



The Cost of Torture: Evidence from the Spanish Inquisition

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ABSTRACT

Empirical evidence on contemporary torture is sparse. The archives of the Spanish Inquisition provide a detailed historical source of quantitative and qualitative information about interrogational torture. The inquisition tortured brutally and systematically, willing to torment all who it deemed as withholding evidence. This torture yielded information that was often reliable: witnesses in the torture chamber and witnesses that were not tortured provided corresponding information about collaborators, locations, events, and practices. Nonetheless, inquisitors treated the results of interrogations in the torture chamber with skepticism. This bureaucratized torture stands in stark contrast to the “ticking bomb” philosophy that has motivated US torture policy in the aftermath of 9/11. Evidence from the archives of the Spanish Inquisition suggests torture affords no middle ground: one cannot improvise quick, amateurish, and half-hearted torture sessions, motivated by anger and fear, and hope to extract reliable intelligence.

The study of interrogational torture has made significant strides in recent years.¹ Access to reliable data continues to pose a formidable challenge. Most information on recent cases of US torture is classified and likely to remain inaccessible for decades to come. Evidence from twentieth-century cases is equally sparse. Governments that have engaged in torture have not released comprehensive data that would permit a thorough analysis. Witness accounts are no less problematic: victims and perpetrators alike are loath to share their experiences. Social science research on confrontational interrogation methods relies on analyses of police interrogations or on laboratory experiments, neither of which involve torture.²

¹See, for example, Darius Rejali, *Torture and Democracy* (Princeton, NJ: Princeton University Press, 2007); Alfred W. McCoy, *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror* (New York: Metropolitan Books, 2006); Tracy Lightcap and James P. Pfiffner eds., *Examining Torture: Empirical Studies of State Repression* (New York: Palgrave, 2014); Sanford Levison, ed., *Torture: A Collection* (Oxford: Oxford University Press, 2004); Fritz Allhoff, *Terrorism, Ticking Time-Bombs, and Torture: A Philosophical Analysis* (Chicago: University of Chicago Press, 2012); John W. Schiemann, *Does Torture Work?* (Oxford: Oxford University Press, 2016); and Shane O'Mara, *Why Torture Doesn't Work: The Neuroscience of Interrogation* (Cambridge, MA: Harvard University Press, 2015).

²See, for example, Misty C. Duke and Damien Van Puyvelde, “What Science Can Teach Us about ‘Enhanced Interrogation,’” *International Journal of Intelligence and Counterintelligence* 30, no. 2 (2017): 312–14, 327; Mark A. Costanzo and Ellen Gerrity, “The Effects and Effectiveness of Using Torture as an Interrogation Device: Using

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Scholars are now beginning to mine historical archives for detailed records of past torture campaigns.³ A particularly detailed source of data on torture can be found in the archives of the Spanish Inquisition.⁴ These archives offer three advantages over contemporary sources. First, the archives are vast, containing tens of thousands of files spanning two continents and 400 years. Often, comprehensive records are available for the interrogation of entire communities, allowing scholars to trace how information provided under torture by one detainee led to the arrest, interrogation, or torture of others in their network. Second, the files include cases of nonviolent interrogation alongside cases that involved torture in multiple forms and yielded a range of results. Third, the cases are painstakingly detailed. Each suspect's file can consist of many dozens of pages of meticulous notes, recorded by secretaries who both witnessed court deliberations that preceded and followed the interrogation, and who were also present in the torture chamber itself. Frequently, their notes include verbatim transcripts of torture sessions, allowing scholars to identify the precise conditions under which detainees began, or refused, to collaborate. Fourth, contrary to popular perception, the Inquisition tortured for pragmatic ends. The goal of the Inquisition was to identify the leaders, members, and facilities of underground networks of Jews, Muslims, and Protestants who practiced their religion covertly. It employed torture to extract corroborating evidence about heretical practices, and it used that evidence to confirm or overturn evidence from witness testimony. Fifth and finally, although the Office of the Inquisition had a strong stake in emphasizing interrogations that yielded confessions, it had no particular incentive to portray torture in a positive light. In their documents, inquisitors openly admitted to frequent instances of failed torture, compared and contrasted alternatives to torture, and displayed evidence of institutional learning over time.

Research to Inform the Policy Debate," *Social Issues and Policy Review* 3, no. 1 (2009): 183; Simon Oleszkiewicz, Pär Anders Granhag, and Sebastian Cancino Montecinos, "The Scharff-Technique: Eliciting Intelligence from Human Sources," *Law and Human Behavior* 38, no. 5 (2014): 478–89; Laurence J. Alison Alison Emily, Noone Geraldine, Elntib Stamatis and Christiansen Paul, "Why Tough Tactics Fail and Rapport Gets Results: Observing Rapport-Based Interpersonal Techniques (ORBIT) to Generate Useful Information from Terrorists," *Psychology, Public Policy, and Law* 19, no. 4 (2013): 411–31; and Intelligence Science Board, *Educating Information: Interrogation: Science and Art: Foundation for the Future (Phase 1 Report)* (Washington, DC: National Defense Intelligence College, 2006).

³Most notably, Lisa Silverman, *Tortured Subjects: Pain, Truth, and the Body in Early Modern France* (Chicago: University of Chicago Press, 2001); and Chris Einolf, "Does Torture Work? An Empirical Test Using Archival Data" (paper presented at the 2018 conference of the Association of Human Rights Institutes, Edinburgh, Scotland, September 7–8, 2018).

⁴For background on the use of torture by the Spanish Inquisition, see, for example, Stephen Haliczzer, *Inquisition and Society in the Kingdom of Valencia, 1478–1834* (Berkeley: University of California Press, 1990); William Monter, *Frontiers of Heresy: The Spanish Inquisition from the Basque Lands to Sicily* (Cambridge: Cambridge University Press, 1990); Henry Kamen, *The Spanish Inquisition: A Historical Revision* (New Haven, CT: Yale, 2014); and, most importantly, Henry Charles Lea, *A History of the Inquisition of Spain*, vol. 3 (London: Macmillan, 1907).

Several historians have collected detailed empirical data on the practices of the Spanish Inquisition.⁵ Their findings are important, but they do not focus on torture and they provide sparse information about torture rates, conditions, or outcomes. My goal in this paper is to initiate an empirical research program on interrogational torture that draws on the archives of the Spanish Inquisition. I summarize what historians know about the violent interrogation methods of the Inquisition and supplement that knowledge with original data from two sources. I use a quantitative dataset of torture in sixteenth-century Toledo to uncover broad patterns in the Inquisition's use of torture. I use qualitative data from a network of trials against the Jewish community in Mexico City during the same period to learn how the Inquisition chose its victims and what kind of information they provided under torture.

These case studies suggest, first, that the Inquisition tortured comprehensively. It tortured a significant segment of the population: approximately one-fifth of individuals accused of extreme heresy underwent torture. But it did so under specific circumstances and using limited tools, all dictated by rigorous rules. The bureaucratic nature of its procedures does not detract from their viciousness; on the contrary, it lends the torture an almost inhuman cruelty.

Second, the Inquisition tortured systematically. As I show, its primary goal was not to terrorize society but to extract information. Inquisitors did not seek professions of faith: they sought falsifiable details about prohibited practices, those of both the accused and their accomplices. The targets of its torture sessions were not only leaders of heretical movements or even the most severe offenders but anyone, regardless of age or sex, who was deemed to have withheld crucial information from the court. This was instrumental torture: inquisitors ceased tormenting their victims whenever they concluded pain would not yield useful or truthful evidence.

Third, inquisitorial torture yielded information. Victims often collaborated with interrogators in the torture chamber and often provided truthful information they were not willing to divulge prior to torture. A careful comparison between the evidence torture extracted and evidence witnesses provided outside the torture chamber shows a correspondence in details. Events attested to under torture, and collaborators accused under torture, were corroborated by independent witnesses in other trials. The trials of

⁵See, for example, Jean-Pierre Dedieu, *L'administration de la Foi: L'Inquisition de Tolède (XVIe–XVIIIe siècle)* (Madrid: Bibliothèque de la Casa de Velázquez, 1992); Ricardo García Cárcel, *Orígenes de la Inquisición Española: el tribunal de Valencia, 1478–1530* (Barcelona: Ediciones Península, 1976); and Gustav Henningsen, "The Database of the Spanish Inquisition: The *Relaciones de Causas* Project Revisited," in *Vorträge zur Justizforschung: Geschichte und Theorie*, ed. Heinz Mohnhaupt and Dieter Simon (Frankfurt: Vittorio Klostermann, 1993), 43–85.

these collaborators provide further confirmation that accusations made under torture were often truthful.

Fourth, the Inquisition tortured meticulously. It tortured to corroborate known information, not to discover new information. As a consequence, it tended to torture at the conclusion of a long series of trials, after it had accumulated a detailed database of accusations, counteraccusations, defenses, and parallel sources of information, all compiled into a remarkably sophisticated and comprehensive archive that aided the Holy Office in eliminating heresy from the Spanish Kingdom, in the Old and the New Worlds.

In the first part of this paper, I survey the literature on torture during the Spanish Inquisition to dispel common misconceptions about its procedures. I argue that the Inquisition did not torture haphazardly but did so comprehensively and systematically, constrained in its scope and methods. Its primary motivations were neither penal nor sadistic: it sought to extract corroborating intelligence on heretical religious practices.

In the second part of this paper, I supplement this literature with a novel analysis of a late-sixteenth- and early-seventeenth-century manuscript that documents 1,046 trials from the Inquisition tribunal in Toledo, 1575–1610. Of those tried in Toledo, the tribunal tortured 123 individuals, with a range of results. This manuscript allows me to pinpoint who was tortured and why, and to trace relationships between torture, confessions, and sentences. Torture yielded confessions of guilt 29 percent of the time, compared to a 42 percent confession rate in the absence of torture. I also show that the Inquisition did not regard torture primarily as a form of punishment: inquisitors imposed harsh punishments—including hard labor, life imprisonment, and death at the stake—at the conclusion of a trial, independently of whether torture had taken place. Indeed, torture victims who were declared innocent were less likely to face harsh sentencing, on average, than those who did not undergo torture.

In the third part of this paper, I delve more deeply into one specific network of trials to learn how the Inquisition used torture and what results its methods yielded. Information from archival documents related to the persecution of Jews in Mexico in the late sixteenth century shows torture provided truthful and useful information to the Inquisition. But these archival documents also demonstrate that the Inquisition treated evidence extracted by means of torture with caution, employing it to corroborate existing information, not to discover new information. It practiced torture only at the conclusion of a large series of trials, torturing individuals whose guilt had been confirmed by multiple witnesses, and it never relied exclusively on evidence from torture to condemn others.

What lessons does the experience of the Inquisition hold for the contemporary torture debate? The Spanish Inquisition illustrates the remarkable

conditions required for a torture campaign to yield truthful information. This was bureaucratized violence in the service of an authoritarian government that was willing to pour vast resources in treasure and labor to forge a totalizing torture campaign. The most extraordinary characteristic of this campaign was its duration and pace: The Inquisition was in no hurry to complete its inquiries. It was not operating under crisis conditions. It patiently gathered information about suspects for years before deciding whether to administer torture. The luxury of time helped the Inquisition minimize two types of selection problems: arresting the innocent (a type I error) and failing to identify the guilty (a type II error). This was a prerequisite to minimizing a third type of problem, the interrogation problem. As I show below, perfecting its institutional practices over the course of decades and centuries led the Inquisition to develop an array of cruel but brutally efficient procedures for extracting truthful confessions from uncooperative suspects.

The results were far more professional, indeed far more modern, than any contemporary torture effort. Unlike many contemporary torture advocates, inquisitors did not regard torture as easy, quick, or cheap. At the same time, despite the immense resources and freedoms at their disposal, they treated torture cautiously, even suspiciously. Inquisitors tortured as a last resort to corroborate existing information, not uncover new leads. They never relied on information gleaned from torture to condemn the accused.

The methods of the Inquisition stand in stark contrast to American torture policy. In the aftermath of 9/11, US interrogators quickly formed an interrogational torture program to prevent additional mass terror attacks and dismantle the al Qaeda network.⁶ US interrogators tortured rashly, amateurishly, and haphazardly. Amateurs carried out interrogation sessions without bureaucratic oversight or strictly delimited procedures, and the sessions did not lead to an accumulation of organizational expertise. Rather than torturing those believed to withhold crucial information, Central Intelligence Agency (CIA) personnel tortured terrorist leaders who had “blood on their hands.” Culpability, not utility, determined who would be tortured. This was hot-blooded torture and it failed, by and large.

The torture sessions of the Inquisition in Toledo and Mexico City were the result of centuries of institutional learning, starting in the early thirteenth century, when torture was first overseen by jurists in documented trials.⁷ In the following centuries, when heresy came to be recognized as a

⁶Ron E. Hassner, “What Do We Know about Interrogational Torture?” *International Journal of Intelligence and Counterintelligence* 33, no. 1 (Spring 2020), 4–42.

⁷Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983), 186, 251–53. I thank an anonymous reviewer for pointing me toward this source.

legal and not just a spiritual offense, the Inquisition learned to perfect its methods. It came to torture the young and the old, the guilty and the innocent, those accused of severe offenses and those merely suspected of hiding information. There was nothing urgent, improvised, or ad hoc about its methods. It tortured slowly, holding prisoners in its cells for months and years before tormenting them in the torture chamber. It did not torture primarily to punish or to terrify, nor did it torture with particular enthusiasm. It tortured as part of a meticulous bureaucratic procedure designed to collect information. It tortured in cold blood.

Three myths about the Spanish Inquisition

Can the records of the Spanish Inquisition teach us about contemporary interrogational torture? If popular portrayals of the Inquisition are to be believed, the answer is no. In these depictions, sadistic leather-clad inquisitors torment their victims with a range of perverse devices, tearing at flesh, driving spikes into oozing bodies, breaking bones, and burning skin. Ruthless and relentless, the torment ceases only when the captive has screamed out the confession of faith that the inquisitor demanded all along. Or when he or she dies on the rack.

The reality was quite different: The Inquisition tortured ruthlessly and unhesitatingly, but it also tortured comprehensively, systematically, and meticulously. It practiced bureaucratized torture. It did not seek confessions but information regarding specific religious offenses. Many of its victims provided that information. Most did not, yet were released. Very few died in the torture chamber.

Why did the Inquisition torture? We can discern a mix of motives: corroboration, completeness, and salvation. Corroboration was crucial since voluntary witnesses had reasons of their own to deceive the court. As I show below, most of the information that served to identify heretical practices came from voluntary witness testimony, not from torture sessions, but witness testimony was often doubtful or contradictory. Torture was reserved for witnesses who provided incomplete testimonies. The evidence extracted by means of torture was then used to confirm or undermine prior testimony. Moreover, in forcing all witnesses to reveal all they knew, the Inquisition could assure itself that it had exhausted all avenues of investigation prior to concluding a case. This explains why torture sessions always took place at the conclusion of trials, often after years of investigations and questioning: the Inquisition did not rely on torture to uncover new evidence but to evaluate existing evidence so that a trial could end with a confident verdict, guilty or not, with no stone having been left unturned.

Underlying this pragmatic logic was an implicit religious motivation. Inquisitors were, as Edward Peters notes, “both jurists and pastors.”⁸ The Holy Office of the Inquisition regarded full and truthful confessions of fact (and not just faith) as a prerequisite for the salvation of souls. Concealing truth from the Holy Office was, in itself, considered a sin. If the accused was to return to the Church, in this life or the next, they had to confess fully what they did and what they saw or heard. This spiritual logic in no way undermined the pragmatic motivations for torture. The two went hand in hand: only a truthful confession could validate reliable prior testimony, uncover deceptive testimony, complete a trial, and bring the accused back to the arms of the Church.

Because the Inquisition sought to compile full and complete testimonies, to the exacting standards of a sacred confession, it documented its torture sessions fastidiously: a scribe in the torture chamber recorded every word spoken, every name, every accusation, every description of transgression, and every scream. A contingent of additional scribes copied the information extracted from every interrogation into files from parallel interrogations, collating and contrasting names, places, and activities, as the Inquisition gradually spread its net. These meticulous documents allow scholars to explore who was tortured and why, and to examine the nature of the information extracted during torture sessions. The records of the Inquisition, spanning hundreds of thousands of pages, provide scholars with a vast empirical database on the causes, nature, and consequences of the most sustained torture campaign in human history.

Myth 1: the Inquisition tortured recklessly

The Inquisition tortured often, but much less often, and far less excessively, than secular courts in early modern Europe. In inquisitorial courts, torture could only be employed under limited circumstances, as regulated by protocols and guarded by protections. These conditions were rigorously defined by jurists, conveyed in official proclamations, and captured in inquisitorial manuals, such as those Bernard Gui and Nicolau Eimeric composed.⁹ For example, the instructions of 1561 urged inquisitors to “take great care that the sentence of torture is justified and follows precedent.”¹⁰

For torture to commence, three conditions had to hold. First, only those accused of capital crimes against the Church could be threatened with torture. The Inquisition tried a wide range of offenses, including witchcraft,

⁸Edward Peters, *Inquisition* (Berkeley: University of California Press, 1989), 65.

⁹Nicolau Eimeric, *Manual de Inquisidores Inquisitorum de Fray Nicolas Eymeric*, trans. and ed., José Antonio Fortea (Madrid: La Esfera de los Libros, 2006).

¹⁰Kamen, *Spanish Inquisition*, 238.

bigamy, false witness, and blasphemy, but it only tortured those accused of the most extreme forms of heresy: those who pretended to be Catholics but actually practiced some other faith (usually Lutheranism, Judaism, or Islam) covertly.¹¹

Second, to minimize selection errors, torture only took place if proof against the accused was nearly certain. To convict the accused of a capital crime, the *consulta da fe* (the local inquisitorial court) had to obtain testimony from two eyewitnesses, catch the criminal in the act, or extract a confession from the accused. All other sources of evidence constituted partial proof for the court. If it was unable to obtain one or more forms of full proof but was able to assemble enough partial proofs to establish a strong circumstantial case, its protocols allowed it to try and complete its proof by means of torture.¹²

Third, torture occurred only at the conclusion of a protracted legal process. It was not used to reveal novel information at the outset of a trial. Rather, it occurred toward the end of the trial if the court felt the accused was withholding crucial evidence that could lead to a capital conviction. Only after the prosecution and the defense had concluded their arguments would the *consulta* hold a vote on whether the evidence sufficed to find the defendant “semi-guilty.”¹³ A vote in favor of torture required consensus and could be overruled by the *Suprema*, the Supreme Council of the Inquisition, which entertained and occasionally granted appeals by the accused.

As a consequence, inquisitorial torture, though “extremely conservative” by medieval standards, was still widespread.¹⁴ Generalizing over the entire course of the Inquisition’s 300-year reign of terror, roughly a fifth of those accused of heresy were tortured. Torture rates varied by decade and location. In the early years of the Inquisition, between 1480 and 1520, spontaneous confessions and denunciations by neighbors and family members rendered torture relatively rare.

Over time, however, heretics and witnesses to heresy became more difficult to identify and torture came to occupy a more prominent place in the proceedings of the Inquisition. The relative calm that followed the initial persecution of Jews lasted only from 1520 to 1560, at which point the persecutions of heretics resumed with a vengeance, culminating in the late sixteenth and early seventeenth centuries.¹⁵ In this period, torture rates rose: 7% underwent torture in Grenada, 11% in Seville, 20–30% in Valencia, and

¹¹Lea, *A History of the Inquisition*, 3:8.

¹²Peters, *Inquisition*, 65.

¹³Haliczer, *Inquisition and Society*, 67–68, 79; Lea, *A History of the Inquisition*, 3:5.

¹⁴Peters, *Inquisition*, 92; Lea, *A History of the Inquisition*, 3:2.

¹⁵Kamen, *Spanish Inquisition*, 247.

25% in Toledo.¹⁶ In the mid-seventeenth century, as the Inquisition drew to a close, torture became ubiquitous: in Valladolid, 11 out of 12 suspects were tortured in 1624, and nine out of nine suffered torture in 1655.¹⁷

Myth 2: the Inquisition used torture as punishment

This gradual increase in the frequency of torture supports the notion that it was the growing difficulty of obtaining reliable witnesses and suspects, not a consistent agenda of brutality for the sake of brutality, which drove torture policy. When torture occurred, it was neither penal nor, strictly speaking, sadistic.¹⁸ Pain was not intended as a punishment but as a means to elicit information and aid the court in the very task from which it gained its moniker: inquiry.¹⁹

In secular European courts, a range of brutal means was used to extract confessions: whips, fire, hot irons, the rack, devices for breaking bones, tools to tear legs or distend the mouth, hot bricks for the stomach or groin, and so forth.²⁰ Victims of these forms of torture were likely to bleed, suffer permanent physical injury or deformity, and even succumb to their wounds. In contrast, the Inquisition relied on three forms of torture, used by the secular courts, which it considered least injurious. The *potro* was a rack on which victims were stretched or tortured by means of thick rope cords that were twisted around their arms and cut into their flesh. The *gar-rucha* (or *strappado* or *corda*) was a rope and pulley system that vertically suspended prisoners by their arms or wrists, threatening dislocation of limbs. The *toca* was a form of waterboarding in which jar after jar would be poured into a prisoner's mouth and lungs.

Whereas secular courts were quick to torture and tortured quickly, the Inquisition bided its time. Most victims spent weeks, months, or years in the prisons of the Inquisition before their trial reached a point where torture was even considered. Even when a ruling of torture was upheld, the accused was given multiple opportunities to avoid torture through a series of increasingly vehement and increasingly specific warnings. The last of these threats was issued in the torture chamber, *in conspectu tormentorum*. If this, too, was met in silence, then, and only then, could torture commence. Charles Henry Lea, the foremost American scholar of the Spanish

¹⁶Haliczer, *Inquisition and Society*, 74–75, 79, 374n87; Monter, *Frontiers of Heresy*, 74–75; Kamen, *Spanish Inquisition*, 239, citing Ricardo García-Cárcel, *Herejía y sociedad en el siglo XVI: la Inquisición en Valencia 1530–1609* (Barcelona: Ediciones Península, 1980); Bartolomé Bennassar, ed., *L'Inquisition Espagnole XVe–XIXe siècle* (Paris: Hachette, 1979), 115–16; Bartolomé Bennassar, *Inquisición Española: poder político y control social* (Barcelona: Grijalbo, 1981), 15–39. For a critique of these statistics, see Kamen, *Spanish Inquisition*, 248.

¹⁷Lea, *A History of the Inquisition*, 3:33.

¹⁸Haliczer, *Inquisition and Society*, 67–68; Lea, *A History of the Inquisition*, 3:2.

¹⁹Peters, *Inquisition*, 16.

²⁰Lisa Silverman, *Tortured Subjects*; Lea, *A History of the Inquisition*, 3:3.

Inquisition, concludes: “It required strong nerves to endure this threat of torture, with its terrifying formalities and adjurations, and it was frequently effective.”²¹

Torture proceeded according to a strict and laborious protocol.²² The inquisitor, a representative of the bishop, and a doctor had to be present, as was the notary who recorded the proceedings. Usually, local executioners acted as torturers. After the sentence of torture was read, the prisoner was taken to the torture chamber, stripped of their clothing, and tied to the instrument of torture. Every twist of the rope, or jar of water, was followed by a pause in which the victim was encouraged to tell the truth. Only then, depending on the responses of the victim, did the torture escalate.²³

Torture rarely lasted very long. The condemned often survived it without providing incriminating information.²⁴ Torture ceased when the court no longer deemed it to be productive: when the suspect maintained their silence, or became unresponsive, or offered information that struck the court as complete. If the accused survived the torture in silence, the court declared them innocent, or imposed minor penalties for those transgressions it could substantiate.²⁵ If the suspect did provide information, they were asked to repeat their statement a day or two later, outside the torture chamber; otherwise the confession was deemed spurious.²⁶ Often, the victim would exploit that opportunity to recant their confession, despite the threat that torture could resume. In actuality, torture was rarely repeated: the procedures of the Inquisition prohibited torturing an individual more than once. This guideline could be circumvented by suspending a torture session, rather than ending it, but that maneuver was rarely employed.²⁷

Myth 3: the Inquisition extracted confessions of guilt

The notion that inquisitors sought proclamations of guilt, that they dictated the content of those proclamations to the accused, and that they eagerly accepted the resulting proclamations on face value when their victims parroted them back, is deeply misguided. In addition to requiring that all confessions be affirmed outside the torture chamber, the court employed three means to ensure confessions were reliable.

First, the Inquisition sought confessions of fact, not confessions of faith, since confessions of faith were unfalsifiable. The *consulta* gathered

²¹Lea, *A History of the Inquisition*, 3:7.

²²Ibid.

²³Ibid., 2, 17–18.

²⁴Monter, *Frontiers of Heresy*, 75.

²⁵Lea, *A History of the Inquisition*, 3:3, 23, 27–30.

²⁶Peters, *Inquisition*, 65, 79–80.

²⁷Kamen, *Spanish Inquisition*, 239. Haliczzer found that less than 1 percent of the torture sessions in his survey recurred. Haliczzer, *Inquisition and Society*, 79–80.

information about practices: uttering blasphemous statements, speaking forbidden prayers, or owning prohibited artifacts.²⁸ Witnesses rarely spoke about the piety or devotion of the accused. Instead, they provided evidence that the accused had engaged in non-Catholic burial or mourning rites, had avoided pork, or had observed the Sabbath by lighting lamps, abstaining from work on a Friday or Saturday, washing their laundry on a Friday, and the like. The court gathered the names of those who were present at religious gatherings, who kept unusual fasts or ate during Lent, who taught heretical beliefs to other community members, who owned books in Hebrew or Arabic, who conducted kosher or halal slaughter, or who sang prayers in foreign languages. These were falsifiable claims that pertained to religious behavior, not unfalsifiable claims about piety. The primary accusation against conversos, for example, was not that they believed the Law of Moses but that they followed the Law of Moses, that they obeyed its precepts. Torture victims also provided concrete evidence about religious artifacts—concealed sacred scriptures, hidden prayer rooms, and forbidden ritual items—that the tribunal could verify independently.²⁹ The court showed little interests in beliefs because it could not collect evidence about beliefs.

Second, to further minimize interrogation errors, inquisitors took great pains to avoid leading witnesses. Torture critics often argue that torture fails because victims will tell their tormentors “what they want to hear” to put an end to torture. Naturally, the Inquisition was aware of this concern and took a ruthless but simple step to avoid it: It did not tell the victims what to say. The only words addressed to the suspect were an admonition to “tell the truth.”³⁰ The prisoner was asked no specific questions and was told no specific names. Indeed, the court went a step further and denied its victims any specific information on the crimes of which they stood accused. Most detainees knew little beyond the fact that substantive evidence had come to the attention of the Inquisition regarding some heresy they were said to have committed. They did not know the precise nature of the accusation, or when or where it was said to have occurred.

Most importantly, the accused did not know the identity of the witnesses testifying for the prosecution. Ostensibly, this secrecy was necessary to protect informants from danger. In reality, it served to facilitate the continuous flow of denunciations and made it difficult for suspects to issue preemptive rebuttals.³¹ The accused had an opportunity, early in the trial, to name potential witnesses who should be disqualified due to personal rivalry, but

²⁸Lea, *A History of the Inquisition*, 3:232; Monter, *Frontiers of Heresy*, 216.

²⁹Monter, *Frontiers of Heresy*, 216.

³⁰Lea, *A History of the Inquisition*, 3:18.

³¹Kamen, *Spanish Inquisition*, 231; Halizcer, *Inquisition and Society in the Kingdom of Valencia*, 68.

they could never know with certainty who to disqualify. In confessing their heresies to avoid torture, they were just as likely to provide the Inquisition with new information as they were to confirm information the court already possessed. This placed victims in the unenviable position of trying to guess what the Inquisition did and did not know and then confess just enough to satisfy the court without incriminating themselves, or others, more than was absolutely necessary.

This quandary is apparent in the following excerpt from the 1568 torture of Elvira de Campo, which Lea cites in full but which I reproduce only in part. Elvira was tortured on the rack and waterboarded after witnesses accused her of avoiding pork and of putting out clean linens on Saturdays. Her words, spoken in the torture chamber, and noted by the scribe at her side, underscore the difficulty of facing an interrogator who refuses to lead a witness:

She was carried to the torture-chamber and told to tell the truth, when she said that she had nothing to say. She was ordered to be stripped and again admonished, but was silent. When stripped, she said "Señores, I have done all that is said of me and I bear false-witness against myself, for I do not want to see myself in such trouble; please God, I have done nothing." She was told not to bring false testimony against herself but to tell the truth. The tying of the arms was commenced; she said "I have told the truth; what have I to tell?" She was told to tell the truth and replied "I have told the truth and have nothing to tell." One cord was applied to the arms and twisted and she was admonished to tell the truth but said she had nothing to tell. Then she screamed and said "I have done all they say." Told to tell in detail what she had done she replied "I have already told the truth." Then she screamed and said "Tell me what you want for I don't know what to say." She was told to tell what she had done, for she was tortured because she had not done so, and another turn of the cord was ordered. She cried "Loosen me, Señores and tell me what I have to say: I do not know what I have done, O Lord have mercy on me, a sinner!" Another turn was given and she said "Loosen me a little that I may remember what I have to tell; I don't know what I have done; I did not eat pork for it made me sick; I have done everything; loosen me and I will tell the truth." Another turn of the cord was ordered, when she said "Loosen me and I will tell the truth; I don't know what I have to tell—loosen me for the sake of God—tell me what I have to say—I did it, I did it—they hurt me Señor—loosen me, loosen me and I will tell it." She was told to tell it and said "I don't know what I have to tell—Señor I did it—I have nothing to tell—Oh my arms! release me and I will tell it." She was asked to tell what she did and said "I don't know, I did not eat because I did not wish to." She was asked why she did not wish to and replied "Ay! loosen me, loosen me—take me from here and I will tell it when I am taken away—I say that I did not eat it." She was told to speak and said "I did not eat it, I don't know why." Another turn was ordered and she said "Señor I did not eat it because I did not wish to—release me and I will tell it." She was told to tell what she had done contrary to our holy Catholic faith. She said "Take me from here and tell me what I have to say—they hurt me—Oh my arms, my arms!" which she repeated many times and went on "I don't remember—tell me what I have to say—O wretched me!—I will tell all that is wanted, Señores—they are breaking my arms—loosen me a little—I did everything that is said of me." She was

told to tell in detail truly what she did. She said “What am I wanted to tell? I did everything—loosen me for I don’t remember what I have to tell—don’t you see what a weak woman I am?—Oh! Oh! my arms are breaking.” More turns were ordered and as they were given she cried “Oh! Oh! loosen me for I don’t know what I have to say—Oh my arms!—I don’t know what I have to say—if I did I would tell it.” The cords were ordered to be tightened when she said “Señores have you no pity on a sinful woman?” She was told, yes, if she would tell the truth. She said, “Señor tell me, tell me it.” The cords were tightened again, and she said “I have already said that I did it.” She was ordered to tell it in detail, to which she said “I don’t know how to tell it Señor, I don’t know.”³²

Elvira endured this torture (and there was a great deal more than I have reprinted here) without confessing. But when she was brought into the torture chamber again four days later, she confessed her Jewish practices, and denounced her mother, even before her torture resumed.³³

A third method the court used to avoid false confessions was to seek information from other witnesses, from parallel trials, and from alternative sources, prior to initiating torture. The vast majority of those burned in public autos-da-fé after 1530 were convicted on the basis of witnesses, not on the basis of torture.³⁴ Since many religious traditions required social gatherings, the condemned were often tortured *in caput alienum*, regarding the behavior of others, those who participated with them in religious rituals. Indeed, when the papacy first authorized torture in 1252, it did so not to coerce suspects to testify against themselves but to uncover their accomplices and associates.³⁵ These were then summoned before the tribunal and questioned independently, either corroborating or contradicting the specifics provided by torture victims. As I show in the third part of this paper, the court also embedded informants in its prison cells, and it relied on intercepted messages between prisoners and their families to construct its cases against suspects.

These methods were not substitutes for, but complements, to torture and were used to confirm, dismiss, or adjust evidence collected in the torture chamber. Using these means, the Inquisition succeeded in wiping out Jewish and Muslim communities from Spain, and its colonies, over the course of three centuries: their members, their traditions, their culture, their way of life. For example, in 1584, it unraveled the Islamic community in Aguilar, the largest network of underground Muslims in sixteenth-century Spain, after a 40-year-old shoemaker, Gaspar Ozen, confessed under torture that he was the *alfaqui*, the religious leader, of that community. He identified several members of his flock, including a woman who, in turn,

³²Lea, *A History of the Inquisition*, 3:24–25, translating from the Archivo Historico Nacional, Inquisicion de Toledo, leg. 138.

³³*Ibid.*, 26 and 234.

³⁴Monter, *Frontiers of Heresy*, 75.

³⁵Lea, *A History of the Inquisition*, 3:11.

named 202 members of the community. The Aguilar community disintegrated. Those community members who managed to flee were caught in Aragon, where they were apprehended during prayers.³⁶

The most persuasive corroboration of evidence extracted under torture came from other trials. To assemble that information into a full picture of heretical practices in a given community, the Inquisition had to be meticulous in comparing and contrasting information across cases. It did so by commissioning multiple transcriptions of trial segments in which other suspects were mentioned and appending each transcription to the relevant trial of every other suspect. This meant that every useful testimony from every trial (and there were often ten or more witness testimonies in a given trial) had to be copied, by hand, dozens of times so it could be appended to the files of all related trials.

As a consequence, trial documents are exceedingly long and detailed. They contain not only the arraignment, statements by the accused, testimony from witnesses for the prosecution and the defense (often numbering dozens each), transcripts of court sessions, transcripts of torture sessions, and summations for the prosecution and defense, all affirmed, reaffirmed, and signed;³⁷ they also contain files imported from parallel trials in which the accused was mentioned. These were appended to the core documents of the trial, whereupon the entire text was bound, and a scribe numbered every page. The same scribe also highlighted the most important moments of the trial by noting them in the margins of the text: particularly damning claims against the accused, any mention of accomplices, and any occurrence of torture in all its steps (the disrobing, the final admonition, the first turn of the cord, the second turn of the cord, etc.). Finally, the scribe created cover pages that included two indexes, with page numbers: one listing all witnesses against the accused, and another listing all those accused by the suspect. These two indexes allow any reader to link one trial manuscript to all other trial manuscripts in which the same names reappear.

A full trial manuscript of this sort can run in the many hundreds of pages, providing information about society, culture, family life, cuisine, industry, law, and faith. In the third part of this paper, I use evidence from a sizeable collection of such manuscripts to construct, as the Inquisition did, a network of denunciations and counterdenunciations that demonstrates the limited but crucial role torture played in the Inquisition's deliberations.

In sum, the Inquisition used interrogation methods that were goal oriented and sophisticated. Any impression to the contrary is a function of the secrecy in which the Inquisition conducted its affairs: secret prisons,

³⁶Monter, *Frontiers of Heresy*, 152–54.

³⁷Peters, *Inquisition*, 65, 93.

anonymous witnesses, and unknown accusations. These fostered a common perception about the unhinged fanaticism of the Inquisition, a perception that (with some encouragement from anti-Catholic propagandists) persists to this day.³⁸ In many ways, this reality, in which the courts of the Holy Office violently extracted information in a cold and calculating manner, is far more terrifying than the alternative, which portrays pain as both the means and the ends of torture.

Toledo, 1575–1610

There is no shortage of trial documents from the Spanish Inquisition: They are available by the tens of thousands. The Archivo Histórico Nacional in Madrid alone holds information on 44,674 trials recorded by the *Suprema*.³⁹ Nonetheless, these documents provide a fragmented picture because so many more have been lost to fire, war, and looting, and many have been dispersed around the world. While it is sometimes possible to assemble several related files from one era and location to reach broader conclusions about the activities of the Inquisition, it is hard to do so systematically.

One notable exception is a manuscript from the Royal Library of the University of Halle, Germany, discovered by Charles Henry Lea in 1902.⁴⁰ It consists of 381 handwritten folios (762 pages) and documents 1,046 cases tried by the Inquisition in Toledo between 1575 and 1610, in chronological order. The Halle manuscript is remarkable not merely because it comprises so many cases but because it does so comprehensively: It captures almost every trial conducted by one of the most important courts in Spain over a period of 35 years, at a pace of about 30 trials a year. These are *relaciones de causa*, trial summaries sent to the archives of the *Suprema* in Madrid.⁴¹ They allow us to discern patterns regarding accusations, penalties, and torture.

The Halle manuscript provides only a handful of sentences for each trial, gathered two to three per page. The information is terse: the scribes listed the year of the trial, the name and any necessary identifying details for the

³⁸Ibid., 92.

³⁹Scott, George Ryley, *The History of Torture throughout the Ages* (New York: Columbia University Press), 172.

⁴⁰Spanische Inquisitions-Acten, MSS Yc 2° 20 (1), Historische Sammlungen der Martin-Luther-Universität Halle-Wittenberg (hereafter cited as Halle Ms.). In deciphering this manuscript, I drew on Lea's notes, which transcribe the text and sort trials by crime. Henry Charles Lea Papers, ms. coll. 111 box 102, folder 1732, Henry Charles Lea Research Collection on the Inquisition, University of Pennsylvania, Philadelphia (hereafter cited as Lea Ms.).

⁴¹Jaime Contreras and Gustav Henningsen, "Forty-Four Thousand Cases of the Spanish Inquisition (1540–1700): Analysis of a Historical Data Bank," in *The Inquisition in Early Modern Europe: Studies on Sources and Methods*, ed. Gustav Henningsen, John A. Tedeschi, and Charles Amiel (Dekalb, IL: Northern Illinois University Press, 1986), 100–29; Robin Vose, "Introduction to Inquisition Trial Transcripts and Records" (Hesburgh Libraries of Notre Dame, Department of Rare Books and Special Collections, University of Notre Dame, 2010).

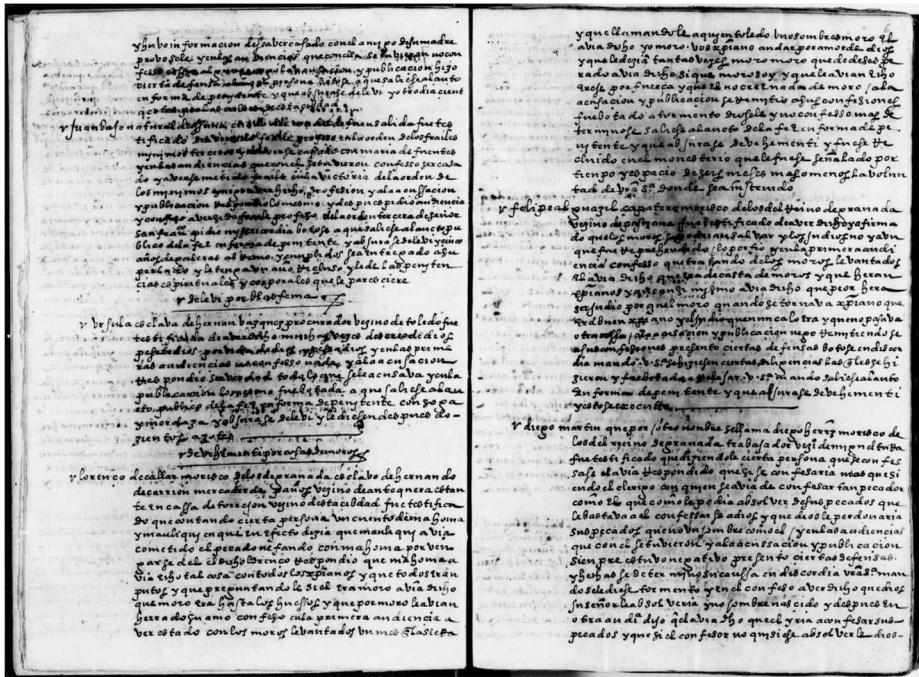


Figure 1. An excerpt from the Halle manuscript, MSS Yc 2° 20 (1), showing page 5 verso and page 6 recto. These two pages display summaries of the 1575 trials of Juan Bajo, the slave Ursula, Lorenzo de Collar, Felipe Alguazil, and Diego Martin. Collar and Martin were tortured.

accused, the charges, a summary of remarkable trial highlights (irregularities regarding witnesses, whether and when the accused confessed, whether the accused was tortured and with what results), and the verdict (Figure 1).

What these listings lack in detail, they make up for in quantity: The Halle manuscript documents over a thousand trials across twelve categories of accusation. Most importantly, it summarizes 397 trials against heretics: 47 Lutherans, 163 Jews, and 187 Muslims (Table 1). These trials display a fascinating variety of accusations, claims, confessions, and penalties. For example, Isabel de Soto was tried for sorcery because she distributed love potions and practiced divination. She denied this, but the court, without subjecting her to torture, ruled against her and exiled her from Toledo for six years. Seven witnesses accused Luis Aquen, a Morisco, of making heretical statements. He rejected this accusation but offered no defense, so he was tortured with nine twists of the rope around his arms and was strangled with four turns of the garrote. Because he endured these without confessing, he received one hundred lashes and was set free. A slave named Torencio Piritado was accused of saying the law of the Moors was better than the law of the Christians. He was not tortured and did not confess but was condemned to death. Juan Gonzalez, who was married to a woman

Table 1. Torture and confessions at the Toledo tribunal, 1575–1610⁴³.

Category	Cases	Confessions without Torture	Tortured	Confessions with Torture
Sorcery	17	3 (18%)	4 (24%)	1 (25%)
Bigamy	51	35 (69%)	0	0
Propositions	161	66 (41%)	12 (7%)	3 (25%)
False Orders	25	14 (56%)	1 (4%)	0
Lutherans	47	10 (21%)	13 (28%)	2 (15%)
Jews	163	83 (52%)	32 (20%)	8 (25%)
Miscellaneous	77	19 (25%)	2 (3%)	0
Fornication	253	115 (45%)	0	0
False Witness	8	2 (25%)	1 (12%)	1 (100%)
Blasphemy	46	28 (61%)	0	0
Alumbrados	11	1 (9%)	0	0
Moors	187	66 (35%)	58 (31%)	21 (36%)
Total	1046	442 (42%)	123 (12%)	36 (29%)

in Guadalajara, stood accused of having another wife in Castel Rodrigo. He denied bigamy, insisting the woman in Castel Rodrigo was not a second wife but merely his concubine. He was acquitted. Alonso and Mari Lopez, both 70 years old, and their children Joan (28), Catalina (30), and Isabel (28), all came before the court to confess their Jewish practices and provided damning testimony against one another. The parents were condemned to life imprisonment and confiscation of property, whereas the children were imprisoned for two or three years each.⁴² As with all Inquisition documents, these manuscripts overflow with information about contemporary life: community, family, business, trade, crime, customs, culture, cuisine, fashion, and religion.

The court was parsimonious in its acquittals: It found only 193 individuals to be innocent, fewer than 20% of the cases it tried in this period. Of the remainder, just over 50% (539 cases) received penalties I would categorize as relatively light, given the means at the Inquisition's disposal: these individuals were sentenced to brief imprisonment, were required to do public penance, received a reprimand, were asked to pay a fine, or received lashings. In contrast, 27% of the accused received heavy sentences, including exile, hard labor (in the form of rowing in the royal galleys), or perpetual imprisonment. The remaining 3%, or 31 individuals, were sentenced to death. On average, the court was relatively lenient in its penalties: most defendants were required to abjure *de levi* or *de vehementi*, denying their crime under oath in a public ceremony, accompanied by some penance or fine.

⁴²Lea Ms., 9, 36, 118, 11, 65, respectively.

⁴³The categories were assigned to the cases by Lea. Where information on confessions was absent, I treated the case as if no confession had been offered. For confessions without torture, percentages refer to the ratio of confessions to all cases. For confessions with torture, percentages refer to the ratio of confessions to torture cases.

The Inquisition tortured comprehensively

Of the 1,046 individuals tried by the Toledo court, 123 (or 12%) were tortured. This amounts to an average of three or four cases of torture per year. What commonalities do these instances of torture display?

First, the court focused its torture on heretics: 84% of those tortured stood accused of the most severe crimes tried by the Inquisition: Lutheranism (13 tortured), Judaism (32 tortured), and Islam (58 tortured). Over the course of 35 years, the court tortured 20 individuals for other religious offenses. But even though heretics were the most likely among the accused to be tortured, torture was used selectively even in those cases. Of the 397 heretics examined by the court, a quarter were put to torture. The rest were not.

Second, many were tortured because they maintained their innocence despite overwhelming evidence to the contrary. The goal of torture was not to punish a suspect for their recalcitrance but rather to resolve inconsistencies when witnesses agreed with one another but contradicted the accused. Estefano Grillin was accused of making blasphemous statements to a group of travelers who had shared a carriage with him on the road from Jativa to Illescas. Their accounts were detailed, and in accord with one another, yet he persisted in his denial. Maria de Villares made an incomplete confession even though sixteen witnesses testified against her, including her own daughters, so she was tortured. Similarly, Antonio Lopez Duarte was tortured when he refused to confess even after eleven witnesses testified against him, including his sister-in-law. Maria Rodriguez attempted to present disqualifying evidence against her accusers but failed. Manuel Sanchez stood accused by several witnesses but was able to disqualify only some. Francisco Baez Pinto was tortured because he claimed innocence, even though spies in his prison cell provided evidence against his “continued heresies” even after his arrest.⁴⁴

Third, several of the accused were tortured because their testimony was found to be unpersuasive or otherwise suspect. Seven witnesses heard Claudio Langier, a Frenchman, make insulting statements about the Inquisition at the Royal Court in Escorial, but he only confessed to some of these statements and not to all of them. Confronted with evidence of Lutheranism, Hernando Valiente equivocated until, under torture, he admitted he had indeed been Lutheran until he learned about the Catholic faith four years prior. The court heard rumors that Juan del Bosque had consorted with the famous Swiss Reformer Theodore Beza. During his arrest, he had removed a letter from his pocket, torn it up, and swallowed the pieces. This, despite his denials, aroused enough suspicion to

⁴⁴*Ibid.*, 19, 67, 68, 74, 78.

torture him. Pedro Lorenzo confessed “partially and extenuatingly.” Guido de Armenderria, accused of blasphemy, tried to excuse and reinterpret his statements, but his confessions were inconsistent and raised doubts. Isabel Perez was accused of burying her husband according to Muslim rites. These suspicions were confirmed when his body was exhumed and found to be clad in a new shirt, his arms uncrossed. Isabel argued, in vain, that she had buried him in a clean shirt because his shirt was stained with blood and she loved him too much to bury him in soiled clothes.⁴⁵

The trial of David de la Chinalohe presents an archetypal example for the type of uncertainty most likely to lead to torture.⁴⁶ Two Englishmen, who knew David from France, happened to encounter him in the streets of Madrid and informed the Inquisition that he was a covert Lutheran. Once arrested, his cellmates in the Inquisition prison reported he openly praised Lutheranism and had tried to escape through a hole in wall. David confessed he had been an apostate but that he had long since converted: he had only pretended to be a Lutheran because he had fallen in love with a Lutheran girl in France. He managed to disqualify the two Englishmen as witnesses, demonstrating they bore ill will against him. Confusing matters further, one of his cellmates retracted his testimony, arguing that the other prisoner had persuaded him to lie. The court was unable to reach a decision on how to proceed and appealed to the *Suprema*, which ordered torture. It yielded nothing; the case was dismissed.

The Inquisition tortured systematically

The Toledo Inquisition directed brutal violence at helpless victims. Yet it is hard to look at these 123 cases and walk away with the impression that the Toledo court was eager to torture. Sessions in the torture chamber ceased at the moment of full collaboration, often before torture had even begun. In two consecutive trials, Simon Fernandez (aged eighteen) and Antonio Fernandez (aged seventeen) both confessed after the court had voted to torture them but before torture began, so none took place. Alonso el Gordo falsely accused others of heresy, was taken to the torture chamber, but recanted everything before being strapped to the rack, ending the session. Lorenzo Lopez was ordered to be tortured, but when he learned his wife, Isabel, had already confessed under torture to everything they had done together, he too confessed, and his torture was not carried out. The court voted to put Maria de Avana to torture but, before her sentence was read

⁴⁵*Ibid.*, 41, 54, 55, 71, 104, 124.

⁴⁶*Ibid.*, 60.

to her, she confessed, so no torture took place.⁴⁷ These accounts cannot be squared with the popular image of sadistic inquisitors eager to induce pain.

Did the court torture primarily to instill fear in the population? There are two reasons to doubt that torture served primarily as a threat or penalty. The first is the court had other extreme means for threatening those under its shadow. The Halle manuscript shows the Toledo court tortured 123 people but handed out severe penalties to 313 individuals, including 31 death sentences. Suspects were more likely to dread the very real chance of perpetual exile, hard labor, lifelong imprisonment, or death (30%) than they were to fear the odds of torture (12%). Yet another 12% of the accused received sentences of 50, 100, or 200 lashes at the end of their trial, but the court never considered these part of the torture proceeding. They occurred after the trial and in a separate location as a punishment imposed on the guilty. The specific category of pain the Inquisition classified as torture, then, was neither the most extreme, the longest, nor the most frequently administered pain in its repertoire.

The second reason why it is difficult to conceive of torture as a form of political terror in this instance is that the tortured did not receive harsher punishments than others at the conclusion of their trial. Indeed, they were treated comparatively more leniently, if found to be innocent, than those who confessed their crimes without being tortured. Of the individuals who were not tortured, about 30% received harsh punishments at the end of their trials, regardless of whether they confessed or were found guilty for some other reason. This is true regardless of the level of offense suspected: heretics were just as likely to receive severe penalties (29%) as the average suspect (30%), or as the suspect who was not tortured and confessed (30%), or who was not tortured and refused to confess (28%). However, among those who maintained their innocence throughout the torture ordeal only 23% received severe sentences. Conversely, 30% of individuals tortured were acquitted, a much higher rate than the 17% acquittal rate among those not tortured.

Thus torture was not synonymous with harsh verdicts. Penalties depended not on torture per se but on the nature of the accusation and on the willingness of the accused to cooperate and demonstrate their innocence, either by confessing their own guilt prior to torture, or by maintaining innocence despite torture. For example, the court tried four individuals for the crime of denying purgatory.⁴⁸ One of the four, Matio de Atienca, confessed when confronted with the initial accusation and was sentenced to perpetual imprisonment. Three others refused to confess but, due to the presence of convincing evidence against them, were sentenced to torture.

⁴⁷Ibid., 76, 105, 126, 133.

⁴⁸Ibid., 54, 57, 61.

Two maintained their innocence throughout their torture session: at the end of their trial, Joan Frances was sentenced to 100 lashes, and Anton Martin Duay received a mere reprimand. The fourth, Melchior Florin, confessed under torture and was imprisoned for life, with three years of hard labor in the galleys. The difference between the punishments Atiencia and Florin received can be attributed to Florin's delayed confession: had he, like Atiencia, confessed to begin with rather than during torture, he might have avoided three years of hard labor. The variations in penalty cannot, however, be attributed to torture but to the timing of their confessions: Frances and Duay, accused of the same crime and similarly tortured, but without confessing, walked away with relatively light penalties.

Another illuminating comparison involves the three individuals tried for "following the law of Mohammed" (as opposed to those accused of specific Muslim practices).⁴⁹ Ines, a slave, confessed to the accusation and received a reprimand. Juan González denied the claim, was tortured, but successfully maintained his innocence throughout his torture. He was required to perform a public renunciation and to receive instruction in the Catholic faith. Gaspar de Guzman also denied the claim and was tortured, but he confessed as the torture was about to begin, admitting his own guilt and naming other collaborators. He was punished with life imprisonment, confiscation of goods, and four years' hard labor.

In fact, one gets the impression that, at least some of the time, the Inquisition in Toledo viewed torture as a time-consuming burden. Torture required lengthy deliberations, significant expenses, and physical relocation of the court to the torture chamber. The court expressed its frustration by imposing particularly harsh penalties on those who only confessed during torture what they felt ought to have been confessed earlier. Those who were tortured and only then confessed their crimes stood a 59 percent chance of facing a heavy penalty, including death, compared to the 30 percent rate of harsh penalties among all other cases. The subgroup of individuals who confessed during torture is the only group for which the number of heavy penalties exceeded by far the number of light penalties.

The Inquisition's occasional frustration with the torture process is exemplified in the trials of Manuel Enriquez and Susarte Lopez.⁵⁰ In 1585, the court tried two Judaizers who had studied, prayed, and fasted together. Both denied the accusation and both were tortured. Susarte Lopez refused to confess and was sentenced to three years' hard labor. But Manuel Enriquez confessed under torture, then revoked his confession, was tortured two more times, and revoked his confession each time. He received a much harsher sentence: one hundred lashes and six years of hard labor.

⁴⁹Ibid., 119-135.

⁵⁰Ibid., 64.

It seems, then, that the Inquisition did not use torture primarily to punish, for it had a wide range of harsh and durable penalties that it could impose, nor did it associate torture with guilt. Instead, the Inquisition viewed torture dispassionately, as a procedural tool to resolve uncertainty and arrive at (what it considered to be) the truth. To wit, those who “proved” their innocence under torture received light sentences or no sentences at all. A 16-year-old girl accused Domingo Pereira of teaching Judaism, leading Jewish services in his home, and helping persecuted Jews escape to France. He successfully identified and disqualified the key witness and provided the court with character witnesses, but, presumably due to the presence of other reliable witnesses, he was ordered to be tortured. He did not confess and was set free without further punishment. Five witnesses accused Bartolome Lopez of Jewish practices, but he denied the accusation, was tortured without confession, and was released. Miguel Canete stood accused of performing Islamic ablutions, but the only witness soon revoked their testimony. Canete initially confessed, then claimed he might have misunderstood the court’s questions because he was an uneducated man and partially deaf. Uncertain of his guilt, he was put to torture, withstood four turns of the cord, and was set free.⁵¹ This pattern recurs in nearly one-third of the instances of torture ordered by this court. In all these instances, the Inquisition viewed the ability to withstand torture without confessing as evidence of innocence. In no instances did the court punish with death those who withstood torture in silence. Indeed, less than a quarter of those who withstood torture in silence received the harshest penalties available to the court: exile, hard labor, or indefinite arrest. This flies in the face of claims that torture served a primarily punitive function.

Inquisitorial torture yielded information

The Halle manuscript lists 442 confessions in the 922 trials in which torture did not occur, a confession rate of 42% (or higher).⁵² It lists 36 confessions for the 123 trials in which torture did occur, a confession rate of 29% (or higher). About a quarter of Jews tortured confessed during torture. Fewer Lutherans confessed under torture (15%) and more Muslims confessed under torture (36%), but in the absence of details it is impossible to say why.

⁵¹Ibid., 144, 67, 77, 144, respectively

⁵²The Halle manuscript lists the presence or absence of confessions for most but not all cases. Some 20% of cases make no reference to confessions, presumably because there was no confession to record. Where this occurred, I treated the case as a nonconfession. In actuality, the rate of confessions from both torture and nontorture interrogations may be somewhat higher than 42% and 29%, respectively. But there is no reason to assume that scribes were biased in mentioning or omitting confessions when they summarized torture sessions as opposed to when they summarized nontorture sessions.

This relatively high confession rate under torture is particularly remarkable if one considers that the Inquisition did not employ torture and non-torture in parallel but rather in sequence. The accused were only put to torture after they had been given three opportunities to confess. Thus, the 123 who were tortured were not chosen at random from among the 1,046 cases but were a subset of the “hardest” cases, cases in which a nonviolent interrogation failed and the Inquisition chose to pursue torture.

At the same time, a 29% confession rate also implies a 71% silence rate: more than two-thirds of the torture sessions ended without a confession. This contradicts the common notion that the Inquisition tortured relentlessly until it obtained confessions. We do not know how inquisitors decided on the type or duration of torture. But the data make clear that, more often than not, they chose to cease torturing for reasons other than obtaining a much-awaited confession. For the Inquisition, the goal of torture was not a confession, let alone pain for the sake of pain. The goal of torture was to obtain information.

Consequently, the Halle manuscript provides a dispassionate account of those torture sessions that resulted in confession alongside a majority of cases that yielded silence or inconclusive results. Ana de Castro confessed to Jewish practices, and named other Jews, after the court confronted her with evidence from seven witnesses. Because she subsequently revoked some of her accusations, she was tortured, but she insisted on her revocation, despite torture. Luis Hernandez was seen praying the *salat* (daily Muslim prayers) and keeping snakes and lizards, but his torture yielded no confession. The case was suspended and he was released, whereupon two of his cellmates testified that he had conducted Muslim prayers in prison and had fasted during Ramadan. He was arrested again and denied the accusation, leading the court to *discordia*. The *Suprema* ordered torture, which Hernandez endured without confessing. Isabel de Aguilar, mentioned above, admitted to Moorish practices under torture and named other secret Muslims, including her husband. Sixteen-year-old Ysabel Fernandez denied being a Muslim, despite strong evidence against her. She was tortured, confessed, then revoked her confession but, presumably due to the realization that torture would resume, she ultimately confessed fully, denouncing several others.⁵³ Accounts like these suggest the Toledo tribunal revealed instances of torture that provided information alongside instances in which torture provided no information.

Why should we give any credence at all to the court’s self-reported confession rates? I can think of five reasons. For one, if the court sought to inflate confession rates, would it have so readily disclosed the 71% of cases

⁵³Lea Ms., *ibid.*, 73, 121, 128.

in which no confessions took place? Second, it is not obvious that the court considered confessions to be an indicator of “success” worth inflating. Its stated goal was to uncover innocence or guilt, not to force confessions. This is evidenced by the relatively lenient penalties imposed on those who endured torture in silence and by its frequent reports of cases in which trials were discontinued for lack of evidence or defendants were declared innocent. Third, there is no reason to assume the court would have inflated the 29% confession rate for torture any more, or less, than it would have inflated the 42% confession rate for trials without torture. Thus, regardless of how reliable its reports might be, the relatively high ratio of confessions from torture compared to confessions without torture remains remarkable. Fourth, the Halle manuscript was not compiled to serve as a public document but to act as an internal report, to be read exclusively by the *Suprema*. Given its frequent involvement in the Toledo court’s decision making regarding torture, overruling some decisions to torture while demanding torture at other times, it seems unlikely the Toledo court would have wanted to, or could have, manipulated confession statistics. Fifth, the Toledo court had no incentive to persuade its readers of the efficacy of torture. Both the inquisitors in Toledo and the inquisitors in Madrid agreed that torture was a legitimate and effective legal procedure, as did all European courts in this period.

The data in the Halle manuscript do not suffice to conclude whether so-called confessions in the torture chamber were objectively truthful or whether they provided information the Inquisition considered useful in subsequent prosecutions. The files do not tell us how the Inquisition decided whether a confession was honest, or complete, or mere lip service. Determining whether torture can elicit reliable information requires access to detailed trial manuscripts, so that specific facts torture victims provided can be compared with testimony provided by other witnesses who were not tortured. The archives of the Inquisition in Mexico City, examined in the next section, offer one opportunity to perform such an analysis.

Mexico City, 1589–1601

The first name that escaped the lips of Luis de Carvajal, when the cords around his arms were tightened for the second time, was that of his seventeen-year-old sister, Anica. At the fourth turn of the cord, he named his mother, Doña Francisca, and four other sisters, Doña Isabel, Doña Catalina, Doña Mariana, and Doña Leonor. After the sixth turn of the cord, he began naming 113 family members, friends, and acquaintances who were practicing Judaism in secret. His confession laid bare before the

Inquisition the structure of Mexico City's underground Jewish community, a community of which Carvajal was the de facto leader.

Carvajal's torture session began on 8 February 1596. Ten months later, in December 1596, and again in 1601, the Inquisition staged two of the most elaborate autos-da-fé to be performed in the New World. The Inquisition paraded heretics on the Zocalo, the central square of Mexico City, publicly pronounced their sentences, performed rituals of penitence, and then "relaxed" (transferred) into the hands of the civil authorities those condemned to be burned at the stake. Two hundred and ten individuals, accused of various heresies, participated in the great autos-da-fé of 1596 and 1601. Of these, 86 were Judaizers. Carvajal himself named 57 of these 86. In total, 11 were burned at the stake, 10 of which had been named by Carvajal. The eleventh was Carvajal himself.

According to most accounts, the torture of Luis de Carvajal, like the torture of ten other members of his circle, doomed the nascent Jewish community in sixteenth-century Mexico.⁵⁴ Those Judaizers who were not burned, imprisoned, sentenced to hard labor, or doomed to abject poverty and public humiliation fled back to Europe, from where their families had originally escaped the Inquisition. However, a careful look at the evidence available to the Inquisition prior to its decision to torture suggests torture played a far more subtle a role in eradicating Judaism from New Spain than hitherto assumed. An analysis of archival evidence from this period shows much of the information Carvajal and others provided in the torture chamber was accurate, but none of it was new. The Inquisition had already assembled this information prior to Carvajal's torture. It did not use torture to reveal "actionable intelligence" but instead to corroborate information that had been disclosed outside the torture chamber. More importantly, the Inquisition in Mexico City treated this information with caution. It never relied exclusively on information extracted from torture to determine a suspect's guilt or innocence.

The Inquisition tortured meticulously

That Carvajal, his family, and his closest friends practiced Judaism secretly is not in doubt. Carvajal wrote an autobiography, in his own handwriting, attesting to his religious beliefs. He also left behind other Jewish texts, such as his personal copy of Maimonides's "Principles of Faith," the Ten

⁵⁴Martin A. Cohen, *The Martyr: Luis de Carvajal: A Secret Jew in Sixteenth-Century Mexico* (Albuquerque: University of New Mexico Press, 2001); Toby Green, *Inquisition: The Reign of Fear* (New York: Thomas Dunne, 2007), 84–87, 157–63.

Commandments, and a Jewish prayer manual.⁵⁵ He and his family members spoke and wrote at length about their lives and practices. Historians have used Carvajal's writings and trial documents from this period to piece together information about his family: their travels, livelihoods, relationships, and tragic deaths. Carvajal is now recognized as one of the most famous conversos in the New World and as the first Jewish author in the Americas whose written work has survived to our time. We know a great deal about his Judaism: how he adopted the pseudonym José Lumbroso ("Joseph the Enlightened"), how he circumcised himself with an old pair of scissors, how he prayed, how he celebrated his holidays and fasts, and how he assumed leadership of this sizeable secret Jewish community, which had fled the Inquisition from Portugal and Spain to Mexico in the mid-sixteenth century.

What historians have not done is correlate witnesses and accusations across these trials to answer two fundamental questions about torture: How reliable was the information Carvajal provided under torture? And, what role did this information play in condemning members of Carvajal's community? These trials allow us to shed light on these questions because so many documents from the archives of the Inquisition have survived. I have succeeded in locating the manuscripts for fifty-three of the trials related to Luis de Carvajal and the converso community that surrounded him and his family. Many of these trials lasted months or even years, involving dozens of witnesses. The manuscripts that document these trials often exceed hundreds of handwritten pages in length. The manuscript for Carvajal's trials, which lasted seven years, contains 695 pages. The trial documents of his sister Marianna contain 478 pages. The leather-bound manuscript containing the trial documents of his close confidant, Manuel de Lucena, amounts to 1334 handwritten pages.

These manuscripts are filled with witness testimonies, accusations, and evidence. This level of detail makes it possible to establish the order in which all key members of this Jewish community were arrested, interrogated, and, occasionally, tortured. That timeline, in turn, allows us to establish what evidence the Inquisition amassed prior to its decision to torture, how information extracted during torture compared to information acquired previously, how the court acted on any new information it acquired in the torture chamber, and whether that information, in turn, was corroborated in the trials that followed. This wealth of historical information contrasts rudely with the dearth of information about modern torture campaigns, in which the identity of victims, let alone the precise information provided under torture, is rarely available. Here, in contrast,

⁵⁵See Martin A. Cohen, trans., "The Autobiography of Luis de Carvajal, the Younger," *American Jewish Historical Quarterly* 55, no. 3 (March 1966): 277-318; and Seymour B. Liebman, trans. and ed., *The Enlightened: The Writings of Luis de Carvajal, el Mozo* (Coral Gables, FL: University of Miami Press, 1967).

every word uttered in the torture chamber was recorded meticulously, allowing scholars to pinpoint exactly how much of what was said on the rack was truthful and how much of it was not.

As one example among many, consider the torture of Pedro Rodríguez Saz, cousin of Manuel de Lucena, tormented three months after Carvajal, on 16 May 1596:

Once he was naked, and his arms were tied, he was admonished to tell the truth. He said that he had already told it and that witnesses who testified against him had testified falsely. His arms were ordered to be tied tightly, and he was admonished to tell the truth and the minister ordered the first turn of the cord. He complained loudly. He said: "Help me Lord, Jesus Christ, help me, I am here because of false witnesses." Another turn of the cord was ordered and he said: "Oh Christians! I will tell the truth! I beg for mercy! I will tell the truth!" The official who administered the torture was ordered to leave. He said: "It is true that, starting six to seven years ago, Luis de Carvajal started keeping the Laws of Moses." He was told to confess the truth clearly and openly, to satisfy this Holy Office, for the salvation of his soul.

He said: "About seven years ago, when Diego Henríquez, brother in law of Manuel de Lucena, and son of Beatriz Henríquez, La Payba, was arrested by the Holy Office, Manuel de Lucena taught me the Law of Moses, telling me that the Lord had promised to send a great prophet who will save the people. And that Jesus Christ was not the true God, but only God, who was in the highest heaven, will save the world. This God has a great day that the Jews call their Great Feast, on which they celebrate and fast. On this Great Day of the Lord, I was there with Manuel de Lucena, his wife Catalina Henríquez, Clara Henríquez, her daughter Justa Méndez, Leonor Díaz, and a man called Juan Rodríguez. I don't remember whether Constanca Rodríguez was there. We fasted and celebrated in Mexico City at the house of Manuel de Lucena, near the workplace of Juan Álvarez, in observance of the Law of Moses. I and the rest of the people I have listed, we danced and we celebrated, we wore festive clothing. We did not eat all day long until night, when I went to eat at my house, which is the house of Felipe Núñez, where I stayed, and I ate in the company of Felipe Núñez and his wife Felipa López. We ate fish, garbanzos, eggs, and fruit. That's all that happened on the Great Day of the Lord."⁵⁶

The "Great Day" of fasting and feasting Pedro Rodríguez Saz is describing is Yom Kippur, 19 September 1589. It is possible to pinpoint the date exactly because, the following day, Manuel Gómez de Castelo Blanco, also known as Manuel González, a devout Christian, approached the Inquisition to volunteer information on what he had seen: "Yesterday, at [Manuel de] Lucena's home, Lucena and his wife, Catalina Henríquez, and Clara Henríquez, Constanca Rodríguez, Beatriz Henríquez, the wife and daughter of Diego López Regalon [Anna López and Leonor Díaz], and Jorge Álvarez were there, assembled and well dressed."

⁵⁶His testimony is recounted in full in several trials, including, "Juan Rodriguez de Silva: Spanish Transcript of Processo," series 1, box 10, folder 1, Mexican Inquisition Collection, American Jewish Historical Society, New York, 15–20.

Manuel Gómez was not a member of this Jewish community, so his unexpected appearance at the house of Manuel de Lucena must have caused a great deal of concern to the Jews assembled there. We read about it again from a witness in a later trial, on 9 February 1595. Justa Méndez recounts how, upon arriving from Castile five years earlier, she celebrated her first Yom Kippur at Manuel de Lucena's home. Present were Lucena, his wife Catalina Henríquez, Anna López, her daughters Leonor Díaz and Phelipa López, Beatriz Henríquez, and Catalina's aunt [Clara Henríquez]. "Then entered Manuel Goncález, known at the time as Manuel Gómez, and Manuel Xorge, whose house he was staying in, and my first cousin Constanca Rodríguez. This was at 10 or 11 in the morning and I stayed until noon and then left with Constanca."⁵⁷

The same event is recounted in the testimony of Leonor Díaz, given on 2 March 1595: "More or less five years ago, in the home of Manuel de Lucena, with his wife Catalina Henríquez, her mother Beatriz Henríquez, her sister Clara Henríquez, her daughter Justa Méndez, Constanca Rodríguez, Juan Rodríguez de Silva, and Domingo Rodríguez. All fasted, observed the day, then all broke the fast at night with a meal."⁵⁸ The same names reappear in testimonies by other attendees: Clara Henríquez (testimony of 15 February 1595), Anna López (testimony of 18 July 1595), Constanca Rodríguez (testimony of 29 August 1595), and the like.⁵⁹ Constanca confirms Pedro Rodríguez Saz was there that day, as was her husband, Sebastian Rodríguez, who "wore clean clothes, washed his legs, and cut his nails" for the occasion. Sebastian Rodríguez, in turn, names the others and his wife as having participated in the celebration (testimony of 10 February 1595).⁶⁰ Most importantly, the hosts, Manuel de Lucena (testimony of 10 April 1595) and his wife Catalina Henríquez (testimony of 12 January 1595), confirmed the list of attendees.⁶¹ None of these testimonies involved torture.

In sum, we know Pedro Rodríguez Saz did not lie under torture for the same reason the Inquisition would have known he did not lie under torture: they had been aware of the event he was describing for five years and had gathered testimony from all those present, confirming one another's testimonies, and attesting that Rodríguez Saz had been present as well. Rodríguez Saz could not have known about these testimonies: the witnesses were incarcerated during their trials and he himself had sat in the

⁵⁷Her testimony is recounted in full in several trials, including in "Trial of Constanca Rodriguez, Spanish Transcript of Processo," series I, box 10, folder 3, Mexican Inquisition Collection, American Jewish Historical Society, New York, 41.

⁵⁸*Ibid.*, 58–59.

⁵⁹*Ibid.*, 66–68, 86–88, 135–37.

⁶⁰*Ibid.*, 75.

⁶¹"1594 Mexico City: Manuel de Lucena," Bancroft MSS 96/95m, vol. 2, UC Berkeley Bancroft Library, Berkeley, CA, 340 and 305 (hereafter cited as Lucena Ms.)

dungeons of the Inquisition since April 1595, a year prior to his torture. Indeed, that seems to be why he was tortured; despite ample evidence about his participation in this and other religious events, Rodríguez Saz refused to confess. His torture revealed nothing the Inquisition did not already know. Its purpose was to ensure he had confessed everything he knew to the court and his testimony matched that of other witnesses present.

This simple exercise of correlating evidence across cases can be performed for any of the many claims made by witnesses in the torture chamber. Presumably, that is precisely what the Inquisition did. This comparison confirms that names, events, rituals, and relationships described under torture were often accurate. When they were not, it was easy for the inquisitors to know that information was false or incomplete because they had already gathered the same information by other means. In all these cases, as is apparent in the torture of Pedro Rodríguez Saz, the inquisitors did not lead witnesses with loaded questions.

Such was also the case with the most extensive testimony under torture, the confession of Luis de Carvajal. Carvajal was tortured in February 1596, a full year after his arrest and seven years into the Inquisition's efforts to uproot the Jewish community in Mexico. By the time of his arrest, all key members of that community were already imprisoned and awaiting their trials, including his mother and sisters. By the time of his torture, at least twenty-one conversos had testified against Carvajal and named other community members, though there was no way for Carvajal to know who had testified and what they had said.

Table 2 provides a snapshot of some of the mutual accusations that followed, selected at random from the scores of heresy trials against conversos held in Mexico City in this period. Evidence extracted by means of torture appears in bold. Three patterns become immediately apparent. The first is that torture occurred toward the tail end of this investigation: Violante Rodríguez, Luis de Carvajal, and Pedro Rodríguez Saz suffered months after most of the trials had concluded and most of the witnesses had confessed willingly, as did the other eight conversos who were tortured (but are not included in this table). Second, those tortured had already been identified as Judaizers by multiple others, prior to their torture. The Inquisition had little doubt about their culpability. Third, torture provided no new names. It confirmed names other witnesses had offered in the absence of torture.

These patterns go a long way toward explaining why, for example, Violante Rodríguez, a marginal figure in the community's religious life, was tortured, whereas Manuel de Lucena, a key player, was not. From the moment Lucena was arrested in October 1594, he volunteered a wealth of

Table 2. A sample of accusers, accused, and torture in Mexico, 1594–96.

	Antonio Henriquez	Manuel de Lucena	Beatriz Henriquez	Pedro Henriquez	Catalina Henriquez	Constanca Rodriguez	Justa Mendez	Leonor Diaz	Leonor de Carvajal	Violante Rodriguez	Luis de Carvaal	Pedro Rodriguez Saz
Accusers			X		X	X	X			X		
11.18.1594: Antonio Henriquez			X		X	X	X				X	
12.12.1594: Manuel de Lucena			X	X	X	X						
12.29.1594: Beatriz Henriquez												
1.10.1594: Pedro Henriquez	X	X	X		X	X						
1.12.1595: Catalina Henriquez		X	X	X	X	X				X		
2.7.1595: Constanca Rodriguez		X	X		X	X						X
2.8.1595: Justa Mendez		X	X		X	X						
3.30.1595: Leonor Diaz		X	X		X	X						
5.29.1595: Leonor de Carvajal	X	X		X	X	X	X				X	
1.27.1595: Violante Rodriguez		X	X		X							
2.8.1596: Luis de Carvajal		X	X	X	X	X	X			X		X
5.16.1596: Pedro Rodriguez Saz		X	X		X	X	X	X			X	

Accused

information to the Inquisition. In December, upon realizing that his cellmate, Luis Díaz, was in fact an informant for the Inquisition, he offered the names of twenty-four fellow Jews.⁶² The court had already gathered 80 pages of testimony from the first six witnesses who testified against Lucena, including Luis Díaz, had read all the books and papers confiscated from his home, and had intercepted the letters Lucena attempted to smuggle to his wife, Catalina. Once arrested, Catalina provided seventy-two pages of testimony against her husband.⁶³ In January, Lucena offered additional names, including those of the Carvajal family.⁶⁴ Of Luis de Carvajal he said, fatefully: “You believe that the Jews who the Inquisition has reconciled have converted but that is not true. Luis de Carvajal is as Jewish as ever before.”⁶⁵ Carvajal was arrested soon thereafter. By the time Lucena’s trial ended, he had accused 116 individuals, including his own mother, his brothers, his cousins, his wife, and her family members. The Inquisition did not torture Lucena because his testimony was exhaustive to the extreme.

In contrast, Violante Rodríguez, who had also been betrayed by multiple witnesses, refused to collaborate. In January 1596, eight months into her arrest, after she met multiple reprimands with silence, she was tortured with three turns of the cord, and accused five members of her family, including her own daughter.⁶⁶ Like its sister tribunal in Toledo in this period, the tribunal in Mexico City reserved torture for those who stood accused by multiple reliable witnesses but who were deemed not to have divulged all they knew about themselves and others. As in the Old World, torture in the New World was not directed at the most culpable heretics nor did it correlate with the sentence ultimately imposed on the accused. Rodríguez was reconciled to the Church and condemned to life imprisonment, whereas Lucena, who was not tortured, burned at the stake.

In Carvajal’s case, as with Lucena, the Inquisition did not rely on its interrogations, let alone on torture, for its only source of evidence. The same Luis Díaz was placed in Carvajal’s cell, whereupon Carvajal attempted to convert him to Judaism.⁶⁷ The conversations between Carvajal and Díaz, including information about Carvajal’s beliefs, prayers spoken, rituals conducted in the prison cell, his fasts and Sabbath observance, and the prayer

⁶²Ibid., 286–98.

⁶³Ibid., 86–122.

⁶⁴Ibid., 305.

⁶⁵Ibid., 74, verso.

⁶⁶Her testimony is recounted in full in several trials, including “Trial of Beatriz Enríquez La Payua, Spanish Transcript of Proceso,” series I, box 8, folder 1, Mexican Inquisition Collection, American Jewish Historical Society, New York, 157–58.

⁶⁷The trial manuscripts for Luis de Carvajal were reprinted as Luis de Carvajal, *Procesos de Luis de Carvajal (el mozo)* (México: Talleres Gráficos de la Nación, 1935). The events are recounted in Cohen, *The Martyr*, 226–75; and Green, *Inquisition*, 84–87, 147–49, 156–63, 212–13.

book that Carvajal had hidden in his cap, were relayed to the Inquisition by Díaz and by three other court officials, who listened in on their conversations from outside the cell. The court read and summarized Carvajal's biography and heard testimony from witness after witness, implicating Carvajal and his family. When prison guards discovered Carvajal was sending messages to other family members by inscribing them on an avocado pit, hidden inside other fruit, they pretended not to notice the ruse so they could continue to glean information from his correspondence.

Despite all this, Carvajal refused to divulge a single name to the Inquisition. That is why he was tortured, after a year in a prison cell and three additional weeks of isolation in a dark dungeon. His torture began with five turns on the rope on 8 February 1596, which led Carvajal to incriminate his family members. On the following days, he was questioned from 8:30 in the morning to 5 o'clock in the evening until he ceased cooperating, whereupon he was tied to the rack once more and subjected to six turns of the rope. On 14 February, Carvajal appeared before the court having filled the pages he was given with the 119 names of his community members. Upon leaving the audience chamber, Carvajal attempted to commit suicide: he escaped his guards and flung himself out of a window into the courtyard, a floor below. He survived this suicide attempt only to be burned at the stake ten months later, alongside his mother, his sisters, and his friend, Manuel de Lucena.

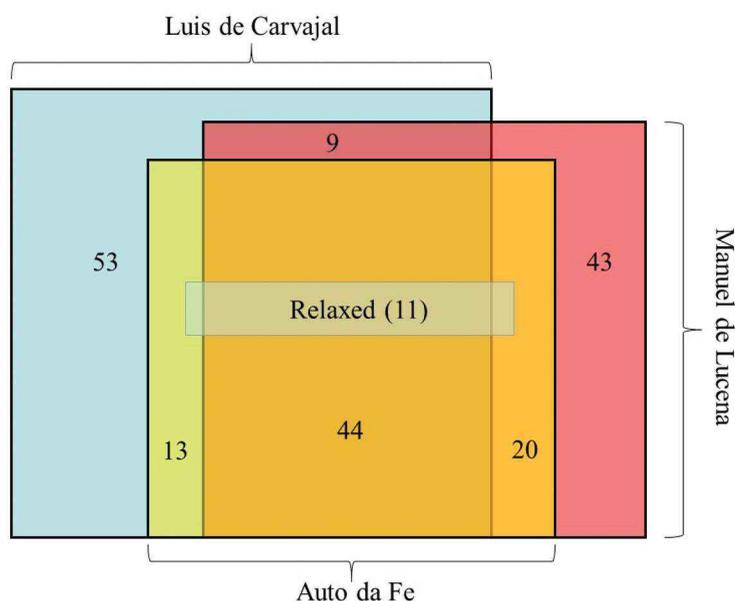


Figure 2. Individuals accused by Carvajal and Lucena and their fate.

How did the Inquisition treat the information that Carvajal provided? The court regarded his list with cautious skepticism. Figure 2 illustrates the fortunes of the 119 individuals betrayed by Carvajal and the 116 individuals named by Lucena. Because each trial manuscript includes information on the court's verdict, and because the records of the Inquisition include *relaciones de auto-da-fé*, information about participants at the auto-da-fé, it is possible to correlate who, among those named by Carvajal and Lucena, was publicly condemned by the Inquisition and who was not.⁶⁸

In all, Carvajal and Lucena named 182 individuals. There is a significant overlap between their lists: 53 individuals were named by both, a nearly 50 percent overlap in their respective lists. Of those 53, 44 appeared at the autos-da-fé of 1596 and 1601. In addition, 20 individuals named by Lucena but not Carvajal appeared at the autos, and 13 individuals named by Carvajal but not Lucena appeared at the autos. All of these individuals were named by other witnesses, in addition to Carvajal and Lucena: on average, individuals who appeared at the autos had been named by at least three separate witnesses. Those burned at the stake had been denounced by at least four.

Put differently, the Inquisition relied on Carvajal's testimony under torture as one source among many in deciding who to condemn at the auto and who to execute. Although Carvajal held a position of leadership in the community, his tortured testimony carried slightly less weight than the voluntary disclosures of his friend Lucena. I have not found a single instance in which the Inquisition chose to condemn an individual based exclusively on Carvajal's testimony under torture. Indeed, sixty-two of those named by Carvajal do not seem to have been condemned at all because an insufficient number of independent witnesses could be found to corroborate Carvajal's accusations.

The same is true for all other names extracted from other torture victims in this period. The Inquisition did not use torture to discover new information or to provide leads at the outset of its investigation. It used torture at the end of its investigation to corroborate prior testimonies and to ensure that all witnesses had confessed "the truth clearly and openly, to satisfy this Holy Office, for the salvation of their soul."⁶⁹ It was meticulous in correlating information obtained from its torture sessions with information gathered from other sources, be they witnesses who were not tortured, reports from informants, intercepted messages, or confiscated personal belongings.

⁶⁸The Inquisition sentenced minor offenders in private sessions. These convictions are not included in my analysis here.

⁶⁹This is a common inquisitorial admonition. See, for example, trial of Pedro Rodriguez Saz, in "Juan Rodriguez de Silva."

And it never relied on torture as its only, let alone its primary, source of intelligence.

The cost of torture

Analysis of the archival evidence from these two networks of trials allows us to identify, for the first time, exactly how inquisitorial torture worked in the late sixteenth century. Yet applying lessons from these historical cases to current concerns demands extreme caution. Additional archival research is required to establish whether the patterns I identified in these two cases apply to the torture practices of the Inquisition elsewhere. The Inquisition underwent a process of learning, as it amassed institutional knowledge about torture over the course of two hundred years. The challenges it faced—availability of witnesses and suspects, legal and financial constraints, and institutional priorities—also varied across time and space. Consequently, the torture practices of the Inquisition evolved over time.

More importantly, the historical context in which the Inquisition tortured differed drastically from the circumstances in which torture is taking place today. Inquisitors used many of the methods contemporary torturers employ, and their victims share the physiology and psychology of modern torture victims. There is no reason to assume that sixteenth-century suspects were more or less susceptible to torture than contemporary detainees. But that is where the similarities end and key differences between the cases become apparent. Inquisitors tortured for different reasons, with different goals, based on different assumptions, and in a social, political, and religious setting entirely alien to that of modern interrogators. Carelessly translating insights from one case to the other poses real dangers to scholarship, to policy, and to professional ethics.

Why then turn to four-hundred-year-old cases for lessons on interrogational torture? Because no other historical moment comes close to providing even a fraction of the evidence the Spanish Inquisition provides. Its archives are immense, detailed, meticulously organized, and publicly available. While scholars have labored to glean hints about contemporary torture campaigns, with only the vaguest notion of the identity of victims, why they were tortured, the information they provided, or the veracity of that information, the records of the Inquisition provide hundreds of thousands of comprehensive accounts of arrests, trials, testimonies, and verdicts, including verbatim transcripts from the torture chamber. There is no equal to this empirical wealth in the history of interrogational torture.

These data serve to disabuse us of several wrongheaded notions about the nature of torture.

The Inquisition put in place a vast bureaucratic apparatus designed to collect and assess information about prohibited practices. It tortured comprehensively, inflicting suffering on large swaths of the population. It tortured systematically, willing to torment all whom it deemed to be withholding evidence, regardless of how severe their heresy was or how significant the evidence was that they were withholding. The Inquisition did not torture because it wanted to fill gaps in its records by tormenting a new witness. On the contrary: it tortured because its records were comprehensive enough to indicate that a witness was withholding evidence.

This torture yielded information that was often reliable and falsifiable: names, locations, events, and practices witnesses provided in the torture chamber matched information provided by those not tortured. But despite the tremendous investment in time, money, and labor that the Inquisition invested in institutionalizing torture, its officials treated the results of interrogations in the torture chamber with skepticism. Tribunals tortured witnesses at the very end of a series of investigations, and they did not rely on the resulting testimony as a primary source of evidence. In Mexico City, not one Judaizer was condemned at an auto-da-fé based only on evidence extracted in the torture chamber.

This systematic, dispassionate, and meticulous torture stands in stark contrast to the “ticking bomb” philosophy that has motivated US torture policy in the aftermath of 9/11.⁷⁰ Decision makers who conjure up this scenario claim to support torture because its targets are culpable terrorists withholding key information necessary for preventing an imminent mass-casualty attack.⁷¹ As a consequence, the torture perpetrated by US officials has been selective, vindictive, and reserved for a handful of al Qaeda leaders presumed to have “blood on their hands.” Under tremendous time pressure, interrogators tortured rashly, improvising methods and protocols. Whereas the victims of the Spanish Inquisition sat in prison for over a year before they were tortured, CIA interrogators hoped to extract “actionable intelligence” from terror suspects within days after they were apprehended. Most troublingly, US interrogators expected to uncover groundbreaking information from detainees: novel, crucial, yet somehow trustworthy. That is an unverifiable standard of intelligence that the Inquisition, despite its vast bureaucratic apparatus and centuries of institutional learning, would not have trusted.

⁷⁰Ron E. Hassner, “The Myth of the Ticking Bomb,” *Washington Quarterly* 41, no.1 (Spring 2018): 83–94.

⁷¹See, for example, Memorandum from Steven Gill Bradbury (Office of Legal Counsel) to John A. Rizzo (CIA), regarding application of 18 U.S.C. Sections 2340-2340A, “Certain Techniques that May Be Used in the Interrogation of a High Value al Qaeda Detainee,” 10 May 2005, <https://www.hsdl.org/?abstract&did=37511>; Jose Rodriguez Jr. with Bill Harlow, *Hard Measures: How Aggressive CIA Actions after 9/11 Saved American Lives* (New York: Threshold Editions, 2012), 248; Mark Mazzetti, “Panetta Open to Tougher Methods in Some C.I.A. Interrogation,” *New York Times*, 5 February 2009; and George J. Tenet et al., “Ex-CIA Directors: Interrogations Saved Lives,” *Wall Street Journal*, 10 December 2014.

The Inquisition functioned in an extraordinary environment. Its target population was confined within the realms of an authoritarian state in which the Inquisition wielded absolute authority and could draw on near-unlimited resources. The most important of these resources was time: the Inquisition suffered none of the pressures of a combat setting or an antiterrorism campaign. It could afford to spend decades and centuries perfecting its methods and dedicate years to gathering evidence against its prisoners, minimizing type I and type II errors, before deciding whether to torture.

Should US interrogators aspire to match the confession rate of the Inquisition's torture campaign, they would have to emulate the Inquisition's brutal scope and vast resources. Our society would have to acquiesce to a massive bureaucratized torture campaign, at times of peace or war, that targeted thousands, from all walks of life, regardless of culpability, to extract modest intelligence that was, at best, corroborative. The archives of the Spanish Inquisition suggest "successful" torture affords no middle ground: one cannot improvise quick, amateurish, and half-hearted torture sessions, motivated by anger and fear, and hope to extract reliable intelligence. Torture that yields reliable intelligence requires a massive social, political, and financial enterprise founded on deep ideological and political commitments. That is the cost of torture.

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