argued with the Inquisition that it was able to deal with the simpler forms of blasphemy, which did not involve heretical propositions.\textsuperscript{126} The Duke also preferred that cases of well-known and respected citizens and nobles should come within the secular jurisdiction.\textsuperscript{127} In the particular case of Curzio Azzi di Ferrara – the Duke’s capitano delle lance spezzate, in 1600 accused of heretical blasphemy and having sex with a prostitute – the Duke argued in vain that these offences fell within the jurisdiction of the Giudici del Maleficio, and that the trial be conducted under his jurisdiction.\textsuperscript{128} Another case that fell between the courts was that of Elisabetta Noliani di Viadana, who was accused of trying to kill the wife of her lover by witchcraft in 1615. The Inquisition argued that witchcraft was a crime which might involve both apostasy and the infliction of physical harm, and was therefore a crim\textsuperscript{129} re mixti fori, that is one that could be judged by both religious and secular tribunals. In the end the Inquisition successfully asserted its jurisdiction and prosecuted both cases.

From 1600, Duke Cesare, trying to assert his authority again, demanded that he be told the names of all suspects and the dates of their trials. The Inquisitor appealed to the Congregation of the Holy Office, and correspondence between the two institutions on this issue continued for the next nine years. In 1609 the papacy lost patience and ordered Michelangelo Lerri, Inquisitor...
General between 1608 and 1616, to ensure that only when a trial was conducted against someone from his household would the Inquisition inform the Duke:

not out of obligation, but out of courtesy, you should notify the most serene Duke only when the Holy Office has to proceed against members of his household.130

Nevertheless there were some occasions when the Inquisitor conceded and provided the Duke, when deemed necessary by the Congregation of the Holy Office, with information regarding the prosecutions of members of his court.131

Inquisitorial action against the Jewish community was also fraught with political implications. Jews in Modena, as in other states, were above all subjects of the secular authorities and answerable to the Giudici Ordinarii, the Ducale Camerale, the Tribunale dei Dodici Savi and the Giudici del Maleficio, which dealt specifically with heresy and blasphemy, if they committed crimes, and the Magistrati delle Artii regarding guild issues.132 These courts were entitled to try Jews for offences against Christianity, such as lodging Christian servants in their houses, and having intimate contact with Christians.133 The Inquisition had to adapt its policies and take account of the relationship which bound the Jews to the Duke. As the trial proceedings reveal, this often resulted in the Inquisition’s authority over Jews being circumscribed.

The more acute phase of quarrels between the Inquisitorial power and the civil power was over by 1620 and conflicts were minimized after that. The relationship between Inquisition and Duke stabilized, and with few exceptions remained peaceful until its abolition in 1785.134 The business of the tribunal continued with an effectiveness that would have been impossible without the practical support provided by representatives of lay authority, particularly with the execution of arrests and punishments that involved the shedding of blood, a task that had been canonically forbidden to church courts since medieval times.135

The Inquisition and professing Jews

How could the Roman Inquisition, an organization appointed to inquire into heresy (inquisitio haereticae pravitatis), be entitled to prosecute Jews who had never been baptized, and for that reason appeared to be incapable of Christian heresy? When Pope Paul III instituted the Holy Office of the Papal Inquisition in 1542, there was no mention in his bull of practising Jews as offenders or that the Inquisition was to have direct jurisdiction over them. It was not until thirty-nine years later, when Inquisitorial tribunals had already been established in many states across northern Italy, that Pope Gregory XIII’s bull Antiqua iudaeorum improbitas of 1 July 1581, building on policies and stances of Pius V, authorized Inquisitorial supervision of practising Jews.136 Clause 12 of this bull stated:
In these cases both general and particular of every aforesaid wickedness we assign as Inquisitors for every kingdom, province, state, dominion and place in the whole Christian world, judges for all time, each in his own area, to diligently make enquiries and institute proceedings about these matters against the Jews and any other heathens [italics added], together or separately, in the cause of the faith, according to the plan of the holy canons and the constitution of the Office of the Inquisition, and those whom they find guilty of any of these crimes let them sentence according to their culpability, the number and frequency of their offences and their habitual offending, to whipping, the galleys, even permanent exile and other harsher punishments, which should be made public to provide an example to others and deter criminals from that sort of crime in the future.137

This statement clarified not only that the Inquisitorial court was able to prosecute Jews for certain offences, but that it had the right to bring about corporal punishments or even ‘harsher punishments’ of Jews. Gregory XIII’s determination to fully prosecute and punish Jews is set out further in clause 15, where he rendered superfluous the citation of early Papal pronouncements supporting the position of Jews or protecting them:

[We recognize that there are] apostolic statutes and orders, and exemptions, privileges, immunities, and supplies at the public expense [enjoyed by] the aforementioned Jews and other heathens, Marranos and apostates, whether in the dominions, lands and places ruled directly or indirectly by us and the Holy See. [This applies whether they] abide in any other kingdoms, provinces and dominions, people and places, or in any other kingdoms and regions, whether of the faithful or of heathens, and their judges, advocates and defenders, by whatever authority, power or dignity they hold office, even though it be at the instance of the emperor, kings, dukes or any other rulers, even through Paul III of blessed memory on February 20 and Julius III on December 5 each in the third year of his pontificate, but also all the other Roman pontiffs both past and future and ourselves and the Holy See and its envoys and the Apostolic Chamber. In whatever forms, and with whatever edicts and decrees, whether issued in the proper fashion or in any other way, granted, confirmed and renewed, or due to be granted, confirmed and renewed in the future [these are], all of them we particularly and expressly revoke, abrogate and completely abolish, no matter who opposes us, even if there is special, specific, express and individual mention of them and all their implications . . . .138

To ensure that his orders would be understood and acted upon, the bull demanded that:

these presents be published in the usual places in the city and copies of them, authenticated by the hand of the public notary and the seal of the holy Roman and universal Inquisition or supplied with the authority of an ecclesiastical dignitary, be straightway published not only in the jurisdiction of the faith but also beyond it . . . .139
THE INQUISITION AND DISCIPLINING JEWS

The content of the bull was not original. Since the Middle Ages there had been a general belief among theologians that the papacy could punish Jews. Instead, the bull represented an attempt to bring together, even to codify a good deal of medieval canon law. What was new was the fact that the papacy was actively encouraging its recently created Holy Office to directly prosecute practising Jews for these particular offences.

Before the thirteenth century, Jews’ position in Catholic society had been seen as one of perpetua servitas (perpetual servitude) as defined in Innocent III's 1205 Papal bull Etsi iudaes, which sanctioned the boundaries of an essentially stable juridical status. If Jews violated a church regulation, such as not wearing their badge or treating a cleric with disrespect, ecclesiastical authorities, before the establishment of the medieval Inquisition, were to ask local secular rulers to punish them. If they refused, the church would often resort to ‘indirect punishment’, in which case the Christian who refused to stop economic and social contact with the offending Jew was excommunicated. According to Grayzel, this method was known as judicium Judaeorum and encouraged the popes of the thirteenth century, in particular Pope Innocent IV, to recognize that the Church had to have direct authority over Jews if they violated laws of nature, for example by cohabiting with Christians or blaspheming against their own God. When canon law was codified first in Gratian’s Decretum around 1140, and then in 1234 when Pope Gregory IX (1227–41) promulgated the Liber extra, which became an integral part of the Corpus iuris canonici, the theological doctrine of servitas judeorum was incorporated into Papal legislation. This occurred at about the same time as the papacy set up medieval Inquisitorial courts to fight outbreaks of heresy.

Due to the worsening economic position of the Jews at this time and the penetration of the mendicant friars’ anti-Judaic propaganda in towns and cities of Western Europe, the status of Jews fell increasingly under Church scrutiny. The real change came in 1245 in Innocent IV’s Apparatus to the Decretals of Gregory IX. Pope Innocent asserted jurisdiction over all, including the right to judge Jews, but only if they acted against the laws of morality as defined by the popes, and were not punished by their own courts. The bull Turbato corde (1267), promulgated by Clement IV and twice reissued later in the thirteenth century, also placed those Christians who had converted to Judaism, and Christians and Jews who merely facilitated the return of any convert to Judaism, under the jurisdiction of the medieval Inquisitors. Another category of Jewish offenders named in this bull were Jews who retained copies of the Talmud and therefore laid themselves open to the offence of blasphemy, which eventually led to the occasional confiscation and destruction of Hebrew books by Inquisitors in France and Spain.

In 1274, Pope Gregory X added those converted Jews who returned to
practise the religion of their fathers. This was followed by the ‘famous bull of protection’, *Sicut judeis,* which Martin IV re-issued in 1281, to the effect that Jews could not be subjected to Inquisitorial proceedings unless they undertook actions aimed at undermining the Christian faith. More than merely confirming it, Martin was keen to clarify the Papal position on this matter, and to limit Inquisitorial authority over the Jews. In particular he demanded that witnesses testifying against Jews take an oath that they were speaking the truth; if not, they would face the fate that the Jewish suspects would have suffered if they had been found guilty. In 1299, Pope Boniface VIII (1294–1303) possibly reacting to events of the previous year, when Elias de Pomis, an influential figure in the Jewish community was burned at the stake for supposedly supporting the Patrician Colonna family who opposed Pope Boniface VIII, issued his own bull in which he permitted the Jews of Rome to demand that Inquisitors reveal the names of witnesses who testified against them. Although details regarding his offence are fragmentary, the line medieval Inquisitors had to follow if they wished to prosecute Jews as infidels and not heretics, in order to prevent violations of law and procedure, was extremely fine.

The next mention of Inquisitorial jurisdiction over Jews was in Inquisitorial manuals widely circulated in manuscript and printed form in later centuries. In 1323 or 1324 the Inquisitor of Toulouse, Bernard Gui, produced the ‘most famous Inquisitorial manual’, the *Practica officii inquisitionis heretice pravitatis,* an elaborate work consisting of five books, summing up half a century of Inquisitorial experience. Its intention was to serve as a guide for Inquisitors in their future course of duty. Gui, for the first time, specified that apart from matters concerning heresy, his competence with respect to Jews extended to their blasphemies in Jewish literature and their magic. In Book Two, Gui suggested several procedures that should be carried out when prosecuting practising Jews. He drew up a form ‘for releasing any Jew from prison to which he has been sentenced for acts committed against the Faith’, in particular influencing a Jewish convert to return to Judaism. The Jew was to be punished with imprisonment, although he noted that further penances would be problematic:

> We do not wish to compel the aforementioned Jews, enemies of the cross of Christ, to wear crosses of cloth [on their garments], to construct basilicas, to visit holy places, or to perform the other pious works which are customarily imposed upon guilty persons and penitents for the crime of heretical depravity.

Gui had the solution:

> Upon the counsel of good men we impose some monetary penalty, to be expended on the investigation and capture of heretics, fugitives, and apostates, or for some other pious use which seems advisable to us.

At the end of the form, Gui formulated a declaration that Inquisitors were able...
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to reduce or increase the fine and arrest and imprison the Jew at any time in the future. By standardizing these types of punishment Gui was setting a precedent which was to be followed by the Papal Inquisition in Italy in the seventeenth century. He also suggests in his manual a suitable form of abjuration for Jews accused of proselytizing. An oath should be taken ‘on the law of Moses placed in front of me and touched by my hand and kissed’ (super legem moysi coram me positam et manu mea tactam et osculatam) to the effect that the Jew would not offend nor blaspheme against Christianity again.

The fifth and final part of the treatise describes the types of heretics that the Inquisitors in Languedoc encountered, including Jewish converts to Christianity who had returned to Judaism.151 As Yerushalmi states, what Gui really failed to do in his manual was provide ‘a systematic presentation of the various causes for which even Jews who had never been baptized could and did come within the competence of the Inquisitors’.152

Gui’s comments should probably be taken as proscriptive and not descriptive of what often or truly occurred. It is unlikely as was noted above with the Elias de Pomis case, that medieval Inquisitors who judged Jews remained faithful to Papal mandate or to the changing demands of Inquisitorial manuals. Solomon Grayzel reports how, in the late thirteenth century, Charles I (1226–85), the king of the Two Sicilies and Duke of several provinces in western and southeastern France, had in 1276 defended his Jews in Provence against the moves of Inquisitors who tried to imprison, fine and even torture them.153 In Southern Italy in the 1290s, Inquisitors had, in league with King Charles II of Anjou (1254–1309), forced at least half of the region’s Jews to convert, as a result of a blood libel riot inspired by mendicant friars. There was also at least one episode involving Jews and magic in the early fourteenth century. One Bernard Jourdain of Toulouse was accused in 1324, along with lepers, of poisoning wells in southern France.

In 1376, the Aragonese Inquisitor Nicolau Eymeric wrote a manual, the Directorium inquisitorum, which was to be used by Inquisitors during the sixteenth and seventeenth centuries.154 Whether this was directly connected to a request of the Jews of Barcelona who in 1374 had insisted that King Pere IV of Aragon write to the Pope, requesting him to define the Inquisition’s legitimate realm of authority in its dealings with Jews, is not clear.155 Eymeric gave the Inquisition further authority over Jewish action by arguing that the Inquisition could prosecute Jews if they offended their religion in word or action, defining them as heretics to their own faith, and therefore subject to the Papal Inquisition since the Pope, as vicar of Christ and heir to St Peter, had power over all infidels.156 Quoting Thomas Aquinas, Eymeric argued that even though the Church could not inflict spiritual punishment on infidels, it could still judge Jews and demand worldly punishment from secular authorities, since it was up to the Church to
isolate Christians from contact with infidels. However, Eymeric’s manual, like Francesco Peña’s commentary on it in 1578, concentrated on the Inquisition’s right to punish Jewish action, and there is little suggestion that Eymeric’s revolutionary ideas were acted upon.

Regrettably we have little information on medieval Inquisitors who took matters into their own hands and chose to prosecute practising Jews in their own tribunals. David Jacoby has uncovered the trial proceedings against a Jew in Crete, one Sambati or Šabbetay, who in 1314 was charged by the medieval Inquisitor, the Franciscan Andreas Doto, with fraudulently claiming to be the *meseta* or *missetarius* in charge of the collection of a tax levied in Venice and her territories overseas on all commercial transactions. The Inquisitor prosecuted him, but the Venetian government intervened and argued, through secular jurists, that only the Doge and his delegates were entitled to prosecute and punish Jews, not the Inquisition.

The move by the Spanish and Portuguese Inquisitions to prosecute conversos predates the Roman Inquisition and its prosecution of Jews by almost a century. It invites us to speculate whether the establishment of these Inquisitions that prosecuted forcibly baptized Jews enabled the Church to consider practising Jews not merely as stubborn dissenters, but as people who tempted baptized Jews to return to Judaism and thereby commit what in the eyes of Christians was an act of apostasy. These Inquisitors believed that their victims were practising Judaism, especially in Portugal, where from its establishment in 1536 Inquisitorial tribunals dealt with whole communities of Jews who had been forcibly converted en masse between 1496 and 1499. But it also enabled the Inquisition to move one step closer to bringing practising Jews into their immediate realm of jurisdiction, which medieval theologians had already been suggesting for centuries.

That professing Jews were not identified as potential offenders in the bull *Licet ab initio* is important. It suggests that at the stage when the Inquisition was re-established there had been no need to incorporate Jewish offences into its jurisdiction. Instead, Pope Paul IV (1555–59) insisted in a Papal bull of 1555, *Cum nimis absurdum*, that Jews throughout the Italian peninsula be separated from Christians by being forced to live in ghettos. In the course of the three sessions of the Council of Trent (1545–48, 1551–52, 1562–63), no new canons were issued on Inquisitorial authority over or procedure against Jews. But during the 1550s Marquardus de Susannis, the Udinese jurist, wrote *De iudaeis et aliis infidelibus*, composed during the first three years of Paul IV’s pontificate, and published in 1558, which was intended to serve, as Kenneth Stow has argued, as a manual of civil and canon law to enforce the restrictions imposed by *Cum nimis* – a judge’s handbook for matters pertaining to Jews and other infidels. It confirmed that Jews had to remain ‘in a state of punishment’ in Catholic society, and that if they committed serious crimes they should be expelled.
De Susannis listed offences that Jews committed, but made no mention of the Inquisition being given jurisdiction over these matters.

By 1581, the time of the promulgation of Pope Gregory XIII’s Antiqua bull, most Italian states had still not established their ghettos and expulsion was now abandoned as a potential solution to the Jewish problem. In addition, most Italian rulers who had Jews living in their territories had by this stage decided to keep them, because of the economic benefits they provided. The Inquisition was authorized to judge Jews for ten offences, including offences against common beliefs shared by Christians and Jews. They were, in order as they appear in the bull, denying belief in one God, sacrificing to demons or causing Christians to dabble in diabolism, devil worship, blaspheming Christ and the Virgin, proselytizing Christians or neophytes, dissuading or abusing potential converts from baptism, sheltering heretics, possessing blasphemous books, mocking Christians, Christ or the Cross, and finally housing Christian wetnurses in their homes.

The Papal move to bring Jews within Inquisitorial jurisdiction and to monitor them closely incorporated them within the very institutionalization of social and religious disciplining that was so important to the post-Tridentine church. It also paradoxically achieved their permanent presence within the very reformed Catholic culture that the papacy had originally intended to remove the Jews from. Although Jews would not be forced to confess themselves on a regular basis, they would be forced to explain any specific or devious interaction they had with Christians.

After 1581 the provisions of Gregory’s bull were reiterated in nearly every Inquisitorial manual and legal textbook dealing with Jews. Jews were required to publish in their synagogues Inquisitorial edicts that clarified Inquisitorial rules and regulations. Was it really surprising then that Giacomo Tinti di Lodi, Inquisitor General of Modena from 1626 to 1647 – in a moment of compassion towards a Jew, Matthias Donato, who had chosen to denounce himself for hiring Christian servants in 1636 – ordered that instead of a punishment, the Jew was to be given a penance (in penitentia) of abstaining from attending synagogue prayers for a period of two months? Was Inquisitor Tinti not confusing in his mind the type of defendant he was dealing with, implying perhaps that the Inquisition in its attempts to be merciful had almost come to believe itself capable of forgiving infidels as well and bringing salvation to their souls – a privilege that canon law prescribed could be bestowed only on Christians?

In the early seventeenth century the Inquisition in Modena evolved into a court which primarily judged deviants from the standard moral code, whether they were practising Catholics or Jews. This prosecution of Jews should be understood as a new policy to impose social and religious discipline on the Christian community and to disarm the Jewish threat to Christians, as well as ensuring the correct behaviour of all its inhabitants. The Inquisition was interested in
practising Jews, not as potential converts to Christianity, but as individual Jews who were problem-makers, and as permanent members of certain states recently integrated into Papal jurisdiction in northern Italy that had to be supervised, monitored and punished. Ironically, then, the result of the Inquisition’s actions may well have been even greater contact between the two communities with heightened mutual curiosity, fascination and interest.

Notes
2 See Lodovico Antonio Muratori in Annali d’Italia dal principio dell’era volgare sino all’anno 1750 (Milan: Giambattista Pasquali, 1753), vol. XV, pp. 94, 95, 119–20. Lodovico Antonio Muratori was a librarian, priest and scholar who lived in Modena from 1672 to 1750. Cesare’s father Alfonso d’Este (1476–1534) was the Marquis of Montecchio.
4 See for example his proclamation, Proclamation and Decrees Concerning Profanity, the Observance of Festivals, Gaming and Concubinage (Grida et ordini sopra la Bestemmia, osservar le Feste, Giuoco, et Concubine). ASMoFI Editti e Decreti 1550–1670, busta 270. A copy of this edict can also be found in Spaccini, Cronaca, pp. 129–30.
6 Federica Francesconi, Jewish Families in Modena from the Renaissance to the Napoleonic Emancipation (1600–1810), a PhD thesis presented to the University of Haifa, May 2006, p. 200.
8 Ibid., 29. Balletti notes in Gli Ebrei, p. 208, that from there he promoted the conversion of the Jews, in particular helping with the establishment of the Casa dei Catecumeni in Reggio, established in 1632.
9 In 1642, more than ten years after the plague, the population numbered 11,000 compared to 20,000 in 1620.
11 See Giovanni Siera, La peste dell’anno 1630 nel Ducato di Modena (Modena, 1960) and Francesconi, Jewish Families, pp. 122–3.
12 See Antonella Campanini, ‘Tracce documentarie della presenza ebraica a Modena nel medioevo’, in Franco Bonilauri and Vincenzo Maugeri (eds), Le comunità ebraiche a Modena e a Carpi, dal medioevo all’età contemporanea (Florence: Giuntina, 1999), pp. 35–40.
13 Aron de Leone Leoni, ‘La posizione giuridica degli ebrei italiani, tedeschi, spagnoli e portughesi negli Stati Estensi nel Cinquecento’, in Maria Giuseppina Muzzarelli, Antonio Samaritani and Paolo Ravena (eds), Gli Ebrei a Cento e Pieve di Cento fra medioevo ed età moderna, atti del convegno di studi storici Cento – 22 April 1993 (Cento: Fondazione Cassa di risparmio di Cento, 1994), pp. 51–61, p. 56, notes that, besides the above privileges, Jews were allowed to have their own cemetery and ritually slaughter animals according to the Jewish rite, and after 1454 were allowed to appear before the Tribunale dei Dodici Savi if they had felt that these privileges were being abused.
14 For a study of early modern Italian confraternities and their activities, see the monumental

See Attilio Milano, *Storia degli ebrei in Italia* (Torino: Einaudi, 1963), p. 302. The Duke subjected them to taxation, viewing them as *nazioni forestieri*. Condotte were repeatedly issued at intervals of ten years confirming their right to live in the duchy. For documents regarding taxation, see ACEMo filza 2.72. They show that the Jews were taxed to pay for among other things the maintenance of soldiers in fortresses. Also in the ACEMo are meticulous copies of all the contracts of the Jewish community with the ducal officers. Modena, being the largest Jewish community in the Estense duchy, was also responsible for the smaller Jewish communities in Reggio, Finale, Carpi, Correggio, Novellara and Scandiano, and as such kept records of demands made on these smaller communities by the ducal treasury. See in particular ACEMo filza 2.47 N 'Memoriali e serenissimi Padroni e ad altri Supremi Tribunali e loro rispettivi rescritti 1638–1761'. Regarding the tax that Jews had to pay, see ASMoAME, busta 15. This tax was increased when the situation demanded it.

For examples of petitions sent to the Duke see the collection of documents kept at the Central Archives for the History of the Jewish People (CAHJP) located in the Hebrew University of Jerusalem, files: R8/1 – 4a, RHM 8/1 – 4 (Modena, Ebrei) and R8/1-4.

Aron de Leon Leoni, *La nazione ebraica spagnola e portoghese negli stati estensi* (Rimini: Luis, 1992), p. 175. A later migration occurred in 1652–53 as a result of an invitation to sixty Sephardi merchant families by Francesco I, intent on competing with the success of Sephardi trading in Livorno which had offered these Jews unprecedented conditions of residence and trading.


Anna Foa, *The Jews of Europe after the Black Death*, trans. Andrea Grover (Berkeley: University of California Press, 2000), p. 166. Foa brings to our attention the interesting case of Joseph Saralvo, a Portuguese who had reverted to Judaism and secretly performed circumcisions in Ferrara and Venice for thirty years. Saralvo was taken to Rome and burned alive in the Campo di Fiori in 1583. According to Foa, it was because of this case that the Duke set such standards in Ferrara in the 1580s, at exactly the time when the Venetians became less concerned with the problem of Marranos in the Republic.

*Sefardim* in general appear much less frequently in Inquisitorial proceedings of the city capital and its surrounding communities.

The Papal’s shift in policy towards the Jews is discussed in Kenneth R. Stow, *Catholic Thought and Papal Jewry Policy 1555–1593* (New York: Jewish Theological Seminary of America, 1977) and Robert Bonfil’s study on this period, *Jewish Life in Renaissance Italy* (Berkeley: University of California Press, 1994). Pius V (1566–72) expelled the Jews from most Papal states except Rome and Ancona, which consisted of some eighty communities, with 108 synagogues, and forced the emigration of thousands of Jews, including the expulsion of some Jews from Bologna. According to A. Faustini, *Aggiunta alle historie del Signor Gasparo Sardi nuovamente composte dal Sig. dott. Agostino Faustini Ferrarese Libro III*, in *Libro delle Historie Ferraresi del Sig. Gasparo Sardi* (Ferrara, 1649), p. 104, the Papal legate tried to encourage the Jews to stay, and to prevent an exodus of capital from the duchy.

See Federica Francesconi and Luisa Levi D’Ancona, *Vita e società ebraica di Modena e Reggio Emilia: L'età dei ghetti* (Modena: Edizioni Panini, 2007) pp. 10–11. In 1767, it was recorded that the number of Jews was 1,262 out of a total of 21,000 inhabitants. See Euride Fregni, ‘La comunità ebraica di Modena nelle carte del suo archivio storico (secc. XVII–XVIII)’, in Fregni and Perani (eds), *Vita e cultura ebraica nello stato estense*, pp. 299–316 takes this figure from the ACEMo filza 15 D ‘Dennunzie delle anime all’Uffizio dell’abbondanza’, 1766–94. See also Alan C. Harris, ‘La demografia del ghetto in Italia (1516–1797 circa)’, *La Rassegna Mensile di Israel* 33 (1967), pp. 1–15, p. 11. Harris notes that the Jews made up approximately 5% of the
Modenese inhabitants. This contradicts Francesconi and Fregni, who suggest closer to 10%.

The de Modena family Italian synagogue is in fact the first synagogue that was built in Modena during the fifteenth century. See Dora Liscia Bemporad and Federica Francesconi, L’ebraismo e l’arte: gli argenti sinagogali (Modena: Comunità ebraica di Modena e Reggio Emilia, 2003), p. 9. Francesconi and Levi D’Ancona, Vita e società ebraica, p. 17.


Francesconi, Jewish Families, p. 220.


Sec Milano, Storia degli ebrei in Italia, p. 302.

On the manufacturing of acquavite by the Jews, see ASMoFIP 103 f.8, the processo of Matthias Donato in 1636.

Ibid. Matthias admits that he would go to the shops of Christians, in particular Domenico Montanari, to play backgammon with him and others.

On Jews and Christians attending the same balls, see ASMoFIP 65 f.4; ASMoFIP 67 f.21; ASMoFIP 95 f.1; ASMoFICH 245 f.40, ASMoFICH 246 f.6. On the issue of Jews and Christian prostitutes see ASMoFICH 245 f.44, ASMoFICH 245 f.45 and ASMoFIP 57 f.17.

See ASMoFIP 17 f.8 and ASMoFICH 244 f.31. In this second processo, against Isaaco Sangiennetti, Abraam Sacerdote and Abraam Pasiglio, who were accused of meddling in maleficio, it was alleged that they had provided their Christian friends with magnets (although they continually argued that these magnets were not illicitly baptized) and Venetian gold ducats (zecchini) to aid their attempts to bring harm to their enemies and attract the attention of the woman whom one Christian, Signor Camillo Valentino, admired. The spells of Isaaco Sangiennetti were so serious, touching on diabolical witchcraft, that the Inquisition banished him from Modena. On the use of such magnets see Jeffrey R. Watt, The Scourge of Demons: Possession, Lust and Witchcraft in a Seventeenth-Century Italian Convent (Rochester, NY: Boydell and Brewer, 2009), p. 89.

Francesconi and Levi D’Ancona, Vita e società ebraica, p. 34.


In the sixteenth century, anti-Judaic propaganda initiated in 1483 with the preachings of Bernardino da Feltre had intensified in Ferrara and its surroundings. On 18 March 1508 the Duke had ordered his soldiers to punish those who incited priests to preach against the Jews. Such turbulence was usually momentary and often not tolerated in other Italian states, particularly Venice. For the burning of the Talmud in Venice, see Paul Grendler, The Roman Inquisition and the Venetian Press, 1540–1605 (Princeton, NJ: Princeton University Press, 1977), p. 92; Perani ‘Confisca e censura’, 289.

ASMoAME Grida a stampa e ms. di facc. The edict of Alfonso II, 19 March 1570.

Ibid. The edict also specified that Christian servants hired by Jews were not allowed to stay overnight in the Jews’ homes. For the 1602 edict see ASMoAME 11, Grida a stampa e ms. di facc and the 1620 edict, ASMoAME 14a, Grida sopra gli Hebrei, 1620.

Spaccini, Cronaca, p. 97.

Ibid., p. 98.

Ibid., pp. 577–81.

Ibid., p. 580. Spaccini recorded da Saluzzo’s words: ‘Do you not say, brother Jews, that your God
is all-powerful? You will tell me, then, why could he not cause his only-begotten son, whom
you killed, to be born of the Virgin? This concerns your souls, brothers, and is a matter of
[great] importance. I now urge you to put aside all passionate feelings, to throw yourselves at
the feet of your God and ask him for the grace which will enlighten you, reveal the truth, and
then inspire you. I am amazed that you should enjoy so many favours. You wear no badge, you
associate with Christians, you eat and sleep with them. For shame! This is the way to hell!'

59 See Stow, *Theater*. Here Stow shows how Roman Jews within the ghetto created their own sense of space and purpose enclosed within, but not always separated from, Christian society.


62 Ibid., p. 15.


67 Ibid., p. xix.


73 See Prosperi, *L’Inquisizione romana*, p. 71 and *Tribunali*, pp. 59–60; Tedeschi, *The Prosecution...

74 Michael Tavuzzi, Renaissance Inquisitors: Dominican Inquisitors and Inquisitorial Districts in Northern Italy 1474–1527 (Leiden, Brill, 2007), p. 33 notes that, even before the establishment of the Inquisitorial tribunal, there is documentation of the medieval Inquisition working in Modena from 1474 to 1527. On heresy in Modena, see also the chronicle of Tommasino of Bianchi, called Lancelotto, Cronaca Modenese, 12 vols, Monumenta di storia patria delle province modenese: Serie delle cronache (Parma: Pietro Fiaccadori, 1862–84) vol VII, p. 27. On the heretical movements in Modena, see Susanna Peyronel Rambaldi, Speranze e crisi nel Cinquecento modenese. Tensioni religiose e vita cittadina ai tempi di Giovanni Morone (Milan: Franco Angeli, 1995); Massimo Firpo, Inquisizione romana e controriforma: Studi sul cardinal Giovanni Morone e il suo processo d’eresia (Brescia: Morcelliana, 2005).

75 Del Col, L’Inquisizione, p. 438.

76 See ASMOFI Miscellanea 1620–40, busta 295 folio III, n. 2. A note here of the Inventario delle robe del Sant’Ufficio dell’Inquisizione di Modena of 1600, states ‘On the occasion Clement VIII, of blessed memory took possession of the city of Ferrara . . . of the Inquisition of Ferrara, where resided the Inquisitor General of all the states of the signor duchy of Ferrara, except Garfagnana, was made three Inquisitions, that of Ferrara, that of Reggio and that of Modena.’


78 See Albano Biondi, ‘La Nuova Inquisizione’ a Modena: tre Inquisitori (1589–1607), in Città Italiane del ’500 tra Riforma e Controriforma: Atti del convegno internazionale di studi, Lucca 13–15 Ottobre 1983 (Lucca: M. Pacini Fazzi, 1988), pp. 61–76, p. 68. Here Biondi notes that the third Inquisitor General, Calbetti, wrote, reflecting on his work in 1602, ‘when I, two years ago, came to Modena, as Inquisitor, I found the whole city raised against the Holy Office, for the affairs occurring under the Father Inquisitor, my predecessor, and this most serene Prince who was most disgusted [with the Inquisition].’

79 See also Maria Pia Fantoni, Saggio per un catalogo bibliografico dai processi dell’Inquisizione: orazioni, scongiuri, libri di secreti (Modena 1571–1608), Annali dell’Instituto storico Ital germancico in Trento, 25 (1999), pp. 587–668.

80 Montefalcone was also prior of the convent of San Domenico in the city capital. See ASMOFI, busta 279, Patentati 1600–1785, and ASMOFI, busta 287, Carteggi diversi 1600–1761, and in particular the Catalogo de Patentati del S. Ufficio di Modena mandato a Roma il 9 Aprile 1622. Biondi discusses Montefalcone’s policies in ‘Lunga durata e microarticolazione nel territorio di un ufficio dell’Inquisizione: il ‘Sacro Tribunale’ a Modena (1292–1785),’ Annali dell’Istituto Storico Ital Germancico in Trento, 8 (1982), pp. 73–90, esp. p. 88.

81 See Biondi, ‘La Nuova Inquisizione’, p. 63.

82 See ASMOFI, busta 295, Miscellanea 1620–40, Lettere de Padri Inquisitori alla Sacra Congregazione del 1598, 1599, 1600 . . . usque ad annum 1624 for Montefalcone’s correspondence with Giulio Antonio Santorio, Cardinal of Santa Severina. There are 21 letters from 8 April 1598 to 28 July 1599.

83 See Biondi, ‘La Nuova Inquisizione’, p. 63.

84 See ASMOFIIP 12 f.9 against Moisè de Graziadio of Modena.

85 Spaccini, Cronaca, p. 299 reports on 12 December 1599 that ‘there is now a new Inquisitor and to show that he is doing something, he means to deal with these witches’. On these types of trials in Modena, see O’Neil, ‘Magical Healing’, and Biondi, ‘La Nuova Inquisizione’, p. 67.

86 See Biondi, ‘La Nuova Inquisizione’ p. 70. Calbetti argued with the Archpriest of Carpi over the issues of autonomy of the Inquisition.

87 Ibid., p. 68.

88 See Mauro Perani, ‘Rammamenti di manoscritti ebraici nell’area Modenese’, in Fregni and Perani (eds), Vita e cultura ebraica nello stato estense, pp. 64–79, pp. 72–3.
Prosperi, ‘L’Inquisizione Romana’, p. 106, notes the particular case of Brother Agostino Giorgi, the Inquisitor of Pisa, who in 1686 was accused of protecting local Jewish suspects rather than prosecuting them. The accusations were such that the Congregation of the Holy Office intervened, finding that this was probably a case of internal conflict between Franciscan Friars of Pisa and Giorgi himself, who was an Augustinian.


Ibid. See also Biondi, ‘La Nuova Inquisizione’, p. 63.


On famigliari, see Black, Italian Inquisition, p. 119.


No historian has as yet done extensive research on the immunities and privileges of the patenti in Modena. They are discussed as a general problem in Irene Fosi, La giustizia del Papa: Sudditi e tribunali nello Stato Pontificio in età moderna (Rome and Bari: Laterza, 2007).

Tavuzzi, Renaissance Inquisitors, p. 28. On the roles of Inquisitorial vicars in Italy in comparison to Spain, see Bethencourt, L’inquisizione, p. 69.

Del Col, L’inquisizione, p. 519.

Romeo, L’inquisizione, p. 68; Del Col, L’inquisizione, p. 746.

See Trenti, I Processi, p. 16.

Black, Italian Inquisition, pp. 110–11.


See Biondi, ‘Lunga durata e microarticolazione’, p. 81. Perhaps the situation should be compared to Rome where, as Prosperi has shown, the episcopal vicar retained his own tribunal and his own system of control separate from the Inquisition. See Prosperi, L’inquisitore come confessore, pp. 187–224, p. 203 and p. 211. Here Prosperi records two events in Rome in which the bishop had himself secretly absolved penitent heretics rather than handing them over to the Inquisition.


The bishop was still happy to give his backing to trials against the Sanguinetti bankers for holding prohibited Hebrew books. See ASMoFIP 15 f.3. The sentence is pronounced in the name of both the Inquisitor and the Bishop.

Biondi, ‘Le lettere’, p. 103.

Ibid.

See Al Kalak, Storia della Chiesa, pp. 315–34.


113 Schutte, *Aspiring Saints*, p. 37 and see ASMoFI Carteggi diversi, busta 286. Here there are many printed letters sent by the Inquisitor Giacomo Tinti on 7 March 1628, criticizing vicars, rectors and priests in the duchy of Modena for not following the rules of the Inquisition on this matter. See also O’Neil, *Magical Healing*, p. 91.

114 It is above all Adriano Prosperi who has developed the implications of the point about confessors collaborating with the Inquisition by refusing their penitents absolution. See his *Tribunali*, pp. 219–57 and in particular his preface in the new edition of his *Tribunali: Tribunali della coscienza: Inquisitori, confessori, missionari*, new edition (Turin: Einaudi, 2009), pp. ix–xxxi.


116 See Prosperi, *L’Inquisitore come confessore*, p. 215. See also Spaccini, *Cronaca*, pp. 382–7, p. 386. Here reprinted is the Modenese Inquisition’s edict of 1600, which had a specific section addressed to local confessors: ‘All the father confessors shall ensure that they keep by them a copy of these our edicts, using sensible and reasonable diligence in questioning penitents concerning the aforesaid matters as they judge expedient, and when they find anyone guilty of committing any of the aforesaid crimes or of failing to denounce the criminals they must not absolve him unless he has first satisfied the Holy Office, on pain of the confessor being suspended from hearing confessions, a penalty which he shall automatically incur.’

117 Del Col, *L’Inquisizione*, p. 748.


120 See Perani, *Confsca e censura*, pp. 291–2. Paul Grendler, *The Roman Inquisition*, p. 49 notes that at this time the Venetian government and the papacy were also arguing about the right of the Inquisition to enforce the prosecution of heretical books.

121 Spaccini’s wording is a little obscure. See Spaccini, *Cronaca*, p. 408: ‘l’inquisitore di S. Domenico, il principe ha fatto tanto che lo ha levato di questo officio, dobбитando che seguitando l’officio con questa sua rigorosità non v’inscontrasse poi qualche cosa che poi dicessero che fosse stato lui, perché ad altro non amirano che in far nascere occasione di torgi li beni che sono su la Chiesa.’

122 Biondi, *La Nuova Inquisizione*, p. 68.

123 Biondi, *Lunga durata e microarticolazione*, p. 79.

124 Ibid. See also Biondi, *Le lettere*, pp. 104–5.


129 This case is documented in the ASMo in the tesi di laurea of C. F. Fantuzzi, *Atti dei Processi celebrati dalla Santa Inquisizione di Modena negli anni 1613–1616*, Master of Arts thesis at the University of Bologna under the supervision of Professor B. Nicolini (1972–73), pp. 72–5.


131 See ASMoFIP 239, f.3 regarding the case of the soldier Maschera Francesco of Mirandola. See also Biondi, *Le lettere*, p. 105. In 1770, Francesco Maschera, a soldier in the fortress of Ferrara, was investigated for blasphemy. The Inquisitor was also told by the Congregation to reveal the place where Maschera would be prosecuted to the Duke.

132 See ASMoAME Processi 1600–1609, busta 4. Also in CAHJP there are microfilms available of all the processi before the Ducale Camerale. This court in particular dealt with personal issues that Jews had, such as altercations with Christians and fellow religionists, debts, inheritances, dowry arrangements, credit, damages, confirmation of loans, banking rights, property issues, and smuggling as well as pleas from the whole Università. See ACEM, 2.4 ‘Atti giudiziali e
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privati davanti diversi tribunali 1642–1778'. See also ASMo Camera Ducale – Maleficio, Libri dei Malefici delle Condanne, dei Ribelli (atti giudiziari), filza from 1307 to 1721. In filza 55, titled 'Condanne 1610', there appears the names of two Jews condemned for maleficio, Vita di Vita in 1613 and Lia Rabeni di Lazar in 1619, both of whom were given monetary fines as punishment, 100 and 60 scudi respectively. On the 'Condanne 1610', there appears the names of two Jews condemned for maleficio, Vita di Vita in 1613 and Lia Rabeni di Lazar in 1619, both of whom were given monetary fines as punishment.

133 'Condanne 1610' , there appears the names of two Jews condemned for maleficio, Vita di Vita in 1613 and Lia Rabeni di Lazar in 1619, both of whom were given monetary fines as punishment.

134 Ordini di diversi Tribunali, Suprema, Ministri, Giudici dal anno 1685'.

135 See the Duke's 1620 edict of the Jews in ASMoAME 'Grida sopra gli Hebrei', 1620, busta 14a.


139 Ibid.


141 See Guido Kisch, 'The Jewry-Law of the Medieval German Law-Books. Part II: The Legal Status of the Jews', Proceedings of the American Academy for Jewish Research, 10 (1940), pp. 99–184, p. 161. The term perpetua servitas makes its first appearance in the official documents of the church in the epistles of Innocent III. In the decree of that pope to the Archbishop of Sens and the bishop of Paris of 15 July 1205, the expression is used repeatedly – the servitude of the Jews is most sharply emphasized and seen as atonement for their guilt for Christ's death.

142 A historian who has discussed the question of the rights of Jews before ecclesiastical courts in the Middle Ages is Guido Kisch in 'The Jewry-Law of the Medieval German Law-Books', Proceedings of the American Academy of Jewish Research 7 (1936), pp. 61–145, and Part II in Proceedings of the American Academy for Jewish Research, 10 (1940), pp. 99–184. According to the teachings of medieval canon and civil lawyers, non-Christians and especially Jews bore several disabilities whenever they set foot in a Christian court, whether it be a secular court or an ecclesiastical one. Jewish testimony, accepted by some twelfth-century lawyers, was rejected by almost all canonists during the thirteenth century. Other historians have looked at the question of Jews' rights in secular courts; see, for example, Maria R. Boes, 'Jews in the Criminal-Justice System of Early Modern Germany', Journal of Interdisciplinary History, 33 (winter 1999), pp. 407–35 and Richard van Dülmen, Theatre of Horror: Crime and Punishment in Early Modern Germany, trans. Elisabeth Neu (Cambridge: Polity Press, 1990). Regarding the oath that Jews were expected to take whenever they gave testimony, see Yerushalmi, ‘The Inquisition and the Jews of France in the time of Bernard Gui’, p. 346. Isaiah Shachar, in his work on the Judensau – The Judensau: A Medieval Anti-Jewish Motif and its History (London: Warburg Institute, 1974) – draws attention to the coincidence that in the thirteenth century not only was the Judensau image created but a specific ceremony involving both Jews and the pig, the Judeneid or Jewish oath, was also codified, although this was probably in secular courts and not ecclesiastical ones.


144 Gregory IX's Liber Extra of 1234 contained several Papal letters from the twelfth century that recognize this. See Friedberg (ed.), Corpus Iuris Canonici, X.3,16,1; X.5,41,6.


146 See ibid., p. 241.

147 Given, Inquisition and Medieval Society, p. 46.


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150 Ibid.
151 The first two sections give precise information to the Inquisitor on how to prepare various official documents. The third section explains how to prepare public sermons at autos-da-fé. The fourth part, modelled to a large extent on an earlier work, the De auctoritate et forma Inquisitionis (composed in Italy probably some time between 1280 and 1292), is a discussion of the powers, rights, and privileges of the Inquisitors.
156 See Anna Foa, ‘The Witch and the Jew: Two Alikes that were not the Same’, in Jeremy Cohen (ed.), From Witness to Witchcraft: Jews and Judaism in Medieval Christian Thought (Wiesbaden: Harrassowitz Verlag, 1996), pp. 361–74. Foa brings to light an earlier tract of the Dominican Zanchino Ugolini, written in 1330 to serve the needs of Donato di St Agata, an Inquisitor in Emilia-Romagna. The tract discusses magic and witchcraft and in particular their heretical aspects. Foa believes that Zanchino’s concept of the heretic is most innovative, since it includes pagans, Jews and schismatics, and all those presently in a state of excommunication, on the grounds that a heretic is anybody who disobeys the Decretals or denies the Sacraments. Foa continues, ‘Yet, turning to the practical reasons why an Inquisitor might proceed against a Jew, Zanchino adopted an essentially cautious, if not conservative, position, making no mention of magic or witchcraft whatsoever. The status of the Jews may have been approaching that of heretics, as far as certain Inquisitors were concerned, yet it was still quite far from crossing this dangerous line.’
157 See Nicolau Eymeric, Directorium Inquisitorum, Directorii. 221.
160 See Caffiero, Battesimi forzati, p. 17. Caffiero argues slightly differently to my thesis, maintaining that Jews at this time were increasingly ‘assimilating’ towards being seen as heretics rather than infidels. See also p. 18, where she argues that in the offence of holding prohibited books, Jews were equated with the ‘errors of heretics’ in Clement VIII’s bull of 1593, Cum Hebraeorum malitia.
162 See Wietse de Boer, ‘Social Discipline in Italy: Peregrinations of a Historical Paradigm’, Archiv für Reformationgeschichte / Archive for Reformation History, 94 (2003), pp. 294–307. Wietse de Boer’s important article questions the effectiveness of post-Tridentine social discipline, and whether scholars are correct in assuming a top-down notion of discipline. If Boer is arguing that social discipline ushered in a civilizing process, should we not question whether the attempts at social discipline ushered in a new conceptualization of the Jew within the reformed Christian society?
163 See Bethencourt, L’Inquisition, p. 198.
164 Unfortunately none of these edicts were found in the Jewish community archives in Modena, whose records do not really predate the seventeenth century.
165 ASMoFIP 103 f.8.