promenades. The cathedral, erected by Philip II., contains a remarkably fine Roman sarcophagus of the Christian period. Silk-weaving, tanning and hat-making are the chief industries; and there is some trade in wine and grain.

Dertona, which may have become a Roman colony as early as the 2nd century b.c. and certainly did so under Augustus, is spoken of by Strabo as one of the most important towns of Liguria. It stood at the point of divergence of the Via Postumia (see Liguria) and the Via Aemilia, while a branch road ran hence to Pollentia. A number of ancient inscriptions and other objects have been found here. In the middle ages Tortona was zealousIy attached to the Guelphs, on which account it was twice laid waste by Frederick Barbarossa, in 1155 and 1163. (T. As.)

**TORTOSA,** a fortified city of north-east Spain, in the province of Tarragona; 40 m. by rail W.S.W. of the city of Tarragona, on the river Ebro 22 m. above its mouth. Pop. (1900), 24,452. Tortosa is for the most part an old walled town on the left bank of the river, with narrow, crooked and ill-paved streets, in which the houses are lofty and massively built of granite. But some parts of the old town have been rebuilt, and there is a modern suburb on the opposite side of the Ebro. The slope on which old Tortosa stands is crowned with an ancient castle, which has been restored and converted into barracks and a hospital. All the fortifications are obsolete. The cathedral occupies the site of a Moorish mosque built in 914. the present structure, which dates from 1347, has its Gothic character disguised by a classical façade with Ionic pillars and much tasteless modernization. The stalls in the choir, carved by Cristobal de Salamanca in 1588-1593, and the sculpture of the pulpits, as well as the iron-work of the choir-railing and some of the precious marbles with which the chapels are adorned, deserve notice. The other public buildings include an episcopal palace, a town- hall and numerous churches. There are manufactures of paper, hats, leather, ropes, porcelain, majolica, soap, spirits, and ornaments made of palm leaves and grasses. There is an important fishery in the river, and the harbour is accessible to vessels of 100 tons burden. Corn, wine, oil, wool, silk, fruits and liquorice (a speciality of the district) are exported. The city is connected with Barcelona and Valencia by the coast railway, and with Saragossa by the Ebro valley line; it is also the terminus of a railway to San Carlos de la Râpita on the Mediterranean. Near Tortosa are rich quarries of marble and alabaster.

Tortosa, the *Dertosa* of Strabo and the *Colonia Julia Augusta Dertosa* of numerous coins, was a city of the Ilercaones in Hispania Tarraconensis. Under the Moors it was of great im- portance as the key of the Ebro valley. It was taken by Louis the Pious in 811 (after an unsuccessful siege two years before), but was soon recaptured. Having become a haunt of pirates, and exceedingly injurious to Italian commerce, it was made the object of a crusade proclaimed by Pope Eugenius III. in 1148, and was captured by Ramon Berenguer IV., count of Barcelona, assisted by Templars, Pisans and Genoese. An attempt to recapture the city in 1149 was defeated by the heroism of the women, who were thenceforth empowered by the count to wear the red sash of the Order of La Hacha (The Axe), to import their clothes free of duty, and to precede their bridegrooms at weddings. Tortosa fell into the hands of the duke of Orleans in 1708; during the Peninsular War it surrendered in 1811 to the French under Suchet, who held it till 1814.

**TORTURE** (from Lat. *torquere,* to twist), the general name for innumerable modes of inflicting pain which have been from time to time devised by the perverted ingenuity of man, and especially for those employed in a legal aspect by the civilized nations of antiquity and of modern Europe. From this point of view torture was always inflicted for one of two purposes: (1) As a means of eliciting evidence from a witness or from an accused person either before or after condemnation; (2) as a part of the punishment. The second was the earlier use, its function as a means of evidence arising when rules were gradually formulated by the experience of legal experts.

Torture as a part of the punishment may be regarded as including every kind of bodily or mental pain beyond what is necessary for the safe custody of the offender (with or without enforced labour) or the destruction of his life—in the language of Bentham, an “ afflictive ” as opposed to a “ simple ” punish- ment. Thus the unnecessary’ sufferings endured in English prisons before the reforms of John Howard, the *peine forte et dure,* and the drawing and quartering in executions for treason, fall without any straining of terms under the category of torture.

The whole subject is now one of only historical interest as far as Europe is concerned. It was, however, up to a comparatively recent date an integral part of the law of most countries (to which England, Aragon and Sweden@@1 formed honourable exceptions)—as much a commonplace of law as trial by jury in England.@@2 The prevailing view, no doubt, was that truth was best obtained by confession, the *regina probationum.* Where confession was not voluntary, it must be extorted. Speaking generally, torture may be said to have succeeded the ordeal and trial by battle. Where these are found in full vigour, as in the capitularies of Charlemagne, there is no provision for torture. It was no doubt accepted reluctantly as being a *quasi judicium Dei,* but tolerated in the absence of any better means of eliciting truth, especially in cases of great gravity, on the illogical assumption that extraordinary offences must be met by extraordinary remedies. Popular feeling too, says Verri, preferred, as causes of evil, human beings who could be forced to confess, rather than natural causes which must be accepted with resignation. Confession, as *probatio probatissima* and *vox vera,* was the best of all evidence, and all the machinery of law was moved to obtain it. The trials for witchcraft remain on record as a refutation of the theory.

The opinions of the best lay authorities have been almost unanimously against the use of torture, even in a system where it was as completely established as it was in Roman law. “ Tor- menta,” says Cicero,@@3 in words which it is almost impossible to translate satisfactorily, “ gubemat dolor, regit quaesitor, flectit libido, corrumpit spes, infirmat metus, ut in tot rerum angustiis nihil veritati loci relinquatur.” Seneca says bitterly, “ it forces even the innocent to he.” St Augustine@@4 recognizes the fallacy of torture. “ If,” says he, “ the accused be innocent, he will undergo for an uncertain crime a certain punishment, and that not for having committed a crime, but because it is unknown whether he committed it.” At the same time he regards it as excused by its necessity. The words of Ulpian, in the *Digest* of Justinian,@@6 are no less impressive: “The torture (*quaestio)* is not to be regarded as wholly deserving or wholly undeserving of confidence; indeed, it is untrustworthy, perilous and decep­tive. For most men, by patience or the severity of the torture, come so to despise the torture that the truth cannot be elicited from them; others are so impatient that they will lie in any direction rather than suffer the torture; so it happens that they depose to contradictions and accuse not only themselves but others.” Montaigne’s@@6 view of torture as a part of the punishment is a most just one: “ All that exceeds a simple death appears to me absolute cruelty; neither can our justice expect that he whom the fear of being executed by being beheaded or hanged will not restrain should be any more awed by the imagina­tion of a languishing fire, burning pincers, or the wheel.” He continues with the curious phrase: “He whom the judge has tortured *(gehenné)* that he may not die innocent, dies innocent and tortured.” Montesquieu@@7 speaks of torture in a most guarded manner, condemning it, but without giving reasons, and eulogizing England for doing without it. The system was condemned by Bayle and Voltaire with less reserve. Among

*@@@*1 But even in these countries, whatever the law was, torture certainly existed in fact.

*@@@*2 Primitive systems varied. There is no trace of it in Babylonian or Mosaic law, but Egyptian and Assyrian provided for it ; and the story of Regulus seems to show that it was in use at Carthage.

*@@@β Pro Sulla,* c. 28.

*@@@4 De ciυ. Dei,* bk. xix. c. 6.

*@@@6 Dig.* xlviii. 18, 23.

*@@@*β Essay lxv. (Cotton’s trans.)

*@@@7 Esprit des lois,* bk. vi. c. 17.