



*Journal of
Religion & Society*
Supplement Series

The Kripke Center

Supplement 13 (2016)

Religion and Identity

Edited by Ronald A. Simkins and Thomas M. Kelly

10. The Heresy of the Ancestors

A Case Study in Religion and Identity from Early Modern Catholicism

Julia Fleming, Creighton University

Abstract

This case study examines the background to Johann Lerchenfeld's successful petition for nullification of his religious vows as a Theatine on the grounds of his religious ancestry. While Lerchenfeld's forebears were Protestant, the exclusionary provisions that served as the basis for his release were the product of concerns over "New Christian" lineage in Iberia, and the intersection of medieval disabilities for the children of heretics with anxieties regarding so-called purity of blood. The Theatine exclusionary rules, and their amendment in 1710, reflect the changing face of religious identity in Early Modern Europe.

Keywords: Theatine, heresy, purity of blood, Limpieza de sangre, Converso

Introduction

In 1700, Johann Baptist Lerchenfeld petitioned the Vatican for a decree of nullity regarding his vows as a Theatine, the order in which he had been a professed member since 1676. Lerchenfeld's claim rested on a piece of family history that he had apparently discovered many years after joining his religious community. The skeleton in Lerchenfeld's closet was that some of his recent forebears had been Lutherans (Schutte: 120-21). Accepting Lerchenfeld's claim that Theatine statutes demanded orthodox Catholic faith, not only from candidates for admission, but also from four generations of their ancestors, the Sacred Congregation of the Council granted his petition in 1704.¹

The interesting question about this incident is not why the Council ultimately granted Lerchenfeld's petition, but why his religious community gave such weight to the religious status of his ancestors. In fact, in 1710, when the Theatines amended this rule regarding genealogy, they provided a rationale for its original adoption.

Concern for the reputation of the order's houses in Spain and Portugal lay behind the requirement that any non-Italian candidate demonstrate his patrilineal and matrilineal descent from four generations of proven Catholics, and "as they say, from Old Christians, not from new Christians" or from anyone "stained with any suspicion" of contravening orthodox faith (CR 1653: 9; CR 1750: 25-26).² Lerchenfeld's situation was not the product of Catholic/Protestant divisions in Germany. Instead, it was the byproduct of Iberian controversies about the standing of baptized persons with Jewish and Muslim ancestry – controversies that spread beyond Europe in the wake of the Spanish and Portuguese empires. What we refer to today as *religious identity* was in fact, a central factor in the institutionalized anxieties regarding heretical ancestors that undercut Lerchenfeld's Theatine vows.

To make sense of this, it will be helpful to begin with some preliminary observations about heresy and heresy law in Early Modern Catholicism, especially regarding the heredity disabilities incurred by the descendants of heretics. From there, we will consider how these disabilities became intertwined with exclusions regarding "purity of blood" in Iberia. As will become apparent, the traditional disabilities for heresy not only share a number of practical features with the disabilities for purity of blood, but also serve as an ethical precedent for them, uniting the two at the level of ethical theory. Brief analysis of two ethical arguments, one opposing, and the other supporting, a particular purity-of-blood restriction, will illustrate the point. After examining how purity-of-blood restrictions extended the traditional disabilities for heresy, we will conclude with a discussion of the Theatines' adoption and then amendment of their exclusionary rules.

¹ In explaining Lerchenfeld's case, Anna Jacobson Shutte reports: "the Theatine constitutions limited admission to men whose forebears on both sides for at least four generations back had been orthodox Catholics" (120). The requirement actually appears in the decrees of the general congregations (see Chierici Regolari [hereafter CR] 1653: 9).

² "*Antiquioribus, ut dicunt, Christianis, non autem ex novis, aut suspicione aliqua contra Orthodoxam Fidem notatis*" (CR 1750: 26; author's translation).

Preliminary Considerations about Heresy and Heresy Laws

Investigating concerns about heretical ancestry necessarily requires some attention to the notion of heresy itself.³ The Theatine Antonino Diana, one of the most famous casuists of the seventeenth century, defined heresy as a “voluntary error against some truth of faith asserted pertinaciously by someone who has received the faith.”⁴ Both errors of faith by non-Christians and inculpable errors of belief by Christians thus fail to meet this standard (Diana: 246, 197, 222-24).⁵ However, the term *heretic* encompassed properly baptized members of Christian movements condemned by the Church, such as Lerchenfeld’s Lutheran ancestors, even if they had been born into these communities (see Lea: 2.3).⁶ Catholics who embraced ideas contrary to Church teaching were also considered heretics, unless instruction convinced them to abandon the error of their ways. (Diana’s reference to *pertinacious* assertion distinguishes those who refuse to relinquish deviant beliefs from those who repent after correction.) In the Iberian context, for example, inquisitors encountered the popular view that simple fornication was either no mortal sin or no sin at all (Schwartz: 26-33).

Yet group affiliation and the unrepentant assertion of deviant beliefs were not the only roads to a heresy trial. In fact, the range of words, acts, and omissions relevant to a heresy investigation could be exceptionally broad, because heresy is, at root, a crime of thought. A mental crime becomes detectable only through its external manifestations. However, the potential symptoms of heresy could be ambiguous (Lea: 2.576-77). Was bigamy, for example, a clue that the bigamist had embraced Protestant views on divorce, that he had reverted or converted to Islam, or that he hoped to keep his new love in Lima a secret from his legal wife in Lisbon (see Diana 200-201; Poska: 190-93)? Thus, in an investigation into the alleged heresy of someone’s ancestors, the issue was often not whether the ancestors had been members of a Christian movement regarded as heretical, but whether they had engaged in practices others associated with heresy (Lea: 2.564-68).

In continuity with medieval precedents, Early Modern Catholic societies treated heresy as “both a sin and a crime” (Lea: 2.4). Canon law required heretics to reveal their transgressions to the proper authorities, despite the risk that such confessions entailed (Lea: 2.456-63, 569-75). One could incur ecclesiastical and civil penalties, not only for being a heretic, but also for failing to clear oneself of a suspicion of heresy. Civic and religious leaders faced sanctions for failing to prosecute heretics. Anyone who did not report another’s suspicious words or behaviors was subject to punishment as a favorer [*fautor*] of heresy (Tanner: 1.233-34; Moore: 6-8; Vodola: 32-33, 156-57; Lea: 2.93, 95, 577-79; 3: 123).

³ Concern with heresy was by no means limited to Roman Catholicism during this period (see Kaplan: 21-22).

⁴ “*Error voluntarius contra aliquam fidei veritatem cum pertinacia assertus ab eo qui fidem recepit*” (222; author’s translation).

⁵ Diana (223) refers to a variety of opinions about what separates culpable from inculpable error.

⁶ In light of Vatican II, contemporary canon law would not apply the term *heretic* to non-Roman Catholic Christians (see Beal, Coriden and Green: 915).

Disabilities for the Descendants of Heretics

Early Modern exclusion rules regarding the descendants of heretics also built upon the legacy of the Middle Ages. Following the precedent set in imperial law concerning the children of traitors, medieval heresy laws imposed social and economic disabilities, not only upon the condemned, but also upon their descendants (Pennington: 137, 139, 145-46, 151; Vodola: 157). Such disabilities included ineligibility for public offices and honors, holy orders, and entrance into certain professions and trades (Lea: 3. 86, 172-79; 2. 286-87, 297; Martínez: 46-47).

Within the Spanish context, disabilities for the descendants of heretics expanded after the founding of the Spanish Inquisition. The list of forbidden professions mushroomed, eventually including (among others) grocers, merchants, apothecaries, physicians, tax collectors, and notaries (Lea: 3.172-73; Kamen: 306). These professional disabilities typically extended only to the children and grandchildren (usually on the father's side) of condemned heretics (Lea: 3.173-78; cf. Martínez: 46-47).⁷ The Inquisition, which assembled genealogical information on each person accused as part of its trial process, assumed oversight over the enforcement of such disabilities. As Francisco Bethencourt notes, this responsibility for "controlling infamy," included "surveillance of the daily lives of thousands of people stigmatized by the sole fact of being related to a person who had been condemned" (325; Lea: 2.288; 3.175).

The social humiliation of having an ancestor condemned for heresy, however, could last far longer than the professional disabilities. A common (though not universal) practice of the Spanish and Portuguese Inquisitions was to order the display of *sanbenitos* (penitential garments for the convicted) within a Church – sometimes the condemned person's parish; sometimes a centralized location – along with an indication of its wearer's name and crime. These garments sometimes remained hanging long after the death of the original penitent, and might be cleaned, repaired, or even replaced as they fell into decay. One obvious motivation for the practice was perpetuating the shame of a heresy conviction (Bethencourt: 287-91; Kamen: 316-17; Lea: 3.162-72). Henry Kamen cites the 1561 Instructions of the Spanish Inquisition ordering the display of "the *sanbenitos* of the condemned, living or dead, present or absent, . . . that there may be perpetual memory of the infamy of the heretics and their descendants" (316).

The aftermath of a heresy trial, therefore, inflicted social and professional disabilities that could last for generations (Bethencourt: 298-99; Kamen: 314-17). Small wonder that this reality gave rise in Iberia to a lucrative rehabilitation business, with royal licenses, papal dispensations, and dispensations from the Inquisition itself – sometimes in combination – providing an escape from infamy for those with the resources to obtain them (Lea: 2.401-413; Bethencourt: 326-27; Kamen: 67, 313-14, 316).

⁷ The disabilities could be extended in exceptional cases. Note Lea's comments on the case of Juan Ponce de Leon, where the disability was extended to the fourth generation (3.176). See also Lea's description of the tribunals' eventual practice to protect those convicted of minor offenses, and their descendants, from incurring disabilities (3.177-78).

If an Early Modern Spanish family were to imagine that they had escaped the prospect of inherited shame because their parents and grandparents were dead, better knowledge of heresy law would quickly have disabused them of that notion. During the Reformation centuries, heresy law again followed medieval precedent in allowing for post-mortem convictions and punishments (Lea: 3.80-86). The burnings that followed a Spanish *auto-de-fé*, for example, included the effigies and disinterred remains of those convicted after their deaths – and in some cases, long after their deaths. Fernan Sánchez, who died in 1456, presumably rested undisturbed in consecrated ground for almost seventy years before the Inquisition ordered his bones excavated and burned (and his estate confiscated) around 1525 (Lea: 3.82). If we imagine Sánchez with a hypothetical descendant born in 1480 (the year in which the Spanish Inquisition became operational), then this middle-aged man could well have lost his good name, his eligibility for honors and offices, and at least a part of his patrimony, to the condemnation of an ancestor he had never known.⁸

Heresy and Purity of Blood

In the fifteenth and sixteenth centuries, the legacy of medieval disabilities for the descendants of heretics became intertwined in the Iberian context with the development of discriminatory purity-of-blood regulations targeting the descendants of Jewish (and eventually Muslim) converts to Christianity. To understand why, it is helpful to consider the history of religious persecution in late medieval Iberia. Between 1391 and the mid-sixteenth century, mob violence and later state persecution compelled Iberian Jewish and Muslim communities to choose between baptism and exile (see Nirenberg: 9-14; Netanyahu: 127-67, 191-96, 1095-1102; Kamen: 15-16, 20-21). By 1526, no resident of Castile, Aragon, or Portugal could legally practice Judaism or Islam.⁹ But this history of forced conversions merely replaced social anxiety about aliens outside of the Church with fears about a new class of aliens within it, as so-called “Old Christians” questioned the sincerity of the converts and their descendants. Elimination of a supposed “judaizing” heresy among the Jewish converts and their descendants was the primary preoccupation of the Spanish Inquisition during the first fifty years of its operation (1480-1530) and then again from the late 1600s through the 1720s, when a disproportionate percentage of the victims were Portuguese (Kamen: 65-66, 351, 356-61, 364, 367-69). Prosecuting judaizers was an even more consistent concern of the Inquisition in Portugal (Schwartz: 95-96, 99-102).

The Inquisition, however, was not the only social response to anxieties regarding New Christians. By the 1430s, some Spanish groups and institutions had already begun to make Old Christian ancestry a prerequisite for membership. Though the precise content of these purity-of-blood regulations varied, they typically barred Jewish and Muslim converts to Christianity and their descendants from entering a particular group such as a confraternity, a religious house or religious order, a cathedral chapter, or a town council (see Sicroff;

⁸ While Sixtus IV's bull establishing the Spanish Inquisition was signed in 1478, the organization's work began only at the end of 1480 (Bethencourt: 35, 37).

⁹ On the expulsion of the Jews from Castile and Aragon in 1492, see Kamen: 20-27. On the forced conversion and expulsion of Jews and Muslims from Portugal, see Schwartz: 98. On the forced conversion of Muslims in Spain, see Kamen: 159-61. Note that between 1609 and 1614, the baptized descendants of these Muslim converts were also expelled from the peninsula (Kamen: 172-79).

Martínez; Kamen: 301-27; Lea: 2.285-314; Bethencourt: 323-30; and Maryks: 1-39). The medieval military orders also adopted *limpieza* restrictions, as did the six university *Colegios Mayores* – some of the most important institutions for social advancement in Early Modern Spain (Kamen: 311-12; Martínez: 43-46; Lea: 2.290, 298).

The expanse of the Spanish Hapsburgs' composite empire extended the impact of these practices beyond Castile and Aragon.¹⁰ During the early sixteenth century, purity-of-blood became (at least in theory) a requirement for those wishing to immigrate to New Spain, as the Spanish crown attempted to protect the faith of converts in its colonies from the descendants of *conversos* in Iberia (Martínez: 128; Schwartz: 128). Eventually, candidates for offices requiring proof of *limpieza de sangre* in Mexico, where they and their parents had been born, had to fund transatlantic investigations of their Spanish grandparents – and of their wives' grandparents (Martínez: 65, 129-30, 175-90). In an undated document from the second half of the seventeenth century, an Inquisition official in Santo Domingo attributes his tribunal's staffing problems to the challenges of tracing purity-of-blood in the Caribbean (Schwartz: 226). Portugal, joined to the Spanish Hapsburg dominions between 1581 and 1640, also exported purity-of-blood concerns to its colonies, although *limpieza* regulations developed a bit later in the Portuguese than in the Spanish context (Schwartz: 100-101; Bethencourt: 324-25).

The spread of purity-of-blood regulations created impetus to adopt them, not just for Spanish and Portuguese religious houses, but also for the international religious communities operating within the Spanish and Portuguese empires (see Bethencourt: 70-72). The Jesuits faced considerable pressure to require purity of blood from their recruits. Although Ignatius Loyola and his successors Diego Laínez and Francisco de Borja rejected such discrimination, the Fifth General Congregation of 1593 banned the future acceptance of candidates of Jewish or Muslim ancestry (Markys: 41-115, 149; Kamen: 318-20; Sicroff: 315-36; Society of Jesus: 557-58 [decree 52]). As we shall see later, the Theatines clearly confronted a similar problem.

The practical impact of such purity-of-blood rules has been a widely debated question among historians, since these rules were private regulations rather than public law, and remained highly controversial and inconsistently enforced even within the groups that adopted them (Kamen: 301-27; Martínez: 43-46). These debates – although undoubtedly important for the question of religion and identity – lie beyond the scope of the present discussion. Our focus lies instead upon the ethical convergence between purity-of-blood requirements and the older disabilities for heresy. In fact, whatever the scope of their enforcement, the two forms of exclusion merged in many important ways.

First, purity-of-blood regulations and the disabilities for heresy shared the same immediate effect: to exclude persons on the basis of their ancestry. Second, many purity-of-blood regulations explicitly listed the descendants of heretics among their classes for exclusion, thus repeating (and as we shall see, extending) the earlier disabilities. Purity-of-blood disabilities shared a third common feature with disabilities for heresy: those with

¹⁰ On the historiographical debate upon the extension to the Americas, see Martínez: 8-13.

sufficient resources could sometimes buy their way out of them (Bethencourt: 327-28; Kamen: 313).

A fourth common feature of heresy disabilities and purity-of-blood regulations in a Spanish context was the role of the Inquisition. As the only Spanish heresy tribunal in the Early Modern period, the Inquisition imposed the sentences that created familial infamy for heresy, provided relief from that infamy through some forms of rehabilitation, or fostered its endurance through its oversight of shaming practices and professional disabilities (Bethencourt: 325).¹¹ By contrast, the Inquisition's most important role in the functioning of purity-of-blood regulations came *ex post facto*, since by the late sixteenth century, the Holy Office was one of the institutions that conducted investigations – in essence, ancestry background checks – for those attempting to prove that their lineage was unstained (Martínez: 62-77; Lea: 2.301-308).¹²

Fifth, just as a post-mortem heresy conviction could sully the person's surviving descendants, an attempt to securely prove *limpieza de sangre* could ruin the reputation of petitioners and their progeny, if the community elders deposed as witnesses remembered – or thought they remembered – something scandalous about the background of a long-dead ancestor. Since there was no universal standard or definitive proof regarding purity-of-blood, even those who received a favorable evaluation on one occasion could not be sure that another investigation would yield the same result, especially if a marriage had introduced a new set of extended relatives into the analysis (Martínez: 72-77; Lea: 2.299-304, 310; Kamen: 314-15). The scandal of impurity, like the scandal of heresy, could thus be disinterred from an apparently quiet grave.

Thus, there is considerable practical overlap between heresy disabilities and purity-of-blood regulations. However, they also share a connection at the level of ethical theory. To understand how this could be possible, it is helpful to compare an argument of the Jesuit García Girón de Alarcón with an argument of Diego de Simancas, an important theorist of the Spanish Inquisition. Though the first wrote in opposition to, and the latter in support of, a particular purity-of-blood regulation, each appealed to the inherited disabilities for heresy as precedent for evaluating exclusion on the basis of descent.

Disabilities for Heresy as a Precedent: Alarcón and Simancas

Alarcón, who entered the Jesuits in 1555, was eventually elected assistant general for Spain, and then was appointed as visitor for the provinces of Castile and Toledo. Near the end of his life, he arranged for the submission of a memorandum to the current Superior General, Claude Acquaviva, regarding the 1593 exclusion of candidates with Jewish or Muslim ancestry (Maryks: 190-91). Alarcón's text presents a variety of arguments against the exclusion, but for our purposes, the one of greatest interest is the tenth, because of its explicit reference to the heresy disabilities in canon law (Maryks: 208). Unlike many purity-

¹¹ On the situation in Portugal, where bishops retained a greater role in combatting heresy than their Spanish colleagues, see Schwartz: 95-96.

¹² Note Martínez' point that the Inquisition was relatively slow to require purity-of-blood for its own personnel, and that the Inquisitor General was not subject to this requirement (63-64).

of-blood statutes, the Jesuits' regulations made no mention of heretical ancestry, only of Jewish or Muslim ancestry. Alarcón argues that this separates Spanish Jesuits from other members of the Society – in effect, by imposing a burden upon them that candidates from other nations do not bear. While Spaniards are more likely to be descended from Jews and Muslims, other Europeans are more likely to be descended from heretics (i.e., Protestants). Both papal policies and common law have imposed disabilities upon the descendants of heretics, but not on the progeny of converted Jews and other non-Christians. It is “contrary to right reason,” Alarcón argues, to reject the children of converted infidels, but to accept the children of converted heretics.¹³

Although Alarcón uses the inherited disabilities associated with heresy to attack a controversial Jesuit purity-of-blood regulation, Diego de Simancas cites these disabilities to defend one, in his case the infamous Statute of Toledo barring the descendants of Jews, Muslims, and heretics from holding various benefices and positions in the city's cathedral chapter (Browe: 18 n. 5; Kamen: 308-11; Sicoff: 125-90). While living in Rome as a delegate from the Spanish crown, Simancas had been outraged by public criticism of the statute, and published a pseudonymous apologia for it in 1575 (Lynn: 128-30; Sicoff: 190-202). Simancas' *Defensio statuti Toletani* invokes the heresy disabilities to justify the exclusion of those with Jewish ancestry. While critics of the statute claim that it is wrong to punish innocent children for the sins of their parents, Simancas argues that current practice also punishes the innocent children of heretics (58-59, 95). Simancas believes that most conversions to Christianity among Spanish Jews were feigned, and even maintains that *conversos* are often the descendants of apostates, heretics, and heresiarchs, a legacy that renders them prone to falling into heresy themselves, either through family example, or through the invisible and sinister influence of their tainted blood (94, 99-100, 80).¹⁴

Simancas grudgingly acknowledges that some *conversos* are pious Christians (94, 120). However, he insists that law is made for general circumstances: a law that injures the few can still be just if it benefits the common good. Moreover, current laws impose parallel burdens upon the illegitimate children of priests, the children of traitors, and of course, the children of heretics: all suffer without guilt, “but not without cause.”¹⁵ Blameless *conversos*, argues Simancas, should take comfort in the convergence of their plight with those endured by other victims of inherited disability (120-21; Sicoff: 201).

For Simancas, as for Alarcón, therefore, the inherited disability for heresy provides a precedent for evaluating a specific purity-of-blood regulation. One might classify their arguments as casuistry, a form of ethical analysis that resolves debated moral problems by comparing them to cases already regarded as settled (Jonsen and Toulmin: 35). In this context, the inherited disability for heresy represents the settled question – a practice that is taken for granted rather than questioned – and hence provides a warrant for evaluating

¹³ “*Contra rectam rationem*” (Maryks: 208 n. 115; author's translation of the Latin text cited by Maryks).

¹⁴ Simancas describes a prisoner of the Inquisition who, in ignorance of his Jewish background, had lived as a Christian until the age of thirty. According to his confession, after discovering his heritage, he began to practice Judaism (80).

¹⁵ “*Sed non sine causa*” (Simancas, 121; author's translation).

controversial purity-of-blood regulations. In fact, Alarcón and Simancas would have no reason to invoke the disabilities for heresy if they thought that their readers would find them problematic. Thus, these arguments regarding purity-of-blood statutes strongly suggest the unchallenged character of disabilities for heresy.

The Impact of Purity-of-Blood Concerns on Disabilities for Heresy

Simancas's opponents could point to one difference between the disabilities for heresy and purity-of-blood exclusions – the latter, unlike the former, were perpetual. Simancas argues that this distinction will disappear in time if the *conversos* live quiet lives as good Catholics, since few people can list their ancestors farther back than two hundred years (121). But if Simancas made this claim sincerely, then history did not prove him right. Disabilities for heresy did not place a temporal limit on purity-of-blood exclusions. In fact, it is fairer to say that purity-of-blood exclusions extended certain inherited disabilities for heresy (Martínez: 49-52; Lea: 2.297-98).

One can find a good illustration of this in the questionnaire for a purity-of-blood investigation transcribed from the archives of the Spanish Inquisition by María Elena Martínez. This questionnaire, used during the first half of the seventeenth century, was designed to elicit information about applicants and their parents and grandparents from witnesses in their corresponding hometowns. Among other considerations, the investigators asked about the Old Christian status of the applicant's father, mother, paternal grandparents, maternal grandparents, and of "all other ancestors" in both the paternal and maternal lines. They asked a parallel series of questions about ancestral punishment by the Inquisition, again encompassing all relatives on both sides of the family (Martínez: 67-68).

This is obviously very different from the traditional canonical disabilities for heresy, which focused on the father's family and extended back only to the paternal grandfather. The older disabilities for heresy required no consideration of "all other ancestors" on both sides of the family. Martínez points out that some of the earliest purity-of-blood regulations were far closer to the heresy disabilities in focusing on patrilineal ancestry for a set number of generations. During the sixteenth century, these previous limits disappeared, so that any ancestor – no matter how remote – on either side of the family tree could render one's bloodline impure (Martínez: 50, 52, 68). While this development had critical implications for *conversos* and *Moriscos*, it also had important implications for the Old Christian descendants of heretics. In addition to the traditional professional disabilities that they inherited – which at least had a generational limit – they became subject to the social disabilities associated with impurity of blood, which could be perpetual. Purity-of-blood concerns thus exacerbated the weight of heretical ancestry.

The Theatine's Purity-of-Blood Statutes

The reference in the Theatine's exclusionary statutes to "Old Christian" and "New Christian" ancestry clearly indicates their connection with Iberian purity-of-blood anxieties, as does the order's later acknowledgment that it took such measures to protect the reputation of Theatine houses in Spain and Portugal (CR 1750: 25-27). Founded in 1524 (ten years before Ignatius and his companions pledged to attempt a pilgrimage to Jerusalem), the Theatines grew far more slowly than the Jesuits, and possessed neither a formal constitution

nor any houses outside of Italy in 1600 (Jorgenson: 8, 11, 18). Hapsburg rule over large sections of Italy, including Naples, one of the early centers of Theatine expansion, did not induce the order to adopt purity-of-blood restrictions in the sixteenth century.¹⁶ Later, however, the order did expand into Spain and Portugal, and sent missionaries to Goa and to the Indian archipelago (Jorgenson: 18, Hudon: 28). It was only in the mid-seventeenth century that their General Congregations decided to require candidates to prove that their ancestors were both Old Christians and free from suspicion of heresy (see CR 1653: 9; 1750: 25-26).¹⁷

From the beginning, however, the Theatine exclusionary provisions had several important qualifications. First, the need to prove one's descent applied only to candidates outside of Italy, or to foreigners who sought admission in Italy. For candidates who failed the ancestry test, or those who had already been admitted because their ancestry had been unknown, the order's central authorities could issue a dispensation on account of some "special reason of great weight."¹⁸ Thus, the Theatine purity-of-blood standard was neither applicable to most of their candidates nor universally insurmountable for those subject to it. This makes perfect sense if the primary motivation for the rule was not insuring the orthodoxy of potential Theatines, but protecting the reputation of Theatine houses in Iberia. Notice that by the time these provisions were adopted, Islam had been proscribed in Aragon for nearly 120 years, and Judaism for more than 150.

In 1710, however, the Theatine General Congregation decided to amend their regulations. Henceforth, the ancestry provisions, which had never been imposed upon Italians, would not be imposed in those places in France and Germany where "heresy does not introduce the mark of infamy."¹⁹ One cannot help wondering whether Lerchenfeld's case, which had been settled only six years before, provided part of the catalyst for this modification. Perhaps the order concluded that the loss of potential vocations outside of Iberia outweighed the risk to the order's reputation within it.²⁰

Conclusion

Whatever its significance for the petitioner, Lerchenfeld's appeal to the Vatican regarding his Theatine vows was undoubtedly a minor event in the history of Early Modern Catholicism. Yet the context and the outcome of his case reflect the ways in which Christian divisions were reshaping Christian family trees, and hence, the identity of Christian individuals, in some parts of Europe during this period. Lerchenfeld's Lutheran ancestry

¹⁶ On Theatine expansion within Italy, see Jorgenson: 18; Campanelli: 7-76; and Hudon: 16-27. There is no purity-of-blood requirement in the *Decreta* from 1621 (CR 1621) or in Caracciolo's edition of the constitutions published in 1628.

¹⁷ Dates in the margins associate this action with chapters of 1644 and 1653.

¹⁸ "*Peculiarem, ac magni momenti causam*" (CR 1653: 9; author's translation). Note that such a candidate would otherwise be expelled.

¹⁹ "*In quibus haeresis infamiae notam non inducit*" (CR 1750: 27; author's translation).

²⁰ Note also Kamen's emphasis on strong Spanish opposition to purity-of-blood restrictions (307-308, 311-12, 318, 321, 325-26).

became canonically relevant because of historical developments in Spain and Portugal, where New Christian status was a more common issue of religious identity than Protestantism. The exclusionary rules to which Lerchenfeld successfully appealed, and his order's modification of them shortly thereafter, reflect the shifting profiles of faith in Early Modern Western Christianity. Disabilities for ancestral heresy, which had emerged in the time of Christendom, and mushroomed during Early Modern Catholic struggles to recreate it, were both crumbling bastions against and unmistakable indicators of a changing religious landscape in Western Europe.

Bibliography

Beal, John P., James A. Coriden, and Thomas J. Green, editors

2000 *New Commentary on the Code of Canon Law*. Study edition. New York: Paulist.

Bethencourt, Francisco

2009 *The Inquisition: A Global History, 1478-1834*. Revised and updated edition. Cambridge: Cambridge University Press.

Browe, Peter, S.J.

1941 "Die kirchenrechtliche Stellung der getauften Juden und ihrer Nachkommen." *Archiv für katholisches Kirchenrecht* 121: 3-22, 165-91.

Campanelli, Marcella

1987 *I Teatini. L'inchiesta di Innocenzo X sui regolari in Italia* Ed. Giuseppe Galasso. Rome: Edizioni di Storia e Letteratura.

Caracciolo, Antonio

1628 *Synopsis veterum religiosorum rituum atque legum, notis ad constitutiones clericorum regularium comprehensa*. Second edition. Paris: Nicolai Buon. Available online at https://books.google.com/books?id=cSbhR70qdwkC&dq=intitle:synopsis+intitle:veterum+intitle:religiosorum+inauthor:Caracciolo&source=gbs_book_similarbooks.

Chierici Regolari (CR)

1621 *Decreta ex actis capitulorum generalium clericorum regularium excerpta et constitutionum serie digesta*. Rome: Typis Iacobi Mascardi. Available online on https://books.google.com/books?id=t7cP5YS_sX8C&printsec=frontcover&dq=intitle:decreta+intitle:ex+intitle:actis+intitle:capitulorum+intitle:generalium&hl=en&sa=X&ved=0ahUKEwjP5NjO6ZXKAhXKKyYKHYSB1EQ6AEILDAB#v=onepage&q&f=false.

1653 *Decreta ex actis capitulorum generalium clericorum regularium excerpta iussu capituli generalis MDCLIII edita*. Rome: Typis Haeredum Corbelletti. Available online at <https://books.google.com/books?id=J6wRRRG6GkAC&printsec=frontcover&dq=intitle:decreta+intitle:ex+intitle:actis+intitle:capitulorum+intitle:generalium&hl=en&sa=X&ved=0ahUKEwjP5NjO6ZXKAhXKKyYKHYSB1EQ6AEIMzAC#v=onepage&q&f=false>.

- 1750 *Decreta clericorum regularium ex actis in comitiis generalibus emanata ad annum MDCCL*. Rome: Typis Nicolai et Marci Palearini. Available online at <https://books.google.com/books?id=yskDAAAACAAJ&pg=PA95&dq=intitle:decreta+intitle:clericorum+intitle:regularium&hl=en&sa=X&ved=0ahUK EwiJwrSL65XKAhXF7SYKHaU2BAIQ6AEIITAB#v=onepage&q&f=false>.
- Diana, Antonino
- 1636 *Resolutionum moralium pars quarta*. Venice: Apud Franciscum Baba. Available online at <http://www.mdz-nbn-resolving.de/urn/resolver.pl?urn=urn:nbn:de:bvb:12-bsb11053962-9>.
- Hudon, William V.
- 1996 *Theatine Spirituality: Selected Writings*. The Classics of Western Spirituality. New York: Paulist.
- Jonsen, Albert R., and Stephen Toulmin
- 1988 *The Abuse of Casuistry: A History of Moral Reasoning*. Berkeley: University of California Press.
- Jorgenson, Kenneth J., S.J.
- 1994 "The Theatines." Pp. 1-29 in *Religious Orders of the Catholic Reformation: In Honor of John C. Olin on His Seventy-Fifth Birthday*. Edited by Richard L. DeMolen. New York: Fordham University Press.
- Kamen, Henry
- 2014 *The Spanish Inquisition: A Historical Revision*. Fourth edition. New Haven: Yale University Press.
- Kaplan, Benjamin J.
- 2009 *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe*. Cambridge: Belknap.
- Lea, Henry Charles
- 1922 *A History of the Inquisition of Spain*. 4 Volumes. New York: MacMillan.
- Lynn, Kimberly
- 2013 *Between Court and Confessional: The Politics of Spanish Inquisitors*. Cambridge: Cambridge University Press.
- Martínez, María Elena
- 2008 *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico*. Stanford: Stanford University Press.
- Maryks, Robert Aleksander
- 2010 *The Jesuit Order as a Synagogue of Jews: Jesuits of Jewish Ancestry and Purity-of-Blood Laws in the Early Society of Jesus*. Studies in Medieval and Reformation Traditions 146. Leiden: Brill.

Moore, R. I.

- 2007 *The Formation of a Persecuting Society: Authority and Deviance in Western Europe 950-1250*. Second edition. Malden: Blackwell.

Netanyahu, Benzion

- 1995 *The Origins of the Inquisition in Fifteenth Century Spain*. New York: Random House.

Nirenberg, David

- 2002 “Mass Conversion and Genealogical Mentalities: Jews and Christians in Fifteenth-Century Spain.” *Past and Present* 174: 3-41.

Pennington, Kenneth

- 1978 “Pro Peccatis Patrum Puniri?: A Moral and Legal Problem of the Inquisition.” *Church History* 47: 137-54.

Poska, Allyson M.

- 1999 “When Bigamy is the Charge.” Pp. 189-205 in *Women in the Inquisition: Spain and the New World*. Edited by Mary E. Giles. Baltimore: John Hopkins Press.

Schutte, Anne Jacobson

- 2011 *By Force and Fear: Taking and Breaking Monastic Vows in Early Modern Europe*. Ithaca: Cornell University Press.

Simancas, Diego de

- 1575 *Defensio statuti Toletani sede apostolici saepe confirmati, pro his, qui bono & incontaminato genere nati sunt*. Second edition. Antwerp: Ex officina Christophori Plantini. Available online at <https://books.google.com/books?id=KJCuDgh9JFIC&printsec=frontcover&dq=intitle:defensio+intitle:statuti+intitle:toletani&hl=en&sa=X&ved=0ahUKEwiOwtff8ZXXKAhUDKCYKHQCwADYQ6AEIIDA#v=onepage&q&f=false>.

Schwartz, Stuart

- 2008 *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World*. New Haven: Yale University Press.

Sicroff, Albert A.

- 1985 *Los estatutos de limpieza de sangre: controversias entre los siglos XV y XVII*. Revised edition. Madrid: Taurus.

Society of Jesus

- 1757 *Institutum Societatis Jesu, auctoritate Congregationis Generalis XVIII*. 2 Volumes. Prague: Typis Universitatis Carolo-Ferdinandae in Collegio Societatis Jesu ad S. Clementem. Available online at https://books.google.com/books?id=YhkQpn_piLAC&printsec=frontcover&dq=intitle:institutum+intitle:societatis+intitle:jesu&hl=en&sa=X&ved=0ahUKEwjYydmJipbKAhUDLyYKHR-MCtI4ChDoAQg3MAQ#v=onepage&q&f=false

Tanner, Norman P., S.J., editor

1990 *Decrees of the Ecumenical Councils*. 2 Volumes. London: Sheed and Ward.

Vodola, Elisabeth

1986 *Excommunication in the Middle Ages*. Berkeley: University of California Press.