

## DECISION-MAKING PROCESSES OF THE SPANISH INQUISITION: PARTICIPANTS, INSTITUTIONS, AND NEGOTIATIONS

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Recién iniciado el año y por iniciativa y bajo la dirección del profesor Wolfram Drews, la germana Universidad de Münster acogió el taller sobre los procesos de toma de decisiones en la Inquisición española arriba referido. Esta reunión constituye una de las actividades del proyecto B03 “*Decisions without Alternatives? The Establishment of the Spanish Inquisition during the Reign of the Catholic Monarchs*” que esta Universidad desarrolla bajo el paraguas global del proyecto SFB1150 “*Kulturen des Entscheidens*”. A continuación, tenemos el honor de acoger entre nuestras páginas la presentación de la actividad a cargo de su director, así como varias de las intervenciones realizadas a lo largo de estas fructíferas sesiones de trabajo en torno a los primeros momentos de la Inquisición española, presentadas por orden alfabético del primer apellido de los autores.

## CULTURES OF DECISION-MAKING AND THE SPANISH INQUISITION: RESEARCH PROBLEMS AND PERSPECTIVES

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**Resumen:** En la Universidad de Münster (Alemania), un proyecto de investigación conjunto desarrolla su trabajo sobre la cultura de toma de decisiones. Un caso particular que está siendo objeto de estudio versa sobre la Inquisición española durante el reinado de los Reyes Católicos. De acuerdo con el esquema teórico general desarrollado, el proyecto analiza el comienzo de tales procesos de toma de decisiones, el modo de tomarlas (negociaciones, autoridades, formas de externalización, procedimientos formales), así como recursos, formas de representación y de observancia externa.

**Palabras clave:** Inquisición española, proceso de toma de decisiones.

**Abstract:** At the University of Münster (Germany), a collaborative research project conducts research into cultures of decision-making. One of the case studies involved concentrates on the

Spanish Inquisition during the reign of the Catholic Monarchs. In accordance with the overall theoretical framework developed, the project analyses the constitution of decision-making processes, modes of decision-making (i.e. negotiation, authority, externalization, and formal procedures) as well as resources of decision-making, forms of representation, external observation and narratives of decision-making.

**Keywords:** Spanish Inquisition, processes of decision-making and state formation.

Making decisions is daily routine for everybody. However, hardly any-one reflects on the way individual decisions come about<sup>1</sup>. The wide field of history is also rich in decisions reached by historical actors; with hindsight, some decisions are rated as correct, while others are criticized for allegedly failing their objectives.

The Collaborative Research Centre “Cultures of Decision-Making”<sup>2</sup>, which has been working at Münster University (Germany) since 2015, follows a different approach: We are not interested in decisions as such, and we do not ask the question why a particular decision was made instead of another. We do not focus on the *content* of a decision, but rather on the *way* actors arrive at a particular decision<sup>3</sup>. We ask the question how a decision was made, by whom, and with recourse to which methods. How was it justified, or, for that matter, criticized, and how was it perceived by others? We look at decisions as special *forms* of social action. These forms are conditioned by cultural contexts, which are subject to historical change.

Our research agenda follows five interconnected analytical dimensions:

(1) *Constituting decision-making*. It is not self-evident that decision-making is differentiated as a distinct form of social action. How is the need for decision-making identified in a particular historical situation? What can be the object of decision-making? How is something turned into an object that can be subjected to decision-making processes? Formalizing decision-making procedures alters the situation and necessitates certain (pre-) stipulations (“decisions on decision-making”)<sup>4</sup>.

Once this decision is made, then a decision programme ensures that a decision will be made. Such formalized procedures are by no means self-evident, however. Cultures of decision-making are therefore to be studied in terms of the extent to which, for example, they use formalization and/or symbolically ritual communication to define clearly that a situation is framed as decision-making and a process of decision-making ensues afterwards.

Particularly important in pre-modern societies was precisely the issue of how far questions of faith and religious affiliation could ever be turned into the object of decision-

1 SCHIMANK, Uwe, *Entscheidungsgesellschaft: Komplexität und Rationalität der Moderne*, Wiesbaden, 2005; GROSS, Peter, *Die Multioptionsgesellschaft*, Frankfurt a.M., 1994.

2 The research programme was developed at the instigation of Barbara Stollberg-Rilinger, in close collaboration with her team, consisting of Matthias Pohlig, André Krischer and Philipp Hoffmann-Rehnitz. Ulrich Pfister assumed the task of speaker of the whole project, which has developed successfully under his leadership, in which he relies on the support of Philipp Hofmann-Rehnitz as executive director.

3 LUHMANN, Niklas, *Organisation und Entscheidung*, Wiesbaden, 2006.

4 GOFFMAN, Erving, *Rahmen-Analyse. Ein Versuch über die Organisation von Alltagsentscheidungen*, Frankfurt a.M., 1989; KINGDON, John W., *Agendas, Alternatives and Public Policies*, New York, 2011.

making or presented as such. One major reason for this were conflicts that brought about new alternatives for action and thus led to obligations to decide under certain circumstances. An example is the early urban reformation, which made questions of faith the object of individual and collective decision-making in new ways; it tended to obliterate ambiguous positions, increasingly obliging people to decide for one side.

(2) *Modes of decision-making.* The process of decision-making can be institutionalized in different ways, and it can take place in various formal and informal modes. The question is: how are options produced, evaluated and selected in each case, and how is decidability ensured?

We also need to investigate how far and in what manner the process of decision-making actually ends in a decision or perhaps does not. Given the fact that the transition from decision-making to decision is always precarious, we can ask how it is rendered likely that a decision will actually be made at all. Does the decision take place in an explicitly observable act, or, alternatively, through a gradual, and more or less implicit, reduction of options? How is it determined that a matter is ready for decision, and therefore that the “gap” separating the process of decision-making from the act of decision is to be bridged?<sup>5</sup>

To address these questions, we distinguish between four different modes of decision-making –namely, negotiation, authority, reference to an external entity (externalization), and formalized procedures. In social practice, these modes are usually mixed, and the transitions between them are fluid. The four modes differ in the degree of possible complexity: formalized procedures allow for a much higher level of complexity in the process and can therefore contain the other modes within them.

*Decision-making through negotiation.* This is a communicative mode of decision-making that has a low level of formalization, if it is formalized at all. Decision options are generated, evaluated and reduced in personal interaction among those present, which greatly limits the opportunities to overcome complex problems. Due to the lack of formalization, decision-making is not clearly defined as such, the transition between decision-making and decision is diffuse, and the decision taken is largely emergent. That a decision comes about is by no means certain, and, indeed, unlikely. One positive outcome of this is the establishment of a common horizon of meaning, which can mean that a decision can be avoided. Should it be unavoidable, though, the group identity generated by negotiation is at least a source of legitimacy for the arbitrary selection of one particular option. Informal negotiating among those present is a form of decision-making that is typical of situations where there is a great need for consensus, orientation to rank and honour, and the need for personal face-saving<sup>6</sup>.

*Decision-making through authority.* In this case, the decision is justified by reference to characteristics or social status of the person who decides. That person’s authority is derived from the fact that he or she has certain social or cultural resources that set him or her apart, such as power, social status, administrative authority, personal charisma, but also knowledge

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5 LÜBBE, Hermann, “Zur Theorie der Entscheidung”, *Collegium Philosophicum. Studien Joachim Ritter zum 60. Geburtstag*, Basel/Stuttgart, 1965, 118-140.

6 SCHLÖGL, Rudolf, “Kommunikation und Vergesellschaftung unter Anwesenden. Formen des Sozialen und ihre Transformation in der Frühen Neuzeit”, *Geschichte und Gesellschaft*, 34 (2008), 155-224.

relevant to the decision or an informal position of power either self-generated in interaction or through coercive behaviour. Decision-making is thereby tied to social factors that are beyond the inherent logic of decision-making itself. These resources can lose significant value through 'false' decision-making, however, which would then jeopardize the social status of those who decide by authority. We can therefore observe diverse strategies to minimize the risks associated with decision-making, e.g. postponement, or the inclusion of advisers and experts, or the recourse to transcendent powers –that is, through strategies of externalization. The recourse to authority is typical of informal processes of decision-making; its border to the mode of negotiation is fluid, as the case of medieval court assemblies shows. Personal authority, though, can also be mobilized within formalized processes.

*Decision-making through externalization.* Externalization means that the process of decision-making, or individual elements of it, are transferred to an entity that is located outside the social context with which the decision is concerned. Here, too, recourse can be made to agents who are characterized by special personal authority. If this agent is an external, neutral third party who does not belong to the circle of those affected by the decision, the conditions of decision-making change fundamentally. Separating the agent who decides from those affected by the decision deprives decision-making of the social structures of influence, power and interests of the primary social context.

What we need to distinguish accurately, though, is the precise role assigned to the external authority in the process of decision-making, and the possibilities to influence the process that the primary group retains. Depending on perspective, drawing lots, for example, can be understood either as a means immanent to the process or as an outsourcing of the decision to an external third party, who then decides according to its own internal logic and in an unobservable manner.

*Decision-making through formal procedures.* Formal procedures bind decision-making to explicit, generalized norms that are formulated without regard to a specific social situation. Through formalization, a higher degree of internal differentiation of decision-making becomes possible; that is, hierarchies can be constructed within the process, and different functions of decision-making can be assigned (such as generation and evaluation of decision options, or gathering of information). This makes it possible to deal with more complex problems in society. Formal procedures serve to define decision-making as such, giving it a certain autonomy with respect to the environment by functioning ideally "without regard to the individual person". A typical example of highly formalized decision-making in this sense is the judicial proceeding in continental Europe. In turn, formalization can also create new problems, which people then seek to circumvent through (apparently) irrational patterns of behaviour and informal strategies.

Similar observations on the complex interrelation between the formalization of decision-making and informal practices based on the mode of negotiation can also be made regarding political decision-making. Procedures can be differentiated by determining the group of participants through membership decisions, by defining specific procedural roles and steps, and above all by having the participants subject themselves to the decision-making process in advance (i.e., regardless of its outcome). The formalization of procedures

is typically accompanied by the formation of corresponding informal (counter-)strategies that can either undermine the formal procedures and destroy them in the long-term, or complement and support them<sup>7</sup>.

(3) *Resources of decision-making.* Normative and cognitive resources that can be mobilized in the process of decision-making include, for example, everyday knowledge, experience, information, expertise, normative consensus, historical exempla, transcendent revelation, or emotions. In this context, we ask what resources are drawn upon in various historical contexts to justify ‘good’, ‘correct’, or ‘rational’ decisions. We can distinguish between cognitive resources (such as everyday and expert knowledge, information and data gathered with regard to the decision), normative resources (such as values, programmes, ideologies, historical precedents, canonical texts), and motivational resources (e.g. needs, or emotions)<sup>8</sup>. Personal authority and social relationships with external decision-makers represent resources of decision-making, too, as do symbolic and performative expressivity and cultural narratives.

We assume that cultures of decision-making differ with regard to their repertoire of resources on the one hand, and to the ways in which these resources are mobilized and evaluated on the other. Recourse to resources usually serves to facilitate the selection of decision options. It is also often used to conceal the fundamental contingency of decision-making, i.e., to deny the difficult undertaking involved in decision-making and to eliminate the related problem of legitimacy<sup>9</sup>. Decision-making is then understood as *recognition* or as deterministic *deduction*. Religious truth, for example, is “found” through recourse to knowledge derived from revelation, while law is “recognized” through recourse to norms and programmes of subsumption. Appealing to expert authority and “complete” information can also be used to conceal the contingency of decision-making: the “only correct” or “only rational” decision only needs to be *found* and does not need to be *made*. The question arises how different cultures of decision-making either obscure the fundamental contingency of decision-making, or endure and even emphasize it by, for example, integrating coincidence as a resource, thereby radically dispensing with the careful consideration of reasons.

(4) *Representing decision-making.* Social actions always have a symbolic and expressive dimension. The question therefore arises how, and with what effects, decision-making itself is staged as a “social drama”. Symbolic staging makes it possible for a decision to be explicitly experienced as an event that separates past from future. By using rituals and symbols, a caesura is marked in the flow of everyday events between the time before the decision and

7 EMICH, Birgit, “Die Formalisierung des Informellen. Ein Beitrag zur Verwaltungsgeschichte der Frühen Neuzeit”, *Der wiederkehrende Leviathan. Staatlichkeit und Staatswerdung in Spätantike und Früher Neuzeit*, Heidelberg, 2011, 81-95.

8 BICCHIERI, Christina/MULDOON, Ryan, “Social Norms”, *The Stanford Encyclopedia of Philosophy*, 2011; MATT, Susan J., “Current Emotion Research in History: Or, Doing History from the Inside Out”, *Emotion Review*, 3 (2011), 117-124. BRENDENCKE, Arndt/FRIEDRICH, Markus/FRIEDRICH, Susanne, *Information in der Frühen Neuzeit. Status, Strategien, Bestände*, Berlin, 2008; REXROTH et al., *Wissen, maßgeschneidert. Experten und Expertenulturen im Europa der Vormoderne*, München, 2012.

9 TRICOIRE, Damien, *Mit Gott rechnen. Katholische Reform und politisches Kalkül in Frankreich, Bayern und Polen-Litauen*, Göttingen, 2013; SCOTT, James C., *Seeing Like a State. How Certain Schemes to Improve the Human Condition Have Failed*, New Haven, 1998.

the time after<sup>10</sup>. Decision-making is not infrequently staged as a mystery to outsiders, i.e., the moment of decision itself is hidden and mediated through referential signs –for example, the white smoke at the end of the conclave to elect the pope.

A decision can also be staged as such, although in reality it may already long have been made or there may in fact have been no open decision situation at all. However, not only the event of the decision can be presented symbolically. Rather, the whole process of decision-making can also be described as a “social drama” performed by the parties in front of each other but also before an external audience, a drama through which they create meaning, but through which they can also influence how the decision is observed and perceived externally<sup>11</sup>. By using symbols, clothing, ritual gestures and verbal formulae to mark the beginning and the end, the space, and certain procedural roles, decision-making is differentiated symbolically from the everyday flow of routine, and a ‘decision arena’ is created<sup>12</sup>.

The relation between active participants in decision-making and spectators present, between public and secret sequences of events, “front stage” and “back stage”, and between written and oral form, are key variables in cultures of decision-making<sup>13</sup>. The presence of an audience usually has repercussions for the decision-making process and for the legitimacy of the decision.

But not everything that belongs to decision-making can or may be shown on the stage. The question is, which parts of decision-making are performed in each case, and what goes on behind the scenes, both before and during the performance. Even if decision-making takes place mainly in writing, it still has a symbolic and expressive side. In formal procedures, participants are gradually involved in the procedural narrative through their involvement in the “social drama” of the decision-making process; they perform “unpaid ceremonial work”, thereby contributing to legitimize the final outcome, even if they do not agree with it<sup>14</sup>.

(5) *External observation and narratives of decision-making.* Decision-making is usually also observed, described and reflected upon from outside. The question is to what extent culturally specific narratives –“stories of decision-making”– shape the perception of decision-making, and to what extent they react to what actually happens in practice. Social action in general, and decision-making in particular, is based on more or less implicit narratives or scripts that enter social practice in the form of ‘enacted narratives’, shaping perception of social practice. In turn, they are reproduced or altered in and through social practice<sup>15</sup>. One question

10 MEYER, John W./ROWAN, Brian, “Institutionalized Organizations. Formal Structure as Myth and Ceremony”, *American Journal of Sociology*, 83 (1977), 340-363; MARCH, James G., *A Primer on Decision Making: How Decisions Happen*, New York, 1994; STOLLBERG-RILINGER, Barbara/KRISCHER, André, *Herstellung und Darstellung von Entscheidungen. Verfahren, Verwalten und Verhandeln in der Vormoderne*, Berlin, 2010.

11 GOFFMAN, Erving, *The Presentation of Self in Everyday Life*, London, 1956; MARCH, James G., “How Decisions Happen in Organizations”, *Human-Computer Interaction*, 6 (1991), 95-117.

12 FELDMANN, Martha S./MARCH, James G., “Information in Organizations as Signal and Symbol”, *Administrative Science Quarterly*, 26 (1981), 171-186.

13 SEIBERT, Thomas-Michael, *Gerichtsrede. Wirklichkeit und Möglichkeit im forensischen Diskurs*, Berlin, 2004; MERTON, Robert K., “Bureaucratic Structure and Personality”, *Social Forces*, 18 (1940), 560-568.

14 LUHMANN, Niklas, *Funktionen und Folgen formaler Organisation*, Berlin, 1964; LUHMANN, Niklas, “Die Paradoxie des Entscheidens”, *Verwaltungs-Archiv*, 84 (1993), 287-310.

15 KOSCHORKE, Albrecht, *Wahrheit und Erfindung. Grundzüge einer allgemeinen Erzähltheorie*, Frankfurt a.M., 2012; CZARNIAWSKA, Barbara, *Narratives in Social Science Research*, London et al., 2004; RAPHAEL, Lutz, “Die

that arises is therefore: according to which specific narratives, and in the form of which concrete stories, is decision-making discussed and described in society, and how does this in turn affect the practice of decision-making itself? A further question is concerned with how these narratives are each formed medially, and how medial change affects the possibilities of mediating (for example, academic and literary) ‘master narratives’.

Turning now to our project on the Spanish Inquisition, let me briefly sketch how it is related to the theoretical framework outlined so far. Regarding the *constitution of decision-making*, discussions in the 15<sup>th</sup> century concerning the establishment of an inquisition in Castile can be viewed as discussions centred around the need to identify the religious orthodoxy of new Christians and to decide whether they were Catholic Christians or not. Even some converts and their descendants were in favour of establishing an institution that –so they hoped– would draw a clear line between proper, orthodox Christians and insincere converts<sup>16</sup>. There were people in Castile who clearly felt the need to decide who belonged to the church and who did not. The call to establish an inquisition was therefore the identification of the need to institutionalize a process to decide on the religious orthodoxy of certain Christians. Religious belief was turned into an object of decision-making.

The principal *mode of decision-making* was formal procedure<sup>17</sup>. The autonomy of the organization and of its procedures was guaranteed by its privileges, but also by its differentiated offices and by handbooks and regulations<sup>18</sup>. The process was initiated by concrete steps making it possible to take decisions on the orthodoxy of a particular person; “decidability” had to be produced. When inquisitors arrived in a certain location, they called on members of the public to check whether their neighbours and family members followed dubious practices, either in prayer, the consumption of food, the observance of festivals or daily and weekly routine. Members of the public were asked to report dubious behaviour to the inquisition. The inquisitors provided a set of criteria as a guideline to decide on the orthodoxy of individuals; interestingly, the first decision (“the decision to decide”) had to be taken by ordinary laypeople. Only at a later stage were experts of the inquisition involved in the decision-making process. By presenting a set of criteria, the object of decision-making was identified and delineated. Religion was turned into an object of decision-making, more precisely orthopraxy, rather than orthodoxy.

Concerning *resources of decision-making*, the inquisition relied first of all on information gathered by the institution itself. Information was brought forward by witnesses of their own volition, such as during the period of grace, but it was also actively sought by the inquisitors.

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Verwissenschaftlichung des Sozialen als methodische und konzeptionelle Herausforderung für eine Sozialgeschichte des 20. Jahrhunderts”, *Geschichte und Gesellschaft*, 22 (1996), 165-193.

16 ALPERT, Michael, *Crypto-Judaism and the Spanish Inquisition*, Basingstoke, 2001; IZBICKI, Thomas M., “Juan de Torquemada’s Defense of the conversos”, *The Catholic Historical Review*, 85 (1999), 195-207; BENITO RUANO, Eloy, *Tratado contra los madianitas e ismaelitas de Juan de Torquemada. Contra la discriminación conversa*, Madrid, 2002.

17 On possibilities of investigation see RÁBADE OBRADÓ, María del Pilar, “Limites y posibilidades de investigación sobre los procesos en los orígenes de la inquisición Española”, *En el primer siglo de la Inquisición Española: fuentes documentales, procedimientos de análisis, experiencias de investigación*, Valencia, 2013, 369-386.

18 GALENDE DÍAZ, Juan Carlos/CRIADO LAZARO, Antonia, “Estudio documental de las primeras instrucciones inquisitoriales dadas por Tomás de Torquemada el 29 de noviembre de 1484 en Sevilla”, *Lope de Barrientos. Seminario de Cultura* 2 (2009), 73-90; MARTINEZ MILLAN, José, “La formación de las estructuras inquisitoriales”, *Hispania*, 43 (1983), 25-46.

The claim to base decisions on information was important to generate the impression that the decision was reached in an objective way, allegedly eliminating hazards, contingency, arbitrariness and personal interest. The inquisitors created the impression that they were only seeking the truth; truth gathered during formal procedures was claimed to be the basis of the final decision, which was therefore presented as the only possible, correct decision.

In addition to information, another resource was the knowledge of experts. Whereas laypeople had to rely on everyday knowledge, experts were in a position to harness judicial expertise. Such expertise was also important to counter strategies of ordinary people who might resort to claiming ignorance, that is lack of knowledge, to evade the challenge posed by the inquisition.

The claim to reach an objective, true decision was closely linked to the production of written evidence. The keeping of written records was another resource of decision-making, making it possible to accumulate evidence until a stage was reached at which passing a verdict was considered to be possible<sup>19</sup>.

Another resource was secrecy, which separated the formal process from the social surroundings. Secrecy contributed to the autonomous character of the procedure, which was also guaranteed by the offices of the inquisition<sup>20</sup>. Ecclesiastical offices, such as bishops, even the pope, were largely kept out of the procedures. Once they were in the possession of their offices, inquisitors claimed full authority regarding the entire procedure. The pope was merely used to legitimize the institution as such; after its establishment, recourse to the pope was forbidden by king Fernando. It was impossible to appeal to external authorities; the organization claimed full autonomy regarding procedures.

For the Spanish inquisition, the *representation of decision-making* was particularly important during the final stage, when the process resulted in a social drama staged publicly in the *auto de fe*<sup>21</sup>. Only at this point was secrecy relinquished, and public performance was used to present the self-image of the inquisition to society at large. The organization presented itself as a champion of orthodoxy, guaranteeing the ideological foundations of society, protecting its members from allegedly lethal enemies<sup>22</sup>. When the verdict was passed and promulgated, the decision was made public, an actual caesura was marked between the process and its outcome. The authority of the Holy Office was highlighted by ceremonial elements involving spectators, office holders and victims.

The fifth and final dimension of our theoretical framework can also be addressed, the *perception of inquisitorial decisions* by outsiders. Actions and decisions of the inquisition were discussed and commented on both by Spaniards, such as Hernando del Pulgar and Andrés

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19 RÁBADE OBRADÓ, María del Pilar, "El origen de los archivos del Santo Oficio: una aproximación al valor histórico de las fuentes inquisitoriales", *El Tratado de Tordesillas y su época*, Valladolid, 1995, 751-760.

20 GALVÁN RODRÍGUEZ, Eduardo, "Orígenes del secreto en la Inquisición Española", *Intolerancia e Inquisición (Actas del Congreso Internacional de Intolerancia e Inquisición 2004)*, Vol. II, Madrid, 2006, 57-84; GALVÁN RODRÍGUEZ, Eduardo, *El secreto en la Inquisición española*, Las Palmas de Gran Canaria, 2001.

21 MAQUEDA ABREU, Consuelo, *El auto de fe*, Madrid, 1992.

22 On the social function of the inquisition see RÁBADE OBRADÓ, María del Pilar, "Unir y separar: algunos efectos socio-religiosos de la acción inquisitorial durante el reinado de Isabel I", *Arbor*, 701 (2004), 67-86.



Bernaldez, and by foreigners visiting the Iberian Peninsula<sup>23</sup>. From the 16<sup>th</sup> century onwards, many foreigners were influenced by the *leyenda negra*, representing actions of the inquisition as sinister acts of persecution. However, this may have been different during the early stage, before English and Dutch propaganda gained momentum during the counterreformation. Decision-making processes of the Spanish inquisition aimed at determining the religious orthodoxy of converts may have been viewed differently during the early stage, under the reign of the Catholic monarchs.

A workshop convened at Münster in January 2018 focussed on experts and laypeople and their roles in decision-making processes, as well as on ideological resources of the inquisition and strategies to undermine them. Gretchen Starr-LeBeau studies witnesses, accusers and victims as participants in decision-making processes of the Spanish Inquisition. She pointed out that both laypeople and inquisitors created the inquisition, constructing models of orthodoxy and heresy. There were a number of reasons why people chose to report “cases” to the inquisition: religious conviction, personal grievances, knowledge of ongoing other processes and also the desire for self-preservation. Inquisitors were especially interested in discovering lines of transmission of heretical beliefs. Because of the importance of women for the preservation of Jewish tradition in families and their almost liturgical role in the context of domestic religious activities, women were also important for pinpointing supposedly Judaizing activities<sup>24</sup>. In order to protect relatives, some women coordinated their witnessing to avoid implicating others. Some denied that relatives were involved in any heterodox activities, while others ascribed Judaizing practices only to male relatives<sup>25</sup>. An extreme form of *converso* self-defence consisted in self-denunciation of particular family members as a result of a family decision; in such cases, accuser, accused and victim were one and the same person, who assumed the responsibility for protecting the rest of the family. In such cases, all family members maintained some degree of agency, albeit on different levels.

Individual agency was also important regarding the role and performance of inquisitors; they selected the cases to be tried, and the *promotor fiscal* chose the witnesses. It was also up to the inquisitors to determine the time of sentencing, as indicated by Gunnar Knutsen in his analysis of the impact of judicial discretion in the Spanish Inquisition. In order to evaluate their role, it is important to take into account their academic background, as well as their career before and after their performance as inquisitors. Some served at different tribunals, others were promoted to the *Suprema*, or else they were ordained as bishops. As Gunnar Knutsen pointed out, in the early modern period victims were often outsiders and non-residents, who may have been selected because their sentencing did not antagonize local networks; choosing

23 CANTEREA BURGOS, Francisco, “Fernando del Pulgar and the Conversos”, *Spain in the 15th century. Essay and Extracts by Historians of Spain*, London, 1972, 296-353; GERLI, Edmund Michael, “Social Crisis and Conversion. Apostasy and Inquisition in the Chronicles of Fernando del Pulgar and Andrés Bernaldez”, *Hispanic Review*, 70 (2002) 147-167; HERBERS, Klaus, “‘Das kommt mir spanisch vor’ Zum Spanienbild von Reisenden aus Nürnberg und dem Reich an der Schwelle zur Neuzeit”, „*Das kommt mir spanisch vor*“ – *Eigenes und Fremdes in den deutsch-spanischen Beziehungen des späten Mittelalters*, Münster, 2004, 1-30.

24 STARR-LEBEAU, Gretchen, “Mari Sánchez and Inés González: Conflict and Cooperation among Crypto-Jews”, *Women in the Inquisition. Spain and the New World*, Baltimore, 1999, 19-41, 301-304.

25 See also STARR-LEBEAU, Gretchen, “Writing (for) Her Life: ‘Judeo-Conversas’ in Early Modern Spain”, *Women, Texts, and Authority in the Early Modern Spanish World*, Burlington, 2003, 56-72.

such apparently “easy” victims may have been “attractive” with a view to furthering the career of inquisitors, who proved their determination without interfering in local societies. In such cases, inquisitorial decision-making served as a strategical means of self-promotion.

Sebastian Rothe focussed on the *consulta de fe*, the period of the inquisitorial process after the evidence had been collected and before the verdict was passed; this was a period of particularly great contingency<sup>26</sup>. At this stage, the trial was to be reviewed by external scholars in the presence of the inquisitors. Whether their votes were binding for the inquisitors was a matter of discussion not only in 16<sup>th</sup> century inquisitorial manuals but also in the inquisitorial tribunals before, which is confirmed by the instructions of 1488. The scholars were theologians or jurists, experts in both laws. They were often supported by their position as canons at collegiate churches or cathedrals, as in Cuenca. A considerable number of *consultores* held a bachelor’s degree. Interestingly, in the records of Cuenca there appear only two monks, who both only served for one month. One of them was a Dominican friar; only from the 1520s onwards was there a Dominican convent in Cuenca. Also, royal officials such as *corregidores* served as *consultores*. The result of the deliberations was always presented as having been reached by consensus; this holds true for 87 % of all cases; only in 13 % is there a minority vote. It is also remarkable that the records show no reference to canon law as a resource for decision-making.

The mode of decision-making was hierarchical voting, taking into account rank and experience. The scholars voted first, followed by the apostolic inquisitors; finally, the ordinary inquisitor gave his verdict. This procedure guaranteed that the local bishop was integrated into the Spanish Inquisition; however, an apostolic inquisitor was always present. The regulations from 1561 stipulated explicitly that inquisitors should speak last. When the *ordinario* held a doctoral degree, his academic position was higher than that of apostolic inquisitors. In case of disagreement, when no verdict could be reached, the decision was externalized, albeit within the institution itself: The records were to be sent from Cuenca to the *Suprema*. Judgement was also suspended when apostolic and ordinary inquisitors were unable to reach consensus; in such exceptional cases, the voting list ends with a *letrado* instead of an inquisitor. The political and social function of the inquisition shifted from being a means of royal to one of urban pacification; inquisitorial decision-making had wider implications for the stability of society at a local level<sup>27</sup>. In most cases, this stabilization could be achieved by local experts themselves; only in exceptional cases, as indicated above, was it necessary to have recourse to external authorities.

José Cruselles Gómez analyzed self-accusations before the tribunal of Valencia put forward in 1482. He focussed on the voluntary confessions made during the period of grace,

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26 His research is part of an on-going dissertation project analyzing the tribunal of Cuenca under the title “Ambige Neuchristen –unsichere Inquisitoren– unentbehrliche Gelehrte: Akteure und Praktiken des Entscheidens am Inquisitionstribunal von Cuenca (1489-1518). Eine Fallstudie zur transkulturellen Entflechtung durch die Etablierung der spanischen Inquisition in Kastilien unter den Katholischen Königen”.

27 On the importance of urban contexts for the emergence of anti-converso attitudes see MACKAY, Angus “Popular Movements and Pogroms in Fifteenth-Century Castile”, *Past and Present*, 55 (1972), 33-67; ROTH, Norman, “Anti-Converso Riots of the Fifteenth Century, Pulgar, and the Inquisition”, *En la España Medieval*, 15 (1992), 367-394; FREUND, Scarlett/RUIZ, Teofilo F., “Jews, *Conversos*, and the Inquisition in Spain, 1391-1492. The Ambiguities of History”, *Jewish and Christian Encounters over the Centuries*, New York, 1994, 169-195.

within 20 to 30 days after the proclamation of the edict of grace. At the time, there were four inquisitors in Valencia, who were all theologians<sup>28</sup>. The inquisitorial institution was not linked to urban society, appearing to be something external. Interestingly, there are no references to the inquisitor general (at the time there was not yet any *Consejo de la Suprema*). Since in the Crown of Aragón the medieval inquisition existed side by side with the new one, the question arose whether the sacrament of confession might be used, as contained in the manual of Eymerich. Some *conversos* offered to the king that they were prepared to confess in secret; in return, the king promised that he would be showing *miser cordia*. When the offer made by the *conversos* was followed, the confessing convert and the inquisitor were acting alone, without the presence of secretaries. However, whereas sacramental confession was conducted in private, the abjuration had to be performed in public.

According to Cruselles Gómez, the reason for the initial lenience in Valencia may be found in problems encountered in Seville, where the inquisition acted in a very strict manner, producing tensions and conflicts; in order to avoid similar problems, the monarchs opted for a more benevolent approach in Valencia. In addition, we have to bear in mind that in the same year of 1482 pope Sixtus IV protested to the king against excessive severity, expressing his doubts concerning the approach adopted by the monarch. Whereas before this time no financial penalties had been imposed, with the nomination of new inquisitors in 1484 even retroactive penalties were introduced. In addition, secret confessions disappeared, except in very specific cases. The success of the edicts of grace is shown by the fact that the crown relinquished its right to confiscation of goods with the intention that the period of grace might have the widest possible appeal to potential penitents. In the 16<sup>th</sup> century, the procedure was different: sacramental confession was no longer integrated in the proceedings, and the process was always conducted according to the judicial way, including the presence of witnesses. Opposed to the initial period, the sacrament of penance was no longer used as a resource of inquisitorial decision-making.

María del Pilar Rábade Obradó discussed the making of decisions related to accusations of crypto-Judaism before the tribunals of Ciudad Real and Toledo<sup>29</sup>. She discussed *tachas* provided to undermine the credibility of witnesses, which alleged various motivations for such supposedly false witnesses. Furthermore, she drew attention to the edicts of grace, pointing out that criteria used to denounce suspects included rites, customs as well as alleged superstitions<sup>30</sup>. In a climate of denunciation<sup>31</sup>, motives to report people to the inquisition included fear as well as the desire to ingratiate oneself with the authorities, all of which served as resources of

28 See also CRUSELLES GÓMEZ, José María, "Llegan los inquisidores. Los primeros momentos del tribunal valenciano del santo oficio", *Joan Roís de Corella i el seu món*, Valencia, 2014, 109-136; CRUSELLES GÓMEZ, José María, *En el primer siglo de la Inquisición española: fuentes documentales, procedimientos de análisis, experiencias de investigación*, Valencia, 2013.

29 See also RÁBADE OBRADÓ, María del Pilar, "Expresiones de la religiosidad cristiana en los procesos contra los judaizantes del tribunal de Ciudad Real/Toledo, 1483-1507", *En la España medieval*, 13 (1990), 303-330; RÁBADE OBRADÓ, María del Pilar, "Conversos, Inquisición y criptojudasmo en el Madrid de los Reyes Católicos", *Anales del Instituto de Estudios Madrileños*, 36 (1996), 249-267.

30 KNUTSEN Gunnar W., *Servants of Satan and Masters of Demons: The Spanish Inquisition's Trials for Superstition, Valencia and Barcelona, 1478-1700*, Turnhout, 2009.

31 For the earlier period, see SEIDENSPINNER-NUÑEZ, Dayle, "Prelude to the Inquisition: The Discourse of Persecution, the Toledan Rebellion of 1449, and the Contest for Orthodoxy", *Strategies of Medieval Communal Identity: Judaism, Christianity and Islam*, Paris, 2004, 47-74.

inquisitorial decision-making. Professional rivalries also played a part, as well as the exercise of public offices<sup>32</sup>. Alternative strategies, avoiding direct denunciations, included the spread of rumours and the instigation of other people to report individuals to the inquisition<sup>33</sup>.

Eduardo Galván Rodríguez discussed the authority of the inquisitors general during the reigns of the Catholic Monarchs; in total there were nine such inquisitors, from Torquemada to Cisneros<sup>34</sup>. In 1482 there arose a conflict between king Fernando and the pope; Sixtus IV wanted to maintain appeals to the Roman See, as well as public processes; the king, on the other hand, protested against the externalization of procedures, insisting on maintaining appeals within the Spanish realms; in addition, he favoured private proceedings. However, the pope suspended the foundational bull, nominating the archbishop of Seville as the only judge of appeal in his stead. In the bull dated 18 April 1482 the pope had reserved the right of appeal for the Roman See, but this bull was suspended in the same year. The archbishop of Seville was nominated for this function in May 1483, and in June the monarchs received the right to nominate judges of appeal. In the early period, there were also shifts in the nomination of inquisitors: Whereas the foundational bull of 1478 had given the king power to nominate inquisitors, the bull of 1482 vested this right in the inquisitor general. The king did not respect the autonomy of judicial proceedings, interfering constantly in the affairs. For instance, he wrote directly to the inquisitors, without consulting the inquisitor general. There were also differences regarding the distribution of finances; whereas confiscations were the property of the king, proceeds from penances and commuted penalties went to the inquisition. The pope also interfered constantly in the proceedings; there was no Roman Pontiff in the foundational period who would have respected and recognized the autonomy of the Spanish Inquisition. These interventions were ultimately due to the fact that the pope remained the titular head of the institution, who only delegated his powers to the king and to the inquisitor general. Under such circumstances, decision-making was not an autonomous procedure, but it was dependent on the political interests of the parties involved, which tried to use the new institution to further their own respective interests.

Nadia Zeldes discussed the introduction of the Spanish Inquisition in Sicily, one of Fernando's kingdoms. In Sicily, there was no popular pressure against *conversos*<sup>35</sup>; also, the medieval inquisition had been introduced earlier, as in the realms of the Crown of Aragón. A possible reason for the introduction of the Spanish Inquisition was financial greed; significantly, attacks were directed mostly against the wealthiest *conversos*. The Sicilian

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32 RÁBADE OBRADÓ, María del Pilar, "Judeoconversos y monarquía. Un problema de opinión pública", *La monarquía como conflicto en la corona castellano-leonesa (c. 1230-1504)*, Madrid 2006, 299-358; RÁBADE OBRADÓ, María del Pilar, "Judeoconversos e Inquisición", *Orígenes de la monarquía hispánica: Propaganda y legitimación (ca. 1400-1520)*, Madrid, 1999, 239-272.

33 RÁBADE OBRADÓ, María del Pilar, "Conversos, inquisición y criptojudasmo en Alcalá de Henares a finales del siglo XV", *Anales del Instituto de Estudios Madrileños*, 39 (1999), 337-358.

34 GALVÁN RODRÍGUEZ, Eduardo, *El Inquisidor General*, Madrid 2010.

35 ZELDES, Nadia, *The Former Jews of this Kingdom: Sicilian Converts After the Expulsion, 1492-1515*, Leiden, 2003; ZELDES, Nadia, "The Jewish Presence in Sicily as Reflected in Medieval Sicilian Historiography", *The Italia Judaica Jubilee Conference*, Leiden, 2013, 247-260; ZELDES, Nadia, "Els jueus i conversos catalans a Sicília: migració, relacions culturals i conflicte social", *Els catalans a la Mediterrània medieval: noves fonts, recerques i perspectives*, Roma, 2015, 455-466.

parliament traditionally had a strong position, especially regarding finances. Also, the political circumstances have to be taken into account: There were widespread fears of Ottoman attack, and the island served as a passageway of Jews to the east. King Fernando was in favour of capturing Portuguese Jews who were travelling to the east<sup>36</sup>. The first inquisitor was appointed in 1487, but there was no popular support for the institution; in each case, the king had to intervene personally. In 1500, the Spanish Inquisition had to be re-established on Sicily; both of the two inquisitors nominated were jurists, who met, however, with the opposition of urban officials. Significantly, resistance to the Spanish Inquisition in Naples resulted in its expulsion, but it was reintroduced in 1507. The expulsion of the Neapolitan *neofiti*, descendants of new Christians, was the first case when baptized Christians had to leave; however, the measures were only partly implemented<sup>37</sup>. In the 16<sup>th</sup> century, resistance to the Spanish Inquisition declined; significantly, becoming a familiar of the inquisition turned to be a matter of prestige. With the passage of time the inquisition was integrated into Sicilian society, becoming a source of social standing and a means furthering the stabilization and reproduction of social order.

The strong position of the king inside the inquisition was due, among other things, to his religious standing, studied by Agustí Alcoberro i Pericay in his paper on millenaristic expectations in the context of the expulsion of the Jews. Ever since the war against Granada the king had been attributed with messianic qualities<sup>38</sup>; Fernando was presented as the leader of Christendom, even as an “angel”, whose coming had been predicted in prophecies<sup>39</sup>. Already his father, Juan II of Aragón, had been painted in eschatological colours by Cardinal Joan Maragrit. The messianic qualities attributed to Fernando were given additional impact by his policies against Jewish converts, but also by his acquisition of the title of king of Jerusalem, which went along with his installation as king of Naples in 1505<sup>40</sup>. Eschatological expectations were also heightened by endeavours to conquer the North of Africa. All of these political strategies and ideological attributions ultimately served as resources for inquisitorial decision-making; the prestige of the institution resulted not only from its papal foundation, but also from the religious roles attributed to its political head, the king of Aragón, who was able to convert religious and symbolic capital into political power<sup>41</sup>.

36 ZELDES, Nadia, “Between Portugal and Naples: The Converso Question in a Letter of Ferdinand the Catholic”, *Sefer Yuhasin*, 3 (2015), 109-123.

37 ZELDES, Nadia, “Sefardi and Sicilian Exiles in the Kingdom of Naples: Settlement, Community Formation and Crisis”, *Hispania judaica bulletin* 6 (2008), 237-265.

38 JIMÉNEZ CALVENTE, Teresa, “Fernando el Católico: un héroe épico con vocación mesiánica”, *La imagen de Fernando el Católico en la historia, la literatura y el arte*, Zaragoza, 2014, 131-170.

39 SALVADOR MIGUEL, Nicasio, “La glorificación literaria de Fernando El Católico. El caso de la Guerra de Granada”, *Boletín de la Real Academia de la Historia*, 214 (2017), 279-328; FERNÁNDEZ DE CÓRDOVA MIRALLES, Álvaro, “El ‘otro príncipe’: piedad y carisma de Fernando el católico en su entorno cortesano”, *Anuario de Historia de la Iglesia*, 26 (2017), 15-70. See also GAMERO IGEA, Germán, “Una aproximación a la integración del servicio religioso en la corte de Fernando el católico: su papel dentro y fuera del séquito region”, *Anuario de Historia de la Iglesia*, 26 (2017), 259-284.

40 FERNÁNDEZ DE CÓRDOVA MIRALLES, Álvaro, “El ‘Rey Católico’ de las primeras guerras de Italia. Imagen de Fernando II de Aragón y V de Castilla entre la expectación profética y la tensión internacional (1493-1499)”, *Medievalismo*, 25 (2015), 197-232.

41 ESCUDERO LÓPEZ, José Antonio, “Fernando el Católico y la introducción de la Inquisición”, *Revista de la inquisición*, 19 (2015), 11-24; KAMEN, Henry, “Fernando el Católico, el absolutismo y la Inquisición”, *La imagen de Fernando el Católico en la historia, la literatura y el arte*, Zaragoza, 2014, 15-28.

Constanza Cavallero compared the involvement of the inquisition in the preparation of the expulsion of the Jews in 1492 and that of the Moriscos at the beginning of the 17<sup>th</sup> century. The heresy of the *moriscos* was said to be notorious, therefore no need was felt to investigate and prove every single case. In the 15<sup>th</sup> century, authorities assumed that it was possible to reveal secret heresies<sup>42</sup>; the capacity of the inquisition to detect secret beliefs was taken for granted. For this reason, Alonso de Espina had advocated both the expulsion of Jews and the establishment of an inquisition<sup>43</sup>. However, in the 17<sup>th</sup> century people no longer believed in the capacity of the inquisition to reveal such secrets; surprisingly, the Holy Office was marginalized in the process of decision-making concerning *moriscos*. This was due to the fact that the modes of inquisitorial decision-making turned out to be inadequate to deal with a whole community of suspect Christians held together by strong bonds of loyalty and internal solidarity. Since the inquisitorial process relied on witnesses, testimonies and confessions, the collaboration of agents from the community was indispensable to finalize such processes. Consequently, the *moriscos* were accused of dissimulation, of hiding their true beliefs, according to the practice of *taqiyya*<sup>44</sup>; dissimulation was also encouraged by the rise of philosophical scepticism in the 16<sup>th</sup> century. Accordingly, the *moriscos* were classified not according to their beliefs, which were suspected of being heretical, but ultimately, as indicated, regarded as impossible to pinpoint in a reliable way. Instead, *moriscos* were judged on the basis of an evaluation of their actions and practices, including their clothes, habits and even the language they spoke; these purportedly “open signs” were taken to be more reliable indicators of their religious and social disposition than secret beliefs. According to Cavallero, the fact that no theological arguments were adduced to evaluate and judge cases of suspected heresy can be interpreted as a secularization of the crime of heresy, which was no longer tried by courts of the inquisition, but by secular ones. Whereas in the 15<sup>th</sup> century the debate focussed on religious arguments, for instance in the writings of Alonso de Espina<sup>45</sup>, in the 17<sup>th</sup> century authorities shifted their attention to outward signs interpreted as indicators of disloyalty and disobedience, of a political heresy threatening the reason of state. From this perspective, king Felipe III appeared not as a protector of faith, but as a protector of Spain. In this case, decision-making rested entirely on interpretations and attributions generalized from a political point of view, not on detailed investigations of individual cases of suspected heresy, as advocated in the 15<sup>th</sup> century. Resources of decision-making were no longer theological manuals and established inquisitorial procedures, but rumours, assumptions and allegations interpreted according to a preconceived political agenda serving the reason of state.

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42 See also CAVALLERO, Constanza E., “La temporalidad del lenguaje de la herejía. El caso de la construcción de la herejía judaizante en el ocaso de la Edad Media”, *Medievalismo*, 22 (2012), 11-35.

43 CAVALLERO, Constanza E., *Los enemigos del fin del mundo: judíos, herejes y demonios en el Fortalitium fidei de Alonso de Espina (Castilla, siglo XV)*, Madrid, 2016; CAVALLERO, Constanza E., “En los confines del relato cristiano: los pliegues del antijudaísmo en el *Fortalitium fidei* de Alonso de Espina”, *Legionario Cristiano. Creencias y espiritualidad en el pensamiento medieval*, Buenos Aires, 2014, 53-101.

44 GARCÍA CRUZ, José Fernando, “El disimulo religioso en el ámbito doctrinal y legal islámico”, *De mudéjares a moriscos: una conversión forzada (Actas del coloquio de Teruel, 15-17 de septiembre de 1999)*, Teruel 2003, vol. III, 661-672.

45 MCMICHAEL, Steven J., “The End of the World, Antichrist, and the Final Conversion of the Jews in the *Fortalitium Fidei* of Friar Alonso de Espina (d. 1464)”, *Medieval Encounters* 12 (2006), 224-272.