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Women's Bodies and Slavery in 16th Century Spain: The Sale of Juana, a Sick Slave

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We observe a certain revitalisation of research centred on slavery in medieval and modern Europe in the last decade, although the enslavement of sub-Saharan and Arab populations has remained a silent reality in the history of Spain and Europe. Despite this recent interest on captives and slaves, however, historians have not drawn sufficient attention to the presence of women slaves and women slave-owners. We must, therefore, recover the significance and, if possible, the life-experiences of women in the history of slavery as well as introduce gender perspectives into the general study on slavery.

That is the goal of a research project entitled "Contemporary Reparations and the Memory of Slavery: Black African Women Slaves and Spanish Abolitionists" (EXP. 50/09), financed by the *Instituto de la Mujer*, Ministry of Equality, Spain (www.generoyesclavitud.com). The project seeks to recover accounts of women slaves and women slave-owners, who lived in Spain from the 16th to the 19th century and, at the same time, to restore the life stories of Spanish women who took part in the abolitionist movement. It examines historical records preserved in various archives (ecclesiastical, judicial, inquisitorial and notarial), analyses iconographic images and studies literary representations from Golden-Age comedies to 19th-century novels). It focuses mainly on the Iberian Peninsula, making occasional forays into colonial America. Besides remarking the numerical importance of female slaves in Spain, it emphasises the relevance of combining gender, race and class to understand historical and contemporary societies. The aim is to analyse perceptions of African women as they evolved over time, addressing multiple and varied aspects ranging from clothing and food to social networks. In this way, it provides useful reference for debate and reflection on perceptions of the "other" in order to construct a new history, informed and respectful of women and minorities.

Since I started my research on slavery and gender in 16th century Granada and published my thesis in 2000, I have analysed more than 3,000 documents on slavery in early modern Spain. In this context, I wish to focus on a single document that is of no special importance for Gender Studies or Women's History but is significant in the context of gender, women and slavery, because it highlights the presence of women slave-owners and women slaves. I have chosen this historical record from the second half of the 16th century because its protagonists are all women. The document is not an exceptional one; on the contrary, it is the result of the workings of legal justice. The original manuscript is preserved in the *Archivo de la Real Chancillería de Valladolid*, under the signature "Registro de Ejecutorias, Caja 1586, 13", accessible online in the Spanish Historical Archives database (PARES) for those who are interested on exploring early modern Spanish paleography.[1]

The title of the document is: "Final judgment of the lawsuit brought by Luisa and Isabel Díez and Antonia de Padua, inhabitants of Medina del Campo (Valladolid) against Doña María Nieto de Bazán, the widow of Antonio Gómez de la Peña, personally and as curator of their children, on the sale of a sick and crippled slave." It consists of the final judgment, not subject to appeal, in the dispute between three sisters and the widow who sold them a female slave.

Regarding the construction of identity, most early modern historical sources designate the owners by their names and surnames and titles of nobility – if they are noble –, while referring to slaves only by their names at the beginning of the documents and using only "the slave" thereafter, without identifying anyone as individual or unique. The slaves are treated as mere profitable merchandise. In this case as well the name appears at the beginning of the trial as Juana, a Christian name that indicates she had been baptised. Juana is also defined through the biological category of her skin colour; she is said to be "of cooked quince colour" *(de color membrillo cocido)*, a metaphor generally used for people coming from northern Africa.

The sisters bought Juana on the 3 July 1583. Only two-and-a-half months later, on 16 September 1583, they filed a lawsuit against the former owner, because they were dissatisfied with their "purchase". They claimed that Juana did not serve them properly due to the fact that she had been for much of the time "invalid and sick in bed with swollen legs". Because of Juana's poor health, the new owners claimed, they had suffered great expense on "doctors, surgeons and medicines" that had had no effect. They also complained about having paid a steep price for her, namely 62 ducats.

In fact, the market price of slaves at that time could fall as much as 40 to 50 percent in cases of illness. For that reason, the law required that buyers be informed of any disease that the slave had suffered, even if there were no visible symptoms ("hidden disease"). Despite the official clarity, however, sellers attempted to hide the ailments of their slaves in order to obtain greater profits. Juana had been sold as a healthy slave, but

1 Cf. http://pares.mcu.es/ParesBusquedas/servlets/Control_servlet?accion=2&txt_id_fondo=184080.

the new owners maintained that she had, in fact, been crippled. The three sisters also argued that they tried to reach an agreement with the widow before reporting the case to justice but that Doña María refused all negotiation. Intent on returning Juana and receiving compensation, they also claimed that she had stolen money, gold and salt from their store. This suggests that she worked not only "at home" but also in her owners' workshops, stores or fields, given that she was available to work twenty-four hours a day.

It is worth mentioning that women slaves were accused of thievery to a lesser extent than men in early modern Spain, as evidenced by historical sources. It is not uncommon, however, to find the formula "that he/she is not a drunkard, a thief or a fugitive" *(no es borracha, ladrona ni fugitiva)* in slave-trading contracts as a means of indicating the "quality" of the property being sold. The study of archival documents points out further that these three elements (theft, alcoholism and flight) were usually linked as a vicious cycle. Most men and women slaves who were described as alcoholics also stole, perhaps to pay for their wine, and many also ran away, probably to escape the punishment that awaited them, in some cases branding. These slaves are usually presented in historiography as "misfits" or "unruly", as if they were guilty of not conforming to social rules, when in fact they were victims of an extremely unjust system.

Returning to the manuscript, Doña María Nieto was sentenced to take Juana back, as if the sale had not taken place, on 2 June 1584, eight months after the beginning of the trial. She was also condemned to pay a certain amount of silver *(un real de plata)* per day from the date of the contract of sale until that of the final judgment as compensation for the food, medicines, doctors and other expenses that Isabel, Luisa and María had spent on Juana. Apparently, Doña María received the verdict with great displeasure, and she responded that Juana had been healthy at the time of sale and had served her impeccably. She claimed that Juana most likely became sick after the sale and demanded to be acquitted of all charges. She considered the condemnation too severe. The three sisters answered that "surgeons, doctors and experts" had determined that the disease was established when they bought her, and they added that Juana had been inactive in bed for days, such that their losses were at least four silver *reales* a day. They even claimed that Juana had used crutches when she belonged to her former proprietor. When she could not prove that Juana was healthy when she served her, Doña María's sentence was confirmed on 21 August 1587.

This case demonstrates that the healthy body of the enslaved, women and men, was the instrument of their work and the prerequisite for their sale. Not only illness but also damage or disfigurement, whether consciously caused or hidden by the owners, would reverse the sale and defeat their interests. Regarding the disorders of slave bodies, the most common ones suffered in 16th-century Granada, according to archival data, were venereal and pulmonary diseases, hernias, wounds, burns, eye diseases, ringworm, sores, fever, dysentery, physical disabilities and missing teeth. A relatively common

female disorder was enuresis, which occurred frequently in women slaves between 13 and 30 years of age. I have found several purchase agreements in 16th-century Granada that state "she wets the bed and urinates standing without noticing", which suggests that incontinence may have been a physical response of some women slaves facing punishments and humiliations. Also syphilis could be transmitted easily to slave women due to their sexual exploitation since they were subject to rape by the men of the house.[2]

This document highlights that even though the right to property was essentially masculine, women appeared in court records and private contracts, taking part in the slave market economy as slave owners. It also points out that, despite the "masculinisation" of the slave population in Spanish and European historiography, women slaves also appeared in the slave community. The expressions used by numerous historians would let us think, however, that slave women hardly existed. Moreover, this situation is exacerbated when we discover that some researchers who have worked consistently in the archives, even if they are aware of the presence of women slaves (and their numerical superiority in some cases) fail to turn them into subjects of historical discourse and only evoke their presence in the few lines devoted to "the sex of slaves". This is obviously not only a quantitative question; the main criticism to the silencing of women slaves in European history is the lack of gender perspective.

2 In all selling contracts we find the formula: "puede hacer de ella como cosa vuestra".