

## **The unburied prisoners from the jail of the Inquisition of Évora, Portugal**

Bruno M. Magalhães<sup>a,1</sup>; Teresa Matos Fernandes<sup>a,b</sup>; Ana Luísa Santos<sup>a</sup>

<sup>a</sup>CIAS (Research Centre for Anthropology and Health), Department of Anthropology, University of Coimbra, P 3001-401 Coimbra, Portugal

<sup>b</sup>Department of Biology, University of Évora, 7002-554 Évora, Portugal

**KEY WORDS** Mortuary context; prison; discarded; Judaism; Religious persecution.

**ABSTRACT** Each society has cultural rules to deal with the death of its members, including the burial practices. This study aims to present and interpret the mortuary context associated with the human remains recovered at the so-called *Jail Cleaning Yard* of the Inquisition Court of Évora (1536-1821). Approximately 12% of the yard was excavated, an area of 20.75m<sup>2</sup>, which consisted of layers of sediment containing domestic waste. The sample under analysis consists of 12 adult individuals in articulation (3 male, 9 female) and a minimum of 16 individuals identified from a commingled context. Funerary structures were absent and no grave goods were found. Moreover, the orientation and position of the body and limbs are variable. The archaeological and anthropological contexts, including the Inquisition individual historical records consulted, are consistent with individuals not reconciled with the Catholic faith. The manuscripts from the Inquisition allowed the identification of 87 prisoners who died during the period in which the dump had been in use (somewhere between 1568 and 1634), and attested that 11 (12.6%) of them were confirmed discarded in the dump, likely because they were charged of ‘Judaism, heresy and/or apostasy’. More than a penalty to the body, this was a punishment to the soul of the deceased. The specific context of this place, as well as all anthropological, archaeological and historical information helped to characterize these individuals as unburied dead, once a proper funeral had been denied to them.

### **Introduction**

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<sup>1</sup> Corresponding author. Tel.: +351 220931454

*E-mail addresses:* bruno.miguel.silva.magalhaes@gmail.com (B.M. Magalhães), tmf@uevora.pt (T.M. Fernandes), alsantos@antrop.uc.pt (A.L. Santos)

Societies have rules and procedures to deal with death (Bethencourt, 2008; Pérez et al., 2008) and the funerary rituals may thus be studied as “communication systems” and social acts that tell us more about the living than about the dead (Bethencourt, 2008). These rules and procedures are built by beliefs which have been consolidated over hundreds of years and enacted by society, emphasizing how people make the world more understandable, and seeking for particular order and reason about aspects which are beyond their control (Rebay-Salisbury, 2012). Understanding the nature of bodies and their status after death is one of the main challenges for societies, becoming more present each time one of their members dies (Rebay-Salisbury, 2012).

Hertz (1960) defines burial practices as the result of the relationship between the body and soul of the deceased and the mourning community, and this theory is largely supported by ethnographical observation (e.g. Carr, 1995). In addition, Carr (1995) concluded that, although complex and multivariate factors determine mortuary practices, philosophical-religious beliefs and social components are primary factors, while physical and circumstantial ones are secondary. Philosophical-religious beliefs about death, physical health and safety, the afterlife, the journey to afterlife, the nature of the soul and its existence, beliefs about reincarnation, third-party souls and spirits or beliefs about the status of the person at/after death and its effect on the living, are primary variables in mortuary practices, such as the body position and treatment, grave location and its characteristics, cemetery organization, the circumstances of death or the social position of the deceased (Carr, 1995). Social factors as age, gender, vertical and horizontal social position, usually identified by archaeologists as factors influencing burial practices in past populations (e.g. Binford, 1971; Chapman, 2003), were also confirmed in Carr’s work as relevant.

Nevertheless, as stated by Rebay-Salisbury (2012), burial practices do change in a given society and the implicit beliefs about the body, death, and the afterlife that lead to these changes must be discussed and understood. Orientation of the grave, its occupant, tomb structures, or the position in which the dead body is buried may all have different meanings in a given society without being deviant (Pearson, 1999). Literature defines deviant or atypical burials as primary or secondary depositions in unusual mortuary practices in a given cultural group and/or time period (e.g., Aspöck, 2009; Tsaliki, 2008; Pérez et al., 2008). To confirm the funerary character (deviant or “normal”), its intentionality must be identified (Duday, 2006, Leclerc, 1990). To better understand these changes an intentional burial should be defined. We must identify the

intentionality of a human deposition to confirm its funerary character (Duday, 2006; Leclerc, 1990). A burial is described by Leclerc and Tarrête (1988:963) as the “*Lieu où été déposés les restes d’un ou plusieurs défunts, et où il subsiste suffisamment d’indices pour que l’archéologue puisse déceler dans ce dépôt la volonté d’accomplir un geste funéraire*”. Essentially, what makes a burial is the intentionality of a body deposition, sometimes with associated grave goods (related with the practice of certain symbols) (Duday et al., 1990; Duday 2009, Leclerc, 1990; Roksandic, 2002), but their absence is equally important in the archaeological and anthropological record. As Weiss-Krejci (2013) stated, the recognition of ‘unburied dead’ is a complex matter. Ultimately, it may mean that those individuals were not buried at all. As Duday (2009) notes, an individual may die and be deprived of its status of being human and his body reduced to an object or a thing. In this regard, as systematized by Weiss-Krejci (2013), the unburied dead are characterized in three main categories: inaccessible corpses, dead bodies on display and people who are denied a proper funeral. This last category, which is the basis of its definition since the 19<sup>th</sup> century (e.g. Hertz, 1960), can act as a way to punish or destroy a person, establish religious and political power, or to avert the dangerous dead, often deviant social people, political enemies or people who have died a bad death (see Weiss-Krejci, 2013). Essentially, the consequences of proper and improper rites of passage play a key role in the identification of a burial. As Weiss-Krejci (2013) states, the fate of the deceased often depends on how the funerary rites are performed. Proper funerary rites involve actions such as the manipulation of the dead body, its treatment, temporary and final deposition, the mourning period.

### ***Historical background***

The origin of the Inquisition is closely related to the influence of religion in Medieval times, representing their values as engines of the culture and collective lives (Mea, 2003). Thereby, from the second half of the 12<sup>th</sup> century, the Church and the Papacy took the lead role in fighting the progress of the so called heresy (e.g. Sánchez, 2005). At this time the Cathars, in southern France, were the main target pursued (Herrero, 2005; Sánchez, 2005). Gradually the crusade became stronger and spread across Europe (Herrero, 2005, Mea, 2003), reaching Flanders, the Netherlands, Aragon, several Italian cities, Bohemia, Hungary, Slavic countries, as well as Jerusalem, in the Middle East (Escudero, 1985, Herrero, 2005, Mea, 2003). In Spain the Inquisition was established in 1478 (Bethencourt, 1996), leading to the Jewish Diaspora especially to

the neighboring kingdom of Portugal (e.g. Bethencourt, 1996, Tavares, 1987). From the mid 14<sup>th</sup> century (and more intensively in the 15<sup>th</sup>) the reaction of the Portuguese crown was essentially to segregate the Jews with the creation of Jewry (Tavares, 2006). Soon after, in 1496, King D. Manuel encouraged Jewish conversion to Christianity, since their capital and expertise was necessary to the Portuguese overseas expansion (Tavares, 1987; 1989). In 1515, largely due to pressure from Spain, the Portuguese King D. Manuel instructed its ambassador in Rome to contact the Pope in order to establish the Inquisition, according to the Spanish rules (e.g. Bethencourt, 1996). After 21 years of negotiation, the Portuguese Inquisition was established in 1536, 58 years after the initiation of the Spanish Inquisition, with the district court of Évora, and later in Lisboa, Coimbra, Porto, Tomar and Lamego, and overseas, in Asia and South America (Bethencourt, 1996; Polónia, 2009).

The court of the Inquisition was established for the surveillance of “purity of faith”, the suppression of heresy, and the discipline of religious beliefs and behaviors (Paiva, 2011). The Papal bull from 1536 granted the court of the Inquisition the right to judge those who committed, aided or concealed acts of crypto-Judaism, Protestantism and Islamism, as well as witchcraft (Paiva, 2011, Polónia, 2009). According to these authors, until its abolition in 1821, its jurisdictional scope extended to bigamy, ownership of vernacular language versions of the bible, sodomy, and other kinds of blasphemies. Torture such as *strappado* and *potro* were usually practiced by the Portuguese Inquisition to force the prisoners to confess to the accusations (Coelho, 2002), but many other torture techniques were used to discipline behaviors (Vieira, 1821).

The living conditions in Inquisition jails were very bad and often led to the prisoner’s death, as shown in several individual records of the Évora Inquisition (Coelho, 2002). However, as far as we know, human skeletal remains from specific individuals who died in Inquisition prisons have not been found and/or excavated in the cities where Catholic Inquisition was established.

This work aims, therefore, to use a multi-methodological approach to present and discuss the treatment given to the bodies placed in the *Jail Cleaning Yard* of the Évora Inquisition Court, trying to answer questions such as who were these persons not buried on sacred ground and when did they die.

## **INDIVIDUALS AND METHODS**

During the renovation of the building from the former Inquisition Court of Évora an archaeological survey was conducted by the Eugénio de Almeida Foundation, under the Operational Programme for Culture. The three phases of the excavation were conducted in 2007 and 2008 by Crivarque, Lda and the University of Évora (including the author TMF).

In an open area of approximately 181m<sup>2</sup>, located in the NW area within the Évora Inquisition Court, named *Jail Cleaning Yard* in the building historical plan done by the Portuguese Inquisition architect Matheus do Couto in 1634 (Couto, 1634), four plots, totalling 20.75m<sup>2</sup> (11.5%), were excavated. The fieldwork revealed a layer which corresponds to the abandonment of a Medieval house, above which was identified a clay-like soil from late 16<sup>th</sup> century/early 17<sup>th</sup> century, containing household waste, including fragmented pottery, fauna and coins (Rodrigues and Lopes, 2009) and the osteological human remains studied in this work. Three other skeletons were left *in situ* in an area of the yard not affected by the construction work (Rodrigues and Lopes, 2009).

In the current study the methodology included three steps. First is the analysis of the excavation reports and pictures (Costa and Fernandes, 2008; Faria and Fernandes, 2007; Rodrigues and Lopes, 2009). Second is the evaluation of the biological profile of the individuals. The estimation of the minimum number of individuals applying the methods of Herrmann (1990 in Silva, 1993) to the long bones of the appendicular skeleton, and Ubelaker (1974) for the remaining bones. The methods used for sexing individuals were described by Bruzek (2002), Cardoso (2000), Ferembach et al. (1980) and Wasterlain (2000). To evaluate the presence/absence of juveniles the methods presented in Scheuer and Black (2000) and MacLaughlin (1990), for young adults were used. The methods of Bedford et al. (1989) and Brooks and Suchey (1990) were applied to estimate the age of adults. Finally, extensive research was conducted on the historic manuscripts housed in the District Archive of Évora and on the historical records of the individuals incarcerated in the Évora Inquisition, filed in the Torre do Tombo (Lisbon, Portugal).

## **RESULTS**

### *The excavation and the individuals*

The excavation team recovered 12 skeletons and 980 commingled and disarticulated human bones/fragments from surveys 9 and 11 performed in the *Jail*

*Cleaning Yard* area. The laboratory analysis (Magalhães, 2013) shows a minimum number of 16 individuals, with the left femur the most represented bone in the whole sample. Table 1 shows the biological profile of the 12 individuals in articulation. All commingled human bones were considered belonging to adults because all the epiphyses and diaphysis preserved were already fused.

The orientation of the skeletons was variable (Fig.1; Table 2): 5 individuals were deposited SW-NE, two W-E, two E-W, one SE-NW and one S-N. Four individuals were recovered in supine position (1 male and 3 females), four in lateralis (1 male and 3 females), three in prone (1 male and 2 females) and one was undetermined. The position of limbs is also quite variable. In the upper limbs no duplicate positions were identified. Furthermore, despite the majority of the existing lower limbs that were recovered outstretched (5/9, 55.6%), in 2 female individuals they were crossed (1 supine, 1 prone), 1 flexed (1 *lateralis*) and 1 with only the right leg flexed (1 right *lateralis*).

The skeletons were found in a heterogeneous soil layer, with concentrations of charcoal, fauna and fragmented ceramic materials. The sediment surrounding the skeletons is undistinguishable from the household waste layer where they were placed, suggesting that the bodies were deposited directly in the dump (Rodrigues and Lopes, 2009), as the name *Jail Cleaning Yard* suggests. Thus, at the moment in which the body was deposited in the yard no ditches were excavated for 11 of the 12 individuals (Rodrigues and Lopes, 2009). The exception was skeleton 4, for which a ditch was identified. There were no grave goods identified.

Furthermore, the commingled bones recovered were all disarticulated in both surveys 9 and 11.

#### *The document research*

An extensive research of archival documents revealed a manuscript preserved in the Évora District Archive (EDA, 6/282) stating that in 1568 the area identified as the *Jail Cleaning Yard* was not yet associated with the Inquisition. Moreover, the building's plans showed that in 1634 the area was no longer used as a place for garbage and household trash. Thus, it was possible to limit the period of use somewhere between 1568 and 1634, which is in accordance with the chronologies obtained by the archaeological artifacts, between late 16<sup>th</sup> and early 17<sup>th</sup> centuries. From this 68-year period, 87 manuscript records of individuals who died in the prison of the Inquisition of Évora were found. From these, 11 were reportedly dumped in the *Jail Cleaning Yard*

(Table 3). These specific references can be found in the individual records chapter detailing the death of each person, as well as the specific site where each of their bodies were placed. For example, I. M. (30 y.o. female), deceased on March 10<sup>th</sup> 1599, was “...buried in the designated place for it in these prison by its guards [sic]...” (NATT, proc. 7511). No more information about the way bodies were placed was written in any of the 11 manuscripts.

## DISCUSSION

The study of funerary rituals is of well-known importance in the understanding of past societies. Nonetheless, their absence may also provide very important data. The treatment of the deceased in the Évora Inquisition Court raises questions and presents difficulties in characterizing the funerary context in the *Jail Cleaning Yard*. Also, the bibliographic research has not revealed any excavation in a similar context of an Inquisition prison.

To better understand why these people were placed in a dump after their death it is important to understand the way the Inquisition and Modern Christianity (identified as the Historical period between 1453 and 1789) dealt with the burial of the Jews. Although this is a subject relatively poorly investigated, the few Jewish burials in Christian cemeteries found in the literature were always problematic, because a Catholic society did not accept a burial of a Jew in a sacred place for the Catholics (e.g. Cerqueira and Bastianello, 2012; Menachemson, 2007). In Portugal, during the Inquisition period, a proper funeral was denied to the Jews, as we can conclude from the several Portuguese Inquisition laws, so called regiments (e.g. Silva, 1855), and those who died in the prisons while under such accusations posed a problem to the religious court since they supposedly could not be buried in Christian cemeteries. This might be the case of the individuals recovered from the *Jail Cleaning Yard*, meaning these skeletons belonged to persons who died before being judged or without fulfilling the punishment they had been given for that major “crime”. In this yard there is no evidence which could indicate that the bodies received any rituals. Moreover, the archaeological excavation team reported the opening of a single burial pit of the individual number 4 (Rodrigues and Lopes, 2009), an old female. The very act of putting a corpse into a burial pit cannot be understood as a funerary rite itself, because all remaining anthropological data suggests the total absence of rites of passage, implying a lack of

‘reverential’ attitude towards the dead (Weiss-Krejci, 2013). All the other 11 individuals were placed directly on the dump apparently without preparation of a grave.

The skeletons show a wide variation in the orientation, position of the body and of the upper and lower limbs. According to Christian roles the body of a deceased should be placed with the head to west and in supine position. In Portuguese Christian burial sites the orientation of the graves can vary while the body position is more conservative. However, in the *Jail Cleaning Yard* both skeletons from men and women were found in supine, prone and lateral positions suggesting no distinction based on the sex of the individuals.

Four skeletons (one from a man and three from women) were in supine position while three (one man and two women) were in prone position. In Portugal, few individuals dating from Medieval and Modern times were found in this position (see Gonçalves and Santos, 2003; Ferreira et al., 2013). Among the interpretations for this uncommon body position are that they are victims of interpersonal violence or an accidental fall, accused of witchcraft, persons with particular diseases and individuals not considered for social eligibility to have a proper funeral (see Gonçalves and Santos, 2003; Ferreira et al., 2013; Weiss-Krejci, 2013).

Right *lateralis* is the body position for Islamic individuals. There are several cemeteries in the country showing this practice. However, it is unlikely to happen in the Inquisition yard; these 3 female individuals probably were not intentionally placed in this position. More likely, they and the ones in prone are in the positions in which they fell after being thrown in the *Jail Cleaning Yard*. Another fact that supports this hypothesis is the variability of the limb positions (there are not two individuals with the same position of the upper limbs) and body orientations (SW-NE, E-W and W-E).

The records which states certain individuals were reportedly discarded in the *Jail Cleaning Yard* can also help us understand the context of the after death treatment given to those people. None of these records describe any kind of preparation of the body for a burial. However, the process of I. G., buried in sacred ground (in the Cathedral of Évora) in 1581, with the help of a prison guard, describes that “...*after her death... he dressed her with the shroud and took her outside those prisons...*” (NATT, proc. 5254). This description indicates a difference in treatment between those who were buried in sacred ground, and those who ended up in the *Jail Cleaning Yard*. This is important because putting the body in a shroud cannot be distinguished in the archaeological record and that it is only through such documents that one can begin to infer what



various final preparations of the bodies might have been (for those that were Christian versus those that were deemed non-Christian). Since the Inquisition manuscript records were very detailed there is no reason to believe that some procedures would be unrecorded. For example, there are references to the visit of the Inquisition priest at the time prisoners seemed near death, which is the opposite of the complete lack of references to any kind of action of this same priest with the individuals which were placed in the Inquisition dump.

If we seek intentionality in these human funerary deposits, as noted in literature, we should be able to find preparatory, sepulchral or post-sepulchral ritual practices. If a burial is a place of funerary gestures (Leclerc, 1990) there is not a single one that we could identify in the *Jail Cleaning Yard*; in accordance with the ‘*non burial modes of treatment*’ described by Schiffer (1987:81). These are individuals who were left to rot in the religious court dump. In this way, the individuals from the *Jail Cleaning Yard* were not buried but discarded, using the terminology of Thomas (1980 in Duday, 2006). It will then be more accurate to use the term ‘unburied’ to describe these individuals which, at the moment of their death, had not proven their innocence and respect for the Christian canons to the religious court of Inquisition. The purpose for the improper treatment of the deceased was not only punishing their body but mostly to weaken and destroy their soul, due to their perceived religious deviations. In this way, philosophical-religious beliefs, as emphasized by Carr (1995), were decisive in Portuguese society burial practices in the Modern period. In Carr’s work, the strongest association found was between body orientation and philosophical-religious factors, and this seemed to be also an important association in the *Jail Cleaning Yard*.

In this sense, the Évora Inquisition site fits in the Weiss-Krejci (2013) description of unburied dead, as people who have been denied a proper funeral. Furthermore, the 11 historical individual records from the Évora Inquisition confirm that at least for these 11 individuals, accused of “Judaism, heresy and apostasy”, the most common accusation was that of maintaining Jewish practices in secret. Unfortunately, it is impossible to know if the persons described in the individual records were the ones recovered in the *Jail Cleaning Yard*; nevertheless, the documents suggest that only persons with a religious based charge were discarded in the yard. The Portuguese Inquisition law also seem to confirm this hypothesis, for example in 1640 it stated that “...being the deceased arrested for crimes other than heresy... the heirs of the deceased should be told of his death, stating that they can collect its body, and bury

*it in sacred ground [sic]...*” (Title XVIII, VII *in* Silva, 1855:331). F. M., who died in 1608 accused of “bigamy/polygamy”, a “crime” supposedly less severe, was buried in the Church of Santo Antão, near the Inquisition of Évora (NATT, proc. 2415).

There are at least 81 examples belonging to individuals accused of “Judaism, heresy or apostasy” who died while imprisoned between 1568 and 1634. Thus, the number of people discarded in that dump may be significantly higher, however, only 12% of the yard was excavated.

In regard to the commingled bones, as Roksandic (2002:109) noted, “disturbance can be caused by a variety of agents”. In the current case, the yard was in use for around 66 years and it is probable that the waste was moved to receive more household waste which can be responsible for bone disarticulation and dispersion in the area. The total excavation of the *Jail Yard Cleaning* might help to understand if there are other skeletons partially disarticulated.

Finally, it is also important to state that there was no way to know if these persons were really Jews. The most efficient method for the discovery of potential crimes was the accusation from a third person (Lima, 1999; Pieroni, 2000). Coelho’s (2002) study showed that as of 1668, 8644 potential criminals (4123 male, 4521 female) were presented at the Évora Inquisition (445 burned in public), the majority being accused of Judaism (7269/8644, 84.1%), followed by apostasy, blasphemy, and bigamy, among other crimes. The accusation could be very complex and the obligation of secrecy led to even the defendant not knowing what he was accused of. In fact, torture (potro and *stappado*, officially) was applied as a technique to encourage the defendant to confirm their accusation, even while not understanding the crime of which they were accused (Feitler, 2008; Pieroni, 2000).

Most likely as a result of the ‘impersonal’ treatment in the *Jail Cleaning Yard*, the 1640 Portuguese Inquisition Regiment stated that “...*the prisoner who died will be buried in an ordinary place, with distinction, and a sign of grave, so that at any time can be known where their bones are [sic]...*” (Silva, 1855: 290), in case of being considered guilty even after his death, which was common. The date of this document is in agreement with the chronology suggested by the archaeological excavation and by the historical research. The *Jail Cleaning Yard* ceased to be used as household waste deposit and as the place to discard the bodies of dead prisoners before their supposed reconciliation with Christian faith.

## **CONCLUSIONS**

The anthropological, archaeological and historical contexts related to the individuals recovered from the *Jail Cleaning Yard* demonstrate that proper funerary rites and burials were denied to the deceased in the prisons of the Évora Inquisition. They were discarded into the dump like household garbage, in what was probably intended to be a punishment to the body and, above all, to the soul in the period after death. In this regard, this work illustrates how important an interdisciplinary analysis of the archaeological data is to better understand and interpret it. The apparent absence of burial pits and rites of passage, the ‘disorganization’ of the place where the corpses were deposited (with bodies in different positions and orientations) and the historical context of the bioarchaeological research all note the unusual characteristics of this place, in use somewhere between 1568 and 1634. The application of different methodological approaches had a definitive role since unburied corpses usually remain ‘silent’, because they leave nothing one can identify.

The *Jail Cleaning Yard* was only excavated in the areas affected by the renovation of the building. A more complete excavation would allow an even better understanding of this dark period of the History characterized by religion intolerance in life and after death. Keeping alive the memory of those victims may help prevent a repeat of these ignoble acts in the future.

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