

Insensate Saints: Contextualizing Non-Suffering in Early Dominican Legendaries

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In recent years, much scholarly attention has been devoted to finding meaning in the violent representations of martyrs' passions that were widely diffused in the High Middle Ages. Saints' *vitae*, like many of those found in the extremely popular *Legenda aurea*, graphically depict scenes of brutal torture endured by the martyrs, often without mention of the pain that must have accompanied such torment. Until very recently, modern scholarly views on the interpretation of these texts diverged dramatically. On the one hand, some historians argued that such narratives were meant to inspire devotion, containing doctrinal points on which readers or auditors could meditate.¹ For instance, the *life* of James the Dismembered, found in the *Legenda aurea*, narrates the severing of the saint's limbs, one by one, beginning with his fingers, before he is finally decapitated. After every amputation, a short lesson on the Christian faith is delivered. For example, when the saint's ninth finger is cut off, James reminds his audience that at the ninth hour Christ yielded up his spirit on the Cross.² However, not all late medieval *lives* of martyrs seem equally suited for doctrinal instruction. Many such *vitae* do not contain any instructional content; instead, they briefly list the various torments a saint endured before finally being executed.³ Recognizing this, other scholars have suggested that the texts were

1 D'Avray, *The Preaching of the Friars*, 71. See also Boureau, "Vincent de Beauvais," and Lewis, "Lete me suffre."

2 "Inciditur nonus digitus et ait, 'Hora nona tradidit Christus in cruce spiritum.'" See Jacobus de Voragine, *Legenda aurea*, 1221.

3 There are many such *lives* in the *Legenda aurea*, including the *vitae* of Fabian, p. 161; Valentine, pp. 265-66; Timothy, p. 827; and Symphorian, pp. 828-29.

sources of entertainment or even of voyeuristic enjoyment for audiences who accepted and perhaps even relished the narratives of torture, merging their own sado-erotic pleasures with those of the narrative's torturers.⁴

Until recently, scholars who engaged with texts like the martyrs' *lives* found in the *Legenda aurea* generally came down on one side of the argument or the other: the texts were for meditative and educative purposes only, or they were pleasurable, with little consideration given to any doctrinal value. Robert Mills, however, proposes that the link between sado-erotic pleasure and hagiography becomes clearer if we see such texts as sites where auditors and viewers could cross-identify with multiple individuals who themselves had multiple motivations. According to this more complex conceptualization, medieval audience members identified, simultaneously and to varying degrees, with the spiritual desires of the saint, the torturer's desire to punish, and the voyeur's pleasure in the saint's punishment.⁵ However, an examination of the impact of such *vitae* on the political and cultural ethos of the time adds yet another layer to this increasingly complex interpretation of possible audience responses. Narratives of martyrs' seemingly painless torture and death, particularly those written in the thirteenth century after judicial torture had been reintroduced to the ecclesiastical and secular courts of medieval Europe, may have encouraged the cultural shift that made this reintroduction widely acceptable.

The earliest Christian sources to mention the use of torture are the saints' *vitae* that recorded the courageous acts of martyrs who died for their Christian faith. Such narrative *lives*, often written within a few years of the saints' passions, generally described the mental and physical anguish the saints experienced as a result of their persecution. Indeed, as Judith Perkins has admirably demonstrated, early Christian authors created a new basis for group identity, one that was at odds with Graeco-Roman perceptions of the body. Against the then dominant notions of emotional and bodily stoicism, early Christians — both martyrs and ascetics — linked Christian identity with bodily suffering.⁶ This early link between experiencing pain and being a Christian persisted in the post-persecution period. After Christianity was legalized in the early fourth century,

4 Cracchiolo, "The Saint's *Life* as Slasher Film." On the audience as voyeurs, see Easton, "Saint Agatha," and Caviness, *Visualizing Women*, 84-117. See also, Enders, whose much more complex analysis, in her *Medieval Theater of Cruelty*, suggests that medieval passion plays and plays based on martyrs' *lives* provided audiences with a pleasurable opportunity for cathartic healing.

5 Mills, *Suspended Animation*, especially 110-11.

6 Perkins, *The Suffering Self*, 9-12 and 104-23. Castelli argues the same point in a different way, suggesting that the earliest Christian hagiographers turned the stories of persecuted Christians into narratives of spiritual heroes, replacing persecution, powerlessness, and passivity with actively sought martyrdom, power, and agency; see Castelli, *Martyrdom and Memory*, 48.

hagiographers continued to write about saints who experienced torment. The cause of these torments, however, changed, from various tortures to environmental conditions or self-inflicted wounds.⁷ But, as in the early *vitae* of martyrs, the tremendous suffering experienced by the saints demonstrated their steadfast adherence to the Christian faith. The link between Christian holiness and suffering can, in fact, be found in most medieval hagiographical texts. In the thirteenth century, however, a shift in this tradition occurred, particularly in the hagiographical works written by members of the fledgling Dominican order.

The Order of Friars Preachers was founded in 1215 for the express purpose of training its members to preach against heresy. Perhaps for this reason, Dominicans were amongst the first administrators of papal inquisitions.⁸ Initially, inquisitors were expected to use their persuasive preaching and powers of reason to return heretics to the Catholic fold, but by the latter half of the thirteenth century, heretics could be forced to espouse their renewed dedication to orthodox doctrine by means of “coercition spirituelle et temporelle” (spiritual and temporal coercion).⁹ Though it is unclear precisely when the practice of using torture to extract a confession of heresy was introduced to papal inquisitions, Innocent IV’s bull *Ad extirpanda*, issued in 1252, ensured the availability of this option by explicitly equating heretics with those who were suspected of having committed murder or robbery, thus making them subject to the same kinds of torture to extract confessions.¹⁰

The theoretical link between torture and truth that allowed medieval jurists and canon lawyers to justify its use in court proceedings is the premise that truth always resides within and is hidden by the body, and the application of torture helps draw truth from its hiding place.¹¹ Under Roman law, torture was used as a means to ensure the truth of witness testimony and to extract confessions. Though the application of torture was initially permitted only when slaves were questioned, by approximately 200 CE it was regularly used to question freedmen and even some citizens.¹² As the legal machinery

7 Perkins, *The Suffering Self*, 204-205.

8 Although recent historiography has rightly challenged the idea that Dominicans, in particular, were always singled out for service to the papal inquisitions against heresy, there can be no doubt that Dominicans played a leading role in this new court procedure, particularly in the years after the foundation of the papal inquisitions against heresy in 1231. Dossat, “Les débuts de l’Inquisition,” 561; Albaret, “Inquisitio heretice pravitatis,” 421; Bériou, “Conclusions,” 757.

9 Albaret, “Inquisitio heretice pravitatis,” 429.

10 Innocent IV, *Ad extirpanda*, in *Bullarium Romanum*, 552-58.

11 DuBois, *Torture and Truth*, 75-91, esp. 90.

12 The torture of citizens was, however, limited to those accused of certain crimes such as treason. Lea, *Torture*, 8-14; Ruthven, *Torture*, 29-32; Peters, *Torture*, 29-30.

of the Roman Empire disintegrated and the legal traditions of the Germanic kingdoms became predominant, torture in the context of formalized court proceedings declined,¹³ and the truth of a person's innocence or guilt was, instead, determined through the process of ordeal.¹⁴ Only in the eleventh century, with the return of legal proceedings based on Roman law, did the use of torture reappear. As court systems based on Roman law developed throughout continental Europe for a second time, legal theorists came to argue that a guilty person's confession was "the queen of proofs." The use of torture was reintroduced as an expedient way to extract this kind of proof.¹⁵

Precisely when and how the use of torture was reintroduced into the legal systems of Europe is unclear, but the first uses of torture as a means to extract confession appear to have occurred in municipal courts in northern Italy, Flanders, or Languedoc.¹⁶ Throughout the thirteenth century, the use of torture was formally expanded into ecclesiastical court proceedings, including the new *inquisitio heretice pravitatis*, the "inquisition of heretical depravity," designed by the papacy for the explicit purpose of trying suspected heretics.¹⁷ These courts were initially entrusted to the bishop of the respective diocese, but beginning in 1231, the papacy charged members of the Dominican Order with the task of administering inquisitorial courts. Pope Gregory IX initially granted only Dominicans in particular convents the juridical power to try heretics, but shortly after 1231 and certainly by 1233, this mandate had been extended to most members of the Dominican Order.¹⁸ Though members of other orders also became inquisitors, Dominicans held the majority of inquisitorial positions throughout the thirteenth century, especially in areas such as Languedoc where heretical beliefs flourished.¹⁹ Concurrent with the growth of the Dominican Order and its increasing involvement with inquisitions, members of that Order developed the new genre of the saints legendary,

13 On the general decline in the use of torture after the fourth century, see Peters, *Torture*, 36-39.

14 There is a large bibliography concerning medieval ordeals. Among many other works, see Bartlett, *Trial by Fire and Water*. The social meaning of the trial by ordeal continues to be a much debated topic. For a summary of some of the issues, see Buc, *Dangers of Ritual*, 249-50.

15 Berman, *Law and Revolution*, 252. See also Peters, *Torture*, 41.

16 Langbein, "Legal History of Torture," 94; Lea, *Torture*, 55; Ruthven, *Torture*, 50; Peters, *Torture*, 49.

17 Peters, *Inquisition*, 68. As Henry Ansgar Kelly points out, what is commonly called "the inquisition" was, in fact, a new form of "inquisitorial" trial procedure which was used in both ecclesiastical and lay courts and which did not require a complainant to come forward to accuse the defendant; see Kelly, "Inquisition," 441 and 444-46.

18 Segl, "Dominikaner und Inquisition," 216. See also Bériou, "Conclusions," 758; and Peters, *Inquisition*, 55.

19 Albaret, "Inquisitio heretice pravitatis," 432.

anthologizing *vitae* of martyr saints which, for the first time, decreased rather than emphasized the representation of the martyrs' suffering. At first glance these two occurrences seem to have little to do with each other, but the chronological coincidence of these two events suggests the possibility of a causal relationship.

Collections of abbreviated saints' *vitae* are a wholly Dominican invention.²⁰ Though the earliest known author of such a legendary, Jean de Mailly, wrote his *Abbreviatio in gestis et miraculis sanctorum* while he was an Augustinian canon around 1230, he soon joined the growing Dominican Order and, sometime before 1244, redacted his text to include a new, lengthy *life* of Saint Dominic.²¹ Other Dominicans from the first few generations of the order also wrote legendaries. Bartholomew of Trent, for example, wrote his *Liber Epilogorum in gesta sanctorum* around 1245 and redacted it between 1251 and 1254,²² and Jacobus de Voragine wrote his famous *Legenda aurea* about 1267 and redacted it continuously until his death in 1298.²³ Though Vincent of Beauvais's *Speculum historiale* is not strictly a legendary, many of the saints lives included in his history of the world are abbreviated and, in fact, taken directly from Jean de Mailly's *Abbreviatio*.²⁴ Other Dominicans also wrote legendaries, including Peter Calo and the famous inquisitor Bernard Gui, but the works of these later authors did not surpass the popularity of the *Legenda aurea*.²⁵

The genius of these Dominican legendaries was not in the collection of saints' *vitae* in one text,²⁶ but in the systematic abbreviation of the *lives*, which enabled preachers to

20 Dondaine, "Introduction," 7.

21 Jean de Mailly's *Abbreviatio in gestis et miraculis sanctorum* was redacted c. 1244. Except for the inclusion of the *life* of Saint Dominic, this new edition was changed only slightly; see A. Dondaine, "Le dominicain français Jean de Mailly," 54. No printed edition of Jean de Mailly's *Abbreviatio* exists, although Dondaine did publish a French translation of one of the extant manuscripts; see Jean de Mailly, *Abrégé des gestes*. Quotations in this paper are based on two manuscripts of the Latin text of the 1244 redaction of the *Abbreviatio in gestis et miraculis sanctorum*: Bern Bürgerbibliothek MS. 377, an autograph containing the second half of the text, and Auxerre Bibliothèque municipale MS. 124, a complete manuscript that dates from the late thirteenth century.

22 Paoli, "Bartholomeo da Trento," xxviii-xxix.

23 Maggioni, "Introduzione," xx.

24 Dondaine, "Le dominicain français Jean de Mailly," 60.

25 Peter Calo's *Legendarium*, composed between 1323 and 1340, survives in six manuscripts, most of which are incomplete. See Kaeppli, *Scriptores Ordinis Praedicatorum*, 3:220-21. Gui's own text, the *Speculum sanctorale*, was probably slightly more popular, as indicated by the survival of twenty-four manuscripts; see Kaeppli, *Scriptores Ordinis Praedicatorum*, 1:210.

26 This had been done before, though the texts usually included full *lives* of saints. One of the most famous of these collections is the Chaalis legendary, a Cistercian text consisting of six folio-size volumes and containing the *vitae* of the saints most widely venerated in medieval Europe. The most complete copy of the Chaalis legendary can be found in Paris B.N. MSS. Lat. 16732-16737.

have a great variety of saints lives at their disposal even when travelling.²⁷ The earliest of the Dominican legends contained the *lives* of many of the saints most popular in Western Europe, and included many more *vitae* of martyrs than of non-martyrs. Moreover, the way in which the *lives*, particularly those of martyrs, were abbreviated altered the import of these texts by emphasizing the saints' persecution at the expense of all other aspects of the narratives. Even though experiences of torture were privileged in the Dominican legends, the saints themselves were often portrayed as insensate, feeling nothing of the torture inflicted upon them. In the context of medieval hagiography as a whole, this Dominican emphasis on torture and unharmed saints is unusual.

The textual tradition of some of the *lives* found in the Dominican legends illustrates precisely how the authors of these legends changed the emphasis of martyrs' *vitae*. For instance, like many early *vitae* of martyrs, the *life* of Perpetua and Felicity tells of saints who endured physical torment as a result of their refusal to deny their God. The meaning of their torment is discussed in detail. For example, in the earliest *passio* of Saints Perpetua and Felicity, written c. 202 CE, two Christian women endure the horrors of a Roman prison, including darkness, heat, overcrowding, violence, and the threat of rape.²⁸ Although their families entreat Perpetua and Felicity to reject their Christian faith and thus end their persecution, the two women refuse and, instead, face wild beasts in the arena.²⁹ Their martyrdom at the order of the state is secured. Moreover, the reason for the saints' suffering is articulated clearly. Perpetua and Felicity suffer for the sake of their own salvation and to share Christ's physical pain on the Cross. As Felicity says after experiencing a particularly difficult labour and birthing, "What I suffer in this way, I suffer for myself, but there [in the arena] another will be inside me who suffers for me, since I also will be suffering for him."³⁰ Indeed, when entering the arena, the saints rejoice that they have obtained a share in the Lord's suffering.³¹

Even after the Roman persecution of Christians ended c. 313 CE when Constantine legalized Christianity, suffering as a way to demonstrate one's faith and loyalty to God remained a common trope in saints lives. Stories of the martyrs, told and retold throughout the Middle Ages, continued to describe how the saints suffered for their

27 The Dominican legends were designed to be portable and were carried by travelling preachers as an aid in the creation of feast day sermons; see d'Avray, 71.

28 Saint Perpetua, *Passio sanctorum Perpetuae et Felicitatis*, 108.

29 Saint Perpetua, *Passio sanctorum Perpetuae et Felicitatis*, 168-74.

30 "Modo patior quod patior; illic autem alius erit in me qui patietur pro me, quia et ego pro illo passura sum." Saint Perpetua, *Passio sanctorum Perpetuae et Felicitatis*, 156-58.

31 "[...] et utique gratulati sunt quod aliquid et de dominicis passionibus essent consecuti." Saint Perpetua, *Passio sanctorum Perpetuae et Felicitatis*, 170.

faith.³² Regardless of their date of composition, most *lives* of martyrs still described such saints as having an affinity with Christ based on the suffering the martyrs experienced at the hands of their torturers. For instance, the earliest known Latin version of the *Life of Saint Catherine of Alexandria*, written in the ninth or tenth century CE, describes Catherine's torment in detail. The author's evocative description of Catherine's fragile flesh — her “tender body” is “lacerated with iron rods”³³ — heightens the reader's response to the brutal torment she experiences in this text. In a later version of her *vita*, the so-called vulgate version written in the eleventh century, Catherine explains the meaning of her suffering to her tormentors: “Through such punishments, I believe that I return to him who deigned to redeem me [through] punishments. By such torments, you will sometime see me with the saints in glory.”³⁴ Clearly, Catherine wishes to experience physical torment in emulation of Christ's own pain so that she can be united with him in heaven. Catherine's experience of suffering is thus emphasized as a way of demonstrating her holiness.

The increasing emphasis on a saint's pain within the manuscript traditions of a saint's *vita* is also demonstrated in the textual tradition of the Latin *life* of Saint Laurence. In one of the earliest *vitae* of Laurence, written by Ado of Vienna in the ninth century, Laurence finds meaning in his suffering by suggesting that such “affliction of the spirit is a sacrifice to God.”³⁵ By the twelfth century, Laurence's desire to suffer for Christ has become much more explicit. In Nigel of Canterbury's *Passion of St. Lawrence*, the saint's pain and suffering are described in minute detail. As Laurence is beaten and whipped, his wounds become so numerous that they intersect with each other and bloody the ground below.³⁶ Like the vulgate version of Catherine's *life*, Nigel of Canterbury's *passio* contrasts Laurence's pristine white flesh with the physical reality of his wounds, comparing the saint's skin to a garment of white and purple representing virginity and martyrdom.³⁷ Even as Laurence suffers, he prays that his pain will lead him to salvation

32 This theme is found in most martyrs' *lives* written in the Middle Ages, both in the *vitae* of documented saints like Perpetua and Felicity and in the *lives* of saints likely to be fictitious, such as Catherine of Alexandria.

33 “Tunc iussa tyrannica ministri explentes ferreis uirgis corpus tenerum lacerabant.” *Passio sancte katherine uirginis*, 274.

34 “Ego per penas illi me reddere habeo qui me penas redimere dignatus est. Talibus cruciatibus quandoque uidebis me cum sanctis in gloria.” *Vita sanctae Katherinae vulgata*, 182.

35 “Ego me obtuli sacrificium Deo ... quia sacrificium Deo est spiritus contribulatus.” Ado Viennensis, *Martyrologium*, 264.

36 “Vulnera uulneribus succedunt” and “Sanguine terra madet.” Nigel of Canterbury, *Passion of St. Lawrence*, ll. 889 and 895.

37 “sub veste nitet nouitatis: / purpura martyrii cum bisso uirginitatis.” Nigel of Canterbury, *Passion of St. Lawrence*, ll. 1799-1800.

through communion with Christ. Christ's reality is a solace for Laurence, who endures tortments for Christ's sake and hopes for a final rest from such travail.³⁸

This theme of violent torment and extreme suffering as an *imitatio Christi* remained popular in most redactions of the *lives* of early Christian martyrs until Dominican authors began to weaken the link between suffering and sanctity in their legends. To be sure, the structure and content of the legends continue to emphasize the tortures the saints endured, but the Dominican *vitae*, for the first time, significantly downplayed the physical impact of such tortments. Dominican legends generally contain many more *lives* of martyrs than non-martyrs. Of the 150 saints whose *lives* are included in Jean de Mailly's *Abbreviatio in gestis et miraculis sanctorum*, 109 are martyrs. Bartholomew of Trent's *Liber epilogorum* contains 255 abbreviated saints lives, of which 163 are stories of martyrs. Similarly, the most famous Dominican legend, the *Legenda aurea*, contains 153 *lives* of saints,³⁹ including ninety-one legends of martyred saints; these legends describe eighty-one different types of torture involving, for example, scourges and iron hooks, the wheel and the rack, snakes and wild beasts, and burning and dismemberment.⁴⁰ In rare cases, the Dominican authors increase the number of tortures a saint is traditionally said to experience. For instance, Jacobus de Voragine clarifies the 'historical' confusion about whether the apostle Bartholomew was martyred by beheading, crucifixion, or flaying and suggests that the saint was first beaten, then crucified and taken down from the cross before death, flayed alive, and finally beheaded.⁴¹ For the first time in the textual tradition of Bartholomew's *life*, the tortures the saint is said to have endured are multiplied.

The impression that Dominican-authored legends are made up of torture-filled stories of martyred saints is exacerbated by the inclusion of descriptions of torture at the expense of other aspects of the saints' lives. In the version included in the twelfth-century Chaalis legend, for example, the majority of the *life* of Saint

38 "tibi me committo. Dolorum tu michi solamen, tu spes requiesque laborum, / ... / Educ, Christe, tuum carnis de carcere seruum, / pro quo sustinui fustes, cruciamina, neruum. / ... / Si placet ergo tibi, iam uenit tempus et hora / ut me suscipias." Nigel of Canterbury, *Passion of St. Lawrence*, ll. 1731-40.

39 In addition to the abbreviated *lives* of saints, all three legends include chapters about liturgical festivals such as Lent and All Saints' Day, descriptions of significant events in the life of Christ including the Nativity and the Passion, and several chapters about the Virgin Mary. The numbers above refer only to the saints' *vitae* included in the legends.

40 Boureau, *La légende dorée*, 112-26. Bynum, *Resurrection of the Body*, 309-10.

41 "Hec autem contrarietas taliter solui potest ut dicatur quod primo fuit cesus et postea crucifixus; deinde, antequam ibidem moreretur, de cruce fuit depositus et ob maiorem cruciatum fuit excoriatus, postremo capite truncatus." Jacobus de Voragine, *Legenda aurea*, 835.

Sebastian consists of debates between the Roman prefects and the martyrs whom Sebastian gives encouragement as they face their deaths. Sebastian's impassioned speeches to the saints are also recounted at some length. In contrast, in the much shorter Dominican *lives* of Sebastian, the lengthy debates and speeches of the earlier *vitae* are reduced to a few lines or completely omitted.⁴² Similarly, whereas most pre-thirteenth-century versions of Catherine of Alexandria's *vita* describe her famous debate with fifty pagan scholars in detail and thus demonstrate the saint's rhetorical ability and doctrinal knowledge, Jean de Mailly and Jacobus de Voragine note only that Catherine debated with imperial scholars. An episode that in some earlier *lives* took up approximately a tenth of the entire narrative is reduced to about one-fortieth in the most popular of the Dominican legendaries.⁴³ Without the debate, the truth of Catherine's Christian faith and the necessity of her martyrdom are no longer explored. Instead, her almost painless martyrdom guarantees her faith.

The textual tradition of the *life* of Saint James the Dismembered similarly illustrates the Dominican legendaries' emphasis on torture at the expense of other elements of the saints' lives. While the Dominican *vitae* of Saint James do include short didactic lessons after each digit or limb is removed, these lessons are far shorter than the responses James gives in earlier *vitae*. In Bartholomew of Trent's *Liber epilogorum*, for instance, James responds to the severing of his right foot by saying, "Your side was opened with a lance, O Lord, and blood and water flowed out."⁴⁴ While James's statement is true, it has little to do with having his foot removed. Jacobus's version of this event is slightly more coherent, for he writes that James compared the loss of his own foot with the wounds of Christ's pierced feet. "Christ's foot was punctured and blood poured out."⁴⁵ Neither of these short statements attributed to James comes close to the saint's conceptualization of the loss of blood from his foot as a baptism, as found in the earlier *Vita sancti jacobi intercesi*:

42 In the Chaalis legendary, the debate between Tranquillus (a person whom Sebastian had converted) and the prefect Chromatius takes up some two folio pages (Paris B.N. MS. Lat. 16736, ff. 120v-121v) whereas it is completely omitted by Bartholomew and Jacobus; see Bartholomew of Trent, *Liber epilogorum*, 57-60, and Jacobus de Voragine, *Legenda aurea*, 162-68.

43 The texts compared are Paris B.N. MS. Lat. 16735, ff. 192v-193v, Jean de Mailly's version in Bern Bürgerbibliothek MS. 377, f. 91v, and Jacobus de Voragine, *Legenda aurea*, 1208. In contrast, Bartholomew of Trent and Vincent of Beauvais do devote significant attention to Catherine's debate with the scholars, dedicating ten per cent and sixteen per cent of their *lives* to it.

44 "Pollex, igitur dextri pedis preciditur et martyr ait: 'Lancea latus tuum, Christe, apertum est et exiuit sanguis et aqua.'" Bartholomew of Trent, *Liber epilogorum*, 362.

45 "Tunc indignati carnifices accesserunt et pollicem pedis dextri absciderunt. Et Jacobus dixit, 'Pes Christi perforatus est et sanguis exiuit.'" Jacobus de Voragine, *Legenda aurea*, 1221-22.

Glory to you, O Christ, since you deigned to take up human flesh from the virgin. Then your side was opened with a lance, from which the blood of our redemption and the water of our baptism emanated. Comfort me, O Lord, who deigned to immerse me in the blood of [my] foot.⁴⁶

Clearly, the techniques of abbreviation applied in the Dominican legends emphasize the raw torture the saints experienced, at the expense of contextualizing their lives, their words, and their faith within a broader conflict between Christianity and non-Christian beliefs.

Even though the Dominican legends focus on narratives of torture and death (and consequently minimize other aspects of the saints' *vives*), they do not, surprisingly, emphasize the saints' suffering. For example, while earlier *vitae* of Saints Perpetua and Felicity describe the saints' fear of the darkness of prison and their wariness of the prison guards, the Dominican legends do not linger on any such concerns but present the saints as unflappable and invincible. In the original *passio*, Perpetua dies with a sword struck through her neck after being thrown by a wild cow. The experience is portrayed as undeniably painful, for Perpetua, "[after] being pierced between the bones, so that she might taste something of pain, cried out."⁴⁷ In the Dominican *vitae*, however, descriptions of Perpetua's death are shortened dramatically and no details regarding Perpetua's pain or concerning her death at an executioner's hand is recounted. Bartholomew of Trent says that God granted her the ability to exist apart from her bodily reality, so that she felt almost nothing of her suffering even when gored by a cow.⁴⁸ This addition is found nowhere else in the Latin textual tradition of Perpetua's martyrdom. Writing shortly after Bartholomew of Trent, Jacobus de Voragine chooses not to include Bartholomew's novel addition of

46 "Tunc indignati carnefices accesserunt: et abscederunt pollicem dextri pedis: Et beatus Jacobus dixit: Gloria tibi Christi: quoniam humanam carnem ex uirgine dignatus es suscipere: et lancea latus tuum apertum est: unde sanguis nostrae redemptionis et aqua baptismatis: qui dignatus es pedis intingere in sanguine, conforta me domine." *Vita sancti iacobi intercesi*, 2:21. This *vita* dates from the tenth or eleventh century.

47 "Perpetua autem, ut aliquid doloris gustaret, inter ossa compuncta exululauit." St. Perpetua, *Passio sanctarum Perpetuae et Felicitatis*, 180.

48 "Perpetuae autem precanti concessum est ut, existens in corpore, sic cuncta pro nichilo duceret quam esset extra corpus. Unde cum ad bestias essent exposite, uacca indomita in eam impigit; quod illa minime sensit" (Bartholomew of Trent, *Liber epilogorum*, 81). It is possible that Bartholomew's text refers to an incident in Perpetua's original *life* in which the saint does not remember being tossed by a mad cow in the arena and only acknowledges the occurrence after noticing her torn skin and clothes (Perpetua, *Passio sanctarum Perpetuae et Felicitatis*, 174). If this is the incident in the source that inspired Bartholomew to state that Perpetua felt little during her martyrdom, he has conflated this incident with that of her actual death, during which the source *life* explicitly states that Perpetua felt pain.

Perpetua's lack of sensation, yet his own version of the *life* says little of Perpetua's suffering, mentioning only that she and another martyr were devoured by lions.⁴⁹ By concentrating on the actions of the lions rather than those of the saint, Jacobus eliminates any discussion of saintly suffering during the final stages of Perpetua's martyrdom.

The textual tradition of the *lives* of Saint Sebastian shows a similar pattern. In the earliest *vitae*, Sebastian is shot through with arrows and left for dead. Another saint, Irene, finds him lying abandoned in a field and carries him back to her home where Sebastian rests for a few days until he has recovered his health.⁵⁰ Flodoard's tenth-century poem *De triumphis Christi* further emphasizes Sebastian's pain by adding that the soldiers attacking Sebastian were vying with each other to inflict the most severe wounds.⁵¹ As in the earlier *life*, Irene finds Sebastian and helps him recover from his ordeal. The references to wounds and healing in these early *lives* allowed audiences to comprehend the reality of Sebastian's suffering. By mentioning that he was healed by Saint Irene, early Dominican legendaries, too, sometimes obliquely indicate that the saint suffered, though they do not refer to any wounds on the saint's body.⁵² In fact, Bartholomew of Trent makes a possibly humorous comparison between Sebastian's body covered in arrows and a hedgehog without referring to the physical wounds or to the suffering caused by the arrows. Jacobus de Voragine continued the trend of diminishing Sebastian's wounds in the *Legenda aurea*. Like the authors of all the other *lives*, Jacobus refers to Sebastian's being shot through with arrows, but after describing the soldiers' departure from the field, Jacobus records only that Sebastian was standing on the steps of the emperor's palace within a few days of his ordeal.⁵³

49 "Extracti igitur de carcere, ligatis post tergum manibus et nudatis per plateas ducuntur et dismissis bestiis Satyrus et Perpetua a leonibus deuorantur, Reuocatus et Felicitatis a leopardis comeduntur, beatus uero Saturninus gladio capite truncatur circa annos domini CCLVI sub Ualeriano et Gallieno imperatoribus." Jacobus de Voragine, *Legenda aurea*, 1218.

50 "Et inueniens eum uiuentem adduxit domum suam in scala excelsa: ubi manebat ad palatium: et ibi intra paucos dies salutem integerrimam recuperauit in omnibus membris." Pseudo-Ambrose, *Vita sancti sebastiani*, in *Acta Sanctorum*, Jan. II:642, and Pseudo-Ambrose, *Vita sancti sebastiani*, in *Sanctuarium seu Vita sanctorum*, 2:476. The latter version is slightly different, replacing *scala* with *insula* and *salutem* with *sanitatem*, but the meaning remains essentially the same.

51 "[Milites] certant quis aptiora figat uulnera." Flodoard, *De triumphis Christi*, PL 135:710.

52 "Quibus more Eritii circumspectus, pro mortuo in campo relinquatur, sed, ab Hyrene uxore Castuli domum deporatus, sanatur" (Bartholomew of Trent, *Liber epilogorum*, 59). "Tunc uxor hospitii sui nocte ad eum ueniens ut sepeliret. Uiuentem inueniens duxit ad domum suam ubi intra paucos dies sanatus est" (Jean de Mailly, *Abbreuiatio in gestis*, Auxerre Bibl. Mun. MS. 124, f. 24v.).

53 "Qui ita eum sagittis impleuerunt ut quasi hericius uideretur et extimantes illum mortuum abierunt. Qui intra paucos dies liberatus stans super gradum palatii imperatores." Jacobus de Voragine, *Legenda aurea*, 167.

Jacobus's *vita* contains no reference to Irene at all, and Sebastian is not healed but rather miraculously recovers full health as an act of God's will.⁵⁴

Thus, while the earliest *vitae* of Christian martyrs describe, in detail, the physical pain the saints experienced, Dominican versions of these *lives* minimize or entirely elide it. Such a shift in the representation of saintly pain would be less significant if Dominican legendaries had not been so popular. Soon after the *Abbreviatio* and the *Liber epilogram* were written, they became common preaching aids for members of the Dominican Order, though both were far less popular than Jacobus de Voragine's *Legenda aurea*, which survives in more than a thousand manuscripts.⁵⁵ Shortly after the introduction of printing with movable type in the mid-fifteenth century, the *Legenda aurea* was printed in most of the vernacular languages of Western Europe.⁵⁶ Used not only as a preaching aid but also as a means to inspire and guide private devotions, the legendary maintained its enormous popularity until the end of the Italian Renaissance, when questions about the historical accuracy of its legends were raised for the first time.⁵⁷ Until then, however, it maintained its position as one of the two most widely dispersed texts, second only to the Bible itself. Thus, it seems likely that most people in Latin Christendom would have had some acquaintance with saints lives as presented in the *Legenda aurea* and, thus, would have been familiar with saints legends which reduced representations of suffering to a minimum.

While the Dominican minimization of saintly suffering in the legendaries appears to have been, in part, a response to the newly popular modes of affective piety and, again in part, to the dualistic concept of Christ's incarnation espoused by the Cathars,⁵⁸ the possibility must also be considered that the minimized representations of pain in Dominican legendaries — with their narratives of apparently painless torture — provided a way in which the reintroduction of torture into the legal systems of Western Europe could be made acceptable. If Lisa Silverman is correct in her assertion that the abolition of torture in late eighteenth-century France required not only the sustained support of the elite but also a cultural shift in the middle and lower classes,⁵⁹ then it is

54 "Sebastianus: 'Ad hoc me dominus resuscitare dignatus est, ut conueniam uos et redarguam de malis uestris que Christi famulis irrogatis.'" Jacobus de Voragine, *Legenda aurea*, 167.

55 See the catalogue of 1042 preserved manuscripts of the *Legenda aurea*, found in Fleith, *Studien zur Überlieferungsgeschichte*, 55-331.

56 Reames, *The Legenda aurea*, 4.

57 Reames, *The Legenda aurea*, 28-30.

58 For further information on the former, see Trembinski, "Non Alter Christus"; for details on the latter, see Trembinski, "[Pro]passio doloris."

59 Silverman, *Tortured Subjects*, 4.

likely that a similar change was necessary for people to accept the reintroduction of judicial torture.⁶⁰ The new discourse of saintly non-suffering in the extremely popular Dominican legendaries would have contributed to this cultural shift.

As noted above, there is an interesting correlation between, on the one hand, the widespread reintroduction of torture in the court systems of Europe and the Church hierarchy's support for its use in the thirteenth century⁶¹ and, on the other hand, the creation and rising popularity of Dominican legendaries of abbreviated saints lives. The chronology of the reintroduction of judicial torture into Europe is by no means certain, but by the mid-thirteenth century torture was being used as a means to extract confessions in both ecclesiastical and secular courts.⁶² In the same period when torture was becoming a more frequently used legal tool, the new genre of saints legendaries was being created and increasingly popularized by the Order of Preachers, who were also prominent in the inquisition.

The chronological coincidence of the increasing use of torture in legal proceedings and the great popularity of Dominican legendaries that destabilize the link between torture and suffering is suggestive. As Christine Caldwell notes, Dominican authors were anxious to demonstrate that inquisitors were pious and that conducting inquisitions was a sacred activity.⁶³ I would argue, similarly, that Dominican authors attempted to make inquisitorial procedure, including the use of torture, more acceptable. The methods of torture most commonly described in the legendaries, for instance, are also those, such as whipping and stretching on the rack, which were frequently applied in contemporaneous inquisitions.⁶⁴ Moreover, Jacobus, in particular, creates parallels between the early Church Fathers and the inquisitors, quoting Bernard of Clairvaux's reference to Augustine as "the hammer of heretics."⁶⁵ Jacobus also includes

60 Referring to the period after 1215, when the Fourth Lateran Council abolished the ordeal, to be replaced by the law of proof, Langbein alludes to this shift: "Henceforth, humans were going to replace God in deciding guilt or innocence, humans called judges. It is almost impossible for us to imagine how difficult it must have been for the ordinary people of that age to accept that substitution." Langbein, *Torture*, 6.

61 As Peters has outlined, two papal bulls issued in the thirteenth century, *Ad extirpanda* in 1252 and *Ut negotium* in 1256, ensured that Church officials could utilize torture in ecclesiastical court proceedings. Peters, *Torture*, 65.

62 Langbein, *Torture*, 5-7.

63 Caldwell, "Peter Martyr," 149.

64 Kelly notes that commentaries on canon law suggested that ecclesiastical judges limit their use of torture to "moderate forms," perhaps involving rods, switches, or whips rather than the rack, which was a common instrument of torture used for judicial torture in secular courts. Kelly, "Inquisition," 445.

65 "Bernardus quoque sic de eo scribit: 'Augustinus hic est ualidissimus malleus hereticorum.'" Jacobus de Voragine, *Legenda aurea*, 859. Jacobus quotes Bernard's Sermon 80, *Sermones super Cantica canticorum*, 282.

the *life* of Saint Peter Martyr, an inquisitor in Languedoc who was killed by Cathars. In that *life*, Jacobus explains the role of the inquisitors, who, when “the heretical disease spread,” were sent to various parts of Lombardy “in order to eradicate the diabolical pestilence.”⁶⁶

Aside from introducing their audiences to some of the structural components of secular courts and ecclesiastical inquisitions, the *vitae* in the legendaries also provided a way in which the reintroduction of torture into the legal systems of medieval Europe could be understood and accepted. The medieval justification of the use of judicial torture is somewhat baffling to modern scholars, but the use of torture in legal proceedings was accepted in the High and Late Middle Ages, not only because it was entrenched in the Roman codes and practices on which the late medieval judicial systems were based, but also owing to the common belief in direct divine intervention to allow the guilty to be punished and to protect the innocent. Thomas Aquinas, perhaps the greatest Dominican theologian of the age, attests to this. In his commentary on Job, Aquinas writes that God is the author of all human punishments, even the torture applied to those falsely accused.⁶⁷ Unlike human beings, God does not require tools such as torture to judge innocence or guilt, yet he will use them on occasion.⁶⁸ This suggests a way in which the reintroduction of torture could be naturalized by means of the stories found in the Dominican legendaries. Since human judges are imperfect, they require tools to help them sort the innocent from the guilty. In contrast, the infallible God uses his perfect knowledge to protect the innocent, punish the guilty, and occasionally, as in the case of Job, test the faithful. Thus, the saints in the Dominican legendaries do not seem to suffer at the hands of their persecutors because God knows the truth of their faith and so protects them.

In modern, more secular contexts, the idea that an interventionist God could have allowed people to understand and even advocate the use of torture may seem baffling. As Elaine Scarry argues, the physical pain experienced as a result of torture is often so intense that the victim’s sense of self is utterly destroyed and the victim’s reality is replaced by a ‘truth’ constructed by the torturer.⁶⁹ For this reason, many

66 “Verum cum pestis heretica in Lombardia prouincia pulluraret et multas iam ciuitates contagione pestifera infecisset, summus pontifex ad pestem dyabolicam abolendam diversis inquisitores de ordine predicatorum in diuersis Lombardia partibus delegauit.” Jacobus de Voragine, *Legenda aurea*, 425.

67 Thomas Aquinas, *Expositio super Iob ad litteram*, chapter 10, lectio 1, p. 68.

68 Thomas Aquinas, *Expositio super Iob ad litteram*, chapter 10, lectio 1, p. 70.

69 Scarry, *The Body in Pain*, 37-51.

modern critics of torture — and, it should be noted, even some medieval writers⁷⁰ — argue that torture is an unreliable method of gathering information or ascertaining truth since torture victims, when overwhelmed by pain, will simply reiterate the architecture of ‘reality’ supplied to them by their persecutors.⁷¹ Yet in the saints lives of the Dominican legendaries, an interventionist God breaks the cycle of torture and the projection of the torturer’s truth. The saints of the legendaries are able to emphatically reject the construct the torturers wish to inscribe on them because they do not experience pain. Thus, the truth within the bodies of the martyrs is the truth of the Christian God rather than that of their torturers — that God exists, and that he is, even at the moment of torture, protecting them and refusing to allow their voices of truth to be silenced.

The stories of God’s protection of the martyrs in Dominican legendaries provide a way in which medieval audiences could rationalize the use of torture in legal proceedings. In the second part of her work, Scarry argues that the invisible God of the Old Testament asserted his presence by inflicting harm.⁷² However, once Christ had become flesh and his physical reality was proven and recorded in Scripture, God no longer needed to assert his existence through violent acts. Instead, the God of the New Testament asserted his presence through acts of salvation and healing.⁷³ Though Scarry does not suggest it, this is precisely the role God fulfills in the Dominican stories of the martyred saints. God’s reality and his desire to intervene in human affairs are proven by his protection of the saints. With such a belief structure in place, the acceptance of judicial torture is rather uncomplicated. While human judges are fallible, God is not and was popularly assumed to intervene to save the innocent or to reward them in eternal life for patiently suffering the wrongs done to them in the present. The constant reiteration of the possibility of God’s direct intervention during torture found in the abbreviated *vitae* of the Dominican legendaries may have permitted an easier acceptance of the use of torture in legal proceedings. If God could be counted on to intervene to protect the innocent and the righteous as he had the saints, then although torture could be applied to all individuals, only the truly guilty would feel the pain of their torments and thus be compelled to confess.

70 See Thomas Aquinas, *Expositio super Iob ad litteram*, chap. 10, where Thomas suggests that sometimes torturing an individual does not allow a judge to discover ‘truth.’ For a longer discussion on the medieval limits of torture, see Ullmann, “Reflections on Medieval Torture.”

71 Many recent articles discuss the fallacy of the argument that torture elicits truthful information. For some of the most recent see Arrigo, “A Utilitarian Argument Against Torture Interrogation of Terrorists”; Bellamy, “No Pain, No Gain,” 124; and Ramsay, “Can the Torture,” 114-15.

72 Scarry, *The Body in Pain*, 183 and 201-205.

73 Scarry, *The Body in Pain*, 214.

It is important to note that the above rationale for the use of torture was never directly presented in Dominican legends, nor in the legal and theological treatises that were produced at the time. Indeed, torture was introduced into medieval legal proceedings partly as a way to diminish the danger of tempting God to judge innocence or guilt in ordeals.⁷⁴ Yet the logic that allowed medieval Europe to accept the reintroduction of torture into its legal systems may have been very similar to that which supported the use of ordeals. God would intercede in the trial to protect the innocent. In spite of the scholastic claim that God should not be relied upon to intervene in human affairs, much of the medieval population continued to believe that God regularly involved himself in the trials and tribulations of humankind.⁷⁵ Historian Michael Goodich interprets the many miracles and rescue stories of the thirteenth and fourteenth centuries as evidence of the continuing belief that God protected the faithful from the perils of this world. The abbreviated saints lives contained in the Dominican legends may have similarly fostered a belief in an interventionist God. Just as God rescued the wrongly accused from the gallows, he also rescued innocent individuals accused of heresy or crimes from the pain of torture and the dangers of a false confession.⁷⁶

For centuries, the abbreviated *vitae* found in Dominican legends were dismissed as an aberration in the literary history of the hagiographic genre that was best ignored.⁷⁷ More recently, scholars have explored the multivalent ways in which medieval audiences understood such *vitae*. The enormous popularity of legends such as the *Abbre- viatio*, the *Liber epilogorum*, and especially the *Legenda aurea* ensured that the *vitae* collected within them impacted people's political, cultural, and religious positions. Among other things, such narratives may have affected the cultural ethos of medieval Europe by providing a way in which judicial torture could be rationalized. The reintroduction of judicial torture was accepted, not only by the intellectual elite of medieval communities, but also by the majority of the population. Such a widespread cultural shift appears to have been facilitated by Dominican narratives of saints who endured horrific torture without experiencing great pain. While providing both religious education and sado-erotic pleasure to varying degrees, such tales also offered an impetus to accept the

74 Baldwin, "The Intellectual Preparation for the Canon of 1215," 628.

75 See Goodich, *Violence and Miracle*, 155 *et passim*.

76 Goodich, *Violence and Miracle*, especially 28-29 and 56.

77 For a discussion of this, see Delehaye's gentle reproach of those historians who dismiss the *Legenda aurea* as uncritical and thus unhelpful in the historical context. Delehaye, *Legends of the Saints*, 180-81. See also Reames, *The Legenda aurea*, 20-23 (on Delehaye) and 27-43 (on the critical reception of the *Legenda aurea*).

changes occurring in thirteenth-century judicial systems and ultimately to rationalize the reintroduction of judicial torture.

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