

## **Heresy, confession and inquisition in medieval ecclesiastical government. The political dimension of the pastoral judgment**

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### **Abstract**

The article aims to highlight the political dimension –in a broad sense– of confession and the inquisition in their emergence as procedures to sentence hidden sin. It does so by inserting both in the dual forms, pastoral and juridical, that the plenomedieval ecclesiastical government develops for the condemnation of the disobedience to the new Roman orthodoxy and orthopraxis. In this respect, the confessional and inquisitorial devices are understood in relation to the emergence of the heretical as a stubborn challenge to the Roman government - in the tension between the government of oneself and of others

**Keywords:** medieval Christianity, heresy, inquisition, confession, Foucault, pastoral power

### **A. INTRODUCTION**

In the period when majestic cathedrals stood - bordered with the new tax periodical - and the parish administration was consolidated, the laity, whose conduct he merged with the clerical, he was excluded from the sacramental administration. In this frame, the expectations of a deeper religiosity that had encouraged popular support for the ecclesiastical reform in the preceding century was incessantly frustrated. The longings of a purer religious experience, offered by the mediation of a chaste clergy as guarantee of salvation, they did not always find a channel in the new ways of healing souls instituted by the Roman government. Rather, the increase in the temporal power of the Church, its bureaucratizing centralization and the legalization of pastoral care contributed to the deterioration of the charismatic legitimacy of the priesthood - already institutionalized by routinization. Arose then movements of evangelical poverty and diverse expressions of anticlericalism that questioned the effectiveness of sacramental grace administered by impure clergy in a Opulent church. A phenomenon that occurred with particular intensity in the southeast of France, western Germany or northern Italy<sup>6</sup>, where the proliferation in the twelfth century of leaders community charismatics - who encouraged disrespect for ordained clergy and questioned the efficacy of the canonical sacraments - would later translate into counter-economies of salvation or broad heretical community movements.

The very evangelical expectations that encouraged ecclesiastical criticism were paradoxically the effect of the attempt at Christianization organized by the so-called Gregorian reform. The papacy of Gregory VII had mobilized the laity in its reformist strategy, encouraging them to reprove and denounce the undisciplined clergy. The conciliar canons themselves incited the laity to boycott

the cults offered by impure clergymen and to vilify public of bishops who breach canonical precepts. In this way, the government Roman relied on the closeness of the local bond between clergy and laity to force obedience to their own hierarchy 9. In an unforeseen way, this popular mobilization would subsequently contribute to the formation of a space of "public opinion" within the framework ecclesiastical justice that, built around the medieval categories of rumor – or fame– and the scandal –scandalum–, contributed to the emergence of new procedures sacramental and judicial aimed at the persecution of disobedience.

From this point of view, the relative success of the reformist became a trap for the movements of evangelical poverty that, although they had emerged in the heat of the reform, were soon branded heretical by a Roman government now legally reinforced. He The claim of a clergy of chaste customs favored the differentiation of clergy and laity the latter being permanently excluded from the Roman sacramental administration<sup>11</sup>. At the same time, the progressive bureaucratization and legalization of the ecclesiastical pastoral government fueled a spontaneous and latent quasi-dualism in the evangelist and ntclerical, reactivating the Christian tension between institution and apocalypse or domination legal and charismatic 12. The idea of the legalization of the pastorate analytically translates the process of institution by right of an orthopraxis and an orthodoxy to whose participation the laity was subjected - as the only way of salvation. A process, that of normalization of the cure of souls, which meant the eradication of the diversity of community practices of spiritual mediation and beliefs extended by Latin Christianity<sup>13</sup>. Thus, in centuries XII and XIII the nucleus of the heretical problem did not reside in the theological dispute, but in religious practice it is at variance with that instituted by Rome. The heresy was constituted in the dynamics of confrontation with the new forms of orthodoxy and Roman orthopraxis. In this same dynamic emerged the unusual pastoral and judicial devices, such as the penitential confession and the inquisition.

While Rome figured the spread of the diabolical as a cause of evil and an obstacle to salvation, it was presented as a protective power in a double sense, benefactor and fighter<sup>1</sup>. On the one hand, the Church increased the offer of healing services for souls as palliative of the restlessness for salvation through expiatory rites or models of virtuous conduct. And, on the other hand, it persecuted the behaviors that it considered against nature, against the faith or against the Church. The figure of the Devil resurfaced thus associated with theobstacles to salvation, identified with heresy, with charismatic leaders, with rituals religious or with sexual behaviors such as sodomy and homosexuality. If the diabolical seduction discursively pointed out the disguised existence of a church of the evil, in practice was identified by the ecclesiastical government in the expressions of disobedience to Roman orthopraxis. Ecclesiastical sources announced that the devil's church dwelt hidden within Christendom like a plague depraved and contagious 18. However, analytically, what constituted the criterion for the accusation of heresy was especially obstinacy in error and refusal to accept the invitation of the Church to return to her bosom - her obedience. So that the problem of the heresy did not reside merely in deviation, but also in facultative renunciation or refusal to withdraw. This is illustrated by the fact that many notable practices pagan character that prevailed at this time in Christendom were not considered heretical or criminally condemned; rather they were the object of catechesis and preaching exemplary. Put

metaphorically, the heretical pravedad was not a lost sheep, but an insidious and depraved vixen. Throughout the 12th century, charismatic leaders such as Roberto de Abrissel or Pedro de Bruys were branded as heretics like the religious groups of Monteforte or Orleans, because they chose a life of unorthodox evangelical poverty and they were disposed to the exemplary preaching of the teachings of Christ.

In addition to being renegade, the heresy was also represented as contagious and camouflaged. In continuity with the Christian discursive tradition, it was attributed a sectarian and secret character, linked to clandestine orgiastic, sodomite, infanticidal or abortive activities. Without However, from a sociological point of view, the occult character of the heresy during the 12th century means that it was ultimately a heterodox belief potentially "hidden" in the recesses of the soul or, even if it was expressed materially in an alternative orthopraxis, in the secret guarded clandestinely by the acquiescence community. In this sense, the hidden character was constituted in relation to the field of vision of the Roman Church, was the reverse of the ecclesiastical limits - discursive and material – to access the folds of the soul and community complicity. While Christianity had limited the ecclesiastical judgment of hidden sin - for only divinity could know it – to It is added that the heretical concealment also arises from the institutional limitations of the clerical government to know, monitor and demand their obedience from the communities.

Despite the reform of the Roman administration, the Church in the 12th century was not yet in a position to successfully normalize and repress lay and clerical behavior. In that sense, in this dynamic between the extension of the ecclesiastical vision and the of heresy, pastoral and legal devices will be developed to combat it. The eschatological understanding of the existence of diabolical obstacles to collective salvation justified this effective deployment of devices, both pastoral and judicial, unheard of in the Christian spiritual priesthood<sup>21</sup>. Eradicating heresy was presented as a condition for salvation. The evolution of the anti-heretical policy of the papacy thus implied the emergence of deviation identification and correction techniques. If heresy is persecuted once registered his obstinacy to disrespect for orthodoxy and orthopraxis Roman, first it would have to be discovered and unveiled.

## **B. METHOD**

It will be in this context of the twelfth century when the auricular confession enters the Sacrament of Penance. Until then, the history of penance and confession in Christianity they outline different paths. The crossover between both devices placed the practice of self-knowledge at the center of the atonement imposed by leading pastoral of souls. This encounter - "the moment when the task of telling the truth about himself is inscribed in the indispensable procedure of salvation" - is interpreted by Foucault as a disruptive event in the historical modalities of subjectivation. The sacramental confession would thus inaugurate a form of constitution of the subject, of ethics and subjectivation very different from the classical self-practice. This new hermeneutic Christianity is genealogically relevant because it condenses the characteristics of relationships and the properly pastoral modes of individuation that, in modernity, would have to be deployed in a multiplicity of governmental knowledge-powers, such as the social science or evidence-taking practices of

truth in procedures judicial. The technology of the Christian confessional self presupposed the existence of a depth of the soul which, while its immediate cognition was veiled, was susceptible to be explored by the subject himself. But, the exploration required the guidance of the pastor. Thus, the truth of the self was constituted as an object to discover and reveal thanks to an introspection led by another faculty. In this sense, constant vigilance over volitions own, the relationship between the subject and his truth in the sacramental confession, was crossed at the same time by the relationship with the pastoral authority.

Emphasizing here the role of the ecclesiastical-pastoral guide aims to point out the relationship between the process of sacramental juridization and the new form of the device of confession penitential. On the one hand, the insertion of confession into penitential practices from the twelfth century will involve a mimetic approach of the role of the confessor to that of the judge, the bases for the formation of a court of conscience on soul-bodies. For other, the integration of confessed testimony as proof of truth in a judicial process places genealogically, the device of confession in the constitution of modern regimes of truth and jurisdiction - in addition to the genealogy of the modes of subjectivation -.

Until confession was linked to the sacrament of penance during the 12th centuries and XIII, the atonement had other meanings in Christianity. The penitential practice before 6th century consisted of an act of public recognition of being a sinner - exomologesis. In this ceremony, ordinarily officiated by the bishop, the sinners formally and openly entered the state of penitents, submitting to ignominy and shame of the community. This collective rite reserved for criminal, grave and notorious sins does not require neither verbal expression of sins, nor introspective analysis. Conversely, the remission of faults was the effect of an extensive sacrificial experience over time. So the soul would be purged, following a pattern of austere and flagellant life. Nor introspection analytic, nor the verbalization of sin, nor the experience of contrition or repentance they were imperative to achieve purge. It is these last practices that will be introduced later in penance at the hand of auricular confession, which will presuppose the existence of the veiled inner truth and the conscience of guilt.

When confession and penance intersect in the new sacrament, they both change substantially. The passage from solemn penance to auricular confession took place by influence of tariff penance practiced by Irish monks. His analogy with the Germanic justice already anticipated the judicializing character that the confession will acquire, because the penalized penance instituted a proportional system between the offense committed and the satisfaction required for the remission of sins<sup>28</sup>. In these beginnings, the verbalization of sin before the pastor does not ipso facto mean atonement for sin, it was still a means to earn absolution through the execution of the imposed penance. His own act of confession to the priest becomes in itself expiatory at the same time that it is the revelation of sins of a humiliating character<sup>29</sup>. Atonement for sin passed then to be the effect of the clerical sentence of acquittal. This indicates that, at the same time that introspection and self-renunciation became more imperative - acting here inner recollection - increased the outer role of the director of consciousness - and the imperative of ecclesiastical obedience. If confessing sin meant revealing oneself itself, it also involved the renunciation of self.

Sinful potential required a guide for self-control and a corrector for ill will. So that the priest conquered the power to expiate guilt with an expression that would resemble a judicial sentence, which decided the acquittal without the need for the sinner to first go through the long road of penance. Since the 12th century, the priest of souls will evolve emulating the action of the judge, developing techniques to guide the sinner in the identification and revelation of his malevolent will. These will constitute a new art of thorough and persuasive questioning.

The fact that in the thirteenth century this type of confession became obligatory meant that the direction of consciousness - and the hermeneutics of itself - was no longer relegated only to the cenobitic life to also extend to the laity. The IV Lateran Council instituted then confession to one's own parish priest as a mandatory, annual and annual sacramental practice periodic<sup>31</sup>. The extension of this penitential practice was crossed by numerous tensions, since demands for new forms of spiritual direction coexisted at the same time with a diversity of resistance to the ecclesiastical imposition of the new sacramental cults. In the confession and penitential manuals of the time, the arts proposed for revealing hidden sins - through the active involvement of the priest - reveal the strong resistance of the faithful to confess, that is, to become confessed guilty. his The meaning is precisely that confession was far from being a spontaneous act. It was therefore necessary to resort to all kinds of ways to discover, reveal and make visible the sinful, to persuasive techniques to elicit sins or methodical guides to aid the sinner's self-investigation. However, if the device of confession had succeeded, its effect would have been to broaden the spectrum of sins that the Church she could find out through the interrogations and the confessional persuasion of the priest.

This type of penitential confession was inserted in a conception of ecclesiastical justice as a result of the projective appropriation by the Church of the characters of divine justice - omniscience and omnipotence – 33. This is effectively translated into the legalization process of the pastoral - of the sacramental services of healing of souls. The governmental form of This medieval Church is dual, it combines pastoral and legal forms of exercise of power which presuppose that the will of the body-souls has to be convergent with the norm ecclesiastical. The sacrament of penance by confession became, in this framework, a node where the justice of God and that of the Church converge, where the intangible and the tangible. This intersection tended to the convergence of divine and ecclesiastical law, hereby challenging the limit of pastoral government to judge the secrets of the soul. East The limit was linked to the traditional principle of Christianity that the Church should she could not judge the occult –*ecclesia de occultis non iudicat* - 34. In this sense, the practice guided by hermeneutics of self, which guided the subject to a purgative self-knowledge through the denial of self-will, it also had to allow pastoral government the unveiling of stubborn wills in error, of rebellious and arrogant subjects. The duality of the medieval pastorate is manifested here in that when the production of a docile and humble subject was not successful - in terms of an interiority constituted as optionally submitted subjectivity - the judgment of the soul involved a correction of bodies that came to the point of torture or annihilation.

## C. RESULT AND DISCUSSION

Condemn the bodies of rebellious souls. Inquisition and denunciation Once obedience to the Church was established as the only way to salvation, serious sins of disobedience to the Roman pastorate began to be perceived as a danger for the ecclesiastical body as a whole. While the Church claimed the monopoly on orthopraxis and orthodoxy, heretical deviation was seen as a challenge to the endorsement of Roman salvation. The divinization of the pastoral office made obstinate disobedience to Rome an offense to the role of the Church in the divine plan of salvation, which justified the heresy was finally characterized as a crime of treason against divine authority.

Judge heretical sin as a crime in the external forum or clerical infractions in the internal forum was perceived as a defense of the ecclesiastical institution itself, whose subsistence was considered essential for the fulfillment of the divine plan of salvation. If in principle the ecclesiastical judgment was limited to notorious sins or to confessed, the combined development of penitential and coercive techniques greatly expanded its scope. The extension of the ecclesiastical capacity to know, cauterize and sanction behaviors deviated from orthodoxy / orthopraxis took place thanks to the new canonical denunciation and inquisition procedures, as well as the insertion of confession as indictment testimony. This made possible the transfer of the sins of the sphere from the secret or hidden to that of the notorious or evident, and their consequent judgment as crimes. The legal and theological rationalization of the ways in which sin could manifest itself –Making manifest– develops in parallel with the new notions around the notorious.

The process by inquisition was conformed to the restrictions that the forms of ecclesiastical judgment implied at the time of persecuting and judging the grave sins of the clergy themselves. During the so-called Gregorian reform, when clergy trials were flourishing accused of simony and unnatural sexual practices<sup>38</sup>, the procedures in force in the Church to judge the manifest sins of the clergy were the summary process or the judgments of God - where the evidence against the accused was obtained through ordeal or oath -, while for secret crimes, canon law offered the accusation and denunciation processes. For its part, the accusation made the Church dependent on the testimony of an accuser in order to prosecute the crime of simony or deviant sexual conduct. Because such sins could be secret, prosecution was insufficient to prosecute clerical indiscipline. Likewise, the ordeals were also counterproductive for the Church in the task of disciplining –Manifestum– and the occult –ocultum–, which transformed the cognitive presuppositions of the late middle age. In the context of the persecution of heresy, certain sins until then restricted to sacramental correction, they came to be tried as crimes in ecclesiastical courts; while the trial of the notorious crime of clerical simony was transferred to the penitential environment so as not to encourage scandal - in its medieval sense, as seduction to imitation of sin -. What it means that the devices of the inquisition and the confession developed in a dynamic relationship with the resistance to the different forms of ecclesiastical judgment clergy because the decision on the accused depended on the judgment of the communities or that of the local hierarchy - in addition to being unfeasible if there was no witnesses. Although recourse to popular denunciation of clerical crimes could be effective because the community could warn



them by their proximity, it did not stop causing problems the Roman government because it was not in a position to control the meaning - or the veracity - of the accusation and the sentence. The reasons for the accusation were multiple and not always easy to prove: being children of prostitutes or bastard children, lepers, servants, simoniacs, truhanes or villains, heretics, blasphemers, sacrilegious or having concubines. Roman difficulties in controlling local verdicts in God's judgments influenced the decision to prohibit ordeals and oaths in ecclesiastical justice, based on of the IV Lateran Council.

### C. CONCLUSION

In this context, judicial procedures for investigation and for canonical denunciation emerged. Although its final development took place in the context of the fight against heresy at the beginning of the thirteenth century, a few decades earlier its use in the persecution of clerical excesses thanks to an operation that allowed to expand the evidence of the manifest. As long as the qualification of a crime as *notorium* or *manifestum* did not make the existence of a prior accusation essential for a judge punished the criminal, the new judicial process consisted of initiating a inquiry based on suspicion of a criminal sin. The rumor then becomes a judicial indication. Canonistics instituted the possibility of knowing the occult through indications *ex evidentialia* or *ex fama* in the decretal *Licet Heli* (1199) issued by Innocent III against simony. During this pontificate the procedure was legalized and expanded being instituted as a judicial procedure in the decree *Qualiter et quomodo* -eighth- of the IV Lateran Council, where *fama* was introduced as a form of denunciation, sufficient reason for an investigation. The further development of the inquisition and confession in judicial proceedings ecclesiastical was linked to the dynamics of persecution of heresy.<sup>47</sup> Although in a At first the heresy was an erroneous belief and was to be judged in the internal forum, the intellectual category of the semi-occult, together with confessed testimony and investigation by clue, made possible the revelation of hidden sins to be judged judicially. In parallel, heresy was typified as a crime of treason from the bull *Vergentis in senium*, using the categories of imperial Roman law. Heretics were represented as a danger to the ecclesial community by the character contagious and clandestine - *occultatio diabolica* - of their heterodoxy, which they obstinate. So that heresy could be hidden both in the secrets of the soul and in clandestine practices under community protection.

In this framework, the active action of the Church was extended to reveal what was hidden before he suspected her of a public threat. An ecclesiastical officer could initiate the search of evidence taking *fama* as an indication of a crime, without the need for an accuser private start a resource. In this sense, the semi-occult expressed a movement of the know, a transition of reason from the hidden to the manifest, thanks to the legal fiction of the *notorium iuris* that categorized the potential unveiling of a sin when there were indications that could serve as judicial evidence. What was accompanied by new ways of rationalizing the cognition of factual facts, the veracity of judicial evidence as evidence of facts and its relationship with the qualities of the guilt evidence. It was about a new perception of the dynamic between the notorious and the secret that, deal intellectually and procedurally with the evidence and the evidence of the fact, fabricated new conceptions of truth and cognitive access to it. The truth in the judgment of heresy

emerged from the fictitious but plausible reconstruction of a fact by presenting evidence that would make it "rationally" evident, as opposed to of the judgments of God. Criminal truth resulted, in principle, from the possibility of being tested through verification, demonstration and verification processes against a fact fictitiously reconstructed. Against this, in the high medieval era they were the testimony and faith the forms of evidence or certainty of what happened - not only in the trial, but also in the chronicle for example-; the criterion of truth was constituted by the honorability of the subject that testified and enunciated what happened. But, from the emergence of the canonical denunciation and inquisition procedures, and their combination with the auricular confession, the testimony became one more proof of truth, capable of being contrasted with other evidence not always attested.

This type of judicial truth is inseparable from the legal systematization and qualification of grave sins. The heretical criminal act existed because of its previous legal classification as a crime. If the ecclesiastical judgment sanctioned nonobedience to its norm according to its typification itself, this meant that ecclesiastical justice was no longer dedicated solely to to act as a referee in an accusation of wrongdoing and / or to sanction a scandalous indiscipline. Along these lines, Innocent III legally categorized social behaviors that aided to or condescended to heretical life. The inquisition process in regions where the heresy was widespread depended too much on accusatory confession or testimony inculpatory. Given this, the bull *Vergentis in senium* offered tools to the bishops to extend punishments to communities. Now the episcopate could identify custodians, receivers or hiding agents and impose penalties of excommunication, deprive them of rights, confiscate their assets and deprive their children of inheritance<sup>55</sup>. Some punishments that imitated employed by ancient Roman law, when the sentence of the guilty was transmitted to his offspring. This strategy, in addition to expanding the incrimination radius, broke the solidarity ties of the communities fostered mistrust by introducing figures like that of the confidant, the informer or the accuser.

The bull *Vergentis in senium* was distributed in a circular letter to prelates and princes outside Lazio, especially in the Languedoc and Provence regions, where it would have place the crusade against the Albigensian heresy (1209-1229). The elites of these regions organized mainly in autonomous counties and duchies - both lay and ecclesiastical lords - of the imperial, royal and papal powers were averse to Roman centralism. This made the submission to the papal government of these stately elites more complicated. and from local rural and urban communities, where they were widely practiced heterodox forms of religiosity such as the Cathars or Waldensians. The protection of the count of Toulouse Raymond VI to the resistance of the local clergy to Rome and the extension of the counter-economies of salvation identified as heretical deepened the conflict with the papal legacies. To the point that in 1208 this count was accused as the mastermind of the murder of the papal legate Pierre de Castelnau. Fact that triggered the call from Innocent III to the so-called Albigensian Crusade, which lasted brutally during the next twenty years. In this context of the internal war against heresy some of the developments of the judicial and penal procedures previously exposed are situated..

However, not even the brutal Albigensian crusade would mean the end of the persecution of heresy. The Papal Inquisition and the official use of torture to extract a confessions as judicial



evidence were instituted in subsequent decades. If in the Council lateran in 1215 the procedures for incriminating heresy were systematized, in 1230 - a year after the end of the Albigensian Crusade - Pope Gregory IX instituted the specific court of the papal inquisition to prosecute heretical pravedad. Was established thus a court directly and exclusively dependent on Rome, differentiated from the inquisition as judicial procedure in ordinary diocesan courts. A judicial body with reticular intervention capacity, but implemented ad hoc regardless of the local jurisdictions or diocesan courts. These papal inquisitions, which could prolonged extensively in time, were endowed with extensive powers and developed a know-how expert in the persecution of heresy, equipping himself with seasoned techniques in the identification and indictment. The manuals for inquisitors themselves were written collecting the experience of the friars in the courts of these regions, and their descriptions and categorizations of heresy served as a tool for scholastic polemic.

The inquisitorial arts for heretical persecution penetrated the life of the communities, deteriorating the previous bonds of solidarity<sup>59</sup> and local organizational forms. The incitement to denunciation in interrogations and in public ceremonies through sermons that were intended to frighten the communities generated a climate of distrust. He fear of the inquisitors could be projected to the neighbors on the suspicion that it was a confidante or potential whistleblower. This breakdown of community trust and solidarity was fundamental in the context of Languedoc and Provence, where heterodox practices Healing of souls and ecclesial organization such as the so-called Cathars or Waldensians were based on bonds of friendship, fidelity and affinity - in its medieval sense.

But, despite the ferocity of the heretical persecution, the resistance to the pontifical government and his delegates did not cease. In the Italian cities of Ghibelli, supporters of the Emperor, an attempt was made to boycott the action of the inquisition. In the ecclesiastical province of Narbonne riots broke out against the pontifical courts during the 1230s, in the cities of Toulouse and Albi. At the end of the 13th century, in that same region, a movement with the purpose of preventing the inquisitorial action in which they participated representatives of the cities of Carcassonne, Albi, Castres, Cordes and Limoux, led by the Franciscan Bernard Délicieux. Faced with these resistances, in the middle of the 13th century, Innocent IV took another step in the persecution of heresy by authorizing the use of torture to obtain a confession as incriminating testimony<sup>61</sup>. Although de facto it was already resorted frequently to him, in 1252 an official license was given to be taken as proof of. testimony obtained under torture is true<sup>62</sup>. Through the torture of the body, it was judged the impenetrable soul. The forced confession thus becomes an incriminating truth test. Everything indicates that, if the tortuously provoked statement was taken as certainty, the torture simply made evident a truth of an already condemned soul-body. This phenomenon less will manifest the impossibility and the historical bankruptcy of the papal authoritarian dream, a perfect sovereignty, where the governmental prescription and the will of the governed matched. The aspiration to orthodoxy / heterodoxy of a juridical pastoral government it had to go through the persecution and annihilation of heterodox and rebels.

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