

Inquisitorial Punishments in Lisbon and Évora¹

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Abstract

Punishments of more than 8,000 people sentenced by the Portuguese Inquisition from 1636 to 1778 are analyzed. Incarceration was by far the most common punishment, accounting for more than two thirds of all sentences. Around six percent of those sentenced were executed. Exile and the galleys were common punishments that met the State's needs, as well as those of the inquisitors. Religious figures received systematically different punishments for the same "defects" of sodomy and apostasy. New Christian punishments differed from those given to Old Christians; New Christians were more likely to die and be imprisoned, whereas Old Christians were exiled, whipped and sent to the galleys more frequently.

Keywords

Inquisition, Portugal, New Christian, *auto-de-fé*

Resumo

São analisadas as punições recebidas por mais de 8.000 pessoas condenadas pela Inquisição Portuguesa entre 1636 e 1778. O encarceramento era, de longe, a punição mais comum, representando mais de dois terços de todas as sentenças. Cerca de seis por cento dos condenados foram executados. O exílio e as galés eram castigos comuns que asseguravam as necessidades do Estado, bem como as dos inquisidores. Figuras religiosas receberam punições sistematicamente diferentes para os mesmos "defeitos" de sodomia e apostasia. As punições aos cristãos-novos eram diferentes das que os cristãos-velhos recebiam; os cristãos-novos eram geralmente condenados à morte ou presos, enquanto os cristãos-velhos eram mais frequentemente exilados, açoitados e enviados para as galés.

Palavras-chave

Inquisição, Portugal, Cristão-Novo, auto-de-fé

¹ This is a modified version of a chapter from my dissertation. I would like to thank John Nye, Noel Johnson and Hilton Root for earlier comments.

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1. Introduction

Various punishments were given to offenders by the Inquisition. Punishments were not necessarily used to correct the deviant person, but rather meted out “for the public good in order that others may become terrified and weaned away from the evils they would commit” (Eymerich 1578: 563).³ Inquisitors kept detailed records of those that they punished, and I summarize here the sentences of more than 8,000 people in the Lisbon and Évora Tribunals, mostly from the years 1636 to 1778. Inquisitors did not punish uniformly; there were systematic differences in sentencing based on age, gender, occupation and heritage (New Christian or Old). While death is the punishment most commonly associated with the Inquisition, only roughly six percent of those in my data set were killed. Incarceration, exile, banishment, the galleys, confiscation and whipping were all commonly used to deter deviant behaviors. Punishments were used strategically to meet the Crown’s needs, in addition to those of the inquisitors.

Numerical approaches to the Inquisition have previously been used in order to study various aspects. Torres (1994) provides the number and occupation of *familiars* across time. Many writers provide some data on the total number of people sentenced or killed (e.g. Bethencourt 2009: 334-338). Here, I provide a greater breakdown of the characteristics of those punished.

Despite the vast literature about the Inquisition, relatively little has been written on the characteristics of those sentenced to different punishments. Usually the punishments are mentioned and described, especially in the case of death, but a systematic analysis of the characteristics of those punished is lacking. Most similar to my own work are the studies produced by Michèle Janin-Thivos Tailland (2001) and António Borges Coelho (1987). Janin-Thivos Tailland (2001) provides data on the individual characteristics of those accused in Évora by gender, marital status, fraction (New Christian), religious employment, birthplace, defect, etc. (pp. 126, 129, 124, 146, 205, 245). She also looks at different punishments, such as the numbers of those sent to the galleys or to Brazil or Angola, and the defect for which they were punished (pp. 364, 369). Coelho (1987) provides data on those who were *relaxados* (burnt at the stake) and imprisoned (pp. 151-162), including a detailed description of those killed in Évora (pp. 165-180). He also provides descriptions of the defects punished in Évora (pp. 188-194) and the offenders’ places of birth/residence (pp. 295-311). This is similar to my analysis; although my approach also contains the

³ My thanks to Jana Mathews for her help with the Latin translations.

Lisbon Tribunal and provides a greater breakdown of the characteristics of those punished for different sentences. Furthermore, I include comparisons of different kinds of people sentenced for the same defect.

2. Punishments

My data comes from the *Lists of the Portuguese Inquisition* (Oakley 2008, vols. 1&2). Inquisitorial manuscripts of those sentenced in public and private *autos-da-fé* were kept at the Library of the Jewish Theological Seminary of America in New York. It is not known how the manuscripts arrived there, but the Jewish Historical Society of England has published the records of the Lisbon and Évora Tribunals. The lists from the Coimbra Tribunal are not published and hence not included in the analysis below. While this excludes the largest tribunal in terms of both the area that it covered in Portugal, and the number of sentences that it applied, Lisbon and Évora include more than 17,200 people, with almost 8,500 having recorded punishments after 1635. The Lisbon Tribunal has the lists from 1540 to 1778; while the Évora Tribunal has lists from 1542 to 1763.

While deaths were documented for all years, other individual punishments were not recorded with frequency until after 1635. Hence my dating (for non-*relaxado* victims) goes from 1636 to 1778. There were five main punishments recorded: death, jail, exile, banishment and the galleys. Whipping was frequent as well, but was usually combined with an additional punishment. Confiscation was frequent, but not commonly reported. Table 1 shows the total number of recorded sentences, with the sum of the parts being greater than the total as there were sometimes multiple punishments administered to the same individual. Other punishments were present, such as being suspended from religious orders or wearing the *sanbenito*, but the five punishments mentioned earlier were the most frequently reported.

Table 1: Punishments recorded from 1636 to 1778 at the Lisbon and Évora Tribunals

| | | |
|-------------------|-------|-----|
| Death | 484 | 6% |
| Jail | 5,753 | 68% |
| Exile | 1,072 | 13% |
| Banishment | 221 | 3% |
| Whipping | 593 | 7% |
| Galleys | 552 | 7% |
| Total | 8,464 | |

Confiscation

Even though “the majority of prisoners had their property confiscated” (Oakley 2008, vol. 1: xiii), confiscation was rarely recorded in the lists, possibly due to its great frequency. The Évora auto of June 1653 did not result a long record, with it simply being stated that 128 people were sentenced, 64 men and 64 women. Afterwards, there is an extensive note with the list of those people who had their goods confiscated, broken down by their wealth, including the rich (50), the poor (29), and poor women (29). More than a century later, in 1757, an Old Christian (or so he said) was exiled to Africa for attempting to protect New Christians from having their goods confiscated.

Sanbenito

Another common punishment was the *sanbenito*. This was a penitential garment with a red St. Andrew’s cross or with images of devils, dragons, flames, etc. A large cap was used as well. The *sanbenito* was to be worn for many years, or indefinitely in the case of the *hábito perpetuo*, although typically there was a limit to the limitless sentence (Carrasco García 2006: 314; see also Braamcamp Freire 1899: 87). However, like confiscation, the *sanbenito* was not recorded with great frequency in the lists.

Whipping

Whipping usually coincided with additional punishments. Besides the standard flogging, it could become more extreme. After the auto of June 1645 in Lisbon, inquisitors noted that “Between this and the two previous Autos, there were six hundred, including those burned, whipped, degraded and those accused of the nefarious sin [sodomy]”. The note mentioned that some of the convicted sodomites were banished, but before they left they were found “in the crime” that was “too unworthy to write”. As an additional punishment, they were whipped with canes, with their arms attached to a stick and a wet string placed in their mouth.

Table 2 shows the ages of those whipped and the total number of people sentenced in the given age range. Only four percent of those whipped were aged under twenty, whereas almost eight percent of those sentenced were that young. Older people seemed to enjoy a reprieve from whipping as well; six percent of the whipped were over 60, whereas nine percent of those sentenced were above that age.

Table 2: Whipping and Ages

| Age | Whipped | Percentage whipped | Total Sentenced | Percentage sentenced |
|-------|---------|--------------------|-----------------|----------------------|
| 10-19 | 20 | 4% | 594 | 8% |
| 20s | 128 | 24% | 2,143 | 29% |
| 30s | 167 | 31% | 1,903 | 26% |
| 40s | 119 | 22% | 1,343 | 18% |
| 50s | 65 | 12% | 831 | 11% |
| 60+ | 35 | 6% | 642 | 9% |

Jail

By far the most commonly recorded punishment was incarceration, with more than two thirds of those with a recorded punishment being sent to jail. Jail sentences would last for a few months and rarely for more than three years in the case of a repentant prisoner. Life sentences typically lasted a decade. With excessive overcrowding, a prison sentence at times became more like house arrest and prisoners were allowed to leave during the day and return at night (Kamen 1997: 201).

Exile

Exile was another common punishment. As a method of repopulation, King Dinis instituted *coutos* or asylum cities in 1308. Frequently they were border towns sparsely populated after the *reconquista* or wars with Spain. They were havens for those found guilty of non-fraudulent and treasonous crimes, excluding adulterous women. This continued for centuries, with internal exile being suspended from 1691 to 1703, due to the large numbers of murderers who fled to Spain. Exile ceilings were imposed on towns to prevent a large influx of criminals, and towns could lose their status as an asylum city if the population was deemed satisfactory by the Crown (Coates 2002: 50-2).

Those exiled by the Inquisition would be sent to other towns in Portugal, Brazil and Africa. Many were sent to the Algarve and particularly to Castro Marim, a border town. It received exile status in 1524 and internal exile became synonymous with the town. Dom Manuel I decreed that anyone banished could have his sentence halved if he went to Castro Marim instead (Coates 2002: 53-56).

Starting in 1493, those exiled to São Tomé were allowed to return to Portugal for up to four months before having to return to exile. After twenty years, this measure was revoked and in 1560 any exiles found living off the island would have their sentence doubled (Coates 2002: 53). The majority of European settlers in São Tomé were exiles—possibly as many as 95 percent (Coates 2002: xviii). In the decree issued by Dom Manuel I, referred to above, anyone exiled within Portugal could opt to go to North Africa instead and have the sentence halved (Coates 2002: 55-6). In 1519, the Crown ordered the courts not to exile offenders to a specific location, but simply to Africa. Bribery was a common practice practiced by those wishing to avoid going there, with certificates of completion being issued prematurely. Laws were passed to combat this in the early seventeenth century (Coates 2002: 58).

Table 3 shows the locations of inquisitorial exiles: Castro Marim, Algarve (not explicitly Castro Marim), non-Algarve cities in Portugal, Africa and Brazil. Of the 1,107 exiles (including those pre-1636), nine were exiled for life—all to Africa—and 25 had data missing about the length of their exile.

Table 3: Exile by Location, Gender, Age

| | All exiled | Africa | Algarve | Brazil | Castro Marim | Portugal |
|--|------------|--------|---------|--------|--------------|----------|
| Total | 1,114 | 282 | 36 | 284 | 260 | 252 |
| Men | 572 | 138 | 13 | 111 | 165 | 145 |
| Percentage | 51% | 49% | 36% | 39% | 63% | 58% |
| Whipped | 213 | 77 | 2 | 69 | 31 | 34 |
| Percentage | 19% | 27% | 6% | 24% | 12% | 13% |
| Women-single | 271 | 73 | 21 | 55 | 26 | 26 |
| Percentage | 50% | 51% | 91% | 32% | 27% | 24% |
| Women-widows | 96 | 29 | 2 | 20 | 18 | 26 |
| Percentage of single or widowed women | 68% | 71% | 100% | 43% | 46% | 49% |
| Exile Mean | 4.3 | 5.6 | 4.1 | 4.8 | 3.4 | 3.4 |
| Exile Median | 4 | 5 | 4 | 5 | 3 | 3 |
| Age Mean | 40.7 | 40.5 | 35.7 | 41.4 | 39.1 | 42.1 |
| Age Median | 39 | 40 | 33 | 40 | 36 | 40 |
| Age Mode | 30 | 40 | 33 | 30 | 30 | 50 |

Exiles in Africa were the longest on average, possibly differing from earlier policy that those exiled could go to Africa for half the length of a domestic exile. Alternatively those going to Africa would have had a longer sentence if exiled to a different location. Either way, exiles in Africa and Brazil were both longer compared to other places, which is consistent with the notion of exile being used as a means of populating colonies. The average sentence of an exile within Portugal's borders was 3.4 years compared to 5.2 years in the colonies, or roughly 50 percent longer. Ages did not vary much, except for the fact that the small sample size for the Algarve was lower than the others. The mean age of single women was 32.6, with a median of 30; for widows, it was 54.4 and 53.5 respectively. Whipping was much more common for those going to the colonies, meaning a more severe punishment than just the length of the sentence. While fifty percent of women sentenced were single, the colonies had a higher percentage of single women (excluding the small sample of the Algarve) than those staying in Portugal, which again is consistent with the notion of the colonies being populated with exiles. Men, roughly half of the sample, were disproportionately represented in Castro Marim and Portugal. Brazil saw significantly more women than men exiled there. It was seen as a prime colonizing area and needed the women (Coates 2002: 85).

After arriving at their exiled destination, the convicted reported to a commissioner of the Holy Office who would send a return letter confirming their arrival (Pieroni 2000:

249-50). There were high death rates in Africa and, with expensive home voyages, many of those exiled overseas did not return to Portugal (Walker 2005: 303), thereby resulting in a *de facto* lengthening of colonial sentencing.

Banishment

Banishment was less common than exile. More men were sentenced (in percentage terms), with the average sentence being about half that of exile and administered to men slightly older in age. Traveling overland across Portugal was not only dangerous, but the roads were in a terrible state. Wolves were such a threat to travelers that, in 1655, the Crown allowed those convicted in civil cases to pay their fines by killing them (Coates 2002: 11). Banishment removed the convicted from their families, friends and jobs. With travel being harsh and expensive, this drained the finances of the banished and caused isolation (Walker 2005: 332). For the inquisitors, banishment and exile “functioned as what was believed to be a necessary religious and social defense against heterodox infection, while, at the same time, serving as a mystical procedure for the purification of sins” (Pieroni 2000: 250).

Table 4: Banishment

| | |
|-------------------------------|------|
| Total | 205 |
| Men | 141 |
| Percentage Male | 69% |
| Banish Length – Mean | 2.6 |
| Banish Length – Median | 2 |
| Banishment for Life | 4 |
| Age – Mean | 41.6 |
| Age – Median | 40 |
| Age – Mode | 40 |

Galley

Galley workers in Portugal did not work by rowing on ships, but rather performed slave labor. John Coustos told his story of being arrested by inquisitors, including his time spent in the galleys (Coustos and Gavin 1821; see also Dellon 1812 for a second account of galley life). Listed as João Custon by inquisitors, he was sentenced in 1744 by the Lisbon Tribunal for being a protestant heretic and practicing freemasonry; both of which he

refused to deny. He was arrested, imprisoned, interrogated, sworn to secrecy and told not to reveal the secrets of the Holy Office,⁴ interrogated many times more, tortured, told if he died while being tortured it would be considered suicide, tortured many times more (nine in total) to the point where he could not lift his hand to his mouth, went to the auto and was sentenced to the galleys for four years.

Secular judges sent convicts to the galleys, as did inquisitors. These convicts included Turks, Moors, fugitive slaves, and bad servants sent by their masters for punishment. Some carried timber to dockyard carpenters, others carried water and provisions to outbound ships, others took water to prisoners in Lisbon, while others took water to the king's gardens. They were maltreated unless they bribed the overseers. Prisoners had an eight-foot-long chain fastened to their feet. Heads and beards were shaved once a month. Work ran from early morning until eleven o'clock when there was a break for something to eat, and then work continued until late at night. The sick received good treatment, but those who stepped out of line were whipped severely, and some were disabled for life as a result.

Coustos carried water to the prisons, but was too weak at first from the time he had spent being tortured and imprisoned. He carried on out of fear, before falling sick. Irish friars were sent to him and told him he would be released if he became a Catholic, but Coustos refused. He could not continue his labors and was excused by "amply rewarding the overseers" (Coustos and Gavin 1821: 50). He was followed by spies and sent back to the tribunal, where he stated that he intended to return to London. He was supposed to report to the inquisitor before embarking, but did not, leading to spies being sent to find him (Coustos and Gavin 1821: 52-3). They did not find him and he arrived in England.

The 587 people sentenced to the galleys were all men with a mean age of 37.6, a median age of 36, and a mode age of 40; slightly younger than those who were exiled (a mean male age of 40.7, median of 39, mode of 30). Secular trials and the Holy Office coordinated the exile sentencing mentioned above to suit the needs of the Crown (Coates 2002: 27-8), thereby accomplishing the goals of the State and the Inquisition simultaneously.

⁴ It is interesting to note that inquisitors told Coustos that "if this society of freemasons was so virtuous as I claimed, there was no occasion for their concealing so industriously the secrets of it", while at the same time making prisoners take oaths not to reveal any of the proceedings of the Inquisition (26).

Death

Overall (from 1540 on), more than 1,000 people were killed in my sample of 17,000, or, in other words, six percent. However, those who were killed differed from those who were not: in gender, age, occupation, country of origin and defect.

Witch hunt victims were primarily women and disproportionately widowed (Oster 2004: 215). In a broadly similar fashion, the Inquisition also killed widows at high rates, but not non-widowed women. Less than four percent of non-widowed women were killed, whereas more than ten percent of widows were. About six percent of men were killed by comparison.

Table 5: Men, Women and Widows Killed

| | Total | Killed | Percent |
|--|--------------|---------------|----------------|
| Everyone | 10,116 | 531 | 5.2% |
| Men | 5,313 | 323 | 6.1% |
| Women | 4,803 | 208 | 4.3% |
| Widowed | 629 | 65 | 10.3% |
| Non-Widowed | 4,174 | 143 | 3.4% |
| Data from 1636 to 1778 and people with gender data | | | |

From 1636 on, there were 7,301 people with their ages recorded, of whom 314 were killed. Those killed were significantly older, more than a decade older on average, with women having a 17-year disparity in average age as opposed to those who were not executed.

Table 6: Mean Ages and Sentencing

| | Death Sentence | | Other sentence | |
|---|-----------------------|------------|-----------------------|------------|
| | Total | Age | Total | Age |
| All | 314 | 47.6 | 6,987 | 36.1 |
| Men | 196 | 44.8 | 3,699 | 36.7 |
| Women | 118 | 52.2 | 3,288 | 35.4 |
| Data from 1636 to 1778 and people with age data | | | | |

Death rates for those with a listed occupation varied. Merchants were killed at a rate of more than ten percent, with doctors close behind at nine percent. Religious authorities were lower at about six percent and military men had the lowest score with three percent.

Merchants and doctors were dominated by New Christians, and therefore had the higher average.

Table 7: Men with a Listed Occupation

| | Total | Killed | Rate |
|---|--------------|---------------|-------------|
| All | 4,111 | 256 | 6.2% |
| Business | 996 | 109 | 10.9% |
| Medical | 211 | 19 | 9.0% |
| Lawyer | 111 | 8 | 7.2% |
| Religious | 241 | 14 | 5.8% |
| Farm | 493 | 22 | 4.5% |
| Military | 243 | 7 | 2.9% |
| Other | 1,816 | 77 | 4.2% |
| Data from 1636 to 1778 and men with occupation data | | | |

Table 8 shows the data relating to those who were killed, by place of origin. People listed as being from foreign places came from Spain, Brazil, the Islands (Madeira and the Azores), and all other countries. Native Portuguese were killed at a rate that was three times higher than for foreigners. However, most foreigners who were killed were Spanish. Nearly seven percent were killed, as opposed to about two percent in the case of non-Spanish foreigners.

Table 8: Death Rates by Origin

| | Total | Killed | Percent |
|--|--------------|---------------|----------------|
| All | 4,313 | 470 | 10.9% |
| Portugal | 3,443 | 434 | 12.6% |
| All Foreign | 870 | 36 | 4.1% |
| Spain | 368 | 25 | 6.8% |
| Brazil | 366 | 7 | 1.9% |
| Islands | 74 | 0 | 0.0% |
| Non-Spanish Foreign | 502 | 11 | 2.2% |
| Data from 1636 to 1778 and people with origin data | | | |

Those killed were mostly executed because they were Jewish. The minimum estimate suggests that more than 80 percent were alleged crypto-Jews and the maximum estimate points to more than 95 percent. Eleven people had multiple reasons for death given; all of them were New Christians, and were listed for the other reason in the following chart (7 for Sodomy, 1 marriage, 2 apostasy, 1 other (sins against the

Inquisition)), thereby leading to a downward bias in the death rate for Judaism. About 15 percent of those killed had no reason listed: it is almost certain that most (if not all) of them were killed because they were Jews. If all of those without a reason listed are assumed to be New Christians, then more than 95 percent of those killed were New Christians. If we only consider those with a reason listed (910 people), 95 percent were killed as a result of their Judaism.

Table 9: Death Rates by Defect

| | Total | Killed |
|------------------------|--------------|---------------|
| Deaths | 1,066 | 100.0% |
| Jew | 867 | 81.3% |
| No Reason | 156 | 14.6% |
| Sodomy | 27 | 2.5% |
| Apostasy | 10 | 0.9% |
| Other | 6 | 0.6% |
| Data from 1540 to 1763 | | |

Death was the most severe punishment, but it was not used randomly. Widows were killed at high rates, whereas married women were killed at lower rates than men. Older people were more likely to be killed. Portuguese natives were put to death at high rates, Spanish nationals at lower rates, and non-Spanish foreigners were rarely killed. The crime of Judaism was almost exclusively the reason for being killed, with the best estimate being about 95 percent.

3. Differing Punishments

As was the case with the death sentence, the Inquisition did not apply non-capital punishments uniformly. Holding the defect constant, the punishments given to religious figures systematically differed from those given to secular figures, those given to women differed from those given to men and those given to Old Christians from those given to New Christians. Various defects and their punishments are shown here, broken down into different groups.

Sodomy and apostasy were offenses committed by both religious and secular people. Table 10 shows the comparison made of 155 people sentenced for sodomy and separated according to whether they were religious figures or not. The most severe

punishment – death – occurred at a much higher rate for religious figures, clearly amounting to a sign of deterrence. Brutal galley work and being exported to colonies (which could easily result in death) occurred at much lower rates for religious figures, but accounted for three quarters of secular punishments. Whipping, a public humiliation, was the punishment given to half of the sodomites, but only to five percent of religious figures: a sign of deterrence for secular men, but representing an apparent shielding of co-religionists. Religious homosexuals received the harshest punishment at the highest rate, but if death was avoided then the punishment was less severe than it was for secular homosexuals.

Table 10: Punishments for Sodomy

| | Total | Religious | Secular | Total | Religious | Secular |
|---|--------------|------------------|----------------|--------------|------------------|----------------|
| Total | 155 | 21 | 134 | 100% | 14% | 86% |
| Death | 13 | 5 | 8 | 8% | 24% | 7% |
| Galleys | 72 | 4 | 68 | 46% | 19% | 56% |
| Jail | 4 | 1 | 3 | 25% | 19% | 2% |
| Exile to Colonies | 38 | 4 | 34 | 3% | 0% | 28% |
| Exile in Portugal | 5 | 0 | 5 | 1% | 5% | 4% |
| Banishment | 1 | 1 | 0 | 3% | 5% | 0% |
| Whipping | 68 | 1 | 67 | 44% | 5% | 55% |
| Note: Nine people received other punishments, while 13 punishments were missing; percentages calculated only for those cases with punishments listed, except in the case of death, which was always listed; whipping was accompanied by other additional punishments. | | | | | | |

Table 11 is similar to the previous one, but relates specifically to apostates. As before, religious people were killed at a higher rate than secular people, but the ratio was only one religious apostate to two secular apostates. The sample size is therefore too small to carry any real meaning. Religious figures were more likely to be sent to the galleys and exiled to the colonies, both of which were harsh punishments. While whipping was a much less frequent punishment for religious apostates rather than for secular apostates, the gap is much smaller than it was in the case of sodomy. Religious apostates were sentenced more severely than secular apostates in almost every case. This was a clear sign of deterrence for other priests, nuns and friars, showing that heretical notions would not be tolerated by the Inquisition.

Table 11: Apostate Punishments

| | Total | Religious | Secular | Total | Religious | Secular |
|---|--------------|------------------|----------------|--------------|------------------|----------------|
| Total | 310 | 59 | 251 | 100% | 19% | 81% |
| Death | 7 | 1 | 2 | 2% | 1.7% | 0.8% |
| Galleys | 52 | 14 | 38 | 17% | 24% | 15% |
| Jail | 34 | 7 | 27 | 11% | 12% | 11% |
| Exile to the Colonies | 47 | 11 | 36 | 15% | 19% | 14% |
| Exile in Portugal | 101 | 4 | 97 | 33% | 7% | 39% |
| Banishment | 53 | 11 | 42 | 17% | 19% | 17% |
| Whipping | 78 | 4 | 74 | 25% | 7% | 29% |
| Note: Thirteen people received other punishments, while one punishment was missing; percentages calculated only for those cases with punishments listed, except in the case of death, which was always listed; whipping was accompanied by other additional punishments | | | | | | |

Bigamy was a crime that resulted in many more men than women being sentenced. With divorce being illegal, a spouse would marry someone else even if the first spouse was still alive. Death was almost a non-existent punishment for this crime, with only one bigamist being killed, who was also a New Christian. The vast majority of men were sent to the galleys, which was a harsh punishment. Women, on the other hand, were sent to the overseas colonies at high rates, a harsh punishment that acted as a substitute for the galleys, where only men were sent. Both men and women were frequently whipped.

Table 12: Punishments for Bigamy

| | Total | Male | Female | Total | Male | Female |
|---|--------------|-------------|---------------|--------------|-------------|---------------|
| Total | 431 | 349 | 82 | 100% | 81% | 19% |
| Death | 1 | 1 | 0 | 0% | 0.3% | 0% |
| Galleys | 249 | 249 | 0 | 58% | 72% | 0% |
| Jail | 38 | 27 | 11 | 9% | 8% | 13% |
| Exile to the Colonies | 84 | 33 | 51 | 19% | 9% | 62% |
| Exile in Portugal | 50 | 34 | 16 | 12% | 10% | 20% |
| Banishment | 5 | 2 | 3 | 1% | 1% | 4% |
| Whipping | 263 | 220 | 43 | 61% | 63% | 52% |
| Note: Three people received other punishments, while one punishment was missing; percentages calculated only for those cases with punishments listed; whipping was accompanied by other additional punishments. | | | | | | |

Table 13 gives a similar breakdown, but for Jewish and non-Jewish offenders. During this period (after 1635), Judaism as a defect represented about 70 percent of the total. Those accused of Judaism were executed at much higher rates, but were sent to the

galleys less frequently. The vast majority were imprisoned, as opposed to non-Jews, who were imprisoned at very low rates. Few Jews were exiled within Portugal, but had similar total numbers sent to overseas colonies, albeit at vastly different rates. More than 50 percent of non-Jewish offenders were either banished or exiled, as opposed to five percent of Jews. Interestingly, New Christians were rarely whipped; only one percent were recorded as being whipped, as compared to a third of Old Christians. *Defunta* refers to those who died in prison and had no other punishment associated with them, a situation which occurred more frequently among New Christians. Some who died in prison were vicariously killed. Such people have death listed for their sentence, not *defunta*.

Table 13: New vs. Old Christian Punishment

| | Total | New Christian | Old Christian | Total | New Christian | Old Christian |
|--|--------------|----------------------|----------------------|--------------|----------------------|----------------------|
| Total | 10,442 | 7,237 | 3,205 | 100% | 69% | 31% |
| Death | 484 | 438 | 46 | 5% | 6% | 1% |
| Galleys | 552 | 132 | 420 | 7% | 2% | 27% |
| Jail | 5,753 | 5,588 | 165 | 68% | 82% | 11% |
| Exile to the Colonies | 551 | 298 | 253 | 7% | 4% | 16% |
| Exile in Portugal | 521 | 97 | 424 | 6% | 1% | 27% |
| Banishment | 221 | 20 | 201 | 3% | 0% | 13% |
| Other | 157 | 114 | 43 | 2% | 2% | 3% |
| <i>Defunta</i> | 166 | 147 | 19 | 2% | 2% | 1% |
| Whipped | 593 | 75 | 518 | 7% | 1% | 33% |
| Note: Percentages calculated only for those cases with punishments listed, except in the case of death, which was always listed; whipping was accompanied by other additional punishments. | | | | | | |

Regression Analysis

From 1636 on, there were 6,863 people whose records showed the reason why they were sentenced, together with data relating to their employment (in the case of men), age, and place of origin. A probit regression was run on five punishments. A probit is a regression for an event that is either zero or one and assesses the probability of this event happening. The reasons for sentencing included in the regressions were Judaism and sodomy, together with employment (business, medical, military, cloth, and farm), and place of origin (Spanish and foreigners who were not Spanish). Controls were included for grain prices, urbanization, New Christian lobbying, Pedro II and Pombal (from Anderson 2012).

The regression results reiterate the above findings. For example, the column labeled “Death” assigns a value of one if the person was *relaxado* (burnt at the stake) and zero for any other punishment. The numbers in the column relate to the change in the probability of being killed given that the person was sentenced; with stars denoting significance. Being a New Christian is highly correlated with capital punishment, as is being older, a male or a widow. Being a farmer, on the other hand, yields a lower probability of being *relaxado*; possibly due to the lack of New Christian farmers.

New Christians were also much more likely to be incarcerated, but less likely to be whipped, exiled and sent to the galleys. Sodomy resulted in a somewhat opposite pattern: offenders were less likely to be sent to jail, but more likely to be sent to the galleys and be whipped. The probability of being exiled increased with age, but older people had a lower rate of incarceration. Businessmen were more likely to be killed and exiled – consistent with a rent-seeking story of eliminating competition. Military men were exiled more frequently, but sent to the galleys less often. Men were more likely to be killed, but less likely to be exiled. As already stated above, women were exiled more, in order to help populate the colonies. Widows had a higher probability of being killed, but otherwise this condition had no effect on the sentence.

Table 14: Probit of Punishments

| | Death | Exile | Jail | Galleys | Whipping |
|----------------------|--------------|--------------|-------------|----------------|-----------------|
| Controls | Yes | Yes | Yes | Yes | Yes |
| | | | | | |
| New Christian | 0.9*** | -1.7*** | 2.5*** | -1.7*** | -2.1*** |
| | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Sodomy | 0.2 | -0.3* | -0.9*** | 0.5*** | 0.4*** |
| | 0.599 | 0.062 | 0.003 | 0.000 | 0.005 |
| Age | 0.02*** | 0.01*** | -0.02*** | 0.00 | 0.00 |
| | 0.000 | 0.000 | 0.000 | 0.487 | 0.498 |
| Business | 0.2** | 0.2** | -0.1 | -0.1 | -0.2 |
| | 0.024 | 0.033 | 0.124 | 0.217 | 0.225 |
| Medical | 0.2 | -0.1 | -0.2 | 0.3* | 0.1 |
| | 0.235 | 0.510 | 0.140 | 0.051 | 0.693 |
| Military | -0.4 | 0.5*** | 0.2 | -0.4** | -0.2 |
| | 0.109 | 0.000 | 0.231 | 0.018 | 0.172 |
| Cloth | 0.0 | 0.2** | 0.1 | -0.1 | 0.1 |
| | 0.815 | 0.013 | 0.307 | 0.615 | 0.545 |

| | | | | | |
|--|--------|---------|---------|-------|-------|
| Farm | -0.3* | 0.0 | 0.1 | -0.1 | 0.0 |
| | 0.067 | 0.970 | 0.393 | 0.174 | 0.984 |
| Male=1 | 0.3*** | -0.5*** | -0.2*** | | 0.2** |
| | 0.001 | 0.000 | 0.000 | | 0.036 |
| Widow | 0.2** | -0.1 | -0.1 | | -0.1 |
| | 0.027 | 0.443 | 0.244 | | 0.454 |
| From Spain | 0.1 | 0.2 | -0.2* | -0.2 | 0.0 |
| | 0.678 | 0.116 | 0.082 | 0.166 | 0.868 |
| From Foreign | 0.0 | -1.0*** | 0.1 | 0.3 | 0.2 |
| | 0.931 | 0.001 | 0.794 | 0.279 | 0.540 |
| Pseudo R² | 0.135 | 0.256 | 0.394 | 0.299 | 0.418 |
| *** is significant at the 1% level, ** at the 5% level, and * at the 10% level | | | | | |

4. Conclusion

I have presented some statistics of punishments at the Lisbon and Évora Tribunals. There are some limitations to these data. Consistent records are not available for almost the whole of the first century of the Inquisition and all of the records of the Coimbra Tribunal are excluded, as well as those of Goa. This places certain restrictions on an analysis of how punishments evolved in the early stages of the Inquisition, limiting comparisons across time. Unfortunately, confiscations were not recorded, thereby excluding a very common punishment. However, there is still substantial data, which is enough to paint a picture of inquisitorial sentencing.

In seeking to deter certain behaviors, there were various punishments meted out by the Inquisition's tribunals. The *sanbenito*, confiscation and whipping were common punishments; as were death, jail, exile, banishment and becoming a galley slave. Sentencing displayed systematic differences between the punishments meted out for religious and secular homosexuals and apostates, in addition to systematic differences for men and women who were sentenced for bigamy and for New and Old Christians. Punishments were given in order to deter certain behaviors, while simultaneously meeting political objectives. Inquisitors used the punishments at their disposal in systematic ways in order to hold onto their power and consolidate their control over the masses.

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