

The Royal Decree (Philip II, 1573) on Slavery of Morisco Men, Women and Children and Its Consequences

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Abstract: The Royal Decree allowing Morisco slavery was issued by King Philip II in 1573, following the defeat of Morisco rebels in the Alpujarras mountains (north of Granada andalusia), thus ending a war that had lasted three years (1569-1571). Moriscos (Muslims who had remained in the Kingdom of Granada following its conquest by the Catholic Monarchs in 1492) had been baptised by force in 1500, being known thereafter as "New Christians". Since Christians could not enslave other Christians, King Philip II of Spain sought the advice of the ecclesiastical authorities, who opined that Morisco adults of either sex could be sold as slaves because they were former Muslims and only paid lip-service to Christianity. Girls (under 9-and-a-half years of age) and boys (under 10-and-a-half years) should not be sold as slaves, but put to work as servants in Christian homes until the age of 20. Morisco slaves had remained in Spain following the Decrees for Expulsion on 10 July 1610 and 20 March 1611 precisely because they were considered private property. This article analyzes the legal and philosophical debate regarding Morisco slavery, its implementation and consequences.

Key words: Morisco • Slavery • Kingdom of Granada • Decrees for Expulsion andalusia

INTRODUCTION

Professor Miguel Ángel Ladero Quesada has described how in the last of the capitulations agreed in Granada (1490-91) the political status of Granada Muslims changed to one of serfdom and acceptance of Castilian sovereignty, which was now recognized by the Alpujarras and other regions that had previously resisted submission to the monarchy. The Spanish Crown promised freedom to all "Moors" who were captives¹ in Granada and elsewhere in its kingdoms, within a period of five months for those residing in Andalusia and eight months for those residing in Castile. Moreover, Professor Ladero indicates that proof that this promise was honoured can be found in numerous documents, confirming that the monarchs specifically

granted freedom to 334 Muslims and instigated enquiries in order to free a further 351.[1] Besides which, any compensation paid to the owners of emancipated slaves was to the account of the Spanish Royal Treasury. This starkly contrasts with the situation following the Alpujarras Uprising in 1569, which will be dealt with in this article.

Growing Hostility Toward the Morisco Community in the Lead-Up to Proclaiming Their Enslavement: The enslavement of Morisco men and women represented the culmination of a gradual and increasingly hostile process that could be said to have begun in or about the year 1502 with the enactment of the Royal Decree forcing all Muslims under the Crown of Castile to choose between conversion and exile.² In fact, 1502 was the year in which

¹Despite the differences in meaning between esclavo (slave) and cautivo (captive), both terms were sometimes used synonymously. However, "captive" refers to those who had been taken captive and were theoretically still "prisoners of just war", their temporary status until being sold as slaves, since, in the case of Muslim populations, they were rarely set free.

²Decree dated 12 February 1502. Archivo General de Simancas, RGS, 1502 f.1.

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the conversion process took place.³ More than 60 years later, in February 1567, another much acclaimed Royal Pragmatic Law was published that decreed the assimilation of Moriscos into Castilian civilization and hence, the prohibition of Morisco customs, dances, traditional dress, language, etc., including the popular Morisco music -*zambras* and *leylas*- that was sung in Arabic at weddings. Under this Pragmatic, Moriscos were also prohibited -from owning black slaves, who were used for domestic work and as labour in workshops and plantations.⁴ Slavery was a phenomenon that was accepted by Islam and Christianity alike and Muslims and Christian equally engaged in the enslavement of other socially disadvantaged groups.

In any case, despite the repression instigated against the newly-converted from the early 16th century onward, a large number of wealthy Moriscos opted for integration rather than exile and publicly proclaimed their acceptance of the prevailing religious ideology. Moreover, the Spanish Crown itself had no qualms about granting certain privileges to those members of the Morisco elite who proved themselves genuine and willing converts. Such privileges were denied to other members of the group and included license to possess weapons,⁵ keep horses, or have access to the property of enslaved people. Thus, the ownership of sub-Saharan slaves became one of the defining features of wealthy Moriscos.

Anyhow, most Moriscos were held in constant suspicion, leading to their becoming considered false converts and thus, a vulnerable group that would be susceptible to enslavement should the circumstances arise. Indeed, the idea took hold that their conversion was superficial at best and merely for the purpose of their remaining in Spain. Despite their outwardly adopting Christianity, they were suspected of remaining true to their own religious beliefs and Muslim traditions in the privacy of their homes, all of which was further reinforced by a generalised notion of a conspiracy threat.

Curiously enough, the revocation of Morisco baptisms meant, in some way, an admission of the fact that evangelisation had failed. The systematic baptism of Moriscos that had taken place at the start of the century was wiped away in a single stroke, as if the sacrament had been wholly invalid, despite having been administered by the Church's own ministers. Nonetheless, it is obvious that not all Moriscos were false converts, nor had all Moriscos simply converted to Catholicism; thus, the only purpose of this simplistic argument was to attempt to homogenize a community that, logically, was not a homogenous mass.

Literature also played its part in fostering this image, preferring a collection of stereotypes to discredit the neo-converts as disloyal traitors. In one of his articles, the Hispanist Agustín Redondo explores the image of Moriscos that was disseminated in broadsheets of the time (the so-called "chapbooks") and in accounts of events [2]. These clearly served to create a state of public opinion that was hostile to the newly converted community and more so after 1570, exactly two years before Philip II declared enslavement of the Morisco population to be legal. This type of literature was widely distributed because although the majority of the population was illiterate, dissemination was basically by word of mouth and more specifically through the reading aloud of its content.

Broadly speaking, literature of the Golden Age was plagued by the stereotypes that existed in the collective imaginary and portrayed a clichéd figure of the newly converted that was designed, on the one hand, to justify hatred toward this minority group and on the other hand, to foster the measures adopted for their expulsion in 1610. To this end, differences were exaggerated, making the Moriscos appear as people who were completely alien to the Old Christian community with whom they seemed to have nothing in common, either in terms of language, or in their mores and customs. This animosity, along with the

³In any case, as Bernard Vincent has pointed out, in the early 17th century when the decree dated 4 April 1609 was proclaimed finally banishing all Moriscos, Philip III's attitude clearly showed a complete disregard for the edicts published in 1502 and 1525 in respect of the Mudejars in Castile and Aragon, which at least had provided the option of conversion as an alternative to exile. Vincent, B., 2013. *La geografía de la expulsión de los moriscos. Estudio cuantitativo*. In *Los moriscos: expulsión y diáspora. Una perspectiva internacional*, Eds., García Arenal, M. and Wieggers, G: Universidad de Valencia, pp: 27-44.

⁴Generally speaking, slaves purchased by Moriscos in the years 1500-1560 were black bozal Africans belonging to the Wolof ethnic group (referred to as "jolofe", "jafor" in the documents in the Archive of Notarial Records in Granada) from what is nowadays Senegal, and also from the great African slave factory in Cape Verde. García Barranco, M. and Martín Casares, A., 2009. *Attitudes des morisques et des chrétiens du Royaume de Grenade face à l'esclavage*. *Cahiers de la Méditerranée*, 79: 155-169.

⁵Following the proclamation of the 1572 Pragmatic, many Moriscos were reported to the authorities in Castile for possessing weapons. See, for example, the case of a Morisco from Pastrana (Guadalajara) who was reported for possession of arms. *Archivo de la Real Chancillería de Valladolid, Registro de Ejecutorias, Caja 1526,70*.

forementioned Pragmatic of 1567, would trigger the Morisco uprising that took place in the Alpujarras on Christmas Eve 1568. Thus, when the Moriscos revolted at the end of 1568, public opinion believed that the worst suspicions to be found in the collective imaginary had been confirmed. Furthermore, the subject of the uprising in the Alpujarras was very much a current topic and even when it was not the main theme of writings, it was always lurking in the background of many works such as *Amar después de la muerte*,⁶ published by Pedro Calderón de la Barca in or about the year 1633, or the work by Diego Ximénez de Enciso, *Juan Latino*, published in 1652.⁷ Cervantes' novels also contained Morisco characters and experts on his work fail to agree on whether his texts portray the author's prejudice against Moriscos, or on the contrary, a sympathy toward them⁸. I will make no attempt to analyse the discourse in Cervantes; however, I will simply mention that the Morisco problem appears in the story of Ricote in the second part of *Don Quixote*, in *The Dialogue of the Dogs*, or in *The Trials of Persiles and Sigismunda*.

It could be said that in the collective sub-consciousness of Castilian society, Moriscos were viewed as offshoots of the North African *berberiscos*, who were sold as slaves in the public squares after being taken captives along the Mediterranean coasts, at sea, or by privateers. Therefore, it should be borne in mind that slavery was an everyday occurrence at the time and was a frequent practice on both shores of the *Mare Nostrum*. And yet, the historiography on Moriscos and on the Kingdom of Granada tends to either underestimate the slavery phenomenon or to ignore it completely. Furthermore, women and child slaves are the great forgotten in recent scientific literature dealing specifically with Moriscos.

Preliminary Consultations and Proclamation of the Royal Decree on Slavery of Moriscos:

The Morisco uprising in the Alpujarras broke out on the night of 24 December 1568, while Christians were commemorating the birth of their Saviour. The revolt brought three years of extremely harsh fighting on the foothills of the Sierra Nevada mountain range, until its end in 1571. To a certain extent, this war changed the pattern of slavery as it existed on the mainland and gave rise to many forms of abuse, particularly at the hands of the *people of war* (soldiers, captains, etc.) who saw slavery as a way to make their fortune.

Clearly, there was some controversy over the sale of people who were formally Christians, given that they had been baptised over half a century before. It is evident that in the case of the newly converted, there was a serious drawback to proclaiming their enslavement: they had received baptism and the enslavement of other Christians was unviable. Of course, the Crown was aware of the confusion reigning on the issue of enslavement of the rebels and likewise, of the existing legal gap. And this was the reason why Philip II decided to consult the Royal Council, the president and judges of the Granada Royal Court of Justice, together with the ecclesiastical authorities, on the matter of the rebel slaves, in order to obtain advice on the legality of Morisco enslavement and the possible consequences thereof.

I have found the reply given by the ecclesiastical authorities to the King's query on Morisco slavery. The document is of great interest and was found in the Archives of Granada Cathedral. Titled: "*The question is whether Morisco men and women and their children can be made captives, even when they have been baptised, for rebelling against the Gospel and against their King*",⁹ this document presents typically scholastic

⁶This comedia is set during the War of the Alpujarras.

⁷In this play, two minorities (blacks and moriscos) confront each other through two historical characters: Don Fernando de Valor, representing the Morisco elite, and Juan Latino, a black slave who distinguished himself as a Latin scholar. He wrote poems in Latin such as *Austrías Carme*, the opening verses of which recall the Revolt of the Alpujarras through the invocation to Pedro de Deza, the president of Granada's Chancery Court. Wright, E. R. 2009, Narrating the inefable Lepanto: The Austrias Carmen of Joannes Latinus (Juan Latino), *Hispanic Review*, (winter): 71-95.

⁸The following are some of the articles that deal with this aspect of Cervantes' works: Moner, M., 1995. El problema morisco en los textos cervantinos, In *Las dos grandes minorías étnico-religiosas en la literatura española del Siglo de Oro: los judeoconversos y los moriscos*. Eds. Andrés-Suárez, I.: *Annales Littéraires de l'Université de Besançon*, pp. 85-100; Abi-Ayad, A. 1997. Cervantes, Cidi Hamete ben Gelie et les morisques. *Revue d'Histoire Maghrébine*, mai 85-86: 11-19.

⁹*Archivo Curia Episcopal Granada [ACEG]*, Libro de asuntos varios, n° 3, fols. 520r-v. The document is titled "*Pregúntase si pueden ser cautivos los moriscos y moriscas y sus hijos aunque hayan sido bautizados por haberse rebelado contra el evangelio y contra su rey*". A transcription of the document is included in the documentary appendix to the book: Martín Casares, A., 2000. *La esclavitud en la Granada del siglo XVI*, Universidad de Granada.

arguments which, invoking the law of nations (*Ius Gentium*) -a highly ambiguous natural law that is applicable to all human beings- proclaimed that from the point of view of the Catholic Church, Morisco enslavement was feasible, thereby leaving the King free to decide whatever he might deem fit according to statutory law. Having justified the enslavement of Moriscos of any age and gender, the document then stated that the only unfair captivity was that which affected those people of Morisco origin who had been sold prior to the King making his pronouncement, given that no authority below the rank of King could instigate enforceable laws, thus ratifying the primacy of the Crown as the supreme legislative body.

In fact, ecclesiastics had no qualms whatsoever regarding the viability of selling people of Morisco origin, bearing Christian names, on the city's slave market. In that vein, the aforementioned reply clearly states that: "without scruples, kings in their kingdoms may dictate pragmatics decreeing that the insurgent Moriscos can be taken captive and sold as such, despite their having been considered until now as Christians". The sources cited by the clerics to justify Morisco enslavement included the Lateran Council, according to which Christians who furnished arms to infidels could be made captives. And in reference to the fact that "Christians should not hold other Christians captive, even when they have captured them during a fair War", the clerics were of the opinion that although this custom should be kept as a rule, in a case such as this "where these Moriscos are merely making a show of conformity to Christianity, which has little meaning for them other than receiving baptism", their enslavement can be justified because of "what they have done in these times, killing Christians as cruelly as the early tyrant persecutors of Christian martyrs". Further into the document, the clerics insist that Moriscos "make a mockery of all Christian ceremonies and all images of Christ and the Saints, hanging pigs in their place in blatant acts of blasphemy". The clerics also refer

to Law 1, Title XXI, of the Fourth Part of the Seven-Part Code enacted by King Alfonso X and known as the *Siete Partidas*, to defend the legitimacy of slavery.¹⁰

It should be noted that slavery in Late Medieval and Modern Christian Spain was in fact based on Roman law and the aforementioned 13th century Code, known as the *Siete Partidas*, was effectively one of the first sources of Spanish law to legitimise slavery. And the chapter quoted by the clerics in the case at hand was precisely the chapter regulating slavery.¹¹

The ecclesiastical disquisition goes on to refer to the fact that "the most Christian emperor Don Carlos in the New Spain made a like order in a similar case".¹² It subsequently refers to a Pragmatic, which mandated that "if a Morisco should cross over to Berberia and be made captive, said Morisco should be killed and his wife and children made captive". And based on the latter pragmatic, the document then focuses on justifying the sale of women and children, using diverse arguments that I shall deal with later.

As can be seen, the cloud of reasons to support the idea that no injustice would be deemed to have been committed, should the King decree Morisco enslavement as legal, would seem to be a mere form of theological entelechy, with no solid basis. Christian theologians twisted their arguments to suit monarchical and ecclesiastical powers and to appease those Christians who were desirous of purchasing male and female slaves at a low cost. Thus, it becomes manifest that there was little concern about the misfortunes that would befall these innocent Morisco women and children.

Furthermore, as explained by the historian Rafael Benítez Sánchez-Blanco, the expulsion of Moriscos in 1609 raised a serious doctrinal conundrum, given that the point at issue was the deportation of Christians to Islamic lands where they would become renegade Christians [3]. The final decision was taken, invoking reasons of state and more specifically, the risk of a Morisco conspiracy involving the Moroccan Sultan Muley Zidan. Curiously

¹⁰This code of law, based mainly on Roman legislation and Spanish custom, was compiled between 1251-1265. It was intended to regulate the chaotic legal situation and provide norms and legal provisions to guide future monarchs. Martín-Casares, A. 2004. Domestic Service in Spain: Legislation, Gender and Social Practice, In Domestic Service and the Formation of European Identity: Understanding the Globalization of Domestic Work, 16th-21st Centuries. Eds. Antoinette Fauve-Chamoux: Peter Lang, pp: 189-211.

¹¹"There are three forms of servants. The first are those who are taken captive in times of war, the second are those who are born servants. The third is when someone is free and he allows himself to be sold." Ley 1, Título XXI, Partida 4^a.

¹²However, I have been unable to confirm exactly what this referred to, since more specific details were not given. Enslavement of the American Indians was expressly prohibited by Charles V in 1542, and Isabel the Catholic Queen herself declared in her last will and testament that she opposed their enslavement. American Indians nonetheless continued to be sold, though their enslavement was illegal.

enough, one of the arguments put forward was their continued adherence to Islam, i.e. the selfsame argument that was used to legitimise their enslavement 36 years before. In any case, according to Benítez Sánchez-Blanco, the position of the Spanish Church was far from unanimous on the issue of Morisco expulsion. This author identifies two prevailing schools of thought: one, the more optimistic, whose advocates liked to think that genuine conversion could exist; and two, the more pessimistic or discriminatory view, which favoured their culture being wholly eliminated, the re-denomination of Moriscos as "Moors" and their exclusion from Christianity. Following the uprising in the Alpujarras, the latter position in respect of the Morisco community was more predominant among Philip II's advisors.

Undoubtedly, as a result of the aforementioned consultation, Philip II issued a royal edict that would fill the existing legal gap: *Pragmatic and declaration in respect of Morisco slaves taken captive in the kingdom of Granada. And the law to be applied to them*. Published in 1573 and proclaimed in every part of the kingdom, this edict accorded the status of slaves to Morisco rebels, as the wording of its title reveals. The Royal Edict legitimising Morisco enslavement was issued after the war's end. The legislative body itself admitted the inexistence of any law that might justify Morisco slavery. The following extract from the edict highlights the misgivings that the sale of Morisco men and women might raise among certain sectors of the population:

"given that no dispatch has been sent by Us, nor is there any clear provision, nor has any general public proclamation been made in Our Kingdom and therefore many may not have been informed, some persons have doubts, scruples and difficulties regarding the issue of whether the Morisco rebels who were taken and captured by private individuals were to be and become slaves of their captors".¹³

Unquestionably, there was a certain degree of controversy regarding the fairness of the enslavement of the Morisco community that had taken part in the uprising in the Alpujarras mountains. In fact, Luis del Mármol

Carvajal (1520-1600), a most reliable chronicler who wrote *History of the Uprising and punishment of Moriscos in the Kingdom of Granada*,¹⁴ dedicated a whole chapter to Morisco slavery and to the debate that took place on its legality at the time. I refer to chapter 23, which was precisely titled: "How it was declared that prisoners from this war were to become slaves".¹⁵ This chapter confirms that from the outset of war, there were some misgivings as to whether the rebel men, women and children taken captive during the war should be made slaves. The controversy is described right at the start of this chapter:

"From the outset of this war there were doubts as to whether the insurgents, men and women and children, taken captive during the war, should be made slaves; and the Council has not made any pronouncement until now because there was no lack of opinions from lawyers and theologians saying that they should not be made slaves; and because, although the general law allows enemy prisoners of war to be made slaves, this was not to be construed as applicable among Christians; and the Moriscos being Christians, or going, as they did, under that name, it was not right that they be made captives."

Clearly, the fact that the Moriscos had been baptised was one of the major "drawbacks" for some ecclesiastical in the service of the Crown. Specifically, Luis del Mármol Carvajal describes how certain lawyers and theologians opposed Morisco enslavement because, although the general law provided for the enslavement of war captives, this was not to be construed as being applicable among Christians. Hence, we learn that some dissenting voices were being heard.

In any case, as I have already pointed out, the Royal Decree of 1573 finally ruled that any male or female Morisco rebels taken captive could be sold as slaves. However, it also provided an exception, which the Church had not contemplated in its reply to Philip II: it proclaimed it illegal to enslave boys younger than ten-and-a-half years of age and girls under the age of nine-and-a-half years. We assume that the age difference is due to the fact that in those times girls were considered to reach maturity earlier.

¹³Archivo Municipal de Granada [AMG]. *Pragmática y declaración sobre los moriscos esclavos que fueron tomados en el reyno de Granada. Y la horden que con ellos se ha de tener*. Impreso en Madrid, 1573. "por no se aber despachado ninguna carta nuestra, ni provisión patente, ni se haber hecho general publicación dello en éstos nuestros reynos, y por esto no aver venido a notiçia de muchos, se ha hecho y puesto por algunas personas duda, escrúpulo y dificultad, si los moriscos rebelados que assí fueron tomados y captivados por personas particulares eran y se avían hecho esclavos de los que los tomaron".

¹⁴Luis del Mármol Carvajal, *Historia del rebelión y castigo de los moriscos del Reino de Granada*, In Biblioteca de Autores Españoles: historiadores de sucesos particulares, tomo I, Madrid, M. Rivadeneyra, 1852, pp. 123-365. A newer updated edition from 1991, including a critical introduction. *Rebelión y Castigo de los moriscos*. Arguval.

¹⁵Chapter XXXII, "Cómo se declaró que los prisioneros en esta guerra fuesen esclavos con cierta moderación".

“males over the age of ten-and-a-half years and females over nine-and-a-half years of age shall be and shall be considered as, slaves of those who took and captured them and children under those ages shall not be enslaved, although they may be removed and taken to other places outside the Kingdom of Granada and given and delivered to people whom they shall serve until they become twenty years of age so that they shall be educated and brought up in a Christian fashion.”¹⁶

Consequently, despite the Church's ministers deeming captivity of young children to be legal, the Crown advocated freedom for minor children. In any case, their freedom was relative, given that they were destined to work at the service of Christians until they were 20 years of age. In an attempt to provide some justification for its attitude, the Crown emphasized the "apostolate" aspects. The question remains as to whether it was truly a case of Christian charity, as Luis del Mármol believed, or whether it was due to the fact that the profit to be obtained from the labour of these children was so little that no voices would be raised opposing this prohibition. Thus, Old Christians secured the services of children without having to pay for their purchase. Furthermore, very often the limits between slavery and service were unclear.

Whatever the case, it is obvious that Catholic people considered slavery to be a normal response to the Morisco uprising in the Alpujarras mountains. The absolute power of the monarchy and clerics and most of the Old Christians besides, continued to view Moriscos as part of the Muslim enemy, despite the fact that many Moriscos had been known by Christian names for more than 60 years. Moreover, the Old Christians were more than aware that it was highly profitable for them to own slave labour and counted on the king declaring it legal for them to keep the vanquished enemies as slaves.

Furthermore, some Moriscos belonged to a collaborationist elite and had fought on the side of the Christians during the Alpujarra conflict. It is not surprising, therefore, that a number of these Moriscos

benefitted from the enslavement of their fellowmen, purchasing Morisco men and women not for altruistic reasons, i.e. to emancipate them, but for their own profit, i.e. to keep them as slaves or re-sell them later.

In any case, the origin of Morisco enslavement is unquestionably related to their status as rebels; however, it was not solely a consequence of the Alpujarras uprising and other ethnic, cultural and religious factors also played their part. One might wonder why other subjects of the Spanish monarchy who took part in uprisings were not enslaved, e.g. during the Revolt of the Spanish Netherlands. Indeed, if war was one of the legal grounds for holding a vanquished enemy population captive, it would have been more coherent to enslave all rebels; however, only the Moriscos were made slaves. Some beheadings took place as a result of the uprising of the Communities, but then a general reprieve was granted; neither were the rebels at Ghent, the birthplace of Carlos V, made slaves.

Enslavement of the rebel Morisco community during the War of the Alpujarras was undoubtedly a major step toward the declaration of their definitive expulsion on 10 July 1610 and 20 March 1611,¹⁷ which nonetheless brought a paradoxical outcome for slaves. Following publication of the writs for the expulsion of the Moriscos from the Kingdom of Granada after the uprising, the Spanish Crown began a systematic imprisonment of any free person of Morisco origin found within its territory. Nonetheless, based on the recognition of private property rights, slaves of Morisco origin were not expelled. Respect for private property meant that enslaved Moriscos had to remain on Spanish soil.

Legal reasons for the enslavement of Morisco women: I shall focus on the arguments used in favour of the enslavement of Morisco women and children in the aforementioned document submitted by the ecclesiastics (“*The question is whether Morisco men and women...*”). The following is a fragment taken from the argument put forward by Granada ecclesiastics advocating the enslavement of Morisco women:

¹⁶AMG, *Pragmática y declaración*, Op.cit,1573. "siendo los hombres mayores de diez años y medio, y las mugeres de nueve y medio, fuesen y se entendiesen ser esclavos de los que los tomasen y captivasen, y que los menores de la dicha edad no fuesen esclavos, empero que pudiesen ser sacados y llevados a otras partes fuera del Reino de Granada, y dados y entregados a personas a quienes sirviesen hasta tener edad de veinte años, para que pudiesen ser ynstruidos y cristianamente criados"

¹⁷The edict of 10 July 1610 referred to the expulsion of Granada citizens who had returned or who had been in hiding. The definitive expulsion of Moriscos from Castilla, Extremadura, and La Mancha would be proclaimed in 22 March 1611. Dadson, T. J, 2007. *Los moriscos de Villarrubia de los Ojos (siglos XV-XVIII). Historia de una minoría asimilada, expulsada y reintegrada. Iberoamericana*: pp: 323.

“The second conclusion, which follows on perfectly from the first, shall be that the women and children of the aforesaid Moriscos who took up arms and fought on the side of their fathers may also be captives and their captivity may be proclaimed by edict. The reason is obvious, since, if they were accomplices in the fault, they can be accomplices in the penalty and since the penalty may be imposed upon the parents, as aforementioned, it may also be imposed on those who helped them and it is said that the women and the children had no choice since their husbands and fathers would have killed them had they not complied with their will.”¹⁸

This would mean that the ecclesiastical authorities had decided that the wives and children of rebels were inevitably accomplices to the revolt and accordingly, could be made slaves and the King could draw up laws that favoured their captivity. In summary, women and children were considered to have taken part in the war and thus, could also be sold as slaves. Moreover, the document states that the men would have killed their wives had they not complied with their will.

It should be mentioned that the enslavement of vanquished Morisco women and their classification as warlike subjects, in that they were “accomplices” of the men, coincides with the patriarchal Castilian discourse excluding women from property ownership and from handling weapons, which were realms reserved exclusively to men. The purpose of this reasoning had little to do with assigning an active role in the fighting to the group of women and was more a question of women's participation being recognized, thereby justifying their being sold as slaves and obtaining monies for the royal purse.

Theologians also claimed that the Morisco women had dressed as men during the fighting in order to fill out the ranks of the men and they were said to perform rituals to Mahomet during which they would shriek and wail loudly. They argued that the women themselves had executed many Christians.

“Furthermore, this can be deduced from their actions, dressing as men to fill out the ranks of their husbands'

army and themselves holding processions with great wailing and rites to Mahomet and executing many Christians, as did their children”.¹⁹

It is in fact true that extant chronicles reveal the active participation of Morisco women in many fights and skirmishes. In most cases, the Morisco women are depicted bearing “stones, knives and daggers”, which they used against dying Christian prisoners that were left with them to be finished off. However, there are some incidences such as the case of Alcuía (in the province of Almería) where they are portrayed in battle:

“They (the Moriscos) defended themselves as best they could with stones and short spears, because among almost 1.500 men, there were only 40 arquebusiers and archers. They were beaten and many died and fought more pertinaciously than those from other places; because even the women brandished arms” [4].

The above is an excerpt from a chronicle of the War written by Diego Hurtado de Mendoza (1503-1575), titled: *The War waged in Granada by Don Philip II, King of Spain, against the Morisco insurgents in that kingdom*. Examples are many and diverse – some highly evocative and others frankly bloodcurdling. A particularly cruel death was met by a Christian who had his eyes gouged out by knives garnished by Morisca women at Andarax and was then stoned to death²⁰. Another extremely violent case was that of Juan de Cepeda, a silk appraiser who was tortured “at the hands of women”. In this case, the chronicler underlined the fact that the Christian prisoner had been handed over to the women “so that they too could share the enjoyment”, insinuating that a certain pleasure was to be found in killing the enemy and that the Morisco women also felt this pleasure.

However, Morisco women not only targeted their violence at male enemies and Christian women also suffered their wrath. Luis del Mármol tells the story of how Morisco women lynched a Christian woman, hailing blows and stones on her until she fell lifeless on top of her dead son²¹. A similar incident occurred in Laroles (a village in the north-eastern region of the Alpujarras), where Morisco women killed the elderly mother of the

¹⁸Archivo de la Curia Episcopal de Granada, Libro de asuntos varios, n° 3, fols. 520r-v.

¹⁹“Además de que se puede colegir de las cosas que ellas han hecho así, en vestirse de hombres para que pareciese mayor el ejército de sus maridos, como en hacer por sí procesión de grandes gritos y ritos a Mahoma, como en ser ellas los verdugos de muchos cristianos y lo mismo los hijos”.

²⁰“And they dragged him away using a rope, and handed him over to the Moorish women on a hillock, so that they too could take their revenge, and the women gouged his eyes out with knives and then stoned him to death.”

²¹“And placing a noose around his neck, they handed him (a Christian) over to the Moorish women so that they too could take their revenge on him; the women dragged him out of the town, and killed him with almadaras, small lances, and stones. And then they attacked his mother, spitting in her face and calling her a Christian dog; they pulled her hair and beat her, injuring and stoning her until she fell down dead over her son's body. ”

village priest. In most cases, the Morisco women were given the task of finishing off the job that the men in the group had started. It would seem that the women's job was to stone, or to stab to death, any enemies that were taken captive by the Morisco men. The women's wrath often took the form of profanation of religious Christian symbols. The burning of altarpieces and images of the Virgin Mary must have been a common sight during the war, as happened in Berja (a small town in Almeria).

In fact, there were Morisco women who took part in the uprising as warriors and some were killed; a large number were probably raped by soldiers in the rebel zones and those women whose relatives were alive and sufficiently wealthy, were rescued by their family who paid large sums for their freedom. However, conserved documents show that in most cases, Morisco women were captured as war prisoners and the majority sold as slaves at public auction or by private sales contract. Obviously, they were frequently mortal or passive victims of war and Hurtado de Mendoza tells of many Morisco women killed as a result of war²²

Unquestionably, it was convenient for Christian authorities to declare that all Morisco women were subject to the authority of the male rebels and accordingly, were equally guilty. The Crown received one-fifth part of the sale of male and female slaves from "fair war" (the quinto real or royal fifth) and accordingly, benefitted from the women being attributed the role of warriors. Furthermore, the high cost of war had severely depleted the royal coffers and slaves received in payment of the royal fifth meant a way to offset this loss.

Enslavement of Morisco Children Following the Royal Decree: As regards the enslavement of younger children and newborns, who were described in the Church's reply to the King as "children of rebel traitors" (deliberately stressing the paternal filiation), these children could not be put to death *de iure* for their parents' fault, although there were no qualms about their being made slaves. In the aforementioned opinion submitted by the ecclesiastics ("*The question is whether Morisco men and women...*"), clerics resorted to the *abulense*, Alonso de Madrigal, to justify their condoning a person being made captive for the sins of another "because there is a personal penalty against the person himself and there is a penalty in rem that is attached to the person's property".

Thus, young children were construed to be the property of their parents, just like riches, honour or freedom and accordingly, they should also pay their parents' penalty. What is more, the clerics' reply highlighted the fact that there were no scruples whatsoever about the provision that "an innocent babe in its mother's belly will inherit the penalty of enslavement because its mother is a slave".

Hence, if the sons and daughters of female slaves could be made slaves, newborn children of Morisco mothers could equally be enslaved "since there is little difference between children already born and unborn children". At the same time, this document stressed that unweaned babies were subject to the will and parental authority of their parents, in the same way as older children. Indeed, he explained how children had no free will and therefore, could not be baptised without the will of their parents. Similarly, the clerics referred to Saint Thomas Aquinas [5] with regard to children and servants being legally punished by their parents and masters.

The manipulation of values —such as the authenticity of Morisco baptisms, or children's level of conscience and their capacity to do evil— by ecclesiastical and royal powers becomes manifest if we compare the arguments put forward by the Church advocating the legality of Morisco enslavement and likewise, the arguments they used to justify Morisco children remaining in Spain and given that it was not fitting for them to be made slaves, for them be separated from their parents and handed over to Old Christians. By way of example, an edict dated 22 September 1609 for expulsion from Valencia stated "that provided that their parents, or in the case of orphans, their guardians, are in agreement, boys and girls under the age of four who *might wish* to remain, will not be expelled", thereby unusually recognizing the capacity of younger children to make decisions [6]. Nonetheless, in 1602, it was proposed that Morisco children be removed from their parents and handed over as slaves to Old Christians [6].

Breach of the Laws on Morisco Enslavement: The truth was that as soon as the uprising broke out, Morisco men and women, young and old, were being sold, as shown by the sales contracts that are preserved in the Archives of the Professional Association of Notaries Public in Granada, which I have systematically studied. According to these documents, the total number of Moriscos sold

²²"It happened that one of the more daring soldiers started groping a woman to see whether she had any money on her, and one of the Morisco men (either her husband or a relative)) came to her defence, and in the ensuing uproar hardly any of the Morisco men remained alived, and many of the Morisco women were killed." Diego Hurtado de Mendoza, Op. cit., pp: 157.

during the three years of the rebellion (1569-1571) was 691, all of whom were theoretically sold illegally as slaves, given that the enslavement of Moriscos only became legal after the Decree issued by King Phillip II.²³

It seems obvious that Christians systematically infringed the royal decree that prohibited the sale of Morisco girls under nine-and-a-half years of age and boys under the age of ten-and-a-half. Their freedom, which in principle was guaranteed by the King, never materialized. A large number of male and female Morisco children were sold illegally and brought up as slaves in their masters' homes. War chronicler Luis del Mármol admitted that, in the beginning, there was a great deal of chaos and innocent female children not only were sold as slaves, they were also branded. I was able to specifically confirm this in the Archives of the Professional Association of Notaries Public where I found a total of 65 sales involving minor children, including unweaned babies, during the first ten months of the uprising, between January and October 1569. Young boys and girls were quite simply sold as slaves.

Thus, the aforementioned sales contracts offer proof that Old Christians failed to comply with the law and had no qualms about buying and selling Morisco children, mainly girls. The only exception was their including the phrase "in accordance with the King's edict" in the wording of the sales contract. Hence, in most cases, male and female children were sold as slaves, paradoxically, "in accordance with His Majesty's Edict", which expressly prohibited their sale. Later, it became more common for the contract to include phrases such as "I surrender the rights of ownership to the child and he shall belong to me to serve me until he is 20 years of age, in keeping with His Majesty's Edict". Injustice had become a common practice.

Even so, some thinkers such as the Dominican Bartolomé de Albornoz openly opposed the sale of women and children as slaves, as shown by the following text:

"As regards natural law, I am obliged to defend a person who is suffering unjustly and not become myself an accomplice of the delinquent; because if he has no right over the person he is selling, I am even less entitled to buy him. Then ¿what shall we say about children and women who could not be to blame and about those who were sold out of hunger? I can find no reason to persuade me to doubt this and much more reason to accept this as right" [7].

However, Albornoz was referring essentially to the sale of Black Africans, the majority of whom had not even been captured during a "just war". In this vein, it should be mentioned that Moriscos, women and children included, had no great advocates condemning their enslavement, even though in 1550 Sepúlveda and Las Casas had been adversaries in the great debate concerning the Amerindians and their enslavement. Furthermore, it is noteworthy that some of those who sympathised with the cause of the Amerindians were staunch supporters of black slavery in America²⁴ and thus were very little concerned about Morisco slavery on the mainland.

The lack of resources and the difficulty in proving their age at the time of capture, added to which the risk of losing the lawsuit, ignorance of the workings of the legal system and more than likely, fear of the master's reprisal were sufficient reasons for slaves to abandon any hope of freedom once they became adults. Nonetheless, some female Morisco slaves confronted these difficulties and started what would be long proceedings to gain their freedom, claiming that they had been taken captive while they were still minor children and therefore, exempt from the provisions of the King's Edict. A noteworthy case is that of one Luisa de la Torre, a female Morisco slave who filed suit against her owners in 1589 and which portrays the reality and experiences of young female captives and their mothers' struggles. Luisa argued in her defence that she had been taken captive and sold as a slave when she was eight years of age, which was illegal according to the laws for the time being in force. However, Luisa not only filed suit demanding her freedom, she also demanded that her owners pay her wages for her work during her years as their slave, at a rate of 2.000 maravedis per annum, plus clothing and food, which, according to her barrister, was rightly hers for having served well. As a slave, she had been owned by the couple for 19 years; thus, the sum demanded was the not inconsiderable amount of 38.000 maravedis (101 ducados).

The couple who owned her had inherited her from the wife's family. They claimed that Luisa looked as if she was about 16 years old when the wife's grandfather purchased her from her then owner in 1570. The owners claimed that Luisa "acted like a woman of that age". The owner's niece declared that since the slave looked as if she was 40 years old at the time of the trial, she would not have been affected by the Edict. Luisa was probably physically deteriorated because of the harsh nature of her work and

²³It is known that notarial records only reflect a part of the transactions that actually took place. the loss of files for 16th century Granada has been estimated at between 6 and 10 times the number of preserved files.

²⁴For example, Bishop Landa of Mexico.

living conditions and more than likely looked old for her age. Nonetheless, some of the owners' witnesses claimed that the slave was 34 years old; others put her age at over 40. Obviously, their testimonies were based on subjective perceptions of the woman's appearance. Luisa, like most female Morisco slaves had no baptismal certificate, a fact that made it nigh impossible to establish the exact age of Morisco children and thus, to determine whether they had been sold illegally. Nonetheless, it is worth a mention that in those times, it was difficult to determine a person's true age, especially among the poor. Indeed, most sales contracts examined contained wording such as "more or less X years of age", or showed ages within a five-year window (e.g. "under 25 and over 20 years of age"); at times, the only mention made was that the person was "older than fifty".

In any case, Luisa was firmly decided to obtain her freedom and called nine witnesses to testify in her favour. Her owners, however, produced 36 witnesses, i.e. 27 more than their slave. Moreover, the witnesses called by the owners were "wealthy men and leading citizens and trustworthy", while the slave's witnesses were said "to have many defects". The origins and poverty of the slave's witnesses were stressed in an attempt to discredit them; the four Morisco witnesses were dismissed as "interested parties" and the remainder accused of taking part in the proceedings for freedom in exchange for money.

"(...) the said Luysa de la Torre having given money and gifts in exchange for the testimonies of the witnesses she produced and had bought because they were poor, lowly men and considered to be general false witnesses whose testimonies could not be given any credit (...)"

According to the couple who had inherited her, Luisa's witnesses had been lurking around a tavern across from the slave's home in order to see what she looked like and be able to identify her and for her to tell them what they were supposed to say in their declarations.²⁵

Surprisingly enough and despite her owners resistance throughout the proceedings and the scarce few witnesses testifying in favour of the slave, the Chief Magistrate of Granada Chancery declared the Morisco slave a free woman.²⁶

"The Chief Magistrate of Cordoba, Attorney Galarça (...) that the party for the aforesaid Luisa, a Morisco woman and her acting barrister having proven everything required to be proven and testimonies did not prove the opposite, accordingly I should and shall declare the aforementioned Luisa, a Morisco women, to be freed from her captivity and no longer subject to servitude".

Nevertheless, the owners disagreed with the legal decision and lodged an appeal for the decision to be revoked. During the appeal, they claimed that Luisa's mother had previously won two lawsuits for the freedom of another two children, namely Luis and Francisca and that she had made no previous bid to obtain Luisa's freedom because the latter had been much older when she was taken captive; Luisa's siblings had been sold when they were both less than eight years of age. The lawsuit dragged on for five years until 5 December 1595, when a final ruling granted Luisa de la Torre her freedom. The slave's mother, Isabel de la Torre, was unceasing in her efforts to obtain freedom for her three children and her efforts were rewarded, albeit twenty-five years after the war. Finally, the appeal court also ruled in Luisa's favour.

Another Morisco slave by the name of Isabel del Moral also received a favourable ruling granting her freedom in 1587, i.e. 18 years after the outbreak of the uprising.²⁷ These lawsuits show the difficulties faced by Morisco men and women who were taken captive as children and sold illegally during their childhood and who only attained their freedom through the ongoing support of their families and following many years of slavery²⁸. Undoubtedly, these two lawsuits proved that not only was it possible to file a lawsuit for freedom, but that it was also possible to win.

²⁵"(...) abían andado metiéndose y escondiéndose en una taberna enfrente de donde su parte vivía para reconoçella y beella y las señas que tenía para disponer en sus dichos que abían de deçir".

²⁶Although his ruling released Luisa's owners from paying the sum claimed by Luisa for her services.

²⁷"(...) hasta que los dichos señores pronunçiaron sentençia en favor de la dicha Ysabel del Moral, en que la dieron por libre del dicho cautiverio, la qual se notificó al dicho capitán Juan de Posada y a Antonio Espanon, nunçio del dicho Santo Oficio, segun todo consta por el proçeso, autos y sentençia, que pasó ante Antonio de Larauz, escribano". Archivo de Protocolos del Colegio Notarial de Granada, Leg. 268, fol. 272 r.º-v.º, 1587. Nonetheless, her master appealed the magistrates' decision.

²⁸Dionisio Osorio was made custodian of Clara, a Morisco female who had been born in the Kingdom, for the duration of the lawsuit filed on the grounds that the aforementioned Clara had been unduly reduced to slavery, given that she was a minor child. "Clara, morisca de las naturales de este Reino, que pareçio ser libre y no subjeta a captiverio por ser menor, y se proçedio contra el dicho Dionisio çerca de la aver herrado en la barba, y se va siguiendo el pleito, ansi en lo que toca a la libertad de la suso dicha, como en el delito çerca del hierro por ante Lorenço Sanches, escribano publico." Archivo de Protocolos del Colegio Notarial de Granada, Legajo 223, 1579, fol.365rº.

Sales of Morisco Slaves: Percentage of Female Slaves, Prices and Re-Distribution: Rafael Benítez describes a trader merchant by the name of Victorious Christian who sold hundreds of female Morisco slaves that were transported to Málaga [8]. Elisabeth Perry also reminds us of the significant number of enslaved Morisco women through the example of Fátima, who was subsequently baptised as Ana [9]. The fact is that the number of Morisco women who were sold as slaves as a result of the Alpujarras uprising was much higher than the number of men who were taken captive. Indeed, female Morisco slaves are mentioned in much of the documentation stored in archives and also in the literature of the Golden Age.

Historical documentation is available that allows us to examine the gender ratios of those sold as slaves from the Morisco community. Specifically and as previously mentioned, there are 691 sales contracts conserved, which I was able to scrutinise. This number would be increased by a further 593 people who were sold at public auction in 1571 and whose sales are also reflected in the notarial records examined. Thus, according to the archives conserved for Granada for the years 1569-1571, the total number of Morisco men and women sold would be 1,284. As a precaution, I have not taken into consideration the sales of Moriscos subsequent to 1572, given that many such sales might have been re-sales. Even so, it should be borne in mind that the conserved notarial records do not reflect the actual number of sales, since hundreds of files were lost through different historical events.

In any case, according to the aforementioned documentation, women represented 70% of the total number of Morisco slaves sold in the city of Granada and men 30%. Despite any failings that might be attributed to the documents consulted, the reality of the slave population in Granada offers only one reading: the majority of slaves were women. Accordingly, any study that fails to look at the gender of enslaved people and the social implications of the higher number of enslaved women, would be void, since it would be masking the facts and obscuring History.

Similarly, a slave register kept in Guadix in 1569 shows a total of 525 enslaved Morisco women and girls and 175 men and boys. Added to which, there were also 80 people registered as “80 male and female slaves, young and old.” [10] This record is dated nine months after the outbreak of the war, thus we can assume that the number of female Morisco slaves would have increased significantly by the end of the war. Aranda Doncel also

refers to a higher number of female Morisco slaves in Jaén at the end of the 16th century [11]. Thus, the impact of the high volume of sales involving Morisco women on the slave market in the Kingdom of Granada was notable.

These figures specifically contradict the theory put forward by Jacques Heers who, like a number of researchers, maintains that “the majority of war captives are male” [12]. My theory is exactly the opposite: “slavery as a consequence of war is essentially female”. Therefore, the fact that the number of female slaves outweighed that of male slaves is directly linked to the way in which slave labour was acquired, in other words, to war. The fact that, in most cases, more Morisco men than women died in the raids on villages in the Alpujarras was precisely what led Hurtado de Mendoza to point out those cases where the opposite occurred, i.e. where more women died than men. The following phrase is an example of what I have just described:

“The first day was spent fighting a large group of Moors (...) they fought at great risk and persistently, many of the enemy perished, but more women than men died” [4].

In summary, we might say that men, as the armed population, usually died in combat, whereas women were preferably taken alive to be sold later as slaves on the market²⁹. Evidently, the gender ratio may vary in the case of slaves obtained through trade, as occurred in the case of slaves imported to colonial America, where the supply on the African markets and the productivity model meant a majority of males on the slave market toward the Indies.

In short, the sale of Morisco war slaves, both male and female, undoubtedly had a significant impact on the inhabitants of the city of Granada. Based on estimates made from the consulted sources, Granada took in a total of almost 10,000 slaves of Morisco origin when the total population of the city, was approximately 40,000 [13]. Furthermore, we know that the population in the Alpujarra dropped from 5,848 inhabitants in 1561 to 1,811 in 1587, which represented a population drop of 69%. Until now, this drastic decrease in the population had been linked to the effects of the 1569 banishment and to the deaths caused by the war, symptomatically ignoring the enslavement of the community of Morisco.

As regards the prices paid for slaves, I have found that even during the time of the Alpujarras uprising, when the supply of women was much higher, the prices of Morisco women remained higher than the asking price for males. The average price set for a Morisco slave of approximately 20 years of age (the most productive age

²⁹For an analysis of the relationship between gender and slavery, see the chapter "Mujeres esclavas", Martín Casares, A., 2000. Op. Cit.

and most highly valued on the market), in the years from 1569 to 1571, was in the region of 63.80 ducados, while males of the same age were selling at an average of 40.60 ducados. In an article on slavery in Málaga in 1569, Rafael Benítez mentions that the average price of adult female Morisco slaves was in the region of 70 ducados [8].

One might wonder: what justification could have existed for the higher prices of Morisco women on the slave market? Or to put the question another way: why were men so much less valued? It seems obvious that the citizens of 16th century Granada were not going to spend money on buying slaves for any reason other than for profit. I have examined several hypotheses that might contribute to explaining why Morisco women sold for a higher price, based mainly on anthropological studies on other slave markets where the main form of obtaining slaves was essentially through war and where women were also more expensive. Thus, I would refer the reader to an article I wrote in Italian [14]³⁰ in which I put forward the following possible reasons: a) reproductive capacity of women who could produce slave children to work at the service of the owner; b) the ostentation that was made possible through ownership of female slaves; c) sexual exploitation of women and the possibility of being able to rape them; d) the fact that women had a higher life expectancy and therefore a longer working life; e) lastly and what I believe is the more correct reason, women's productive capacity given that they could work in multiple, diverse jobs, even doing men's work (because in slavery the gender division of labour followed by the majority of society no longer prevails) and also because they were more submissive. In any case, the debate remains open and I am particularly grateful to the historian Bartolomé Benassar for his reflections.

Conversely, One Might Wonder: Who were the people who actually bought the Morisco slaves? If we look strictly at the case of Granada and based on the sales contracts examined, 47% of enslaved Morisco men and women were purchased by residents in metropolitan Granada and the remaining 53% by people from outside the city. These figures are probably very much in keeping with the reality of what happened to all Moriscos of either gender who were sold in Granada, since the percentages more or less coincide with the figures obtained for sales at public auction. As regards the buyers, the majority were Andalusians, which means that Andalusia boasted sufficient economic capacity as to absorb large numbers

of slaves: slave labour was, undoubtedly, a fact of everyday life. We also know that in the context of mainland Spain, the Andalusian region clearly held the highest average of male and female slaves per capita. However, people also came from Valladolid, Toledo, Alcalá de Henares, Lorca, Valencia, Medina del Campo, Villanueva de los Infantes, Vizcaya and other parts of Spain to buy female Morisco slaves in Granada.

CONCLUSION

The Royal Decree allowing Morisco slavery that was issued by King Philip II in 1573, following the defeat of Morisco rebels in the Alpujarras mountains, brought major changes in the treatment of the Morisco population. Despite there being a certain amount of controversy regarding the legitimacy of Morisco slavery, the ecclesiastical authorities did not hesitate to justify its legality in their response to the King's consultation. The enslavement of Christians was expressly prohibited, Moriscos had been baptised and had lived as Christians for over half a century, yet none of this sufficed for them to escape slavery. Moreover, despite the fact that the Crown had still not made any pronouncement on the legitimacy of Morisco enslavement, men, women and children were being sold right from the start of the uprising in 1569, thus proving that the Christian population wholeheartedly accepted their enslavement.

Unquestionably, the enslavement of Morisco men and women was the preliminary step toward their expulsion being decreed in 1610. Conversely, this was to bring a paradoxical consequence for slaves: following publication of the writs for the expulsion of Moriscos from the Kingdom of Granada, the Spanish Crown began a systematic imprisonment of any free people of Morisco origin to be found within its territory. However, based on the recognition of private property rights, male and female slaves of Morisco origin were not expelled, given that they were private property. The respect thus shown for private property meant that male and female Morisco slaves, whose legal status was to a certain extent comparable to that of mere chattels, were forced to remain in Spain. The Edict also affected freedmen and women of Morisco origin and in fact, the Royal Ruling meant that Morisco men and women, who had been enslaved in the Alpujarras and who had gained their freedom at some point in their lives, would subsequently be expelled, thus becoming victims of persistent misfortune.

³⁰This issue is also dealt with in my book on slavery in 16th century Granada.

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Appendix

